

6355--C

I N S E N A T E

January 21, 2014

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

AN ACT to amend the vehicle and traffic law, in relation to the revocation of driver's licenses for multiple convictions of driving while intoxicated, civil penalties, and aggravated unlicensed operation of a motor vehicle; and to repeal certain provisions of such law relating thereto; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the vehicle and traffic law, in relation to the suspension and revocation of certain driver's licenses for violations relating to the use of mobile telephones and portable electronic devices while driving and increased fines for such violations (Part B); 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 C); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part D); intentionally omitted (Part E); to amend the state technology law and the general municipal law, in relation to supporting the consolidation of state information technology resources (Part F); to amend chapter 410 of the laws of 2009, amending the state finance law relating to authorizing the aggregate purchases of energy for state agencies, institutions, local governments, public authorities and public benefit corporations and chapter 97 of the laws of 2011, amending the state finance law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, in relation to making certain provisions permanent; and to amend the public authorities law, in relation to authorizing local authorities to use federal general service administration supply schedules for purchasing contracts; and

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

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providing for the repeal of certain provisions upon expiration thereof (Part G); Intentionally omitted. (Part H); intentionally omitted (Part I); to amend the vehicle and traffic law and the public officers law, in relation to establishing in the counties of Nassau and Suffolk a demonstration program implementing speed violation monitoring systems in school speed zones by means of photo devices; and providing for the repeal of such provisions upon expiration thereof (Part J); to amend the penal law, in relation to creating a presumption of criminal sale of the controlled substance heroin (Part K); to amend the penal law and the correction law, in relation to enacting "Brittany's Law - Domestic Violence Protection Act" (Part L); authorizing the commissioner of general services to convey real property at the St. Lawrence psychiatric center to the city of Ogdensburg (Part M); to amend the retirement and social security law, in relation to participation by public or quasi-public organizations in the retirement system (Part N); to amend the civil service law and the legislative law, in relation to certain benefits provided pursuant to collective bargaining agreements (Part O); to amend the correction law, in relation to prohibition on use of state funds (Part P); to amend the state finance law, in relation to state aid to newly eligible municipalities and newly eligible cities in which a video lottery gaming facility is located (Part Q); to amend the correction law, in relation to housing of prisoners under 19 years of age (Part R); enacting the "Rockland Bergen Flood Mitigation act" and creating the Rockland Bergen Flood Mitigation Task Force; and providing for the repeal of such provisions upon expiration thereof (Part S); to amend the county law and the correction law, in relation to allowing two or more counties to enter into a contract for the provision of a county jail (Part T); to amend the correction law, in relation to prison facility efficiency (Part U); to amend the correction law, in relation to the reporting requirements of the commissioner (Part V); to amend the insurance law, in relation to the appointment of members to the New York state health care quality and cost containment commission (Part W); to amend part A of chapter 97 of the laws of 2011, amending the general municipal law and the education law, relating to establishing limits upon school district and local government tax levies, in relation to making such provisions permanent (Part X); in relation to establishing a special commission on compensation for state employees designated managerial or confidential, and providing for its powers and duties (Part Y); to amend the tax law and the state finance law, in relation to the "statewide public safety communications account" (Part Z); to amend the executive law, in relation to the establishment of the academy of fire science at Montour Falls (Part AA); to amend the racing, pari-mutuel wagering and breeding law, in relation to the investigation of applicants for a gaming facility license (Part BB); to amend the state finance law, in relation to the investigation of any applicable license applicant (Part CC); to amend the real property tax law, in relation to assessment and review of assessments in the county of Nassau; 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 certain provisions thereof (Part DD); to amend the correction law, in relation to adaptive reuse plans for consideration prior to a prison closure (Part EE); to amend the state finance law and the executive law, in relation to establishing and administering a supplemental state disaster aid program; to enact the

"Mohawk Valley and Niagara county assessment relief act", and to amend the local finance law, in relation to real property tax refunds and credits in such county; to amend the tax law, in relation to establishing a tax credit for certain flood victims; to amend the canal law, in relation to the upstate flood mitigation task force; to amend the state finance law, in relation to creating the upstate flood mitigation fund; and providing for the repeal of certain provisions upon expiration thereof (Part FF); to amend the public officers law, in relation to regional economic development councils; to require regional economic development councils to report and post certain information pertaining to votes on recommended funding approvals; and to amend the state finance law, in relation to lump sum appropriations (Part GG); and to direct the office of general services to conduct a study to examine, evaluate and make recommendations relating to the feasibility and advisability of establishing an office of risk assessment and management (Part HH)

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 2014-2015
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through HH. 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, including
7 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. Subparagraph 1-a of paragraph (b) of subdivision 2 of
14 section 1193 of the vehicle and traffic law is REPEALED.

15 S 2. Paragraph (b) of subdivision 2 of section 1193 of the vehicle and
16 traffic law is amended by adding a new subparagraph 3-a to read as
17 follows:

18 (3-A) DRIVING WHILE ABILITY IMPAIRED OR WHILE INTOXICATED OR WHILE
19 ABILITY IMPAIRED BY THE COMBINED INFLUENCE OF DRUGS OR OF ALCOHOL AND
20 ANY DRUG OR DRUGS OR AGGRAVATED DRIVING WHILE INTOXICATED; PRIOR
21 OFFENSES WITHIN THREE YEARS. FIVE YEARS, WHERE THE HOLDER IS CONVICTED
22 OF A VIOLATION OF SUBDIVISION ONE, TWO, TWO-A, THREE, FOUR OR FOUR-A OF
23 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE COMMITTED WITHIN THREE
24 YEARS OF A CONVICTION FOR A VIOLATION OF ANY SUBDIVISION OF SECTION
25 ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE. FOUR YEARS, WHERE THE HOLDER
26 IS CONVICTED OF A VIOLATION OF SUBDIVISION ONE, TWO, TWO-A, THREE, FOUR
27 OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE COMMITTED
28 WITHIN FOUR YEARS OF A CONVICTION FOR A VIOLATION OF ANY SUBDIVISION OF
29 SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE. THREE YEARS, WHERE
30 THE HOLDER IS CONVICTED OF A VIOLATION OF SUBDIVISION ONE, TWO, TWO-A,
31 THREE, FOUR OR FOUR-A OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE
32 COMMITTED WITHIN FIVE YEARS OF A CONVICTION FOR A VIOLATION OF ANY
33 SUBDIVISION OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE.

1 S 3. Subparagraph 12 of paragraph (b) of subdivision 2 of section 1193
2 of the vehicle and traffic law is amended by adding three new clauses
3 (a-1), (b-1), and (c-1) to read as follows:

4 (A-1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE
5 CONTRARY, WHENEVER A REVOCATION IS IMPOSED UPON A PERSON FOR THE REFUSAL
6 TO SUBMIT TO A CHEMICAL TEST PURSUANT TO THE PROVISIONS OF SECTION ELEVEN
7 HUNDRED NINETY-FOUR OF THIS ARTICLE OR CONVICTION FOR ANY VIOLATION
8 OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE FOR WHICH A
9 SENTENCE OF IMPRISONMENT MAY BE IMPOSED OR AN OUT-OF-STATE CONVICTION
10 FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR
11 DRUGS OR A CONVICTION OF A VIOLATION OF THE PENAL LAW FOR WHICH A
12 VIOLATION OF SUCH SECTION ELEVEN HUNDRED NINETY-TWO IS AN ESSENTIAL
13 ELEMENT, AND SUCH PERSON HAS PREVIOUSLY BEEN TWICE CONVICTED OF ANY
14 PROVISIONS OF SECTION ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE OR AN
15 OUT-OF-STATE CONVICTION FOR OPERATING A MOTOR VEHICLE WHILE UNDER THE
16 INFLUENCE OF ALCOHOL OR DRUGS OR A VIOLATION OF THE PENAL LAW FOR WHICH
17 A VIOLATION OF SUCH SECTION ELEVEN HUNDRED NINETY-TWO IS AN ESSENTIAL
18 ELEMENT, OR HAS PREVIOUSLY TWICE BEEN FOUND TO HAVE REFUSED TO SUBMIT TO
19 A CHEMICAL TEST PURSUANT TO SECTION ELEVEN HUNDRED NINETY-FOUR OF THIS
20 ARTICLE, OR HAS ANY COMBINATION OF TWO SUCH CONVICTIONS AND FINDINGS OF
21 REFUSAL NOT ARISING OUT OF THE SAME INCIDENT, SUCH REVOCATION SHALL BE
22 PERMANENT.

23 (B-1) THE PERMANENT DRIVER'S LICENSE REVOCATION REQUIRED BY CLAUSE
24 (A-1) OF THIS SUBPARAGRAPH SHALL BE WAIVED BY THE COMMISSIONER AFTER A
25 PERIOD OF FIVE YEARS HAS EXPIRED SINCE THE IMPOSITION OF SUCH PERMANENT
26 REVOCATION, PROVIDED THAT DURING SUCH FIVE-YEAR PERIOD SUCH PERSON HAS
27 NOT BEEN FOUND TO HAVE REFUSED A CHEMICAL TEST PURSUANT TO SECTION ELEVEN
28 HUNDRED NINETY-FOUR OF THIS ARTICLE WHILE OPERATING A MOTOR VEHICLE
29 AND HAS NOT BEEN CONVICTED OF A VIOLATION OF ANY SUBDIVISION OF SECTION
30 ELEVEN HUNDRED NINETY-TWO OF THIS ARTICLE OR SECTION FIVE HUNDRED ELEVEN
31 OF THIS CHAPTER OR A VIOLATION OF THE PENAL LAW FOR WHICH A VIOLATION OF
32 ANY SUBDIVISION OF SUCH SECTION ELEVEN HUNDRED NINETY-TWO IS AN ESSEN-
33 TIAL ELEMENT AND EITHER:

34 (I) THAT SUCH PERSON PROVIDES ACCEPTABLE DOCUMENTATION TO THE COMMIS-
35 SIONER THAT SUCH PERSON HAS VOLUNTARILY ENROLLED IN AND SUCCESSFULLY
36 COMPLETED AN APPROPRIATE REHABILITATION PROGRAM; OR

37 (II) THAT SUCH PERSON IS GRANTED A CERTIFICATE OF RELIEF FROM DISABIL-
38 ITIES OR A CERTIFICATE OF GOOD CONDUCT PURSUANT TO ARTICLE TWENTY-THREE
39 OF THE CORRECTION LAW.

40 PROVIDED, HOWEVER, THAT THE COMMISSIONER MAY, ON A CASE BY CASE BASIS,
41 REFUSE TO RESTORE A LICENSE WHICH OTHERWISE WOULD BE RESTORED PURSUANT
42 TO THIS ITEM, IN THE INTEREST OF THE PUBLIC SAFETY AND WELFARE.

43 (C-1) FOR REVOCATIONS IMPOSED PURSUANT TO CLAUSE (A-1) OF THIS SUBPAR-
44 AGRAPH, THE COMMISSIONER SHALL ADOPT RULES TO PERMIT CONDITIONAL OR
45 RESTRICTED OPERATION OF A MOTOR VEHICLE BY ANY SUCH PERSON AFTER A
46 MANDATORY REVOCATION PERIOD OF NOT LESS THAN THREE YEARS SUBJECT TO SUCH
47 CRITERIA, TERMS AND CONDITIONS AS ESTABLISHED BY THE COMMISSIONER.

48 S 4. Clauses (a) and (b) of subparagraph 12 of paragraph (b) of subdi-
49 vision 2 of section 1193 of the vehicle and traffic law are REPEALED.

50 S 5. Subparagraph 2 of paragraph (d) of subdivision 2 of section 1194
51 of the vehicle and traffic law, as amended by chapter 732 of the laws of
52 2006, is amended to read as follows:

53 (2) Civil penalties. Except as otherwise provided, any person whose
54 license, permit to drive, or any non-resident operating privilege is
55 revoked pursuant to the provisions of this section shall also be liable
56 for a civil penalty in the amount of five hundred dollars except that if

1 such revocation is a second or subsequent revocation pursuant to this
2 section issued within a five year period, or such person has been
3 convicted of a violation of any subdivision of section eleven hundred
4 ninety-two of this article within the past five years not arising out of
5 the same incident, the civil penalty shall be in the amount of [seven
6 hundred fifty] ONE THOUSAND dollars. Any person whose license is revoked
7 pursuant to the provisions of this section based upon a finding of
8 refusal to submit to a chemical test while operating a commercial motor
9 vehicle shall also be liable for a civil penalty of five hundred fifty
10 dollars except that if such person has previously been found to have
11 refused a chemical test pursuant to this section while operating a
12 commercial motor vehicle or has a prior conviction of any of the follow-
13 ing offenses while operating a commercial motor vehicle: any violation
14 of section eleven hundred ninety-two of this article; any violation of
15 subdivision two of section six hundred of this chapter; or has a prior
16 conviction of any felony involving the use of a commercial motor vehicle
17 pursuant to paragraph (a) of subdivision one of section five hundred
18 ten-a of this chapter, then the civil penalty shall be [seven hundred
19 fifty] ONE THOUSAND dollars. No new driver's license or permit shall be
20 issued, or non-resident operating privilege restored to such person
21 unless such penalty has been paid. All penalties collected by the
22 department pursuant to the provisions of this section shall be the prop-
23 erty of the state and shall be paid into the general fund of the state
24 treasury.

25 S 6. Paragraph (b) of subdivision 3 of section 511 of the vehicle and
26 traffic law, as separately amended by chapters 786 and 892 of the laws
27 of 1990, is amended to read as follows:

28 (b) Aggravated unlicensed operation of a motor vehicle in the first
29 degree is a class E felony. When a person is convicted of this crime,
30 the sentence of the court must be: (i) a fine in an amount not less than
31 [five hundred] ONE THOUSAND dollars nor more than five thousand dollars;
32 and (ii) a term of imprisonment as provided in the penal law, or (iii)
33 where appropriate and a term of imprisonment is not required by the
34 penal law, a sentence of probation as provided in subdivision six of
35 this section, or (iv) a term of imprisonment as a condition of a
36 sentence of probation as provided in the penal law.

37 S 7. Clause (c) of subparagraph 12 of paragraph (b) of subdivision 2
38 of section 1193 of the vehicle and traffic law, as added by chapter 732
39 of the laws of 2006, is amended to read as follows:

40 (c) For revocations imposed pursuant to clause (a) of this subpara-
41 graph, the commissioner [may] SHALL adopt rules to permit conditional or
42 restricted operation of a motor vehicle by any such person after a
43 mandatory revocation period of not less than three years subject to such
44 criteria, terms and conditions as established by the commissioner.

45 S 8. This act shall take effect on the one hundred eightieth day after
46 it shall have become a law; provided however, that section three of this
47 act shall only apply to individuals who receive the first of the neces-
48 sary qualifying convictions and/or underlying conditions on or after the
49 date this act shall have become a law; and provided that section four of
50 this act shall take effect eight years after the date that section three
51 of this act shall have become a law; and provided that section seven of
52 this act shall expire and be deemed repealed eight years after the date
53 that section three of this act shall have become a law.

1 Section 1. Subparagraphs (x) and (xi) of paragraph a of subdivision 2
2 of section 510 of the vehicle and traffic law, as added by chapter 571
3 of the laws of 2006, are amended and a new subparagraph (xii) is added
4 to read as follows:

5 (x) of a traffic infraction for a subsequent violation of article
6 twenty-six of this chapter and the commission of such violation caused
7 serious physical injury to another person and such subsequent violation
8 occurred within eighteen months of a prior violation of any provision of
9 article twenty-six of this chapter where the commission of such prior
10 violation caused the serious physical injury or death of another person;
11 [or]

12 (xi) of a traffic infraction for a subsequent violation of article
13 twenty-six of this chapter and the commission of such violation caused
14 the death of another person and such subsequent violation occurred with-
15 in eighteen months of a prior violation of any provision of article
16 twenty-six of this chapter where the commission of such prior violation
17 caused the serious physical injury or death of another person[.]; OR

18 (XII) OF A SECOND OR SUBSEQUENT VIOLATION OF SECTION TWELVE HUNDRED
19 TWENTY-FIVE-C OR SECTION TWELVE HUNDRED TWENTY-FIVE-D OF THIS CHAPTER,
20 WHERE SUCH PERSON WAS UNDER THE AGE OF TWENTY-ONE AT THE TIME OF THE
21 COMMISSION OF SUCH VIOLATIONS.

22 S 2. Paragraph b of subdivision 2 of section 510 of the vehicle and
23 traffic law, is amended by adding a new subparagraph (xvi) to read as
24 follows:

25 (XVI) FOR A PERIOD OF ONE YEAR WHERE THE HOLDER IS CONVICTED OF A
26 VIOLATION OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OR SECTION TWELVE
27 HUNDRED TWENTY-FIVE-D OF THIS CHAPTER, WHERE SUCH PERSON WAS UNDER THE
28 AGE OF TWENTY-ONE AT THE TIME OF THE COMMISSION OF SUCH VIOLATION.

29 S 3. Subdivision 6 of section 510 of the vehicle and traffic law is
30 amended by adding a new paragraph n to read as follows:

31 N. WHERE REVOCATION IS MANDATORY PURSUANT TO SUBPARAGRAPH (XII) OF
32 PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, NO NEW LICENSE SHALL BE
33 ISSUED FOR AT LEAST ONE YEAR, NOR THEREAFTER EXCEPT IN THE DISCRETION OF
34 THE COMMISSIONER.

35 S 4. Section 510-c of the vehicle and traffic law is amended by adding
36 a new subdivision 3 to read as follows:

37 3. ANY SUSPENSION OR REVOCATION REQUIRED UNDER THIS SECTION FOR A
38 VIOLATION OF SECTION TWELVE HUNDRED TWENTY-FIVE-C OR SECTION TWELVE
39 HUNDRED TWENTY-FIVE-D OF THIS CHAPTER SHALL BE SUBJECT TO THE PROVISIONS
40 OF SUBDIVISION TWO OF SECTION FIVE HUNDRED TEN OF THIS ARTICLE.

41 S 5. Subdivision 4 of section 1225-c of the vehicle and traffic law,
42 as amended by section 1 of part C of chapter 55 of the laws of 2013, is
43 amended to read as follows:

44 4. A violation of subdivision two of this section shall be a traffic
45 infraction and shall be punishable by a fine of not less than fifty
46 dollars nor more than [one hundred fifty] TWO HUNDRED dollars upon
47 conviction of a first violation; upon conviction of a second violation,
48 both of which were committed within a period of eighteen months, such
49 violation shall be punished by a fine of not less than fifty dollars nor
50 more than [two] THREE hundred dollars; upon conviction of a third or
51 subsequent violation, all of which were committed within a period of
52 eighteen months, such violation shall be punished by a fine of not less
53 than fifty dollars nor more than [four] FIVE hundred dollars.

54 S 6. Subdivision 6 of section 1225-d of the vehicle and traffic law,
55 as amended by section 2 of part C of chapter 55 of the laws of 2013, is
56 amended to read as follows:

1 6. A violation of this section shall be a traffic infraction and shall
2 be punishable by a fine of not less than fifty dollars nor more than
3 [one hundred fifty] TWO HUNDRED dollars upon conviction of a first
4 violation; upon conviction of a second violation, both of which were
5 committed within a period of eighteen months, such violation shall be
6 punished by a fine of not less than fifty dollars nor more than [two]
7 THREE hundred dollars; upon conviction of a third or subsequent
8 violation, all of which were committed within a period of eighteen
9 months, such violation shall be punished by a fine of not less than
10 fifty dollars nor more than [four] FIVE hundred dollars.

11 S 7. This act shall take effect on the first of November next succeed-
12 ing the date on which it shall have become a law.

13 PART C

14 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
15 relating to the disposition of monies recovered by county district
16 attorneys before the filing of an accusatory instrument, as amended by
17 section 1 of part F of chapter 55 of the laws of 2013, is amended to
18 read as follows:

19 S 2. This act shall take effect immediately and shall remain in full
20 force and effect until March 31, [2014] 2015, when it shall expire and
21 be deemed repealed.

22 S 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after March 31, 2014.

24 PART D

25 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
26 law, as amended by section 1 of part D of chapter 57 of the laws of
27 2011, is amended to read as follows:

28 (b) The sum of one million five hundred thousand dollars must be
29 deposited into the New York state emergency services revolving loan fund
30 annually; provided, however, that such sums shall not be deposited for
31 state fiscal years two thousand eleven--two thousand twelve [and], two
32 thousand twelve--two thousand thirteen, TWO THOUSAND FOURTEEN--TWO THOU-
33 SAND FIFTEEN AND TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN;

34 S 2. This act shall take effect immediately.

35 PART E

36 Intentionally Omitted

37 PART F

38 Section 1. Intentionally omitted.

39 S 2. Subdivision 21 of section 103 of the state technology law, as
40 added by section 4 of part N of chapter 55 of the laws of 2013, is
41 amended and a new subdivision 7-a is added to read as follows:

42 7-A. TO PROVIDE TECHNOLOGY SERVICES VIA AGREEMENTS WITH:

43 (A) MUNICIPAL CORPORATIONS, PUBLIC BENEFIT CORPORATIONS AND DISTRICT
44 CORPORATIONS AS DEFINED IN SECTION SIXTY-SIX OF THE GENERAL CONSTRUCTION
45 LAW;

46 (B) POLITICAL SUBDIVISIONS AS DEFINED IN SECTION ONE HUNDRED OF THE
47 GENERAL MUNICIPAL LAW;

1 (C) PUBLIC AUTHORITIES;

2 (D) SOIL AND WATER CONSERVATION DISTRICTS;

3 (E) ANY UNIT OF THE STATE UNIVERSITY AND CITY UNIVERSITY OF NEW YORK
4 PURSUANT TO AND CONSISTENT WITH SECTIONS THREE HUNDRED FIFTY-FIVE AND
5 SIXTY-TWO HUNDRED EIGHTEEN OF THE EDUCATION LAW;

6 21. Notwithstanding the provisions of section one hundred sixty-three
7 of the state finance law, section one hundred three of the general
8 municipal law, article four-C of the economic development law, or any
9 other provision of law relating to the award of public contracts, any
10 officer, body, or agency of New York state, public corporation, or other
11 public entity subject to such provisions of law shall be authorized to
12 enter individually or collectively into contracts with the not-for-pro-
13 fit corporation that operates the multi-state information sharing and
14 analysis center for the provision of services through September thirti-
15 eth, two thousand [fourteen] FIFTEEN related to cyber security includ-
16 ing, but not limited to, monitoring, detecting, and responding to cyber
17 incidents, and such contracts may be awarded without compliance with the
18 procedures relating to the procurement of services set forth in such
19 provisions of law. Such contracts shall, however, be subject to the
20 comptroller's existing authority to approve contracts where such
21 approval is required by section one hundred twelve of the state finance
22 law or otherwise. Such officers, bodies, or agencies may pay the fees or
23 other amounts specified in such contracts in consideration of the cyber
24 security services to be rendered pursuant to such contracts.

25 S 3. Section 99-r of the general municipal law, as amended by section
26 1 of subpart B of part C of chapter 97 of the laws of 2011, is amended
27 to read as follows:

28 S 99-r. Contracts for services. Notwithstanding any other provisions
29 of law to the contrary, the governing board of any municipal corporation
30 may enter into agreements and/or contracts with any state agency includ-
31 ing any department, board, bureau, commission, division, office, coun-
32 cil, committee, or officer of the state, whether permanent or temporary,
33 or a public benefit corporation or public authority, or a soil and water
34 conservation district, and any unit of the state university of New York,
35 pursuant to and consistent with sections three hundred fifty-five and
36 sixty-three hundred one of the education law within or without such
37 municipal corporation to provide or receive fuel, equipment, maintenance
38 and repair, supplies, water supply, street sweeping or maintenance,
39 sidewalk maintenance, right-of-way maintenance, storm water and other
40 drainage, sewage disposal, landscaping, mowing, TECHNOLOGY SERVICES, or
41 any other services of government. Such state agency, soil and water
42 conservation district, or unit of the state university of New York,
43 within the limits of any specific statutory appropriation authorized and
44 made available therefor by the legislature or by the governing body
45 responsible for the operation of such state agency, soil and water
46 conservation district, or unit of the state university of New York may
47 contract with any municipal corporation for such services as herein
48 provided and may provide, in agreements and/or contracts entered into
49 pursuant to this section, for the reciprocal provision of services or
50 other consideration of approximately equivalent value, including, but
51 not limited to, routine and/or emergency services, monies, equipment,
52 buildings and facilities, materials or a commitment to provide future
53 routine and/or emergency services, monies, equipment, buildings and
54 facilities or materials. Any such contract may be entered into by direct
55 negotiations and shall not be subject to the provisions of section one
56 hundred three of this chapter.

1 S 4. (a) Notwithstanding any provision of law to the contrary, any
2 person employed in the exempt class positions of employee program asso-
3 ciate, employee program assistant, confidential stenographer, or confi-
4 dential assistant by the governor's office of employee relations, and
5 any person employed in the exempt class positions of employee program
6 associate or employee program assistant by the labor management commit-
7 tee, and any person employed in the exempt class positions of manager of
8 information services or information technology specialist by the joint
9 commission on public ethics immediately prior to being transferred to
10 the office of information technology services pursuant to subdivision 2
11 of section 70 of the civil service law, and who, immediately prior ther-
12 eto was performing information technology functions, shall be entitled
13 to permanent appointment in similar or corresponding titles in the
14 competitive class as determined by the department of civil service and
15 shall continue to hold such position in the office of information tech-
16 nology services without further examination. No such employee trans-
17 ferred to the office of information technology services shall be subject
18 to a new probationary term, provided, however, that any employee in
19 probationary status at the time of the transfer shall be required to
20 complete that probationary term at the office of information technology
21 services under the same terms and conditions as were applicable to him
22 or her while employed at the governor's office of employee relations,
23 the labor management committee or the joint commission on public ethics.

24 (b) No employee whose position is re-classified pursuant to this
25 section or section five or six of this act shall suffer a reduction in
26 basic salary as a result of such re-classification and shall continue to
27 receive, at a minimum, the salary that such employee received while
28 employed by the governor's office of employee relations, the labor
29 management committee or the joint commission on public ethics.

30 S 5. Notwithstanding any provision of law to the contrary, the civil
31 service department may re-classify any person employed in a permanent,
32 classified, competitive position immediately prior to being transferred
33 to the office of information technology services pursuant to subdivision
34 2 of section 70 of the civil service law to align with the duties and
35 responsibilities of their positions upon transfer. Permanent employees
36 whose positions are subsequently reclassified to align with the duties
37 and responsibilities of their positions upon being transferred to the
38 office of information technology services pursuant to subdivision 2 of
39 section 70 of the civil service law shall hold such positions without
40 further examination or qualification. Notwithstanding any other
41 provision of this act, the names of those competitive permanent employ-
42 ees on promotion eligible lists in their former agency or department
43 shall be added and interfiled on a promotion eligible list in the new
44 department, as the state civil service department deems appropriate.

45 S 6. Notwithstanding any provision of law to the contrary, the civil
46 service department may re-classify any person employed in the exempt
47 class positions of employee program associate, employee program assist-
48 ant, confidential stenographer, or confidential assistant by the gover-
49 nor's office of employee relations, and any person employed in the
50 exempt class positions of employee program associate or employee program
51 assistant by the labor management committee, and any person employed in
52 the exempt class positions of manager of information services or infor-
53 mation technology specialist by the joint commission on public ethics,
54 immediately prior to being transferred to the office of information
55 technology services pursuant to subdivision 2 of section 70 of the civil
56 service law to align with the duties and responsibilities of their posi-

tions upon transfer. Permanent employees whose positions are subsequently re-classified to align with the duties and responsibilities of their positions upon being transferred to the office of information technology services pursuant to subdivision 2 of section 70 of the civil service law shall hold such positions without further examination or qualification.

S 7. Intentionally omitted.

S 8. This act shall take effect immediately.

PART G

Section 1. Section 3 of chapter 410 of the laws of 2009, amending the state finance law relating to authorizing the aggregate purchases of energy for state agencies, institutions, local governments, public authorities and public benefit corporations, as amended by chapter 68 of the laws of 2011, is amended to read as follows:

S 3. This act shall take effect immediately [and shall expire and be deemed repealed July 31, 2015].

S 2. Section 9 of subpart A of part C of chapter 97 of the laws of 2011, amending the state finance law and other laws relating to providing certain centralized service to political subdivisions and extending the authority of the commissioner of general services to aggregate purchases of energy for state agencies and political subdivisions, is amended to read as follows:

S 9. This act shall take effect immediately[, provided, however that:

1. sections one, four, five, six and seven of this act shall expire and be deemed repealed 3 years after they shall have become a law;

2. the amendments to subdivision 4 of section 97-g of the state finance law made by section two of this act shall not affect the expiration and reversion of such subdivision as provided in section 3 of chapter 410 of the laws of 2009, and shall expire and be deemed repealed therewith;

3. sections four, five, six and seven of this act shall apply to any contract let or awarded on or after such effective date].

S 3. Article 1 of the public authorities law is amended by adding a new title 3 to read as follows:

TITLE 3 PURCHASING

SECTION 8. PURCHASE CONTRACTS.

9. PURCHASES FROM FEDERAL GENERAL SERVICE ADMINISTRATION SUPPLY SCHEDULES.

S 8. PURCHASE CONTRACTS. 1. NOTWITHSTANDING THE PROVISIONS OF ANY PROVISION OF LAW TO THE CONTRARY, ANY OFFICER, BOARD OR AGENCY OF A LOCAL AUTHORITY AS DEFINED BY SUBDIVISION TWO OF SECTION TWO OF THIS ARTICLE AUTHORIZED TO MAKE PURCHASES OF APPARATUS, MATERIALS, EQUIPMENT OR SUPPLIES, OR TO CONTRACT FOR SERVICES RELATED TO THE INSTALLATION, MAINTENANCE OR REPAIR OF APPARATUS, MATERIALS, EQUIPMENT, AND SUPPLIES, MAY MAKE SUCH PURCHASES, OR MAY CONTRACT FOR SUCH SERVICES RELATED TO THE INSTALLATION, MAINTENANCE OR REPAIR OF APPARATUS, MATERIALS, EQUIPMENT, AND SUPPLIES, AS MAY BE REQUIRED BY SUCH LOCAL AUTHORITY, THROUGH THE USE OF A CONTRACT LET BY THE UNITED STATES OF AMERICA OR ANY AGENCY THEREOF, ANY STATE OR ANY OTHER POLITICAL SUBDIVISION OR DISTRICT THEREIN IF SUCH CONTRACT WAS LET TO THE LOWEST RESPONSIBLE BIDDER OR ON THE BASIS OF BEST VALUE IN A MANNER CONSISTENT WITH THIS SECTION AND MADE AVAILABLE FOR USE BY OTHER GOVERNMENTAL ENTITIES; PROVIDED, HOWEVER, THAT NO LOCAL AUTHORITY MAY MAKE SUCH PURCHASES OR CONTRACT FOR SUCH

SERVICES THROUGH THE USE OF SUCH A CONTRACT LET ON THE BASIS OF BEST VALUE IN A MANNER CONSISTENT WITH THIS SECTION UNLESS THE LOCAL AUTHORITY SHALL FIRST ADOPT A RULE, REGULATION OR RESOLUTION, AS THE CASE MAY BE, AUTHORIZING THE USE OF BEST VALUE FOR AWARDED PURCHASE CONTRACTS PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THE STATE FINANCE LAW.

2. THE AUTHORITY PROVIDED TO A LOCAL AUTHORITY PURSUANT TO THIS SECTION SHALL NOT RELIEVE ANY OBLIGATION OF SUCH LOCAL AUTHORITY TO COMPLY WITH ANY APPLICABLE MINORITY AND WOMEN-OWNED BUSINESS ENTERPRISE PROGRAM MANDATES AND THE PREFERRED SOURCE REQUIREMENTS OF SECTION ONE HUNDRED SIXTY-TWO OF THE STATE FINANCE LAW.

S 9. PURCHASES FROM FEDERAL GENERAL SERVICE ADMINISTRATION SUPPLY SCHEDULES. ANY OFFICER, BOARD OR AGENCY OF A LOCAL AUTHORITY MAY MAKE PURCHASES FROM FEDERAL GENERAL SERVICE ADMINISTRATION SUPPLY SCHEDULES PURSUANT TO SECTION 211 OF THE FEDERAL E-GOVERNMENT ACT OF 2002, P.L. 107-347 AND THE LOCAL PREPAREDNESS ACQUISITION ACT, P.L. 110-248, AND PURSUANT TO SECTION 1122 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994, P.L. 103-160 AND SECTION 833 OF THE JOHN WARNER NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2007, P.L. 109-364, AND THE FEDERAL SUPPLY SCHEDULE USAGE ACT OF 2010, P.L. 111-263, OR ANY SUCCESSOR SCHEDULES, IN ACCORDANCE WITH PROCEDURES ESTABLISHED IN CONNECTION THEREWITH. PRIOR TO MAKING SUCH PURCHASES THE OFFICER, BOARD OR AGENCY SHALL CONSIDER WHETHER SUCH PURCHASES WILL RESULT IN COST SAVINGS AFTER ALL FACTORS, INCLUDING CHARGES FOR SERVICE, MATERIAL, AND DELIVERY, HAVE BEEN CONSIDERED.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2014; provided that section three of this act shall expire and be deemed repealed April 1, 2017.

