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

4205

2015-2016 Regular Sessions

I N S E N A T E

March 9, 2015

Introduced by COMMITTEE ON RULES -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT intentionally omitted (Part A); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to the effectiveness thereof; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to the effectiveness thereof; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to the effectiveness thereof; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to the effectiveness thereof; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to the effectiveness thereof; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 62 of the laws of 2011, amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, in relation to the effectiveness thereof; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to

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

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detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the expiration thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to the effectiveness thereof; to amend part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, in relation to the effectiveness of such chapter; to amend part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, in relation to the effectiveness thereof; to amend chapter 554 of the laws of 1986 amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to the effectiveness thereof; and 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 B); relating to transferring certain employees of the division of state police to the office of general services (Part C); to amend the workers' compensation law, in relation to eliminating certain arbitration and license fees; and to repeal paragraph (c) of subdivision 1 and subparagraph (iii) of paragraph (b) of subdivision 3 of section 13-c of the workers' compensation law relating to payment of license fees (Part D); intentionally omitted (Part E); intentionally omitted (Part

F); intentionally omitted (Part G); to amend the civil service law, in relation to the salary grades for positions in the competitive, non-competitive and labor classes designated managerial or confidential; to amend the correction law, in relation to the salary schedule for superintendents of correctional facilities; and to provide for the compensation of certain state officers and employees (Part H); intentionally omitted (Part I); to amend the civil service law, in relation to auditing enrollee information in the New York State Health Insurance Program (Part J); to amend the retirement and social security law, in relation to requiring pension system reporting (Part K); intentionally omitted (Part L); to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to extending the effectiveness thereof; and to amend the public buildings law, in relation to increasing the value of financing; amends limitation to one million dollars on emergency contracts (Part M); to amend the public buildings law, in relation to increasing the threshold of small capital projects delegated by the office of general services to one hundred fifty thousand dollars (Part N); intentionally omitted (Part O); to provide for the administration of certain funds and accounts related to the 2014-15 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to the issuance of bonds and notes; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the dormitory authority; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to funding project costs for the Binghamton university school of pharmacy, New York power electronic manufacturing consortium and the nonprofit infrastructure capital investment program; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the public authorities law, in relation to authorization for the issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program; to amend chapter 389 of

the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, in relation to the aggregate amount of and issuance of certain bonds; and to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to amend the smart schools bond act of 2014, in relation to the issuance of bonds; and providing for the repeal of certain provisions upon expiration thereof (Part P); to amend the penal law and the correction law, in relation to enacting the "Domestic Violence Protection Act - Brittany's Law" (Part Q); to amend the penal law, in relation to creating a presumption of intent to sell (Part R); to amend the civil practice law and rules, in relation to forfeiture allocations (Part S); to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service; and making an appropriation therefor (Part T); to amend the executive law, in relation to a cyber security report (Part U); to amend the executive law, in relation to a cyber security initiative (Part V); to amend the executive law, in relation to monthly claim reports for certain disaster assistance (Part W); to amend the correction law, in relation to the commissioner of the department of corrections and community supervison's power to permanently terminate the conjugal visit program, referred to as the family reunion program (Part X); to amend the state finance law, in relation to certain municipalities receiving state aid (Part Y); to amend the state finance law, in relation to the tribal-state compact revenue account and the Salamanca City Central School District (Part Z); to amend the retirement and social security law and the civil service law, in relation to university police officers appointed by the state university of New York (Part AA); to amend the executive law, in relation to the requiring the office of indigent legal services to develop a plan to ensure adequate representation of eligible defendants (Part BB); to amend the county law, in relation to annual reports for regional specialist programs (Part CC); to amend the public officers law, the legislative law, the state finance law, the election law and the retirement and social security law, in relation to qualifications for holding office (Part DD); to amend the administrative code of the city of New York, the retirement and social security law, and the general municipal law, in relation to the disability benefits of members of the New York city police and fire pension funds; and to amend the retirement and social security law, in relation to performance of duty disability retirement for ambulance medical technician supervisors, ambulance medical technician coordinators, ambulance medical technicians, chief fire marshals, assistant chief fire marshals, division supervising fire marshals, fire marshals and fire marshal trainees in Nassau county (Part EE); to amend the civil service law, in relation to authorizing the president of the state civil service commission to purchase contracts relating to health benefits (Part FF); and to amend the workers' compensation law and the insurance law, in relation to establishing family care benefits (Part GG)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2015-2016 state fiscal year. Each component is wholly contained within a Part identified as Parts A through GG. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Intentionally Omitted

PART B

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by section 1 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [2015] 2017.

S 2. Section 3 of chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, as amended by section 2 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [2015] 2017, when it shall expire and be deemed repealed.

S 3. Section 3 of chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, as amended by section 3 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, [2015] 2017.

S 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended by section 4 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, [2015] 2017 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of [correctional services] CORRECTIONS AND COMMUNITY SUPERVISION shall report each January first and July first

during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

S 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 5 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [2015] 2017 and be applicable to all persons entering the program on or before August 31, [2015] 2017.

S 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [2015] 2017, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

S 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by section 7 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

(c) sections forty-one and forty-two of this act shall expire September 1, [2015] 2017; provided, that the provisions of section forty-two of this act shall apply to inmates entering the work release program on or after such effective date; and

S 8. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 8 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [2015] 2017, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, however, that

sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

S 9. Subdivision (c) of section 49 of subpart A of part C of chapter 62 of the laws of 2011 amending the correction law and the executive law, relating to merging the department of correctional services and division of parole into the department of corrections and community supervision, as amended by section 9 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

(c) that the amendments to subdivision 9 of section 201 of the correction law as added by section thirty-two of this act shall remain in effect until September 1, [2015] 2017, when it shall expire and be deemed repealed;

S 10. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [2015] 2017;

S 11. Section 12 of chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, as amended by section 11 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [2015] 2017 on which date those provisions shall be deemed to be repealed.

S 12. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by section 12 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [2015] 2017, at which time they

shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [2015] 2017 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

S 13. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by section 13 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [fifteen] SEVENTEEN.

S 14. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by section 14 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and

directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [2015] 2017 when upon such date the provisions of this act shall be deemed repealed.

S 15. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 15 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [2015] 2017;

S 16. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by section 16 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [2015] 2017, when upon such date it shall expire.

S 17. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 17 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1, 1996 and shall expire and be deemed repealed on September 1, [2015] 2017.

S 18. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, as amended by section 18 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [2015] 2017, when upon such date the provisions of this act shall be deemed repealed.

S 19. Subdivision d of section 74 of chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, as amended by section 19 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two and forty-four of this act shall be deemed repealed on September 1, [2015] 2017;

S 20. Section 2 of chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, as amended by section 20 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 2. This act shall take effect immediately, except that the provisions of this act shall be deemed to have been in full force and effect since July 1, 1992 and the provisions of this act shall expire September 1, [2015] 2017 when upon such date the provisions of this act shall be deemed repealed.

S 21. Section 3 of chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, as amended by section 21 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [2015] 2017, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

S 22. Section 8 of part H of chapter 56 of the laws of 2009, amending the correction law relating to limiting the closing of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences, providing for custody of federal prisoners and requiring the closing of certain correctional facilities, as amended by section 22 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, [2015] 2017.

S 23. Section 3 of part C of chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, as amended by section 23 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 3. This act shall take effect on the same date as the reversion of subdivision 5 of section 183 and subdivision 1 of section 221 of the military law as provided by section 76 of chapter 435 of the laws of 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwithstanding this act shall be deemed to have been in full force and effect on and after July 31, 2005 and shall remain in full force and effect until September 1, [2015] 2017 when upon such date this act shall expire.

S 24. Section 5 of chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, as amended by section 24 of part E of chapter 55 of the laws of 2013, is amended to read as follows:

S 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [2015] 2017, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect,

to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

S 25. Sections 1 and 2 of part H of chapter 503 of the laws of 2009 relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, section 1 as amended by section 1 of part B of chapter 57 of the laws of 2011 and section 2 as amended by section 1 of part C of chapter 55 of the laws of 2014, are amended to read as follows:

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

S 2. This act shall take effect immediately and shall remain in full force and effect until March 31, [2015] 2016, when it shall expire and be deemed repealed.

S 26. This act shall take effect immediately, provided however that section twenty-five of this act shall be deemed to have been in full force and effect on and after March 31, 2015; and provided further that the amendments to section 1 of part H of chapter 503 of the laws of 2009 made by section twenty-five of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART C

Section 1. Employees of the division of state police in the unclassified service of the state, who are substantially engaged in the performance of duties to support business and financial services, administrative services, payroll administration, time and attendance, benefit administration, and other transactional human resources functions, may be transferred to the office of general services in accordance with the provisions of section 45 of the civil service law as if the state had taken over a private entity. No employee who is transferred pursuant to this act shall suffer a reduction in basic annual salary as a result of the transfer.

S 2. This act shall take effect immediately.

PART D

Section 1. Paragraph (c) of subdivision 1 of section 13-c of the workers' compensation law is REPEALED.

S 2. Subparagraph (iii) of paragraph (b) of subdivision 3 of section 13-c of the workers' compensation law is REPEALED.

S 3. Subdivision 4 of section 13-g of the workers' compensation law, as amended by section 4 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

(4) A provider initiating an arbitration, including a single arbitrator process, pursuant to this section shall NOT pay a fee [as determined by regulations promulgated by the chair, to be used] to cover the costs related to the conduct of such arbitration. [Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute, shall be increased by a part of such fee.] Each member of an arbitration committee for medical bills, and each member of an arbitration committee for hospital bills shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in any one count in an amount fixed by the chair of the workers' compensation board.

S 4. Paragraph (b) of subdivision 3-b of section 50 of the workers' compensation law, as amended by chapter 139 of the laws of 2008, is amended to read as follows:

(b) The board, in its rules, may provide for the issuance of licenses to persons, firms or corporations, upon such proof of character and fitness as it may deem necessary, [and may provide for a license fee in an amount not exceeding one hundred dollars a year, and an annual authorization fee in an amount not exceeding five hundred dollars a year for each designated representative] WITHOUT ANNUAL LICENSE FEE, and for the giving of a bond running to the people of the state of New York, conditioned upon the faithful performance of all duties required of such person, firm or corporation, and in an amount to be fixed by the board in its rules. Such bond shall be approved by the board as to form and sufficiency and shall be filed with it. [All license and authorization fees collected under the provisions of this section shall be paid into the state treasury.]

S 5. Paragraph (e) of subdivision 7 of section 13-m of the workers' compensation law, as amended by section 7 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

(e) A provider initiating an arbitration, including a single arbitrator process, pursuant to this section shall NOT BE REQUIRED TO pay a fee[, as determined by regulations promulgated by the chair, to be used] to cover the costs related to the conduct of such arbitration. [Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute, shall be increased by a part of such fee.]

S 6. Paragraph (e) of subdivision 6 of section 13-1 of the workers' compensation law, as amended by section 6 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

(e) A provider initiating an arbitration, including a single arbitrator process, pursuant to this section shall NOT pay a fee[, as determined by regulations promulgated by the chair, to be used] to cover the

costs related to the conduct of such arbitration. [Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute, shall be increased by a part of such fee.]

S 7. Paragraph (e) of subdivision 6 of section 13-k of the workers' compensation law, as amended by section 5 of part GG of chapter 57 of the laws of 2013, is amended to read as follows:

(e) A provider initiating an arbitration, including a single arbitration process, pursuant to this section shall NOT BE REQUIRED TO pay a fee[, as determined by regulations promulgated by the chair, to be used to cover the costs] related to the conduct of such arbitration. [Upon resolution in favor of such party, the amount due, based upon the bill in dispute, shall be increased by the amount of the fee paid by such party. Where a partial award is made, the amount due, based upon the bill in dispute shall be increased by a part of such fee.] Each member of the arbitration committee shall be entitled to receive and shall be paid a fee for each day's attendance at an arbitration session in an amount fixed by the chair of the workers' compensation board.

S 8. Section 24-a of the workers' compensation law, as amended by chapter 133 of the laws of 1982, subdivision 1 as amended by chapter 61 of the laws of 1989, subdivision 2 as amended and subdivision 5 as added by chapter 347 of the laws of 1987, is amended to read as follows:

S 24-a. Representation before the workers' compensation board. 1. No person, firm or corporation, other than an attorney and counsellor-at-law, shall appear on behalf of any claimant or person entitled to the benefits of this chapter, before the board or any officer, agent or employee of the board assigned to conduct any hearing, investigation or inquiry relative to a claim for compensation or benefits under this chapter, unless he or she shall be a citizen of the United States or an alien lawfully admitted for permanent residence in the United States, and shall have obtained from the board a license authorizing him or her to appear in matters or proceedings before the board. Such license shall be issued by the board in accordance with the rules established by it. Any person, firm or corporation violating the aforesaid provisions shall be guilty of a misdemeanor. The board, in its rules, shall provide for the issuance of licenses to representatives of charitable and welfare organizations, and to associations who employ a representative to appear for members of such association, upon certification of the proper officer of such association or organization, which licenses shall issue without charge; and may provide for a license WITHOUT fee in the case of all other persons, firms or corporations in an amount to be fixed by said rules[, not exceeding the sum of one hundred dollars a year. All license fees collected under the provisions of this section shall be paid into the state treasury]. The board shall have such tests of character and fitness with respect to applicants for licenses, and such rules governing the conduct of those licensed, as aforesaid, as it may deem necessary.

2. There shall be maintained in each office of the board a registry or list of persons to whom licenses have been issued as provided herein, which list shall be corrected as often as licenses are issued or revoked. Absence of a record of a license issued as herein provided shall be prima facie evidence that a person, firm or corporation is not licensed to represent claimants. Any such license may be revoked by the board, for cause, after a hearing before the board. No license hereunder

shall be issued for a period longer than three years from the date of its issuance.

[3. No fee or allowance, in accordance with the provisions of section twenty-four of this chapter, shall be made for services rendered by any such person, firm or corporation who has received a license hereunder without payment of a license fee.

4.] 3. Refusal by any person to whom a license has been issued authorizing him to appear on behalf of any claimant to answer, upon request of the board, or other duly authorized officer, board or committee of the state, any legal question or to produce any relevant book or paper concerning his conduct under such license, shall constitute adequate cause for revocation thereof.

[5.] 4. Only an attorney, or a representative licensed in accordance with rules established by the board pursuant to subdivisions three-b and three-d of section fifty of this chapter, shall appear on behalf of an employer or an insurance carrier regarding a claim for compensation or any benefits under this chapter before the board or any officer, agent or employee of the board assigned to conduct any hearing relative to a claim for compensation or benefits under this chapter. The provisions of this subdivision shall not apply to a designated regular employee of a self-insured employer, or of an insurance carrier appearing on behalf of his or her employer, but the board may prohibit the appearance of any such employee for cause.

S 9. This act shall take effect April 1, 2015.

PART E

Intentionally Omitted

PART F

Intentionally Omitted

PART G

Intentionally Omitted

PART H

Section 1. Paragraph d of subdivision 1 of section 130 of the civil service law is amended by adding four new subparagraphs 4, 5, 6 and 7 to read as follows:

(4) EFFECTIVE JULY FIRST, TWO THOUSAND FIFTEEN:

GRADE	HIRING RATE	JOB RATE
M/C 3	$24,406	$31,200
M/C 4	$25,483	$32,617
M/C 5	$27,012	$34,199
M/C 6	$28,158	$35,953
M/C 7	$29,782	$37,899
M/C 8	$31,416	$39,852
M/C 9	$33,211	$41,973
M/C 10	$35,001	$44,302

M/C 11	$37,124	$46,761
M/C 12	$39,082	$49,214
M/C 13	$41,357	$51,948
M/C 14	$43,814	$54,806
M/C 15	$46,252	$57,765
M/C 16	$48,859	$60,846
M/C 17	$51,630	$64,201
M/C 18	$51,905	$64,409
M/C 19	$54,688	$67,758
M/C 20	$57,476	$71,156
M/C 21	$60,576	$74,831
M/C 22	$63,832	$78,762
M/C 23	$67,104	$83,839
M 1	$72,429	$91,553
M 2	$80,327	$101,536
M 3	$89,152	$112,660
M 4	$98,605	$124,437
M 5	$109,487	$138,328
M 6	$121,224	$152,476
M 7	$133,622	$165,489
M 8	$112,662+	

(5) EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN:

GRADE	HIRING RATE	JOB RATE
M/C 3	$25,143	$32,142
M/C 4	$26,253	$33,602
M/C 5	$27,828	$35,232
M/C 6	$29,008	$37,039
M/C 7	$30,682	$39,044
M/C 8	$32,364	$41,055
M/C 9	$34,214	$43,240
M/C 10	$36,058	$45,640
M/C 11	$38,245	$48,173
M/C 12	$40,263	$50,700
M/C 13	$42,606	$53,517
M/C 14	$45,137	$56,461
M/C 15	$47,649	$59,509
M/C 16	$50,334	$62,684
M/C 17	$53,190	$66,140
M/C 18	$53,472	$66,354
M/C 19	$56,340	$69,804
M/C 20	$59,212	$73,305
M/C 21	$62,406	$77,091
M/C 22	$65,760	$81,140
M/C 23	$69,130	$86,371
M 1	$74,617	$94,318
M 2	$82,753	$104,603
M 3	$91,844	$116,062
M 4	$101,583	$128,195
M 5	$112,794	$142,506
M 6	$124,884	$157,081
M 7	$137,657	$170,487
M 8	$116,064+	

(6) EFFECTIVE APRIL FIRST, TWO THOUSAND SEVENTEEN:

GRADE	HIRING	JOB

	RATE	RATE
M/C 3	$25,143	$32,142
M/C 4	$26,253	$33,602
M/C 5	$27,828	$35,232
M/C 6	$29,008	$37,039
M/C 7	$30,682	$39,044
M/C 8	$32,364	$41,055
M/C 9	$34,214	$43,240
M/C 10	$36,058	$45,640
M/C 11	$38,245	$48,173
M/C 12	$40,263	$50,700
M/C 13	$42,606	$53,517
M/C 14	$45,137	$56,461
M/C 15	$47,649	$59,509
M/C 16	$50,334	$62,684
M/C 17	$53,190	$66,140
M/C 18	$53,472	$66,354
M/C 19	$56,340	$69,804
M/C 20	$59,212	$73,305
M/C 21	$62,406	$77,091
M/C 22	$65,760	$81,140
M/C 23	$69,130	$86,371
M 1	$74,617	$94,318
M 2	$82,753	$104,603
M 3	$91,844	$116,062
M 4	$101,583	$128,195
M 5	$112,794	$142,506
M 6	$124,884	$157,081
M 7	$137,657	$170,487
M 8	$116,064+	

(7) Effective April first, two thousand eighteen:

GRADE	HIRING RATE	JOB RATE
M/C 3	$25,143	$32,142
M/C 4	$26,253	$33,602
M/C 5	$27,828	$35,232
M/C 6	$29,008	$37,039
M/C 7	$30,682	$39,044
M/C 8	$32,364	$41,055
M/C 9	$34,214	$43,240
M/C 10	$36,058	$45,640
M/C 11	$38,245	$48,173
M/C 12	$40,263	$50,700
M/C 13	$42,606	$53,517
M/C 14	$45,137	$56,461
M/C 15	$47,649	$59,509
M/C 16	$50,334	$62,684
M/C 17	$53,190	$66,140
M/C 18	$53,472	$66,354
M/C 19	$56,340	$69,804
M/C 20	$59,212	$73,305
M/C 21	$62,406	$77,091
M/C 22	$65,760	$81,140
M/C 23	$69,130	$86,371
M 1	$74,617	$94,318
M 2	$82,753	$104,603

M 3	$91,844	$116,062
M 4	$101,583	$128,195
M 5	$112,794	$142,506
M 6	$124,884	$157,081
M 7	$137,657	$170,487
M 8	$116,064+	

S 2. Subdivision 1 of section 19 of the correction law, as added by section 2 of part B of chapter 491 of the laws of 2011, is amended to read as follows:

1. This section shall apply to each superintendent of a correctional facility appointed on or after August ninth, nineteen hundred seventy-five and any superintendent heretofore appointed who elects to be covered by the provisions thereof by filing such election with the commissioner.

a. The salary schedule for superintendents of a correctional facility with an inmate population capacity of four hundred or more inmates shall be as follows:

Effective April first, two thousand eleven:

Hiring Rate	Job Rate
$105,913	$144,535

Effective April first, two thousand fourteen:

Hiring Rate	Job Rate
$108,031	$147,426

Effective April first, two thousand fifteen:

Hiring Rate	Job Rate
$110,192	$150,375

EFFECTIVE JULY FIRST, TWO THOUSAND FIFTEEN:

HIRING RATE	JOB RATE
$114,644	$156,451

EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN:

HIRING RATE	JOB RATE
$118,106	$161,176

EFFECTIVE APRIL FIRST, TWO THOUSAND SEVENTEEN:

HIRING RATE	JOB RATE
$118,106	$161,176

EFFECTIVE APRIL FIRST, TWO THOUSAND EIGHTEEN:

HIRING RATE	JOB RATE
$118,106	$161,176

b. The salary schedule for superintendents of correctional facilities with an inmate population capacity of fewer than four hundred inmates shall be as follows:

Effective April first, two thousand eleven:

Hiring Rate	Job Rate
$82,363	$104,081

Effective April first, two thousand fourteen:

Hiring Rate	Job Rate
$84,010	$106,163

Effective April first, two thousand fifteen:

Hiring Rate	Job Rate
$85,690	$108,286

EFFECTIVE JULY FIRST, TWO THOUSAND FIFTEEN:

HIRING RATE	JOB RATE
$89,152	$112,661

EFFECTIVE APRIL FIRST, TWO THOUSAND SIXTEEN:

HIRING RATE	JOB RATE

$91,844 $116,063
EFFECTIVE APRIL FIRST, TWO THOUSAND SEVENTEEN:
HIRING RATE JOB RATE
$91,844 $116,063
EFFECTIVE APRIL FIRST, TWO THOUSAND EIGHTEEN:
HIRING RATE JOB RATE
$91,844 $116,063

S 3. Compensation for certain state officers and employees. 1. The provisions of this section, except subdivision 10 of this section, shall apply to the following full-time state officers and employees. The provisions of subdivision 10 shall apply only to those individuals specified therein.

(a) officers and employees whose positions are designated managerial or confidential pursuant to article 14 of the civil service law;

(b) civilian state employees of the division of military and naval affairs in the executive department whose positions are not in, or are excluded from representation rights in, any recognized or certified negotiating unit;

(c) officers and employees excluded from representation rights under article 14 of the civil service law pursuant to rules or regulations of the public employment relations board;

(d) officers and employees whose salaries are prescribed by section 19 of the correction law;

(e) officers and employees whose salaries are provided for by paragraph (a) of subdivision 1 of section 215 of the executive law.

2. For such officers and employees the following increases shall apply:

(a) Effective July 1, 2015, the basic annual salary of officers and employees to whom the provisions of this subdivision apply shall be increased by four percent adjusted to the nearest whole dollar amount.

(b) Effective April 1, 2016, the basic annual salary of officers and employees to whom the provisions of this subdivision apply shall be increased by three percent adjusted to the nearest whole dollar amount.

3. If an unencumbered position is one that, if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created and is filled by the appointment of an officer or employee who is subject to the provisions of this section, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered.

4. The increases in salary pursuant to this section shall apply on a prorated basis in accordance with guidelines issued by the director of the budget to officers and employees otherwise eligible to receive an increase in salary pursuant to this act who are paid on an hourly or per diem basis, employees serving on a part-time or seasonal basis, and employees paid on any basis other than at an annual salary rate.

5. Notwithstanding any of the foregoing provisions of this section, the provisions of this section shall not apply to the following except as otherwise provided by law:

(a) officers or employees paid on a fee schedule basis;

(b) officers or employees whose salaries are prescribed by section 40, 60, or 169 of the executive law;

(c) officers or employees in collective negotiating units established pursuant to article 14 of the civil service law.

6. Officers and employees to whom the provisions of this section apply who are incumbents of positions that are not allocated to salary grades specified in paragraph d of subdivision 1 of section 130 of the civil service law and whose salary is not prescribed in any other statute shall receive the salary increases specified in subdivision two of this section.

7. In order to provide performance advancements, merit awards, longevity payments, in lieu payments and special achievement awards for the officers and employees to whom this section applies who are not allocated to salary grades in proportion to those provided to persons to whom this section applies who are allocated to salary grades, the director of the budget is authorized to add appropriate adjustments to the compensation that such officers and employees are otherwise entitled to receive. The director of the budget shall amend each agency's personal service certificate to reflect the increases made pursuant to the provisions of this subdivision, and the updated certificate will continue to be available to the state comptroller, the department of civil service, the chairman of the senate finance committee and the chairman of the assembly ways and means committee.

8. Notwithstanding any of the foregoing provisions of this section, any increase in compensation for any officer or employee appointed to a lower graded position from a redeployment list pursuant to subdivision 1 of section 79 of the civil service law who continues to receive his or her former salary pursuant to such subdivision shall be determined on the basis of such lower graded position provided, however, that the increases in salary provided in subdivision two of this section shall not cause such officer's or employee's salary to exceed the job rate of any such lower graded position at salary grade.

9. Notwithstanding any of the foregoing provisions of this section or of any law to the contrary, the director of the budget may reduce the salary of any position which is vacant or which becomes vacant, so long as the position, if encumbered, would be subject to the provisions of this section. The director of the budget does not need to provide a reason for such reduction.

10. Compensation for certain state employees in the state university and certain employees of contract colleges at Cornell and Alfred universities.

(a) Effective July 1, 2015, April 1, 2016, April 1, 2017 and April 1, 2018, the basic annual salary of incumbents of positions in the professional service in the state university that are designated, stipulated, or excluded from negotiating units as managerial or confidential as defined pursuant to article 14 of the civil service law, may be increased pursuant to plans approved by the state university trustees. Such increases in basic annual salary rates shall not exceed in the aggregate four percent of the total basic annual salary rates in effect on June 30, 2015, and three percent of the total basic annual salary rates in effect on March 31, 2016.

(b) Effective July 1, 2015 and April 1, 2016, the basic annual salary of incumbents of positions in the institutions under the management and control of Cornell and Alfred universities as representatives of the board of trustees of the state university that, in the opinion of the director of employee relations, would be designated managerial or confidential were they subject to article 14 of the civil service law may be increased pursuant to plans approved by the state university trustees. Such increases in basic annual salary rates shall not exceed in the aggregate four percent of the total basic annual salary rates in effect

on June 30, 2015, and three percent of the total basic annual salary rates in effect on March 31, 2016.

(c) During the period July 1, 2015 through March 31, 2019, the basic annual salary of incumbents of positions in the non-professional service that, in the opinion of the director of employee relations, would be designated managerial or confidential were they subject to article 14 of the civil service law, except those positions in the Cornell service and maintenance unit that are subject to the terms of a collective bargaining agreement between Cornell university and the employee organization representing employees in such positions and except those positions in the Alfred service and maintenance unit that are subject to the terms of a collective bargaining agreement between Alfred university and the employee organization representing employees in such positions, in institutions under the management and control of Cornell and Alfred universities as representatives of the board of trustees of the state university may be increased pursuant to plans approved by the state university trustees. Such plans may include new salary schedules which shall supersede the salary schedules then in effect applicable to such employees. Such plans shall provide for increases in basic annual salaries, which, exclusive of performance advancement payments or merit recognition payments, shall not exceed in the aggregate four percent of the total basic annual salary rates in effect on June 30, 2015, and three percent of the total basic annual salary rates in effect on March 31, 2016.

(d) For the purposes of this subdivision, the basic annual salary of an employee is that salary that is obtained through direct appropriation of state moneys for the purpose of paying wages. Nothing in this part shall prevent increasing amounts paid to incumbents of such positions in the professional service in addition to the basic annual salary, provided, however, that the amounts required for such increase and the cost of fringe benefits attributable to such increase, as determined by the comptroller, are made available to the state in accordance with the procedures established by the state university, with the approval of the director of the budget, for such purposes.

(e) Notwithstanding any of the foregoing provisions of this section or any law to the contrary, any increase in compensation may be withheld in whole or in part from any employee to whom the provisions of this section apply pursuant to section seven of this act.