PART H

Intentionally omitted

PART I

Intentionally Omitted

PART J

Section 1. Subparagraph (i) of paragraph a of subdivision 5-a of section 401 of the vehicle and traffic law, as amended by section 9 of chapter 189 of the laws of 2013, is amended to read as follows:

(i) If at the time of application for a registration or renewal thereof there is a certification from a court, parking violations bureau, traffic and parking violations agency or administrative tribunal of appropriate jurisdiction [or administrative tribunal of appropriate jurisdiction] that the registrant or his or her representative failed to appear on the return date or any subsequent adjourned date or failed to comply with the rules and regulations of an administrative tribunal following entry of a final decision in response to a total of three or more summonses or other process in the aggregate, issued within an eighteen month period, charging either that: (i) such motor vehicle was parked, stopped or standing, or that such motor vehicle was operated for hire by the registrant or his or her agent without being licensed as a motor vehicle for hire by the appropriate local authority, in violation of any of the provisions of this chapter or of any law, ordinance, rule

1 or regulation made by a local authority; or (ii) the registrant was
2 liable in accordance with section eleven hundred eleven-a of this chap-
3 ter or section eleven hundred eleven-b of this chapter for a violation
4 of subdivision (d) of section eleven hundred eleven of this chapter; or
5 (iii) the registrant was liable in accordance with section eleven
6 hundred eleven-c of this chapter for a violation of a bus lane
7 restriction as defined in such section, or (iv) the registrant was
8 liable in accordance with section eleven hundred eighty-b of this chap-
9 ter for a violation of subdivision (c) or (d) of section eleven hundred
10 eighty of this chapter, OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE
11 WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR A VIOLATION OF
12 SUBDIVISION (C) OR (D) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
13 the commissioner or his or her agent shall deny the registration or
14 renewal application until the applicant provides proof from the court,
15 traffic and parking violations agency or administrative tribunal wherein
16 the charges are pending that an appearance or answer has been made or in
17 the case of an administrative tribunal that he or she has complied with
18 the rules and regulations of said tribunal following entry of a final
19 decision. Where an application is denied pursuant to this section, the
20 commissioner may, in his or her discretion, deny a registration or
21 renewal application to any other person for the same vehicle and may
22 deny a registration or renewal application for any other motor vehicle
23 registered in the name of the applicant where the commissioner has
24 determined that such registrant's intent has been to evade the purposes
25 of this subdivision and where the commissioner has reasonable grounds to
26 believe that such registration or renewal will have the effect of
27 defeating the purposes of this subdivision. Such denial shall only
28 remain in effect as long as the summonses remain unanswered, or in the
29 case of an administrative tribunal, the registrant fails to comply with
30 the rules and regulations following entry of a final decision.

31 S 1-a. Paragraph a of subdivision 5-a of section 401 of the vehicle
32 and traffic law, as amended by section 9-a of chapter 189 of the laws of
33 2013, is amended to read as follows:

34 a. If at the time of application for a registration or renewal thereof
35 there is a certification from a court or administrative tribunal of
36 appropriate jurisdiction that the registrant or his or her represen-
37 tative failed to appear on the return date or any subsequent adjourned
38 date or failed to comply with the rules and regulations of an adminis-
39 trative tribunal following entry of a final decision in response to a
40 total of three or more summonses or other process in the aggregate,
41 issued within an eighteen month period, charging either that: (i) such
42 motor vehicle was parked, stopped or standing, or that such motor vehi-
43 cle was operated for hire by the registrant or his or her agent without
44 being licensed as a motor vehicle for hire by the appropriate local
45 authority, in violation of any of the provisions of this chapter or of
46 any law, ordinance, rule or regulation made by a local authority; or
47 (ii) the registrant was liable in accordance with section eleven hundred
48 eleven-b of this chapter for a violation of subdivision (d) of section
49 eleven hundred eleven of this chapter; or (iii) the registrant was
50 liable in accordance with section eleven hundred eleven-c of this chap-
51 ter for a violation of a bus lane restriction as defined in such
52 section; or (iv) the registrant was liable in accordance with section
53 eleven hundred eighty-b of this chapter for a violation of subdivision
54 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
55 ter; OR (V) THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN
56 HUNDRED EIGHTY-C OF THIS CHAPTER FOR A VIOLATION OF SUBDIVISION (B),

1 (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER,
2 the commissioner or his or her agent shall deny the registration or
3 renewal application until the applicant provides proof from the court or
4 administrative tribunal wherein the charges are pending that an appear-
5 ance or answer has been made or in the case of an administrative tribu-
6 nal that he or she has complied with the rules and regulations of said
7 tribunal following entry of a final decision. Where an application is
8 denied pursuant to this section, the commissioner may, in his or her
9 discretion, deny a registration or renewal application to any other
10 person for the same vehicle and may deny a registration or renewal
11 application for any other motor vehicle registered in the name of the
12 applicant where the commissioner has determined that such registrant's
13 intent has been to evade the purposes of this subdivision and where the
14 commissioner has reasonable grounds to believe that such registration or
15 renewal will have the effect of defeating the purposes of this subdivi-
16 sion. Such denial shall only remain in effect as long as the summonses
17 remain unanswered, or in the case of an administrative tribunal, the
18 registrant fails to comply with the rules and regulations following
19 entry of a final decision.

20 S 1-b. Paragraph a of subdivision 5-a of section 401 of the vehicle
21 and traffic law, as amended by section 9-b of chapter 189 of the laws of
22 2013, is amended to read as follows:

23 a. If at the time of application for a registration or renewal thereof
24 there is a certification from a court or administrative tribunal of
25 appropriate jurisdiction that the registrant or his or her represen-
26 tative failed to appear on the return date or any subsequent adjourned
27 date or failed to comply with the rules and regulations of an adminis-
28 trative tribunal following entry of a final decision in response to
29 three or more summonses or other process, issued within an eighteen
30 month period, charging that such motor vehicle was parked, stopped or
31 standing, or that such motor vehicle was operated for hire by the regis-
32 trant or his or her agent without being licensed as a motor vehicle for
33 hire by the appropriate local authority, in violation of any of the
34 provisions of this chapter or of any law, ordinance, rule or regulation
35 made by a local authority or the registrant was liable in accordance
36 with section eleven hundred eleven-c of this chapter for a violation of
37 a bus lane restriction as defined in such section, or the registrant was
38 liable in accordance with section eleven hundred eighty-b of this chap-
39 ter for a violation of subdivision (b), (c), (d), (f) or (g) of section
40 eleven hundred eighty of this chapter, OR THE REGISTRANT WAS LIABLE IN
41 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR A
42 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
43 HUNDRED EIGHTY OF THIS CHAPTER, the commissioner or his or her agent
44 shall deny the registration or renewal application until the applicant
45 provides proof from the court or administrative tribunal wherein the
46 charges are pending that an appearance or answer has been made or in the
47 case of an administrative tribunal that he or she has complied with the
48 rules and regulations of said tribunal following entry of a final deci-
49 sion. Where an application is denied pursuant to this section, the
50 commissioner may, in his or her discretion, deny a registration or
51 renewal application to any other person for the same vehicle and may
52 deny a registration or renewal application for any other motor vehicle
53 registered in the name of the applicant where the commissioner has
54 determined that such registrant's intent has been to evade the purposes
55 of this subdivision and where the commissioner has reasonable grounds to
56 believe that such registration or renewal will have the effect of

1 defeating the purposes of this subdivision. Such denial shall only
2 remain in effect as long as the summonses remain unanswered, or in the
3 case of an administrative tribunal, the registrant fails to comply with
4 the rules and regulations following entry of a final decision.

5 S 1-c. Paragraph a of subdivision 5-a of section 401 of the vehicle
6 and traffic law, as amended by section 9-c of chapter 189 of the laws of
7 2013, is amended to read as follows:

8 a. If at the time of application for a registration or renewal thereof
9 there is a certification from a court or administrative tribunal of
10 appropriate jurisdiction that the registrant or his representative
11 failed to appear on the return date or any subsequent adjourned date or
12 failed to comply with the rules and regulations of an administrative
13 tribunal following entry of a final decision in response to three or
14 more summonses or other process, issued within an eighteen month period,
15 charging that such motor vehicle was parked, stopped or standing, or
16 that such motor vehicle was operated for hire by the registrant or his
17 agent without being licensed as a motor vehicle for hire by the appro-
18 priate local authority, in violation of any of the provisions of this
19 chapter or of any law, ordinance, rule or regulation made by a local
20 authority, or the registrant was liable in accordance with section elev-
21 en hundred eighty-b of this chapter for violations of subdivision (b),
22 (c), (d), (f) or (g) of section eleven hundred eighty of this chapter,
23 OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
24 EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C), (D),
25 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commis-
26 sioner or his agent shall deny the registration or renewal application
27 until the applicant provides proof from the court or administrative
28 tribunal wherein the charges are pending that an appearance or answer
29 has been made or in the case of an administrative tribunal that he has
30 complied with the rules and regulations of said tribunal following entry
31 of a final decision. Where an application is denied pursuant to this
32 section, the commissioner may, in his discretion, deny a registration or
33 renewal application to any other person for the same vehicle and may
34 deny a registration or renewal application for any other motor vehicle
35 registered in the name of the applicant where the commissioner has
36 determined that such registrant's intent has been to evade the purposes
37 of this subdivision and where the commissioner has reasonable grounds to
38 believe that such registration or renewal will have the effect of
39 defeating the purposes of this subdivision. Such denial shall only
40 remain in effect as long as the summonses remain unanswered, or in the
41 case of an administrative tribunal, the registrant fails to comply with
42 the rules and regulations following entry of a final decision.

43 S 1-d. Paragraph a of subdivision 5-a of section 401 of the vehicle
44 and traffic law, as separately amended by chapters 339 and 592 of the
45 laws of 1987, is amended to read as follows:

46 a. If at the time of application for a registration or renewal thereof
47 there is a certification from a court or administrative tribunal of
48 appropriate jurisdiction that the registrant or his representative
49 failed to appear on the return date or any subsequent adjourned date or
50 failed to comply with the rules and regulations of an administrative
51 tribunal following entry of a final decision in response to three or
52 more summonses or other process, issued within an eighteen month period,
53 charging that such motor vehicle was parked, stopped or standing, or
54 that such motor vehicle was operated for hire by the registrant or his
55 agent without being licensed as a motor vehicle for hire by the appro-
56 priate local authority, in violation of any of the provisions of this

chapter or of any law, ordinance, rule or regulation made by a local authority, OR THE REGISTRANT WAS LIABLE IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER FOR VIOLATIONS OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER, the commissioner or his agent shall deny the registration or renewal application until the applicant provides proof from the court or administrative tribunal wherein the charges are pending that an appearance or answer has been made or in the case of an administrative tribunal that he has complied with the rules and regulations of said tribunal following entry of a final decision. Where an application is denied pursuant to this section, the commissioner may, in his discretion, deny a registration or renewal application to any other person for the same vehicle and may deny a registration or renewal application for any other motor vehicle registered in the name of the applicant where the commissioner has determined that such registrant's intent has been to evade the purposes of this subdivision and where the commissioner has reasonable grounds to believe that such registration or renewal will have the effect of defeating the purposes of this subdivision. Such denial shall only remain in effect as long as the summonses remain unanswered, or in the case of an administrative tribunal, the registrant fails to comply with the rules and regulations following entry of a final decision.

S 2. The vehicle and traffic law is amended by adding a new section 1180-c to read as follows:

S 1180-C. OWNER LIABILITY FOR FAILURE OF OPERATOR TO COMPLY WITH CERTAIN POSTED MAXIMUM SPEED LIMITS. (A) 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COUNTIES OF NASSAU AND SUFFOLK ARE HEREBY AUTHORIZED TO ESTABLISH A DEMONSTRATION PROGRAM IMPOSING MONETARY LIABILITY ON THE OWNER OF A VEHICLE FOR FAILURE OF AN OPERATOR THEREOF TO COMPLY WITH POSTED MAXIMUM SPEED LIMITS IN A SCHOOL SPEED ZONE WITHIN THE COUNTIES (I) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR (II) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH STUDENT ACTIVITIES. SUCH DEMONSTRATION PROGRAM SHALL EMPOWER THE COUNTIES TO INSTALL PHOTO SPEED VIOLATION MONITORING SYSTEMS WITHIN NO MORE THAN ONE SCHOOL SPEED ZONE PER SCHOOL DISTRICT WITHIN EACH COUNTY AT ANY ONE TIME AND TO OPERATE SUCH SYSTEMS WITHIN SUCH ZONES (III) WHEN A SCHOOL SPEED LIMIT IS IN EFFECT AS PROVIDED IN PARAGRAPHS ONE AND TWO OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR (IV) WHEN OTHER SPEED LIMITS ARE IN EFFECT AS PROVIDED IN SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE DURING THE FOLLOWING TIMES: (A) ON SCHOOL DAYS DURING SCHOOL HOURS AND ONE HOUR BEFORE AND ONE HOUR AFTER THE SCHOOL DAY, AND (B) A PERIOD DURING STUDENT ACTIVITIES AT THE SCHOOL AND UP TO THIRTY MINUTES IMMEDIATELY BEFORE AND UP TO THIRTY MINUTES IMMEDIATELY AFTER SUCH STUDENT ACTIVITIES. IN SELECTING A SCHOOL SPEED ZONE IN WHICH TO INSTALL AND OPERATE A PHOTO SPEED VIOLATION MONITORING SYSTEM, THE COUNTIES SHALL CONSIDER CRITERIA INCLUDING, BUT NOT LIMITED TO THE SPEED DATA, CRASH HISTORY, AND THE ROADWAY GEOMETRY APPLICABLE TO SUCH SCHOOL SPEED ZONE.

2. NO PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE USED IN A SCHOOL SPEED ZONE UNLESS (I) ON THE DAY IT IS TO BE USED IT HAS SUCCESSFULLY PASSED A SELF-TEST OF ITS FUNCTIONS; AND (II) IT HAS UNDERGONE AN

1 ANNUAL CALIBRATION CHECK PERFORMED PURSUANT TO PARAGRAPH FOUR OF THIS
2 SUBDIVISION. THE COUNTIES MAY INSTALL SIGNS GIVING NOTICE THAT A PHOTO
3 SPEED VIOLATION MONITORING SYSTEM IS IN USE TO BE MOUNTED ON ADVANCE
4 WARNING SIGNS NOTIFYING MOTOR VEHICLE OPERATORS OF SUCH UPCOMING SCHOOL
5 SPEED ZONE AND/OR ON SPEED LIMIT SIGNS APPLICABLE WITHIN SUCH SCHOOL
6 SPEED ZONE, IN CONFORMANCE WITH STANDARDS ESTABLISHED IN THE MUTCD.

7 3. OPERATORS OF PHOTO SPEED VIOLATION MONITORING SYSTEMS SHALL HAVE
8 COMPLETED TRAINING IN THE PROCEDURES FOR SETTING UP, TESTING, AND OPER-
9 ATING SUCH SYSTEMS. EACH SUCH OPERATOR SHALL COMPLETE AND SIGN A DAILY
10 SET-UP LOG FOR EACH SUCH SYSTEM THAT HE OR SHE OPERATES THAT (I) STATES
11 THE DATE AND TIME WHEN, AND THE LOCATION WHERE, THE SYSTEM WAS SET UP
12 THAT DAY, AND (II) STATES THAT SUCH OPERATOR SUCCESSFULLY PERFORMED, AND
13 THE SYSTEM PASSED, THE SELF-TESTS OF SUCH SYSTEM BEFORE PRODUCING A
14 RECORDED IMAGE THAT DAY. THE COUNTIES SHALL RETAIN EACH SUCH DAILY LOG
15 UNTIL THE LATER OF THE DATE ON WHICH THE PHOTO SPEED VIOLATION MONITOR-
16 ING SYSTEM TO WHICH IT APPLIES HAS BEEN PERMANENTLY REMOVED FROM USE OR
17 THE FINAL RESOLUTION OF ALL CASES INVOLVING NOTICES OF LIABILITY ISSUED
18 BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEO OR OTHER RECORDED IMAGES
19 PRODUCED BY SUCH SYSTEM.

20 4. EACH PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL UNDERGO AN ANNU-
21 AL CALIBRATION CHECK PERFORMED BY AN INDEPENDENT CALIBRATION LABORATORY
22 WHICH SHALL ISSUE A SIGNED CERTIFICATE OF CALIBRATION. THE COUNTIES
23 SHALL KEEP EACH SUCH ANNUAL CERTIFICATE OF CALIBRATION ON FILE UNTIL THE
24 FINAL RESOLUTION OF ALL CASES INVOLVING A NOTICE OF LIABILITY ISSUED
25 DURING SUCH YEAR WHICH WERE BASED ON PHOTOGRAPHS, MICROPHOTOGRAPHS,
26 VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
27 VIOLATION MONITORING SYSTEM.

28 5. (I) SUCH DEMONSTRATION PROGRAM SHALL UTILIZE NECESSARY TECHNOLOGIES
29 TO ENSURE, TO THE EXTENT PRACTICABLE, THAT PHOTOGRAPHS, MICROPHOTO-
30 GRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES PRODUCED BY SUCH PHOTO SPEED
31 VIOLATION MONITORING SYSTEMS SHALL NOT INCLUDE IMAGES THAT IDENTIFY THE
32 DRIVER, THE PASSENGERS, OR THE CONTENTS OF THE VEHICLE. PROVIDED, HOWEV-
33 ER, THAT NO NOTICE OF LIABILITY ISSUED PURSUANT TO THIS SECTION SHALL BE
34 DISMISSED SOLELY BECAUSE SUCH A PHOTOGRAPH, MICROPHOTOGRAPH, VIDEOTAPE
35 OR OTHER RECORDED IMAGE ALLOWS FOR THE IDENTIFICATION OF THE DRIVER, THE
36 PASSENGERS, OR THE CONTENTS OF VEHICLES WHERE EITHER COUNTY SHOWS THAT
37 IT MADE REASONABLE EFFORTS TO COMPLY WITH THE PROVISIONS OF THIS PARA-
38 GRAPH IN SUCH CASE.

39 (II) PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER RECORDED
40 IMAGE FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM SHALL BE FOR THE
41 EXCLUSIVE USE OF THE COUNTIES FOR THE PURPOSE OF THE ADJUDICATION OF
42 LIABILITY IMPOSED PURSUANT TO THIS SECTION AND OF THE OWNER RECEIVING A
43 NOTICE OF LIABILITY PURSUANT TO THIS SECTION, AND SHALL BE DESTROYED BY
44 THE COUNTIES UPON THE FINAL RESOLUTION OF THE NOTICE OF LIABILITY TO
45 WHICH SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
46 IMAGES RELATE, OR ONE YEAR FOLLOWING THE DATE OF ISSUANCE OF SUCH NOTICE
47 OF LIABILITY, WHICHEVER IS LATER. NOTWITHSTANDING THE PROVISIONS OF ANY
48 OTHER LAW, RULE OR REGULATION TO THE CONTRARY, PHOTOGRAPHS, MICROPHOTO-
49 GRAPHS, VIDEOTAPE OR ANY OTHER RECORDED IMAGE FROM A PHOTO SPEED
50 VIOLATION MONITORING SYSTEM SHALL NOT BE OPEN TO THE PUBLIC, NOR SUBJECT
51 TO CIVIL OR CRIMINAL PROCESS OR DISCOVERY, NOR USED BY ANY COURT OR
52 ADMINISTRATIVE OR ADJUDICATORY BODY IN ANY ACTION OR PROCEEDING THEREIN
53 EXCEPT THAT WHICH IS NECESSARY FOR THE ADJUDICATION OF A NOTICE OF
54 LIABILITY ISSUED PURSUANT TO THIS SECTION, AND NO PUBLIC ENTITY OR
55 EMPLOYEE, OFFICER OR AGENT THEREOF SHALL DISCLOSE SUCH INFORMATION,

EXCEPT THAT SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR ANY OTHER RECORDED IMAGES FROM SUCH SYSTEMS:

(A) SHALL BE AVAILABLE FOR INSPECTION AND COPYING AND USE BY THE MOTOR VEHICLE OWNER AND OPERATOR FOR SO LONG AS SUCH PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES ARE REQUIRED TO BE MAINTAINED OR ARE MAINTAINED BY SUCH PUBLIC ENTITY, EMPLOYEE, OFFICER OR AGENT; AND

(B) (1) SHALL BE FURNISHED WHEN DESCRIBED IN A SEARCH WARRANT ISSUED BY A COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT PURSUANT TO ARTICLE SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE LAW OR A FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SEARCH WARRANT UNDER FEDERAL LAW, WHERE SUCH SEARCH WARRANT STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH INFORMATION CONSTITUTES EVIDENCE OF, OR TENDS TO DEMONSTRATE THAT, A MISDEMEANOR OR FELONY OFFENSE WAS COMMITTED IN THIS STATE OR ANOTHER STATE, OR THAT A PARTICULAR PERSON PARTICIPATED IN THE COMMISSION OF A MISDEMEANOR OR FELONY OFFENSE IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, THE COURT SHALL ONLY ISSUE A WARRANT IF THE CONDUCT COMPRISING SUCH OFFENSE WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY AGAINST THE LAWS OF THIS STATE; AND

(2) SHALL BE FURNISHED IN RESPONSE TO A SUBPOENA DUCES TECUM SIGNED BY A JUDGE OF COMPETENT JURISDICTION AND ISSUED PURSUANT TO ARTICLE SIX HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW OR A JUDGE OR MAGISTRATE OF A FEDERAL COURT AUTHORIZED TO ISSUE SUCH A SUBPOENA DUCES TECUM UNDER FEDERAL LAW, WHERE THE JUDGE FINDS AND THE SUBPOENA STATES THAT THERE IS REASONABLE CAUSE TO BELIEVE SUCH INFORMATION IS RELEVANT AND MATERIAL TO THE PROSECUTION, OR THE DEFENSE, OR THE INVESTIGATION BY AN AUTHORIZED LAW ENFORCEMENT OFFICIAL, OF THE ALLEGED COMMISSION OF A MISDEMEANOR OR FELONY IN THIS STATE OR ANOTHER STATE, PROVIDED, HOWEVER, THAT IF SUCH OFFENSE WAS AGAINST THE LAWS OF ANOTHER STATE, SUCH JUDGE OR MAGISTRATE SHALL ONLY ISSUE SUCH SUBPOENA IF THE CONDUCT COMPRISING SUCH OFFENSE WOULD, IF OCCURRING IN THIS STATE, CONSTITUTE A MISDEMEANOR OR FELONY IN THIS STATE; AND

(3) MAY, IF LAWFULLY OBTAINED PURSUANT TO THIS CLAUSE AND CLAUSE (A) OF THIS SUBPARAGRAPH AND OTHERWISE ADMISSIBLE, BE USED IN SUCH CRIMINAL ACTION OR PROCEEDING.

(B) IF THE COUNTIES OF NASSAU AND SUFFOLK ESTABLISH A DEMONSTRATION PROGRAM PURSUANT TO SUBDIVISION (A) OF THIS SECTION, THE OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION IF SUCH VEHICLE WAS USED OR OPERATED WITH THE PERMISSION OF THE OWNER, EXPRESS OR IMPLIED, WITHIN A SCHOOL SPEED ZONE IN VIOLATION OF SUBDIVISION (C) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE OR DURING THE TIMES AUTHORIZED PURSUANT TO SUBDIVISION (A) OF THIS SECTION IN VIOLATION OF SUBDIVISION (B), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE, SUCH VEHICLE WAS TRAVELING AT A SPEED OF MORE THAN TEN MILES PER HOUR ABOVE THE POSTED SPEED LIMIT IN EFFECT WITHIN SUCH SCHOOL SPEED ZONE, AND SUCH VIOLATION IS EVIDENCED BY INFORMATION OBTAINED FROM A PHOTO SPEED VIOLATION MONITORING SYSTEM; PROVIDED HOWEVER THAT NO OWNER OF A VEHICLE SHALL BE LIABLE FOR A PENALTY IMPOSED PURSUANT TO THIS SECTION WHERE THE OPERATOR OF SUCH VEHICLE HAS BEEN CONVICTED OF THE UNDERLYING VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

(C) FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

1. "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" OR "MUTCD" SHALL MEAN THE MANUAL AND SPECIFICATIONS FOR A UNIFORM SYSTEM OF TRAFFIC CONTROL

1 DEVICES MAINTAINED BY THE COMMISSIONER OF TRANSPORTATION PURSUANT TO
2 SECTION SIXTEEN HUNDRED EIGHTY OF THIS CHAPTER;

3 2. "OWNER" SHALL HAVE THE MEANING PROVIDED IN ARTICLE TWO-B OF THIS
4 CHAPTER.

5 3. "PHOTO SPEED VIOLATION MONITORING SYSTEM" SHALL MEAN A VEHICLE
6 SENSOR INSTALLED TO WORK IN CONJUNCTION WITH A SPEED MEASURING DEVICE
7 WHICH AUTOMATICALLY PRODUCES TWO OR MORE PHOTOGRAPHS, TWO OR MORE MICRO-
8 PHOTOGRAPHS, A VIDEOTAPE OR OTHER RECORDED IMAGES OF EACH VEHICLE AT THE
9 TIME IT IS USED OR OPERATED IN A SCHOOL SPEED ZONE IN VIOLATION OF
10 SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY
11 OF THIS ARTICLE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION; AND

12 4. "SCHOOL SPEED ZONE" SHALL MEAN A DISTANCE NOT TO EXCEED ONE THOU-
13 SAND THREE HUNDRED TWENTY FEET ON A HIGHWAY PASSING A SCHOOL BUILDING,
14 ENTRANCE OR EXIT OF A SCHOOL ABUTTING ON THE HIGHWAY.

15 (D) A CERTIFICATE, SWORN TO OR AFFIRMED BY A TECHNICIAN EMPLOYED BY
16 THE COUNTIES OF NASSAU OR SUFFOLK, OR A FACSIMILE THEREOF, BASED UPON
17 INSPECTION OF PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
18 IMAGES PRODUCED BY A PHOTO SPEED VIOLATION MONITORING SYSTEM, SHALL BE
19 PRIMA FACIE EVIDENCE OF THE FACTS CONTAINED THEREIN. ANY PHOTOGRAPHS,
20 MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED IMAGES EVIDENCING SUCH A
21 VIOLATION SHALL INCLUDE AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE
22 REAR OF THE MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR
23 THE MOTOR VEHICLE AND SHALL BE AVAILABLE FOR INSPECTION REASONABLY IN
24 ADVANCE OF AND AT ANY PROCEEDING TO ADJUDICATE THE LIABILITY FOR SUCH
25 VIOLATION PURSUANT TO THIS SECTION.

26 (E) AN OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F)
27 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO A
28 DEMONSTRATION PROGRAM ESTABLISHED PURSUANT TO THIS SECTION SHALL BE
29 LIABLE FOR MONETARY PENALTIES IN ACCORDANCE WITH A SCHEDULE OF FINES AND
30 PENALTIES TO BE PROMULGATED BY THE TRAFFIC AND PARKING VIOLATIONS BUREAU
31 OF THE COUNTIES OF NASSAU OR SUFFOLK. THE LIABILITY OF THE OWNER PURSU-
32 ANT TO THIS SECTION SHALL NOT EXCEED FIFTY DOLLARS FOR EACH VIOLATION;
33 PROVIDED, HOWEVER, THAT SUCH PARKING VIOLATIONS BUREAU MAY PROVIDE FOR
34 AN ADDITIONAL PENALTY NOT IN EXCESS OF TWENTY-FIVE DOLLARS FOR EACH
35 VIOLATION FOR THE FAILURE TO RESPOND TO A NOTICE OF LIABILITY WITHIN THE
36 PRESCRIBED TIME PERIOD.

37 (F) AN IMPOSITION OF LIABILITY UNDER THE DEMONSTRATION PROGRAM ESTAB-
38 LISHED PURSUANT TO THIS SECTION SHALL NOT BE DEEMED A CONVICTION AS AN
39 OPERATOR AND SHALL NOT BE MADE PART OF THE OPERATING RECORD OF THE
40 PERSON UPON WHOM SUCH LIABILITY IS IMPOSED NOR SHALL IT BE USED FOR
41 INSURANCE PURPOSES IN THE PROVISION OF MOTOR VEHICLE INSURANCE COVERAGE.

42 (G) 1. A NOTICE OF LIABILITY SHALL BE SENT BY FIRST CLASS MAIL TO EACH
43 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
44 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTI-
45 CLE PURSUANT TO THIS SECTION, WITHIN FOURTEEN BUSINESS DAYS IF SUCH
46 OWNER IS A RESIDENT OF THIS STATE AND WITHIN FORTY-FIVE BUSINESS DAYS IF
47 SUCH OWNER IS A NON-RESIDENT. PERSONAL DELIVERY ON THE OWNER SHALL NOT
48 BE REQUIRED. A MANUAL OR AUTOMATIC RECORD OF MAILING PREPARED IN THE
49 ORDINARY COURSE OF BUSINESS SHALL BE PRIMA FACIE EVIDENCE OF THE FACTS
50 CONTAINED THEREIN.

51 2. A NOTICE OF LIABILITY SHALL CONTAIN THE NAME AND ADDRESS OF THE
52 PERSON ALLEGED TO BE LIABLE AS AN OWNER FOR A VIOLATION OF SUBDIVISION
53 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTI-
54 CLE PURSUANT TO THIS SECTION, THE REGISTRATION NUMBER OF THE VEHICLE
55 INVOLVED IN SUCH VIOLATION, THE LOCATION WHERE SUCH VIOLATION TOOK
56 PLACE, THE DATE AND TIME OF SUCH VIOLATION, THE IDENTIFICATION NUMBER OF

1 THE CAMERA WHICH RECORDED THE VIOLATION OR OTHER DOCUMENT LOCATOR
2 NUMBER, AT LEAST TWO DATE AND TIME STAMPED IMAGES OF THE REAR OF THE
3 MOTOR VEHICLE THAT INCLUDE THE SAME STATIONARY OBJECT NEAR THE MOTOR
4 VEHICLE, AND THE CERTIFICATE CHARGING THE LIABILITY.

5 3. THE NOTICE OF LIABILITY SHALL CONTAIN INFORMATION ADVISING THE
6 PERSON CHARGED OF THE MANNER AND THE TIME IN WHICH HE OR SHE MAY CONTEST
7 THE LIABILITY ALLEGED IN THE NOTICE. SUCH NOTICE OF LIABILITY SHALL
8 ALSO CONTAIN A PROMINENT WARNING TO ADVISE THE PERSON CHARGED THAT FAIL-
9 URE TO CONTEST IN THE MANNER AND TIME PROVIDED SHALL BE DEEMED AN ADMIS-
10 SION OF LIABILITY AND THAT A DEFAULT JUDGMENT MAY BE ENTERED THEREON.

11 4. THE NOTICE OF LIABILITY SHALL BE PREPARED AND MAILED BY THE COUNTY
12 OF NASSAU OR SUFFOLK, OR BY ANY OTHER ENTITY AUTHORIZED BY THE COUNTY TO
13 PREPARE AND MAIL SUCH NOTICE OF LIABILITY.

14 (H) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION
15 SHALL BE BY THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF
16 NASSAU OR SUFFOLK.

17 (I) IF AN OWNER RECEIVES A NOTICE OF LIABILITY PURSUANT TO THIS
18 SECTION FOR ANY TIME PERIOD DURING WHICH THE VEHICLE OR THE NUMBER PLATE
19 OR PLATES OF SUCH VEHICLE WAS REPORTED TO THE POLICE DEPARTMENT AS
20 HAVING BEEN STOLEN, IT SHALL BE A VALID DEFENSE TO AN ALLEGATION OF
21 LIABILITY FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
22 SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS SECTION
23 THAT THE VEHICLE OR THE NUMBER PLATE OR PLATES OF SUCH VEHICLE HAD BEEN
24 REPORTED TO THE POLICE AS STOLEN PRIOR TO THE TIME THE VIOLATION
25 OCCURRED AND HAD NOT BEEN RECOVERED BY SUCH TIME. FOR PURPOSES OF
26 ASSERTING THE DEFENSE PROVIDED BY THIS SUBDIVISION, IT SHALL BE SUFFI-
27 CIENT THAT A CERTIFIED COPY OF THE POLICE REPORT ON THE STOLEN VEHICLE
28 OR NUMBER PLATE OR PLATES OF SUCH VEHICLE BE SENT BY FIRST CLASS MAIL TO
29 THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF NASSAU OR
30 SUFFOLK, OR TO ANY OTHER ENTITY AUTHORIZED BY THE COUNTY TO RECEIVE SUCH
31 RECORDS.

32 (J) ADJUDICATION OF THE LIABILITY IMPOSED UPON OWNERS OF THIS SECTION
33 SHALL BE BY THE TRAFFIC AND PARKING VIOLATIONS BUREAU OF THE COUNTIES OF
34 NASSAU OR SUFFOLK.

35 (K) 1. AN OWNER WHO IS A LESSOR OF A VEHICLE TO WHICH A NOTICE OF
36 LIABILITY WAS ISSUED PURSUANT TO SUBDIVISION (G) OF THIS SECTION SHALL
37 NOT BE LIABLE FOR THE VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G)
38 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS
39 SECTION, PROVIDED THAT:

40 (I) PRIOR TO THE VIOLATION, THE LESSOR HAS FILED WITH SUCH PARKING
41 VIOLATIONS BUREAU IN ACCORDANCE WITH THE PROVISIONS OF SECTION TWO
42 HUNDRED THIRTY-NINE OF THIS CHAPTER; AND

43 (II) WITHIN THIRTY-SEVEN DAYS AFTER RECEIVING NOTICE FROM SUCH BUREAU
44 OF THE DATE AND TIME OF A LIABILITY, TOGETHER WITH THE OTHER INFORMATION
45 CONTAINED IN THE ORIGINAL NOTICE OF LIABILITY, THE LESSOR SUBMITS TO
46 SUCH BUREAU THE CORRECT NAME AND ADDRESS OF THE LESSEE OF THE VEHICLE
47 IDENTIFIED IN THE NOTICE OF LIABILITY AT THE TIME OF SUCH VIOLATION,
48 TOGETHER WITH SUCH OTHER ADDITIONAL INFORMATION CONTAINED IN THE RENTAL,
49 LEASE OR OTHER CONTRACT DOCUMENT, AS MAY BE REASONABLY REQUIRED BY SUCH
50 BUREAU PURSUANT TO REGULATIONS THAT MAY BE PROMULGATED FOR SUCH PURPOSE.

51 2. FAILURE TO COMPLY WITH SUBPARAGRAPH (II) OF PARAGRAPH (1) OF THIS
52 SUBDIVISION SHALL RENDER THE OWNER LIABLE FOR THE PENALTY PRESCRIBED IN
53 THIS SECTION.