S 4. Use of appropriations. The comptroller is authorized to pay any amounts required during the fiscal year commencing April 1, 2015 by the foregoing provisions of this act for any state department or agency from any appropriation or other funds available to such state department or agency for personal service or for other related employee benefits during such fiscal year. To the extent that such appropriations in any fund, or combinations of funds, are insufficient to accomplish the purposes herein set forth, the director of the budget is authorized to allocate to any department and agency funds, from any appropriations available in any other department's or agency's fund or funds, the amounts necessary to pay such amounts.

S 5. Effect of participation in special annuity program. No officer or employee participating in a special annuity program pursuant to the provision of article 8-C of the education law shall, by reason of an increase in compensation pursuant to this act, suffer any reduction of the salary adjustment to which that employee would otherwise be entitled by reason of participation in such program, and such salary adjustment

shall be based upon the salary of such officer or employee without regard to the reduction authorized by such article.

S 6. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other law, the increase in salary or compensation of any officer or employee provided by this act shall be added to the salary or compensation of such officer or employee at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act, provided, however, that for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed in this act, and the payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, shall not operate to confer any additional salary rights or benefits on such officer or employee.

S 7. 1. Notwithstanding the provisions of any other section of this act or any other provision of law to the contrary, any increase in compensation, provided: (a) in this act, or (b) as a result of a promotion, appointment, or advancement to a position in a higher salary grade, or (c) pursuant to paragraph (c) of subdivision 6 of section 131 of the civil service law, or (d) pursuant to paragraph (b) of subdivision 8 of section 130 of the civil service law, or (e) pursuant to paragraph (a) of subdivision 3 of section 13 of chapter 732 of the laws of 1988, as amended, may be withheld in whole or in part from any officer or employee when, in the opinion of the director of the budget, such withholding is necessary to reflect the job performance of such officer or employee, or to maintain appropriate salary relationships among officers or employees of the state, or to reduce state expenditures to acceptable levels or when, in the opinion of the director of the budget, such increase is not warranted or is not appropriate.

2. Notwithstanding the provisions of any other section of this act the salary increases provided for in this act shall not be implemented until the director of the budget delivers notice to the comptroller that such amounts may be paid.

S 8. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015.

PART I

Intentionally Omitted

PART J

Section 1. Subdivision 2 of section 164 of the civil service law, as added by section 1 of part W of chapter 56 of the laws of 2008, is amended to read as follows:

2. During the fiscal year ENDING MARCH THIRTY-FIRST, two thousand [eight--two thousand nine] SIXTEEN, the president [shall] MAY establish an amnesty period not to exceed sixty days. During this amnesty period when any employee enrolled in the plan voluntarily identifies any ineligible dependent:

(a) the termination of the ineligible dependent's coverage resulting from such employee's timely compliance shall be made on a current basis;

(b) the plan shall not seek recovery of any claims paid based on the coverage of the ineligible dependent;

(c) the employee shall not be entitled to any refund of premium paid on behalf of any such ineligible dependent; and

(d) the employee shall not be subject to any disciplinary, civil or criminal action, directly as a result of the coverage of the ineligible dependent.

S 2. This act shall take effect immediately.

PART K

Section 1. The retirement and social security law is amended by adding a new section 809 to read as follows:

S 809. RETIREMENT SYSTEM REPORTING. THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK STATE POLICE AND FIRE RETIREMENT SYSTEM, THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY EMPLOYEES' RETIREMENT SYSTEM, THE NEW YORK CITY TEACHERS' RETIREMENT SYSTEM, THE NEW YORK CITY POLICE PENSION FUND, THE NEW YORK CITY FIRE PENSION FUND, AND THE NEW YORK CITY BOARD OF EDUCATION RETIREMENT SYSTEM SHALL REPORT ESTIMATED EMPLOYER PENSION CONTRIBUTION RATES EXPRESSED AS A PERCENTAGE OF EMPLOYER PAYROLL FOR THE NEXT FISCAL YEAR AND ONE ENSUING FISCAL YEAR, OR NEXT SCHOOL YEAR AND ONE ENSUING SCHOOL YEAR, AS APPLICABLE TO SUCH RETIREMENT SYSTEMS AND AS APPROPRIATE FOR ALL PARTICIPATING EMPLOYERS. SUCH RETIREMENT SYSTEM SHALL FILE THE APPROPRIATE REPORT WITH THE DIRECTOR OF THE BUDGET AND CHAIRPERSON OF THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE AND ALSO MAKE THE REPORT AVAILABLE ON THEIR PUBLIC INTERNET WEBSITE. SUCH REPORTING SHALL OCCUR ANNUALLY BY SEPTEMBER FIRST OF THE CURRENT YEAR, OR BY DECEMBER FIRST OF THE CURRENT YEAR FOR A RETIREMENT SYSTEM WITH A JULY FIRST TO JUNE THIRTIETH PLAN YEAR, AND SHALL BE IN ADDITION TO ANY OTHER REPORTING REQUIREMENT IN LAW.

S 2. This act shall take effect immediately.

PART L

Intentionally Omitted

PART M

Section 1. Section 3 of chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, as amended by chapter 61 of the laws of 2013, is amended to read as follows:

S 3. This act shall take effect immediately and shall remain in full force and effect only until June 30, [2015] 2017.

S 2. Subdivision 2 of section 9 of the public buildings law, as amended by chapter 84 of the laws of 2007, is amended to read as follows:

2. Notwithstanding any other provision of this law or any general or special law, where there is a construction emergency, as defined by subdivision one of this section, the commissioner of general services may, upon written notice of such construction emergency from an authorized officer of the department or agency having jurisdiction of the

property, let emergency contracts for public work or the purchase of supplies, materials or equipment without complying with formal competitive bidding requirements, provided that all such contracts shall be subject to the approval of the attorney general and the comptroller and that no such contract shall exceed [three hundred thousand] ONE MILLION dollars. Such emergency contracts shall be let only for work necessary to remedy or ameliorate a construction emergency.

S 3. This act shall take effect immediately; provided, however, that the amendment to subdivision 2 of section 9 of the public buildings law made by section two of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

PART N

Section 1. The second undesignated paragraph of section 6 of the public buildings law, as amended by chapter 237 of the laws of 1992, is amended to read as follows:

Notwithstanding any inconsistent provisions of law, the commissioner of general services may by rules delegate to the agency or department having custody of any public building full responsibility for the preparation of plans and specifications and the supervision of minor, routine or uncomplicated construction, reconstruction, alteration, improvement or repair of any such building, providing the value of such work shall not exceed ONE HUNDRED fifty thousand dollars.

S 2. This act shall take effect immediately.

PART O

Intentionally Omitted

PART P

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

1. Tuition reimbursement account (20451).
2. Proprietary vocational school supervision account (20452).
3. Local government records management account (20501).
4. Child health plus program account (20810).
5. EPIC premium account (20818).
6. Education - New (20901).
7. VLT - Sound basic education fund (20904).
8. Sewage treatment program management and administration fund (21000).
9. Hazardous bulk storage account (21061).
10. Federal grants indirect cost recovery account (21065).
11. Low level radioactive waste account (21066).
12. Recreation account (21067).
13. Public safety recovery account (21077).
14. Environmental regulatory account (21081).
15. Natural resource account (21082).
16. Mined land reclamation program account (21084).
17. Great lakes restoration initiative account (21087).
18. Environmental protection and oil spill compensation fund (21200).

19. Public transportation systems account (21401).
20. Metropolitan mass transportation (21402).
21. Operating permit program account (21451).
22. Mobile source account (21452).
23. Statewide planning and research cooperative system account (21902).
24. OPWDD provider of service account (21903).
25. Mental hygiene program fund account (21907).
26. Mental hygiene patient income account (21909).
27. Financial control board account (21911).
28. Regulation of racing account (21912).
29. New York Metropolitan Transportation Council account (21913).
30. State university dormitory income reimbursable account (21937).
31. Energy research account (21943).
32. Criminal justice improvement account (21945).
33. Fingerprint identification and technology account (21950).
34. Environmental laboratory reference fee account (21959).
35. Clinical laboratory reference system assessment account (21962).
36. Indirect cost recovery account (21978).
37. High school equivalency program account (21979).
38. Multi-agency training account (21989).
39. Bell jar collection account (22003).
40. Industry and utility service account (22004).
41. Real property disposition account (22006).
42. Parking account (22007).
43. Asbestos safety training program account (22009).
44. Batavia school for the blind account (22032).
45. Investment services account (22034).
46. Surplus property account (22036).
47. Financial oversight account (22039).
48. Regulation of indian gaming account (22046).
49. Rome school for the deaf account (22053).
50. Seized assets account (22054).
51. Administrative adjudication account (22055).
52. Federal salary sharing account (22056).
53. New York City assessment account (22062).
54. Cultural education account (22063).
55. Local services account (22078).
56. DHCR mortgage servicing account (22085).
57. Department of motor vehicles compulsory insurance account (22087).
58. Housing indirect cost recovery account (22090).
59. Accident prevention course program account (22094).
60. DHCR-HCA application fee account (22100).
61. Low income housing monitoring account (22130).
62. Corporation administration account (22135).
63. Montrose veteran's home account (22144).
64. Deferred compensation administration account (22151).
65. Rent revenue other New York City account (22156).
66. Rent revenue account (22158).
67. Tax revenue arrearage account (22168).
68. State university general income offset account (22654).
69. State police motor vehicle law enforcement account (22802).
70. Highway safety program account (23001).
71. EFC drinking water program account (23101).
72. DOH drinking water program account (23102).
73. NYCCC operating offset account (23151).

74. Commercial gaming revenue account (23701).
75. Commercial gaming regulation account (23702).
76. Highway and bridge capital account (30051).
77. State university residence hall rehabilitation fund (30100).
78. State parks infrastructure account (30351).
79. Clean water/clean air implementation fund (30500).
80. Hazardous waste remedial cleanup account (31506).
81. Youth facilities improvement account (31701).
82. Housing assistance fund (31800).
83. Housing program fund (31850).
84. Highway facility purpose account (31951).
85. Information technology capital financing account (32215).
86. New York racing account (32213).
87. Mental hygiene facilities capital improvement fund (32300).
88. Correctional facilities capital improvement fund (32350).
89. New York State Storm Recovery Capital Fund (33000).
90. OGS convention center account (50318).
91. Centralized services fund (55000).
92. Archives records management account (55052).
93. Federal single audit account (55053).
94. Civil service law section II administrative account (55055).
95. Civil service EHS occupational health program account (55056).
96. Banking services account (55057).
97. Cultural resources survey account (55058).
98. Neighborhood work project (55059).
99. Automation & printing chargeback account (55060).
100. OFT NYT account (55061).
101. Data center account (55062).
102. Intrusion detection account (55066).
103. Domestic violence grant account (55067).
104. Centralized technology services account (55069).
105. Labor contact center account (55071).
106. Human services contact center account (55072).
107. Tax contact center account (55073).
108. Executive direction internal audit account (55251).
109. CIO Information technology centralized services account (55252).
110. Health insurance internal service account (55300).
111. Civil service employee benefits division administrative account (55301).
112. Correctional industries revolving fund (55350).
113. Employees health insurance account (60201).
114. Medicaid management information system escrow fund (60900).

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

1. Federal USDA-food and nutrition services fund (25000).
2. Federal health and human services fund (25100).
3. Federal education fund (25200).
4. Federal block grant fund (25250).
5. Federal miscellaneous operating grants fund (25300).
6. Federal unemployment insurance administration fund (25900).
7. Federal unemployment insurance occupational training fund (25950).
8. Federal emergency employment act fund (26000).

9. Federal capital projects fund (31350).

S 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on or before March 31, 2016, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

1. $175,000 from the miscellaneous special revenue fund, underground facilities safety training account (22172), to the general fund.

2. An amount up to the unencumbered balance from the miscellaneous special revenue fund, business and licensing services account (21977), to the general fund.

3. $14,810,000 from the miscellaneous special revenue fund, code enforcement account (21904), to the general fund.

4. $3,000,000 from the general fund to the miscellaneous special revenue fund, tax revenue arrearage account (22168).

5. $552,000 from the miscellaneous special revenue fund, consumer food industry account (21966), to the general fund.

Education:

1. $2,219,000,000 from the general fund to the state lottery fund, education account (20901), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

2. $952,000,000 from the general fund to the state lottery fund, VLT education account (20904), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.

3. Moneys from the state lottery fund up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.

4. $300,000 from the local government records management improvement fund (20500) to the archives partnership trust fund (20350).

5. $900,000 from the general fund to the miscellaneous special revenue fund, Batavia school for the blind account (22032).

6. $900,000 from the general fund to the miscellaneous special revenue fund, Rome school for the deaf account (22053).

7. $343,400,000 from the state university dormitory income fund (40350) to the miscellaneous special revenue fund, state university dormitory income reimbursable account (21937).

8. $24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund, indirect cost recovery account (21978).

9. $8,318,000 from the general fund to the state university income fund, state university income offset account (22654), for the state's share of repayment of the STIP loan.

10. $45,000,000 from the state university income fund, state university hospitals income reimbursable account (22656) to the general fund for hospital debt service for the period April 1, 2015 through March 31, 2016.

Environmental Affairs:

1. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the environmental conservation special revenue fund, federal indirect recovery account (21065).

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

3. $3,000,000 from any of the office of parks, recreation and historic preservation capital projects federal funds and special revenue federal funds to the miscellaneous special revenue fund, federal grant indirect cost recovery account (22188).

4. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the miscellaneous special revenue fund, I love NY water account (21930).

5. $18,000,000 from the general fund to the environmental protection fund, environmental protection fund transfer account (30451).

6. $8,500,000 from the general fund to the hazardous waste remedial fund, hazardous waste oversight and assistance account (31505).

7. $25,000,000 from the environmental protection fund, environmental protection transfer account (30451), to the general fund.

Family Assistance:

1. $10,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with agreements with social services districts, to the miscellaneous special revenue fund, office of human resources development state match account (21967).

2. $3,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund, family preservation and support services and family violence services account (22082).

3. $18,670,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the general fund.

4. $166,000,000 from any of the office of temporary and disability assistance or department of health special revenue funds to the general fund.

5. $2,500,000 from any of the office of temporary and disability assistance or office of children and family services special revenue federal funds to the miscellaneous special revenue fund, office of temporary and disability assistance program account (21980).

6. $35,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund, multi-agency training contract account (21989).

7. $65,000,000 from the miscellaneous special revenue fund, youth facility per diem account (22186), to the general fund.

8. $621,850 from the general fund to the combined gifts, grants, and bequests fund, WB Hoyt Memorial account (20128).

9. $3,100,000 from the miscellaneous special revenue fund, state central registry (22028), to the general fund.

General Government:

1. $1,566,000 from the miscellaneous special revenue fund, examination and miscellaneous revenue account (22065) to the general fund.

2. $12,500,000 from the general fund to the health insurance revolving fund (55300).

3. $192,400,000 from the health insurance reserve receipts fund (60550) to the general fund.

4. $150,000 from the general fund to the not-for-profit revolving loan fund (20650).

5. $150,000 from the not-for-profit revolving loan fund (20650) to the general fund.

6. $3,000,000 from the miscellaneous special revenue fund, surplus property account (22036), to the general fund.

7. $19,900,000 from the general fund to the miscellaneous special revenue fund, alcoholic beverage control account (22033).

8. $23,000,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the general fund.

9. $1,826,000 from the miscellaneous special revenue fund, revenue arrearage account (22024), to the miscellaneous special revenue fund, authority budget office account (22138).

10. $1,000,000 from the miscellaneous special revenue fund, parking services account (22007), to the general fund, for the purpose of reimbursing the costs of debt service related to state parking facilities.

11. $21,794,000 from the general fund to the internal service fund, COPS account (55013).

12. $8,360,000 from the general fund to the agencies internal service fund, central technology services account (55069), for the purpose of enterprise technology projects.

13. $5,000,000 from the miscellaneous special revenue fund, workers' compensation account (21995), to the miscellaneous capital projects fund, workers' compensation board IT business process design fund.

Health:

1. $30,000,000 from the miscellaneous special revenue fund, quality of care account (21915), to the general fund.

2. $1,000,000 from the general fund to the combined gifts, grants and bequests fund, breast cancer research and education account (20155), an amount equal to the monies collected and deposited into that account in the previous fiscal year.

3. $250,000 from the general fund to the combined gifts, grants and bequests fund, prostate cancer research, detection, and education account (20183), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

4. $500,000 from the general fund to the combined gifts, grants and bequests fund, Alzheimer's disease research and assistance account (20143), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.

5. $30,295,000 from the HCRA resources fund (20800) to the miscellaneous special revenue fund, empire state stem cell trust fund account (22161).

6. $30,000,000 from any of the department of health accounts within the federal health and human services fund to the miscellaneous special revenue fund, quality of care account (21915).

7. $6,000,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the miscellaneous capital projects fund, healthcare IT capital subfund.

8. $1,000,000 from the miscellaneous special revenue fund, administration program account (21982), to the miscellaneous capital projects fund, healthcare IT capital account (32216).

9. $1,000,000 from the miscellaneous special revenue fund, vital records account (22103), to the miscellaneous capital projects fund, healthcare IT capital account (32216).

10. $3,700,000 from the miscellaneous New York state agency fund, Medicaid recoveries account (60615), to the general fund.

11. $6,740,000 from the general fund to the medical marihuana trust fund, medical marihuana - DOH account.

12. $4,096,000 from the HCRA resources fund (20800), to the miscellaneous special revenue fund, cigarette strike force account.

13. $3,086,000 from the miscellaneous special revenue fund, certificate of need account (21920), to the general fund.

14. $179,320,000 from the HCRA resources fund, HCRA program account (20807), to the general fund.

Labor:

1. $400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the child performer's protection fund, child performer protection account (20401).

2. $8,400,000 from the miscellaneous special revenue fund, DOL fee and penalty account (21923), to the general fund.

3. $3,300,000 from the unemployment insurance interest and penalty fund, unemployment insurance special interest and penalty account (23601), to the general fund.

Mental Hygiene:

1. $10,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the miscellaneous special revenue fund, federal salary sharing account (22056).

2. $15,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the miscellaneous special revenue fund, provider of service accounts (21903).

3. $15,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907), to the miscellaneous special revenue fund, provider of service account (21903).

4. $1,400,000,000 from the general fund to the miscellaneous special revenue fund, mental hygiene patient income account (21909).

5. $1,867,353,000 from the general fund to the miscellaneous special revenue fund, mental hygiene program fund account (21907).

6. $100,000,000 from the miscellaneous special revenue fund, mental hygiene program fund account (21907), to the general fund.

7. $100,000,000 from the miscellaneous special revenue fund, mental hygiene patient income account (21909), to the general fund.

Public Protection:

1. $1,350,000 from the miscellaneous special revenue fund, emergency management account (21944), to the general fund.

2. $3,300,000 from the general fund to the miscellaneous special revenue fund, recruitment incentive account (22171).

3. $13,000,000 from the general fund to the correctional industries revolving fund, correctional industries internal service account (55350).

4. $3,000,000 from the federal miscellaneous operating grants fund, DMNA damage account (25324), to the general fund.

5. $14,300,000 from the general fund to the miscellaneous special revenue fund, crimes against revenue program account (22015).

6. $22,900,000 from the miscellaneous special revenue fund, criminal justice improvement account (21945), to the general fund.

7. $50,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the general fund.

8. $106,000,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, state

police motor vehicle enforcement account (22802), to the general fund for state operation expenses of the division of state police.

9. $21,500,000 from the general fund to the correctional facilities capital improvement fund (32350).

10. $5,000,000 from the general fund to the dedicated highway and bridge trust fund (30050) for the purpose of work zone safety activities provided by the division of state police for the department of transportation.

11. $5,000,000 from the miscellaneous special revenue fund, statewide public safety communications account (22123), to the capital projects fund (30000).

12. $2,900,000 from the miscellaneous special revenue fund, legal services assistance account (22096), to the general fund.

13. $300,000 from the state police motor vehicle law enforcement and motor vehicle theft and insurance fraud prevention fund, motor vehicle theft and insurance fraud account (22801), to the general fund.

Transportation:

1. $17,672,000 from the federal miscellaneous operating grants fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

2. $20,147,000 from the federal capital projects fund to the miscellaneous special revenue fund, New York Metropolitan Transportation Council account (21913).

3. $15,700,000 from the miscellaneous special revenue fund, compulsory insurance account (22087), to the general fund.

4. $14,878,096 from the general fund to the mass transportation operating assistance fund, public transportation systems operating assistance account (21401), of which $12,000,000 constitutes the base need for operations.

5. $689,659,000 from the general fund to the dedicated highway and bridge trust fund (30050).

6. $606,000 from the miscellaneous special revenue fund, accident prevention course program account (22094), to the general fund.

7. $6,000 from the miscellaneous special revenue fund, motorcycle safety account (21976), to the general fund.

8. $309,250,000 from the general fund to the MTA financial assistance fund, mobility tax trust account (23651).

9. $20,000,000 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the general debt service fund (40151), for reimbursement of the state's expenses in connection with payments of debt service and related expenses for the metropolitan transportation authority's state service contract bonds.

10. $5,000,000 from the miscellaneous special revenue fund, transportation regulation account (22067) to the dedicated highway and bridge trust fund (30050), for disbursements made from such fund for motor carrier safety that are in excess of the amounts deposited in the dedicated highway and bridge trust fund (30050) for such purpose pursuant to section 94 of the transportation law.

11. $115,826,600 from the mass transportation operating assistance fund, metropolitan mass transportation operating assistance account (21402), to the transit assistance for capital investments fund, metropolitan transit assistance for capital investments account, for disbursements made from such fund pursuant to a chapter of the laws of 2015.

Miscellaneous:

1. $200,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.

2. $1,000,000,000 from the general fund to the debt reduction reserve fund (40000).

3. $450,000,000 from the New York state storm recovery capital fund (33000) to the revenue bond tax fund (40152).

4. $15,500,000 from the general fund, community projects account GG (10256), to the general fund, state purposes account (10050).

S 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2016:

1. Upon request of the commissioner of environmental conservation, up to $11,354,000 from revenues credited to any of the department of environmental conservation special revenue funds, including $3,285,400 from the environmental protection and oil spill compensation fund (21200), and $1,779,600 from the conservation fund (21150), to the environmental conservation special revenue fund, indirect charges account (21060).

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

3. Upon request of the commissioner of agriculture and markets, up to $2,000,000 from the state exposition special fund, state fair receipts account (50051) to the miscellaneous capital projects fund, state fair capital improvement account (32208).

4. Upon request of the commissioner of the division of housing and community renewal, up to $6,221,000 from revenues credited to any division of housing and community renewal federal or miscellaneous special revenue fund to the miscellaneous special revenue fund, housing indirect cost recovery account (22090).

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

6. Upon request of the commissioner of health up to $5,000,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund, administration account (21982).

S 4. On or before March 31, 2016, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund, banking services account (55057), for the purpose of meeting direct payments from such account.

S 5. Notwithstanding any law to the contrary, upon the direction of the director of the budget and upon requisition by the state university of New York, the dormitory authority of the state of New York is directed to transfer, up to $22,000,000 in revenues generated from the sale of notes or bonds, to the state university of New York for reimbursement of bondable equipment for further transfer to the state's general fund.

S 6. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2016, up to $16,000,000 from the state

university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Buffalo.

S 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget and upon consultation with the state university chancellor or his or her designee, on or before March 31, 2016, up to $6,500,000 from the state university income fund general revenue account (22653) to the state general fund for debt service costs related to campus supported capital project costs for the NY-SUNY 2020 challenge grant program at the University at Albany.

S 8. Notwithstanding any law to the contrary, the state university chancellor or his or her designee is authorized and directed to transfer estimated tuition revenue balances from the state university collection fund (61000) to the state university income fund, state university general revenue offset account (22655) on or before March 31, 2016.

S 9. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $87,764,000 from the general fund to the state university income fund, state university hospitals income reimbursable account (22656) during the period July 1, 2015 through June 30, 2016 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

S 10. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $987,050,300 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of July 1, 2015 through June 30, 2016 to support operations at the state university.

S 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $3,370,000 from the general fund to the state university income fund, state university general revenue offset account (22655) during the period of April 1, 2015 through June 30, 2015 to support operations at the state university.

S 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his or her designee, up to $55,000,000 from the state university income fund, state university hospitals income reimbursable account (22656), for services and expenses of hospital operations and capital expenditures at the state university hospitals; and the state university income fund, Long Island veterans' home account (22652) to the state university capital projects fund (32400) on or before June 30, 2016.

S 13. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund, Stony Brook hospital collection account (61006), Brooklyn hospital collection account (61007), and Syracuse hospital collection account (61008) to the state university income

fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund to the state university income fund, state university hospitals income reimbursable account (22656) in the event insufficient funds are available in the state university income fund, state university hospitals income reimbursable account (22656) to pay hospital operating costs or to permit the full transfer of moneys authorized for transfer, to the general fund for payment of debt service related to the SUNY hospitals on or before March 31, 2016.

S 14. Notwithstanding any law to the contrary, upon the direction of the director of the budget and the chancellor of the state university of New York or his or her designee, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies from the state university dormitory income fund (40350) to the state university residence hall rehabilitation fund (30100), and from the state university residence hall rehabilitation fund (30100) to the state university dormitory income fund (40350), in a net amount not to exceed $80 million.

S 15. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2016, from and to any of the following accounts: the miscellaneous special revenue fund, patient income account (21909), the miscellaneous special revenue fund, mental hygiene program fund account (21907), the miscellaneous special revenue fund, federal salary sharing account (22056), or the general fund in any combination, the aggregate of which shall not exceed $350 million.

S 16. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $500 million from the unencumbered balance of any special revenue fund or account, agency fund or account, internal service fund or account, enterprise fund or account, or any combination of such funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2015-16 budget. Transfers from federal funds, debt service funds, capital projects funds, the community projects fund, or funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

S 17. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $100 million from any non-general fund or account, or combination of funds and accounts, to the miscellaneous special revenue fund, technology financing account (22207) or the miscellaneous capital projects fund, information technology capital financing account (32215), for the purpose of consolidating technology procurement and services. The amounts transferred to the miscellaneous special revenue fund, technolo-

gy financing account (22207) pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the technology financing account shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule or permanent statute, and shall be transferred to the technology financing account pursuant to a schedule agreed upon by the affected agency commissioner. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

S 18. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $300 million from any non-general fund or account, or combination of funds and accounts, to the general fund for the purpose of consolidating technology procurement and services. The amounts transferred pursuant to this authorization shall be equal to or less than the amount of such monies intended to support information technology costs which are attributable, according to a plan, to such account made in pursuance to an appropriation by law. Transfers to the general fund shall be completed from amounts collected by non-general funds or accounts pursuant to a fund deposit schedule. Transfers from funds that would result in the loss of eligibility for federal benefits or federal funds pursuant to federal law, rule, or regulation as assented to in chapter 683 of the laws of 1938 and chapter 700 of the laws of 1951 are not permitted pursuant to this authorization.

S 19. Notwithstanding any provision of law to the contrary, as deemed feasible and advisable by its trustees, the power authority of the state of New York is authorized and directed to (i) make a contribution to the state treasury to the credit of the general fund, or as otherwise directed in writing by the director of the budget, in an amount of up to $90,000,000 for the state fiscal year commencing April 1, 2015, the proceeds of which will be utilized to support energy-related initiatives of the state, or for economic development purposes, and (ii) transfer up to $25,000,000 of any such contribution by June 30, 2015 and the remainder of any such contribution by March 31, 2016.

S 20. Notwithstanding any provision of law, rule or regulation to the contrary, the New York State energy research and development authority is authorized and directed to make a contribution to the state treasury to the credit of the general fund in the amount of $64,000,000 from proceeds collected by the authority from the auction or sale of carbon dioxide emission allowances allocated by the department of environmental conservation under the Regional Greenhouse Gas Initiative on or before March 31, 2016. No less than $49,000,000 of this amount will be transferred to the credit of the environmental protection fund on or before March 31, 2016 for the purpose of financing projects or initiatives designed to lessen New York state's overall greenhouse gas footprint. Preference for projects or initiatives to receive this funding will be given to cities and towns within New York state where such greenhouse emissions that result in carbon dioxide emission allowances are generated. Commitments for these projects will be provided to the public service commission and the director of the budget on or before December 31, 2015.