54 3. WHERE THE LESSOR COMPLIES WITH THE PROVISIONS OF PARAGRAPH (1) OF
55 THIS SUBDIVISION, THE LESSEE OF SUCH VEHICLE ON THE DATE OF SUCH
56 VIOLATION SHALL BE DEEMED TO BE THE OWNER OF SUCH VEHICLE FOR PURPOSES

1 OF THIS SECTION, SHALL BE SUBJECT TO LIABILITY FOR SUCH VIOLATION PURSU-
2 ANT TO THIS SECTION AND SHALL BE SENT A NOTICE OF LIABILITY PURSUANT TO
3 SUBDIVISION (I) OF THIS SECTION.

4 (L) 1. IF THE OWNER LIABLE FOR A VIOLATION OF SUBDIVISION (C) OR (D)
5 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE PURSUANT TO THIS
6 SECTION WAS NOT THE OPERATOR OF THE VEHICLE AT THE TIME OF THE
7 VIOLATION, THE OWNER MAY MAINTAIN AN ACTION FOR INDEMNIFICATION AGAINST
8 THE OPERATOR.

9 2. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, NO OWNER OF A
10 VEHICLE SHALL BE SUBJECT TO A MONETARY FINE IMPOSED PURSUANT TO THIS
11 SECTION IF THE OPERATOR OF SUCH VEHICLE WAS OPERATING SUCH VEHICLE WITH-
12 OUT THE CONSENT OF THE OWNER AT THE TIME SUCH OPERATOR OPERATED SUCH
13 VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
14 ELEVEN HUNDRED EIGHTY OF THIS ARTICLE. FOR PURPOSES OF THIS SUBDIVISION
15 THERE SHALL BE A PRESUMPTION THAT THE OPERATOR OF SUCH VEHICLE WAS OPER-
16 ATING SUCH VEHICLE WITH THE CONSENT OF THE OWNER AT THE TIME SUCH OPERA-
17 TOR OPERATED SUCH VEHICLE IN VIOLATION OF SUBDIVISION (B), (C), (D), (F)
18 OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

19 (M) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT THE LIABILITY
20 OF AN OPERATOR OF A VEHICLE FOR ANY VIOLATION OF SUBDIVISION (C) OR (D)
21 OF SECTION ELEVEN HUNDRED EIGHTY OF THIS ARTICLE.

22 (N) IF EITHER COUNTY ADOPTS A DEMONSTRATION PROGRAM PURSUANT TO THIS
23 SECTION IT SHALL CONDUCT A STUDY AND SUBMIT A REPORT ON THE RESULTS OF
24 THE USE OF PHOTO DEVICES TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE
25 SENATE AND THE SPEAKER OF THE ASSEMBLY. SUCH REPORT SHALL INCLUDE:

26 1. THE LOCATIONS WHERE AND DATES WHEN PHOTO SPEED VIOLATION MONITORING
27 SYSTEMS WERE USED;

28 2. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,
29 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN ALL SCHOOL SPEED ZONES
30 WITHIN THE COUNTY, TO THE EXTENT THE INFORMATION IS MAINTAINED BY THE
31 DEPARTMENT OF MOTOR VEHICLES OF THIS STATE;

32 3. THE AGGREGATE NUMBER, TYPE AND SEVERITY OF CRASHES, FATALITIES,
33 INJURIES AND PROPERTY DAMAGE REPORTED WITHIN SCHOOL SPEED ZONES WHERE
34 PHOTO SPEED VIOLATION MONITORING SYSTEMS WERE USED, TO THE EXTENT THE
35 INFORMATION IS MAINTAINED BY THE DEPARTMENT OF MOTOR VEHICLES OF THIS
36 STATE;

37 4. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES
38 WITHIN THE COUNTY, IN THE AGGREGATE ON A DAILY, WEEKLY AND MONTHLY
39 BASIS;

40 5. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE
41 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED, IN THE AGGRE-
42 GATE ON A DAILY, WEEKLY AND MONTHLY BASIS;

43 6. THE NUMBER OF VIOLATIONS RECORDED WITHIN ALL SCHOOL SPEED ZONES
44 WITHIN THE COUNTY THAT WERE:

45 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE
46 POSTED SPEED LIMIT;

47 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE
48 POSTED SPEED LIMIT;

49 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
50 POSTED SPEED LIMIT; AND

51 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

52 7. THE NUMBER OF VIOLATIONS RECORDED WITHIN EACH SCHOOL SPEED ZONE
53 WHERE A PHOTO SPEED VIOLATION MONITORING SYSTEM IS USED THAT WERE:

54 (I) MORE THAN TEN BUT NOT MORE THAN TWENTY MILES PER HOUR OVER THE
55 POSTED SPEED LIMIT;

1 (II) MORE THAN TWENTY BUT NOT MORE THAN THIRTY MILES PER HOUR OVER THE
2 POSTED SPEED LIMIT;

3 (III) MORE THAN THIRTY BUT NOT MORE THAN FORTY MILES PER HOUR OVER THE
4 POSTED SPEED LIMIT; AND

5 (IV) MORE THAN FORTY MILES PER HOUR OVER THE POSTED SPEED LIMIT;

6 8. THE TOTAL NUMBER OF NOTICES OF LIABILITY ISSUED FOR VIOLATIONS
7 RECORDED BY SUCH SYSTEMS;

8 9. THE NUMBER OF FINES AND TOTAL AMOUNT OF FINES PAID AFTER THE FIRST
9 NOTICE OF LIABILITY ISSUED FOR VIOLATIONS RECORDED BY SUCH SYSTEMS;

10 10. THE NUMBER OF VIOLATIONS ADJUDICATED AND THE RESULTS OF SUCH ADJU-
11 DICATIONS INCLUDING BREAKDOWNS OF DISPOSITIONS MADE FOR VIOLATIONS
12 RECORDED BY SUCH SYSTEMS;

13 11. THE TOTAL AMOUNT OF REVENUE REALIZED BY THE COUNTY IN CONNECTION
14 WITH THE PROGRAM;

15 12. THE EXPENSES INCURRED BY THE COUNTY IN CONNECTION WITH THE
16 PROGRAM; AND

17 13. THE QUALITY OF THE ADJUDICATION PROCESS AND ITS RESULTS.

18 (O) IT SHALL BE A DEFENSE TO ANY PROSECUTION FOR A VIOLATION OF SUBDI-
19 VISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF
20 THIS ARTICLE PURSUANT TO THIS SECTION THAT SUCH PHOTO SPEED VIOLATION
21 MONITORING SYSTEM WAS MALFUNCTIONING AT THE TIME OF THE ALLEGED
22 VIOLATION.

23 S 3. The opening paragraph and paragraph (c) of subdivision 1 of
24 section 1809 of the vehicle and traffic law, as amended by section 11 of
25 chapter 189 of the laws of 2013, are amended to read as follows:

26 Whenever proceedings in an administrative tribunal or a court of this
27 state result in a conviction for an offense under this chapter or a
28 traffic infraction under this chapter, or a local law, ordinance, rule
29 or regulation adopted pursuant to this chapter, other than a traffic
30 infraction involving standing, stopping, or parking or violations by
31 pedestrians or bicyclists, or other than an adjudication of liability of
32 an owner for a violation of subdivision (d) of section eleven hundred
33 eleven of this chapter in accordance with section eleven hundred
34 eleven-a of this chapter, or other than an adjudication of liability of
35 an owner for a violation of subdivision (d) of section eleven hundred
36 eleven of this chapter in accordance with section eleven hundred
37 eleven-b of this chapter, or other than an adjudication in accordance
38 with section eleven hundred eleven-c of this chapter for a violation of
39 a bus lane restriction as defined in such section, or other than an
40 adjudication of liability of an owner for a violation of subdivision
41 (b), (c), (d), (f) or (g) of section eleven hundred eighty of this chap-
42 ter in accordance with section eleven hundred eighty-b of this chapter,
43 OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION
44 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
45 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
46 Y-C OF THIS CHAPTER, there shall be levied a crime victim assistance fee
47 and a mandatory surcharge, in addition to any sentence required or
48 permitted by law, in accordance with the following schedule:

49 (c) Whenever proceedings in an administrative tribunal or a court of
50 this state result in a conviction for an offense under this chapter
51 other than a crime pursuant to section eleven hundred ninety-two of this
52 chapter, or a traffic infraction under this chapter, or a local law,
53 ordinance, rule or regulation adopted pursuant to this chapter, other
54 than a traffic infraction involving standing, stopping, or parking or
55 violations by pedestrians or bicyclists, or other than an adjudication
56 of liability of an owner for a violation of subdivision (d) of section

1 eleven hundred eleven of this chapter in accordance with section eleven
2 hundred eleven-a of this chapter, or other than an adjudication of
3 liability of an owner for a violation of subdivision (d) of section
4 eleven hundred eleven of this chapter in accordance with section eleven
5 hundred eleven-b of this chapter, or other than an infraction pursuant
6 to article nine of this chapter or other than an adjudication of liability
7 of an owner for a violation of toll collection regulations pursuant
8 to section two thousand nine hundred eighty-five of the public authorities
9 law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
10 hundred seventy-four of the laws of nineteen hundred fifty or other than
11 an adjudication in accordance with section eleven hundred eleven-c of
12 this chapter for a violation of a bus lane restriction as defined in
13 such section, or other than an adjudication of liability of an owner for
14 a violation of subdivision (b), (c), (d), (f) or (g) of section eleven
15 hundred eighty of this chapter in accordance with section eleven hundred
16 eighty-b of this chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF
17 AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF
18 SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION
19 ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, there shall be levied a crime
20 victim assistance fee in the amount of five dollars and a mandatory
21 surcharge, in addition to any sentence required or permitted by law, in
22 the amount of fifty-five dollars.

23 S 3-a. Subdivision 1 of section 1809 of the vehicle and traffic law,
24 as amended by section 11-a of chapter 189 of the laws of 2013, is
25 amended to read as follows:

26 1. Whenever proceedings in an administrative tribunal or a court of
27 this state result in a conviction for a crime under this chapter or a
28 traffic infraction under this chapter, or a local law, ordinance, rule
29 or regulation adopted pursuant to this chapter, other than a traffic
30 infraction involving standing, stopping, parking or motor vehicle equip-
31 ment or violations by pedestrians or bicyclists, or other than an adju-
32 dication of liability of an owner for a violation of subdivision (d) of
33 section eleven hundred eleven of this chapter in accordance with section
34 eleven hundred eleven-a of this chapter, or other than an adjudication
35 of liability of an owner for a violation of subdivision (d) of section
36 eleven hundred eleven of this chapter in accordance with section eleven
37 hundred eleven-b of this chapter, or other than an adjudication in
38 accordance with section eleven hundred eleven-c of this chapter for a
39 violation of a bus lane restriction as defined in such section, or other
40 than an adjudication of liability of an owner for a violation of subdivi-
41 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of
42 this chapter in accordance with section eleven hundred eighty-b of this
43 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
44 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
45 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
46 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,
47 in addition to any sentence required or permitted by law, in the amount
48 of twenty-five dollars.

49 S 3-b. Subdivision 1 of section 1809 of the vehicle and traffic law,
50 as amended by section 11-b of chapter 189 of the laws of 2013, is
51 amended to read as follows:

52 1. Whenever proceedings in an administrative tribunal or a court of
53 this state result in a conviction for a crime under this chapter or a
54 traffic infraction under this chapter other than a traffic infraction
55 involving standing, stopping, parking or motor vehicle equipment or
56 violations by pedestrians or bicyclists, or other than an adjudication

1 in accordance with section eleven hundred eleven-c of this chapter for a
2 violation of a bus lane restriction as defined in such section, or other
3 than an adjudication of liability of an owner for a violation of subdivi-
4 sion (b), (c), (d), (f) or (g) of section eleven hundred eighty of
5 this chapter in accordance with section eleven hundred eighty-b of this
6 chapter, OR OTHER THAN AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A
7 VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN
8 HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED
9 EIGHTY-C OF THIS CHAPTER, there shall be levied a mandatory surcharge,
10 in addition to any sentence required or permitted by law, in the amount
11 of seventeen dollars.

12 S 3-c. Subdivision 1 of section 1809 of the vehicle and traffic law,
13 as amended by section 11-c of chapter 189 of the laws of 2013, is
14 amended to read as follows:

15 1. Whenever proceedings in an administrative tribunal or a court of
16 this state result in a conviction for a crime under this chapter or a
17 traffic infraction under this chapter other than a traffic infraction
18 involving standing, stopping, parking or motor vehicle equipment or
19 violations by pedestrians or bicyclists, or other than an adjudication
20 of liability of an owner for a violation of subdivision (b), (c), (d),
21 (f) or (g) of section eleven hundred eighty of this chapter in accord-
22 ance with section eleven hundred eighty-b of this chapter, OR OTHER THAN
23 AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
24 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
25 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
26 there shall be levied a mandatory surcharge, in addition to any sentence
27 required or permitted by law, in the amount of seventeen dollars.

28 S 3-d. Subdivision 1 of section 1809 of the vehicle and traffic law,
29 as separately amended by chapter 16 of the laws of 1983 and chapter 62
30 of the laws of 1989, is amended to read as follows:

31 1. Whenever proceedings in an administrative tribunal or a court of
32 this state result in a conviction for a crime under this chapter or a
33 traffic infraction under this chapter other than a traffic infraction
34 involving standing, stopping, parking or motor vehicle equipment or
35 violations by pedestrians or bicyclists, OR OTHER THAN AN ADJUDICATION
36 OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C), (D),
37 (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORD-
38 ANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, there shall
39 be levied a mandatory surcharge, in addition to any sentence required or
40 permitted by law, in the amount of seventeen dollars.

41 S 4. Paragraph a of subdivision 1 of section 1809-e of the vehicle and
42 traffic law, as amended by section 12-a of chapter 189 of the laws of
43 2013, is amended to read as follows:

44 a. Notwithstanding any other provision of law, whenever proceedings in
45 a court or an administrative tribunal of this state result in a
46 conviction for an offense under this chapter, except a conviction pursu-
47 ant to section eleven hundred ninety-two of this chapter, or for a traf-
48 fic infraction under this chapter, or a local law, ordinance, rule or
49 regulation adopted pursuant to this chapter, except a traffic infraction
50 involving standing, stopping, or parking or violations by pedestrians or
51 bicyclists, and except an adjudication of liability of an owner for a
52 violation of subdivision (d) of section eleven hundred eleven of this
53 chapter in accordance with section eleven hundred eleven-a of this chap-
54 ter, and except an adjudication of liability of an owner for a violation
55 of subdivision (d) of section eleven hundred eleven of this chapter in
56 accordance with section eleven hundred eleven-b of this chapter, and

1 except an adjudication in accordance with section eleven hundred
2 eleven-c of this chapter of a violation of a bus lane restriction as
3 defined in such section, and [expect] EXCEPT an adjudication of liabil-
4 ity of an owner for a violation of subdivision (b), (c), (d), (f) or (g)
5 of section eleven hundred eighty of this chapter in accordance with
6 section eleven hundred eighty-b of this chapter, AND EXCEPT AN ADJUDI-
7 CATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION (B), (C),
8 (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN
9 ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER, and
10 except an adjudication of liability of an owner for a violation of toll
11 collection regulations pursuant to section two thousand nine hundred
12 eighty-five of the public authorities law or sections sixteen-a,
13 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
14 laws of nineteen hundred fifty, there shall be levied in addition to any
15 sentence, penalty or other surcharge required or permitted by law, an
16 additional surcharge of twenty-eight dollars.

17 S 4-a. Paragraph a of subdivision 1 of section 1809-e of the vehicle
18 and traffic law, as amended by section 12-b of chapter 189 of the laws
19 of 2013, is amended to read as follows:

20 a. Notwithstanding any other provision of law, whenever proceedings in
21 a court or an administrative tribunal of this state result in a
22 conviction for an offense under this chapter, except a conviction pursu-
23 ant to section eleven hundred ninety-two of this chapter, or for a traf-
24 fic infraction under this chapter, or a local law, ordinance, rule or
25 regulation adopted pursuant to this chapter, except a traffic infraction
26 involving standing, stopping, or parking or violations by pedestrians or
27 bicyclists, and except an adjudication of liability of an owner for a
28 violation of subdivision (d) of section eleven hundred eleven of this
29 chapter in accordance with section eleven hundred eleven-a of this chap-
30 ter, and except an adjudication in accordance with section eleven
31 hundred eleven-c of this chapter of a violation of a bus lane
32 restriction as defined in such section, and except an adjudication of
33 liability of an owner for a violation of subdivision (b), (c), (d), (f)
34 or (g) of section eleven hundred eighty of this chapter in accordance
35 with section eleven hundred eighty-b of this chapter, AND EXCEPT AN
36 ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION OF SUBDIVISION
37 (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED EIGHTY OF THIS CHAP-
38 TER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHTY-C OF THIS CHAPTER,
39 and except an adjudication of liability of an owner for a violation of
40 toll collection regulations pursuant to section two thousand nine
41 hundred eighty-five of the public authorities law or sections sixteen-a,
42 sixteen-b and sixteen-c of chapter seven hundred seventy-four of the
43 laws of nineteen hundred fifty, there shall be levied in addition to any
44 sentence, penalty or other surcharge required or permitted by law, an
45 additional surcharge of twenty-eight dollars.

46 S 4-b. Paragraph a of subdivision 1 of section 1809-e of the vehicle
47 and traffic law, as amended by section 12-c of chapter 189 of the laws
48 of 2013, is amended to read as follows:

49 a. Notwithstanding any other provision of law, whenever proceedings in
50 a court or an administrative tribunal of this state result in a
51 conviction for an offense under this chapter, except a conviction pursu-
52 ant to section eleven hundred ninety-two of this chapter, or for a traf-
53 fic infraction under this chapter, or a local law, ordinance, rule or
54 regulation adopted pursuant to this chapter, except a traffic infraction
55 involving standing, stopping, or parking or violations by pedestrians or
56 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 of liability of an owner for a violation
4 of subdivision (b), (c), (d), (f) or (g) of section eleven hundred
5 eighty of this chapter in accordance with section eleven hundred eight-
6 y-b of this chapter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER
7 FOR A VIOLATION OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION
8 ELEVEN HUNDRED EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN
9 HUNDRED EIGHTY-C OF THIS CHAPTER, and except an adjudication of liabil-
10 ity of an owner for a violation of toll collection regulations pursuant
11 to section two thousand nine hundred eighty-five of the public authori-
12 ties law or sections sixteen-a, sixteen-b and sixteen-c of chapter seven
13 hundred seventy-four of the laws of nineteen hundred fifty, there shall
14 be levied in addition to any sentence, penalty or other surcharge
15 required or permitted by law, an additional surcharge of twenty-eight
16 dollars.

17 S 4-c. Paragraph a of subdivision 1 of section 1809-e of the vehicle
18 and traffic law, as added by section 5 of part C of chapter 55 of the
19 laws of 2013, is amended to read as follows:

20 a. Notwithstanding any other provision of law, whenever proceedings in
21 a court or an administrative tribunal of this state result in a
22 conviction for an offense under this chapter, except a conviction pursu-
23 ant to section eleven hundred ninety-two of this chapter, or for a traf-
24 fic infraction under this chapter, or a local law, ordinance, rule or
25 regulation adopted pursuant to this chapter, except a traffic infraction
26 involving standing, stopping, or parking or violations by pedestrians or
27 bicyclists, and except an adjudication of liability of an owner for a
28 violation of subdivision (d) of section eleven hundred eleven of this
29 chapter in accordance with section eleven hundred eleven-a of this chap-
30 ter, AND EXCEPT AN ADJUDICATION OF LIABILITY OF AN OWNER FOR A VIOLATION
31 OF SUBDIVISION (B), (C), (D), (F) OR (G) OF SECTION ELEVEN HUNDRED
32 EIGHTY OF THIS CHAPTER IN ACCORDANCE WITH SECTION ELEVEN HUNDRED EIGHT-
33 Y-C OF THIS CHAPTER, and except an adjudication of liability of an owner
34 for a violation of toll collection regulations pursuant to section two
35 thousand nine hundred eighty-five of the public authorities law or
36 sections sixteen-a, sixteen-b and sixteen-c of chapter seven hundred
37 seventy-four of the laws of nineteen hundred fifty, there shall be
38 levied in addition to any sentence, penalty or other surcharge required
39 or permitted by law, an additional surcharge of twenty-eight dollars.

40 S 5. Subdivision 2 of section 87 of the public officers law is amended
41 by adding a new paragraph (n) to read as follows:

42 (N) ARE PHOTOGRAPHS, MICROPHOTOGRAPHS, VIDEOTAPE OR OTHER RECORDED
43 IMAGES PREPARED UNDER THE AUTHORITY OF SECTION ELEVEN HUNDRED EIGHTY-C
44 OF THE VEHICLE AND TRAFFIC LAW.

45 S 6. The purchase or lease of equipment for a demonstration program
46 pursuant to section 1180-c of the vehicle and traffic law shall be
47 subject to the provisions of section 103 of the general municipal law.

48 S 7. This act shall take effect on the thirtieth day after it shall
49 have become a law and shall expire 5 years after such effective date
50 when upon such date the provisions of this act shall be deemed repealed;
51 and provided further that any rules necessary for the implementation of
52 this act on its effective date shall be promulgated on or before such
53 effective date, provided that:

54 (a) the amendments to subparagraph (i) of paragraph a of subdivision
55 5-a of section 401 of the vehicle and traffic law made by section one of
56 this act shall not affect the expiration of such paragraph and shall be

1 deemed to expire therewith, when upon such date the provisions of
2 section one-a of this act shall take effect;

3 (b) the amendments to paragraph a of subdivision 5-a of section 401 of
4 the vehicle and traffic law made by section one-a of this act shall not
5 affect the expiration of such paragraph and shall be deemed to expire
6 therewith, when upon such date the provisions of section one-b of this
7 act shall take effect;

8 (c) the amendments to paragraph a of subdivision 5-a of section 401 of
9 the vehicle and traffic law made by section one-b of this act shall not
10 affect the expiration of such paragraph and shall be deemed to expire
11 therewith, when upon such date the provisions of section one-c of this
12 act shall take effect;

13 (d) the amendments to paragraph a of subdivision 5-a of section 401 of
14 the vehicle and traffic law made by section one-c of this act shall not
15 affect the expiration of such paragraph and shall be deemed to expire
16 therewith, when upon such date the provisions of section one-d of this
17 act shall take effect;

18 (e) the amendments to subdivision 1 of section 1809 of the vehicle and
19 traffic law made by section three of this act shall not affect the expi-
20 ration of such subdivision and shall be deemed to expire therewith, when
21 upon such date the provisions of section three-a of this act shall take
22 effect;

23 (f) the amendments to subdivision 1 of section 1809 of the vehicle and
24 traffic law made by section three-a of this act shall not affect the
25 expiration of such subdivision and shall be deemed to expire therewith,
26 when upon such date the provisions of section three-b of this act shall
27 take effect;

28 (g) the amendments to subdivision 1 of section 1809 of the vehicle and
29 traffic law made by section three-b of this act shall not affect the
30 expiration of such subdivision and shall be deemed to expire therewith,
31 when upon such date the provisions of section three-c of this act shall
32 take effect;

33 (h) the amendments to subdivision 1 of section 1809 of the vehicle and
34 traffic law made by section three-c of this act shall not affect the
35 expiration of such subdivision and shall be deemed to expire therewith,
36 when upon such date the provisions of section three-d of this act shall
37 take effect;

38 (i) the amendments to paragraph a of subdivision 1 of section 1809-e
39 of the vehicle and traffic law made by section four of this act shall
40 not affect the expiration of such paragraph and shall be deemed to
41 expire therewith, when upon such date the provisions of section four-a
42 of this act shall take effect;

43 (j) the amendments to paragraph a of subdivision 1 of section 1809-e
44 of the vehicle and traffic law made by section four-a of this act shall
45 not affect the expiration of such paragraph and shall be deemed to
46 expire therewith, when upon such date the provisions of section four-b
47 of this act shall take effect; and

48 (k) the amendments to paragraph a of subdivision 1 of section 1809-e
49 of the vehicle and traffic law made by section four-b of this act shall
50 not affect the expiration of such paragraph and shall be deemed to
51 expire therewith, when upon such date the provisions of section four-c
52 of this act shall take effect.

Section 1. The penal law is amended by adding a new section 220.26 to read as follows:

S 220.26 PRESUMPTION OF INTENT TO SELL.

FOR THE PURPOSES OF A PROSECUTION OF A CHARGE UNDER SUBDIVISION ONE OF SECTION 220.16 OF THIS ARTICLE, THE POSSESSION OF FIFTY OR MORE INDIVIDUAL PACKAGES CONTAINING THE CONTROLLED SUBSTANCE DEFINED UNDER SUBPARAGRAPH ELEVEN OF PARAGRAPH (C) OF SCHEDULE I OF SECTION THIRTY-THREE HUNDRED SIX OF THE PUBLIC HEALTH LAW AND/OR THE POSSESSION OF SUCH CONTROLLED SUBSTANCE IN AN AMOUNT HAVING AN AGGREGATE VALUE OF THREE HUNDRED DOLLARS OR MORE, IS PRESUMPTIVE EVIDENCE THAT SUCH PERSON POSSESSED SUCH CONTROLLED SUBSTANCE WITH INTENT TO SELL IT.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.

PART L

Section 1. This act shall be known and may be cited as "Brittany's Law - Domestic Violence Protection Act".

S 2. The penal law is amended by adding two new sections 195.03 and 195.04 to read as follows:

S 195.03 FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE WHEN, BEING A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER OR VERIFY PURSUANT TO ARTICLE SIX-B OF THE CORRECTION LAW, HE OR SHE FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN SUCH ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE IS A CLASS E FELONY.

S 195.04 FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE FIRST DEGREE.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE FIRST DEGREE WHEN HE OR SHE COMMITS THE CRIME OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE AND HAS PREVIOUSLY BEEN CONVICTED OF FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE SECOND DEGREE AS DEFINED IN SECTION 195.03 OF THIS ARTICLE.

FAILURE TO REGISTER OR VERIFY AS A VIOLENT FELONY OFFENDER IN THE FIRST DEGREE IS A CLASS D FELONY.

S 3. The correction law is amended by adding a new article 6-B to read as follows:

ARTICLE 6-B

VIOLENT FELONY OFFENDER REGISTRATION

SECTION 162. DEFINITIONS.

163. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.

164. VIOLENT FELONY OFFENDER; RELOCATION; NOTIFICATION.

165. DUTIES OF THE COURT.

166. DISCHARGE OF VIOLENT FELONY OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.

167. DUTY TO REGISTER.

167-A. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.

167-B. DURATION OF REGISTRATION.

167-C. REGISTRATION REQUIREMENTS.

167-D. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS.

167-E. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.

1 167-F. BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS.
2 167-G. REVIEW.
3 167-H. JUDICIAL DETERMINATION.
4 167-I. PETITION FOR RELIEF.
5 167-J. SPECIAL TELEPHONE NUMBER.
6 167-K. VIOLENT PREDATOR SUBDIRECTORY.
7 167-L. IMMUNITY FROM LIABILITY.
8 167-M. ANNUAL REPORT.
9 167-N. FAILURE TO REGISTER; PENALTY.
10 167-O. UNAUTHORIZED RELEASE OF INFORMATION.
11 167-P. SEVERABILITY.
12 167-Q. SUBDIRECTORY; INTERNET POSTING.

13 S 162. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS
14 APPLY:

15 1. "VIOLENT FELONY OFFENDER" INCLUDES ANY PERSON WHO IS CONVICTED OF A
16 VIOLENT FELONY OFFENSE AS DEFINED UNDER SECTION 70.02 OF THE PENAL LAW
17 OR A CLASS A FELONY OFFENSE DEFINED IN THE PENAL LAW OTHER THAN A CLASS
18 A FELONY OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL LAW.
19 CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR
20 RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR
21 THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE
22 PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE.

23 2. "VIOLENT FELONY OFFENSE" MEANS A CONVICTION FOR AN OFFENSE AS
24 DEFINED UNDER SECTION 70.02 OF THE PENAL LAW OR A CLASS A FELONY OFFENSE
25 DEFINED IN THE PENAL LAW OTHER THAN A CLASS A OFFENSE DEFINED IN ARTICLE
26 TWO HUNDRED TWENTY OF THE PENAL LAW.

27 3. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS THE CHIEF LAW
28 ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE VIOLENT
29 FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION,
30 PAROLE OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

31 4. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES ESTAB-
32 LISHED UNDER ARTICLE THIRTY-FIVE OF THE EXECUTIVE LAW.

33 5. "HOSPITAL" MEANS A HOSPITAL AS DEFINED IN SUBDIVISION TWO OF
34 SECTION FOUR HUNDRED OF THIS CHAPTER AND APPLIES TO PERSONS COMMITTED TO
35 SUCH HOSPITAL BY ORDER OF COMMITMENT MADE PURSUANT TO ARTICLE SIXTEEN OF
36 THIS CHAPTER.

37 6. "VIOLENT PREDATOR" MEANS A PERSON WHO HAS BEEN CONVICTED OF A
38 VIOLENT FELONY OFFENSE AS DEFINED IN THIS ARTICLE, OR A VIOLENT FELONY
39 OFFENDER AS DEFINED IN THIS ARTICLE WHO SUFFERS FROM A MENTAL ABNOR-
40 MALITY THAT MAKES SUCH PERSON LIKELY TO ENGAGE IN VIOLENT CONDUCT.

41 7. "MENTAL ABNORMALITY" MEANS A CONGENITAL OR ACQUIRED CONDITION OF A
42 PERSON THAT AFFECTS THE EMOTIONAL OR VOLITIONAL CAPACITY OF THE PERSON
43 IN A MANNER THAT PREDISPOSES THAT PERSON TO THE COMMISSION OF CRIMINAL
44 VIOLENT ACTS TO A DEGREE THAT MAKES THE PERSON A MENACE TO THE HEALTH
45 AND SAFETY OF OTHER PERSONS.

46 8. "BOARD" MEANS THE BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS
47 ESTABLISHED PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTI-
48 CLE.

49 9. "LOCAL CORRECTIONAL FACILITY" MEANS A LOCAL CORRECTIONAL FACILITY
50 AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS
51 CHAPTER.

52 S 163. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE DIVI-
53 SION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO
54 REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE
55 THE FOLLOWING INFORMATION OF EACH REGISTRANT:

1 (A) THE VIOLENT FELONY OFFENDER'S NAME, ALL ALIASES USED, DATE OF
2 BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER,
3 HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE.

4 (B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

5 (C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE VIOLENT FELONY OFFENDER
6 WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

7 (D) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

8 2. THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO ANY
9 REGIONAL OR NATIONAL REGISTRY OF VIOLENT FELONY OFFENDERS FOR THE
10 PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY
11 REGIONAL OR NATIONAL REGISTRY OF VIOLENT FELONY OFFENDERS AND SHALL MAKE
12 SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS
13 ARTICLE. THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE
14 REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE
15 PROVISIONS OF THIS ARTICLE.

16 3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE
17 MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND
18 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

19 4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE
20 LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIRE-
21 MENTS.

22 5. THE DIVISION SHALL ALSO ESTABLISH AND OPERATE A TELEPHONE NUMBER AS
23 PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-SEVEN-J OF THIS ARTICLE.

24 6. THE DIVISION SHALL ALSO ESTABLISH A VIOLENT PREDATOR SUBDIRECTORY
25 PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-K OF THIS ARTICLE.

26 7. THE DIVISION SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO
27 ADVISE THE PUBLIC OF THE PROVISIONS OF THIS ARTICLE.

28 S 164. VIOLENT FELONY OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE
29 CASE OF ANY VIOLENT FELONY OFFENDER, IT SHALL BE THE DUTY OF THE DEPART-
30 MENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS
31 PRIOR TO THE RELEASE OR DISCHARGE OF ANY VIOLENT FELONY OFFENDER FROM A
32 CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL FACILITY TO NOTIFY
33 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE APPROPRIATE, AND
34 LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER
35 CONVICTION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH VIOLENT
36 FELONY OFFENDER, INFORMING SUCH LAW ENFORCEMENT AGENCIES OF THE NAME AND
37 ALIASES OF THE VIOLENT FELONY OFFENDER, THE ADDRESS AT WHICH HE OR SHE
38 PROPOSES TO RESIDE, THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME
39 OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF
40 ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE
41 OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME
42 TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTO-
43 GRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH VIOLENT FELO-
44 NY OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH
45 NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE VIOLENT
46 FELONY OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE LAW
47 ENFORCEMENT AGENCY IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

48 2. IN THE CASE OF ANY VIOLENT FELONY OFFENDER CONVICTED AND SENTENCED
49 TO PROBATION, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, IT SHALL
50 BE THE DUTY OF THE COURT WITHIN TWENTY-FOUR HOURS AFTER SUCH SENTENCE TO
51 NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHERE APPROPRI-
52 ATE, AND OF THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE
53 TIME OF HIS OR HER CONVICTION, IF DIFFERENT FROM WHERE HE OR SHE
54 CURRENTLY RESIDES, AND/OR WHERE HE OR SHE CURRENTLY RESIDES, OF THE
55 SENTENCE OF PROBATION, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE,
56 INFORMING SUCH LAW ENFORCEMENT AGENCIES OF THE NAME AND ALIASES OF THE

1 PERSON, THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE, RESIDED AT
2 AND/OR AT WHICH HE OR SHE CURRENTLY RESIDES, THE AMOUNT OF TIME TO BE
3 SERVED ON PROBATION, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS
4 SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY
5 OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIM-
6 INAL RECORD. IF SUCH PERSON CHANGES HIS OR HER PLACE OF RESIDENCE WHILE
7 ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT
8 BY THE VIOLENT FELONY OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT
9 HOURS TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN WHICH THE NEW
10 PLACE OF RESIDENCE IS LOCATED.