S 21. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 20 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eighty-one and four hundred eighty-four of the laws of nineteen hundred eight-y-one, and notwithstanding the provisions of chapter ninety-four of the laws of two thousand eleven, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [fourteen] FIFTEEN, the state comptroller is hereby authorized and directed to deposit to the fund created pursuant to this section from amounts collected pursuant to article twenty-two of the tax law and pursuant to a schedule submitted by the director of the budget, up to [$3,429,375,000] $3,230,679,000, as may be certified in such schedule as necessary to meet the purposes of such fund for the fiscal year beginning April first, two thousand [fourteen] FIFTEEN.

S 22. The comptroller is authorized and directed to deposit to the general fund-state purposes account reimbursements from moneys appropriated or reappropriated to the correctional facilities capital improvement fund by a chapter of the laws of 2015. Reimbursements shall be available for spending from appropriations made to the department of corrections and community supervision in the general fund-state purposes accounts by a chapter of the laws of 2015 for costs associated with the administration and security of capital projects and for other costs which are attributable, according to a plan, to such capital projects.

S 23. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. Annually on or before each June 30th, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

S 24. Subdivision 8 of section 68-b of the state finance law, as amended by section 44 of part HH of chapter 57 of the laws of 2013, is amended to read as follows:

8. Revenue bonds may only be issued for authorized purposes, as defined in section sixty-eight-a of this article. Notwithstanding the foregoing, [the dormitory authority of the state of New York and the urban development corporation] ANY AUTHORIZED ISSUER may issue revenue bonds for any authorized purpose [of any other such authorized issuer through March thirty-first, two thousand fifteen]. The authorized

issuers shall not issue any revenue bonds in an amount in excess of statutory authorizations for such authorized purposes. Authorizations for such authorized purposes shall be reduced in an amount equal to the amount of revenue bonds issued for such authorized purposes under this article. Such reduction shall not be made in relation to revenue bonds issued to fund reserve funds, if any, and costs of issuance, if these items are not counted under existing authorizations, nor shall revenue bonds issued to refund bonds issued under existing authorizations reduce the amount of such authorizations.

S 25. Subdivision 1 of section 47 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 28 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the office of information technology services, department of law, and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [one] TWO hundred [eighty-two] SIXTY-NINE million [four] ONE hundred forty thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 26. Section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, is amended by adding a new section 51 to read as follows:

S 51. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE CONTRARY, THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION ARE HEREBY AUTHORIZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF FUNDING PROJECT COSTS FOR THE NONPROFIT INFRASTRUCTURE CAPITAL INVESTMENT PROGRAM AND OTHER STATE COSTS ASSOCIATED WITH SUCH CAPITAL PROJECTS. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED FIFTY MILLION DOLLARS, EXCLUDING BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED TO REFUND OR OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH BONDS AND NOTES OF THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION SHALL NOT BE A DEBT OF THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE TO THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION FOR PRINCIPAL, INTEREST, AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT. EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE, ANY INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT SERVICE ON SUCH BONDS.

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

S 27. Subdivision 1 of section 16 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 29 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed seven billion one hundred [forty-eight] SIXTY-THREE million THREE HUNDRED sixty-nine thousand dollars [$7,148,069,000] $7,163,369,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the department of corrections and community supervision from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the department of corrections and community supervision; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than seven billion one hundred [forty-eight] SIXTY-THREE million THREE HUNDRED sixty-nine thousand dollars [$7,148,069,000] $7,163,369,000, only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service

of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

S 28. Paragraph (a) of subdivision 2 of section 47-e of the private housing finance law, as amended by section 30 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

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

S 29. Subdivision (b) of section 11 of chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, as amended by section 31 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund or to reimburse the

state for funding such projects having a cost not in excess of [$8,120,728,000] $8,608,881,000 cumulatively by the end of fiscal year [2014-15] 2015-16.

S 30. Subdivision 1 of section 1689-i of the public authorities law, as amended by section 32 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

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

S 31. Subdivision (a) of section 27 of part Y of chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, as amended by section 33 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$149,600,000] $155,600,000, excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital projects including IT initiatives for the division of state police, debt service and leases; and to reimburse the state general fund for disbursements made therefor. Such bonds and notes of such authorized issuer shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuer for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 32. Section 44 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 34 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

S 44. Issuance of certain bonds or notes. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, a project at nano Utica, onondaga county revitalization projects, BINGHAMTON UNIVERSITY SCHOOL OF PHARMACY, NEW YORK POWER ELECTRONICS MANUFACTURING CONSORTIUM, and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed two billion [two] FOUR hundred [three] EIGHTY-EIGHT

million two hundred fifty-seven thousand dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the corporation in undertaking the financing for project costs for the regional economic development council initiative, the economic transformation program, state university of New York college for nanoscale and science engineering, projects within the city of Buffalo or surrounding environs, the New York works economic development fund, projects for the retention of professional football in western New York, the empire state economic development fund, the clarkson-trudeau partnership, the New York genome center, the cornell university college of veterinary medicine, the olympic regional development authority, a project at nano Utica, onondaga county revitalization projects, BINGHAMTON UNIVERSITY SCHOOL OF PHARMACY, NEW YORK POWER ELECTRONICS MANUFACTURING CONSORTIUM, and other state costs associated with such projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the corporation agree, so as to annually provide to the dormitory authority and the corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the corporation as security for its bonds and notes, as authorized by this section.

S 33. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 35 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

3. The maximum amount of bonds that may be issued for the purpose of financing environmental infrastructure projects authorized by this section shall be one billion [three] FIVE hundred [ninety-eight] SEVENTY-FIVE million [two] SEVEN hundred sixty thousand dollars, exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than

those appropriated by the state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

S 34. Subdivision 1 of section 45 of section 1 of chapter 174 of the laws of 1968, constituting the New York state urban development corporation act, as amended by section 37 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

1. Notwithstanding the provisions of any other law to the contrary, the urban development corporation of the state of New York is hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the implementation of a NY-SUNY and NY-CUNY 2020 challenge grant program subject to the approval of a NY-SUNY and NY-CUNY 2020 plan or plans by the governor and either the chancellor of the state university of New York or the chancellor of the city university of New York, as applicable. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed [$330,000,000] $440,000,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 35. Subdivision (a) of section 48 of part K of chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, as amended by section 38 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed $197,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security and training facilities for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects fund, and is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [$317,800,000] $469,800,000, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing improvements to State office buildings and other facilities located statewide, including the reimbursement of any disbursements made from the state capital projects fund. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation for debt service and related expenses pursuant

to any service contracts executed pursuant to subdivision (b) of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

S 36. Intentionally omitted.

S 37. Paragraph (c) of subdivision 19 of section 1680 of the public authorities law, as amended by section 40 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

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

S 38. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 41 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund

or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facilities will exceed the sum of four hundred twenty-five million dollars and (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university facilities and except for bonds issued pursuant to a resolution supplemental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so to be issued when added to the principal amount of bonds previously issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city university facilities, will exceed seven billion [two] THREE hundred [seventy-three] NINETY-TWO million [three] SEVEN hundred [thirty-one] FIFTY-THREE thousand dollars. The legislature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or for the benefit of bondholders which might in any way affect such right.

S 39. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 42 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

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

S 40. Section 1680-r of the public authorities law, as added by section 43 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

S 1680-r. Authorization for the issuance of bonds for the capital restructuring financing program. 1. Notwithstanding the provisions of any other law to the contrary, the dormitory authority and the urban development corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one billion [two] NINE hundred million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such

bonds and notes of the dormitory authority and the urban development corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the urban development corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

2. Notwithstanding any other provision of law to the contrary, in order to assist the dormitory authority and the urban development corporation in undertaking the financing for project costs for the capital restructuring financing program for health care and related facilities licensed pursuant to the public health law or the mental hygiene law and other state costs associated with such capital projects, the director of the budget is hereby authorized to enter into one or more service contracts with the dormitory authority and the urban development corporation, none of which shall exceed thirty years in duration, upon such terms and conditions as the director of the budget and the dormitory authority and the urban development corporation agree, so as to annually provide to the dormitory authority and the urban development corporation, in the aggregate, a sum not to exceed the principal, interest, and related expenses required for such bonds and notes. Any service contract entered into pursuant to this section shall provide that the obligation of the state to pay the amount therein provided shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of monies available and that no liability shall be incurred by the state beyond the monies available for such purpose, subject to annual appropriation by the legislature. Any such contract or any payments made or to be made thereunder may be assigned and pledged by the dormitory authority and the urban development corporation as security for its bonds and notes, as authorized by this section.

S 41. Subdivision 1 of section 17 of part D of chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 44 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed [four] SIX hundred [sixty-five] ELEVEN million [three] TWO hundred [sixty-five] FIFTEEN thousand dollars [($465,365,000)] ($611,215,000), which authorization increases the aggregate principal amount of bonds, notes and other obligations authorized by section 40 of chapter 309 of the laws of 1996, and shall include all bonds, notes and other obligations issued pursuant to chapter 211 of the laws of 1990, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the youth facilities improvement fund, to pay for all or any portion of the amount or amounts paid by the state from appropriations or reappropriations made to the office of children and family services from the youth facilities improvement fund for capital projects. The aggregate amount of bonds, notes and other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other

obligations issued to refund or otherwise repay bonds, notes or other obligations theretofore issued, the proceeds of which were paid to the state for all or a portion of the amounts expended by the state from appropriations or reappropriations made to the office of children and family services; provided, however, that upon any such refunding or repayment the total aggregate principal amount of outstanding bonds, notes or other obligations may be greater than [four] SIX hundred [sixty-five] ELEVEN million [three] TWO hundred [sixty-five] FIFTEEN thousand dollars [($465,365,000)] ($611,215,000), only if the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations to be issued shall not exceed the present value of the aggregate debt service of the bonds, notes or other obligations so to be refunded or repaid. For the purposes hereof, the present value of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the corporation including estimated accrued interest from the sale thereof.

S 42. Paragraph b of subdivision 2 of section 9-a of section 1 of chapter 392 of the laws of 1973, constituting the New York state medical care facilities finance agency act, as amended by section 46 of part I of chapter 55 of the laws of 2014, is amended to read as follows:

b. The agency shall have power and is hereby authorized from time to time to issue negotiable bonds and notes in conformity with applicable provisions of the uniform commercial code in such principal amount as, in the opinion of the agency, shall be necessary, after taking into account other moneys which may be available for the purpose, to provide sufficient funds to the facilities development corporation, or any successor agency, for the financing or refinancing of or for the design, construction, acquisition, reconstruction, rehabilitation or improvement of mental health services facilities pursuant to paragraph a of this subdivision, the payment of interest on mental health services improvement bonds and mental health services improvement notes issued for such purposes, the establishment of reserves to secure such bonds and notes, the cost or premium of bond insurance or the costs of any financial mechanisms which may be used to reduce the debt service that would be payable by the agency on its mental health services facilities improvement bonds and notes and all other expenditures of the agency incident to and necessary or convenient to providing the facilities development corporation, or any successor agency, with funds for the financing or refinancing of or for any such design, construction, acquisition, reconstruction, rehabilitation or improvement and for the refunding of mental hygiene improvement bonds issued pursuant to section 47-b of the private housing finance law; provided, however, that the agency shall not issue mental health services facilities improvement bonds and mental health services facilities improvement notes in an aggregate principal amount exceeding seven billion [four] SEVEN hundred [thirty-five] TWENTY-TWO million eight hundred fifteen thousand dollars, excluding mental health services facilities improvement bonds and mental health services facili-

ties improvement notes issued to refund outstanding mental health services facilities improvement bonds and mental health services facilities improvement notes; provided, however, that upon any such refunding or repayment of mental health services facilities improvement bonds and/or mental health services facilities improvement notes the total aggregate principal amount of outstanding mental health services facilities improvement bonds and mental health facilities improvement notes may be greater than seven billion [four] SEVEN hundred [thirty-five] TWENTY-TWO million eight hundred fifteen thousand dollars only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office for people with developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

S 43. Paragraph (b) of subdivision 3 of section 1 and clause (B) of subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of part D of chapter 63 of the laws of 2005 relating to the composition and responsibilities of the New York state higher education capital matching grant board, as amended by section 46-c of part I of chapter 55 of the laws of 2014, is amended to read as follows:

(b) Within amounts appropriated therefor, the board is hereby authorized and directed to award matching capital grants totaling [180] 210

million dollars. Each college shall be eligible for a grant award amount as determined by the calculations pursuant to subdivision five of this section. In addition, such colleges shall be eligible to compete for additional funds pursuant to paragraph (h) of subdivision four of this section.

(B) The dormitory authority shall not issue any bonds or notes in an amount in excess of [180] 210 million dollars for the purposes of this section; excluding bonds or notes issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Except for purposes of complying with the internal revenue code, any interest on bond proceeds shall only be used to pay debt service on such bonds.

S 44. Section 3 of part B of chapter 56 of the laws of 2014, constituting the smart schools bond act of 2014, is amended to read as follows:

S 3. Bonds of the state. (A) The state comptroller is hereby authorized and empowered to issue and sell bonds of the state up to the aggregate amount of two billion dollars ($2,000,000,000) for the purposes of this act, subject to the provisions of article five of the state finance law. The aggregate principal amount of such bonds shall not exceed two billion dollars ($2,000,000,000) excluding bonds issued to refund or otherwise repay bonds heretofore issued for such purpose; provided, however, that upon any such refunding or repayment, the total aggregate principal amount of outstanding bonds may be greater than two billion dollars ($2,000,000,000) only if the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. The method for calculating present value shall be determined by law.

(B) NOTWITHSTANDING THE FOREGOING OR ANY OTHER PROVISION OF LAW TO THE CONTRARY THE DORMITORY AUTHORITY AND THE URBAN DEVELOPMENT CORPORATION MAY ALSO ISSUE BONDS PURSUANT TO ARTICLE 5-C AND ARTICLE 5-F OF THE STATE FINANCE LAW TO FINANCE SUCH SMART SCHOOLS BOND ACT PURPOSES. ANY BONDS ISSUED PURSUANT TO THIS AUTHORIZATION SHALL BE SUBJECT TO THE SAME AGGREGATE PRINCIPAL LIMITATION CONTAINED IN PARAGRAPH (A) OF THIS SECTION, INCLUDING BONDS OF THE STATE ISSUED BY THE STATE COMPTROLLER, AND ARE OTHERWISE SUBJECT TO ANY AND ALL OF THE PROVISIONS APPLICABLE BY ARTICLE 5-C AND ARTICLE 5-F OF THE STATE FINANCE LAW.

S 45. Subdivisions 1 and 3 of section 1285-q of the public authorities law, as added by section 6 of part I of chapter 1 of the laws of 2003, are amended to read as follows:

1. Subject to chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, in order to assist the corporation in undertaking the administration and the financing of hazardous waste site remediation projects for payment of the state's share of the costs of the remediation of hazardous waste sites, in accordance with title thirteen of article twenty-seven of the environmental conservation law and section ninety-seven-b of the state finance law, and for payment of state costs associated with the remediation of offsite contamination at significant threat sites as provided in section 27-1411 of the environmental conservation law, AND BEGINNING IN STATE FISCAL YEAR TWO THOUSAND FIFTEEN - TWO THOUSAND SIXTEEN FOR ENVIRONMENTAL RESTORATION PROJECTS PURSUANT TO TITLE FIVE OF ARTICLE FIFTY-SIX OF THE ENVIRONMENTAL CONSERVATION LAW pursuant to capital appropriations made to the department of environmental conservation, the

director of the division of budget and the corporation are each authorized to enter into one or more service contracts, none of which shall exceed twenty years in duration, upon such terms and conditions as the director and the corporation may agree, so as to annually provide to the corporation in the aggregate, a sum not to exceed the annual debt service payments and related expenses required for any bonds and notes authorized pursuant to section twelve hundred ninety of this title. Any service contract entered into pursuant to this section shall provide that the obligation of the state to fund or to pay the amounts therein provided for shall not constitute a debt of the state within the meaning of any constitutional or statutory provision and shall be deemed executory only to the extent of moneys available for such purposes, subject to annual appropriation by the legislature. Any such service contract or any payments made or to be made thereunder may be assigned and pledged by the corporation as security for its bonds and notes, as authorized pursuant to section twelve hundred ninety of this title.

3. The maximum amount of bonds that may be issued for the purpose of financing hazardous waste site remediation projects AND ENVIRONMENTAL RESTORATION PROJECTS authorized by this section shall not exceed one billion [two] THREE hundred million dollars and shall not exceed one hundred twenty million dollars for appropriations enacted for any state fiscal year, provided that the bonds not issued for such appropriations may be issued pursuant to reappropriation in subsequent fiscal years. [No bonds shall be issued for the repayment of any new appropriation enacted after March thirty-first, two thousand thirteen for hazardous waste site remediation projects authorized by this section.] Amounts authorized to be issued by this section shall be exclusive of bonds issued to fund any debt service reserve funds, pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay bonds or notes previously issued. Such bonds and notes of the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by this state to the corporation for debt service and related expenses pursuant to any service contracts executed pursuant to subdivision one of this section, and such bonds and notes shall contain on the face thereof a statement to such effect.

S 46. Intentionally omitted.

S 47. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2015; provided, however, that the provisions of sections one through eight and sections thirteen through twenty of this act shall expire March 31, 2016, when upon such date the provisions of such sections shall be deemed repealed.

PART Q

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

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

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

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

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

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

4. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES ESTABLISHED UNDER ARTICLE THIRTY-FIVE OF THE EXECUTIVE LAW.

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

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

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

8. "BOARD" MEANS THE BOARD OF EXAMINERS OF VIOLENT FELONY OFFENDERS ESTABLISHED PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE.

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

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

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

(B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

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

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

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

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

4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIREMENTS.

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

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

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

S 164. VIOLENT FELONY OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE CASE OF ANY VIOLENT FELONY OFFENDER, IT SHALL BE THE DUTY OF THE DEPARTMENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY VIOLENT FELONY OFFENDER FROM A CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL FACILITY TO NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE APPROPRIATE, AND LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH VIOLENT FELONY OFFENDER, INFORMING SUCH LAW ENFORCEMENT AGENCIES OF THE NAME AND ALIASES OF THE VIOLENT FELONY OFFENDER, THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE, THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH VIOLENT FELONY OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE VIOLENT FELONY OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

2. IN THE CASE OF ANY VIOLENT FELONY OFFENDER CONVICTED AND SENTENCED TO PROBATION, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, IT SHALL BE THE DUTY OF THE COURT WITHIN TWENTY-FOUR HOURS AFTER SUCH SENTENCE TO NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHERE APPROPRIATE, AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, IF DIFFERENT FROM WHERE HE OR SHE CURRENTLY RESIDES, AND/OR WHERE HE OR SHE CURRENTLY RESIDES, OF THE SENTENCE OF PROBATION, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, INFORMING SUCH LAW ENFORCEMENT AGENCIES OF THE NAME AND ALIASES OF THE PERSON, THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE, RESIDED AT AND/OR AT WHICH HE OR SHE CURRENTLY RESIDES, THE AMOUNT OF TIME TO BE SERVED ON PROBATION, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH VIOLENT FELONY OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD. IF SUCH PERSON CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE VIOLENT FELONY OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

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

EIGHT HOURS TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN WHICH THE NEW PLACE OF RESIDENCE IS LOCATED.

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

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

2. ANY VIOLENT FELONY OFFENDER, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. WHERE THE COURT ORDERS A VIOLENT FELONY OFFENDER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH VIOLENT FELONY OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW. THE COURT SHALL REQUIRE THE VIOLENT FELONY OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND SHALL REPORT THE ADDRESS TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD ONE COPY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE. WITHIN TEN CALENDAR DAYS OF BEING RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, SUCH VIOLENT FELONY OFFENDER SHALL REGISTER WITH THE DIVISION FOR PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF RESIDENCE. ON EACH ANNIVERSARY OF THE VIOLENT FELONY OFFENDER'S ORIGINAL REGISTRATION DATE, THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THIS ARTICLE SHALL APPLY. THE DIVISION SHALL ALSO IMMEDIATELY FORWARD THE CONVICTION DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF NOT ALREADY OBTAINED.

3. FOR VIOLENT FELONY OFFENDERS UNDER THIS SECTION, IT SHALL BE THE DUTY OF THE COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE THE DURATION OF REGISTRATION PURSUANT TO SECTION ONE HUNDRED SIXTY-SEVEN-B OF THIS ARTICLE AND NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. IN MAKING THE DETERMINATION, THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY MATERIALS SUBMITTED BY THE VIOLENT FELONY OFFENDER. THE COURT SHALL ALSO ALLOW THE VIOLENT FELONY OFFENDER TO APPEAR AND BE HEARD, AND INFORM THE VIOLENT FELONY OFFENDER OF HIS OR HER RIGHT TO HAVE COUNSEL APPOINTED, IF NECESSARY.

S 166. DISCHARGE OF VIOLENT FELONY OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE. 1. ANY VIOLENT FELONY OFFENDER, TO BE DISCHARGED, PAROLED OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL WITHIN FORTY-FIVE CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED OR COMMITTED. THE FACILITY SHALL REQUIRE THE VIOLENT FELONY OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND SHALL REPORT THE ADDRESS TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD ONE COPY TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE. IN ADDITION, THE FACILITY SHALL GIVE THE VIOLENT FELONY OFFENDER A FORM TO REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS FOR PURPOSES OF VERIFYING SUCH VIOLENT FELONY OFFENDER'S INTENDED PLACE OF RESIDENCE.

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

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

2. FOR A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE ON EACH ANNIVERSARY OF THE VIOLENT FELONY OFFENDER'S INITIAL REGISTRATION DATE DURING THE PERIOD ON WHICH HE OR SHE IS REQUIRED TO REGISTER UNDER THIS SECTION THE FOLLOWING APPLIES:

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

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

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

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

4. ANY VIOLENT FELONY OFFENDER SHALL REGISTER WITH THE DIVISION WITHIN TEN CALENDAR DAYS PRIOR TO ANY CHANGE OF ADDRESS. THE DIVISION SHALL, IF THE VIOLENT FELONY OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE STATE LAW ENFORCEMENT AGENCY WITH WHICH THE VIOLENT FELONY OFFENDER MUST REGISTER IN THE NEW STATE. IF ANY PERSON REQUIRED TO REGISTER AS PROVIDED IN THIS ARTICLE CHANGES THE ADDRESS OF HIS OR HER RESIDENCE, THE VIOLENT FELONY OFFENDER SHALL WITHIN TEN CALENDAR DAYS, INFORM IN WRITING THE LAW ENFORCEMENT AGENCY WHERE LAST REGISTERED OF THE NEW ADDRESS. THE LAW ENFORCEMENT AGENCY SHALL, WITHIN THREE

CALENDAR DAYS OF RECEIPT OF THE NEW ADDRESS, FORWARD THIS INFORMATION TO THE DIVISION AND TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION IN THE NEW PLACE OF RESIDENCE.

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

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

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

3. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM AND REGISTER SUCH VIOLENT FELONY OFFENDER ACCORDING TO THE REQUIREMENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE FORM TO THE VIOLENT FELONY OFFENDER AND SHALL, WITHIN THREE CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVISION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

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

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

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

S 167-D. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE LOCAL LAW ENFORCE-

MENT AGENCY WHERE THE VIOLENT FELONY OFFENDER LAST REGISTERED SHALL WITHIN THREE CALENDAR DAYS OF RECEIPT OF THE NEW ADDRESS, FORWARD THIS INFORMATION TO THE DIVISION AND TO THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE.

2. A CHANGE OF ADDRESS BY A VIOLENT FELONY OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE SHALL BE IMMEDIATELY REPORTED BY THE DIVISION TO THE APPROPRIATE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE VIOLENT FELONY OFFENDER IS RESIDING.

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

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

2. THE DIVISION SHALL ADVISE THE BOARD THAT THE OFFENDER HAS ESTABLISHED RESIDENCE IN THIS STATE. THE BOARD SHALL DETERMINE WHETHER THE OFFENDER IS REQUIRED TO REGISTER WITH THE DIVISION. IF IT IS DETERMINED THAT THE OFFENDER IS REQUIRED TO REGISTER, THE DIVISION SHALL NOTIFY THE OFFENDER OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE AND SHALL REQUIRE THE OFFENDER TO SIGN A FORM AS MAY BE REQUIRED BY THE DIVISION ACKNOWLEDGING THAT THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO THE OFFENDER. THE DIVISION SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE OFFENDER EXPECTS TO RESIDE WITHIN THE STATE AND THE OFFENDER SHALL RETAIN ONE COPY OF THE FORM AND SEND TWO COPIES TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE OFFENDER EXPECTS TO RESIDE WITHIN THIS STATE. NO LATER THAN THIRTY DAYS PRIOR TO THE BOARD MAKING A RECOMMENDATION, THE OFFENDER SHALL BE NOTIFIED THAT HIS OR HER CASE IS UNDER REVIEW AND THAT HE OR SHE IS PERMITTED TO SUBMIT TO THE BOARD ANY INFORMATION RELEVANT TO THE REVIEW. AFTER REVIEWING ANY INFORMATION OBTAINED, AND APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE, THE BOARD SHALL WITHIN SIXTY CALENDAR DAYS MAKE A RECOMMENDATION REGARDING THE LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. THIS RECOMMENDATION SHALL BE CONFIDENTIAL AND SHALL NOT BE AVAILABLE FOR PUBLIC INSPECTION. IT SHALL BE SUBMITTED BY THE BOARD TO THE COUNTY COURT OR SUPREME COURT AND TO THE DISTRICT ATTORNEY IN THE COUNTY OF RESIDENCE OF THE OFFENDER AND TO THE OFFENDER. IT SHALL BE THE DUTY OF THE COUNTY COURT OR SUPREME COURT IN THE COUNTY OF RESIDENCE OF THE OFFENDER, APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE, TO DETERMINE THE LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. AT LEAST THIRTY DAYS PRIOR TO THE DETERMINATION PROCEEDING, SUCH COURT SHALL NOTIFY THE DISTRICT ATTORNEY AND THE OFFENDER, IN WRITING, OF THE DATE OF THE DETERMINATION PROCEEDING AND THE COURT SHALL ALSO PROVIDE THE DISTRICT ATTORNEY AND OFFENDER WITH A COPY OF THE RECOMMENDATION RECEIVED FROM THE BOARD AND

ANY STATEMENT OF THE REASONS FOR THE RECOMMENDATION RECEIVED FROM THE BOARD. THIS NOTICE SHALL INCLUDE THE FOLLOWING STATEMENT OR A SUBSTANTIALLY SIMILAR STATEMENT: "THIS PROCEEDING IS BEING HELD TO DETERMINE WHETHER YOU WILL BE CLASSIFIED AS A LEVEL 3 OFFENDER (RISK OF REPEAT OFFENSE IS HIGH), A LEVEL 2 OFFENDER (RISK OF REPEAT OFFENSE IS MODERATE), OR A LEVEL 1 OFFENDER (RISK OF REPEAT OFFENSE IS LOW), OR WHETHER YOU WILL BE DESIGNATED AS A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR, WHICH WILL DETERMINE HOW LONG YOU MUST REGISTER AS AN OFFENDER AND HOW MUCH INFORMATION CAN BE PROVIDED TO THE PUBLIC CONCERNING YOUR REGISTRATION. IF YOU FAIL TO APPEAR AT THIS PROCEEDING, WITHOUT SUFFICIENT EXCUSE, IT SHALL BE HELD IN YOUR ABSENCE. FAILURE TO APPEAR MAY RESULT IN A LONGER PERIOD OF REGISTRATION OR A HIGHER LEVEL OF COMMUNITY NOTIFICATION BECAUSE YOU ARE NOT PRESENT TO OFFER EVIDENCE OR CONTEST EVIDENCE OFFERED BY THE DISTRICT ATTORNEY." THE COURT SHALL ALSO ADVISE THE OFFENDER THAT HE OR SHE HAS A RIGHT TO A HEARING PRIOR TO THE COURT'S DETERMINATION, THAT HE OR SHE HAS THE RIGHT TO BE REPRESENTED BY COUNSEL AT THE HEARING AND THAT COUNSEL WILL BE APPOINTED IF HE OR SHE IS FINANCIALLY UNABLE TO RETAIN COUNSEL. A RETURNABLE FORM SHALL BE ENCLOSED IN THE COURT'S NOTICE TO THE OFFENDER ON WHICH THE OFFENDER MAY APPLY FOR ASSIGNMENT OF COUNSEL. IF THE OFFENDER APPLIES FOR ASSIGNMENT OF COUNSEL AND THE COURT FINDS THAT THE OFFENDER IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THE COURT SHALL ASSIGN COUNSEL TO REPRESENT THE OFFENDER PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW. IF THE DISTRICT ATTORNEY SEEKS A DETERMINATION THAT DIFFERS FROM THE RECOMMENDATION SUBMITTED BY THE BOARD, AT LEAST TEN DAYS PRIOR TO THE DETERMINATION PROCEEDING THE DISTRICT ATTORNEY SHALL PROVIDE TO THE COURT AND THE OFFENDER A STATEMENT SETTING FORTH THE DETERMINATIONS SOUGHT BY THE DISTRICT ATTORNEY TOGETHER WITH THE REASONS FOR SEEKING SUCH DETERMINATIONS. THE COURT SHALL ALLOW THE OFFENDER TO APPEAR AND BE HEARD. THE STATE SHALL APPEAR BY THE DISTRICT ATTORNEY, OR HIS OR HER DESIGNEE, WHO SHALL BEAR THE BURDEN OF PROVING THE FACTS SUPPORTING THE DETERMINATIONS SOUGHT BY CLEAR AND CONVINCING EVIDENCE. IT SHALL BE THE DUTY OF THE COURT APPLYING THE GUIDELINES ESTABLISHED IN SUBDIVISION FIVE OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE TO DETERMINE THE LEVEL OF NOTIFICATION PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE AND WHETHER SUCH OFFENDER SHALL BE DESIGNATED A VIOLENT FELONY OFFENDER OR A VIOLENT PREDATOR. WHERE THERE IS A DISPUTE BETWEEN THE PARTIES CONCERNING THE DETERMINATIONS, THE COURT SHALL ADJOURN THE HEARING AS NECESSARY TO PERMIT THE OFFENDER OR THE DISTRICT ATTORNEY TO OBTAIN MATERIALS RELEVANT TO THE DETERMINATIONS FROM THE STATE BOARD OF EXAMINERS OF OFFENDERS OR ANY STATE OR LOCAL FACILITY, HOSPITAL, INSTITUTION, OFFICE, AGENCY, DEPARTMENT OR DIVISION. SUCH MATERIALS MAY BE OBTAINED BY SUBPOENA IF NOT VOLUNTARILY PROVIDED TO THE REQUESTING PARTY. IN MAKING THE DETERMINATIONS THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY RELEVANT MATERIALS AND EVIDENCE SUBMITTED BY THE OFFENDER AND THE DISTRICT ATTORNEY AND THE RECOMMENDATION AND ANY MATERIAL SUBMITTED BY THE BOARD, AND MAY CONSIDER RELIABLE HEARSAY EVIDENCE SUBMITTED BY EITHER PARTY, PROVIDED THAT IT IS RELEVANT TO THE DETERMINATIONS. IF AVAILABLE, FACTS PROVEN AT TRIAL OR ELICITED AT THE TIME OF A PLEA OF GUILTY SHALL BE DEEMED ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE AND SHALL NOT BE RELITIGATED. THE COURT SHALL RENDER AN ORDER SETTING FORTH ITS DETERMINATIONS AND THE FINDINGS OF FACT AND CONCLUSIONS OF LAW ON WHICH THE DETERMINATIONS ARE BASED. A COPY OF THE ORDER SHALL BE SUBMITTED BY THE COURT TO THE DIVISION. UPON APPLICATION OF EITHER PARTY, THE COURT SHALL SEAL ANY PORTION OF THE COURT FILE OR RECORD WHICH CONTAINS MATERIAL THAT IS CONFIDENTIAL UNDER ANY STATE OR

FEDERAL STATUTE. EITHER PARTY MAY APPEAL AS OF RIGHT FROM THE ORDER PURSUANT TO THE PROVISIONS OF ARTICLES FIFTY-FIVE, FIFTY-SIX AND FIFTY-SEVEN OF THE CIVIL PRACTICE LAW AND RULES. WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT THE OFFENDER UPON THE GROUND THAT THE OFFENDER IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THAT ASSIGNMENT SHALL BE CONTINUED THROUGHOUT THE PENDENCY OF THE APPEAL, AND THE PERSON MAY APPEAL AS A POOR PERSON PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

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

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

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

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

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

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

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

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

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

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

(V) THE AGE OF THE VIOLENT FELONY OFFENDER AT THE TIME OF THE COMMISSION OF THE FIRST VIOLENT OFFENSE;

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

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

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

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

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

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

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

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

(G) RECENT BEHAVIOR, INCLUDING BEHAVIOR WHILE CONFINED;

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

(I) REVIEW OF ANY VICTIM IMPACT STATEMENT.

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

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

(B) IF THE RISK OF REPEAT OFFENSE IS MODERATE, A LEVEL TWO DESIGNATION SHALL BE GIVEN TO SUCH VIOLENT FELONY OFFENDER. IN SUCH CASE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION SHALL BE NOTIFIED AND MAY DISSEMINATE RELEVANT INFORMATION WHICH MAY INCLUDE APPROXIMATE ADDRESS BASED ON VIOLENT FELONY OFFENDER'S ZIP CODE, A PHOTOGRAPH OF THE OFFENDER, BACKGROUND INFORMATION INCLUDING THE OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED AND THE DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE OFFENDER TO ANY ENTITY WITH VULNERABLE POPULATIONS RELATED TO THE NATURE OF THE OFFENSE COMMITTED BY SUCH VIOLENT FELONY OFFENDER. ANY ENTITY RECEIVING INFORMATION ON A VIOLENT FELONY OFFENDER MAY DISCLOSE OR FURTHER DISSEMINATE SUCH INFORMATION AT THEIR DISCRETION.

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

ANY ENTITY RECEIVING INFORMATION ON A VIOLENT FELONY OFFENDER MAY DISCLOSE OR FURTHER DISSEMINATE SUCH INFORMATION AT THEIR DISCRETION. IN ADDITION, IN SUCH CASE, THE INFORMATION DESCRIBED IN THIS SECTION SHALL

ALSO BE PROVIDED IN THE SUBDIRECTORY ESTABLISHED IN THIS ARTICLE AND NOTWITHSTANDING ANY OTHER PROVISION OF LAW, SUCH INFORMATION SHALL, UPON REQUEST, BE MADE AVAILABLE TO THE PUBLIC.

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

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

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

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

3. IN MAKING THE DETERMINATION, THE COURT SHALL REVIEW ANY VICTIM'S STATEMENT AND ANY MATERIALS SUBMITTED BY THE VIOLENT FELONY OFFENDER. THE COURT SHALL ALSO ALLOW THE VIOLENT FELONY OFFENDER TO APPEAR AND BE HEARD, AND INFORM THE VIOLENT FELONY OFFENDER OF HIS OR HER RIGHT TO HAVE COUNSEL APPOINTED, IF NECESSARY.

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

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

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

S 167-J. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED SIXTY-THREE OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL AND INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE

A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELEVANT INFORMATION ACCORDING TO RISK AS DESCRIBED IN SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

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

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

(A) NUMBER OF CALLS RECEIVED;

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

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

(D) NUMBER OF PERSONS LISTED; AND

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

S 167-K. VIOLENT PREDATOR SUBDIRECTORY. 1. THE DIVISION SHALL MAINTAIN A SUBDIRECTORY OF VIOLENT PREDATORS. THE SUBDIRECTORY SHALL INCLUDE THE EXACT ADDRESS AND PHOTOGRAPH OF THE VIOLENT FELONY OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. BACKGROUND INFORMATION INCLUDING THE VIOLENT FELONY OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED, AND A DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE VIOLENT FELONY OFFENDER SHALL ALSO BE INCLUDED. THE SUBDIRECTORY SHALL HAVE VIOLENT FELONY OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE SUBDIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL VILLAGE, TOWN OR CITY POLICE DEPARTMENTS FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING EXPRESS A PURPOSE IN ORDER TO HAVE ACCESS TO THE SUBDIRECTORY AND SUCH DEPARTMENT SHALL MAINTAIN THESE REQUESTS. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE VIOLENT FELONY OFFENDER SHALL BE EXCLUDED FROM THE SUBDIRECTORY DISTRIBUTED FOR PURPOSES OF PUBLIC ACCESS. THE SUBDIRECTORY PROVIDED FOR IN THIS SECTION

SHALL BE UPDATED PERIODICALLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS AND MAY BE COMPUTER ACCESSIBLE.

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

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

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

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

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

S 167-O. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEANOR.

S 167-P. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ACT SHALL BE ADJUDGED BY ANY COURT OF COMPETENT JURISDICTION TO BE INVALID AND AFTER EXHAUSTION OF ALL FURTHER JUDICIAL REVIEW, THE JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER THEREOF, BUT SHALL BE CONFINED IN ITS OPERATION TO THE CLAUSE, SENTENCE, PARAGRAPH, SECTION OR PART OF THIS ACT DIRECTLY INVOLVED IN THE CONTROVERSY IN WHICH THE JUDGMENT SHALL HAVE BEEN RENDERED.

S 167-Q. SUBDIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAINTAIN A SUBDIRECTORY OF LEVEL TWO AND THREE VIOLENT FELONY OFFENDERS. THE

SUBDIRECTORY SHALL INCLUDE THE EXACT ADDRESS, ADDRESS OF THE OFFENDER'S PLACE OF EMPLOYMENT AND PHOTOGRAPH OF THE VIOLENT FELONY OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. BACKGROUND INFORMATION INCLUDING THE VIOLENT FELONY OFFENDER'S CRIME OF CONVICTION, MODUS OF OPERATION, TYPE OF VICTIM TARGETED, THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH THE VIOLENT FELONY OFFENDER IS ENROLLED, ATTENDS, IS EMPLOYED OR RESIDES AND A DESCRIPTION OF SPECIAL CONDITIONS IMPOSED ON THE VIOLENT FELONY OFFENDER SHALL ALSO BE INCLUDED. THE SUBDIRECTORY SHALL HAVE VIOLENT FELONY OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE SUBDIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. THE DIVISION SHALL DISTRIBUTE MONTHLY UPDATES TO THE OFFICES OF LOCAL VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING PROVIDE THEIR NAME AND ADDRESS PRIOR TO VIEWING THE SUBDIRECTORY. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE VIOLENT FELONY OFFENDER SHALL BE EXCLUDED FROM THE SUBDIRECTORY DISTRIBUTED FOR PURPOSES OF PUBLIC ACCESS. THE SUBDIRECTORY PROVIDED FOR HEREIN SHALL BE UPDATED MONTHLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH SUBDIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE. ANY PERSON MAY APPLY TO THE DIVISION TO RECEIVE AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED SUBDIRECTORY REGISTRATION OCCURS IN A GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON. THE DIVISION SHALL FURNISH SUCH SERVICE AT NO CHARGE TO SUCH PERSON, WHO SHALL REQUEST E-MAIL NOTIFICATION BY COUNTY AND/OR ZIP CODE ON FORMS DEVELOPED AND PROVIDED BY THE DIVISION. E-MAIL NOTIFICATION IS LIMITED TO THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

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

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

PART R

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 PARAGRAPH ELEVEN OF SUBDIVISION (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 S

Section 1. Paragraphs (e) and (g) of subdivision 2 of section 1349 of the civil practice law and rules, paragraph (e) as added by chapter 655 of the laws of 1990 and paragraph (g) as amended by chapter 398 of the laws of 2004, are amended to read as follows:

(e) In addition to amounts, if any, distributed pursuant to paragraph (d) of this subdivision, [fifteen] TWENTY-FIVE percent of all moneys realized through forfeiture to the claiming authority in satisfaction of actual costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including that proportion of the salaries of the attorneys, clerical and investigative personnel devoted thereto, plus all costs and disbursements taxable under the provisions of this chapter. IF THE ACTUAL COSTS SUBMITTED BY THE CLAIMING AUTHORITY PURSUANT TO THIS PARAGRAPH ARE LESS THAN THE CORPUS OF THE TWENTY-FIVE PERCENT ALLOCATED AND ALLOWABLE FOR REIMBURSEMENT BY THIS SUBDIVISION, THE CLAIMING AUTHORITY MAY RETAIN THE ADDITIONAL MONIES IN A DISTINCT SUBACCOUNT SEGREGATED FROM THE CLAIMING AUTHORITY'S OTHER OPERATING ACCOUNTS, SAID ADDITIONAL MONIES SHALL BE RESTRICTED TO USE BY THE CLAIMING AUTHORITY ONLY FOR INVESTIGATION AND PROSECUTION OF ARTICLE TWO HUNDRED TWENTY OFFENSES OF THE PENAL LAW;

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

S 2. Subparagraphs (i) and (ii) of paragraph (h) of subdivision 2 of section 1349 of the civil practice law and rules, as added by chapter 655 of the laws of 1990, are amended to read as follows:

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

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

S 3. This act shall take effect immediately.

PART T

Section 1. Section 1000 of the retirement and social security law, as added by chapter 548 of the laws of 2000, subdivision 9 as added by chapter 547 of the laws of 2002 and subdivision 10 as added by chapter 18 of the laws of 2012, is amended to read as follows:

S 1000. Military service credit. Notwithstanding any law to the contrary, a member of a public retirement system of the state, as defined in subdivision twenty-three of section five hundred one of this chapter, shall be eligible for credit for military service as hereinafter provided:

1. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if the member was honorably discharged from the military [and all or part of such military service was rendered during the following periods: (a) commencing December seventh, nineteen hundred forty-one and terminating December thirty-first, nineteen hundred forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty and terminating January thirty-first, nineteen hundred fifty-five; or (c) commencing February twenty-eighth, nineteen hundred sixty-one and terminating May seventh, nineteen hundred seventy-five;

2. A member, upon application to such retirement system, may obtain a total not to exceed three years of service credit for up to three years of military duty, as defined in section two hundred forty-three of the military law, if honorably discharged therefrom, if all or part of such services was rendered in the military conflicts referenced below, as follows:

(a) hostilities participated in by the military forces of the United States in Lebanon, from the first day of June, nineteen hundred eighty-three to the first day of December, nineteen hundred eighty-seven, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;

(b) hostilities participated in by the military forces of the United States in Grenada, from the twenty-third day of October, nineteen hundred eighty-three to the twenty-first day of November, nineteen hundred eighty-three, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal;

(c) hostilities participated in by the military forces of the United States in Panama, from the twentieth day of December, nineteen hundred eighty-nine to the thirty-first day of January, nineteen hundred ninety, as established by receipt of the armed forces expeditionary medal, the navy expeditionary medal, or the marine corps expeditionary medal; or

(d) hostilities participated in by the military forces of the United States, from the second day of August, nineteen hundred ninety, to the end of such hostilities in case of a veteran who served in the theater of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the Persian Gulf, the Red Sea, and the airspace above these locations].

[3] 2. A member must have at least five years of credited service (not including service granted hereunder) to be eligible to receive credit under this section.

[4] 3. To obtain such credit, a member shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and three percent of such member's compensation earned during the twelve months of credited service immediately preced-

ing the date that the member made application for credit pursuant to this section. If permitted by rule or regulation of the applicable retirement system, the member may pay such member costs by payroll deduction for a period which shall not exceed the time period of military service to be credited pursuant to this section. In the event the member leaves the employer payroll prior to completion of payment, he or she shall forward all remaining required payments to the appropriate retirement system prior to the effective date of retirement. If the full amount of such member costs is not paid to the appropriate retirement system prior to the member's retirement, the amount of service credited shall be proportional to the total amount of the payments made prior to retirement.

[5] 4. In no event shall the credit granted pursuant to this section, when added to credit granted for military service with any retirement system of this state pursuant to this or any other provision of law, exceed a total of three years.

[6] 5. To be eligible to receive credit for military service under this section, a member must make application for such credit before the effective date of retirement. [Notwithstanding the foregoing provisions of this subdivision, an individual who retired on or after December twenty-first, nineteen hundred ninety-eight and before the effective date of this section may make application for credit pursuant to this section within one year following the effective date of this section, in which event, the cost to the retiree would be based on the twelve month period immediately preceding retirement.]

[7] 6. All costs for service credited to a member pursuant to this section, other than the member costs set forth in subdivision [three] TWO of this section, shall be paid by the state and all employers which participate in the retirement system in which such member is granted credit.

[8] 7. A member who has purchased military service credit pursuant to section two hundred forty-four-a of the military law shall be entitled to a refund of the difference between the amount paid by the member for such purchase and the amount that would be payable if service had been purchased pursuant to this section.

[9] 8. Notwithstanding any other provision of law, in the event of death prior to retirement, amounts paid by the member for the purchase of military service credit pursuant to this section shall be refunded, with interest, to the extent the military service purchased with such amounts does not produce a greater death benefit than would have been payable had the member not purchased such credit.

Notwithstanding any other provision of law, in the event of retirement, amounts paid by the member for the purchase of military service credit pursuant to this section shall be refunded, with interest, to the extent the military service purchased with such amounts does not produce a greater retirement allowance than would have been payable had the member not purchased such credit.

[10.] 9. Anything to the contrary in subdivision [four] THREE of this section notwithstanding, to obtain such credit, a member who first joins a public retirement system of the state on or after April first, two thousand twelve shall pay such retirement system, for deposit in the fund used to accumulate employer contributions, a sum equal to the product of the number of years of military service being claimed and six percent of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member made application for credit pursuant to this section.

S 2. The sum of thirty-one million five hundred thousand dollars ($31,500,000), or so much thereof as may be necessary, is hereby appropriated to the department of audit and control out of any moneys in the state treasury in the general fund to the credit of the state purposes account, not otherwise appropriated, and made immediately available, for the purpose of carrying out the provisions of this act. Such moneys shall be payable on the audit and warrant of the comptroller on vouchers certified or approved by the head of the appropriate public retirement system in the manner prescribed by law.

S 3. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow up to three (3) years of service credit for military duty by removing all existing requirements that such military service be performed during certain war periods, during certain hostilities while in the theater of operations or upon the receipt of an expeditionary medal. However, the total service credit granted for active and peacetime military service shall not exceed three (3) years. Tier 6 members would be required to make a payment of six percent of current compensation per year of additional service credit granted by this bill. Members of all other Tiers would be required to make a payment of three percent of current compensation per year of additional service credit granted by this bill. Members must have at least five (5) years of credited service (not including military service).

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System (ERS), it is estimated that the past service cost will average approximately 12% (9% for Tier 6) of an affected members' compensation for each year of additional service credit that is purchased.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System (PFRS), it is estimated that the past service cost will average approximately 17% (14% for Tier 6) of an affected members' compensation for each year of additional service that is purchased.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

ERS Costs: Pursuant to Section 25 of the Retirement and Social Security Law, the increased cost to the New York State and Local Employees' Retirement System would be borne entirely by the State of New York and would require an itemized appropriation sufficient to pay the cost of the provision. Since a member can apply for this service credit at any time prior to retirement, a precise cost can't be determined until each member, as well as future members, applies for the service credit. Every year a cost will be determined (and billed to the state) based on those benefiting from this provision.

PFRS Costs: These costs would be shared by the State of New York and the participating employers in the PFRS.

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, 2014 actuarial valuation. Distributions and other statistics can be found in the 2014 Report of the Actuary and the 2014 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012, 2013 and 2014 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, 2014 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 actuarial opinion contained herein.

This estimate, dated February 11, 2015 and intended for use only during the 2015 Legislative Session, is Fiscal Note No. 2015-65, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

PART U

Section 1. The executive law is amended by adding a new section 719 to read as follows:

S 719. QUINQUENNIAL CYBER SECURITY REPORT. 1. THE COMMISSIONER, IN CONSULTATION WITH THE SUPERINTENDENT OF THE STATE POLICE, THE CHIEF INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER FOR INTERNET SECURITY, SHALL PREPARE A REPORT, TO BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, ON OR BEFORE THE FIRST DAY OF SEPTEMBER, TWO THOUSAND FIFTEEN, AND THEN EVERY FIVE YEARS THEREAFTER, WHICH PROVIDES A COMPREHENSIVE REVIEW OF ALL CYBER SECURITY SERVICES PERFORMED BY, AND ON BEHALF OF, THE STATE OF NEW YORK.

2. THE REPORT REQUIRED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SHALL INCLUDE A DETAILED ASSESSMENT OF EACH AND EVERY CYBER SECURITY NEED OF THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ITS STATE AGENCIES AND ITS PUBLIC AUTHORITIES, AND FOR EACH AND EVERY SUCH CYBER SECURITY NEED SO IDENTIFIED, SHALL FURTHER INCLUDE A DETAILED DESCRIPTION OF:

(A) THE TYPE OF CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;

(B) THE SCOPE OF THE NEED SO ADDRESSED, AS WELL AS THE SCOPE OF THE SERVICE USED TO ADDRESS SUCH NEED;

(C) THE COST OF THE SERVICE USED TO ADDRESS SUCH NEED;

(D) THE EFFECTIVENESS OF THE CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;

(E) THE ENTITY PROVIDING SUCH CYBER SECURITY SERVICE USED TO ADDRESS SUCH NEED;

(F) THE GOVERNMENT, INDUSTRY AND/OR ACADEMICALLY ACCEPTED BEST CYBER SECURITY PRACTICE FOR ADDRESSING SUCH NEED;

(G) HOW OTHER STATES, AND THE FEDERAL GOVERNMENT HAVE ADDRESSED SUCH NEED; AND

(H) HOW PRIVATE SECTOR ENTITIES ADDRESSED SUCH NEED.

3. DURING THE PREPARATION OF THE REPORT REQUIRED BY SUBDIVISION ONE OF THIS SECTION, AND AFTER ITS DELIVERY TO THE PERSONS IDENTIFIED TO RECEIVE SUCH REPORT, THE COMMISSIONER, THE SUPERINTENDENT OF THE STATE POLICE, THE CHIEF INFORMATION OFFICER, AND THE PRESIDENT OF THE CENTER FOR INTERNET SECURITY, AS WELL AS THE DIVISIONS, OFFICES AND CORPORATIONS UNDER THEIR DIRECTION, SHALL PROVIDE TO SUCH PERSONS ENTITLED TO RECEIVE SUCH REPORT, ANY AND ALL ADDITIONAL INFORMATION SUCH PERSONS MAY REQUEST, WITH RESPECT TO ANY CYBER SECURITY ISSUE CONCERNING:

(A) THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, ANY AGENCY, BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION, OFFICE, OR PUBLIC AUTHORITY OF THE STATE;

(B) ANY LOCAL GOVERNMENT ENTITY, INCLUDING BUT NOT LIMITED TO, ANY COUNTY, TOWN, CITY, VILLAGE, SCHOOL DISTRICT, SPECIAL DISTRICT, AND ANY AGENCY, BOARD, BUREAU, COMMISSION, DEPARTMENT, DIVISION, INSTITUTION, OFFICE, OR PUBLIC AUTHORITY OF SUCH LOCAL GOVERNMENT ENTITY;

(C) ANY REGULATED ENTITY OF THE STATE OF NEW YORK OR LOCAL GOVERNMENT ENTITY;

(D) ANY NOT-FOR-PROFIT CORPORATION IN THE STATE OF NEW YORK;

(E) ANY PRIVATE SECTOR BUSINESS IN THE STATE OF NEW YORK, INCLUDING BUT NOT LIMITED TO, A SOLE PROPRIETOR, PARTNERSHIP, LIMITED LIABILITY COMPANY OR BUSINESS CORPORATION; AND/OR

(F) ANY CITIZEN OF THE STATE OF NEW YORK.

4. WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION WHICH IN THE JUDGMENT OF THE COMMISSIONER WOULD JEOPARDIZE THE CYBER SECURITY OF THE STATE:

(A) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, AS FOLLOWS:

(I) IN THE CASE OF THE REPORT REQUIRED BY SUBDIVISION ONE OF THIS SECTION, IN THE FORM OF A SUPPLEMENTAL APPENDIX TO THE REPORT; AND

(II) IN THE CASE OF A RESPONSE TO A REQUEST FOR INFORMATION MADE IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, IN A SECURE MANNER AS DETERMINED BY THE COMMISSIONER;

(B) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL BE POSTED ON THE DIVISION'S WEBSITE AS REQUIRED BY SUBDIVISION FIVE OF THIS SECTION;

(C) NEITHER A SUPPLEMENTAL APPENDIX TO THE REPORT, NOR ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL BE SUBJECT TO THE PROVISIONS OF THE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW; AND

(D) THE PERSONS ENTITLED TO RECEIVE THE REPORT AS PROVIDED BY SUBDIVISION ONE OF THIS SECTION, MAY DISCLOSE THE SUPPLEMENTAL APPENDIX TO THE REPORT, AND ANY CONFIDENTIAL OR SENSITIVE INFORMATION PROVIDED IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, TO THEIR PROFESSIONAL STAFF, BUT SHALL NOT OTHERWISE PUBLICLY DISCLOSE SUCH CONFIDENTIAL OR SECURE INFORMATION.

5. EXCEPT WITH RESPECT TO ANY CONFIDENTIAL OR SENSITIVE INFORMATION AS DESCRIBED IN SUBDIVISION FOUR OF THIS SECTION, THE DIVISION SHALL POST A COPY OF THE REPORT PREPARED IN ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, ON ITS WEBSITE, NOT MORE THAN FIFTEEN DAYS AFTER SUCH REPORT IS DELIVERED TO THE PERSONS ENTITLED TO RECEIVE SUCH REPORT. THE DIVISION MAY FURTHER POST ANY AND ALL FURTHER INFORMATION IT MAY DEEM APPROPRIATE, ON ITS WEBSITE, REGARDING CYBER SECURITY, AND THE PROTECTION OF PUBLIC AND PRIVATE COMPUTER SYSTEMS, NETWORKS, HARDWARE AND SOFTWARE.

S 2. This act shall take effect immediately.

PART V

Section 1. The executive law is amended by adding a new section 719 to read as follows:

S 719. NEW YORK STATE CYBER SECURITY INITIATIVE. 1. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS AND DECLARES THAT REPEATED CYBER INTRUSIONS INTO CRITICAL INFRASTRUCTURE, EFFECTING GOVERNMENT, PRIVATE SECTOR BUSI-

NESS, AND CITIZENS OF THE STATE OF NEW YORK, HAVE DEMONSTRATED THE NEED FOR IMPROVED CYBER SECURITY.

THE LEGISLATURE FURTHER FINDS AND DECLARES THAT THIS CYBER THREAT CONTINUES TO GROW AND REPRESENTS ONE OF THE MOST SERIOUS PUBLIC SECURITY CHALLENGES THAT NEW YORK MUST CONFRONT. MOREOVER, THE SECURITY OF THE STATE OF NEW YORK DEPENDS ON THE RELIABLE FUNCTIONING OF NEW YORK STATE'S CRITICAL INFRASTRUCTURE, AND PRIVATE SECTOR BUSINESS INTERESTS, AS WELL AS THE PROTECTION OF THE FINANCES AND INDIVIDUAL LIBERTIES OF EVERY CITIZEN, IN THE FACE OF SUCH THREATS.

THE LEGISLATURE ADDITIONALLY FINDS AND DECLARES THAT TO ENHANCE THE SECURITY, PROTECTION AND RESILIENCE OF NEW YORK STATE'S CRITICAL INFRASTRUCTURE, AND PRIVATE SECTOR BUSINESS INTERESTS, AS WELL AS THE PROTECTION OF THE FINANCES AND INDIVIDUAL LIBERTIES OF EVERY CITIZEN, THE STATE OF NEW YORK MUST PROMOTE A CYBER ENVIRONMENT THAT ENCOURAGES EFFICIENCY, INNOVATION, AND ECONOMIC PROSPERITY, AND THAT CAN OPERATE WITH SAFETY, SECURITY, BUSINESS CONFIDENTIALITY, PRIVACY, AND CIVIL LIBERTY.

THE LEGISLATURE FURTHER FINDS AND DECLARES THAT TO CREATE SUCH A SAFE AND SECURE CYBER ENVIRONMENT FOR GOVERNMENT, PRIVATE SECTOR BUSINESS AND INDIVIDUAL CITIZENS, NEW YORK MUST ADVANCE, IN ADDITION TO ITS CURRENT EFFORTS IN THIS FIELD, A NEW YORK STATE CYBER SECURITY INITIATIVE, THAT ESTABLISHES A NEW YORK STATE CYBER SECURITY ADVISORY BOARD; A NEW YORK STATE CYBER SECURITY PARTNERSHIP PROGRAM WITH THE OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE, PRIVATE SECTOR BUSINESS, ACADEMIA, AND INDIVIDUAL CITIZENS TO IMPROVE, DEVELOP AND IMPLEMENT RISK-BASED STANDARDS FOR GOVERNMENT, PRIVATE SECTOR BUSINESSES AND INDIVIDUAL CITIZENS; AND A NEW YORK STATE CYBER SECURITY INFORMATION SHARING PROGRAM.

2. CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS. AS USED IN THIS SECTION, THE TERM "CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS" SHALL MEAN ALL SYSTEMS AND ASSETS, WHETHER PHYSICAL OR VIRTUAL, SO VITAL TO THE GOVERNMENT, PRIVATE SECTOR BUSINESSES AND INDIVIDUAL CITIZENS OF THE STATE OF NEW YORK THAT THE INCAPACITY OR DESTRUCTION OF SUCH SYSTEMS AND ASSETS WOULD HAVE A DEBILITATING IMPACT TO THE SECURITY, ECONOMY, OR PUBLIC HEALTH OF THE INDIVIDUAL CITIZENS, GOVERNMENT, OR PRIVATE SECTOR BUSINESSES OF THE STATE OF NEW YORK.

3. NEW YORK STATE CYBER SECURITY ADVISORY BOARD. (A) THERE SHALL BE WITHIN THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, A NEW YORK STATE CYBER SECURITY ADVISORY BOARD, WHICH SHALL ADVISE THE GOVERNOR AND THE LEGISLATURE ON DEVELOPMENTS IN CYBER SECURITY AND MAKE RECOMMENDATIONS FOR PROTECTING THE STATE'S CRITICAL INFRASTRUCTURE AND INFORMATION SYSTEMS.

(B) THE BOARD MEMBERS SHALL CONSIST OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR, WITH THREE MEMBERS APPOINTED UPON RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE, AND THREE MEMBERS APPOINTED AT THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. ALL MEMBERS SO APPOINTED SHALL HAVE EXPERTISE IN CYBER SECURITY, TELECOMMUNICATIONS, INTERNET SERVICE DELIVERY, PUBLIC PROTECTION, COMPUTER SYSTEMS AND/OR COMPUTER NETWORKS.

(C) THE BOARD SHALL INVESTIGATE, DISCUSS AND MAKE RECOMMENDATIONS CONCERNING CYBER SECURITY ISSUES INVOLVING BOTH THE PUBLIC AND PRIVATE SECTORS AND WHAT STEPS CAN BE TAKEN BY NEW YORK STATE TO PROTECT CRITICAL CYBER INFRASTRUCTURE, FINANCIAL SYSTEMS, TELECOMMUNICATIONS NETWORKS, ELECTRICAL GRIDS, SECURITY SYSTEMS, FIRST RESPONDER SYSTEMS AND INFRASTRUCTURE, PHYSICAL INFRASTRUCTURE SYSTEMS, TRANSPORTATION SYSTEMS, AND SUCH OTHER AND FURTHER SECTORS OF STATE GOVERNMENT AND THE PRIVATE SECTOR AS THE ADVISORY BOARD SHALL DEEM PRUDENT.

(D) THE PURPOSE OF THE ADVISORY BOARD SHALL BE TO PROMOTE THE DEVELOPMENT OF INNOVATIVE, ACTIONABLE POLICIES TO ENSURE THAT NEW YORK STATE IS IN THE FOREFRONT OF PUBLIC CYBER SECURITY DEFENSE.

(E) THE MEMBERS OF THE ADVISORY BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES, BUT MAY RECEIVE ACTUAL AND NECESSARY EXPENSES, AND SHALL NOT BE DISQUALIFIED FOR HOLDING ANY OTHER PUBLIC OFFICE OR EMPLOYMENT BY MEANS OF THEIR SERVICE AS A MEMBER OF THE ADVISORY BOARD.

(F) THE ADVISORY BOARD SHALL BE ENTITLED TO REQUEST AND RECEIVE, AND SHALL BE PROVIDED WITH, SUCH FACILITIES, RESOURCES AND DATA OF ANY AGENCY, DEPARTMENT, DIVISION, BOARD, BUREAU, COMMISSION, OR PUBLIC AUTHORITY OF THE STATE, AS THEY MAY REASONABLY REQUEST, TO CARRY OUT PROPERLY THEIR POWERS, DUTIES AND PURPOSE.

4. NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND THREAT PREVENTION PROGRAM. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF THE STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, SHALL ESTABLISH, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, A NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND THREAT PREVENTION PROGRAM.

(B) IT SHALL BE THE PURPOSE OF THE NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND THREAT PREVENTION PROGRAM TO INCREASE THE VOLUME, TIMELINESS, AND QUALITY OF CYBER THREAT INFORMATION SHARED WITH NEW YORK STATE PUBLIC AND PRIVATE SECTOR ENTITIES SO THAT THESE ENTITIES MAY BETTER PROTECT AND DEFEND THEMSELVES AGAINST CYBER THREATS AND TO PROMOTE THE DEVELOPMENT OF EFFECTIVE DEFENSES AND STRATEGIES TO COMBAT, AND PROTECT AGAINST, CYBER THREATS AND ATTACKS.

(C) TO FACILITATE THE PURPOSES OF THE NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND THREAT PREVENTION PROGRAM, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, SHALL PROMULGATE REGULATIONS, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

(D) THE REGULATIONS SHALL PROVIDE FOR THE TIMELY PRODUCTION OF UNCLASSIFIED REPORTS OF CYBER THREATS TO NEW YORK STATE AND ITS PUBLIC AND PRIVATE SECTOR ENTITIES, INCLUDING THREATS THAT IDENTIFY A SPECIFIC TARGETED ENTITY.

(E) THE REGULATIONS SHALL ADDRESS THE NEED TO PROTECT INTELLIGENCE AND LAW ENFORCEMENT SOURCES, METHODS, OPERATIONS, AND INVESTIGATIONS, AND SHALL FURTHER ESTABLISH A PROCESS THAT RAPIDLY DISSEMINATES THE REPORTS PRODUCED PURSUANT TO PARAGRAPH (D) OF THIS SUBDIVISION, TO BOTH ANY TARGETED ENTITY AS WELL AS SUCH OTHER AND FURTHER PUBLIC AND PRIVATE ENTITIES AS THE DIVISION SHALL DEEM NECESSARY TO ADVANCE THE PURPOSES OF THIS SUBDIVISION.

(F) THE REGULATIONS SHALL FURTHER ESTABLISH A SYSTEM FOR TRACKING THE PRODUCTION, DISSEMINATION, AND DISPOSITION OF THE REPORTS PRODUCED IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION.

(G) THE REGULATIONS SHALL ALSO ESTABLISH AN ENHANCED CYBER SECURITY SERVICES PROGRAM, WITHIN NEW YORK STATE, TO PROVIDE FOR PROCEDURES, METHODS AND DIRECTIVES, FOR A VOLUNTARY INFORMATION SHARING PROGRAM, THAT WILL PROVIDE CYBER THREAT AND TECHNICAL INFORMATION COLLECTED FROM BOTH PUBLIC AND PRIVATE SECTOR ENTITIES, TO SUCH PRIVATE AND PUBLIC SECTOR ENTITIES AS THE DIVISION DEEMS PRUDENT, TO ADVISE ELIGIBLE CRITICAL INFRASTRUCTURE COMPANIES OR COMMERCIAL SERVICE PROVIDERS THAT OFFER SECURITY SERVICES TO CRITICAL INFRASTRUCTURE ON CYBER SECURITY THREATS AND DEFENSE MEASURES.

(H) THE REGULATIONS SHALL ALSO SEEK TO DEVELOP STRATEGIES TO MAXIMIZE THE UTILITY OF CYBER THREAT INFORMATION SHARING BETWEEN AND ACROSS THE PRIVATE AND PUBLIC SECTORS, AND SHALL FURTHER SEEK TO PROMOTE THE USE OF

PRIVATE AND PUBLIC SECTOR SUBJECT MATTER EXPERTS TO ADDRESS CYBER SECURITY NEEDS IN NEW YORK STATE, WITH THESE SUBJECT MATTER EXPERTS PROVIDING ADVICE REGARDING THE CONTENT, STRUCTURE, AND TYPES OF INFORMATION MOST USEFUL TO CRITICAL INFRASTRUCTURE OWNERS AND OPERATORS IN REDUCING AND MITIGATING CYBER RISKS.

(I) THE REGULATIONS SHALL FURTHER SEEK TO ESTABLISH A CONSULTATIVE PROCESS TO COORDINATE IMPROVEMENTS TO THE CYBER SECURITY OF CRITICAL INFRASTRUCTURE, WHERE AS PART OF THE CONSULTATIVE PROCESS, THE PUBLIC AND PRIVATE ENTITIES OF THE STATE OF NEW YORK SHALL ENGAGE AND CONSIDER THE ADVICE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF THE STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, THE CENTER FOR INTERNET SECURITY, THE NEW YORK STATE CYBER SECURITY ADVISORY BOARD, THE PROGRAMS ESTABLISHED BY THIS SUBDIVISION, AND SUCH OTHER AND FURTHER PRIVATE AND PUBLIC SECTOR ENTITIES, UNIVERSITIES, AND CYBER SECURITY EXPERTS AS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY DEEM PRUDENT.

(J) THE REGULATIONS SHALL FURTHER SEEK TO ESTABLISH A BASELINE FRAMEWORK TO REDUCE CYBER RISK TO CRITICAL INFRASTRUCTURE, AND SHALL SEEK TO HAVE THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, LEAD THE DEVELOPMENT OF A FRAMEWORK TO REDUCE CYBER RISKS TO CRITICAL INFRASTRUCTURE, TO BE KNOWN AS THE CYBER SECURITY FRAMEWORK, WHICH SHALL:

(I) INCLUDE A SET OF STANDARDS, METHODOLOGIES, PROCEDURES, AND PROCESSES THAT ALIGN POLICY, BUSINESS, AND TECHNOLOGICAL APPROACHES TO ADDRESS CYBER RISKS;

(II) INCORPORATE VOLUNTARY CONSENSUS STANDARDS AND INDUSTRY BEST PRACTICES TO THE FULLEST EXTENT POSSIBLE;

(III) PROVIDE A PRIORITIZED, FLEXIBLE, REPEATABLE, PERFORMANCE-BASED, AND COST-EFFECTIVE APPROACH, INCLUDING INFORMATION SECURITY MEASURES AND CONTROLS, TO HELP OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE IDENTIFY, ASSESS, AND MANAGE CYBER RISK;

(IV) FOCUS ON IDENTIFYING CROSS-SECTOR SECURITY STANDARDS AND GUIDELINES APPLICABLE TO CRITICAL INFRASTRUCTURE;

(V) IDENTIFY AREAS FOR IMPROVEMENT THAT SHOULD BE ADDRESSED THROUGH FUTURE COLLABORATION WITH PARTICULAR SECTORS AND STANDARDS-DEVELOPING ORGANIZATIONS;

(VI) ENABLE TECHNICAL INNOVATION AND ACCOUNT FOR ORGANIZATIONAL DIFFERENCES, TO PROVIDE GUIDANCE THAT IS TECHNOLOGY NEUTRAL AND THAT ENABLES CRITICAL INFRASTRUCTURE SECTORS TO BENEFIT FROM A COMPETITIVE MARKET FOR PRODUCTS AND SERVICES THAT MEET THE STANDARDS, METHODOLOGIES, PROCEDURES, AND PROCESSES DEVELOPED TO ADDRESS CYBER RISKS;

(VII) INCLUDE GUIDANCE FOR MEASURING THE PERFORMANCE OF AN ENTITY IN IMPLEMENTING THE CYBER SECURITY FRAMEWORK;

(VIII) INCLUDE METHODOLOGIES TO IDENTIFY AND MITIGATE IMPACTS OF THE CYBER SECURITY FRAMEWORK AND ASSOCIATED INFORMATION SECURITY MEASURES OR CONTROLS ON BUSINESS CONFIDENTIALITY, AND TO PROTECT INDIVIDUAL PRIVACY AND CIVIL LIBERTIES; AND

(IX) ENGAGE IN THE REVIEW OF THREAT AND VULNERABILITY INFORMATION AND TECHNICAL EXPERTISE.

(K) THE REGULATIONS SHALL ADDITIONALLY ESTABLISH A VOLUNTARY CRITICAL INFRASTRUCTURE CYBER SECURITY PROGRAM TO SUPPORT THE ADOPTION OF THE CYBER SECURITY FRAMEWORK BY OWNERS AND OPERATORS OF CRITICAL INFRASTRUCTURE AND ANY OTHER INTERESTED ENTITIES, WHERE UNDER THIS PROGRAM IMPLEMENTATION GUIDANCE OR SUPPLEMENTAL MATERIALS WOULD BE DEVELOPED TO

ADDRESS SECTOR-SPECIFIC RISKS AND OPERATING ENVIRONMENTS, AND RECOMMEND LEGISLATION FOR ENACTMENT TO ADDRESS CYBER SECURITY ISSUES.

(L) IN DEVELOPING THE NEW YORK STATE CYBER SECURITY INFORMATION SHARING AND THREAT PREVENTION PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBDIVISION, THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, SHALL PRODUCE AND SUBMIT A REPORT, TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, AND THE SPEAKER OF THE ASSEMBLY, MAKING RECOMMENDATIONS ON THE FEASIBILITY, SECURITY BENEFITS, AND RELATIVE MERITS OF INCORPORATING SECURITY STANDARDS INTO ACQUISITION PLANNING AND CONTRACT ADMINISTRATION, AND SUCH REPORT SHALL FURTHER ADDRESS WHAT STEPS CAN BE TAKEN TO HARMONIZE AND MAKE CONSISTENT EXISTING PROCUREMENT REQUIREMENTS RELATED TO CYBER SECURITY.

5. NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT. (A) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, IN CONSULTATION WITH THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, AND THE CENTER FOR INTERNET SECURITY, WITHIN ONE HUNDRED TWENTY DAYS OF THE EFFECTIVE DATE OF THIS SECTION, SHALL PRODUCE A NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT.

(B) THE PRODUCTION OF THE NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT SHALL USE A RISK-BASED APPROACH TO IDENTIFY CRITICAL INFRASTRUCTURE WHERE A CYBER SECURITY INCIDENT COULD REASONABLY RESULT IN CATASTROPHIC REGIONAL OR STATE-WIDE EFFECTS ON PUBLIC HEALTH OR SAFETY, ECONOMIC DISTRESS, AND/OR THREATEN PUBLIC PROTECTION OF THE PEOPLE AND/OR PROPERTY OF NEW YORK STATE.

(C) THE PRODUCTION OF THE REPORT SHALL FURTHER USE THE CONSULTATIVE PROCESS AND DRAW UPON THE EXPERTISE OF AND ADVICE OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE STATE OFFICE OF INFORMATION TECHNOLOGY SERVICES, THE CENTER FOR INTERNET SECURITY, THE NEW YORK STATE CYBER SECURITY ADVISORY BOARD, THE PROGRAMS ESTABLISHED BY THIS SECTION, AND SUCH OTHER AND FURTHER PRIVATE AND PUBLIC SECTOR ENTITIES, UNIVERSITIES, AND CYBER SECURITY EXPERTS AS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY DEEM PRUDENT.

(D) THE NEW YORK STATE CYBER SECURITY CRITICAL INFRASTRUCTURE RISK ASSESSMENT REPORT SHALL BE DELIVERED TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS.

(E) WHERE COMPLIANCE WITH THIS SECTION SHALL REQUIRE THE DISCLOSURE OF CONFIDENTIAL INFORMATION, OR THE DISCLOSURE OF SENSITIVE INFORMATION WHICH IN THE JUDGMENT OF THE COMMISSIONER OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES WOULD JEOPARDIZE THE CYBER SECURITY OF THE STATE:

(I) SUCH CONFIDENTIAL OR SENSITIVE INFORMATION SHALL BE PROVIDED TO THE PERSONS ENTITLED TO RECEIVE THE REPORT, IN THE FORM OF A SUPPLEMENTAL APPENDIX TO THE REPORT; AND

(II) SUCH SUPPLEMENTAL APPENDIX TO THE REPORT SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW; AND

(III) THE PERSONS ENTITLED TO RECEIVE THE REPORT MAY DISCLOSE THE SUPPLEMENTAL APPENDIX TO THE REPORT TO THEIR PROFESSIONAL STAFF, BUT

SHALL NOT OTHERWISE PUBLICALLY DISCLOSE SUCH CONFIDENTIAL OR SECURE INFORMATION.

S 2. This act shall take effect immediately.

PART W

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

S 29-K. MONTHLY CLAIM REPORTS. 1. THE OFFICE OF THE GOVERNOR, IN COOPERATION WITH THE COMMISSIONER OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF STORM RECOVERY, SHALL PRODUCE A MONTHLY REPORT, WHICH SHALL DETAIL THE CLAIMS, AND STATUS OF ALL SUCH CLAIMS, FOR DISASTER ASSISTANCE, AND WHICH ARE PRESENTLY PENDING BEFORE, OR BEING ASSISTED BY, THE GOVERNOR'S OFFICE OF STORM RECOVERY AND/OR THE NEW YORK RISING COMMUNITY RECONSTRUCTION PLANS PROGRAM. THE REPORT SHALL FURTHER DETAIL ALL THE ACTIVITIES DURING THE PREVIOUS MONTH OF THE GOVERNOR'S OFFICE OF STORM RECOVERY AND THE NEW YORK RISING COMMUNITY RECONSTRUCTION PLANS PROGRAM. THE FIRST REPORT REQUIRED UNDER THIS SUBDIVISION SHALL BE DELIVERED BY MAY FIRST, TWO THOUSAND FIFTEEN, WITH NEW, UPDATED REPORTS BEING DELIVERED ON EACH FIRST DAY OF EVERY MONTH THEREAFTER. THE REPORT SHALL BE PROVIDED TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENT OPERATIONS.

2. DURING THE PREPARATION OF EACH REPORT REQUIRED BY SUBDIVISION ONE OF THIS SECTION, AND AFTER ITS DELIVERY TO THE PERSONS IDENTIFIED TO RECEIVE SUCH REPORT, THE GOVERNOR, THE COMMISSIONER OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE EXECUTIVE DIRECTOR OF THE GOVERNOR'S OFFICE OF STORM RECOVERY, AS WELL AS THE OFFICES AND DIVISIONS UNDER THEIR DIRECTION, SHALL PROVIDE TO SUCH PERSONS ENTITLED TO RECEIVE THE REPORTS REQUIRED BY SUBDIVISION ONE OF THIS SECTION, ANY AND ALL ADDITIONAL INFORMATION SUCH PERSONS MAY REQUEST, WITH RESPECT TO ANY ISSUE CONCERNING THE CLAIMS, THE STATUS OF ALL CLAIMS PRESENTLY PENDING BEFORE, OR BEING ASSISTED BY, THE GOVERNOR'S OFFICE OF STORM RECOVERY AND THE NEW YORK RISING COMMUNITY RECONSTRUCTION PLANS PROGRAM, OR CONCERNING THE ACTIVITIES OF THE GOVERNOR'S OFFICE OF STORM RECOVERY AND/OR THE NEW YORK RISING COMMUNITY RECONSTRUCTION PLANS PROGRAM.

S 2. This act shall take effect immediately and shall expire and be deemed repealed May 2, 2019.

PART X

Section 1. Section 146 of the correction law is amended by adding a new subdivision 3 to read as follows:

3. THE COMMISSIONER SHALL PERMANENTLY TERMINATE THE CONJUGAL VISIT PROGRAM REFERRED TO AS THE FAMILY REUNION PROGRAM SET FORTH IN PART TWO HUNDRED TWENTY OF TITLE SEVEN OF THE NEW YORK CODE, RULES AND REGULATIONS. SUCH COMMISSIONER SHALL FURTHER PROHIBIT THE ESTABLISHMENT OF ANY PROGRAM DESIGNED TO PROVIDE SELECTED INMATES AND THEIR FAMILIES THE OPPORTUNITY TO MEET PRIVATELY FOR AN EXTENDED PERIOD OF TIME.

S 2. This act shall take effect immediately.

PART Y

Section 1. Subparagraph (viii) of paragraph a of subdivision 10 of section 54 of the state finance law is amended by adding a new clause (3) to read as follows:

(3) FOR THE STATE FISCAL YEAR COMMENCING APRIL FIRST, TWO THOUSAND SIXTEEN AND IN EACH STATE FISCAL YEAR THEREAFTER, THE AMOUNT OF MISCELLANEOUS FINANCIAL ASSISTANCE FROM THE LOCAL ASSISTANCE ACCOUNT RECEIVED BY A VILLAGE IN THE FISCAL YEAR BEGINNING APRIL FIRST, TWO THOUSAND FIFTEEN.

S 2. This act shall take effect immediately.

PART Z

Section 1. Subdivision 3 of section 99-h of the state finance law, as amended by section 1 of part W of chapter 60 of the laws of 2011, is amended to read as follows:

3. Moneys of the account, following the segregation of appropriations enacted by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the city of Buffalo, the city of Buffalo shall receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, PROVIDED HOWEVER THAT FOR ANY SUCH MONEYS PROVIDED TO MUNICIPAL GOVERNMENTS LOCATED WITHIN THE COUNTY OF CATTARAUGUS, SEVENTEEN PERCENT OF SUCH MONIES SHALL BE MADE AVAILABLE TO THE SALAMANCA CITY CENTRAL SCHOOL DISTRICT; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not segregated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 2. Subdivision 3 of section 99-h of the state finance law, as amended by section 7 of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following the segregation of appropriations enacted by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for

costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the city of Buffalo, the city of Buffalo shall receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any gaming facility located in the city of Niagara Falls, county of Niagara a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, PROVIDED HOWEVER THAT FOR ANY SUCH MONEYS PROVIDED TO MUNICIPAL GOVERNMENTS LOCATED WITHIN THE COUNTY OF CATTARAUGUS, SEVENTEEN PERCENT OF SUCH MONIES SHALL BE MADE AVAILABLE TO THE SALAMANCA CITY CENTRAL SCHOOL DISTRICT; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement confirmed by section eleven of the executive law as available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment received by the state pursuant to such agreement with the Oneida Nation of New York to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not segregated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 3. Subdivision 3 of section 99-h of the state finance law, as amended by section 7-a of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following appropriation by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the city of Buffalo, the city of Buffalo shall receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, and provided further that for any

gaming facility located in the city of Niagara Falls, county of Niagara a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact shall be distributed in accordance with subdivision four of this section, and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, PROVIDED HOWEVER THAT FOR ANY SUCH MONEYS PROVIDED TO MUNICIPAL GOVERNMENTS LOCATED WITHIN THE COUNTY OF CATTARAUGUS, SEVENTEEN PERCENT OF SUCH MONIES SHALL BE MADE AVAILABLE TO THE SALAMANCA CITY CENTRAL SCHOOL DISTRICT; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement as confirmed by section eleven of the executive law as available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment received by the state pursuant to such agreement with the Oneida Nation of New York to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not appropriated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 4. Subdivision 3 of section 99-h of the state finance law, as amended by section 8 of chapter 174 of the laws of 2013, is amended to read as follows:

3. Moneys of the account, following the segregation of appropriations enacted by the legislature, shall be available for purposes including but not limited to: (a) reimbursements or payments to municipal governments that host tribal casinos pursuant to a tribal-state compact for costs incurred in connection with services provided to such casinos or arising as a result thereof, for economic development opportunities and job expansion programs authorized by the executive law; provided, however, that for any gaming facility located in the county of Erie or Niagara, the municipal governments hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact and provided further that for any gaming facility located in the county or counties of Cattaraugus, Chautauqua or Allegany, the municipal governments of the state hosting the facility shall collectively receive a minimum of twenty-five percent of the negotiated percentage of the net drop from electronic gaming devices the state receives pursuant to the compact, PROVIDED HOWEVER THAT FOR ANY SUCH MONEYS PROVIDED TO MUNICIPAL GOVERNMENTS LOCATED WITHIN THE

COUNTY OF CATTARAUGUS, SEVENTEEN PERCENT OF SUCH MONIES SHALL BE MADE AVAILABLE TO THE SALAMANCA CITY CENTRAL SCHOOL DISTRICT; and provided further that pursuant to chapter five hundred ninety of the laws of two thousand four, a minimum of twenty-five percent of the revenues received by the state pursuant to the state's compact with the St. Regis Mohawk tribe shall be made available to the counties of Franklin and St. Lawrence, and affected towns in such counties. Each such county and its affected towns shall receive fifty percent of the moneys made available by the state; and provided further that the state shall annually make twenty-five percent of the negotiated percentage of the net drop from all gaming devices the state actually receives pursuant to the Oneida Settlement Agreement confirmed by section eleven of the executive law available to the county of Oneida, and a sum of three and one-half million dollars to the county of Madison. Additionally, the state shall distribute, for a period of nineteen and one-quarter years, an additional annual sum of two and one-half million dollars to the county of Oneida. Additionally, the state shall distribute the one-time eleven million dollar payment actually received by the state pursuant to the Oneida Settlement Agreement to the county of Madison by wire transfer upon receipt of such payment by the state; and (b) support and services of treatment programs for persons suffering from gambling addictions. Moneys not segregated for such purposes shall be transferred to the general fund for the support of government during the fiscal year in which they are received.

S 5. This act shall take effect immediately; provided, however:

(a) that the amendments to subdivision 3 of section 99-h of the state finance law made by section two of this act shall take effect on the same date and in the same manner as section 7 of chapter 174 of the laws of 2013 takes effect, and such amendments shall not affect the expiration of such subdivision and shall expire therewith when upon such date section three of this act shall take effect; and

(b) that the amendments to subdivision 3 of section 99-h of the state finance law made by section three of this act shall not affect the expiration of such subdivision and shall expire therewith when upon such date section four of this act shall take effect.

PART AA

Section 1. Subdivision 11 of section 302 of the retirement and social security law is amended by adding a new paragraph i to read as follows:

I. SERVICE AS A UNIVERSITY POLICE OFFICER APPOINTED BY THE STATE UNIVERSITY OF NEW YORK PURSUANT TO PARAGRAPH L OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW.

S 2. Subdivision d of section 375-f of the retirement and social security law, as separately amended by chapters 674 and 677 of the laws of 1986, is amended to read as follows:

d. In addition to the retirement allowance provided pursuant to the plans set forth in sections three hundred eighty-three, three hundred eighty-three-a [and], three hundred eighty-three-b AND THREE HUNDRED EIGHTY-THREE-D of this [chapter] ARTICLE, a member of [either] ANY such plan who retires on or after April first, nineteen hundred sixty-nine with more than twenty-five years of total service shall be entitled to receive, in addition to the benefits provided pursuant to [either] ANY such section and notwithstanding the limitations of [either] ANY such section, an additional retirement allowance for such years of service rendered in excess of twenty-five. The additional retirement allowance

for such additional years of service shall be computed as if such member had been eligible to have his retirement allowance computed pursuant to the provisions of subdivision b of section three hundred seventy-five-c and of paragraph one of subdivision a of section three hundred seventy-five-d of this [chapter] TITLE.

S 3. The retirement and social security law is amended by adding a new section 383-d to read as follows:

S 383-D. ALTERNATIVE RETIREMENT BENEFITS FOR UNIVERSITY POLICE OFFICERS APPOINTED BY THE STATE UNIVERSITY. A. AS USED IN THIS SECTION, THE TERM "UNIVERSITY POLICE OFFICER" SHALL MEAN A PERSON WHO IS SO APPOINTED PURSUANT TO PARAGRAPH L OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THE EDUCATION LAW.