11 3. IN THE CASE OF ANY VIOLENT FELONY OFFENDER, WHO ON THE EFFECTIVE
12 DATE OF THIS SUBDIVISION IS ON PAROLE OR PROBATION, IT SHALL BE THE DUTY
13 OF SUCH VIOLENT FELONY OFFENDER'S PAROLE OR PROBATION OFFICER WITHIN
14 FORTY-FIVE CALENDAR DAYS OF THE EFFECTIVE DATE OF THIS SUBDIVISION TO
15 NOTIFY THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION IN WHICH SUCH
16 PERSON RESIDED AT THE TIME OF HIS OR HER CONVICTION, IF DIFFERENT FROM
17 WHERE HE OR SHE CURRENTLY RESIDES AND/OR WHERE HE OR SHE CURRENTLY
18 RESIDES, OF THE NAME AND ALIASES OF SUCH VIOLENT FELONY OFFENDER, THE
19 ADDRESS AT WHICH HE OR SHE RESIDED AND/OR AT WHICH HE OR SHE CURRENTLY
20 RESIDES, THE AMOUNT OF TIME TO BE SERVED ON PAROLE OR PROBATION, THE
21 NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT
22 THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND
23 PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH VIOLENT
24 FELONY OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE OR
25 PROBATION, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY
26 THE VIOLENT FELONY OFFENDER'S PAROLE OR PROBATION OFFICER WITHIN FORTY-
27 EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN WHICH
28 THE NEW PLACE OF RESIDENCE IS LOCATED.

29 4. IN THE CASE IN WHICH ANY VIOLENT FELONY OFFENDER ESCAPES FROM A
30 STATE OR LOCAL CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFI-
31 CIAL OF THE FACILITY OR HOSPITAL WHERE THE PERSON WAS CONFINED SHALL
32 NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD
33 JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW
34 ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE PERSON, AND THE
35 ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION,
36 THE AMOUNT OF TIME REMAINING TO BE SERVED IF ANY, ON THE FULL TERM FOR
37 WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE
38 OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH
39 VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF
40 HIS OR HER CRIMINAL RECORD.

41 S 165. DUTIES OF THE COURT. 1. UPON CONVICTION THE COURT SHALL CERTIFY
42 THAT THE PERSON IS A VIOLENT FELONY OFFENDER AND SHALL INCLUDE THE
43 CERTIFICATION IN THE ORDER OF COMMITMENT. THE COURT SHALL ALSO ADVISE
44 THE VIOLENT FELONY OFFENDER OF THE DUTIES OF THIS ARTICLE.

45 2. ANY VIOLENT FELONY OFFENDER, WHO IS RELEASED ON PROBATION OR
46 DISCHARGED UPON PAYMENT OF A FINE SHALL, PRIOR TO SUCH RELEASE OR
47 DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE
48 BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. WHERE THE COURT ORDERS A
49 VIOLENT FELONY OFFENDER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A
50 PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS
51 ARTICLE. WHERE SUCH VIOLENT FELONY OFFENDER VIOLATES SUCH PROVISION,
52 PROBATION MAY BE IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE
53 FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW. THE COURT SHALL REQUIRE
54 THE VIOLENT FELONY OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE
55 REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE
56 FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER. THE COURT SHALL ON

1 SUCH FORM OBTAIN THE ADDRESS WHERE THE VIOLENT FELONY OFFENDER EXPECTS
2 TO RESIDE UPON HIS OR HER RELEASE, AND SHALL REPORT THE ADDRESS TO THE
3 DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY
4 OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL
5 FORWARD ONE COPY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE
6 THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE.
7 WITHIN TEN CALENDAR DAYS OF BEING RELEASED ON PROBATION OR DISCHARGED
8 UPON PAYMENT OF A FINE, SUCH VIOLENT FELONY OFFENDER SHALL REGISTER WITH
9 THE DIVISION FOR PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S
10 INTENDED PLACE OF RESIDENCE. ON EACH ANNIVERSARY OF THE VIOLENT FELONY
11 OFFENDER'S ORIGINAL REGISTRATION DATE, THE PROVISIONS OF SECTION ONE
12 HUNDRED SIXTY-SEVEN OF THIS ARTICLE SHALL APPLY. THE DIVISION SHALL
13 ALSO IMMEDIATELY FORWARD THE CONVICTION DATA AND FINGERPRINTS TO THE
14 FEDERAL BUREAU OF INVESTIGATION IF NOT ALREADY OBTAINED.

15 3. FOR VIOLENT FELONY OFFENDERS UNDER THIS SECTION, IT SHALL BE THE
16 DUTY OF THE COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION
17 FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE
18 THE DURATION OF REGISTRATION PURSUANT TO SECTION ONE HUNDRED SIXTY-SEV-
19 EN-B OF THIS ARTICLE AND NOTIFICATION PURSUANT TO SUBDIVISION SIX OF
20 SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. IN MAKING THE DETER-
21 MINATION, THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY MATERI-
22 ALS SUBMITTED BY THE VIOLENT FELONY OFFENDER. THE COURT SHALL ALSO ALLOW
23 THE VIOLENT FELONY OFFENDER TO APPEAR AND BE HEARD, AND INFORM THE
24 VIOLENT FELONY OFFENDER OF HIS OR HER RIGHT TO HAVE COUNSEL APPOINTED,
25 IF NECESSARY.

26 S 166. DISCHARGE OF VIOLENT FELONY OFFENDER FROM CORRECTIONAL FACILI-
27 TY; DUTIES OF OFFICIAL IN CHARGE. 1. ANY VIOLENT FELONY OFFENDER, TO BE
28 DISCHARGED, PAROLED OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL
29 FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR
30 COMMITTED, SHALL WITHIN FORTY-FIVE CALENDAR DAYS PRIOR TO DISCHARGE,
31 PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS
32 ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED OR COMMITTED.
33 THE FACILITY SHALL REQUIRE THE VIOLENT FELONY OFFENDER TO READ AND SIGN
34 SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGIS-
35 TER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER.
36 THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE VIOLENT
37 FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR
38 RELEASE AND SHALL REPORT THE ADDRESS TO THE DIVISION. THE FACILITY SHALL
39 GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL SEND
40 TWO COPIES TO THE DIVISION WHICH SHALL FORWARD ONE COPY TO THE LAW
41 ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER
42 EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE. IN ADDI-
43 TION, THE FACILITY SHALL GIVE THE VIOLENT FELONY OFFENDER A FORM TO
44 REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS FOR PURPOSES OF
45 VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF RESIDENCE.

46 2. THE DIVISION SHALL ALSO IMMEDIATELY TRANSMIT THE CONVICTION DATA
47 AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION, IF NOT ALREADY
48 OBTAINED.

49 S 167. DUTY TO REGISTER. 1. ANY VIOLENT FELONY OFFENDER, WHO IS
50 DISCHARGED, PAROLED OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL
51 FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR
52 COMMITTED, SHALL REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS FOR
53 PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF
54 RESIDENCE.

55 2. FOR A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTI-
56 CLE ON EACH ANNIVERSARY OF THE VIOLENT FELONY OFFENDER'S INITIAL REGIS-

1 TRATION DATE DURING THE PERIOD ON WHICH HE OR SHE IS REQUIRED TO REGIS-
2 TER UNDER THIS SECTION THE FOLLOWING APPLIES:

3 (A) THE VIOLENT FELONY OFFENDER SHALL MAIL THE VERIFICATION FORM TO
4 THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM.

5 (B) THE VERIFICATION FORM SHALL BE SIGNED BY THE VIOLENT FELONY OFFEN-
6 DER, AND STATE THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST REPORTED
7 TO THE DIVISION.

8 (C) IF THE VIOLENT FELONY OFFENDER FAILS TO MAIL THE VERIFICATION FORM
9 TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM, HE
10 OR SHE SHALL BE IN VIOLATION OF THIS SECTION.

11 3. THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION SHALL BE APPLIED
12 TO A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE
13 EXCEPT THAT SUCH VIOLENT FELONY OFFENDER DESIGNATED AS A VIOLENT PREDA-
14 TOR MUST PERSONALLY VERIFY WITH THE LOCAL LAW ENFORCEMENT AGENCY, THE
15 REGISTRATION EVERY NINETY CALENDAR DAYS AFTER THE DATE OF THE INITIAL
16 RELEASE OR COMMENCEMENT OF PAROLE.

17 4. ANY VIOLENT FELONY OFFENDER SHALL REGISTER WITH THE DIVISION WITHIN
18 TEN CALENDAR DAYS PRIOR TO ANY CHANGE OF ADDRESS. THE DIVISION SHALL, IF
19 THE VIOLENT FELONY OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY
20 THE APPROPRIATE STATE LAW ENFORCEMENT AGENCY WITH WHICH THE VIOLENT
21 FELONY OFFENDER MUST REGISTER IN THE NEW STATE. IF ANY PERSON REQUIRED
22 TO REGISTER AS PROVIDED IN THIS ARTICLE CHANGES THE ADDRESS OF HIS OR
23 HER RESIDENCE, THE VIOLENT FELONY OFFENDER SHALL WITHIN TEN CALENDAR
24 DAYS, INFORM IN WRITING THE LAW ENFORCEMENT AGENCY WHERE LAST REGISTERED
25 OF THE NEW ADDRESS. THE LAW ENFORCEMENT AGENCY SHALL, WITHIN THREE
26 CALENDAR DAYS OF RECEIPT OF THE NEW ADDRESS, FORWARD THIS INFORMATION TO
27 THE DIVISION AND TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN
28 THE NEW PLACE OF RESIDENCE.

29 5. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT
30 BE APPLICABLE TO ANY VIOLENT FELONY OFFENDER WHOSE CONVICTION WAS
31 REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

32 S 167-A. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. IT SHALL
33 BE THE DUTY OF THE SENTENCING COURT APPLYING THE GUIDELINES ESTABLISHED
34 IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE
35 TO DETERMINE THE DURATION OF REGISTRATION PURSUANT TO SECTION ONE
36 HUNDRED SIXTY-SEVEN-B OF THIS ARTICLE AND NOTIFICATION PURSUANT TO
37 SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND
38 NOTIFICATION FOR EVERY VIOLENT FELONY OFFENDER WHO ON THE EFFECTIVE DATE
39 OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR COMMITTING A VIOLENT
40 FELONY OFFENSE OR A CLASS A OFFENSE DEFINED IN THE PENAL LAW EXCEPT FOR
41 A CLASS A OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THE PENAL
42 LAW.

43 2. EVERY VIOLENT FELONY OFFENDER WHO ON THE EFFECTIVE DATE OF THIS
44 ARTICLE IS THEN ON PAROLE OR PROBATION FOR A VIOLENT FELONY OFFENSE
45 SHALL WITHIN TEN CALENDAR DAYS OF SUCH DETERMINATION REGISTER WITH HIS
46 OR HER PAROLE OR PROBATION OFFICER. ON EACH ANNIVERSARY OF THE VIOLENT
47 FELONY OFFENDER'S INITIAL REGISTRATION DATE THEREAFTER, THE PROVISIONS
48 OF SECTION ONE HUNDRED SIXTY-SEVEN OF THIS ARTICLE SHALL APPLY. ANY
49 VIOLENT FELONY OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE
50 SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE
51 WHICH WOULD BE IMPOSED UPON A VIOLENT FELONY OFFENDER WHO FAILS OR
52 REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER
53 SUCH EFFECTIVE DATE.

54 3. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM
55 AND REGISTER SUCH VIOLENT FELONY OFFENDER ACCORDING TO THE REQUIREMENTS
56 IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE

1 COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL, WITHIN THREE
2 CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVI-
3 SION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW
4 ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER
5 RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR
6 LOCAL CONDITIONAL RELEASE.

7 4. A PETITION FOR RELIEF FROM THIS SECTION IS PERMITTED TO ANY VIOLENT
8 FELONY OFFENDER REQUIRED TO REGISTER WHILE RELEASED ON PAROLE OR
9 PROBATION PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-I OF THIS ARTICLE.

10 S 167-B. DURATION OF REGISTRATION. THE DURATION OF REGISTRATION FOR A
11 VIOLENT FELONY OFFENDER SHALL BE ANNUALLY FOR A PERIOD OF TEN YEARS FROM
12 THE INITIAL DATE OF REGISTRATION, PROVIDED, HOWEVER, THAT FOR A VIOLENT
13 PREDATOR, SHALL ANNUALLY REGISTER AND VERIFY QUARTERLY FOR A MINIMUM OF
14 TEN YEARS UNLESS THE COURT DETERMINES IN ACCORDANCE WITH SECTION ONE
15 HUNDRED SIXTY-SEVEN-I OF THIS ARTICLE, THAT THE PERSON NO LONGER SUFFERS
16 FROM A MENTAL ABNORMALITY THAT WOULD MAKE HIM OR HER LIKELY TO ENGAGE IN
17 A PREDATORY VIOLENT OFFENSE.

18 S 167-C. REGISTRATION REQUIREMENTS. REGISTRATION AS REQUIRED BY THIS
19 ARTICLE SHALL CONSIST OF A STATEMENT IN WRITING SIGNED BY THE VIOLENT
20 FELONY OFFENDER GIVING THE INFORMATION THAT IS REQUIRED BY THE DIVISION
21 AND THE DIVISION SHALL ENTER THE INFORMATION INTO AN APPROPRIATE ELEC-
22 TRONIC DATABASE OR FILE.

23 S 167-D. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF
24 ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A VIOLENT FELONY
25 OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE LOCAL LAW ENFORCE-
26 MENT AGENCY WHERE THE VIOLENT FELONY OFFENDER LAST REGISTERED SHALL
27 WITHIN THREE CALENDAR DAYS OF RECEIPT OF THE NEW ADDRESS, FORWARD THIS
28 INFORMATION TO THE DIVISION AND TO THE LOCAL LAW ENFORCEMENT AGENCY
29 HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE.

30 2. A CHANGE OF ADDRESS BY A VIOLENT FELONY OFFENDER REQUIRED TO REGIS-
31 TER UNDER THIS ARTICLE SHALL BE IMMEDIATELY REPORTED BY THE DIVISION TO
32 THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE
33 VIOLENT FELONY OFFENDER IS RESIDING.

34 3. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LOCAL LAW
35 ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE
36 SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN SUBDIVISION SIX
37 OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE.

38 S 167-E. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A
39 VIOLENT FELONY OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH
40 REQUIRES REGISTRATION UNDER SECTION ONE HUNDRED SIXTY-SEVEN-C OF THIS
41 ARTICLE SHALL REGISTER THE NEW ADDRESS WITH THE DIVISION NO LATER THAN
42 TEN CALENDAR DAYS AFTER SUCH VIOLENT FELONY OFFENDER ESTABLISHES RESI-
43 DENCE IN THIS STATE. THE DIVISION SHALL COORDINATE WITH THE DESIGNATED
44 LAW ENFORCEMENT AGENCY OF THE STATE OF WHICH THE INDIVIDUAL DEPARTED ON
45 INFORMATION RELEVANT TO THE DURATION OF REGISTRATION.

46 2. THE DIVISION SHALL ADVISE THE BOARD THAT THE OFFENDER HAS ESTAB-
47 LISHED RESIDENCE IN THIS STATE. THE BOARD SHALL DETERMINE WHETHER THE
48 OFFENDER IS REQUIRED TO REGISTER WITH THE DIVISION. IF IT IS DETERMINED
49 THAT THE OFFENDER IS REQUIRED TO REGISTER, THE DIVISION SHALL NOTIFY THE
50 OFFENDER OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE AND SHALL
51 REQUIRE THE OFFENDER TO SIGN A FORM AS MAY BE REQUIRED BY THE DIVISION
52 ACKNOWLEDGING THAT THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRA-
53 TION HAS BEEN EXPLAINED TO THE OFFENDER. THE DIVISION SHALL OBTAIN ON
54 SUCH FORM THE ADDRESS WHERE THE OFFENDER EXPECTS TO RESIDE WITHIN THE
55 STATE AND THE OFFENDER SHALL RETAIN ONE COPY OF THE FORM AND SEND TWO
56 COPIES TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW

1 ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE OFFENDER EXPECTS TO
2 RESIDE WITHIN THIS STATE. NO LATER THAN THIRTY DAYS PRIOR TO THE BOARD
3 MAKING A RECOMMENDATION, THE OFFENDER SHALL BE NOTIFIED THAT HIS OR HER
4 CASE IS UNDER REVIEW AND THAT HE OR SHE IS PERMITTED TO SUBMIT TO THE
5 BOARD ANY INFORMATION RELEVANT TO THE REVIEW. AFTER REVIEWING ANY INFOR-
6 MATION OBTAINED, AND APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION
7 FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE, THE BOARD
8 SHALL WITHIN SIXTY CALENDAR DAYS MAKE A RECOMMENDATION REGARDING THE
9 LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED
10 SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIG-
11 NATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. THIS RECOMMENDA-
12 TION SHALL BE CONFIDENTIAL AND SHALL NOT BE AVAILABLE FOR PUBLIC
13 INSPECTION. IT SHALL BE SUBMITTED BY THE BOARD TO THE COUNTY COURT OR
14 SUPREME COURT AND TO THE DISTRICT ATTORNEY IN THE COUNTY OF RESIDENCE OF
15 THE OFFENDER AND TO THE OFFENDER. IT SHALL BE THE DUTY OF THE COUNTY
16 COURT OR SUPREME COURT IN THE COUNTY OF RESIDENCE OF THE OFFENDER,
17 APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE
18 HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE, TO DETERMINE THE LEVEL OF NOTIFI-
19 CATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F
20 OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT
21 FELONY OFFENDER OR A VIOLENT PREDATOR. AT LEAST THIRTY DAYS PRIOR TO
22 THE DETERMINATION PROCEEDING, SUCH COURT SHALL NOTIFY THE DISTRICT
23 ATTORNEY AND THE OFFENDER, IN WRITING, OF THE DATE OF THE DETERMINATION
24 PROCEEDING AND THE COURT SHALL ALSO PROVIDE THE DISTRICT ATTORNEY AND
25 OFFENDER WITH A COPY OF THE RECOMMENDATION RECEIVED FROM THE BOARD AND
26 ANY STATEMENT OF THE REASONS FOR THE RECOMMENDATION RECEIVED FROM THE
27 BOARD. THIS NOTICE SHALL INCLUDE THE FOLLOWING STATEMENT OR A SUBSTAN-
28 Tially SIMILAR STATEMENT: "THIS PROCEEDING IS BEING HELD TO DETERMINE
29 WHETHER YOU WILL BE CLASSIFIED AS A LEVEL 3 OFFENDER (RISK OF REPEAT
30 OFFENSE IS HIGH), A LEVEL 2 OFFENDER (RISK OF REPEAT OFFENSE IS MODER-
31 ATE), OR A LEVEL 1 OFFENDER (RISK OF REPEAT OFFENSE IS LOW), OR WHETHER
32 YOU WILL BE DESIGNATED AS A VIOLENT FELONY OFFENDER OR A VIOLENT PREDA-
33 TOR, WHICH WILL DETERMINE HOW LONG YOU MUST REGISTER AS AN OFFENDER AND
34 HOW MUCH INFORMATION CAN BE PROVIDED TO THE PUBLIC CONCERNING YOUR
35 REGISTRATION. IF YOU FAIL TO APPEAR AT THIS PROCEEDING, WITHOUT SUFFI-
36 CIENT EXCUSE, IT SHALL BE HELD IN YOUR ABSENCE. FAILURE TO APPEAR MAY
37 RESULT IN A LONGER PERIOD OF REGISTRATION OR A HIGHER LEVEL OF COMMUNITY
38 NOTIFICATION BECAUSE YOU ARE NOT PRESENT TO OFFER EVIDENCE OR CONTEST
39 EVIDENCE OFFERED BY THE DISTRICT ATTORNEY." THE COURT SHALL ALSO ADVISE
40 THE OFFENDER THAT HE OR SHE HAS A RIGHT TO A HEARING PRIOR TO THE
41 COURT'S DETERMINATION, THAT HE OR SHE HAS THE RIGHT TO BE REPRESENTED BY
42 COUNSEL AT THE HEARING AND THAT COUNSEL WILL BE APPOINTED IF HE OR SHE
43 IS FINANCIALLY UNABLE TO RETAIN COUNSEL. A RETURNABLE FORM SHALL BE
44 ENCLOSED IN THE COURT'S NOTICE TO THE OFFENDER ON WHICH THE OFFENDER MAY
45 APPLY FOR ASSIGNMENT OF COUNSEL. IF THE OFFENDER APPLIES FOR ASSIGNMENT
46 OF COUNSEL AND THE COURT FINDS THAT THE OFFENDER IS FINANCIALLY UNABLE
47 TO RETAIN COUNSEL, THE COURT SHALL ASSIGN COUNSEL TO REPRESENT THE
48 OFFENDER PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. IF THE
49 DISTRICT ATTORNEY SEEKS A DETERMINATION THAT DIFFERS FROM THE RECOMMEN-
50 DATION SUBMITTED BY THE BOARD, AT LEAST TEN DAYS PRIOR TO THE DETERMI-
51 NATION PROCEEDING THE DISTRICT ATTORNEY SHALL PROVIDE TO THE COURT AND
52 THE OFFENDER A STATEMENT SETTING FORTH THE DETERMINATIONS SOUGHT BY THE
53 DISTRICT ATTORNEY TOGETHER WITH THE REASONS FOR SEEKING SUCH DETERMI-
54 NATIONS. THE COURT SHALL ALLOW THE OFFENDER TO APPEAR AND BE HEARD. THE
55 STATE SHALL APPEAR BY THE DISTRICT ATTORNEY, OR HIS OR HER DESIGNEE, WHO
56 SHALL BEAR THE BURDEN OF PROVING THE FACTS SUPPORTING THE DETERMINATIONS

1 SOUGHT BY CLEAR AND CONVINCING EVIDENCE. IT SHALL BE THE DUTY OF THE
2 COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION
3 ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE THE LEVEL OF
4 NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED
5 SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIG-
6 NATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. WHERE THERE IS A
7 DISPUTE BETWEEN THE PARTIES CONCERNING THE DETERMINATIONS, THE COURT
8 SHALL ADJOURN THE HEARING AS NECESSARY TO PERMIT THE OFFENDER OR THE
9 DISTRICT ATTORNEY TO OBTAIN MATERIALS RELEVANT TO THE DETERMINATIONS
10 FROM THE STATE BOARD OF EXAMINERS OF OFFENDERS OR ANY STATE OR LOCAL
11 FACILITY, HOSPITAL, INSTITUTION, OFFICE, AGENCY, DEPARTMENT OR DIVISION.
12 SUCH MATERIALS MAY BE OBTAINED BY SUBPOENA IF NOT VOLUNTARILY PROVIDED
13 TO THE REQUESTING PARTY. IN MAKING THE DETERMINATIONS THE COURT SHALL
14 REVIEW ANY VICTIM'S STATEMENT AND ANY RELEVANT MATERIALS AND EVIDENCE
15 SUBMITTED BY THE OFFENDER AND THE DISTRICT ATTORNEY AND THE RECOMMENDA-
16 TION AND ANY MATERIAL SUBMITTED BY THE BOARD, AND MAY CONSIDER RELIABLE
17 HEARSAY EVIDENCE SUBMITTED BY EITHER PARTY, PROVIDED THAT IT IS RELEVANT
18 TO THE DETERMINATIONS. IF AVAILABLE, FACTS PROVEN AT TRIAL OR ELICITED
19 AT THE TIME OF A PLEA OF GUILTY SHALL BE DEEMED ESTABLISHED BY CLEAR AND
20 CONVINCING EVIDENCE AND SHALL NOT BE RELITIGATED. THE COURT SHALL RENDER
21 AN ORDER SETTING FORTH ITS DETERMINATIONS AND THE FINDINGS OF FACT AND
22 CONCLUSIONS OF LAW ON WHICH THE DETERMINATIONS ARE BASED. A COPY OF THE
23 ORDER SHALL BE SUBMITTED BY THE COURT TO THE DIVISION. UPON APPLICATION
24 OF EITHER PARTY, THE COURT SHALL SEAL ANY PORTION OF THE COURT FILE OR
25 RECORD WHICH CONTAINS MATERIAL THAT IS CONFIDENTIAL UNDER ANY STATE OR
26 FEDERAL STATUTE. EITHER PARTY MAY APPEAL AS OF RIGHT FROM THE ORDER
27 PURSUANT TO THE PROVISIONS OF ARTICLES FIFTY-FIVE, FIFTY-SIX AND FIFTY-
28 SEVEN OF THE CIVIL PRACTICE LAW AND RULES. WHERE COUNSEL HAS BEEN
29 ASSIGNED TO REPRESENT THE OFFENDER UPON THE GROUND THAT THE OFFENDER IS
30 FINANCIALLY UNABLE TO RETAIN COUNSEL, THAT ASSIGNMENT SHALL BE CONTINUED
31 THROUGHOUT THE PENDENCY OF THE APPEAL, AND THE PERSON MAY APPEAL AS A
32 POOR PERSON PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

33 3. IF AN OFFENDER, HAVING BEEN GIVEN NOTICE, INCLUDING THE TIME AND
34 PLACE OF THE DETERMINATION PROCEEDING IN ACCORDANCE WITH THIS SECTION,
35 FAILS TO APPEAR AT THIS PROCEEDING, WITHOUT SUFFICIENT EXCUSE, THE COURT
36 SHALL CONDUCT THE HEARING AND MAKE THE DETERMINATIONS IN THE MANNER SET
37 FORTH IN SUBDIVISION TWO OF THIS SECTION.

38 S 167-F. BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS. 1. THERE
39 SHALL BE A BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS WHICH SHALL
40 POSSESS THE POWERS AND DUTIES SPECIFIED IN THIS SECTION. SUCH BOARD
41 SHALL CONSIST OF FIVE MEMBERS OF THE DEPARTMENT WHO SHALL BE APPOINTED
42 BY THE GOVERNOR, THREE OF WHOM SHALL BE EXPERTS IN THE FIELD OF THE
43 BEHAVIOR AND TREATMENT OF VIOLENT FELONY OFFENDERS. THE TERM OF OFFICE
44 OF EACH MEMBER OF SUCH BOARD SHALL BE FOR SIX YEARS; PROVIDED, HOWEVER,
45 THAT ANY MEMBER CHOSEN TO FILL A VACANCY OCCURRING OTHERWISE THAN BY
46 EXPIRATION OF TERM SHALL BE APPOINTED FOR THE REMAINDER OF THE UNEXPIRED
47 TERM OF THE MEMBER WHOM HE OR SHE IS TO SUCCEED. IN THE EVENT OF THE
48 INABILITY TO ACT OF ANY MEMBER, THE GOVERNOR MAY APPOINT SOME COMPETENT
49 INFORMED PERSON TO ACT IN HIS OR HER STEAD DURING THE CONTINUANCE OF
50 SUCH DISABILITY.

51 2. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS OF THE BOARD AS
52 CHAIRMAN TO SERVE IN SUCH CAPACITY AT THE PLEASURE OF THE GOVERNOR OR
53 UNTIL THE MEMBER'S TERM OF OFFICE EXPIRES AND A SUCCESSOR IS DESIGNATED
54 IN ACCORDANCE WITH LAW, WHICHEVER FIRST OCCURS.

55 3. ANY MEMBER OF THE BOARD MAY BE REMOVED BY THE GOVERNOR FOR CAUSE
56 AFTER AN OPPORTUNITY TO BE HEARD.

1 4. EXCEPT AS OTHERWISE PROVIDED BY LAW, A MAJORITY OF THE BOARD SHALL
2 CONSTITUTE A QUORUM FOR THE TRANSACTION OF ALL BUSINESS OF THE BOARD.

3 5. THE BOARD SHALL DEVELOP GUIDELINES AND PROCEDURES TO ASSESS THE
4 RISK OF A REPEAT OFFENSE BY SUCH VIOLENT FELONY OFFENDER AND THE THREAT
5 POSED TO THE PUBLIC SAFETY. SUCH GUIDELINES SHALL BE BASED UPON, BUT NOT
6 LIMITED TO, THE FOLLOWING:

7 (A) CRIMINAL HISTORY FACTORS INDICATIVE OF HIGH RISK OF REPEAT
8 OFFENSE, INCLUDING: (I) WHETHER THE VIOLENT FELONY OFFENDER HAS A MENTAL
9 ABNORMALITY;

10 (II) WHETHER THE VIOLENT FELONY OFFENDER'S CONDUCT WAS FOUND TO BE
11 CHARACTERIZED BY REPETITIVE AND COMPULSIVE BEHAVIOR, ASSOCIATED WITH
12 DRUGS OR ALCOHOL;

13 (III) WHETHER THE VIOLENT FELONY OFFENDER SERVED THE MAXIMUM TERM;

14 (IV) WHETHER THE VIOLENT FELONY OFFENDER COMMITTED THE VIOLENT FELONY
15 OFFENSE AGAINST A CHILD;

16 (V) THE AGE OF THE VIOLENT FELONY OFFENDER AT THE TIME OF THE COMMIS-
17 SION OF THE FIRST VIOLENT OFFENSE;

18 (B) OTHER CRIMINAL HISTORY FACTORS TO BE CONSIDERED IN DETERMINING
19 RISK, INCLUDING:

20 (I) THE RELATIONSHIP BETWEEN SUCH VIOLENT FELONY OFFENDER AND THE
21 VICTIM;

22 (II) WHETHER THE OFFENSE INVOLVED THE USE OF A WEAPON, VIOLENCE OR
23 INFLECTION OF SERIOUS BODILY INJURY;

24 (III) THE NUMBER, DATE AND NATURE OF PRIOR OFFENSES;

25 (C) CONDITIONS OF RELEASE THAT MINIMIZE RISK OF RE-OFFENSE, INCLUDING
26 BUT NOT LIMITED TO WHETHER THE VIOLENT FELONY OFFENDER IS UNDER SUPER-
27 VISION; RECEIVING COUNSELING, THERAPY OR TREATMENT; OR RESIDING IN A
28 HOME SITUATION THAT PROVIDES GUIDANCE AND SUPERVISION;

29 (D) PHYSICAL CONDITIONS THAT MINIMIZE RISK OF RE-OFFENSE, INCLUDING
30 BUT NOT LIMITED TO ADVANCED AGE OR DEBILITATING ILLNESS;

31 (E) WHETHER PSYCHOLOGICAL OR PSYCHIATRIC PROFILES INDICATE A RISK OF
32 RECIDIVISM;

33 (F) THE VIOLENT FELONY OFFENDER'S RESPONSE TO TREATMENT;

34 (G) RECENT BEHAVIOR, INCLUDING BEHAVIOR WHILE CONFINED;

35 (H) RECENT THREATS OR GESTURES AGAINST PERSONS OR EXPRESSIONS OF
36 INTENT TO COMMIT ADDITIONAL OFFENSES; AND

37 (I) REVIEW OF ANY VICTIM IMPACT STATEMENT.

38 6. APPLYING THESE GUIDELINES, THE BOARD SHALL WITHIN SIXTY CALENDAR
39 DAYS PRIOR TO THE DISCHARGE, PAROLE OR RELEASE OF A VIOLENT FELONY
40 OFFENDER MAKE A RECOMMENDATION WHICH SHALL BE CONFIDENTIAL AND SHALL NOT
41 BE AVAILABLE FOR PUBLIC INSPECTION, TO THE SENTENCING COURT AS TO WHETH-
42 ER SUCH VIOLENT FELONY OFFENDER WARRANTS THE DESIGNATION OF VIOLENT
43 PREDATOR. IN ADDITION, THE GUIDELINES SHALL BE APPLIED BY THE BOARD TO
44 MAKE A RECOMMENDATION TO THE SENTENCING COURT, PROVIDING FOR ONE OF THE
45 FOLLOWING THREE LEVELS OF NOTIFICATION NOTWITHSTANDING ANY OTHER
46 PROVISION OF LAW DEPENDING UPON THE DEGREE OF THE RISK OF RE-OFFENSE BY
47 THE VIOLENT FELONY OFFENDER.

48 (A) IF THE RISK OF REPEAT OFFENSE IS LOW, A LEVEL ONE DESIGNATION
49 SHALL BE GIVEN TO SUCH VIOLENT FELONY OFFENDER. IN SUCH CASE THE LAW
50 ENFORCEMENT AGENCY HAVING JURISDICTION AND THE LAW ENFORCEMENT AGENCY
51 HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION SHALL BE
52 NOTIFIED PURSUANT TO THIS ARTICLE.

53 (B) IF THE RISK OF REPEAT OFFENSE IS MODERATE, A LEVEL TWO DESIGNATION
54 SHALL BE GIVEN TO SUCH VIOLENT FELONY OFFENDER. IN SUCH CASE THE LAW
55 ENFORCEMENT AGENCY HAVING JURISDICTION AND THE LAW ENFORCEMENT AGENCY
56 HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION SHALL BE

1 NOTIFIED AND MAY DISSEMINATE RELEVANT INFORMATION WHICH MAY INCLUDE
2 APPROXIMATE ADDRESS BASED ON VIOLENT FELONY OFFENDER'S ZIP CODE, A
3 PHOTOGRAPH OF THE OFFENDER, BACKGROUND INFORMATION INCLUDING THE
4 OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM
5 TARGETED AND THE DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE OFFEN-
6 DER TO ANY ENTITY WITH VULNERABLE POPULATIONS RELATED TO THE NATURE OF
7 THE OFFENSE COMMITTED BY SUCH VIOLENT FELONY OFFENDER. ANY ENTITY
8 RECEIVING INFORMATION ON A VIOLENT FELONY OFFENDER MAY DISCLOSE OR
9 FURTHER DISSEMINATE SUCH INFORMATION AT THEIR DISCRETION.