B. NOTWITHSTANDING ANY OTHER PROVISION OF LAW PROVIDING FOR TRANSFERS BETWEEN RETIREMENT SYSTEMS, ANY UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY WHO IS A MEMBER OF THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM MAY TRANSFER TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM AND SHALL RECEIVE CREDIT PURSUANT TO AND BE ENTITLED TO THE RETIREMENT BENEFITS AFFORDED IN ACCORDANCE WITH THIS SECTION. UPON ANY SUCH TRANSFER THE MEMBER SHALL BE ENTITLED TO THE AMOUNT OF SERVICE WHICH WOULD HAVE BEEN DEEMED CREDITABLE HAD SUCH MEMBER BEEN SUBJECT TO SUCH SYSTEM DURING THE COURSE OF HIS OR HER MEMBERSHIP WITHIN SUCH SYSTEM. CONTRIBUTIONS TO SUCH SYSTEM SHALL BE MADE IN ACCORDANCE WITH APPROPRIATE PROVISIONS OF LAW RELATING THERETO. APPLICATION FOR SUCH TRANSFER MUST BE MADE TO THE STATE COMPTROLLER ON OR BEFORE DECEMBER THIRTY-FIRST, TWO THOUSAND FIFTEEN. THE PROVISIONS OF SECTION THREE HUNDRED FORTY-THREE OF THIS ARTICLE SHALL APPLY TO ANY MEMBER MAKING APPLICATION FOR TRANSFER UNDER THIS SUBDIVISION.

C. ANY UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY WHO ELECTS OR IS REQUIRED TO CONTRIBUTE UNDER THIS SECTION SHALL CONTRIBUTE TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM ON THE BASIS OF RETIREMENT UPON HIS OR HER:

1. COMPLETION OF TWENTY-FIVE YEARS OF TOTAL CREDITABLE SERVICE; OR

2. ATTAINMENT OF AGE SIXTY AS A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY, IF PRIOR THERETO, ON AN ALLOWANCE OF ONE-FIFTIETH OF HIS OR HER FINAL AVERAGE SALARY FOR EACH YEAR OF TOTAL CREDITABLE SERVICE NOT IN EXCESS OF TWENTY-FIVE YEARS. SUCH ELECTION SHALL BE IN WRITING AND SHALL BE DULY EXECUTED AND FILED WITH THE COMPTROLLER.

D. EVERY EMPLOYEE ENTERING OR RE-ENTERING SERVICE AS A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION SHALL CONTRIBUTE ON THE BASIS PROVIDED FOR BY THIS SECTION.

E. A MEMBER WHO IS REQUIRED TO CONTRIBUTE IN ACCORDANCE WITH THIS SECTION SHALL CONTRIBUTE, IN LIEU OF THE PROPORTION OF COMPENSATION AS PROVIDED IN SECTION THREE HUNDRED TWENTY-ONE OF THIS ARTICLE, A PROPORTION OF HIS OR HER COMPENSATION SIMILARLY DETERMINED. SUCH LATTER PROPORTION SHALL BE COMPUTED TO PROVIDE AT THE TIME WHEN HE OR SHE SHALL FIRST BECOME ELIGIBLE FOR RETIREMENT UNDER THIS SECTION, AN ANNUITY EQUAL TO ONE-ONE HUNDREDTH OF HIS OR HER FINAL AVERAGE SALARY FOR EACH YEAR OF SERVICE AS A MEMBER PRIOR TO THE ATTAINMENT OF THE AGE WHEN HE OR SHE SHALL FIRST BECOME ELIGIBLE FOR RETIREMENT. SUCH MEMBER'S RATE OF CONTRIBUTION PURSUANT TO THIS SECTION SHALL BE APPROPRIATELY REDUCED PURSUANT TO SECTION THREE HUNDRED SEVENTY-A OF THIS ARTICLE FOR SUCH PERIOD OF TIME AS HIS OR HER EMPLOYER CONTRIBUTES PURSUANT TO SUCH SECTION TOWARD PENSIONS-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY. NO SUCH

MEMBER SHALL BE REQUIRED TO CONTINUE CONTRIBUTIONS AFTER COMPLETING TWENTY-FIVE YEARS OF SUCH SERVICE.

F. A MEMBER CONTRIBUTING ON THE BASIS OF THIS SECTION, AT THE TIME OF RETIREMENT, SHALL BE ENTITLED TO RETIRE AFTER THE COMPLETION OF TWENTY-FIVE YEARS OF TOTAL CREDITABLE SERVICE OR UPON THE ATTAINMENT OF AGE SIXTY BY FILING AN APPLICATION THEREFOR IN A MANNER SIMILAR TO THAT PROVIDED IN SECTION THREE HUNDRED SEVENTY OF THIS ARTICLE. HE OR SHE SHALL RECEIVE, ON RETIREMENT, A RETIREMENT ALLOWANCE CONSISTING OF:

1. AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS AT THE TIME OF HIS OR HER RETIREMENT, PLUS

2. A PENSION WHICH, TOGETHER WITH SUCH ANNUITY AND A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY, SHALL EQUAL ONE-FIFTIETH OF HIS OR HER FINAL AVERAGE SALARY FOR EACH YEAR OF CREDITABLE SERVICE IN SUCH SERVICE. THIS PENSION SHALL NOT EXCEED THE AMOUNT NEEDED TO MAKE THE TOTAL AMOUNT OF THE BENEFITS PROVIDED UNDER THIS PARAGRAPH AND PARAGRAPH ONE OF THIS SUBDIVISION EQUAL TO ONE-HALF OF FINAL AVERAGE SALARY.

3. AN ADDITIONAL PENSION EQUAL TO THE PENSION FOR ANY CREDITABLE SERVICE RENDERED WHILE NOT EMPLOYED AS A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY AS PROVIDED UNDER PARAGRAPHS TWO AND THREE OF SUBDIVISION A OF SECTION THREE HUNDRED SEVENTY-FIVE OF THIS ARTICLE. THIS PENSION SHALL:

(I) BE PAYABLE ONLY IF SUCH MEMBER HAS ATTAINED AGE SIXTY AT THE TIME OF RETIREMENT AND HAS NOT COMPLETED TWENTY-FIVE YEARS OF SERVICE AS A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY FOR WHICH HE OR SHE RECEIVES CREDIT UNDER THIS ARTICLE, AND

(II) NOT INCREASE THE TOTAL ALLOWANCE TO MORE THAN HE OR SHE WOULD HAVE RECEIVED HAD HIS OR HER TOTAL SERVICE BEEN RENDERED AS A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY. FOR THE PURPOSE ONLY OF DETERMINING THE AMOUNT OF THE PENSION PROVIDED HEREIN, THE ANNUITY SHALL BE COMPUTED AS IT WOULD BE:

(A) IF NOT REDUCED BY THE ACTUARIAL EQUIVALENT OF ANY OUTSTANDING LOAN, AND

(B) IF NOT INCREASED BY THE ACTUARIAL EQUIVALENT OF ANY ADDITIONAL CONTRIBUTIONS, AND

(C) IF NOT REDUCED BY REASON OF THE MEMBER'S ELECTION TO DECREASE HIS OR HER ANNUITY CONTRIBUTIONS TO THE RETIREMENT SYSTEM IN ORDER TO APPLY THE AMOUNT OF SUCH REDUCTION IN PAYMENT OF HIS OR HER CONTRIBUTIONS FOR OLD-AGE AND SURVIVORS INSURANCE COVERAGE.

G. THE INCREASED PENSIONS TO A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY, AS PROVIDED BY THIS SECTION, SHALL BE PAID FROM ADDITIONAL CONTRIBUTIONS MADE BY THE STATE ON ACCOUNT OF SUCH MEMBERS. THE ACTUARY OF THE RETIREMENT SYSTEM SHALL COMPUTE THE ADDITIONAL CONTRIBUTION OF EACH MEMBER WHO ELECTS TO RECEIVE THE SPECIAL BENEFITS PROVIDED UNDER THIS SECTION. SUCH ADDITIONAL CONTRIBUTIONS SHALL BE COMPUTED ON THE BASIS OF CONTRIBUTIONS DURING THE PROSPECTIVE SERVICE OF SUCH MEMBER WHICH WILL COVER THE LIABILITY OF THE RETIREMENT SYSTEM FOR SUCH EXTRA PENSIONS. UPON APPROVAL BY THE COMPTROLLER, SUCH ADDITIONAL CONTRIBUTIONS SHALL BE CERTIFIED BY HIM OR HER TO THE CHANCELLOR OF THE STATE UNIVERSITY. THE AMOUNT THEREOF SHALL BE INCLUDED IN THE ANNUAL APPROPRIATION OF THE STATE FOR THE STATE UNIVERSITY. SUCH AMOUNT SHALL BE PAID ON THE WARRANT OF THE COMPTROLLER TO THE PENSION ACCUMULATION FUND OF THE RETIREMENT SYSTEM.

H. IN COMPUTING THE TWENTY-FIVE YEARS OF COMPLETED SERVICE OF A UNIVERSITY POLICE OFFICER IN THE SERVICE OF THE STATE UNIVERSITY, FULL CREDIT SHALL BE GIVEN AND FULL ALLOWANCE SHALL BE MADE FOR SERVICE OF

SUCH MEMBER IN WAR AFTER WORLD WAR I AS DEFINED IN SECTION TWO OF THIS CHAPTER, PROVIDED SUCH MEMBER AT THE TIME OF HIS OF HER ENTRANCE INTO THE ARMED FORCES WAS IN STATE SERVICE, AND FULL CREDIT AND FULL ALLOWANCE SHALL BE MADE FOR SERVICE AS A UNIVERSITY PEACE OFFICER PRIOR TO THE EFFECTIVE DATE OF CHAPTER FOUR HUNDRED TWENTY-FOUR OF THE LAWS OF NINETEEN HUNDRED NINETY-EIGHT.

I. THE PROVISIONS OF THIS SECTION SHALL BE CONTROLLING NOTWITHSTANDING ANY PROVISION IN THIS ARTICLE TO THE CONTRARY.

J. NOTWITHSTANDING ANY PROVISION OF SUBDIVISION D, E OR I OF THIS SECTION TO THE CONTRARY, A MEMBER WHO IS IN THE COLLECTIVE NEGOTIATING UNIT DESIGNATED AS THE AGENCY POLICE SERVICES UNIT AND ESTABLISHED PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND WHO HAS ELECTED OR IS REQUIRED TO CONTRIBUTE IN ACCORDANCE WITH THIS SECTION MAY, ON OR BEFORE MARCH THIRTY-FIRST, TWO THOUSAND SIXTEEN, ELECT TO COME UNDER THE PROVISIONS OF SECTION THREE HUNDRED SEVENTY-FIVE-H OF THIS ARTICLE. SUCH ELECTION SHALL BE DULY EXECUTED AND FILED WITH THE COMPTROLLER.

K. COMMENCING WITH THE EFFECTIVE DATE OF THIS SECTION AND IN A MANNER DETERMINED BY THE HEAD OF THE RETIREMENT SYSTEM, THE STATE, AS EMPLOYER, SHALL MAKE CONTRIBUTIONS TO THE RETIREMENT SYSTEM TO FUND THE PAST SERVICE LIABILITY COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS SECTION AS THOSE COSTS ARE CALCULATED BY THE RETIREMENT SYSTEM ACTUARY. SUCH CONTRIBUTIONS MAY, AT THE ELECTION OF THE EMPLOYER, BE AMORTIZED OVER A TEN YEAR PERIOD.

S 4. No employee contributions made to the New York state and local employees' retirement system by any state university police officer who elects to transfer pursuant to this act shall be returned to such officer. Such employee contributions shall be used to offset any past service costs incurred by operation of the provisions of this act.

S 5. Notwithstanding subdivision h of section 343 of the retirement and social security law, the provisions of subdivisions c and d of section 343 of the retirement and social security law shall apply and the employer contributions reserve shall be transferred from the appropriate fund or funds of the New York state and local employees' retirement system to the New York state and local police and fire retirement system.

S 6. Subdivision 3 of section 58 of the civil service law, as amended by chapter 244 of the laws of 2013, is amended to read as follows:

3. As used in this section, the term "police officer" means a police officer in the department of environmental conservation, THE STATE UNIVERSITY POLICE, a member of the regional state park police or a police force, police department, or other organization of a county, city, town, village, housing authority, transit authority or police district, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of the state, but shall not include any person serving as such solely by virtue of his or her occupying any other office or position, nor shall such term include a sheriff, under-sheriff, commissioner of police, deputy or assistant commissioner of police, chief of police, deputy or assistant chief of police or any person having an equivalent title who is appointed or employed to exercise equivalent supervisory authority.

S 7. Paragraphs (a) and (b) of subdivision 4 of section 58 of the civil service law, as amended by chapter 244 of the laws of 2013, are amended to read as follows:

(a) Any person who has received provisional or permanent appointment in the competitive class of the civil service as a police officer of the

regional state park police, THE STATE UNIVERSITY OF NEW YORK POLICE, the department of environmental conservation or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department, and to be appointed as a police officer in the same or any other police force or police department without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such second or subsequent appointment, provided such second or subsequent appointment occurs within thirty days of the date of resignation.

(b) Any person who has received permanent appointment in the competitive class of the civil service as a police officer of the regional state park police, THE STATE UNIVERSITY OF NEW YORK POLICE, the department of environmental conservation or any police force or police department of any county, city, town, village, housing authority, transit authority or police district shall be eligible to resign from any police force or police department and, subject to such civil service rules as may be applicable, shall be eligible for reinstatement in the same police force or police department or in any other police force or police department to which he or she was eligible for transfer, without satisfying the age requirements set forth in paragraph (a) of subdivision one of this section at the time of such reinstatement, provided such reinstatement occurs within one year of the date of resignation.

S 8. This act shall take effect immediately.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill would allow State University Police Officers to elect to transfer to the New York State and Local Police and Fire Retirement System and to be covered by the provisions of a new twenty-five (25) year half pay retirement plan, with additional one-sixtieths of final average salary for each year of service in excess of twenty-five (25) years, but not exceeding fifteen (15) such years. For Tiers 2, 5, and 6 members, the additional one-sixtieths can not exceed seven (7) such years. There will be no refund of Article 14 or Article 15 member contributions for officers who elect to transfer to the Police and Fire Retirement system.

If this bill is enacted, we anticipate that there will be an increase of approximately $1.1 million in the annual contributions of the State of New York for the fiscal year ending March 31, 2016.

In addition to the annual contributions discussed above, it is estimated that there will be an immediate past service cost of $9.72 million which would be borne by the State of New York, assuming that payment will be made on March 1, 2016. If this cost is amortized over ten (10) years, the cost for the first year, including interest, would be $1.32 million.

These estimated costs are based on five hundred sixteen (516) State University Police Officers with a total estimated salary of approximately $39 million for the fiscal year ending March 31, 2014.

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, 2014 actuarial valuation. Distributions and other statistics can be found in the 2014 Report of the Actuary and the 2014 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2010, 2011, 2012, 2013 and 2014 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, 2014 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 actuarial opinion contained herein.

This estimate, dated January 16, 2015 and intended for use only during the 2015 Legislative Session, is Fiscal Note No. 2015-30 prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

PART BB

Section 1. Section 832 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. NO LATER THAN AUGUST FIRST, TWO THOUSAND FIFTEEN, THE OFFICE SHALL, IN CONSULTATION WITH ALL COUNTIES AND ALL OTHER PERSONS AND ENTITIES IT DEEMS APPROPRIATE, DEVELOP A WRITTEN PLAN TO PROVIDE THAT EACH CRIMINAL DEFENDANT ELIGIBLE FOR PUBLICLY FUNDED LEGAL REPRESENTATION IS ADEQUATELY REPRESENTED BY COUNSEL. SUCH PLAN SHALL BE DELIVERED TO THE GOVERNOR, TOGETHER WITH A FULL ESTIMATE AS TO THE AMOUNT OF FUNDING REQUIRED TO IMPLEMENT SUCH PLAN, WITH THE STATE BEARING FULL COST OF SUCH IMPLEMENTATION. THE PLAN SHALL PROVIDE A MECHANISM TO ENSURE AN ELIGIBLE CRIMINAL DEFENDANT IS REPRESENTED AT ARRAIGNMENT. THE PLAN SHALL FURTHER PROVIDE FOR APPROPRIATE CASELOAD/WORKLOAD STANDARDS FOR EACH PROVIDER OF MANDATED REPRESENTATION, WHETHER PUBLIC DEFENDER, LEGAL AID SOCIETY, ASSIGNED COUNSEL PROGRAM, OR CONFLICT DEFENDER FOR REPRESENTATION IN BOTH TRIAL AND APPELLATE-LEVEL CASES, AS WELL AS DETERMINE RESOURCES (INCLUDING BUT NOT LIMITED TO INVESTIGATORS OR NON-ATTORNEY STAFF) NECESSARY FOR EACH PROVIDER OF MANDATED REPRESENTATION. THE PLAN SHALL PROVIDE THAT ATTORNEYS PROVIDING MANDATED REPRESENTATION IN CRIMINAL CASES RECEIVE EFFECTIVE SUPERVISION AND TRAINING IN CRIMINAL LAW AND PROCEDURE AND PROFESSIONAL PRACTICE STANDARDS AND HAVE ACCESS TO AND APPROPRIATELY UTILIZE INVESTIGATORS, INTERPRETERS, AND EXPERT WITNESSES ON BEHALF OF CLIENTS. THE DIVISION OF CRIMINAL JUSTICE SERVICES ("DCJS"), THE OFFICE OF COURT ADMINISTRATION ("OCA") AND THE NEW YORK STATE DISTRICT ATTORNEY'S ASSOCIATION SHALL ADDITIONALLY PROVIDE A WRITTEN PLAN FOR ANY INCREASED NEEDS TO ENSURE THAT THE PEOPLE OF THE STATE OF NEW YORK ARE ADEQUATELY REPRESENTED IN THE CRIMINAL JUSTICE SYSTEM TO MIRROR PRESENCE AT ARRAIGNMENT, CASELOAD/WORKLOAD STANDARDS, RESOURCES, TRAINING AND SUPERVISION. SUCH INFORMATION, TOGETHER WITH ESTIMATES AS TO THE COST OF IMPLEMENTATION, SHALL BE APPENDED TO THE PLAN TO BE DEVELOPED BY THE OFFICE. UPON SUBMISSION, THE PLAN SHALL BE POSTED TO THE OFFICE'S WEBSITE, AS WELL AS THE WEBSITES OF DCJS, OCA AND THE GOVERNOR.

S 2. This act shall take effect immediately.

PART CC

Section 1. Section 224-b of the county law is amended by adding a new subdivision 5 to read as follows:

5. REGIONAL SPECIALIST PROGRAMS. REGIONAL SPECIALIST PROGRAMS WHOSE STATE ASSISTANCE SUPPORTS, AT A MINIMUM, SEVENTY-FIVE PERCENT OF TOTAL EXPENDITURES SHALL SUBMIT AN ANNUAL REPORT ON OR BEFORE JANUARY FIRST OF EACH YEAR TO THE TEMPORARY PRESIDENT OF THE SENATE, SPEAKER OF THE

ASSEMBLY, CHAIR OF THE LEGISLATIVE COMMISSION ON RURAL RESOURCES, AND DIRECTOR OF THE DIVISION OF THE BUDGET CONTAINING DATA ON THE NUMBER OF PRODUCERS PARTICIPATING IN THE PROGRAM, NUMBER OF FARMS THEY REPRESENT AND GEOGRAPHIC LOCATION OF THE FARMS, AND RECOMMENDATIONS FOR PROGRAMMATIC GOALS IN OUTLYING YEARS.

S 2. This act shall take effect immediately.

PART DD

Section 1. Subdivision 1-a of section 3 of the public officers law, as added by section 31-b of subpart A of part H of chapter 55 of the laws of 2014, is amended to read as follows:

1-a. (i) No person shall be capable of holding a civil office who shall stand convicted of a felony defined in article two hundred or four hundred ninety-six or section 195.20 of the penal law.

(ii) Any individual who stands convicted of a misdemeanor defined in article two hundred, article four hundred ninety-six or section 195.00 of the penal law, OR WHO HAS FAILED TO DISCLOSE SUCH INFORMATION REQUIRED UNDER SUBDIVISION FOUR OF SECTION SEVENTY-THREE-A OF THIS CHAPTER, may not hold civil office for a period of five years from the date of conviction, provided that in the event such conviction is the result of a plea agreement resulting in a plea to such charge in lieu of a plea or conviction of a felony defined in [section] SECTIONS 195.20 OR 175.35, OR article two hundred or article four hundred ninety-six of the penal law, all parties to such agreement may agree that the period of such bar may be for a period of up to ten years from the date of conviction.

S 2. Subparagraphs (a) and (b) of paragraph 8 and paragraph 13 of subdivision 3 of section 73-a of the public officers law, subparagraphs (a) and (b) of paragraph 8 as amended by section 37 of subpart A of part H of chapter 55 of the laws of 2014 and paragraph 13 as amended by section 5 of part A of chapter 399 of the laws of 2011, are amended and a new subparagraph (b-1) is added to paragraph 8 to read as follows:

(a) If the reporting individual practices law, is licensed by the department of state as a real estate broker or agent or practices a profession licensed by the department of education, or works as a member or employee of a firm required to register pursuant to section one-e of the legislative law as a lobbyist, [give a general] DESCRIBE THE SERVICES RENDERED TO WHICH COMPENSATION WAS PAID INCLUDING A GENERAL description of the principal subject areas of matters undertaken by such individual OR PRINCIPAL DUTIES PERFORMED. Additionally, if such an individual practices with a firm or corporation and is a partner or shareholder of the firm or corporation, give a general description of principal subject areas of matters undertaken by such firm or corporation.

_____
_____
_____
_____
_____

(b) APPLICABLE ONLY TO NEW CLIENTS OR CUSTOMERS FOR WHOM SERVICES ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE, OR FOR NEW MATTERS FOR EXISTING CLIENTS OR CUSTOMERS WITH RESPECT TO THOSE SERVICES THAT ARE PROVIDED ON OR AFTER JULY FIRST, TWO THOUSAND TWELVE:

If the reporting individual personally provides services to any person or entity, or works as a member or employee of a partnership or corporation that provides such services (referred to hereinafter as a "firm"), then identify each client or customer to whom the reporting individual personally provided services AND THE SERVICES ACTUALLY PROVIDED, OR EACH CLIENT OR CUSTOMER, [or] who was referred to the firm by the reporting individual, and from whom the reporting individual or his or her firm [earned fees] WAS PAID in excess of [$10,000] $5,000 during the reporting period [for]. FOR such services rendered [in direct connection with] BY THE FILER DIRECTLY TO EACH SUCH CLIENT, DESCRIBE EACH MATTER THAT WAS THE SUBJECT OF SUCH REPRESENTATION, AND PAYMENT RECEIVED. FOR PAYMENTS RECEIVED FROM CLIENTS ORIGINATED BY THE FILER FOR WHOM THE FILER DID NOT PERFORM SERVICES, IDENTIFY THE CLIENT AND THE PAYMENT SO RECEIVED. ALSO, INDICATE WHETHER SUCH SERVICES WERE RENDERED IN DIRECT CONNECTION WITH:

(i) [A proposed bill or resolution in the senate or assembly during the reporting period;

(ii)] A contract in an amount totaling $50,000 or more from the state or any state agency for services, materials, or property;

[(iii)] (II) A grant of $25,000 or more from the state or any state agency during the reporting period;

[(iv)] (III) A grant obtained through a legislative initiative during the reporting period; or

[(v)] (IV) A case, proceeding, application or other matter that is not a ministerial matter before a state agency during the reporting period.

For purposes of this question, "referred to the firm" shall mean: having intentionally and knowingly taken a specific act or series of acts to intentionally procure for the reporting individual's firm or knowingly solicit or direct to the reporting individual's firm in whole or substantial part, a person or entity that becomes a client of that firm for the purposes of representation for a matter as defined in subparagraphs (i) through [(v)] (IV) of this paragraph, as the result of such procurement, solicitation or direction of the reporting individual. A reporting individual need not disclose activities performed while lawfully acting pursuant to paragraphs (c), (d), (e) and (f) of subdivision seven of section seventy-three of this article.

[The disclosure requirement in this question shall not require disclosure of clients or customers receiving medical or dental services, mental health services, residential real estate brokering services, or insurance brokering services from the reporting individual or his or her firm. The reporting individual need not identify any client to whom he or she or his or her firm provided legal representation with respect to investigation or prosecution by law enforcement authorities, bankruptcy, or domestic relations matters. With respect to clients represented in other matters, where disclosure of a client's identity is likely to cause harm, the reporting individual shall request an exemption from the joint commission pursuant to paragraph (i) of subdivision nine of section ninety-four of the executive law. Only a reporting individual who first enters public office after July first, two thousand twelve, need not report clients or customers with respect to matters for which the reporting individual or his or her firm was retained prior to entering public office.

Client	Nature of Services Provided

_____
_____]

(B-1) FOR ALL OTHER CLIENTS OR CUSTOMERS (EXCLUSIVE OF THOSE FOR WHOM DISCLOSURE IS NOT REQUIRED) BY WHOM THE FILER WAS PAID IN EXCESS OF $5,000, DISCLOSE THE NAME OF EACH SUCH CLIENT OR CUSTOMER AND THE SERVICES ACTUALLY RENDERED FOR WHICH MONEY WAS RECEIVED:

CLIENT SERVICES ACTUALLY PROVIDED

_____
_____
_____
_____
_____

FOLLOWING IS AN ILLUSTRATIVE, NON-EXCLUSIVE LIST OF EXAMPLES OF DESCRIPTIONS OF "SERVICES ACTUALLY PROVIDED":

* REVIEWED DOCUMENTS AND CORRESPONDENCE;
* REPRESENTED CLIENT (IDENTIFY CLIENT BY NAME) IN LEGAL PROCEEDING;
* PROVIDED LEGAL ADVICE ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* CONSULTED WITH CLIENT OR LAW PARTNERS/ASSOCIATES/MEMBERS OF FIRM ON CLIENT MATTER (IDENTIFY CLIENT BY NAME);
* REFERRED INDIVIDUAL OR ENTITY (IDENTIFY CLIENT BY NAME) FOR REPRESENTATION OR CONSULTATION.

THE DISCLOSURE REQUIREMENT IN QUESTIONS (B) AND (B-1) SHALL NOT REQUIRE DISCLOSING CLIENTS OR CUSTOMERS RECEIVING MEDICAL OR DENTAL SERVICES, MENTAL HEALTH SERVICES, RESIDENTIAL REAL ESTATE BROKERING SERVICES, OR INSURANCE BROKERING SERVICES FROM THE REPORTING INDIVIDUAL OR HIS OR HER FIRM. THE REPORTING INDIVIDUAL NEED NOT IDENTIFY ANY CLIENT TO WHOM HE OR SHE OR HIS OR HER FIRM PROVIDED LEGAL REPRESENTATION WITH RESPECT TO INVESTIGATION OR PROSECUTION BY LAW ENFORCEMENT AUTHORITIES, BANKRUPTCY, SURROGATE COURT AND ESTATE PLANNING WORK, OR DOMESTIC RELATIONS MATTERS. WITH RESPECT TO CLIENTS REPRESENTED IN OTHER MATTERS, WHERE DISCLOSURE OF A CLIENT'S IDENTITY IS LIKELY TO CAUSE HARM, THE REPORTING INDIVIDUAL SHALL REQUEST AN EXEMPTION FROM THE JOINT COMMISSION PURSUANT TO PARAGRAPH (I) OF SUBDIVISION NINE OF SECTION NINETY-FOUR OF THE EXECUTIVE LAW.

13. List below the nature and amount of any income in EXCESS of $1,000 from EACH SOURCE for the reporting individual and such individual's spouse for the taxable year last occurring prior to the date of filing. EACH SUCH SOURCE MUST BE DESCRIBED WITH PARTICULARITY. Nature of income includes, but is not limited to, all income (other than that received from the employment listed under Item 2 above) from compensated employment whether public or private, directorships and other fiduciary positions, contractual arrangements, teaching income, partnerships, honorariums, lecture fees, consultant fees, bank and bond interest, dividends, income derived from a trust, real estate rents, and recognized gains from the sale or exchange of real or other property. Income from a business or profession and real estate rents shall be reported with the source identified by the building address in the case of real estate rents and otherwise by the name of the entity and not by the name of the individual customers, clients or tenants, with the aggregate net income before taxes for each building address or entity. The receipt of maintenance received in connection with a matrimonial action, alimony and child support payments shall not be listed.