10 (C) IF THE RISK OF REPEAT OFFENSE IS HIGH AND THERE EXISTS A THREAT TO
11 THE PUBLIC SAFETY, SUCH VIOLENT FELONY OFFENDER SHALL BE DEEMED A
12 "VIOLENT PREDATOR" AND A LEVEL THREE DESIGNATION SHALL BE GIVEN TO SUCH
13 VIOLENT FELONY OFFENDER. IN SUCH CASE, THE LAW ENFORCEMENT AGENCY HAVING
14 JURISDICTION AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT
15 THE TIME OF HIS OR HER CONVICTION SHALL BE NOTIFIED AND MAY DISSEMINATE
16 RELEVANT INFORMATION WHICH MAY INCLUDE THE VIOLENT FELONY OFFENDER'S
17 EXACT ADDRESS, A PHOTOGRAPH OF THE OFFENDER, BACKGROUND INFORMATION
18 INCLUDING THE OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE
19 OF VICTIM TARGETED, AND THE DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON
20 THE OFFENDER TO ANY ENTITY WITH VULNERABLE POPULATIONS RELATED TO THE
21 NATURE OF THE OFFENSE COMMITTED BY SUCH VIOLENT FELONY OFFENDERS.

22 ANY ENTITY RECEIVING INFORMATION ON A VIOLENT FELONY OFFENDER MAY
23 DISCLOSE OR FURTHER DISSEMINATE SUCH INFORMATION AT THEIR DISCRETION. IN
24 ADDITION, IN SUCH CASE, THE INFORMATION DESCRIBED IN THIS SECTION SHALL
25 ALSO BE PROVIDED IN THE SUBDIRECTORY ESTABLISHED IN THIS ARTICLE AND
26 NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH INFORMATION SHALL, UPON
27 REQUEST, BE MADE AVAILABLE TO THE PUBLIC.

28 7. UPON REQUEST BY THE COURT, PURSUANT TO SECTION ONE HUNDRED
29 SIXTY-SEVEN-I OF THIS ARTICLE, THE BOARD SHALL PROVIDE AN UPDATED REPORT
30 PERTAINING TO THE VIOLENT FELONY OFFENDER PETITIONING RELIEF OF DUTY TO
31 REGISTER.

32 S 167-G. REVIEW. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
33 CONTRARY, ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITU-
34 TION SHALL FORWARD RELEVANT INFORMATION PERTAINING TO A VIOLENT FELONY
35 OFFENDER TO BE DISCHARGED, PAROLED OR RELEASED TO THE BOARD FOR REVIEW
36 NO LATER THAN ONE HUNDRED TWENTY DAYS PRIOR TO THE RELEASE OR DISCHARGE
37 AND THE BOARD SHALL MAKE RECOMMENDATIONS AS PROVIDED IN SUBDIVISION SIX
38 OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE WITHIN SIXTY DAYS
39 OF RECEIPT OF THE INFORMATION. INFORMATION MAY INCLUDE BUT MAY NOT BE
40 LIMITED TO THE COMMITMENT FILE, MEDICAL FILE AND TREATMENT FILE PERTAIN-
41 ING TO SUCH PERSON. SUCH PERSON SHALL BE PERMITTED TO SUBMIT TO THE
42 BOARD ANY INFORMATION RELEVANT TO THE REVIEW.

43 S 167-H. JUDICIAL DETERMINATION. 1. A DETERMINATION THAT AN OFFENDER
44 IS A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR SHALL BE MADE PRIOR
45 TO THE DISCHARGE, PAROLE OR RELEASE OF SUCH OFFENDER BY THE SENTENCING
46 COURT AFTER RECEIVING A RECOMMENDATION FROM THE BOARD PURSUANT TO
47 SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE.

48 2. IN ADDITION, THE SENTENCING COURT SHALL ALSO MAKE A DETERMINATION
49 WITH RESPECT TO THE LEVEL OF NOTIFICATION, AFTER RECEIVING A RECOMMENDA-
50 TION FROM THE BOARD PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-F OF
51 THIS ARTICLE. BOTH DETERMINATIONS OF THE SENTENCING COURT SHALL BE MADE
52 THIRTY CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE.

53 3. IN MAKING THE DETERMINATION, THE COURT SHALL REVIEW ANY VICTIM'S
54 STATEMENT AND ANY MATERIALS SUBMITTED BY THE VIOLENT FELONY OFFENDER.
55 THE COURT SHALL ALSO ALLOW THE VIOLENT FELONY OFFENDER TO APPEAR AND BE

1 HEARD, AND INFORM THE VIOLENT FELONY OFFENDER OF HIS OR HER RIGHT TO
2 HAVE COUNSEL APPOINTED, IF NECESSARY.

3 4. UPON DETERMINATION THAT THE RISK OF REPEAT OFFENSE AND THREAT TO
4 PUBLIC SAFETY IS HIGH, THE SENTENCING COURT SHALL ALSO NOTIFY THE DIVI-
5 SION OF SUCH FACT FOR THE PURPOSES OF SECTION ONE HUNDRED SIXTY-SEVEN-K
6 OF THIS ARTICLE.

7 5. UPON THE REVERSAL OF A CONVICTION OF THE VIOLENT FELONY OFFENSE,
8 THE COURT SHALL ORDER THE EXPUNGEMENT OF ANY RECORDS REQUIRED TO BE KEPT
9 PURSUANT TO THIS SECTION.

10 S 167-I. PETITION FOR RELIEF. ANY VIOLENT FELONY OFFENDER REQUIRED TO
11 REGISTER PURSUANT TO THIS ARTICLE MAY BE RELIEVED OF ANY FURTHER DUTY TO
12 REGISTER UPON THE GRANTING OF A PETITION FOR RELIEF BY THE SENTENCING
13 COURT. UPON RECEIPT OF THE PETITION FOR RELIEF, THE COURT SHALL NOTIFY
14 THE BOARD AND REQUEST AN UPDATED REPORT PERTAINING TO THE VIOLENT FELONY
15 OFFENDER. AFTER RECEIVING THE REPORT FROM THE BOARD, THE COURT MAY GRANT
16 OR DENY THE RELIEF SOUGHT. THE COURT MAY CONSULT WITH THE VICTIM PRIOR
17 TO MAKING A DETERMINATION ON THE PETITION. SUCH PETITION, IF GRANTED,
18 SHALL NOT RELIEVE THE PETITIONER OF THE DUTY TO REGISTER PURSUANT TO
19 THIS ARTICLE UPON CONVICTION OF ANY OFFENSE REQUIRING REGISTRATION IN
20 THE FUTURE.

21 S 167-J. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED
22 SIXTY-THREE OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELEPHONE
23 NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL AND INQUIRE WHETHER A NAMED
24 INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED. THE
25 DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE
26 A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELEVANT INFORMATION
27 ACCORDING TO RISK AS DESCRIBED IN SUBDIVISION SIX OF SECTION ONE HUNDRED
28 SIXTY-SEVEN-F OF THIS ARTICLE. THE DIVISION SHALL DECIDE WHETHER THE
29 NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFOR-
30 MATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN
31 EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE
32 NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE
33 SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINC-
34 TIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED
35 CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF
36 THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND
37 EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY
38 INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR
39 RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE
40 DIVISION.

41 2. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR
42 GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE
43 TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY
44 PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A
45 CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF,
46 INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION,
47 RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS
48 RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REME-
49 DIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY
50 BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH
51 PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN
52 FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

53 3. THE DIVISION SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON
54 THE OPERATION OF THE TELEPHONE NUMBER. THE ANNUAL REPORT SHALL INCLUDE,
55 BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

56 (A) NUMBER OF CALLS RECEIVED;

1 (B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER
2 IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

3 (C) NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND THE
4 NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO
5 WHETHER A NAMED INDIVIDUAL WAS LISTED;

6 (D) NUMBER OF PERSONS LISTED; AND

7 (E) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED
8 UPON SELECTED FACTORS.

9 S 167-K. VIOLENT PREDATOR SUBDIRECTORY. 1. THE DIVISION SHALL MAINTAIN
10 A SUBDIRECTORY OF VIOLENT PREDATORS. THE SUBDIRECTORY SHALL INCLUDE THE
11 EXACT ADDRESS AND PHOTOGRAPH OF THE VIOLENT FELONY OFFENDER ALONG WITH
12 THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE
13 AND DISTINCTIVE MARKINGS. BACKGROUND INFORMATION INCLUDING THE VIOLENT
14 FELONY OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF
15 VICTIM TARGETED, AND A DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE
16 VIOLENT FELONY OFFENDER SHALL ALSO BE INCLUDED. THE SUBDIRECTORY SHALL
17 HAVE VIOLENT FELONY OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP
18 CODE. A COPY OF THE SUBDIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE
19 OFFICES OF LOCAL VILLAGE, TOWN OR CITY POLICE DEPARTMENTS FOR PURPOSES
20 OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRIT-
21 ING EXPRESS A PURPOSE IN ORDER TO HAVE ACCESS TO THE SUBDIRECTORY AND
22 SUCH DEPARTMENT SHALL MAINTAIN THESE REQUESTS. ANY INFORMATION IDENTIFY-
23 ING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE VIOLENT
24 FELONY OFFENDER SHALL BE EXCLUDED FROM THE SUBDIRECTORY DISTRIBUTED FOR
25 PURPOSES OF PUBLIC ACCESS. THE SUBDIRECTORY PROVIDED FOR IN THIS SECTION
26 SHALL BE UPDATED PERIODICALLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS
27 AND MAY BE COMPUTER ACCESSIBLE.

28 2. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION
29 IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE
30 IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND
31 NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION
32 OF THE SUBDIRECTORY FROM THE OFFICES OF LOCAL, VILLAGE OR CITY POLICE
33 DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND
34 DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR
35 ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
36 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
37 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER
38 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE
39 FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCE-
40 DURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS
41 OF LAW.

42 S 167-L. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
43 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
44 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
45 AND NECESSARY INFORMATION PURSUANT TO THIS SECTION, PROVIDED THAT IT IS
46 SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED REASONABLY AND IN
47 GOOD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
48 RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO
49 THE GENERAL PUBLIC.

50 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
51 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
52 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
53 RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION PROVIDED THAT IT IS
54 SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED REASONABLY AND IN
55 GOOD FAITH.

1 S 167-M. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE FEBRUARY FIRST
2 IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, AND THE LEGISLATURE
3 DETAILING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND
4 EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY
5 RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

6 S 167-N. FAILURE TO REGISTER; PENALTY. ANY PERSON REQUIRED TO REGISTER
7 PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER IN THE
8 MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE
9 GUILTY OF A CLASS E FELONY FOR THE FIRST OFFENSE, AND FOR A SECOND OR
10 SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY RESPECTIVELY IN
11 ACCORDANCE WITH SECTIONS 195.03 AND 195.04 OF THE PENAL LAW. ANY SUCH
12 FAILURE TO REGISTER MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE
13 PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW WHICH
14 SHALL BE IN ADDITION TO ANY OTHER PENALTIES PROVIDED BY LAW.

15 S 167-O. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
16 OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEA-
17 NOR.

18 S 167-P. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR
19 PART OF THIS ACT SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDIC-
20 TION TO BE INVALID AND AFTER EXHAUSTION OF ALL FURTHER JUDICIAL REVIEW,
21 THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THERE-
22 OF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE,
23 PARAGRAPH, SECTION OR PART OF THIS ACT DIRECTLY INVOLVED IN THE CONTRO-
24 VERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED.

25 S 167-Q. SUBDIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAIN-
26 TAIN A SUBDIRECTORY OF LEVEL TWO AND THREE VIOLENT FELONY OFFENDERS. THE
27 SUBDIRECTORY SHALL INCLUDE THE EXACT ADDRESS, ADDRESS OF THE OFFENDER'S
28 PLACE OF EMPLOYMENT AND PHOTOGRAPH OF THE VIOLENT FELONY OFFENDER ALONG
29 WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL
30 DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. BACKGROUND INFORMATION
31 INCLUDING THE VIOLENT FELONY OFFENDER'S CRIME OF CONVICTION, MODUS OF
32 OPERATION, TYPE OF VICTIM TARGETED, THE NAME AND ADDRESS OF ANY INSTITU-
33 TION OF HIGHER EDUCATION AT WHICH THE VIOLENT FELONY OFFENDER IS
34 ENROLLED, ATTENDS, IS EMPLOYED OR RESIDES AND A DESCRIPTION OF SPECIAL
35 CONDITIONS IMPOSED ON THE VIOLENT FELONY OFFENDER SHALL ALSO BE
36 INCLUDED. THE SUBDIRECTORY SHALL HAVE VIOLENT FELONY OFFENDER LISTINGS
37 CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE SUBDIRECTORY SHALL
38 ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY,
39 COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS.
40 THE DIVISION SHALL DISTRIBUTE MONTHLY UPDATES TO THE OFFICES OF LOCAL
41 VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR
42 PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON
43 IN WRITING PROVIDE THEIR NAME AND ADDRESS PRIOR TO VIEWING THE SUBDIREC-
44 TORY. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE,
45 ADDRESS OR RELATION TO THE VIOLENT FELONY OFFENDER SHALL BE EXCLUDED
46 FROM THE SUBDIRECTORY DISTRIBUTED FOR PURPOSES OF PUBLIC ACCESS. THE
47 SUBDIRECTORY PROVIDED FOR HEREIN SHALL BE UPDATED MONTHLY TO MAINTAIN
48 ITS EFFICIENCY AND USEFULNESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH
49 SUBDIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA
50 THE DIVISION HOMEPAGE. ANY PERSON MAY APPLY TO THE DIVISION TO RECEIVE
51 AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED SUBDIRECTORY
52 REGISTRATION OCCURS IN A GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON. THE
53 DIVISION SHALL FURNISH SUCH SERVICE AT NO CHARGE TO SUCH PERSON, WHO
54 SHALL REQUEST E-MAIL NOTIFICATION BY COUNTY AND/OR ZIP CODE ON FORMS
55 DEVELOPED AND PROVIDED BY THE DIVISION. E-MAIL NOTIFICATION IS LIMITED
56 TO THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

1 2. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION
2 IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE
3 IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND
4 NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION
5 OF THE SUBDIRECTORY FROM THE OFFICES OF LOCAL, VILLAGE OR CITY POLICE
6 DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND
7 DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR
8 ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
9 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
10 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER
11 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE
12 FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCE-
13 DURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS
14 OF LAW.

15 S 4. This act shall take effect on the one hundred eightieth day after
16 it shall have become a law; provided, however, that effective immediate-
17 ly, the addition, amendment and/or repeal of any rule or regulation
18 necessary for the implementation of this act on its effective date are
19 authorized and directed to be made and completed on or before such
20 effective date.

21 PART M

22 Section 1. The commissioner of general services is hereby authorized
23 to convey to the city of Ogdensburg, the land and improvements situated
24 thereon described hereafter.

25 S 2. The property to be conveyed pursuant to this act consists of four
26 parcels of land at the St. Lawrence psychiatric center, in the city of
27 Ogdensburg, St. Lawrence county, described as follows:

28 Parcel A: Surplus property as defined by the Office of Mental Health
29 December 29, 2011. Situated between Route 37 and Cottage Drive; bounded
30 on the northeast by Office of Mental Health long-term property for Chil-
31 dren and Youth to include building numbers 38, 49, 50, 56, 57, 58 and
32 86, and bounded on the west by Ogdensburg Bridge and Port Authority
33 lands, containing approximately 45 acres.

34 Parcel B: 50 acres for residential development bounded by the Saint
35 Lawrence River to the northwest, on the south by River Drive, northeast
36 of Bridgeview to include all of the surplus land abutting the Saint
37 Lawrence River between Bridgeview and Trinity buildings to include
38 building numbers 10, 13, 17, 31, 62, 63, 64, 88, 89, 106 and 217; NOT to
39 include buildings 65 or 66.

40 Parcel C: 45 acres for commercial/industrial development bounded on
41 the south and east by Ogdensburg Bridge and Port Authority lands, on the
42 north by Woods Road, and southwest of any St. Lawrence Psychiatric
43 Center Buildings.

44 Parcel D: 25 acres for Co-Gen development, bounded to the south by
45 Entrance Drive, on the east by Cottage Road, on the north by Office of
46 Mental Health long-term property, on the west by buildings 32, 34, 35,
47 37 and 42 (not included), to include the Co-generation Plant and build-
48 ing numbers 47, 54, 55, and 103.

49 A precise description will be based on an actual survey of the proper-
50 ty to be conveyed.

51 S 3. This act shall take effect immediately.

52 PART N

1 Section 1. Subdivision a of section 31 of the retirement and social
2 security law, as amended by chapter 379 of the laws of 1989, is amended
3 to read as follows:

4 a. Any public or quasi-public organization created wholly or partly or
5 deriving its powers by the legislature of the state and which organiza-
6 tion employs persons engaged in service to the public or any state agen-
7 cy as defined in section fifty-three-a of the state finance law, or the
8 New York state association of town superintendents of highways, inc. or
9 any school board association, by resolution legally adopted by its
10 governing body and approved by the comptroller, may elect to have its
11 officers and employees become eligible to participate in the retirement
12 system. Acceptance of the officers and employees of such an employer
13 for membership in the retirement system shall be optional with the comp-
14 troller. If he shall approve their participation, such organization,
15 except as specifically provided in this article to the contrary, shall
16 thereafter be treated as a participating employer. Any election made
17 pursuant to this subdivision by a school board association shall be
18 applicable to current employees of such association. NOTWITHSTANDING
19 THE FOREGOING PROVISIONS, ANY OFFICER OR EMPLOYEE OF THE NEW YORK STATE
20 ASSOCIATION OF TOWN SUPERINTENDENTS OF HIGHWAYS, INC., THE NEW YORK
21 STATE SCHOOL BOARDS ASSOCIATION, THE NEW YORK STATE ASSOCIATION OF COUN-
22 TIES, THE ASSOCIATION OF TOWNS OF THE STATE OF NEW YORK, THE NEW YORK
23 CONFERENCE OF MAYORS AND OTHER MUNICIPAL OFFICIALS, OR ANY SCHOOL BOARD
24 ASSOCIATION, FIRST EMPLOYED ON OR AFTER THE EFFECTIVE DATE OF THE CHAP-
25 TER OF THE LAWS OF TWO THOUSAND FOURTEEN WHICH AMENDED THIS SUBDIVISION,
26 SHALL NOT BE ELIGIBLE TO PARTICIPATE AND/OR RECEIVE SERVICE CREDIT IN
27 THE RETIREMENT SYSTEM BASED ON SUCH EMPLOYMENT.

28 S 2. This act shall take effect immediately.

FISCAL NOTE.--This bill would require that persons first employed by
the following associations on or after the effective date will not be
eligible to membership in the New York State and Local Employees'
Retirement System:

The New York state association of town superintendents of highways,
inc,

The New York state school board association,

The New York state association counties,

The association of towns of the state of New York,

The New York conference of mayors and other municipal officials, and

Any school board association.

If this bill is enacted, there will be no cost to the retirement
system.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed
change was the same as that used in the March 31, 2013 actuarial valu-
ation. Distributions and other statistics can be found in the 2013
Report of the Actuary and the 2013 Comprehensive Annual Financial Report
when released in the fall of 2013.

The actuarial assumptions and methods used are described in the 2010,
2011, 2012 and 2013 Annual Report to the Comptroller on Actuarial
Assumptions, and the Codes Rules and Regulations of the State of New
York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2013
New York State and Local Retirement System Financial Statements and
Supplementary Information.

I am a member of the American Academy of Actuaries and meet the Qualification Standards to render the statement of actuarial opinion contained herein.

This estimate, dated September 3, 2013, and intended for use only during the 2014 Legislative Session, is Fiscal Note No. 2014-7, prepared by the Actuary for the New York State and Local Employees' Retirement System.

1

PART O

2 Section 1. Subdivision 1 of section 167 of the civil service law, as
3 amended by chapter 582 of the laws of 1988, paragraph (a) as amended by
4 section 7 of part T of chapter 56 of the laws of 2010 and paragraph (b)
5 as amended by chapter 317 of the laws of 1995, is amended to read as
6 follows:

7 1. (a) The full cost of premium or subscription charges for the
8 coverage of retired state employees who are enrolled in the statewide
9 and the supplementary health benefit plans established pursuant to this
10 article and who retired prior to January first, nineteen hundred eight-
11 y-three shall be paid by the state. Nine-tenths of the cost of premium
12 or subscription charges for the coverage of state employees and retired
13 state employees retiring on or after January first, nineteen hundred
14 eighty-three AND PRIOR TO OCTOBER FIRST, TWO THOUSAND ELEVEN who are
15 enrolled in the statewide and supplementary health benefit plans shall
16 be paid by the state. Three-quarters of the cost of premium or
17 subscription charges for the coverage of dependents of such state
18 employees and retired state employees shall be paid by the state.
19 Except as provided in [paragraph] PARAGRAPHS (b) AND (C) of this subdi-
20 vision, the state shall contribute toward the premium or subscription
21 charges for the coverage of each state employee or retired state employ-
22 ee who is enrolled in an optional benefit plan and for the dependents of
23 such state employee or retired state employee the same dollar amount
24 which would be paid by the state for the premium or subscription charges
25 for the coverage of such state employee or retired state employee and
26 his or her dependents if he or she were enrolled in the statewide and
27 the supplementary health benefit plans, but not in excess of the premium
28 or subscription charges for the coverage of such state employee or
29 retired state employee and his or her dependents under such optional
30 benefit plan. For purposes of this subdivision, employees of the state
31 colleges of agriculture, home economics, industrial labor relations, and
32 veterinary medicine, the state agricultural experiment station at Gene-
33 va, and any other institution or agency under the management and control
34 of Cornell university as the representative of the board of trustees of
35 the state university of New York, and employees of the state college of
36 ceramics under the management and control of Alfred university as the
37 representative of the board of trustees of the state university of New
38 York, shall be deemed to be state employees whose salaries or compen-
39 sation are paid directly by the state.

40 (b) Effective January first, nineteen hundred eighty-nine, notwith-
41 standing any other law, rule or regulation, and where, and to the extent
42 that, an agreement between the state and an employee organization
43 entered into pursuant to article fourteen of this chapter so provides or
44 where and to the extent the employee health insurance council so directs
45 with respect to any other state employees and for retired state employ-
46 ees retiring on or after January first, nineteen hundred eighty-three
47 AND PRIOR TO OCTOBER FIRST, TWO THOUSAND ELEVEN, the state shall

1 contribute nine-tenths of the cost of premiums or subscription charges
2 for coverage of each such state employee or retired state employee who
3 is enrolled in an optional benefit plan and three-fourths of such premi-
4 um or subscription charges for dependents of such state employees or
5 retired state employees enrolled in such optional benefit plan;
6 provided, however, effective January first, nineteen hundred ninety-six,
7 the contribution rates for the hospitalization and medical components of
8 each optional benefit plan shall not exceed one hundred percent of the
9 dollar amount of the state's contribution toward the hospitalization and
10 medical components of individual and dependent coverage, respectively,
11 in the Empire Plan. In the case of state employees retiring prior to
12 January first, nineteen hundred eighty-three, the state shall contribute
13 one hundred percent of the individual premium and three-fourths of such
14 premium for dependents of such retired employees enrolled in such
15 optional benefit plan; however, these contribution rates shall not
16 exceed one hundred percent of the employer dollar amount contribution
17 for individual and dependent coverage respectively in the Empire Plan.

18 (C) EFFECTIVE OCTOBER FIRST, TWO THOUSAND ELEVEN, NOTWITHSTANDING ANY
19 OTHER LAW, RULE OR REGULATION, FOR THE PREMIUM OR SUBSCRIPTION CHARGES
20 FOR THE COVERAGE OF RETIRED STATE EMPLOYEES RETIRING ON AND AFTER OCTO-
21 BER FIRST, TWO THOUSAND ELEVEN ENROLLED IN THE STATEWIDE AND THE SUPPLE-
22 MENTARY HEALTH BENEFIT PLANS OR AN OPTIONAL BENEFIT PLAN ESTABLISHED
23 PURSUANT TO THIS ARTICLE THE STATE'S CONTRIBUTION RATE FOR INDIVIDUAL
24 AND DEPENDENT COVERAGE SHALL EQUAL THE CONTRIBUTION RATE IN EFFECT ON
25 THE DATE THAT THE STATE EMPLOYEE RETIRED; HOWEVER, THESE CONTRIBUTION
26 RATES SHALL NOT EXCEED ONE HUNDRED PERCENT OF THE EMPLOYER DOLLAR AMOUNT
27 CONTRIBUTION FOR INDIVIDUAL AND DEPENDENT COVERAGE RESPECTIVELY IN THE
28 EMPIRE PLAN. IF, HOWEVER, SUCH RETIRED STATE EMPLOYEE'S SERVICE TERMI-
29 NATED PRIOR TO RETIREMENT AND SUCH RETIRED STATE EMPLOYEE WAS ENTITLED
30 TO A VESTED RETIREMENT ALLOWANCE PURSUANT TO THE RETIREMENT AND SOCIAL
31 SECURITY LAW ON THE DATE THAT HIS OR HER SERVICE TERMINATED AND SUCH
32 RETIRED STATE EMPLOYEE MAINTAINED HIS OR HER ENROLLMENT IN THE STATEWIDE
33 AND THE SUPPLEMENTARY HEALTH BENEFIT PLANS OR AN OPTIONAL BENEFIT PLAN
34 ESTABLISHED PURSUANT TO THIS ARTICLE, THE STATE'S CONTRIBUTION RATE FOR
35 INDIVIDUAL AND DEPENDENT COVERAGE SHALL EQUAL THE CONTRIBUTION RATE IN
36 EFFECT ON THE DATE THAT SUCH RETIRED STATE EMPLOYEE'S SERVICE TERMI-
37 NATED; PROVIDED, HOWEVER, THAT THE CONTRIBUTION RATES FOR THE HOSPITALI-
38 ZATION AND MEDICAL COMPONENTS OF EACH OPTIONAL BENEFIT PLAN SHALL NOT
39 EXCEED ONE HUNDRED PERCENT OF THE DOLLAR AMOUNT OF THE STATE'S CONTRIB-
40 UTION TOWARD THE HOSPITALIZATION AND MEDICAL COMPONENTS OF INDIVIDUAL
41 AND DEPENDENT COVERAGE, RESPECTIVELY, IN THE EMPIRE PLAN.

42 S 2. Subdivision 8 of section 167 of the civil service law, as amended
43 by section 2 of part A of chapter 491 of the laws of 2011, is amended to
44 read as follows:

45 8. Notwithstanding any inconsistent provision of law, where and to the
46 extent that an agreement between the state and an employee organization
47 entered into pursuant to article fourteen of this chapter so provides,
48 the state cost of premium or subscription charges for eligible employees
49 covered by such agreement may be modified pursuant to the terms of such
50 agreement. The president, with the approval of the director of the budg-
51 et, may extend the modified state cost of premium or subscription charg-
52 es for STATE employees [or retirees] not subject to an agreement refer-
53 enced above and shall promulgate the necessary rules or regulations to
54 implement this provision.

55 S 3. The legislative law is amended by adding a new section 49 to read
56 as follows:

1 S 49. LEGISLATION IMPLEMENTING COLLECTIVE BARGAINING AGREEMENTS.
2 LEGISLATION WHICH ENACTS OR AMENDS ANY PROVISION OF LAW FOR THE PURPOSE
3 OF IMPLEMENTING AN AGREEMENT BETWEEN THE STATE AND AN EMPLOYEE ORGANIZA-
4 TION ENTERED INTO PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW
5 SHALL BE LIMITED TO THE PROVISIONS NECESSARY TO IMPLEMENT SUCH AGREE-
6 MENT.

7 S 4. This act shall take effect on the first day of the month commenc-
8 ing at least thirty days after this act shall have become a law. Any
9 amount of premiums paid by retired state employees in excess of those
10 consistent with the provisions of this act shall not be returned to such
11 retired state employees, or to their estate, as the case may be.

12 PART P

13 Section 1. The correction law is amended by adding a new section 136-a
14 to read as follows:

15 S 136-A. PROHIBITION ON THE USE OF STATE FUNDS. NOTWITHSTANDING THE
16 PROVISIONS OF SECTION ONE HUNDRED THIRTY-SIX OF THIS ARTICLE, STATE
17 MONEYS SHALL NOT BE UTILIZED TO FUND ANY PROGRAM OF EDUCATION RESULTING
18 IN THE AWARD OF A COLLEGE DEGREE WITHOUT CHARGING SUCH INMATE THE ACTUAL
19 COST OF TUITION FOR SUCH PROGRAM. IN NO EVENT SHALL SUCH INMATE BE
20 DEEMED ELIGIBLE FOR AWARDS OR SCHOLARSHIPS FUNDED IN WHOLE OR IN PART
21 WITH STATE FUNDS.

22 S 2. This act shall take effect immediately.

23 PART Q

24 Section 1. Section 54-1 of the state finance law, as added by section
25 1 of part J of chapter 57 of the laws of 2011, paragraph b of subdivi-
26 sion 2 as amended by section 1 of part EE of chapter 57 of the laws of
27 2013, is amended to read as follows:

28 S 54-1. State assistance to eligible cities and eligible municipi-
29 palities in which a video lottery gaming facility is located. 1. Defi-
30 nitions. When used in this section, unless otherwise expressly stated:

31 a. "Eligible city" shall mean a city with a population equal to or
32 greater than one hundred twenty-five thousand and less than one million
33 in which a video lottery gaming facility is located and operating as of
34 January first, two thousand nine pursuant to section sixteen hundred
35 seventeen-a of the tax law.

36 b. "Eligible municipality" shall mean a county, city, town or village
37 in which a video lottery gaming facility is located pursuant to section
38 sixteen hundred seventeen-a of the tax law that is not located in a city
39 with a population equal to or greater than one hundred twenty-five thou-
40 sand.

41 C. "NEWLY ELIGIBLE MUNICIPALITY" SHALL MEAN A COUNTY, CITY, TOWN OR
42 VILLAGE IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED PURSUANT TO
43 SECTION SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW THAT IS NOT LOCATED
44 IN A CITY WITH A POPULATION EQUAL TO OR GREATER THAN ONE HUNDRED TWEN-
45 TY-FIVE THOUSAND AND WHICH WAS NOT OPERATING AS OF JANUARY FIRST, TWO
46 THOUSAND FOURTEEN.

47 D. "NEWLY ELIGIBLE CITY" SHALL MEAN A CITY WITH A POPULATION OF ONE
48 MILLION OR MORE IN WHICH A VIDEO LOTTERY GAMING FACILITY IS LOCATED AND
49 OPERATING AS OF JANUARY FIRST, TWO THOUSAND FOURTEEN PURSUANT TO SECTION
50 SIXTEEN HUNDRED SEVENTEEN-A OF THE TAX LAW.

51 E. "ESTIMATED NET MACHINE INCOME" SHALL MEAN (I) FOR A NEWLY ELIGIBLE
52 CITY, THE ESTIMATED FULL ANNUAL VALUE OF TOTAL REVENUE WAGERED AFTER

PAYOUT FOR PRIZES FOR GAMES KNOWN AS VIDEO LOTTERY GAMING AS AUTHORIZED UNDER ARTICLE THIRTY-FOUR OF THE TAX LAW DURING THE STATE FISCAL YEAR IN WHICH STATE AID PAYMENTS ARE MADE PURSUANT TO SUBDIVISION TWO OF THIS SECTION; OR (II) FOR A NEWLY ELIGIBLE MUNICIPALITY, THE ESTIMATED FULL ANNUAL VALUE OF TOTAL REVENUE WAGERED AFTER PAYOUT FOR PRIZES FOR GAMES KNOWN AS VIDEO LOTTERY GAMING AS AUTHORIZED UNDER ARTICLE THIRTY-FOUR OF THE TAX LAW FOR THE PERIOD COMMENCING ON APRIL FIRST NEXT SUCCEEDING THE DATE ON WHICH MACHINES LOCATED WITHIN SUCH MUNICIPALITY FIRST GENERATE INCOME AND ENDING ON THE FOLLOWING MARCH THIRTY-FIRST.

2. a. Within the amount appropriated therefor, an eligible city shall receive an amount equal to the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities.

b. Within the amounts appropriated therefor, eligible municipalities shall receive an amount equal to [fifty-five percent of] the state aid payment received in the state fiscal year commencing April first, two thousand eight from an appropriation for aid to municipalities with video lottery gaming facilities.

C. A NEWLY ELIGIBLE MUNICIPALITY SHALL RECEIVE A STATE AID PAYMENT EQUAL TO THREE AND ONE-HALF PERCENT OF THE "ESTIMATED NET MACHINE INCOME" GENERATED BY A VIDEO LOTTERY GAMING FACILITY LOCATED WITHIN SUCH NEWLY ELIGIBLE MUNICIPALITY AS FOLLOWS: (I) TWENTY-FIVE PERCENT SHALL BE APPORTIONED AND PAID TO THE COUNTY; AND (II) SEVENTY-FIVE PERCENT SHALL BE APPORTIONED AND PAID ON PRO RATA BASIS TO ELIGIBLE MUNICIPALITIES, OTHER THAN THE COUNTY, BASED UPON THE POPULATION OF SUCH ELIGIBLE MUNICIPALITIES. SUCH STATE AID PAYMENT SHALL NOT EXCEED TWENTY-FIVE PERCENT OF AN ELIGIBLE MUNICIPALITY'S TOTAL EXPENDITURES AS REPORTED IN THE STATISTICAL REPORT OF THE COMPTROLLER IN THE PRECEDING STATE FISCAL YEAR PURSUANT TO SECTION THIRTY-SEVEN OF THE GENERAL MUNICIPAL LAW.

D. A NEWLY ELIGIBLE CITY SHALL RECEIVE A STATE AID PAYMENT EQUAL TO THREE AND ONE-HALF PERCENT OF THE "ESTIMATED NET MACHINE INCOME" GENERATED BY A VIDEO LOTTERY GAMING FACILITY LOCATED WITHIN SUCH CITY. PROVIDED, HOWEVER, THAT SUCH PAYMENT SHALL NOT EXCEED AN AMOUNT GREATER THAN TWENTY MILLION DOLLARS.