Self/ Spouse	Source	Nature	Category of Amount (In Table I)

S 3. Subdivision 3 of section 73 of the public officers law is amended by adding a new paragraph (c) to read as follows:

(C) NO MEMBER OF THE LEGISLATURE OR LEGISLATIVE EMPLOYEE SHALL RECEIVE, DIRECTLY OR INDIRECTLY, OR ENTER INTO ANY AGREEMENT EXPRESS OR IMPLIED, FOR, ANY COMPENSATION, IN WHATEVER FORM FOR THE APPEARANCE OR RENDITION OF SERVICES BY HIMSELF OR HERSELF OR ANOTHER IN CONNECTION WITH ANY PROPOSED OR PENDING BILL OR RESOLUTION IN THE SENATE OR ASSEMBLY NOR MAY A MEMBER OF THE ASSEMBLY OR SENATE REFER ANY CLIENT OR CUSTOMER IN CONNECTION WITH LOBBYING OR ADVOCATING ON BEHALF OF ANY PROPOSED OR PENDING BILL OR RESOLUTION BEFORE SUCH LEGISLATIVE BODY TO ANY ENTITY WITH WHOM SUCH MEMBER HAS A BUSINESS RELATIONSHIP EITHER AS A MEMBER OR EMPLOYEE INCLUDING ANY SUCH ENTITY THAT IS DISCLOSED IN QUESTION EIGHT OF THE FINANCIAL DISCLOSURE STATEMENT REQUIRED PURSUANT TO SECTION SEVENTY-THREE-A OF THIS CHAPTER.

S 4. Subdivisions (k) and (t) of section 1-c of the legislative law, subdivision (k) as amended and subdivision (t) as added by chapter 1 of the laws of 2005, are amended to read as follows:

(k) The term "municipality" shall mean any jurisdictional subdivision of the state, including but not limited to counties, cities, towns, villages, improvement districts and special districts, with a population of more than [fifty] FIVE thousand, and industrial development agencies in jurisdictional subdivisions with a population of more than [fifty] FIVE thousand; and public authorities, and public corporations[, but shall not include school districts].

(t) The term "local legislative body" shall mean the board of supervisors, board of aldermen, common council, council, commission, town board, board of trustees or other elective governing board or body of a municipality now or hereafter vested by state statute, charter or other law with jurisdiction to initiate and adopt local laws [and], ordinances AND BUDGETS, whether or not such local laws [or], ordinances OR BUDGETS require approval of the elective chief executive officer or other official or body to become effective.

S 5. Subdivision 2 of section 5 of the legislative law, as amended by section 1 of part M-1 of chapter 407 of the laws of 1999, is amended to read as follows:

2. Each member of the legislature shall receive payment of actual and necessary transportation expenses and [a per diem equivalent to the most recent federal per diem rates published by the General Services Administration and set forth in 41 CFR (Code of Federal Regulations) Part 301, App. A] REASONABLE AND NECESSARY TRAVEL EXPENSES FOR LODGING, MEALS AND INCIDENTALS THAT ARE ACTUALLY INCURRED WHILE PERFORMING HIS OR HER DUTIES AND FOR WHICH RECEIPTS AND OTHER APPROPRIATE DOCUMENTATION ARE SUBMITTED WHICH SHALL BE REIMBURSED AT THE SAME RATES AS SUCH RECEIPTED EXPENSES ARE OTHERWISE ALLOWED STATE EMPLOYEES BY THE STATE COMPTROLLER, while in travel status in the performance of [his or her] THEIR duties[; and such other reasonable expenses as may be necessary for the perform-

ance of the member's responsibilities as determined by the temporary president of the senate or speaker of the assembly for their respective houses. The per diem allowances, including partial per diem allowances, shall be made pursuant to regulations promulgated by the temporary president of the senate and the speaker of the assembly for their respective houses, on audit and warrant of the comptroller on vouchers approved by the temporary president of the senate or his or her designee and the speaker of the assembly or his or her designee for their respective houses].

S 6. Subdivision 6 of section 109 of the state finance law, as added by chapter 881 of the laws of 1980, is amended to read as follows:

6. Notwithstanding the provisions of this or any other law, on and after January first, nineteen hundred eighty-one, the heads of the executive department, the department of law and the department of audit and control and the lieutenant governor, upon certification to the department of audit and control by such officer or his OR HER duly designated representative that the amounts in lieu of expenses currently provided or the currently provided payment in reimbursement of all necessary and actual expenses incurred incidental to the performance of official duties and obligations applicable on the effective date of this act have been expended, shall receive reimbursement for actual, reasonable and necessary expenses incurred incidental to the performance of official duties and obligations for expenses in excess of such amounts in lieu of expenses or such payments in reimbursement currently provided. Reimbursement for such expenses provided by this subdivision in excess of the amounts currently provided shall be obtained by submitting travel or other expense claims to the comptroller, in accordance with rules and regulations of the comptroller. PROVIDED HOWEVER, THAT WHILE IN TRAVEL STATUS IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES, WITH RESPECT TO EXPENSES INCURRED FOR LODGING, MEALS AND INCIDENTALS DURING SUCH STATUS, THE HEADS OF THE EXECUTIVE DEPARTMENT, THE DEPARTMENT OF LAW AND THE DEPARTMENT OF AUDIT AND CONTROL AND THE LIEUTENANT GOVERNOR SHALL ONLY BE ENTITLED TO AND MAY ONLY RECEIVE REASONABLE AND NECESSARY TRAVEL EXPENSES FOR LODGING, MEALS AND INCIDENTALS AT THE SAME RATES SUCH EXPENSES ARE OTHERWISE ALLOWED STATE EMPLOYEES THAT ARE ACTUALLY INCURRED WHILE PERFORMING SUCH DUTIES AND FOR WHICH THEY PROVIDE RECEIPTS AND OTHER APPROPRIATE DOCUMENTATION.

S 7. Paragraph (a) of subdivision 1 and paragraph (d) of subdivision 3 of section 14-107 of the election law, as added by section 4 of subpart C of part H of chapter 55 of the laws of 2014, are amended to read as follows:

(a) "Independent expenditure" means an expenditure made by a person conveyed to five hundred or more members of a general public audience in the form of (i) an audio or video communication via broadcast, cable or satellite, (ii) a written communication via advertisements, pamphlets, circulars, flyers, brochures, letterheads or (iii) other published statements which: (i) irrespective of when such communication is made, contains words such as "vote," "oppose," "support," "elect," "defeat," or "reject," which call for the election or defeat of the clearly identified candidate, [or] (ii) refers to and advocates for or against a clearly identified candidate or ballot proposal on or after January first of the year of the election in which such candidate is seeking office or such proposal shall appear on the ballot, OR (III) WITHIN SIXTY DAYS BEFORE A GENERAL OR SPECIAL ELECTION FOR THE OFFICE SOUGHT BY THE CANDIDATE OR THIRTY DAYS BEFORE A PRIMARY ELECTION, INCLUDES OR REFERENCES A CLEARLY IDENTIFIED CANDIDATE. An independent expenditure

shall not include communications where such candidate, the candidate's political committee or its agents, or a political committee formed to promote the success or defeat of a ballot proposal or its agents, did authorize, request, suggest, foster or cooperate in such communication.

(d) A knowing and willful violation of the provisions of this subdivision shall subject the person to a civil penalty equal to five thousand dollars or the cost of the communication, whichever is greater, in a special proceeding or civil action brought by the [board or imposed directly by the board of elections] CHIEF ENFORCEMENT COUNSEL.

S 8. The opening paragraph of paragraph (a) of subdivision 6 of section 156 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

"Public official" shall mean any of the following individuals [who were not members of any retirement system prior to the effective date of the chapter of the laws of two thousand eleven which added this article but who have become members of a covered retirement system on or after the effective date of the chapter of the laws of two thousand eleven which added this article]:

S 9. Subdivision 1 of section 157 of the retirement and social security law, as added by section 1 of part C of chapter 399 of the laws of 2011, is amended to read as follows:

1. Notwithstanding any other law to the contrary, it shall be a term and condition of membership for every public official [who becomes a member of any retirement system on or after the effective date of the chapter of the laws of two thousand eleven which added this article,] that such public official's rights to a pension in a retirement system that accrue in such retirement system after his or her date of initial membership in the retirement system shall be subject to the provisions of this article.

S 10. This act shall take effect immediately; provided, however, that sections eight and nine of this act shall take effect upon the people approving and ratifying by a majority of the electors voting thereon a constitutional amendment entitled "CONCURRENT RESOLUTION OF THE SENATE AND ASSEMBLY proposing an amendment to section 7 of article 5 of the constitution, in relation to forfeiture of pension rights or retirement benefits upon conviction of a felony related to public employment".

PART EE

Section 1. Subdivisions a and b of section 13-357 of the administrative code of the city of New York, subdivision a as amended by chapter 438 of the laws of 1986, are amended to read as follows:

a. Once each year the board may, and upon his or her own application shall, require any disability pensioner, under the minimum period for service retirement elected by him or her, and who at the time of his or her retirement for disability was an improved benefits plan member, OR ANY DISABILITY PENSIONER RETIRED PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW, AND WHO IS UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW FOR POLICE/FIRE MEMBERS to undergo medical examination. Such examination shall be made at the place of residence of such beneficiary or other place mutually agreed upon. Upon the completion of such examination the medical board shall report and certify to the board whether such beneficiary is or is not totally or partially incapacitated physically or mentally and whether he or she is

or is not engaged in or able to engage in a gainful occupation. If the board concur in a report by the medical board that such beneficiary is able to engage in a gainful occupation, it shall certify the name of such beneficiary to the appropriate civil service commission, state or municipal, and such commission shall place his or her name as a preferred eligible on such appropriate lists of candidates as are prepared for appointment to positions for which he or she is stated to be qualified. Should such beneficiary be engaged in a gainful occupation, or should he or she be offered city-service as a result of the placing of his or her name on a civil service list, such board shall reduce the amount of his or her disability pension and his or her pension-providing-for-increased-take-home-pay, if any, to an amount which, when added to that then earned by him or her, or earnable by him or her in city-service so offered him or her, shall not exceed the current maximum salary for the title next higher than that held by him or her when he or she was retired. Should the earning capacity of such beneficiary be further altered, such board may further alter his or her pension and his or her pension-providing-for-increased-take-home-pay, if any, to an amount which shall not exceed the rate of pension and his or her pension-providing-for-increased-take-home-pay, if any, upon which he or she was originally retired but which, subject to such limitation, shall equal, when added to that earnable by him or her, the current maximum salary for the title next higher than that held by him or her when he or she was retired. The provisions of this section shall be executed, any provision of the charter or the code to the contrary notwithstanding.

b. Should any disability pensioner, under the minimum period for service retirement elected by him or her, and who was an improved benefits plan member at the time of his or her retirement for disability, OR ANY DISABILITY PENSIONER RETIRED PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THE RETIREMENT AND SOCIAL SECURITY LAW AND WHO IS UNDER EARLY RETIREMENT AGE AS DEFINED IN SECTION FIVE HUNDRED ONE OF THE RETIREMENT AND SOCIAL SECURITY LAW FOR POLICE/FIRE MEMBERS, refuse to submit to one medical examination in any year by a physician or physicians designated by the medical board, his or her pension and his or her pension-providing-for-increased-take-home-pay, if any, may be discontinued until his or her withdrawal of such refusal. Should such refusal continue for one year, all his or her rights in and to such pension and his or her pension-providing-for-increased-take-home-pay, if any, may be revoked by such board.

S 2. Section 506 of the retirement and social security law is amended by adding two new subdivisions e and f to read as follows:

E. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION SHALL NOT APPLY TO MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK CITY POLICE PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-251 AND 13-254 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

(I) AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT;

(II) A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY; AND

(III) A PENSION, WHICH, TOGETHER WITH HIS OR HER ANNUITY AND THE PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY, IF ANY, SHALL BE EQUAL TO A RETIREMENT ALLOWANCE EQUAL TO ONE-FORTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF CITY-SERVICE CREDITED TO HIM OR HER, BUT NOT LESS THAN (1) ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE TEN OR MORE, OR (2) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE LESS THAN TEN.

2. THE PROVISIONS OF SUBDIVISIONS G, H AND I OF SECTION FIVE HUNDRED SEVEN OF THIS ARTICLE SHALL APPLY TO DISABILITY BENEFITS UNDER THIS SUBDIVISION.

F. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C AND D OF THIS SECTION SHALL NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ORDINARY DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-352 AND 13-357 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

(I) AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT; AND

(II) A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY, AND

(III) A PENSION, WHICH TOGETHER WITH HIS OR HER ANNUITY AND THE PENSION-PROVIDING-FOR-INCREASED-TAKE-HOME-PAY, IF ANY, SHALL BE EQUAL TO A RETIREMENT ALLOWANCE EQUAL TO ONE-FORTIETH OF HIS OR HER FINAL AVERAGE SALARY MULTIPLIED BY THE NUMBER OF YEARS OF CITY-SERVICE CREDITED TO HIM OR HER, BUT NOT LESS THAN (1) ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE TEN OR MORE, OR (2) ONE-THIRD OF HIS OR HER FINAL AVERAGE SALARY, IF THE YEARS OF CITY-SERVICE CREDITED TO HIM OR HER ARE LESS THAN TEN.

2. THE PROVISIONS OF SUBDIVISIONS G, H AND I OF SECTION FIVE HUNDRED SEVEN OF THIS ARTICLE SHALL APPLY TO DISABILITY BENEFITS UNDER THIS SUBDIVISION.

S 3. Section 507 of the retirement and social security law is amended by adding two new subdivisions j and k to read as follows:

J. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E, AND F OF THIS SECTION SHALL NOT APPLY TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-353, 13-354, AND 13-357 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK AND ANY ACCIDENTAL DISABILITY RETIREMENT BENEFITS FOUND IN THE GENERAL MUNICIPAL LAW AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

1. AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT; AND

2. A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY; AND

3. A PENSION, OF THREE-QUARTERS OF HIS OR HER FINAL AVERAGE SALARY, IN ADDITION TO THE ANNUITY AND PENSION PROVIDED FOR BY PARAGRAPHS ONE AND TWO OF THIS SUBDIVISION.

K. NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, ADMINISTRATIVE CODE OR RULE OR REGULATION TO THE CONTRARY, SUBDIVISIONS A, B, C, D, E AND F OF THIS SECTION SHALL NOT APPLY TO MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE. A MEMBER OF THE NEW YORK CITY POLICE PENSION FUND WHO IS SUBJECT TO THIS ARTICLE SHALL INSTEAD BE ELIGIBLE FOR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTIONS 13-215, 13-252 AND 13-254 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, AND SHALL RECEIVE A RETIREMENT ALLOWANCE WHICH SHALL CONSIST OF:

1. AN ANNUITY, WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF HIS OR HER ACCUMULATED CONTRIBUTIONS, IF ANY, AT THE TIME OF HIS OR HER RETIREMENT;

2. A PENSION WHICH IS THE ACTUARIAL EQUIVALENT OF THE RESERVE-FOR-INCREASED-TAKE-HOME-PAY TO WHICH HE OR SHE MAY THEN BE ENTITLED, IF ANY; AND

3. A PENSION, OF THREE-QUARTERS OF HIS OR HER FINAL AVERAGE SALARY, IN ADDITION TO THE ANNUITY AND PENSION PROVIDED FOR BY PARAGRAPHS ONE AND TWO OF THIS SUBDIVISION.

S 4. Section 510 of the retirement and social security law is amended by adding a new subdivision i to read as follows:

I. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS ARTICLE OR THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK, THE ANNUAL ESCALATION PROVIDED IN THIS SECTION SHALL NOT APPLY TO THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND OR MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE. THE ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT BENEFIT OF MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO RETIRE PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE SHALL BE ADJUSTED FOR COST-OF-LIVING PURSUANT TO THE PROVISIONS OF SECTION 13-696 OF THE ADMINISTRATIVE CODE OF THE CITY OF NEW YORK.

S 5. Subdivision f of section 511 of the retirement and social security law, as amended by chapter 18 of the laws of 2012, is amended to read as follows:

f. This section shall not apply to general members in the uniformed correction force of the New York city department of correction or to uniformed personnel in institutions under the jurisdiction of the department of corrections and community supervision and security hospital treatment assistants, as those terms are defined in subdivision i of section eighty-nine of this chapter, provided, however, that the provisions of this section shall apply to a New York city uniformed correction/sanitation revised plan member, AND THIS SECTION SHALL ALSO NOT APPLY TO MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND OR THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO ARE SUBJECT TO THIS ARTICLE WHO RETIRE ON ORDINARY OR ACCIDENTAL DISABILITY RETIREMENT PURSUANT TO SECTION FIVE HUNDRED SIX OR FIVE HUNDRED SEVEN OF THIS ARTICLE.

S 6. Section 512 of the retirement and social security law is amended by adding two new subdivisions e and f to read as follows:

E. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO MEMBERS OF THE NEW YORK FIRE DEPARTMENT PENSION FUND WHO RETIRE PURSUANT TO SECTIONS FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS ARTICLE A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY SUCH MEMBER DURING THE

ONE-YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT, EXCLUSIVE OF ANY FORM OF TERMINATION PAY (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT), OR ANY LUMP SUM PAYMENT FOR DEFERRED COMPENSATION, SICK LEAVE, OR ACCUMULATED VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER THAN COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING THE ONE YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT EXCEEDS THAT OF THE PREVIOUS ONE-YEAR PERIOD BY MORE THAN TWENTY PER CENTUM THE AMOUNT IN EXCESS OF TWENTY PER CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

F. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION A OF THIS SECTION, OR ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, WITH RESPECT TO MEMBERS OF THE NEW YORK CITY POLICE PENSION FUND WHO RETIRE PURSUANT TO SECTIONS FIVE HUNDRED SIX AND FIVE HUNDRED SEVEN OF THIS ARTICLE A MEMBER'S FINAL AVERAGE SALARY SHALL MEAN THE SALARY EARNED BY SUCH MEMBER DURING THE ONE-YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT, EXCLUSIVE OF ANY FORM OF TERMINATION PAY (WHICH SHALL INCLUDE ANY COMPENSATION IN ANTICIPATION OF RETIREMENT) OR ANY LUMP SUM PAYMENT FOR DEFERRED COMPENSATION, SICK LEAVE, OR ACCUMULATED VACATION CREDIT, OR ANY OTHER PAYMENT FOR TIME NOT WORKED (OTHER THAN COMPENSATION RECEIVED WHILE ON SICK LEAVE OR AUTHORIZED LEAVE OF ABSENCE); PROVIDED, HOWEVER, IF THE SALARY OR WAGES EARNED DURING THE ONE-YEAR PERIOD IMMEDIATELY PRIOR TO RETIREMENT EXCEEDS THAT OF THE PREVIOUS ONE-YEAR PERIOD BY MORE THAN TWENTY PER CENTUM, THE AMOUNT IN EXCESS OF TWENTY PER CENTUM SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY. IN DETERMINING FINAL AVERAGE SALARY, ANY MONTH OR MONTHS (NOT IN EXCESS OF THREE) WHICH WOULD OTHERWISE BE INCLUDED IN COMPUTING FINAL AVERAGE SALARY BUT DURING WHICH THE MEMBER WAS ON AUTHORIZED LEAVE OF ABSENCE WITHOUT PAY SHALL BE EXCLUDED FROM THE COMPUTATION OF FINAL AVERAGE SALARY AND THE MONTH OR AN EQUAL NUMBER OF MONTHS IMMEDIATELY PRECEDING SUCH PERIOD SHALL BE SUBSTITUTED IN LIEU THEREOF.

S 7. The retirement and social security law is amended by adding two new sections 607-i and 607-j to read as follows:

S 607-I. PERFORMANCE OF DUTY DISABILITY RETIREMENT FOR AMBULANCE MEDICAL TECHNICIAN SUPERVISORS, AMBULANCE MEDICAL TECHNICIAN COORDINATORS AND AMBULANCE MEDICAL TECHNICIANS IN NASSAU COUNTY. A. THE COUNTY OF NASSAU SHALL MAKE THE BENEFITS PROVIDED IN THIS SECTION AVAILABLE TO AMBULANCE MEDICAL TECHNICIAN SUPERVISORS, AMBULANCE MEDICAL TECHNICIAN COORDINATORS AND AMBULANCE MEDICAL TECHNICIANS WHO ARE IN THE EMPLOY OF NASSAU COUNTY.

B. A MEMBER SHALL BE ENTITLED TO RETIREMENT FOR DISABILITY INCURRED IN IN THE PERFORMANCE OF DUTY IF, AT THE TIME APPLICATION THEREFOR IS FILED, HE OR SHE IS:

1. PHYSICALLY OR MENTALLY INCAPACITATED FOR PERFORMANCE OF DUTY AS THE NATURAL AND PROXIMATE RESULT OF A DISABILITY NOT CAUSED BY HIS OR HER OWN WILLFUL NEGLIGENCE SUSTAINED IN SUCH SERVICE AND WHILE ACTUALLY A MEMBER OF THE RETIREMENT SYSTEM; AND

2. ACTUALLY IN SERVICE UPON WHICH HIS OR HER MEMBERSHIP IS BASED. HOWEVER, IN A CASE WHERE A MEMBER IS DISCONTINUED FROM SERVICE EITHER VOLUNTARILY OR INVOLUNTARILY, SUBSEQUENT TO SUSTAINING A DISABILITY IN

SUCH SERVICE, APPLICATION MAY BE MADE NOT LATER THAN TWO YEARS AFTER THE MEMBER IS FIRST DISCONTINUED FROM SERVICE; AND PROVIDED THAT THE MEMBER MEETS THE REQUIREMENTS OF SUBDIVISION A OF THIS SECTION AND THIS SUBDIVISION.

C. APPLICATION FOR A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE FOR SUCH A MEMBER MAY BE MADE BY:

1. SUCH MEMBER; OR

2. THE HEAD OF THE DEPARTMENT IN WHICH SUCH MEMBER IS EMPLOYED; OR

3. ANY PERSON ACTING ON BEHALF OF AND AUTHORIZED BY SUCH MEMBER.

D. 1. AFTER THE FILING OF SUCH AN APPLICATION, SUCH MEMBER SHALL BE GIVEN ONE OR MORE MEDICAL EXAMINATIONS. NO SUCH APPLICATION SHALL BE APPROVED, HOWEVER, UNLESS THE MEMBER OR SOME OTHER PERSON ON HIS OR HER BEHALF SHALL HAVE FILED WRITTEN NOTICE IN THE OFFICE OF THE COMPTROLLER WITHIN NINETY DAYS AFTER OCCURRENCE WHICH IS THE BASIS FOR THE DISABILITY INCURRED IN THE PERFORMANCE OF DUTY, SETTING FORTH:

(A) THE TIME WHEN AND THE PLACE OF SUCH OCCURRENCE; AND

(B) THE PARTICULARS THEREOF; AND

(C) THE NATURE AND EXTENT OF THE MEMBER'S INJURIES; AND

(D) HIS OR HER ALLEGED DISABILITY.

2. THE NOTICE HEREIN REQUIRED NEED NOT BE GIVEN:

(A) IF THE NOTICE OF SUCH ACCIDENT SHALL BE FILED IN ACCORDANCE WITH THE PROVISIONS OF THE WORKERS' COMPENSATION LAW OF ANY STATE WITHIN WHICH A PARTICIPATING EMPLOYER IN NASSAU COUNTY SHALL HAVE ITS EMPLOYEES LOCATED OR PERFORMING FUNCTIONS AND DUTIES WITHIN THE NORMAL SCOPE OF THEIR EMPLOYMENT; OR

(B) IF THE APPLICATION FOR ACCIDENTAL DISABILITY RETIREMENT IS FILED WITHIN ONE YEAR AFTER THE DATE OF THE OCCURRENCE WHICH FORMS THE BASIS FOR THE APPLICATION; OR

(C) IF A FAILURE TO FILE NOTICE HAS BEEN EXCUSED FOR GOOD CAUSE SHOWN AS PROVIDED BY RULES AND REGULATIONS PROMULGATED BY THE COMPTROLLER.

E. IF THE COMPTROLLER DETERMINES THAT THE MEMBER IS PHYSICALLY OR MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTY PURSUANT TO SUBDIVISION B OF THIS SECTION AND OUGHT TO BE RETIRED, SUCH MEMBER SHALL BE SO RETIRED. SUCH RETIREMENT SHALL BE EFFECTIVE AS OF A DATE APPROVED BY THE COMPTROLLER.

F. THE ANNUAL RETIREMENT ALLOWANCE PAYABLE UPON RETIREMENT FOR DISABILITY INCURRED IN THE PERFORMANCE OF DUTY SHALL BE A PENSION OF ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY PLUS AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

G. IF THE MEMBER, AT THE TIME OF THE FILING OF AN APPLICATION UNDER THE PROVISIONS OF SUBDIVISION C OF THIS SECTION, IS ELIGIBLE FOR A SERVICE RETIREMENT BENEFIT, THEN AND IN THAT EVENT, HE OR SHE MAY SIMULTANEOUSLY FILE AN APPLICATION FOR SERVICE RETIREMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTY OF THIS CHAPTER, PROVIDED THAT THE MEMBER INDICATES ON THE APPLICATION FOR SERVICE RETIREMENT THAT SUCH APPLICATION IS FILED WITHOUT PREJUDICE TO THE APPLICATION FOR THE RETIREMENT FOR DISABILITY INCURRED IN PERFORMANCE OF DUTY.

H. ANY BENEFIT PROVIDED PURSUANT TO THIS SECTION SHALL NOT BE CONSIDERED AS AN ACCIDENTAL DISABILITY BENEFIT WITHIN THE MEANING OF SECTION SIXTY-THREE, SIXTY-FOUR, FIVE HUNDRED SEVEN-F, FIVE HUNDRED SEVEN-G, SIX HUNDRED SEVEN-E, OR SIX HUNDRED SEVEN-F OF THIS CHAPTER.

I. ANY BENEFIT PAYABLE PURSUANT TO THE WORKERS' COMPENSATION LAW TO A MEMBER RECEIVING A DISABILITY ALLOWANCE PURSUANT TO THIS SECTION SHALL BE IN ADDITION TO SUCH RETIREMENT FOR DISABILITY INCURRED IN PERFORMANCE OF DUTY ALLOWANCE.

J. A FINAL DETERMINATION OF THE COMPTROLLER THAT THE MEMBER IS NOT ENTITLED TO RETIREMENT BENEFITS PURSUANT TO THIS SECTION SHALL NOT IN ANY RESPECT BE, OR CONSTITUTE, A DETERMINATION WITH REGARD TO BENEFITS PAYABLE PURSUANT TO SECTION TWO HUNDRED SEVEN-C OF THE GENERAL MUNICIPAL LAW.

K. NOTHING IN THIS SECTION SHALL BE DEEMED TO PRECLUDE THE SIMULTANEOUS FILING OF AN APPLICATION FOR BENEFITS PURSUANT TO ANY OTHER SECTION OF LAW NOR THE CONSIDERATION OF SUCH APPLICATION BY THE RETIREMENT SYSTEM, INCLUDING AN ACCIDENTAL DISABILITY BENEFIT PURSUANT TO SECTION SIX HUNDRED SEVEN-E OF THIS ARTICLE.

S 607-J. PERFORMANCE OF DUTY DISABILITY RETIREMENT FOR CHIEF FIRE MARSHALS, ASSISTANT CHIEF FIRE MARSHALS, DIVISION SUPERVISING FIRE MARSHALS, SUPERVISING FIRE MARSHALS, FIRE MARSHALS AND FIRE MARSHAL TRAINEES IN NASSAU COUNTY. A. THE COUNTY OF NASSAU SHALL MAKE THE BENEFITS PROVIDED IN THIS SECTION AVAILABLE TO CHIEF FIRE MARSHALS, ASSISTANT CHIEF FIRE MARSHALS, DIVISION SUPERVISING FIRE MARSHALS, SUPERVISING FIRE MARSHALS, FIRE MARSHALS AND FIRE MARSHAL TRAINEES WHO ARE IN THE EMPLOY OF NASSAU COUNTY.

B. A MEMBER SHALL BE ENTITLED TO RETIREMENT FOR DISABILITY INCURRED IN THE PERFORMANCE OF DUTY IF, AT THE TIME APPLICATION THEREFOR IS FILED, HE OR SHE IS:

1. PHYSICALLY OR MENTALLY INCAPACITATED FOR PERFORMANCE OF DUTY AS THE NATURAL AND PROXIMATE RESULT OF A DISABILITY NOT CAUSED BY HIS OR HER OWN WILLFUL NEGLIGENCE SUSTAINED IN SUCH SERVICE AND WHILE ACTUALLY A MEMBER OF THE RETIREMENT SYSTEM; AND

2. ACTUALLY IN SERVICE UPON WHICH HIS OR HER MEMBERSHIP IS BASED. HOWEVER, IN A CASE WHERE A MEMBER IS DISCONTINUED FROM SERVICE, EITHER VOLUNTARILY OR INVOLUNTARILY, SUBSEQUENT TO SUSTAINING A DISABILITY IN SUCH SERVICE, APPLICATION MAY BE MADE NOT LATER THAN TWO YEARS AFTER THE MEMBER IS FIRST DISCONTINUED FROM SERVICE; AND PROVIDED THAT THE MEMBER MEETS THE REQUIREMENTS OF SUBDIVISION A OF THIS SECTION AND THIS SUBDIVISION.