3. a. State aid payments made to an eligible city pursuant to paragraph a of subdivision two of this section shall be used to increase support for public schools in such city.

b. State aid payments made to [an] eligible [municipality] MUNICIPALITIES, NEWLY ELIGIBLE MUNICIPALITIES AND A NEWLY ELIGIBLE CITY pursuant to [paragraph] PARAGRAPHS b, C AND D of subdivision two of this section shall be used by such eligible municipality to: (i) defray local costs associated with a video lottery gaming facility, or (ii) minimize or reduce real property taxes.

4. Payments of state aid pursuant to this section shall be made on or before June thirtieth of each state fiscal year to the chief fiscal officer of each eligible city [and], each eligible municipality, EACH NEWLY ELIGIBLE MUNICIPALITY AND A NEWLY ELIGIBLE CITY, on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury.

S 2. This act shall take effect immediately.

PART R

Section 1. Section 500-b of the correction law is amended by adding a new subdivision 4-a to read as follows:

1 4-A. FOR ANY CORRECTIONAL FACILITY OPERATED BY A COUNTY NOT WHOLLY
2 CONTAINED WITHIN A CITY, NO PERSON UNDER NINETEEN YEARS OF AGE SHALL BE
3 PLACED OR KEPT OR ALLOWED TO BE AT ANY TIME WITH ANY PRISONER OR PRISON-
4 ERS TWENTY YEARS OF AGE OR OLDER, IN ANY ROOM, DORMITORY, CELL OR TIER
5 OF THE BUILDINGS OF SUCH INSTITUTION UNLESS SEPARATELY GROUPED TO
6 PREVENT ACCESS TO PERSONS UNDER NINETEEN YEARS OF AGE BY PRISONERS TWEN-
7 TY YEARS OF AGE OR OLDER.

8 S 2. This act shall take effect immediately; provided that the amend-
9 ments to section 500-b of the correction law, made by section one of
10 this act, shall not affect the repeal of such section and shall be
11 deemed repealed therewith.

12 PART S

13 Section 1. This act shall be known and may be cited as the "Rockland
14 Bergen Flood Mitigation act".

15 S 2. The legislature finds and declares that the states of New York
16 and New Jersey and their respective citizens share a common concern to
17 protect their personal safety and property through the identification
18 and remediation of potential flood hazards along the tributaries and
19 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
20 River, and Sparkill Brook/Creek that cross the interstate border region.
21 The identification and remediation of potential flood hazards requires a
22 bi-state comprehensive approach. A bi-state comprehensive flood
23 prevention approach will also help ensure the preservation and mainte-
24 nance of the environmentally beneficial impacts of the tributaries and
25 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
26 River, and Sparkill Brook/Creek. A bi-state approach will encourage open
27 space and recreational opportunities along the tributaries and
28 watersheds of the Hackensack River, Mahwah River, Ramapo River, Saddle
29 River, and Sparkill Brook/Creek. The legislature further finds that
30 there has been a long history of cooperation among state and local
31 governmental entities and various private organizations and individuals
32 in the vicinity of the tributaries and watersheds of the Hackensack
33 River, Mahwah River, Ramapo River, Saddle River, and Sparkill
34 Brook/Creek.

35 The legislature therefore determines that there is a need to endorse
36 and formalize that bi-state cooperative effort to identify and remediate
37 potential flood hazards and to protect the natural, scenic and recre-
38 ational opportunities of the tributaries and watersheds of the Hacken-
39 sack River, Mahwah River, Ramapo River, Saddle River, and Sparkill
40 Brook/Creek. The legislature further determines that the creation of a
41 bi-state task force is an appropriate means to accomplish these very
42 important goals.

43 S 3. As used in this act, "Bi-state region" shall mean the tributaries
44 and watersheds of the Hackensack River, Mahwah River, Ramapo River,
45 Saddle River, and Sparkill Brook/Creek, within the counties of Rockland
46 in New York and Bergen in New Jersey. "Resident voter" shall mean an
47 individual registered to vote and who actually votes in an election
48 district within the county of Rockland in New York or the county of
49 Bergen, Essex, or Hudson in New Jersey.

50 S 4. a. There is hereby created the Rockland Bergen Flood Mitigation
51 Task Force, which shall be comprised of twelve voting members. Six
52 members shall be from New York and shall be appointed as follows: one
53 each, by the governor, the temporary president of the senate, the speak-
54 er of the assembly, the minority leader of the senate and the minority

1 leader of the assembly, of New York, and of the county executive of the
2 county of Rockland in New York, all of whom shall be resident voters of
3 the county of Rockland, New York. Six members shall be from New Jersey
4 and shall be appointed as follows: one each, by the governor, the tempo-
5 rary president of the senate, the speaker of the assembly, the minority
6 leader of the senate, and the minority leader of the assembly, of New
7 Jersey, and the county executive of the county of Bergen in New Jersey,
8 all of whom shall be resident voters from either the county of Bergen,
9 Essex, or Hudson. Additionally, the task force shall include three non-
10 voting members, as follows: the commissioner of the New York state
11 department of environmental conservation or a designee thereof who shall
12 serve ex-officio; the commissioner of the New Jersey department of envi-
13 ronmental protection or a designee thereof who shall serve ex-officio;
14 and a representative of United Water Inc. or its successor.

15 b. Vacancies in the appointed positions on the task force shall be
16 filled in the same manner as the original appointments were made.

17 c. Members of the task force shall serve voluntarily and without
18 compensation.

19 d. Members of the task force shall serve at the pleasure of the rele-
20 vant appointing authority.

21 S 5. a. The task force shall organize as soon as may be practicable
22 after the appointment of its members, and shall select two co-chairper-
23 sons from its members, one from each state, and a secretary who need not
24 be a member.

25 b. The task force shall meet regularly as it may determine. Meetings
26 of the task force shall be at such times and places as the co-chairper-
27 sons of the task force deem appropriate, but to the maximum extent prac-
28 ticable and feasible, shall be rotated between the two states on an
29 alternating basis. Meetings held in New Jersey shall be subject to the
30 provisions and requirements of the "Senator Byron M. Baer Open Public
31 Meetings Act," P.L. 1975, c. 231 (C.10:4-6 et seq.). Meetings held in
32 New York shall be subject to the provisions and requirements of that
33 state's open meetings law, article 7 of the public officers law. The
34 task force shall also meet at the call of either co-chairperson.

35 c. A majority of the voting membership of the task force shall consti-
36 tute a quorum for the transaction of task force business. Action may be
37 taken and motions and resolutions adopted by the task force at any meet-
38 ing thereof by the affirmative vote of seven members of the task force.

39 d. The task force may request assistance, and the services of, any
40 municipalities that are within the bi-state watershed region, as it may
41 require and as may be made available to it for the purpose of carrying
42 out its duties under this act. Nothing in this section shall be
43 construed to require assistance from any municipality in New York or New
44 Jersey.

45 S 6. The duties of the task force shall be to:

46 a. assess present and projected development, land use, and land
47 management practices and patterns, and identify actual and potential
48 environmental threats and problems, around the bi-state region, and
49 determine the effects of those practices and patterns, threats, and
50 problems upon the natural, scenic, and recreational resources of the
51 bi-state region;

52 b. develop recommended regulations, procedures, policies, planning
53 strategies, and model ordinances and resolutions pertaining to the
54 protection, preservation, maintenance, management, and enhancement of
55 the bi-state region which would be implemented as appropriate on a
56 voluntary basis by those municipalities within the bi-state region;

1 c. coordinate environmental cleanup, maintenance, and protection
2 efforts undertaken, for the benefit of the bi-state region by munici-
3 palities within the bi-state region;
4 d. coordinate with the New York state department of environmental
5 conservation and the New Jersey department of environmental protection,
6 including but not limited to, their watershed management programs, the
7 United States Army Corps of Engineers and all municipalities within the
8 bi-state region;
9 e. recommend appropriate state legislation and administrative action
10 pertaining to the protection, preservation, maintenance, management, and
11 enhancement of the bi-state region;
12 f. advocate, and where appropriate, act as a coordinating, distribut-
13 ing, or recipient agency for, federal, state, or private funding of
14 environmental cleanup, maintenance, protection projects, flood
15 prevention projects and flood hazard remediation for the bi-state
16 region, which projects may include the work of the task force;
17 g. identify existing and projected flood hazards in the bi-state
18 region;
19 h. recommend, propose and coordinate a bi-state comprehensive plan to
20 remediate existing and projected flood hazards in the bi-state region;
21 and
22 i. take such other action as may be appropriate or necessary to
23 further the purpose of this act.
24 S 7. The task force shall, within 24 months of the date it organizes,
25 prepare a report on its activities, and submit it, together with any
26 recommendations for legislation, administrative action, or action by
27 local governments, to the governors and legislatures of the states of
28 New Jersey and New York.
29 S 8. This act shall take effect upon the enactment into law by the
30 state of New Jersey of legislation having substantially similar effect
31 with this act, but if the state of New Jersey shall have already enacted
32 such legislation, this act shall take effect immediately and shall
33 expire and be deemed repealed on December 31, 2016; provided that the
34 Rockland Bergen bi-state river task force shall notify the legislative
35 bill drafting commission upon the occurrence of the enactment of the
36 legislation provided for in this act in order that the legislative bill
37 drafting commission may maintain an accurate and timely effective data
38 base of the official text of the laws of the state of New York in furth-
39 erance of effecting the provisions of section 44 of the legislative law
40 and section 70-b of the public officers law.

41 PART T

42 Section 1. Section 217 of the county law is amended to read as
43 follows:
44 S 217. County jail. [Each] EXCEPT AS PROVIDED BY SECTION FIVE
45 HUNDRED-P OF THE CORRECTION LAW, EACH county shall continue to maintain
46 a county jail as prescribed by law.
47 S 2. The correction law is amended by adding a new section 500-p to
48 read as follows:
49 S 500-P. AUTHORIZATION FOR SHARED COUNTY JAILS. 1. NOTWITHSTANDING ANY
50 OTHER PROVISION OF LAW TO THE CONTRARY, A COUNTY MAY ENTER INTO A
51 CONTRACT WITH ANOTHER COUNTY, TO SHARE IN THE CONSTRUCTION, FINANCING,
52 IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL. SUCH CONTRACTS, IF
53 ENACTED, MAY RUN CONCURRENT WITH ANY BOND OR LONG-TERM FINANCING ASSOCI-
54 ATED WITH THE CONSTRUCTION OF OR IMPROVEMENT TO A COUNTY JAIL.

2. AN AGREEMENT BETWEEN TWO OR MORE COUNTIES TO SHARE IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL PURSUANT TO THIS SECTION SHALL INCLUDE A PROVISION FOR THE PROPORTIONATE COST, INCLUDING COSTS ASSOCIATED WITH BONDING, TO BE BORNE BY EACH COUNTY. THE CONTRACTING COUNTIES MAY AGREE THAT THE BONDING OR FINANCING MECHANISM FOR THE PROVISION OF A COUNTY JAIL MAY BE AMENDED UPON THE MUTUAL CONSENT OF EACH CONTRACTING COUNTY'S LEGISLATURE OR BOARD OF SUPERVISORS, AND IF THE COUNTY HAS A COUNTY EXECUTIVE, UPON THE APPROVAL OF THE COUNTY EXECUTIVE. THE DISAPPROVAL OF A COUNTY EXECUTIVE, HOWEVER, MAY BE OVERRIDDEN BY THE VOTE OF TWO-THIRDS OF THE GOVERNING BODY OF THE COUNTY.

3. IF TWO OR MORE COUNTIES ENTER INTO AN AGREEMENT TO SHARE IN THE CONSTRUCTION, FINANCING, IMPROVEMENT, AND MAINTENANCE OF A COUNTY JAIL, THE JAIL SHALL BE PHYSICALLY LOCATED IN ONE OF THE COUNTIES WHICH ARE SUBJECT TO THE AGREEMENT.

4. A COUNTY MAY CONTRACT WITH ANOTHER COUNTY TO SHARE THE FINANCING, MAINTENANCE, AND IMPROVEMENT TO AN EXISTING JAIL OF ANOTHER COUNTY WHERE SUCH OTHER COUNTY ALREADY HAS AN EXISTING JAIL THAT MEETS THE REQUIREMENTS OF THE COMMISSION OR WHICH HAS A WAIVER OR VARIANCE FROM ALL OR A PORTION OF SUCH REQUIREMENTS.

S 3. This act shall take effect immediately.

PART U

Section 1. The correction law is amended by adding a new section 79-c to read as follows:

S 79-C. PRISON FACILITY EFFICIENCY. 1. THE COMMISSIONER SHALL ESTABLISH COST SAVING STRATEGIES FOR THE DEPARTMENT, SUFFICIENT TO REDUCE DUPLICATION OF FACILITY ADMINISTRATIVE POSITIONS SUCH TO ACHIEVE SAVINGS PROVIDED FOR IN THE STATE OPERATIONS BUDGET FOR THE FISCAL YEAR TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN.

2. EFFICIENCY SHALL BE ACHIEVED BY COMBINING FUNCTIONS OF SUPERINTENDENTS AND DEPUTY SUPERINTENDENTS, OTHER THAN DEPUTY SUPERINTENDENTS OF SECURITY, OF CORRECTIONAL FACILITIES THAT ARE LOCATED IN CLOSE PROXIMITY TO ONE ANOTHER.

S 2. This act shall take effect immediately.

PART V

Section 1. Subdivision 4 of section 29 of the correction law is amended by adding a new paragraph (c) to read as follows:

(C) SUCH REPORT SHALL ALSO DETAIL THE NUMBER OF INMATE ASSAULTS ON STAFF AND INMATE ASSAULTS ON OTHER INMATES DURING THE PRECEDING YEAR THAT RESULTED IN SERIOUS PHYSICAL INJURY TO THE STAFF MEMBER OR INMATE AS SUCH TERM "SERIOUS PHYSICAL INJURY" IS DEFINED BY ARTICLE TEN OF THE PENAL LAW.

S 2. This act shall take effect immediately.

PART W

Section 1. Subsections (a) and (b) of section 213 of the insurance law, as added by section 1 of part L of chapter 57 of the laws of 2007, are amended to read as follows:

(a) There is hereby established within the department a commission, to be known as the "New York state health care quality and cost containment commission". The commission shall consist of thirteen members appointed

1 by the governor, one of whom shall be the superintendent, one of whom
2 shall be the commissioner of health, and six of whom shall be appointed
3 on the recommendation of the legislative leaders, two on the recommenda-
4 tion of the temporary president of the senate, two on the recommendation
5 of the speaker of the assembly, one on the recommendation of the minori-
6 ty leader of the senate, and one on the recommendation of the minority
7 leader of the assembly. All members shall serve at the pleasure of the
8 governor, and vacancies shall be appointed in the same manner as
9 original appointments. A MAJORITY OF THE MEMBERS OF THE COMMISSION
10 APPOINTED SHALL CONSTITUTE A QUORUM FOR THE COMMISSION TO MEET AND
11 CONDUCT BUSINESS. Members of the commission shall serve without compen-
12 sation, but shall be reimbursed for reasonable travel expenses. In
13 making appointments to the commission, the governor shall ensure that
14 the interests of health care consumers, small businesses, the medical
15 community and health plans are represented on the commission.

16 (b)(1) The purpose of the commission shall be to analyze the impact on
17 health insurance costs and quality of proposed legislation which would
18 mandate that health benefits be offered or made available in individual
19 and group health insurance policies, contracts and comprehensive health
20 service plans, including legislation that affects the delivery of health
21 benefits or services or the reimbursement of health care providers.

22 (2) The governor, the chair of the senate insurance committee and the
23 chair of the assembly insurance committee may request in writing that
24 the commission evaluate a proposed mandated benefit. Upon receiving such
25 a request, the commission may, by a majority vote of its members
26 APPOINTED, undertake an evaluation of such proposed mandated benefit.

27 (3) In evaluating a proposed mandated benefit, the commission shall:

28 (A) investigate the current practices of health plans with regard to
29 the proposed mandated benefit, and, to the extent possible, self-funded
30 health benefit plans;

31 (B) investigate the potential premium impact of the proposed mandated
32 benefits on all segments of the insurance market, as well as the poten-
33 tial for avoided costs through early detection and treatment of condi-
34 tions, or more cost-effective delivery of medical services; and

35 (C) analyze the most current medical literature regarding the proposed
36 mandated benefit to determine its impact on health care quality.

37 (4) In evaluating a proposed mandated benefit, the commission may hold
38 one or more public hearings, and shall strive to obtain independent and
39 verifiable information from diverse sources within the healthcare indus-
40 try, medical community and among health care consumers with regard to
41 the proposed mandated benefit.

42 S 2. This act shall take effect immediately.

43 PART X

44 Section 1. Section 13 of part A of chapter 97 of the laws of 2011,
45 amending the general municipal law and the education law, relating to
46 establishing limits upon school district and local government tax
47 levies, is amended to read as follows:

48 S 13. This act shall take effect immediately; provided, however, that
49 sections two through eleven of this act shall take effect July 1, 2011
50 and shall first apply to school district budgets and the budget adoption
51 process for the 2012-13 school year; and shall continue to apply to
52 school district budgets and the budget adoption process for any school
53 year beginning in any calendar year during which this act is in effect;
54 provided further, that if section 26 of part A of chapter 58 of the laws

1 of 2011 shall not have taken effect on or before such date then section
2 ten of this act shall take effect on the same date and in the same
3 manner as such chapter of the laws of 2011, takes effect; provided
4 further, that section one of this act shall first apply to the levy of
5 taxes by local governments for the fiscal year that begins in 2012 and
6 shall continue to apply to the levy of taxes by local governments for
7 any fiscal year beginning in any calendar year during which this act is
8 in effect[; provided, further, that this act shall remain in full force
9 and effect at a minimum until and including June 15, 2016 and shall
10 remain in effect thereafter only so long as the public emergency requir-
11 ing the regulation and control of residential rents and evictions and
12 all such laws providing for such regulation and control continue as
13 provided in subdivision 3 of section 1 of the local emergency rent
14 control act, sections 26-501, 26-502 and 26-520 of the administrative
15 code of the city of New York, section 17 of chapter 576 of the laws of
16 1974 and subdivision 2 of section 1 of chapter 274 of the laws of 1946
17 constituting the emergency housing rent control law, and section 10 of
18 chapter 555 of the laws of 1982, amending the general business law and
19 the administrative code of the city of New York relating to conversions
20 of residential property to cooperative or condominium ownership in the
21 city of New York as such laws are continued by chapter 93 of the laws of
22 2011 and as such sections are amended from time to time].

23 S 2. This act shall take effect immediately.

24

PART Y

25 Section 1. (a) On the first of April of every fourth year, commencing
26 April 1, 2014, there shall be established for such year a commission on
27 managerial or confidential state employee compensation to examine, eval-
28 uate and make recommendations with respect to adequate levels of compen-
29 sation and non-salary benefits for managerial or confidential state
30 employees. In accordance with the provisions of this section, the
31 commission shall:

32 (i) examine the prevailing adequacy of pay levels and non-salary bene-
33 fits received by managerial or confidential employees of the state and
34 determine whether any of such pay levels warrant adjustment; and

35 (ii) determine whether, for any of the four years commencing on the
36 first of April of such years, following the year in which the commission
37 is established, the annual salaries for the managerial or confidential
38 employees of the state warrant adjustment.

39 In discharging its responsibilities under paragraphs (i) and (ii) of
40 this subdivision, the commission shall take into account all appropriate
41 factors including, but not limited to: the administrative withholding of
42 managerial or confidential employee salary increases pursuant to chapter
43 10 of the laws of 2008; the overall economic climate; rates of
44 inflation; changes in public-sector spending; the levels of compensation
45 and non-salary benefits received by unionized state employees; the main-
46 tenance of or attainment of proper salary differential between supervi-
47 sors and their subordinates; the levels of compensation and non-salary
48 benefits received by professionals in government, and academia and
49 private and nonprofit enterprise.

50 (b) The commission shall consist of seven members to be appointed as
51 follows: three shall be appointed by the governor; one shall be
52 appointed by the temporary president of the senate; one shall be
53 appointed by the speaker of the assembly; one shall be appointed by the
54 comptroller; and one shall be appointed by the Organization of NYS

1 Management Confidential Employees. The governor shall designate the
2 chair of the commission from among the members so appointed. Vacancies
3 in the commission shall be filled in the same manner as original
4 appointments. To the extent practicable, members of the commission shall
5 have experience in one or more of the following: determination of execu-
6 tive compensation, human resource administration and financial manage-
7 ment.

8 (c) The commission may meet, hold public hearings and shall have all
9 the powers of a legislative committee pursuant to the legislative law.

10 (d) The members of the commission shall receive no compensation for
11 their services but shall be allowed their actual and necessary expenses
12 incurred in the performance of their duties hereunder.

13 (e) No member of the commission shall be disqualified from holding any
14 other public office or employment, nor shall he or she forfeit any such
15 office or employment by reason of his or her appointment pursuant to
16 this section, notwithstanding the provisions of any general, special or
17 local law, regulation, ordinance or city charter.

18 (f) To the maximum extent feasible, the commission shall be entitled
19 to request and receive and shall utilize and be provided with such
20 facilities, resources and data of any court, department, division,
21 board, bureau, commission, agency, office or public authority of the
22 state or any political subdivision thereof as it may reasonably request
23 to carry out properly its powers and duties pursuant to this section.

24 (g) The commission may request, and shall receive, reasonable assist-
25 ance from state agency personnel as necessary for the performance of its
26 functions.

27 (h) The commission shall make a report to the governor and the legis-
28 lature of its findings, conclusions, determinations and recommendations,
29 if any, not later than one hundred fifty days after its establishment.
30 Each recommendation made to implement a determination pursuant to para-
31 graph (ii) of subdivision (a) of this section shall have the force of
32 law, and shall supersede inconsistent provisions of article 8 of the
33 civil service law, unless modified or abrogated by statute prior to
34 April first of the year as to which such determination applies.

35 (i) Upon the making of its report as provided in subdivision (h) of
36 this section, each commission established pursuant to this section shall
37 be deemed dissolved.

38 S 2. Notwithstanding the provisions of this act or of any other law,
39 each increase in salary or compensation of any officer or employee
40 provided by this act shall be added to the salary or compensation of
41 such officer or employee at the beginning of that payroll period the
42 first day of which is nearest to the effective date of such increase as
43 provided in this act, or at the beginning of the earlier of two payroll
44 periods the first days of which are nearest but equally near to the
45 effective date of such increase as provided in this act; provided,
46 however, the payment of such salary increase pursuant to this section on
47 a date prior thereto instead of on such effective date, shall not oper-
48 ate to confer any additional salary rights or benefits on such officer
49 or employee.

50 S 3. The annual salaries as prescribed pursuant to this act for state
51 employees designated managerial or confidential whenever adjusted pursu-
52 ant to the provisions of this act, shall be rounded up to the nearest
53 multiple of one hundred dollars.

54 S 4. This act shall take effect immediately.

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

4 (b) after deducting the amount paid under paragraph (a) of this subdi-
5 vision and the amount retained by wireless communications suppliers
6 pursuant to paragraph (d) of subdivision two of this section, the
7 balance of the revenues collected under this section into the [New York
8 state wireless telephone emergency service] STATEWIDE PUBLIC SAFETY
9 COMMUNICATIONS account of the miscellaneous special revenue fund,
10 created pursuant to section ninety-seven-qq of the state finance law.

11 S 2. Subdivision 6 of section 186-f of the tax law is amended by
12 adding a new paragraph (g) to read as follows:

13 (G) THE SUM OF TEN MILLION DOLLARS ANNUALLY SHALL BE USED FOR THE
14 PROVISION OF GRANTS TO COUNTIES FOR COSTS RELATED TO THE OPERATIONS OF
15 PUBLIC SAFETY DISPATCH CENTERS, TO BE DISTRIBUTED PURSUANT TO A PLAN
16 DEVELOPED BY THE COMMISSIONER OF HOMELAND SECURITY AND EMERGENCY
17 SERVICES AND APPROVED BY THE DIRECTOR OF THE BUDGET. SUCH PLAN MAY
18 CONSIDER SUCH FACTORS AS POPULATION DENSITY AND EMERGENCY CALL VOLUME.

19 S 3. Section 97-qq of the state finance law, as added by section 37 of
20 part E of chapter 58 of the laws of 1998, subdivision 1 as amended by
21 chapter 524 of the laws of 2008, is amended to read as follows:

22 S 97-qq. [New York state wireless telephone emergency service] STATE-
23 WIDE PUBLIC SAFETY COMMUNICATIONS account. 1. There is hereby estab-
24 lished in the joint custody of the state comptroller and the commission-
25 er of taxation and finance a fund to be known as the ["New York state
26 wireless telephone emergency service account"] "STATEWIDE PUBLIC SAFETY
27 COMMUNICATIONS ACCOUNT".

28 2. The [New York state wireless telephone emergency service account]
29 STATEWIDE PUBLIC SAFETY COMMUNICATIONS ACCOUNT shall consist of all
30 monies deposited in this account pursuant to a subsequent chapter of the
31 laws of nineteen hundred ninety-eight, all monies appropriated for its
32 purpose, all monies transferred to such account pursuant to law, and all
33 monies deposited pursuant to any other law to be paid into or credited
34 to the account, including all monies received by the account or donated
35 to it.

36 S 4. This act shall take effect immediately.

37 PART AA

38 Section 1. The executive law is amended by adding a new section 709-b
39 to read as follows:

40 S 709-B. ACADEMY OF FIRE SCIENCE AT MONTOUR FALLS. THE DIVISION SHALL
41 ESTABLISH, MAINTAIN AND OPERATE AN ACADEMY OF FIRE SCIENCE AT MONTOUR
42 FALLS. THE PURPOSE OF THE ACADEMY OF FIRE SCIENCE SHALL BE TO OFFER
43 COURSES IN SUCH AREAS AS HAZARDOUS MATERIALS, ARSON INVESTIGATION AND
44 GENERAL FIRE SERVICE ISSUES, AND TO PROVIDE FIRE SERVICE AND EMERGENCY
45 RESPONSE TRAINING IN SUCH AREAS AS FIRE SUPPRESSION, TECHNICAL RESCUE,
46 FIRE EQUIPMENT MAINTENANCE, INCIDENT COMMAND, FIRE INSTRUCTOR DEVELOP-
47 MENT, FIRE OFFICER DEVELOPMENT, FIREFIGHTER HEALTH AND SAFETY, DISPATCH-
48 ER TRAINING AND EMERGENCY MEDICAL TECHNICIAN TRAINING. STATE SPONSORED
49 NATIONAL FIRE ACADEMY COURSES SHALL ALSO BE MADE AVAILABLE AT THE ACAD-
50 EMY. THE FIRE ACADEMY SHALL INCLUDE, BUT NOT BE LIMITED TO, A SPRINKLER
51 LABORATORY, A COMPUTER FACILITY TO ANALYZE FIRES AND PREDICT THE FLOW OF
52 A HAZARDOUS MATERIALS PLUME, SIMULATORS FOR COMMAND TRAINING, A
53 SELF-CONTAINED BREATHING APPARATUS TRAINING MAZE, AND A THREE-STORY BURN
54 BUILDING. THE ACADEMY SHALL ALSO MAINTAIN A LIBRARY WITH AN EXTENSIVE

1 COLLECTION OF FIRE-RELATED MATERIALS, INCLUDING BUT NOT LIMITED TO,
2 BOOKS, PERIODICALS, TECHNICAL PAPERS, MANUFACTURERS INFORMATION, AND
3 VIDEOTAPES.

4 THE DIVISION MAY USE PUBLIC MONIES, FOR THE PURPOSES OF ESTABLISHING
5 AND MAINTAINING THE ACADEMY OF FIRE SCIENCE, AND FOR THE OPERATION OF
6 ITS PROGRAMS. NO PUBLIC MONIES, HOWEVER, SHALL BE USED BY THE DIVISION
7 FOR THE PURPOSE OF RELOCATING THE NEW YORK STATE PREPAREDNESS TRAINING
8 CENTER FROM ORISKANY TO MONTOUR FALLS, OR FOR THE RELOCATION OF THE
9 ACADEMY OF FIRE SCIENCE FROM MONTOUR FALLS TO ORISKANY. FOR PURPOSES OF
10 THIS SECTION, PUBLIC MONIES SHALL INCLUDE ANY FUNDS FROM A PUBLIC
11 SOURCE, INCLUDING BUT NOT LIMITED TO, A FEDERAL, STATE OR LOCAL GOVERN-
12 MENT, OR ANY SUBDIVISION OR ENTITY THEREOF.

13 S 2. This act shall take effect immediately.

14 PART BB

15 Section 1. Subdivision 1 of section 1317 of the racing, pari-mutuel
16 wagering and breeding law, as added by chapter 174 of the laws of 2013,
17 is amended to read as follows:

18 1. Upon receipt of an application for a gaming facility license, the
19 commission shall cause to be commenced an investigation BY THE DIVISION
20 OF STATE POLICE into the suitability of the applicant. In evaluating the
21 suitability of the applicant, the commission shall consider the overall
22 reputation of the applicant including, without limitation:

23 (a) the integrity, honesty, good character and reputation of the
24 applicant;

25 (b) the financial stability, integrity and background of the appli-
26 cant;

27 (c) the business practices and the business ability of the applicant
28 to establish and maintain a successful gaming facility;

29 (d) whether the applicant has a history of compliance with gaming
30 licensing requirements in other jurisdictions;

31 (e) whether the applicant, at the time of application, is a defendant
32 in litigation involving its business practices;

33 (f) the suitability of all parties in interest to the gaming facility
34 license, including affiliates and close associates and the financial
35 resources of the applicant; and

36 (g) whether the applicant is disqualified from receiving a license
37 under this article; provided, however, that in considering the rehabili-
38 tation of an applicant for a gaming facility license, the commission
39 shall not automatically disqualify an applicant if the applicant affir-
40 matively demonstrates, by clear and convincing evidence, that the appli-
41 cant has financial responsibility, character, reputation, integrity and
42 general fitness as such to warrant belief by the commission that the
43 applicant will act honestly, fairly, soundly and efficiently as a gaming
44 licensee.

45 S 2. This act shall take effect immediately.

46 PART CC

47 Section 1. Subdivision 5 of section 97-nnnn of the state finance law,
48 as added by chapter 174 of the laws of 2013, is amended to read as
49 follows:

50 5. Notwithstanding the foregoing, monies received pursuant to:

51 a. sections one thousand three hundred forty-five and one thousand
52 three hundred forty-eight of [this article] THE RACING, PARI-MUTUEL

WAGERING AND BREEDING LAW shall be exclusively appropriated to the office of alcoholism and substance abuse services to be used for problem gambling education and treatment purposes.

b. section one thousand three hundred forty-nine of [this article] THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW shall be exclusively appropriated to the commission for regulatory investigations.

c. section one thousand three hundred fifty of [this article] THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW shall be exclusively appropriated to the commission for costs regulation.

D. TITLE TWO OF ARTICLE THIRTEEN OF THE RACING, PARI-MUTUEL WAGERING AND BREEDING LAW MAY BE USED FOR THE INVESTIGATION OF ANY LICENSE APPLICANT PURSUANT TO SECTION ONE THOUSAND THREE HUNDRED SEVENTEEN OF SUCH TITLE.

S 2. This act shall take effect immediately.

PART DD

Section 1. Subdivision 2 of section 706 of the real property tax law, as amended by chapter 714 of the laws of 1982, is amended to read as follows:

2. A proceeding to review an assessment shall be founded upon a petition setting forth the respect in which the assessment is excessive, unequal or unlawful, or the respect in which real property is misclassified and stating that the petitioner is or will be injured thereby. Such petition shall be duly verified by the petitioner, an officer thereof, or by an agent thereof who has been authorized in writing to verify and file such petition and whose authorization is made a part of such petition. Such petition must show that a complaint was made in due time to the proper officers to correct such assessment. Two or more persons having real property assessed upon the same roll who assert the same grounds for review presenting a common question of law or fact, may unite in the same petition; PROVIDED, HOWEVER, THAT IN A SPECIAL ASSESSING UNIT, AS DEFINED IN SECTION EIGHTEEN HUNDRED ONE OF THIS CHAPTER, WHICH IS NOT A CITY, TWO OR MORE PERSONS HAVING REAL PROPERTY ASSESSED UPON THE SAME ROLL, IN THE SAME CLASS OF REAL PROPERTY AS DEFINED IN SECTION EIGHTEEN HUNDRED TWO OF THIS CHAPTER, WHO ASSERT THE SAME GROUNDS FOR REVIEW, MAY WITHOUT CONDITION OR LIMITATION UNITE IN THE SAME PETITION. IT IS FURTHER PROVIDED THAT AN ELECTRONIC COPY OF THE UNITED PETITION SHALL BE PROVIDED TO THE ASSESSING UNIT.

S 2. Subdivision 8 of section 9 of 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, as amended by section 1 of part Z of chapter 55 of the laws of 2013, is amended to read as follows:

8. Notwithstanding the foregoing provisions of this act, on June 30, [2014] 2015, the amendments of sections 6-2.1 and 6-13.0 of the Nassau county administrative code, made by sections two and four of this act, and section 6-24.1 of such code, as added by section seven of this act, shall be deemed repealed. On such date the addition of the words "the year following" to the first sentence of subdivision 8 of section 523-b of the real property tax law, as amended by section one of this act, shall be deemed repealed.

S 3. This act shall take effect immediately; provided, however that the provisions of section one of this act shall apply to real property with a taxable status date on or after January 1, 2013.

1

PART EE

2 Section 1. Section 79-b of the correction law, as amended by section 1
3 of part MM of chapter 56 of the laws of 2010, is amended to read as
4 follows:

5 S 79-b. Adaptive reuse plan for consideration prior to prison closure.
6 Not later than six months prior to the [effective date] NOTIFICATION of
7 closure of a correctional facility, the commissioner of economic devel-
8 opment shall, in consultation with the commissioner, the commissioners
9 of civil service, general services and the division of criminal justice
10 services, the director of the governor's office of employee relations,
11 officials of all local governments of any political subdivision in which
12 the correctional facility is located and any other appropriate state
13 agencies or authorities, provide a report for an adaptive reuse plan for
14 any facility slated for closure which will evaluate the community impact
15 of the proposed closure including but not limited to the following
16 factors: the potential to utilize the property for another state govern-
17 ment purpose, including for a new purpose as part of the state criminal
18 justice system; potential for the sale or transfer of the property to a
19 local government or other governmental entity; potential for the sale of
20 the property to a private entity for development into a business, resi-
21 dential or other purpose; community input for local development; and the
22 condition of the facility and the investments required to keep the
23 structure in good repair, or to make it viable for reuse.

24 S 2. This act shall take effect immediately.

25

PART FF

26 Section 1. Subdivision 9 of section 53 of the state finance law is
27 renumbered subdivision 10 and a new subdivision 9 is added to read as
28 follows:

29 9. IN ADDITION TO THE PROVISIONS OF THIS SECTION, FUNDS SHALL BE
30 EXPENDED BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES FOR
31 NATURAL AND MAN-MADE DISASTER PREVENTION, RESPONSE AND RECOVERY PURSUANT
32 TO THE PROVISIONS OF SECTION TWENTY-NINE-E OF THE EXECUTIVE LAW.

33 S 2. Section 29-e of the executive law, as added by chapter 603 of the
34 laws of 1993, paragraph (e) of subdivision 1 as amended by section 8,
35 paragraphs (a), (f) and (g) of subdivision 3 as amended by section 9 and
36 paragraphs (a) and (b) of subdivision 4 as amended by section 10 of part
37 B of chapter 56 of the laws of 2010, is amended to read as follows:

38 S 29-e. New York state emergency assistance program. 1. For purposes
39 of this section the following terms shall have the following meanings:

40 (a) "Infrastructure" shall mean and include publicly owned storm and
41 sanitary sewers, water supply systems, drainage systems, transportation
42 systems, roads and bridges.

43 (b) "Municipality" shall mean any county, city, village, or town of
44 the state.

45 (c) "Public facilities" shall mean and include publicly owned build-
46 ings, including traditional government buildings, such as courthouses,
47 firehouses, police stations, parks, recreational facilities, and correc-
48 tional facilities.

49 (d) "Fund" shall mean the state's contingency reserve fund established
50 by law.

51 (e) "The office of emergency management" shall mean the office within
52 the division of homeland security and emergency services.

1 2. The governor may, upon a finding that a municipality in the state
2 has suffered substantial damage by an unanticipated natural OR MAN-MADE
3 disaster which has resulted in significant economic distress within such
4 municipality, issue a declaration of significant economic distress in
5 accordance with the provisions herein. In determining whether such
6 significant economic distress exists, the governor shall consider wheth-
7 er ANY OR ALL OF the following criteria have been met:

8 (a) the municipality suffered a substantial loss of assessed value;

9 (b) substantial damage has occurred to municipal buildings, facilities
10 and infrastructure, OR TO PRIVATE RESIDENTIAL OR COMMERCIAL PROPERTY;

11 (c) the cost incurred by the municipality for clean-up operations is
12 significant;

13 (d) businesses within the municipality have experienced significant
14 economic loss due to the inability to conduct normal business due to the
15 disaster;

16 (e) a significant increase in unemployment claims filed by persons
17 employed within the municipality has occurred; and

18 (f) the county or the county within which the municipality is located
19 has been declared eligible by the United States small business adminis-
20 tration for physical disaster and economic injury disaster loans.

21 In addition, the governor shall also consider the extent that other
22 financial resources, including federal assistance and insurance, are
23 available to assist the municipality, AND ITS RESIDENTS AND BUSINESSES
24 to repair damage caused by the disaster.

25 3. (a) Upon the issuance of a declaration of significant economic
26 distress due to unanticipated natural OR MAN-MADE disaster by the gover-
27 nor, a municipality recognized by the governor as being affected by such
28 disaster which occurred on or after December first, nineteen hundred
29 ninety-two, OR A RESIDENT OR BUSINESS ADVERSELY AFFECTED BY SUCH DISAS-
30 TER, may apply to the division of homeland security and emergency
31 services on a form prescribed by such office, for reimbursement from the
32 state's contingency reserve fund, OR ANY OTHER DESIGNATED FUND EXPRESSLY
33 ESTABLISHED FOR THE PURPOSE OF PROVIDING EMERGENCY ASSISTANCE FOR
34 NATURAL AND/OR MAN-MADE DISASTERS, for reimbursement of extraordinary
35 and unanticipated costs associated with the reconstruction or repair of
36 [public] buildings, facilities or infrastructure.

37 (b) Where the municipality applying for assistance authorized pursuant
38 to this section is a city, and such application pertains to a county
39 wholly contained within such city, such city may submit separate appli-
40 cations for such assistance for each such county.

41 (c) [Such] IF ASSISTANCE FROM THE FEDERAL GOVERNMENT IS DENIED TO A
42 MUNICIPALITY, RESIDENT OR BUSINESS WHICH HAS SUSTAINED INJURY DUE TO A
43 NATURAL OR MAN-MADE DISASTER, STATE ASSISTANCE SHALL BE GRANTED WITHIN
44 THE GUIDELINES OF SUBDIVISION FOUR OF THIS SECTION.

45 (D) A municipality shall be granted the assistance provided pursuant
46 to this section, within the amounts made available by appropriation from
47 [the] A fund SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVISION, upon
48 approval of [such] AN application SUBMITTED TO THE DIVISION OF HOMELAND
49 SECURITY AND EMERGENCY SERVICES, provided that such municipality agrees
50 to have a local disaster preparedness plan pursuant to section twenty-
51 three of this article in effect by December thirty-first, nineteen
52 hundred ninety-three. On or after December thirty-first, nineteen
53 hundred ninety-three, no municipality shall be eligible for reimburse-
54 ment of such expenses unless such plan is in effect.

55 [(d)] (E) Municipalities which have received assistance pursuant to
56 this section shall, as soon thereafter as may be possible, amend their

1 respective local disaster preparedness plans to include corrective meas-
2 ures that must be taken in order to avoid, to the extent possible, simi-
3 lar emergencies in the future.

4 [(e)] (F) Municipalities, RESIDENTS AND BUSINESSES applying for
5 assistance pursuant to this section shall accurately describe the emer-
6 gency conditions which necessitate the expenditure of funds for which
7 reimbursement is being sought pursuant to this section.

8 [(f)] (G) In providing assistance pursuant to this section, the divi-
9 sion of homeland security and emergency services may give preference to
10 applicants which demonstrate the greatest need or which document that
11 such assistance will be utilized to bring the applicant into compliance
12 with federal or state law.

13 [(g)] (H) In the event that amounts appropriated are insufficient to
14 provide for full reimbursement of all extraordinary and unanticipated
15 costs incurred by such municipality, RESIDENT OR BUSINESS approved for
16 reimbursement pursuant to this section, the division of homeland securi-
17 ty and emergency services is authorized to provide a pro rata share of
18 the appropriations, appropriated herein, to such municipality.

19 4. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN
20 CONSULTATION WITH THE DEPARTMENT OF FINANCIAL SERVICES AND THE URBAN
21 DEVELOPMENT CORPORATION, SHALL ESTABLISH AND ADMINISTER BY REGULATION A
22 SUPPLEMENTAL STATE DISASTER AID PROGRAM. SUCH PROGRAM SHALL BE IN ADDI-
23 TION TO ANY FUNDS EXPENDED OR PROVIDED THROUGH THE DIVISION BY MEANS OF
24 FUNDS PROVIDED BY THE FEDERAL GOVERNMENT. WITHIN THE SUPPLEMENTAL DISAS-
25 TER AID PROGRAM THERE SHALL BE THREE MAJOR CATEGORIES OF DISASTER AID.
26 SUCH CATEGORIES SHALL INCLUDE INDIVIDUAL ASSISTANCE, PUBLIC ASSISTANCE
27 AND HAZARD MITIGATION, AND SHALL BE AVAILABLE TO MUNICIPALITIES, RESI-
28 DENTS AND BUSINESSES THAT HAVE BEEN OTHERWISE DENIED ASSISTANCE FROM THE
29 FEDERAL GOVERNMENT.

30 (B) PURSUANT TO THE SUPPLEMENTAL DISASTER AID PROGRAM, APPLICATIONS
31 FOR STATE ASSISTANCE SHALL BE MADE AVAILABLE TO POTENTIAL AID RECIPIENTS
32 BY THE DIVISION. AFTER A COMPLETED APPLICATION IS RECEIVED BY THE DIVI-
33 SION, THE DAMAGED PROPERTY SHALL BE INSPECTED TO VERIFY THE LOSS. IF AN
34 APPLICATION FOR A GRANT IS APPROVED BY THE DIVISION, THE APPLICANT SHALL
35 RECEIVE AID NOT MORE THAN THIRTY DAYS AFTER THE SUBMISSION OF THE APPLI-
36 CATION. IF AN APPLICATION FOR A LOAN IS APPROVED BY THE DIVISION, THE
37 APPLICANT SHALL RECEIVE AID NOT MORE THAN SIXTY DAYS AFTER THE
38 SUBMISSION OF THE APPLICATION.

39 (C) THE DIVISION SHALL COOPERATE WITH THE OFFICE OF THE STATE COMP-
40 TROLLER TO PROVIDE FOR THE PROVISION OF PERIOD AUDITS OF THE SUPPLE-
41 MENTAL DISASTER AID PROGRAM, TO ASSURE THAT ALL AID AND LOANS PROVIDED
42 WERE GIVEN ONLY TO THOSE ELIGIBLE TO RECEIVE SUCH ASSISTANCE AND IN THE
43 AMOUNTS SO REQUIRED, AND THAT SUCH DISASTER FUNDS AND LOANS WERE USED
44 ONLY FOR THEIR INTENDED PURPOSES. FUNDS AND LOANS FOR THE SUPPLEMENTAL
45 DISASTER AID PROGRAM SHALL NOT DUPLICATE ASSISTANCE PROVIDED BY OTHER
46 SOURCES, INCLUDING THOSE PROVIDED BY THE FEDERAL GOVERNMENT OR INSUR-
47 ANCE.

48 (D) AFTER A MAJOR DISASTER, THE DIVISION OF HOMELAND SECURITY AND
49 EMERGENCY SERVICES SHALL ATTEMPT TO NOTIFY ALL DISASTER VICTIMS ABOUT
50 THE AVAILABLE AID PROGRAMS OFFERED BY THE FEDERAL AND STATE GOVERNMENTS,
51 INCLUDING THE SUPPLEMENTAL DISASTER AID PROGRAM, AND URGE THEM TO APPLY.

52 (E) IN APPROPRIATE CIRCUMSTANCES, THE DIVISION SHALL AWARD ASSISTANCE
53 TO INDIVIDUALS WHO SUSTAINED INJURY TO PERSON OR PROPERTY AS A RESULT OF
54 A NATURAL AND/OR MAN-MADE DISASTER. APPLICATION FOR ASSISTANCE SHALL BE
55 MADE AND DETERMINED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION.
56 THE DIVISION SHALL FOLLOW THE PRESCRIBED PROTOCOLS OF THIS PARAGRAPH IN

1 PROVIDING INDIVIDUAL ASSISTANCE. IMMEDIATELY AFTER THE DECLARATION OF
2 THE DISASTER, THE DIVISION SHALL FACILITATE THE ARRIVAL OF DISASTER
3 WORKERS AT THE VICINITY OF THE DISASTER, AND SHALL SET UP AND ESTABLISH
4 A CENTRAL FIELD OFFICE TO COORDINATE THE RECOVERY EFFORT. THE DIVISION
5 SHALL FURTHER ESTABLISH AND PUBLICIZE A TOLL-FREE TELEPHONE NUMBER FOR
6 USE BY AFFECTED RESIDENTS AND BUSINESS OWNERS TO GAIN INFORMATION ON THE
7 APPLICATION FOR ASSISTANCE. THE DIVISION SHALL FURTHER FACILITATE THE
8 OPENING AND OPERATION OF DISASTER RECOVERY CENTERS WHERE DISASTER
9 VICTIMS CAN MEET WITH PROGRAM REPRESENTATIVES AND OBTAIN INFORMATION
10 ABOUT AVAILABLE AID AND THE RECOVERY PROCESS. WHERE POSSIBLE, THE DIVI-
11 SION SHALL INTEGRATE AND COORDINATE ITS EFFORTS TO FOLLOW THE PRESCRIBED
12 PROTOCOLS OF THIS PARAGRAPH WITH FEDERAL AND LOCAL GOVERNMENT EFFORTS
13 ALSO PROVIDING DISASTER AID OR SERVICES. DISASTER AID TO INDIVIDUALS
14 SHALL BE PROVIDED IN ACCORDANCE WITH THE FOLLOWING CATEGORIES:

15 I. DISASTER HOUSING. THE DIVISION SHALL MAKE INDIVIDUAL ASSISTANCE AID
16 AVAILABLE FOR DISASTER HOUSING FOR A PERIOD OF UP TO EIGHTEEN MONTHS FOR
17 DISPLACED RESIDENTS OF THE MUNICIPALITY WHOSE RESIDENCES WERE HEAVILY
18 DAMAGED OR DESTROYED. THE DIVISION SHALL ALSO MAKE AVAILABLE AID FOR
19 HOUSING REPAIRS, AND FOR THE REPLACEMENT OR REPAIR OF DAMAGED ITEMS THAT
20 WOULD MAKE SUCH DAMAGED OR DESTROYED RESIDENCES HABITABLE.

21 II. DISASTER GRANTS. THE DIVISION SHALL MAKE INDIVIDUAL ASSISTANCE AID
22 AVAILABLE TO HELP MEET OTHER SERIOUS DISASTER RELATED NEEDS AND NECES-
23 SARY EXPENSES NOT COVERED BY INSURANCE AND OTHER AID PROGRAMS. SUCH
24 SERIOUS DISASTER RELATED NEEDS AND NECESSARY EXPENSES MAY INCLUDE
25 REPLACEMENT OF PERSONAL PROPERTY, AND TRANSPORTATION, MEDICAL, DENTAL
26 AND FUNERAL EXPENSES.

27 III. LOW INTEREST DISASTER LOANS. THE URBAN DEVELOPMENT CORPORATION
28 SHALL MAKE INDIVIDUAL ASSISTANCE LOW INTEREST DISASTER LOANS AVAILABLE
29 TO RESIDENTS AND BUSINESSES, TO COVER UNINSURED PROPERTY LOSSES. LOW
30 INTEREST DISASTER LOANS SHALL BE MADE AVAILABLE FOR REPAIR OR REPLACE-
31 MENT OF HOMES, AUTOMOBILES OR OTHER CAPITAL IMPROVEMENTS. LOW INTEREST
32 DISASTER LOANS SHALL ALSO BE MADE AVAILABLE TO BUSINESSES FOR PROPERTY
33 LOSS AND ECONOMIC INJURY. APPLICATION FOR SUCH LOW INTEREST DISASTER
34 LOANS SHALL BE MADE TO THE DIVISION, WITH APPROVAL OF SUCH APPLICATION
35 REQUIRING BOTH THE APPROVAL OF THE DIVISION AND THE URBAN DEVELOPMENT
36 CORPORATION. THE URBAN DEVELOPMENT CORPORATION SHALL BE AUTHORIZED TO
37 ISSUE BONDS FOR THE PURPOSE OF THIS SUBDIVISION.

38 IV. PERSONAL SERVICE AID. THE DIVISION SHALL MAKE INDIVIDUAL ASSIST-
39 ANCE AID AVAILABLE TO PROVIDE NECESSARY PERSONAL SERVICES TO DISASTER
40 VICTIMS, INCLUDING CRISIS COUNSELING, DISASTER-RELATED UNEMPLOYMENT
41 ASSISTANCE, LEGAL AID, INCOME TAX ASSISTANCE, SOCIAL SECURITY ASSISTANCE
42 AND VETERAN'S BENEFIT ASSISTANCE.

43 (F) THE DIVISION SHALL MAKE MUNICIPALITY ASSISTANCE AID AVAILABLE TO
44 LOCAL GOVERNMENTS TO PAY ALL OR PART OF THE COSTS OF REBUILDING A COMMU-
45 NITY'S DAMAGED INFRASTRUCTURE. UNLESS SUCH COST IS LESS THAN TEN THOU-
46 SAND DOLLARS, SUCH MUNICIPALITY ASSISTANCE AID SHALL PAY FOR NOT MORE
47 THAN SEVENTY-FIVE PERCENT OF THE APPROVED PROJECT COSTS. THIS MUNICI-
48 PALITY ASSISTANCE AID SHALL INCLUDE AID FOR DEBRIS REMOVAL, AID FOR
49 EMERGENCY PROTECTIVE MEASURES, AID FOR PUBLIC SERVICES, AID FOR REPAIR
50 OF DAMAGED PUBLIC PROPERTY, AID FOR ESSENTIAL GOVERNMENT FUNCTIONS, AND
51 INFRASTRUCTURE GRANTS FOR PUBLIC SCHOOLS.

52 (G) THE DIVISION SHALL MAKE HAZARD MITIGATION ASSISTANCE AID AVAILABLE
53 TO DISASTER VICTIMS AND PUBLIC ENTITIES TO AVOID THE LIFE AND PROPERTY
54 RISKS OF FUTURE DISASTERS. HAZARD MITIGATION ASSISTANCE AID SHALL
55 INCLUDE, BUT NOT BE LIMITED TO, AID FOR THE ELEVATION OR RELOCATION OF
56 CHRONICALLY FLOOD-DAMAGED HOMES AWAY FROM FLOOD HAZARD AREAS, AID FOR

1 THE RETROFITTING OF BUILDINGS TO MAKE THEM RESISTANT TO EARTHQUAKES OR
2 STRONG WINDS, AND AID FOR THE ADOPTION AND ENFORCEMENT OF ADEQUATE CODES
3 AND STANDARDS BY LOCAL, STATE AND FEDERAL GOVERNMENT. THE DIVISION SHALL
4 SEEK TO COORDINATE HAZARD MITIGATION MEASURES WHEN REPAIRING
5 DISASTER-DAMAGED STRUCTURES. IN ADDITION TO THE GRANTS PROVIDED PURSUANT
6 TO APPROVED HAZARD MITIGATION ASSISTANCE AID, THE URBAN DEVELOPMENT
7 CORPORATION SHALL MAKE HAZARD MITIGATION LOW INTEREST DISASTER LOANS
8 AVAILABLE TO MUNICIPALITIES, RESIDENTS AND BUSINESSES, TO PROVIDE FOR
9 HAZARD MITIGATION. HAZARD MITIGATION LOW INTEREST DISASTER LOANS SHALL
10 BE MADE AVAILABLE UPON APPLICATION TO THE DIVISION, WITH APPROVAL OF
11 SUCH APPLICATION REQUIRING BOTH THE APPROVAL OF THE DIVISION AND THE
12 URBAN DEVELOPMENT CORPORATION. THE URBAN DEVELOPMENT CORPORATION SHALL
13 BE AUTHORIZED TO ISSUE BONDS FOR THE PURPOSE OF THIS SUBDIVISION.

14 [4.] 5. (a) The commissioner of the division of homeland security and
15 emergency services as defined in article twenty-six of this chapter with
16 the advice and consent of the disaster preparedness commission created
17 pursuant to this article, shall have the power to make such rules and
18 regulations as may be necessary and proper to effectuate the purposes of
19 this section.

20 (b) The commissioner of the division of homeland security and emergen-
21 cy services shall by March fifteenth of each year report to the governor
22 and the legislature describing the activities and operation of the
23 program authorized by this section. Such report shall set forth the
24 number of reimbursement applications received and approved; the identi-
25 ties of the counties, cities, towns and villages, AS WELL AS THE INDI-
26 VIDUALS AND BUSINESSES receiving reimbursement, ASSISTANCE OR LOANS,
27 together with the amount and purpose of the reimbursement, ASSISTANCE OR
28 LOAN.

29 S 3. Short title. Sections three through ten of this act shall be
30 known and may be cited as the "Mohawk Valley and Niagara county assess-
31 ment relief act".

32 S 4. Definitions. For the purposes of this act, the following terms
33 shall have the following meanings:

34 1. "Eligible county" shall mean the counties of Oneida, Herkimer,
35 Madison, Montgomery, Tompkins, Cortland, Chemung, Schuyler, Steuben and
36 Niagara.

37 2. "Eligible municipality" shall mean a municipal corporation, as
38 defined by subdivision 10 of section 102 of the real property tax law,
39 which is either: (a) an eligible county; or (b) a city, town, village,
40 special district, or school district that is wholly or partly contained
41 within an eligible county.

42 3. "Impacted tax roll" shall mean the final assessment roll which
43 satisfies both of the following conditions: (a) the roll is based upon a
44 taxable status date occurring prior to June 20, 2013; and (b) taxes
45 levied upon that roll by or on behalf of a participating municipality
46 are payable without interest on or after June 20, 2013.

47 4. "Participating municipality" shall mean an eligible municipality
48 that has passed a local law, ordinance, or resolution pursuant to
49 section three of this act to provide assessment relief to property
50 owners within such eligible municipality pursuant to the provisions of
51 this act.

52 5. "Severe weather" shall mean the storms, rains, winds, or floods
53 which occurred within an eligible county during the period beginning on
54 June 20, 2013 and ending August 9, 2013.

55 6. "Total assessed value" shall mean the total assessed value on the
56 parcel prior to any and all exemption adjustments.

1 7. "Improved value" shall mean the market value of the real property
2 improvements excluding the land.

3 8. "Property" shall mean "real property", "property" or "land" as
4 defined under paragraphs (a) through (g) of subdivision 12 of section
5 102 of the real property tax law.

6 S 5. Local option. An eligible municipality may exercise the
7 provisions of this act if its governing body shall, by the forty-fifth
8 day following the date upon which this act is approved by the governor,
9 pass a local law or in the case of a school district a resolution adopt-
10 ing the provisions of this act. An eligible municipality may provide
11 assessment relief for real property impacted by severe weather located
12 within such municipality as provided in paragraphs (i), (ii), (iii)
13 and/or (iv) of subdivision (a) of section six of this act only if its
14 governing body specifically elects to do so as part of such local law or
15 resolution.

16 S 6. Assessment relief for severe weather victims in an eligible coun-
17 ty. (a) Notwithstanding any provision of law to the contrary, where real
18 property impacted by severe weather is located within a participating
19 municipality, assessment relief shall be granted as follows:

20 (i) If a participating municipality has elected to provide assessment
21 relief for real property that lost at least ten percent but less than
22 twenty percent of its improved value due to severe weather, the assessed
23 value attributable to the improvements shall be reduced by fifteen
24 percent for purposes of the participating municipality on the impacted
25 tax roll.

26 (ii) If a participating municipality has elected to provide assessment
27 relief for real property that lost at least twenty percent but less than
28 thirty percent of its improved value due to severe weather, the assessed
29 value attributable to the improvements shall be reduced by twenty-five
30 percent for purposes of the participating municipality on the impacted
31 tax roll.

32 (iii) If a participating municipality has elected to provide assess-
33 ment relief for real property that lost at least thirty percent but less
34 than forty percent of its improved value due to severe weather, the
35 assessed value attributable to the improvements shall be reduced by
36 thirty-five percent for purposes of the participating municipality on
37 the impacted tax roll.

38 (iv) If a participating municipality has elected to provide assessment
39 relief for real property that lost at least forty percent but less than
40 fifty percent of its improved value due to severe weather, the assessed
41 value attributable to the improvements shall be reduced by forty-five
42 percent for purposes of the participating municipality on the impacted
43 tax roll.

44 (v) If the property lost at least fifty but less than sixty percent of
45 its improved value due to severe weather, the assessed value attribut-
46 able to the improvements shall be reduced by fifty-five percent for
47 purposes of the participating municipality on the impacted tax roll.

48 (vi) If the property lost at least sixty but less than seventy percent
49 of its improved value due to severe weather, the assessed value attrib-
50 utable to the improvements shall be reduced by sixty-five percent for
51 purposes of the participating municipality on the impacted tax roll.

52 (vii) If the property lost at least seventy but less than eighty
53 percent of its improved value due to severe weather, the assessed value
54 attributable to the improvements shall be reduced by seventy-five
55 percent for purposes of the participating municipality on the impacted
56 tax roll.

(viii) If the property lost at least eighty but less than ninety percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by eighty-five percent for purposes of the participating municipality on the impacted tax roll.

(ix) If the property lost at least ninety but less than one hundred percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by ninety-five percent for purposes of the participating municipality on the impacted tax roll.

(x) If the property lost one hundred percent of its improved value due to severe weather, the assessed value attributable to the improvements shall be reduced by one hundred percent for purposes of the participating municipality on the impacted tax roll.

(xi) The percentage loss in improved value for this purpose shall be determined by the assessor in the manner provided by this act, subject to review by the board of assessment review.

(xii) No reduction in assessed value shall be granted pursuant to this act except as specified above for such counties. No reduction in assessed value shall be granted pursuant to this section for purposes of any county, city, town, village or school district which has not adopted the provisions of this act.

(b) To receive such relief pursuant to this section, the property owner shall submit a written request to the assessor on a form approved by the director of the state office of real property tax services within ninety days following the date upon which this act is approved by the governor. Such request shall describe in reasonable detail the damage caused to the property by severe weather and the condition of the property following the severe weather and shall be accompanied by supporting documentation, if available.

(c) Upon receiving such a request, the assessor shall make a finding, as to whether the property lost at least fifty percent of its improved value or, if a participating municipality has elected to provide assessment relief for real property that lost a lesser percentage of improved value, such lesser percentage of its improved value as a result of severe weather, and thereafter the assessor, shall adopt or classify the percentage loss of improved value within one of the following ranges:

(i) If a participating municipality has elected to provide assessment relief for real property that lost at least ten percent but less than twenty percent of its improvement value due to severe weather, at least ten percent but less than twenty percent,

(ii) If a participating municipality has elected to provide assessment relief for real property that lost at least twenty percent but less than thirty percent of its improved value due to severe weather, at least twenty percent but less than thirty percent,

(iii) If a participating municipality has elected to provide assessment relief for real property that lost at least thirty percent but less than forty percent of its improved value due to severe weather, at least thirty percent but less than forty percent,

(iv) If a participating municipality has elected to provide assessment relief for real property that lost at least forty percent but less than fifty percent of its improved value due to severe weather, at least forty percent but less than fifty percent,

(v) At least fifty percent but less than sixty percent,

(vi) At least sixty percent but less than seventy percent,

(vii) At least seventy percent but less than eighty percent,

(viii) At least eighty percent but less than ninety percent,

(ix) At least ninety percent but less than one hundred percent, or

1 (x) one hundred percent.

2 (d) The assessor shall mail written notice of such finding to the
3 property owner and the participating municipality. Where the assessor
4 finds that the loss in improved value is less than fifty percent or, if
5 a participating municipality has elected to provide assessment relief
6 for real property located within such participating municipality for a
7 lesser percentage, is less than such lesser percentage, or classifies
8 the loss within a lower range than the property owner believes is
9 warranted, the property owner may file a complaint with the board of
10 assessment review. Such board shall reconvene upon ten days written
11 notice to the property owner and assessor to hear the appeal and deter-
12 mine the matter, and shall mail written notice of its determination to
13 the assessor and property owner. The provisions of article 5 of the real
14 property tax law shall govern the review process to the extent practica-
15 ble. For the purposes of this act only, the applicant may commence with-
16 in 30 days of service of a written determination, a proceeding under
17 title 1 of article 7 of the real property tax law, or, if applicable,
18 under title 1-A of article 7 of the real property tax law. Sections 727
19 and 739 of the real property tax law shall not apply.

20 (e) Where property has lost at least fifty percent of its improved
21 value or, if a participating municipality has elected to provide assess-
22 ment relief for real property that lost a lesser percentage of improved
23 value, such lesser percentage due to severe weather, the assessed value
24 attributable to the improvements on the property on the impacted assess-
25 ment roll shall be reduced by the appropriate percentage specified in
26 subdivision (a) of this section, provided that any exemptions which the
27 property may be receiving shall be adjusted as necessary to account for
28 such reduction in the total assessed value. To the extent the total
29 assessed value of the property originally appearing on such roll exceeds
30 the amount to which it should be reduced pursuant to this act, the
31 excess shall be considered an error in essential fact as defined by
32 subdivision 3 of section 550 of the real property tax law. If the error
33 appears on a tax roll, the tax roll shall be corrected in the manner
34 provided by section 554 of the real property tax law or a refund or
35 credit of taxes shall be granted in the manner provided by section 556
36 or section 556-b of the real property tax law. If the error appears on a
37 final assessment roll but not on a tax roll, such final assessment roll
38 shall be corrected in the manner provided by section 553 of the real
39 property tax law. The errors in essential fact found pursuant to this
40 act on either the tax roll or final assessment roll, upon application to
41 the county director of real property tax services, shall be forwarded by
42 the county director of real property tax services immediately to the
43 levying body for an immediate order setting forth the appropriate
44 correction.

45 (f) The rights contained in this act shall not otherwise diminish any
46 other legally available right of any property owner or party who may
47 otherwise lawfully challenge the valuation or assessment of any real
48 property or improvements thereon. All remaining rights hereby remain and
49 shall be available to the party to whom such rights would otherwise be
50 available notwithstanding this act.

51 S 7. The commissioner of taxation and finance is authorized to develop
52 a guidance memorandum for use by assessing units. Such guidance memoran-
53 dum shall assist with the implementation of this act and shall be deemed
54 to be advisory on all assessing units in counties which implement the
55 provisions of this act. The guidance memorandum shall have no force or
56 effect or serve as authority for any other act of assessing units or of

1 the interpretation or implementation of the laws of the state of New
2 York except as they relate to the specific implementation of this act.

3 S 8. School districts held harmless. Each school district that is
4 wholly or partially contained within an eligible county shall be held
5 harmless by the state for any reduction in state aid that would have
6 been paid as tax savings pursuant to section 1306-a of the real property
7 tax law incurred due to the provisions of this act.

8 S 9. Bonds authorized. Serial bonds, and in advance of such, bond
9 anticipation notes, are hereby authorized pursuant to subdivision 33-c
10 of paragraph a of section 11.00 of the local finance law, provided,
11 however, that any federal community development block grant funding
12 received by such participating municipality, in relation to loss of
13 property tax funding, shall first be used to defease, upon maturity, the
14 interest and principal of any such bond or note so outstanding.

15 S 10. Paragraph a of section 11.00 of the local finance law is amended
16 by adding a new subdivision 33-c to read as follows:

17 33-C. REAL PROPERTY TAX REFUNDS AND CREDITS. PAYMENTS OF EXEMPTIONS,
18 REFUNDS, OR CREDITS FOR REAL PROPERTY TAX, SEWER AND WATER RENTS, RATES
19 AND CHARGES AND ALL OTHER REAL PROPERTY TAXES TO BE MADE BY A MUNICI-
20 PALITY, SCHOOL DISTRICT OR DISTRICT CORPORATION AS A RESULT OF PARTIC-
21 IPATING IN THE MOHAWK VALLEY AND NIAGARA COUNTY ASSESSMENT RELIEF ACT,
22 TEN YEARS.

23 S 11. Subsections (yy) and (zz) of section 606 of the tax law, as
24 relettered by section 5 of part H of chapter 1 of the laws of 2003, are
25 relettered subsections (yyy) and (zzz) and a new subsection (xx) is
26 added to read as follows:

27 (XX) FLOOD VICTIMS CREDIT. (1) FOR TAXABLE YEARS BEGINNING ON OR AFTER
28 JANUARY FIRST, TWO THOUSAND FOURTEEN AND ENDING BEFORE JANUARY FIRST,
29 TWO THOUSAND SIXTEEN, A QUALIFIED TAXPAYER SHALL BE ALLOWED A CREDIT
30 AGAINST THE TAX IMPOSED BY THIS ARTICLE TO BE COMPUTED AS HEREINAFTER
31 PROVIDED. FOR THE PURPOSES OF THIS SUBSECTION, A QUALIFIED TAXPAYER
32 SHALL MEAN A RESIDENT TAXPAYER IMPACTED BY THE FLOODING DURING THE PERI-
33 OD OF JUNE TWENTIETH, TWO THOUSAND THIRTEEN TO AUGUST NINTH, TWO THOU-
34 SAND THIRTEEN IN THE FOLLOWING COUNTIES: ONEIDA, HERKIMER, MADISON,
35 MONTGOMERY, TOMPKINS, CORTLAND, CHEMUNG, SCHUYLER, STEUBEN, AND NIAGARA.

36 (2) AMOUNT OF CREDIT. (A) THE AMOUNT OF THE CREDIT SHALL BE EQUAL TO
37 THE AMOUNT OF SCHOOL PROPERTY TAXES PAID FOR THE TWO THOUSAND THIR-
38 TEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR AND THE AMOUNT OF ANY CITY,
39 VILLAGE, TOWN AND COUNTY PROPERTY TAXES PAID IN TAXABLE YEAR TWO THOU-
40 SAND FOURTEEN WITH RESPECT TO ANY PROPERTY WHICH SUSTAINED SUBSTANTIAL
41 DAMAGE AS A RESULT OF SEVERE FLOODING DURING THE PERIOD OF JUNE TWENTI-
42 ETH, TWO THOUSAND THIRTEEN TO AUGUST NINTH, TWO THOUSAND THIRTEEN,
43 INCLUSIVE.

44 (B) FOR PURPOSES OF THIS SUBSECTION, THE TERM "SUBSTANTIAL DAMAGE"
45 MEANS DAMAGE OF ANY ORIGIN SUSTAINED BY A STRUCTURE WHEREBY THE COST OF
46 RESTORING THE STRUCTURE TO ITS BEFORE DAMAGED CONDITION WOULD EQUAL OR
47 EXCEED FIFTY PERCENT OF THE MARKET VALUE OF THE STRUCTURE BEFORE THE
48 DAMAGE OCCURRED.

49 (3) ELIGIBILITY. (A) THE CREDIT SHALL ONLY BE ALLOWED WHERE THE
50 AFFECTED PROPERTY IS LOCATED IN A COUNTY IN THIS STATE WHICH WAS
51 DECLARED BY THE GOVERNOR TO BE A STATE DISASTER EMERGENCY DECLARATION
52 AREA OR HAS SOUGHT OR IS ELIGIBLE TO RECEIVE FEDERAL AID OR ASSISTANCE
53 FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY AS A RESULT OF SEVERE
54 FLOODING DURING THE PERIOD OF JUNE TWENTIETH, TWO THOUSAND THIRTEEN TO
55 AUGUST NINTH, TWO THOUSAND THIRTEEN, INCLUSIVE.

(B) THE CREDIT UNDER THIS SUBSECTION SHALL ONLY BE ALLOWED IF THE PROPERTY IS CONSIDERED THE TAXPAYER'S PRIMARY RESIDENCE.

(4) APPLICATION OF CREDIT. IF THE AMOUNT OF CREDIT ALLOWED UNDER THIS SUBSECTION SHALL EXCEED THE TAXPAYER'S TAX FOR SUCH YEAR, THE EXCESS SHALL BE TREATED AS AN OVERPAYMENT OF TAX TO BE CREDITED OR REFUNDED IN ACCORDANCE WITH THE PROVISIONS OF SECTION SIX HUNDRED EIGHTY-SIX OF THIS ARTICLE, PROVIDED, HOWEVER, THAT NO INTEREST SHALL BE PAID THEREON.

S 12. The canal law is amended by adding a new article 13-B to read as follows:

ARTICLE XIII-B

UPSTATE FLOOD MITIGATION TASK FORCE

SECTION 139. UPSTATE FLOOD MITIGATION TASK FORCE.

139-A. DEFINITIONS.

139-B. TASK FORCE COMPOSITION.

139-C. TASK FORCE DUTIES AND POWERS.

139-D. UPSTATE FLOOD MITIGATION GRANT PROGRAM.

S 139. UPSTATE FLOOD MITIGATION TASK FORCE. THE UPSTATE FLOOD MITIGATION TASK FORCE, REFERRED TO IN THIS ARTICLE AS THE "TASK FORCE", IS HEREBY ESTABLISHED TO IDENTIFY REASONABLE MEASURES THAT CAN BE TAKEN TO ENHANCE FLOOD MANAGEMENT AND MITIGATION IN THE UPSTATE FLOOD MITIGATION REGION AND TO MAKE RECOMMENDATIONS AND PROVIDE GRANT ASSISTANCE WITH RESPECT TO SUCH MEASURES.

S 139-A. DEFINITIONS. WHEN USED IN THIS ARTICLE:

1. "ADAPTIVE MEASURES" MEANS ANY ADJUSTMENT, WHETHER PASSIVE, REACTIVE OR ANTICIPATORY, THAT MAY BE TAKEN TO AMELIORATE THE ANTICIPATED ADVERSE CONSEQUENCES ASSOCIATED WITH FLOOD EVENTS.

2. "FLOOD CONTROL STUDY SECTOR" MEANS A PARTICULAR ASPECT OF THE NATURAL OR BUILT ENVIRONMENT, ECONOMY, OR SOCIETY THAT COULD POTENTIALLY BE ADVERSELY IMPACTED BY FLOOD EVENTS. SUCH TERM INCLUDES, BUT IS NOT LIMITED TO, STREAM AND RIVER BANKS, LOCKS AND DAMS, WETLANDS AND WATERFRONT AREAS, WATER RESOURCES, TRANSPORTATION INFRASTRUCTURE, WATER SUPPLY AND WASTEWATER INFRASTRUCTURE, HUMAN HEALTH, RECREATION, TOURISM, POWER GENERATION AND BUSINESS, RESIDENTIAL, FARM AND MUNICIPAL SECTORS.

3. "FLOOD EVENT" MEANS AN OVERFLOW OR INUNDATION THAT COMES FROM A RIVER OR OTHER BODY OF WATER, WHETHER CAUSED BY RAINFALL, WATERWAY OPERATION, DAM BREAK, WATER RUNOFF OR OTHER MEANS, AND CAUSES OR THREATENS DAMAGE.

4. "CANAL SYSTEM" SHALL MEAN THE CANAL WATERWAYS, LANDS AND INFRASTRUCTURE AS SET OUT IN SECTION TWO OF THIS CHAPTER.

5. "UPSTATE FLOOD MITIGATION REGION" SHALL INCLUDE A COUNTY, EXCEPT A COUNTY WHOLLY ENCOMPASSED BY A CITY AND ANY COUNTY WITH A POPULATION OF ONE MILLION OR MORE.

S 139-B. TASK FORCE COMPOSITION. 1. THE TASK FORCE SHALL CONSIST OF THE DIRECTOR OF THE CANAL CORPORATION, THE COMMISSIONER OF TRANSPORTATION, THE DIRECTOR OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE COMMISSIONER OF ENVIRONMENTAL CONSERVATION; AND FIVE ADDITIONAL MEMBERS WHO SHALL BE FROM OUTSIDE THE PUBLIC OFFICES LISTED IN THIS SECTION AND WHO SHALL HAVE PROFESSIONAL EXPERIENCE IN THE FIELDS OF HYDROLOGY, CIVIL ENGINEERING, CLIMATOLOGY, EMERGENCY MANAGEMENT AND SOIL AND WATER CONSERVATION. THE GOVERNOR SHALL APPOINT THREE OF THE FIVE ADDITIONAL MEMBERS AND THE TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY SHALL EACH APPOINT ONE OF EACH OF THE FIVE ADDITIONAL MEMBERS.

2. THE TASK FORCE SHALL APPOINT A CHAIRPERSON FROM AMONG ITS MEMBERS.

1 3. THE MEMBERS OF THE TASK FORCE SHALL RECEIVE NO COMPENSATION FOR
2 THEIR SERVICES, BUT SHALL BE ALLOWED THEIR ACTUAL AND NECESSARY EXPENSES
3 INCURRED IN THE PERFORMANCE OF THEIR DUTIES.

4 4. TO HELP ENSURE THE TASK FORCE'S RECEIPT OF A COMPREHENSIVE AND
5 DIVERSE ARRAY OF VIEWS, THE TASK FORCE SHALL HOLD PUBLIC HEARINGS AS IT
6 DEEMS NECESSARY TO SOLICIT RELEVANT INFORMATION AND GATHER CURRENT
7 RESEARCH AND DATA RELATED TO FLOODING AND FLOOD MITIGATION IN THE REGION
8 AS WELL AS RECOMMENDATIONS TO FULFILL THE PURPOSES OF THIS ARTICLE. THE
9 TASK FORCE SHALL CONSULT WITH THE COUNTY OFFICES OF EMERGENCY MANAGE-
10 MENT, COUNTY SOIL AND WATER CONSERVATION DISTRICTS AND ALL OTHER FEDER-
11 AL, STATE AND LOCAL ENTITIES IT DEEMS NECESSARY TO FULFILL THE PURPOSES
12 OF THIS ARTICLE. IN DETERMINING THE NUMBER OF PUBLIC HEARINGS TO BE
13 HELD THE TASK FORCE SHALL REMAIN COGNIZANT OF ITS DUTY TO MEET THE TIME-
14 FRAME FOR FIRST CYCLE AWARDS UNDER THE UPSTATE FLOOD MITIGATION PROGRAM
15 ESTABLISHED WITHIN SECTION ONE HUNDRED THIRTY-NINE-D OF THIS ARTICLE.

16 S 139-C. TASK FORCE DUTIES AND POWERS. THE ROLE OF THE TASK FORCE
17 INCLUDES, BUT IS NOT LIMITED TO:

18 1. CONDUCTING AN IN-DEPTH EXAMINATION, PRESENTED AS A PUBLIC REPORT NO
19 LATER THAN SIX MONTHS FROM THE DATE THE TASK FORCE IS ESTABLISHED, OF
20 FLOOD CONTROL STUDY SECTORS AND ISSUES RELATED TO FLOODPLAIN MANAGEMENT,
21 DEBRIS MANAGEMENT, FLOOD CONTROL AND FLOOD MITIGATION IN THE UPSTATE
22 FLOOD MITIGATION REGION INCLUDING:

23 (A) THE COST IMPACT OF FLOODING OVER THE LAST FIVE YEARS ON AGRICUL-
24 TURE; TRANSPORTATION; LAND USE; HEALTH; INSURANCE; ECONOMIC SECTORS SUCH
25 AS TOURISM, RECREATION AND POWER GENERATION; AS WELL AS IMPACTS ON
26 INFRASTRUCTURE INCLUDING BRIDGES, LOW LYING ROADS, DAMS, LOCKS, CAUSE-
27 WAYS, WATER AND WASTEWATER TREATMENT PLANTS AND DOCKS;

28 (B) AN ASSESSMENT OF CANAL OPERATION PROCEDURES AND PLANS WHICH MAY
29 HAVE A DIRECT OR INDIRECT IMPACT ON FLOOD MITIGATION AND FLOOD MANAGE-
30 MENT INCLUDING, BUT NOT LIMITED TO DEBRIS MANAGEMENT, COMMUNICATION,
31 WATER MANAGEMENT AND FLOOD RESPONSE; AND

32 (C) A LISTING OF ADAPTIVE MEASURES, WITH ASSOCIATED COSTS, THAT CAN BE
33 TAKEN TO MITIGATE FLOOD DAMAGES, INCLUDING BUT NOT LIMITED TO FEASIBLE
34 FLOODPLAIN MANAGEMENT ACTIVITIES, DEBRIS MANAGEMENT, FLOOD CONTROL
35 STRUCTURES, COMMUNICATION SYSTEMS AND FLOOD MITIGATION EDUCATION FOR
36 PUBLIC AND PRIVATE LANDOWNERS.

37 2. ESTABLISHING AN UPSTATE FLOOD MITIGATION GRANT PROGRAM BASED ON THE
38 TASK FORCE'S EVALUATION PURSUANT TO SECTION ONE HUNDRED THIRTY-NINE-D OF
39 THIS ARTICLE WHICH UTILIZES EXISTING AVAILABLE FEDERAL AND STATE MONIES
40 TO FUND GRANTS WITHIN THE UPSTATE FLOOD MITIGATION REGION TO PREVENT AND
41 MITIGATE FLOOD DAMAGE WITHIN THE REGION. SUCH PROGRAM SHALL WORK IN
42 CONJUNCTION WITH EXISTING FLOOD ASSISTANCE GRANT PROGRAMS AND SUPPLEMENT
43 EXISTING EFFORTS BY PROVIDING FUNDS FOR ADAPTIVE MEASURES TO MITIGATE OR
44 ELIMINATE A FLOOD EVENT.

45 3. THE TASK FORCE SHALL HAVE THE POWER TO: (A) CONTRACT FOR PROFES-
46 SIONAL AND TECHNICAL ASSISTANCE AND ADVICE; (B) CONTRACT FOR AND ACCEPT
47 ASSISTANCE INCLUDING, BUT NOT LIMITED TO GIFTS, GRANTS, EASEMENTS, AND
48 LOANS OF FUNDS, REAL PROPERTY AND PERSONAL PROPERTY FROM THE FEDERAL
49 GOVERNMENT OR ANY AGENCY OR INSTRUMENTALITY OF THE STATE, OR FROM ANY
50 OTHER PUBLIC OR PRIVATE SOURCE TO COMPLY, SUBJECT TO THE PROVISIONS OF
51 THIS ARTICLE, WITH THE TERMS AND CONDITIONS THEREOF, SUBJECT TO THE
52 APPROVAL OF THE DIVISION OF BUDGET. NOTWITHSTANDING THE PROVISIONS OF
53 SECTION ELEVEN OF THE STATE FINANCE LAW, THE TASK FORCE MAY ACCEPT
54 GIFTS, GRANTS, DEVICES AND BEQUESTS, WHETHER CONDITIONAL OR UNCONDI-
55 TIONAL WITH THE APPROVAL OF THE DIRECTOR OF THE BUDGET; (C) HOLD PUBLIC
56 HEARINGS; AND (D) ESTABLISH AN UPSTATE FLOOD MITIGATION GRANT PROGRAM TO

1 BE ADMINISTERED BY THE CANAL CORPORATION AND BASED ON THE TASK FORCE'S
2 EVALUATION WHICH UTILIZES EXISTING AVAILABLE FEDERAL AND STATE MONIES TO
3 FUND GRANTS WITHIN THE UPSTATE FLOOD MITIGATION REGION TO PREVENT AND
4 MITIGATE FLOOD DAMAGE WITHIN THE REGION.

5 4. ALL EXECUTIVE DEPARTMENTS OF THE STATE AND THE CANAL CORPORATION
6 SHALL PROVIDE THE TASK FORCE WITH SUCH FACILITIES, ASSISTANCE AND DATA
7 AS WILL ENABLE THE TASK FORCE TO CARRY OUT ITS POWERS AND DUTIES. ADDI-
8 TIONALLY, ALL OTHER AGENCIES OF THE STATE OR SUBDIVISIONS THEREOF SHALL,
9 AT THE REQUEST OF THE CHAIR, PROVIDE THE TASK FORCE WITH SUCH FACILI-
10 TIES, ASSISTANCE, AND DATA AS WILL ENABLE THE TASK FORCE TO CARRY OUT
11 ITS POWERS AND DUTIES.

12 S 139-D. UPSTATE FLOOD MITIGATION GRANT PROGRAM. 1. THE TASK FORCE
13 SHALL ESTABLISH AN UPSTATE FLOOD MITIGATION GRANT PROGRAM TO BE ADMINIS-
14 TERED BY THE CANAL CORPORATION BASED ON THE TASK FORCE'S IN-DEPTH EXAM-
15 INATION OF FLOOD CONTROL STUDY SECTORS AND ISSUES RELATED TO FLOODPLAIN
16 MANAGEMENT, DEBRIS MANAGEMENT, FLOOD CONTROL AND FLOOD MITIGATION IN THE
17 UPSTATE FLOOD MITIGATION REGION.

18 2. THE TASK FORCE SHALL ESTABLISH THE UPSTATE FLOOD MITIGATION GRANT
19 PROGRAM STRUCTURE THAT SHALL BE ADMINISTERED BY THE CANAL CORPORATION.
20 SUCH PROGRAM STRUCTURE SHALL INCLUDE, BUT NOT BE LIMITED TO, THE DEFI-
21 NITION OF ELIGIBLE RECIPIENTS, PROJECT APPLICATION PROCESS, PROGRAM
22 MAXIMUM PROJECT AWARD AMOUNTS, PROJECT COST SHARING PARAMETERS AND
23 PROGRAM FUNDING CYCLES. IT IS FURTHER PROVIDED, HOWEVER, THAT THE FIRST
24 FUNDING CYCLE UNDER THIS PROGRAM SHALL BE AVAILABLE FOR AWARD TO GRANT
25 RECIPIENTS DURING THE TWO THOUSAND FOURTEEN-FIFTEEN STATE FISCAL YEAR.

26 S 13. The state finance law is amended by adding a new section 99-v to
27 read as follows:

28 S 99-V. UPSTATE FLOOD MITIGATION FUND. 1. THERE IS HEREBY CREATED IN
29 THE JOINT CUSTODY OF THE COMMISSIONER OF TAXATION AND FINANCE AND THE
30 STATE COMPTROLLER A FUND TO BE KNOWN AS THE "UPSTATE FLOOD MITIGATION
31 FUND".

32 2. THE UPSTATE FLOOD MITIGATION FUND SHALL CONSIST OF MONIES TRANS-
33 FERRED ANNUALLY BY THE DIRECTOR OF THE BUDGET FROM EXISTING AVAILABLE
34 FEDERAL AND STATE FUNDS PURSUANT TO A FIVE-YEAR SCHEDULE ESTABLISHED
35 WITHIN THE TWO THOUSAND FOURTEEN-FIFTEEN EXECUTIVE BUDGET.

36 3. MONEYS IN THE FUND SHALL BE KEPT SEPARATE FROM AND SHALL NOT BE
37 COMMINGLED WITH ANY OTHER MONEYS IN THE CUSTODY OF THE COMMISSIONER OF
38 TAXATION AND FINANCE AND THE STATE COMPTROLLER. ALL DEPOSITS OF SUCH
39 MONEY SHALL, IF REQUIRED BY THE COMPTROLLER, BE SECURED BY OBLIGATIONS
40 OF THE UNITED STATES OR OF THE STATE OF MARKET VALUE EQUAL AT ALL TIMES
41 TO THE AMOUNT OF THE DEPOSIT AND ALL BANKS AND TRUST COMPANIES ARE
42 AUTHORIZED TO GIVE SUCH SECURITIES FOR DEPOSIT.

43 4. MONEYS OF THE FUND SHALL BE AVAILABLE FOR THE FINANCING OF GRANTS
44 MADE UNDER THE UPSTATE FLOOD MITIGATION PROGRAM AS ESTABLISHED IN
45 SECTION ONE HUNDRED THIRTY-NINE-D OF THE CANAL LAW.

46 S 14. 1. The appointment of upstate flood mitigation task force
47 members shall be completed within one month of the effective date of
48 this act.

49 2. The task force shall complete the duties required under sections
50 139-c and 139-d of the canal law, within six months of the appointment
51 of task force members.

52 S 15. Severability clause. If any clause, sentence, paragraph, subdi-
53 vision, section or part of this act shall be adjudged by any court of
54 competent jurisdiction to be invalid, such judgment shall not affect,
55 impair, or invalidate the remainder thereof, but shall be confined in
56 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.

5 S 16. This act shall take effect immediately; provided that sections
6 three through ten of this act shall be deemed to have been in full force
7 and effect on and after June 20, 2013; and provided further that
8 sections 139, 139-b and 139-c of the canal law, as added by section
9 twelve of this act, shall expire and be deemed repealed on March 31,
10 2016.

11 PART GG

12 Section 1. Paragraph c of subdivision 1 of section 73-a of the public
13 officers law is amended by adding a new subparagraph (iv) to read as
14 follows:

15 (IV) THE TERM "STATE OFFICER OR EMPLOYEE" SHALL ALSO INCLUDE MEMBERS
16 OF THE REGIONAL ECONOMIC DEVELOPMENT COUNCILS, OR ANY EXECUTIVE ENTITY
17 THAT IS HEREAFTER CREATED TO ADVISE OR MAKE RECOMMENDATIONS TO A STATE
18 OFFICER, AGENCY OR PUBLIC AUTHORITY ON THE ALLOCATION OR DISBURSEMENT OF
19 STATE OR FEDERAL MONEYS, NOT ALREADY REQUIRED BY LAW TO FILE SUCH
20 DISCLOSURE.

21 S 1-a. Subdivision 1 of section 74 of the public officers law, as
22 amended by chapter 1012 of the laws of 1965, the opening paragraph as
23 amended by chapter 14 of the laws of 2007, is amended to read as
24 follows:

25 1. [Definition] DEFINITIONS. As used in this section: A. The term
26 "state agency" shall mean any state department, or division, board,
27 commission, or bureau of any state department or any public benefit
28 corporation or public authority at least one of whose members is
29 appointed by the governor or corporations closely affiliated with
30 specific state agencies as defined by paragraph (d) of subdivision five
31 of section fifty-three-a of the state finance law or their successors.

32 B. THE TERM "STATE AGENCY" SHALL ALSO INCLUDE THE REGIONAL ECONOMIC
33 DEVELOPMENT COUNCILS OR ANY EXECUTIVE ENTITY THAT IS HEREAFTER CREATED
34 TO ADVISE OR MAKE RECOMMENDATIONS TO A STATE OFFICER, AGENCY OR PUBLIC
35 AUTHORITY ON THE ALLOCATION OR DISBURSEMENT OF STATE OR FEDERAL MONEYS.

36 C. The term "legislative employee" shall mean any officer or employee
37 of the legislature but it shall not include members of the legislature.

38 S 1-b. Section 86 of the public officers law is amended by adding a
39 new subdivision 6 to read as follows:

40 6. "AGENCY" SHALL ALSO INCLUDE THE REGIONAL ECONOMIC DEVELOPMENT COUN-
41 CILS OR ANY EXECUTIVE ENTITY THAT IS HEREAFTER CREATED TO ADVISE OR MAKE
42 RECOMMENDATIONS TO A STATE OFFICER, AGENCY OR PUBLIC AUTHORITY ON THE
43 ALLOCATION OR DISBURSEMENT OF STATE OR FEDERAL MONEYS.

44 S 1-c. Subdivision 2 of section 102 of the public officers law, as
45 amended by chapter 704 of the laws of 1979, is amended to read as
46 follows:

47 2. "Public body" means any entity, for which a quorum is required in
48 order to conduct public business and which consists of two or more
49 members, performing a governmental function for the state or for an
50 agency or department thereof, or for a public corporation as defined in
51 section sixty-six of the general construction law, or committee or
52 subcommittee or other similar body of such public body. "PUBLIC BODY"
53 SHALL INCLUDE THE REGIONAL ECONOMIC DEVELOPMENT COUNCILS OR ANY EXECU-
54 TIVE ENTITY THAT IS HEREAFTER CREATED TO ADVISE OR MAKE RECOMMENDATIONS

1 TO A STATE OFFICER, AGENCY OR PUBLIC AUTHORITY ON THE ALLOCATION OR
2 DISBURSEMENT OF STATE OR FEDERAL MONEYS.

3 S 1-d. The Regional Economic Development councils must record and
4 report recusals from votes on recommended funding approvals made on
5 funding applications received through the consolidated funding applica-
6 tion process. Such voting record shall be posted on the official website
7 of the regional economic development council initiative. A list of fund-
8 ing applications completed and submitted through such process, and that
9 have been recommended for funding approval by a regional economic devel-
10 opment council shall be posted in a timely manner on the official
11 website of the regional economic development council initiative. The
12 consolidated funding assessment and score cards of the recommended
13 applications shall also be posted. The president and chief executive
14 officer of the empire state development corporation shall provide a
15 report on the regional economic development councils initiative by Janu-
16 ary 1, 2015 and biannually thereafter. The report shall include, but is
17 not limited to, the following: the proposed new jobs that would be
18 created and retained; the actual net new jobs created and retained;
19 industry participation; the actual value of matching capital invest-
20 ments; the participation of minority- and women-owned business enter-
21 prises; the total economic impact of the projects; the total value of
22 state supported incentives; and how much money has been disbursed for
23 each project in total and how much money was disbursed per disbursement if
24 there were multiple payments made. This report shall be made accessible
25 to the general public through the publication on the empire state devel-
26 opment corporation's website.

27 S 2. Subdivision 21 of section 2 of the state finance law, as added by
28 section 56 of part T of chapter 57 of the laws of 2007, is amended to
29 read as follows:

30 21. "Lump sum appropriation". An item of appropriation with a single
31 related object or purpose, the purpose of which is to fund more than one
32 grantee by [a means other than a statutorily prescribed formula,] a
33 competitive process[,] or [an allocation pursuant to subdivision five of
34 section twenty-four of this chapter] ANY OTHER MEANS NOT PURSUANT TO A
35 STATUTORILY PRESCRIBED FORMULA OR PROCESS; FEDERAL RULES OR REGULATIONS;
36 OR AN APPROPRIATION FOR UNANTICIPATED EMERGENCIES AUTHORIZED BY SECTION
37 FIFTY-THREE OF THIS CHAPTER.

38 S 3. Subdivision 5 of section 24 of the state finance law, as added by
39 chapter 1 of the laws of 2007, is amended to read as follows:

40 5. Any LUMP SUM appropriation [added pursuant to section four of arti-
41 cle seven of the constitution without designating] THAT DOES NOT DESIG-
42 NATE a grantee OR GRANTEEES shall be allocated only pursuant to a plan
43 setting forth an itemized list of grantees with the amount to be
44 received by each, or the methodology for allocating such appropriation.
45 [Such] FOR LUMP SUM APPROPRIATIONS ADDED PURSUANT TO SECTION FOUR OF
46 ARTICLE SEVEN OF THE CONSTITUTION, SUCH plan shall be subject to the
47 approval of the chair of the senate finance committee, the chair of the
48 assembly ways and means committee, and the director of the budget, and
49 thereafter shall be included in a [concurrent] resolution calling for
50 the expenditure of such monies, which resolution must be approved by a
51 majority vote of all members elected to [each] SUCH house upon a roll
52 call vote AND SUBSEQUENTLY POSTED TO THE PUBLIC WEBSITE OF THE HOUSE OF
53 THE LEGISLATURE MAKING THE ALLOCATIONS. FOR ALL OTHER LUMP SUM APPROPRI-
54 ATIONS, SUCH PLAN SHALL BE POSTED TO THE PUBLIC WEBSITE OF THE DIVISION
55 OF THE BUDGET WITH FIFTEEN DAY PRIOR NOTICE TO THE CHAIR OF THE SENATE

1 FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS
2 COMMITTEE.

3 S 4. Section 24 of the state finance law is amended by adding a new
4 subdivision 6 to read as follows:

5 6. NO CONTRACT OR GRANT AGREEMENT TO BE FUNDED PURSUANT TO SUBDIVISION
6 FIVE OF THIS SECTION FROM A LUMP SUM APPROPRIATION ORIGINALLY APPROPRI-
7 ATED ON OR AFTER APRIL FIRST, TWO THOUSAND FOURTEEN SHALL BE EXECUTED
8 UNLESS THE FOLLOWING CONDITIONS ARE SATISFIED:

9 (A) EACH CONTRACT OR GRANT RECIPIENT SHALL CERTIFY THAT (I) THE
10 REQUESTED CONTRACT OR GRANT AGREEMENT IS FOR A LAWFUL PURPOSE AND THAT
11 ALL FUNDS EXPENDED PURSUANT TO THE TERMS OF THE CONTRACT OR GRANT AGREE-
12 MENT ARE INTENDED TO BE USED SOLELY AND DIRECTLY FOR THE PUBLIC PURPOSE
13 OR PURPOSES SPECIFIED IN THE CONTRACT OR GRANT AGREEMENT; AND (II) NO
14 KNOWN CONFLICTS OF INTEREST AS SET FORTH IN SECTION SEVENTY-FOUR OF THE
15 PUBLIC OFFICERS LAW EXIST IN CONNECTION WITH THE CONTRACT OR GRANT
16 AGREEMENT, PROVIDED THAT IF A REGIONAL ECONOMIC DEVELOPMENT COUNCIL OR
17 ANY EXECUTIVE ENTITY THAT IS HEREAFTER CREATED TO ADVISE OR MAKE RECOM-
18 MENDATIONS TO A STATE OFFICER, AGENCY OR PUBLIC AUTHORITY ON THE ALLO-
19 CATION OR DISBURSEMENT OF STATE OR FEDERAL MONEYS ADVISES OR RECOMMENDS
20 WITH RESPECT TO SUCH GRANT OR CONTRACT, THE GRANTEE OR CONTRACT RECIPI-
21 ENT SHALL ALSO MAKE SUCH CERTIFICATION WITH RESPECT TO THE ENTITY ADVIS-
22 ING OR RECOMMENDING THE GRANT OR CONTRACT.

23 (B) FOR EACH CONTRACT OR GRANT PROPOSAL THE FOLLOWING INFORMATION HAS
24 BEEN PUBLICLY POSTED FOR AT LEAST THIRTY DAYS PRIOR TO THE EXECUTION OF
25 SUCH CONTRACT OR GRANT AGREEMENT AND, IF A REGIONAL ECONOMIC DEVELOPMENT
26 COUNCIL OR ANY EXECUTIVE ENTITY THAT IS HEREAFTER CREATED TO ADVISE OR
27 MAKE RECOMMENDATIONS TO A STATE OFFICER, AGENCY OR PUBLIC AUTHORITY ON
28 THE ALLOCATION OR DISBURSEMENT OF STATE OR FEDERAL MONEYS ADVISES OR
29 RECOMMENDS WITH RESPECT TO SUCH GRANT OR CONTRACT THE INFORMATION SHALL
30 ALSO BE POSTED PRIOR TO TRANSMITTING SUCH RECOMMENDATION TO THE ADMINIS-
31 TERING AGENCY: (I) THE LEGAL NAME OF THE PROPOSED CONTRACT OR GRANT
32 RECIPIENT AND A DESCRIPTION OF THE PROJECT OR PROJECTS SUCH CONTRACT OR
33 GRANT WILL BE USED FOR; (II) THE AMOUNT OF FUNDING PROPOSED; (III) THE
34 PROPOSED ADMINISTERING AGENCY OR PUBLIC AUTHORITY; AND (IV) THE CERTIF-
35 ICATION REQUIRED UNDER PARAGRAPH (A) OF THIS SUBDIVISION; AND

36 (C) EXPENDITURES FOR CONTRACTS OR GRANT AGREEMENTS SHALL ONLY BE MADE
37 TO PAY FOR OBLIGATIONS INCURRED UNDER AN EXECUTED CONTRACT OR GRANT
38 AGREEMENT MEETING THE REQUIREMENTS OF PARAGRAPHS (A) AND (B) OF THIS
39 SUBDIVISION IF THE INFORMATION REQUIRED IN PARAGRAPH (B) HAS BEEN
40 PUBLICLY POSTED FOR THIRTY DAYS PRIOR TO THE EXECUTION OF THE CONTRACT
41 OR GRANT AGREEMENT THROUGH THE DATE OF EXPENDITURE.

42 S 5. This act shall take effect immediately; provided, however, that
43 those incumbents who have not filed a disclosure form for the calendar
44 year 2012 shall have 30 days from the effective date of section one of
45 this act to file such form with the joint commission on public ethics.

46 PART HH

47 Section 1. The office of general services, in consultation with the
48 department of law, the department of audit and control, the state insur-
49 ance fund, the office of employee relations and the division of budget,
50 shall conduct a study to examine, evaluate and make recommendations
51 concerning the feasibility and advisability of establishing, within the
52 office of general services, an office of risk assessment and management.
53 The office of general services, in conducting such study, should direct
54 its attention to at least the following:

1 (a) the suggested proposed powers of such office of risk assessment
2 and management, which may include, but not be limited to, the power to:

3 (1) analyze the potential exposure of the state to liability and
4 financial loss arising from its acts and omissions, from the ownership,
5 control or use of its real and personal property, or the conduct or
6 actions of its employees or agents;

7 (2) establish and coordinate business continuity programs for essen-
8 tial state functions and services;

9 (3) implement risk management programs to manage the state's exposure
10 to risk in the most cost effective manner including, but not limited to,
11 programs to reduce the likelihood and potential cost of loss events, and
12 the purchase of insurance or other risk sharing arrangements where
13 appropriate; and

14 (4) coordinate and support the risk management programs of all state
15 agencies; and

16 (b) the appointment of a risk manager, who shall be appointed and
17 empowered to administer the proposed office of risk assessment and
18 management. With regard to such risk manager, the office of general
19 services should consider:

20 (1) the process for the appointment of the risk manager;

21 (2) the compensation to be paid to the risk manager;

22 (3) the qualifications of the risk manager, which may include, but not
23 be limited to:

24 (A) an understanding of and the ability to apply the generally
25 accepted principles, standards and techniques utilized for the identifi-
26 cation, assessment and management of enterprise risk;

27 (B) possessing sufficient experience in identifying, assessing and
28 managing enterprise risk exposures that present the breadth and level of
29 complexity of issues that can reasonably be expected to be raised during
30 the course of state operations; and

31 (C) having acquired his or her qualifications, through appropriate
32 education and relevant risk management experience on behalf of a commer-
33 cial or governmental organization; and

34 (c) the fulfillment of the functions of the proposed office of risk
35 assessment and management by conducting a preliminary examination and
36 evaluation, in consultation with the comptroller, the attorney general,
37 the temporary president of the senate and the speaker of the assembly,
38 of the kinds and scope of risk exposures faced by the state. Such exam-
39 ination and evaluation may include, but not be limited to:

40 (1) the practices and procedures of all state agencies, as they
41 pertain to, impact upon, cause or deter damage or loss to: physical
42 property owned or controlled by the state, or physical injuries
43 sustained by state employees, persons receiving services from the state
44 or members of the general public;

45 (2) the actions, claim settlements, and claim settlement processes
46 related to actions in the court of claims, and in federal and state
47 courts of competent jurisdiction as they relate to the disposition of
48 matters against the state;

49 (3) the essential operations and service functions of the state, and
50 the kinds of procedures that may be necessary to maintain or restore
51 such operations and functions to the required level following an emer-
52 gency event;

53 (4) the potential future liabilities arising from existing or proposed
54 state operations or functions;

55 (5) a description on how to prepare an inventory of all real property
56 owned or leased, for a period of time of more than ten years, by all

1 state agencies, and to begin to ascertain how to assess past, present
2 and potential future liability exposures and the nature of those expo-
3 sures; and

4 (6) a description of the kinds of appropriate cost effective tech-
5 niques and programs needed to reduce the cost of the state's exposure to
6 liability and financial loss arising from its operations or the owner-
7 ship, control or use of real and personal property; and

8 (d) allowing any public benefit corporation, public authority or local
9 government to contract for the services of the proposed risk manager and
10 the office of risk assessment and management in the event that such
11 public benefit corporation, public authority or local government is
12 without internal risk assessment and enterprise risk management
13 services, or wishes to supplement such internal services with the
14 services provided by the risk manager and the office.

15 S 2. In addition to the requirements of section one of this act, the
16 office of general services shall, with particular care, begin to exam-
17 ine, analyze and determine:

18 (a) an estimate of the financial benefits that could be realized by
19 establishing an office of risk assessment and management and the poten-
20 tial reduction in the state's liability exposure;

21 (b) the financial costs and an estimate of the size of the workforce
22 necessary to establish the office of risk assessment and management;

23 (c) the method or process by which the proposed office of risk assess-
24 ment and management could be established and the manner in which such
25 office's operations could be phased in over 5 years; and

26 (d) the method of financing the establishment and operations of the
27 office of risk assessment and management, in as much as the initial
28 costs of such office may not be offset by cost savings and reduction in
29 liability exposure until such office has been in existence for an
30 extended period of time.

31 S 3. Within eighteen months of the effective date of this act, the
32 office of general services shall submit to the governor, the attorney
33 general, the state comptroller, the temporary president of the senate
34 and the speaker of the assembly, a report of its findings, conclusions
35 and recommendations, and shall submit with its report such legislative
36 proposals as it deems necessary to implement its recommendations.

37 S 4. This act shall take effect immediately.

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

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