C. APPLICATION FOR A PERFORMANCE OF DUTY DISABILITY RETIREMENT ALLOWANCE FOR SUCH A MEMBER MAY BE MADE BY:

1. SUCH MEMBER; OR

2. THE HEAD OF THE DEPARTMENT IN WHICH SUCH MEMBER IS EMPLOYED; OR

3. ANY PERSON ACTING ON BEHALF OF AND AUTHORIZED BY SUCH MEMBER.

D. 1. AFTER THE FILING OF SUCH AN APPLICATION, SUCH MEMBER SHALL BE GIVEN ONE OR MORE MEDICAL EXAMINATIONS. NO SUCH APPLICATION SHALL BE APPROVED, HOWEVER, UNLESS THE MEMBER OR SOME OTHER PERSON ON HIS OR HER BEHALF SHALL HAVE FILED WRITTEN NOTICE IN THE OFFICE OF THE COMPTROLLER WITHIN NINETY DAYS AFTER OCCURRENCE WHICH IS THE BASIS FOR THE DISABILITY INCURRED IN THE PERFORMANCE OF DUTY, SETTING FORTH:

(A) THE TIME WHEN AND THE PLACE OF SUCH OCCURRENCE; AND

(B) THE PARTICULARS THEREOF; AND

(C) THE NATURE AND EXTENT OF THE MEMBER'S INJURIES; AND

(D) HIS OR HER ALLEGED DISABILITY.

2. THE NOTICE HEREIN REQUIRED NEED NOT BE GIVEN:

(A) IF THE NOTICE OF SUCH ACCIDENT SHALL BE FILED IN ACCORDANCE WITH THE PROVISIONS OF THE WORKERS' COMPENSATION LAW OF ANY STATE WITHIN WHICH A PARTICIPATING EMPLOYER IN NASSAU COUNTY SHALL HAVE ITS EMPLOYEES LOCATED OR PERFORMING FUNCTIONS AND DUTIES WITHIN THE NORMAL SCOPE OF THEIR EMPLOYMENT; OR

(B) IF THE APPLICATION FOR ACCIDENTAL DISABILITY RETIREMENT IS FILED WITHIN ONE YEAR AFTER THE DATE OF THE OCCURRENCE WHICH FORMS THE BASIS FOR THE APPLICATION; OR

(C) IF A FAILURE TO FILE NOTICE HAS BEEN EXCUSED FOR GOOD CAUSE SHOWN AS PROVIDED BY RULES AND REGULATIONS PROMULGATED BY THE COMPTROLLER.

E. IF THE COMPTROLLER DETERMINES THAT THE MEMBER IS PHYSICALLY OR MENTALLY INCAPACITATED FOR THE PERFORMANCE OF DUTY PURSUANT TO SUBDIVISION B OF THIS SECTION AND OUGHT TO BE RETIRED, SUCH MEMBER SHALL BE SO RETIRED. SUCH RETIREMENT SHALL BE EFFECTIVE AS OF A DATE APPROVED BY THE COMPTROLLER.

F. THE ANNUAL RETIREMENT ALLOWANCE PAYABLE UPON RETIREMENT FOR DISABILITY INCURRED IN THE PERFORMANCE OF DUTY SHALL BE A PENSION OF ONE-HALF OF HIS OR HER FINAL AVERAGE SALARY PLUS AN ANNUITY WHICH SHALL BE THE ACTUARIAL EQUIVALENT OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, IF ANY.

G. IF THE MEMBER, AT THE TIME OF THE FILING OF AN APPLICATION UNDER THE PROVISIONS OF SUBDIVISION C OF THIS SECTION, IS ELIGIBLE FOR A SERVICE RETIREMENT BENEFIT, THEN AND IN THAT EVENT, HE OR SHE MAY SIMULTANEOUSLY FILE AN APPLICATION FOR SERVICE RETIREMENT IN ACCORDANCE WITH THE PROVISIONS OF SECTION SEVENTY OF THIS CHAPTER, PROVIDED THAT THE MEMBER INDICATES ON THE APPLICATION FOR SERVICE RETIREMENT THAT SUCH APPLICATION IS FILED WITHOUT PREJUDICE TO THE APPLICATION FOR THE RETIREMENT FOR DISABILITY INCURRED IN PERFORMANCE OF DUTY.

H. ANY BENEFIT PROVIDED PURSUANT TO THIS SECTION SHALL NOT BE CONSIDERED AS AN ACCIDENTAL DISABILITY BENEFIT WITHIN THE MEANING OF SECTION SIXTY-THREE, SIXTY-FOUR, FIVE HUNDRED SEVEN-F, FIVE HUNDRED SEVEN-G, SIX HUNDRED SEVEN-E, OR SIX HUNDRED SEVEN-F OF THIS CHAPTER.

I. ANY BENEFIT PAYABLE PURSUANT TO THE WORKERS' COMPENSATION LAW TO A MEMBER RECEIVING A DISABILITY ALLOWANCE PURSUANT TO THIS SECTION SHALL BE IN ADDITION TO SUCH RETIREMENT FOR DISABILITY INCURRED IN PERFORMANCE OF DUTY ALLOWANCE.

J. A FINAL DETERMINATION OF THE COMPTROLLER THAT THE MEMBER IS NOT ENTITLED TO RETIREMENT BENEFITS PURSUANT TO THIS SECTION SHALL NOT IN ANY RESPECT BE, OR CONSTITUTE, A DETERMINATION WITH REGARD TO BENEFITS PAYABLE PURSUANT TO SECTION TWO HUNDRED SEVEN-C OF THE GENERAL MUNICIPAL LAW.

K. NOTHING IN THIS SECTION SHALL BE DEEMED TO PRECLUDE THE SIMULTANEOUS FILING OF AN APPLICATION FOR BENEFITS PURSUANT TO ANY OTHER SECTION OF LAW NOR THE CONSIDERATION OF SUCH APPLICATION BY THE RETIREMENT SYSTEM, INCLUDING AN ACCIDENTAL DISABILITY BENEFIT PURSUANT TO SECTION SIX HUNDRED SEVEN-E OF THIS ARTICLE.

S 8. All costs associated with implementing the provisions of section seven of this act shall be borne by Nassau County.

S 9. Paragraph (b) of subdivision 1 of section 13-353.1 of the administrative code of the city of New York is relettered paragraph (c) and a new paragraph (b) is added to read as follows:

(B) IN ORDER TO BE ELIGIBLE FOR THE PRESUMPTION PROVIDED UNDER PARAGRAPH (A) OF THIS SUBDIVISION, A MEMBER MUST HAVE (I) SUCCESSFULLY PASSED A PHYSICAL EXAMINATION FOR ENTRY INTO PUBLIC SERVICE WHICH FAILED TO DISCLOSE EVIDENCE OF THE QUALIFYING CONDITION OR IMPAIRMENT OF HEALTH THAT FORMED THE BASIS FOR THE DISABILITY, OR (II) AUTHORIZED RELEASE OF ALL RELEVANT MEDICAL RECORDS, IF THE MEMBER DID NOT UNDERGO A PHYSICAL EXAMINATION FOR ENTRY INTO PUBLIC SERVICE, AND THERE IS NO EVIDENCE OF THE QUALIFYING CONDITION OR IMPAIRMENT OF HEALTH THAT FORMED THE BASIS FOR THE DISABILITY IN SUCH MEDICAL RECORDS PRIOR TO SEPTEMBER 11, 2001.

S 10. Section 207-k of the general municipal law, as amended by chapter 1046 of the laws of 1973, subdivision a as amended by chapter 654 of the laws of 2006, is amended to read as follows:

S 207-k. Disabilities of policemen and firemen in certain cities. a. Notwithstanding the provisions of any general, special or local law or administrative code to the contrary, but except for the purposes of sections two hundred seven-a and two hundred seven-c of this article, the workers' compensation law and the labor law, any condition of impairment of health caused by diseases of the heart, or by a stroke, resulting in total or partial disability or death to a paid member of the uniformed force of a paid police department or fire department, where such paid policemen or firemen are drawn from competitive civil service lists, who successfully passed a physical examination on entry into the service of such respective department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty, unless the contrary be proved by competent evidence.

b. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, nineteen hundred seventy-four.

C. IN ADDITION, ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE HEART, OR BY A STROKE, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A MEDICAL OFFICER OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, PROVIDED THAT SUCH MEDICAL OFFICER AUTHORIZED RELEASE OF ALL RELEVANT MEDICAL RECORDS, AND THERE IS NO EVIDENCE OF THE QUALIFYING CONDITION OR IMPAIRMENT OF HEALTH THAT FORMED THE BASIS FOR THE DISABILITY OR DEATH IN SUCH MEDICAL RECORDS UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

S 11. Section 207-kk of the general municipal law, as amended by chapter 531 of the laws of 2003, is amended to read as follows:

S 207-kk. Disabilities of firefighters in certain cities caused by cancer. A. Notwithstanding any other provisions of this chapter to the contrary, any condition of impairment of health caused by (i) any condition of cancer affecting the lymphatic, digestive, hematological, urinary, neurological, breast, reproductive, or prostate systems or (ii) melanoma resulting in total or partial disability or death to a paid member of a fire department in a city with a population of one million or more, who successfully passed a physical examination on entry into the service of such department, which examination failed to reveal any evidence of such condition, shall be presumptive evidence that it was incurred in the performance and discharge of duty unless the contrary be proved by competent evidence. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, two thousand five.

B. IN ADDITION, ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY (I) ANY CONDITION OF CANCER AFFECTING THE LYMPHATIC, DIGESTIVE, HEMATOLOGICAL, URINARY, NEUROLOGICAL, BREAST, REPRODUCTIVE, OR PROSTATE SYSTEMS OR (II) MELANOMA RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A MEDICAL OFFICER OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, SHALL BE PRESUMPTIVE EVIDENCE THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, PROVIDED THAT SUCH MEDICAL OFFICER AUTHORIZED RELEASE OF ALL RELEVANT MEDICAL RECORDS, AND THERE IS NO EVIDENCE OF THE QUALIFYING CONDITION OR IMPAIRMENT OF HEALTH THAT FORMED THE BASIS FOR THE DISABILITY OR DEATH IN SUCH MEDICAL RECORDS UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

S 12. Section 207-p of the general municipal law, as added by chapter 641 of the laws of 1999, is amended to read as follows:

S 207-p. Performance of duty disability retirement; police and fire department. A. Notwithstanding any other provision of this chapter or administrative code to the contrary, any paid member of a fire department and/or a paid police department, in a city with a population of one million or more who successfully passed a physical examination upon entry into the service of such department who contracts HIV (where the employee may have been exposed to a bodily fluid of a person under his or her care or treatment, or while the employee examined, transported, rescued or otherwise had contact with such person, in the performance of his or her duties), tuberculosis or hepatitis, will be presumed to have contracted such disease as a natural or proximate result of an accidental injury received in the performance and discharge of his or her duties and not as a result of his or her willful negligence, unless the contrary be provided by competent evidence.

B. IN ADDITION, ANY MEDICAL OFFICER OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK WHO CONTRACTS HIV (WHERE THE MEDICAL OFFICER HAS BEEN EXPOSED TO A BODILY FLUID OF A PERSON UNDER HIS OR HER CARE OR TREATMENT, OR WHILE THE MEDICAL OFFICER EXAMINED, TRANSPORTED, RESCUED OR OTHERWISE HAD CONTACT WITH SUCH PERSON, IN THE PERFORMANCE OF HIS OR HER DUTIES), TUBERCULOSIS OR HEPATITIS, WILL BE PRESUMED TO HAVE CONTRACTED SUCH DISEASE AS A NATURAL OR PROXIMATE RESULT OF AN ACCIDENTAL INJURY RECEIVED IN THE PERFORMANCE OF HIS OR HER DUTIES AND NOT AS A RESULT OF HIS OR HER WILLFUL NEGLIGENCE, PROVIDED THAT SUCH MEDICAL OFFICER AUTHORIZED RELEASE OF ALL RELEVANT MEDICAL RECORDS, AND THERE IS NO EVIDENCE OF THE QUALIFYING CONDITION OR IMPAIRMENT OF HEALTH THAT FORMED THE BASIS FOR THE DISABILITY IN SUCH MEDICAL RECORDS, UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

S 13. Section 207-q of the general municipal law, as amended by chapter 103 of the laws of 2006, is amended to read as follows:

S 207-q. Firefighters; presumption in certain diseases. A. Notwithstanding any provision of this chapter or of any general, special or local law to the contrary, and for the purposes of this chapter, any condition of impairment of health caused by diseases of the lung, resulting in total or partial disability or death to a uniformed member of a paid fire department, where such member successfully passed a physical examination on entry into such service or subsequent thereto, which examination failed to reveal any evidence of such conditions, shall be presumptive evidence that such disability or death (1) was caused by the natural and proximate result of an accident, not caused by such firefighter's own negligence and (2) was incurred in the performance and discharge of duty, unless the contrary be proven by competent evidence. The provisions of this section shall remain in full force and effect to and including the thirtieth day of June, two thousand eight.

B. IN ADDITION, ANY CONDITION OF IMPAIRMENT OF HEALTH CAUSED BY DISEASES OF THE LUNG, RESULTING IN TOTAL OR PARTIAL DISABILITY OR DEATH TO A MEDICAL OFFICER OF THE FIRE DEPARTMENT OF THE CITY OF NEW YORK, SHALL BE PRESUMPTIVE EVIDENCE THAT SUCH DISABILITY OR DEATH (1) WAS CAUSED BY THE NATURAL AND PROXIMATE RESULT OF AN ACCIDENT, NOT CAUSED BY SUCH MEDICAL OFFICER'S OWN NEGLIGENCE AND (2) WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, PROVIDED THAT SUCH MEDICAL OFFICER AUTHORIZED RELEASE OF ALL RELEVANT MEDICAL RECORDS, AND THERE IS NO EVIDENCE OF THE QUALIFYING CONDITION OR IMPAIRMENT OF HEALTH THAT FORMED THE BASIS FOR THE DISABILITY IN SUCH MEDICAL RECORDS, UNLESS THE CONTRARY BE PROVED BY COMPETENT EVIDENCE.

S 14. This act shall take effect immediately; except that sections one through six and sections nine through thirteen of this act shall take

effect on the sixtieth day after it shall have become a law; provided, further, that the amendments to sections 207-k, 207-kk and 207-q of the general municipal law made by sections ten, eleven and thirteen of this act shall not affect the expiration of such sections, as provided in section 480 of the retirement and social security law.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

BACKGROUND - DESIGN OF PROPOSED LEGISLATION

* In general, the OA believes that proposed legislation should:
* Be technically accurate,
* Be clear in its intent,
* Be administrable, and
* Meet desired policy objectives.

While the OA cannot provide any legal analysis, the OA has done a review of the proposed legislation and has some concerns. These concerns that follow represent the best understanding of the Actuary and staff of the OA and should not be considered legal interpretations. All of these concerns and suggestions should be reviewed by Counsel.

For purposes of this letter, all members of the New York City Police Pension Fund ("POLICE") subject to Article 14 of the Retirement and Social Security Law ("RSSL") will be referred to as "Tier III POLICE Members." Of those Tier III POLICE Members who have a date of membership prior to April 1, 2012, they will be referred to as "Original Tier III POLICE Members." Of those Tier III POLICE Members who have a date of membership on or after April 1, 2012, they will be referred to as "Revised Tier III POLICE Members."

CONCERNS WITH PROPOSED LEGISLATION WITH RESPECT TO ORDINARY DISABILITY RETIREMENT ("ODR") AND ACCIDENTAL DISABILITY RETIREMENT ("ADR")

* Benefits Compared to Tier I and Tier II

The proposed legislation, if enacted, would revise the ODR and ADR benefit formulas for Tier III POLICE Members.

It appears that the proposed Tier III ODR benefit formula is intended to be the same as the ODR benefit available to Tier I and Tier II POLICE Members (i.e., 1/40 of Final Average Salary ("FAS") multiplied by the years of service, but not less than (1) one-half of FAS if the years of service are 10 or more or (2) one-third of FAS if the years of service are less than 10) where the FAS for Tier III POLICE Members would be based on a one-year FAS, the same as for Tier II and similar to the rate of pay for Tier I.

Similarly, it also appears that the proposed ADR benefit formula for Tier III POLICE Members is intended to be the same as the ADR benefit available to Tier I and Tier II POLICE Members (i.e., 75% of Final Average Salary ("FAS")), where the FAS for Tier III POLICE Members would be based on a one-year FAS, the same as for Tier II and similar to the rate of pay for Tier I.

Note: Tier I and Tier II POLICE Members are also entitled to an additional 1/60 of total earnings after their 20th anniversary. Given the proposed statutory references, it is the understanding of the Actuary that the Tier III POLICE Members impacted by the proposed legislation would not receive this additional 1/60 of total earnings after 20 years of service.

POLICE Tier I and Tier II ODR and ADR benefits are subject to Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000 on the first $18,000 of benefit after five years of Disability Retirement.

Given the proposed statutory references, it is the understanding of the Actuary that the proposed ODR and ADR benefits for Tier III POLICE Members would be entitled to the COLA described in the preceding para-

graph, but would NOT be subject to an annual Tier III Escalation increase on the full benefit immediately from the date of Disability Retirement.

* Reference to ITHP

The proposed legislation, in defining the revised ODR and ADR benefits, uses the term Increased-Take-Home-Pay ("ITHP").

ITHP is a special benefit provided to Tier I and Tier II members and is not defined for Tier III members.

Given the history that no Tier III Members have ever received ITHP benefits, the Actuary has assumed that if the proposed legislation were enacted, Tier III POLICE Members would not be entitled to ITHP.

* Annuitization of Member Contributions

The proposed legislation would include in the ODR and ADR benefit formulas for Tier III POLICE Members, a benefit in the form of an annuity equal to the actuarial equivalent of the accumulated Tier III member contributions at retirement.

Annuitized benefits based directly on member contributions are available to Tier I and Tier II POLICE Members. However, it is the understanding of the Actuary that no current Tier III Member has any benefit which is defined as an annuitization of accumulated member contributions.

* General Plan Design: From an administrative and design viewpoint, the Actuary would suggest that consideration be given to incorporating enhanced ODR and ADR benefit eligibilities and benefit formulas within RSSL Article 14, using only Article 14 terminology and structure to achieve the desired ODR and ADR benefit eligibilities and benefit levels.

* Presumptive Conditions for ADR

It is the understanding of the Actuary that the proposed legislation, if enacted, would provide Tier III POLICE Members the ability to be eligible for and to utilize the presumptive conditions that qualify for ADR that are available to Tier I and Tier II POLICE Members.

The reasoning behind this understanding is that in the proposed legislation, eligibility conditions for Tier III POLICE members for ODR would be determined pursuant to the Administrative Code of the City of New York ("ACNY") Sections 13-216, 13-251 and 13-254 (i.e., those that apply to Tier I and Tier II POLICE Members), notwithstanding anything to the contrary.

Similarly, in the proposed legislation, eligibility conditions for Tier III POLICE Members for ADR would be determined pursuant to ACNY Sections 13-216, 13-252 and 13-254 (i.e., those that apply to Tier I and Tier II POLICE Members), notwithstanding anything to the contrary.

It is the understanding of the Actuary that in the proposed legislation, eligibility for ODR and ADR would not be pursuant to RSSL Section 507.e. RSSL Section 507.e provides that a member shall not be eligible for ODR or ADR unless the member waives the benefits of any statutory presumptions. Accordingly, it is the understanding of the Actuary that since under the proposed legislation RSSL Section 507.e would no longer apply to Tier III POLICE Members, Tier III POLICE Members would not be required to waive RSSL Section 507.e in order to be eligible for ODR or ADR benefits. Consequently, the statutory presumptions would apply since that have not been waived.

In accordance with the above reasoning, since current Tier III POLICE Members are required to waive the presumptions pursuant to RSSL Section 507.e, it is the understanding of the Actuary that Tier III POLICE Members are currently not entitled to presumptive conditions for ADR.

* Consistency Amongst Uniformed Groups

This proposed legislation would cover members of POLICE but not members of the New York Fire Department Pension Fund ("FIRE") or any other uniformed groups. Given the historical consistency in benefits amongst certain uniformed groups, this proposed legislation would likely lead to demands for similar legislation for at least some other uniformed groups.

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Retirement and Social Security Law ("RSSL") Sections 506, 507, 510, 511 and 512 and amend Administrative Code of the City of New York ("ACNY") Section 13-254 to change, for members of the New York City Police Pension Fund ("POLICE") subject to Article 14 of the RSSL, the eligibility for and the calculation of Ordinary Disability Retirement ("ODR") benefits and Accidental Disability Retirement ("ADR") benefits.

For purposes of this Fiscal Note, all POLICE members subject to Article 14 of the RSSL will be referred to as "Tier III POLICE Members." Of those Tier III POLICE Members who have a date of membership prior to April 1, 2012, they will be referred to as "Original Tier III POLICE Members." Of those Tier III POLICE Members who have a date of membership on or after April 1, 2012, they will be referred to as "Revised Tier III POLICE Members."

The Effective Date of the proposed legislation would be the 60th day after the date of enactment.

IMPACT ON ODR BENEFITS PAYABLE: The current eligibility provisions for ODR benefits for Tier III POLICE Members are based on:

* Completing five or more years of service, and

* Becoming eligible for Primary Social Security Disability retirement benefits.

Such ODR benefits are equal to the greater of:

* 33 1/3% of Three-Year Final Average Salary ("FAS3") for Original Tier III POLICE Members or Five-Year Final Average Salary ("FAS5") for Revised Tier III POLICE Members, or

* 2% of FAS3 (FAS5 For Revised Tier III POLICE Members) multiplied by years of credited service (not in excess of 22 years),

* Reduced by 50% of the Primary Social Security Disability benefits (determined under RSSL Section 511), and

* Reduced by 100% of Workers' Compensation benefits (if any).

It is the understanding of the Actuary that POLICE Members are not covered by Workers' Compensation.

Under the proposed legislation the eligibility requirements for ODR benefits for the Tier III POLICE Members would be revised to be the same as those provided in ACNY Sections 13-216, 13-251 and 13-254 (i.e., the provisions applicable to Tier I and Tier II POLICE members).

In particular, completing five or more years of service would not be required in order to be eligible for ODR benefits. In other words, there would not any requirement for any minimum length of service to be completed in order to be eligible for ODR benefits.

Under the proposed legislation, if enacted, the ODR benefit for Tier III POLICE Members would be an allowance consisting of:

* An actuarial equivalent annuity of accumulated member contributions, plus

* A pension, which together with the annuity, equal to 1/40 of One-Year Final Average Salary ("FAS1") multiplied by years of credited service, but not less than:

* 1/2 of FAS1, if years of credited service are greater than or equal to 10 years, or

* 1/3 of FAS1, if years of credited service are less than 10 year.

Note: The proposed legislation also states that one component of the ODR benefit would be the actuarial equivalent annuity of an Increased-Take-Home-Pay ("ITHP") reserve. This theoretical benefit is not included in this Fiscal Note analysis since it is the understanding of the Actuary that ITHP is not available to Tier III members generally and is not specifically defined in the proposed legislation.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ODR benefits for Tier III POLICE Members. However, such ODR benefits would still be eligible for Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000.

IMPACT ON ADR BENEFITS PAYABLE: The current eligibility provisions for ADR benefits for Tier III POLICE Members are based on satisfying either:

* Being eligible for Social Security Disability retirement benefits and having become disabled due to an accident sustained in the line of duty, or

* Being physically or mentally incapacitated as a result of an accident sustained in the line of duty as determined by the appropriate administrative authority assigned by POLICE.

As a consequence of RSSL Section 507.e, a Tier III POLICE Member would not be eligible for ADR unless the member waived the benefits of any statutory presumptions (e.g., certain heart diseases).

Such ADR benefits are calculated using a formula of 50% multiplied by FAS3 for Original Tier III POLICE Members or FAS5 for Revised Tier III POLICE Members less 50% of Primary Social Security disability benefit (determined under RSSL Section 511) and less 100% of Worker's Compensation benefits (if any).

Note: It is the understanding of the Actuary that POLICE Members are not covered by Worker's Compensation.

Under the proposed legislation the eligibility requirements for ADR benefits for Tier III POLICE Members would be revised to be the same as those provided in ACNY Sections 13-216, 13-252 and 13-254 (i.e., the provisions applicable to Tier I and Tier II POLICE Members).

In addition, it is the understanding of the Actuary that the proposed legislation, if enacted, would provide Tier III POLICE Members the ability to be eligible for and to utilize the statutory presumptions (e.g., certain heart diseases) that qualify certain Tier I and Tier II POLICE Members for ADR.

Under the proposed legislation, if enacted, the ADR benefit for Tier III POLICE Members would be revised to equal a retirement allowance equal to the sum of:

* An actuarial equivalent annuity of accumulated member contributions, plus

* 75% multiplied by FAS1.

Note: The proposed legislation also states that one component of the ADR benefit would be the actuarial equivalent annuity of the Increased-Take-Home-Pay ("ITHP") reserve. This theoretical benefit is not included in this Fiscal Note analysis since it is the understanding of the Actuary that ITHP is not available to Tier III members generally and is not specifically defined in the proposed legislation.

Also note, it is the understanding of the Actuary that the Tier III POLICE Members impacted by the proposed legislation would not receive any additional 1/60 of annual earnings after 20 years of service.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ADR benefits for Tier III POLICE

Members. However, such ADR benefits would still be eligible for Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000.

FINANCIAL IMPACT - CHANGES IN BENEFITS - ACTUARIAL PRESENT VALUES. Based on the census data and the actuarial assumptions and methods noted herein, if the Effective Date is on or before June 30, 2015, then this would change the Actuarial Present Value ("APV") of benefits ("APVB"), APV of member contributions, the Unfunded Actuarial Accrued Liability ("UAAL") and APV of future employer contributions as of June 30, 2013 for Tier III POLICE Members.

FINANCIAL IMPACT - CHANGES IN PROJECTED APV OF FUTURE EMPLOYER CONTRIBUTIONS AND PROJECTED EMPLOYER CONTRIBUTIONS: For purposes of this Fiscal Note, it is assumed that the changes in APVB, APV of member contributions, UAAL and APV of future employer contributions would be reflected for the first time in the June 30, 2013 actuarial valuation of POLICE.

Under the One-Year Lag Methodology ("OYLM"), the first year that changes in benefits for Tier III POLICE Members could impact employer contributions to POLICE would be Fiscal Year 2015.

In accordance with ACNY Section 13.638.2(k-2), new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2013, the remaining working lifetime of the Tier III POLICE Members is approximately 18 years. Recognizing that this period will decrease over time as the group of Tier III Members matures, the Actuary would likely choose to amortize the new UAAL attributable to this proposed legislation over a 15-year period (14 payments under the OYLM Methodology).

The following Table one presents an estimate of the increases due to the changes in ODR and ADR provisions for Tier III POLICE Members in the APV of future employer contributions and in employer contributions to POLICE for Fiscal Years 2015 through 2019 that would occur based on the applicable actuarial assumptions and methods noted herein:

Table 1

Estimated Financial Impact on POLICE
If Certain Revisions are Made to
Provisions for ODR and ADR Benefits
for Tier III POLICE Members*

($ Millions)

Fiscal Year	Increase in APV of Future Employer Contributions	Increase in Employer Contributions
2015	$272.3	$35.7
2016	378.7	47.2
2017	469.6	56.9
2018	552.8	65.5
2019	622.9	72.2

* Based on actuarial assumptions and methods set forth in the Actuarial Assumptions and Method Section. Also, based on the projection assumptions as described herein.

ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

The estimated increases in employer contributions shown in Table 1 are based upon the following projection assumptions:

* Level workforce (i.e., new employees are hired to replace those who leave active status).

* Projected salary increases consistent with those used in projections presented to the New York City Office of Management and Budget ("NYCOMB") for use in the January 2015 Financial Plan ("Updated Preliminary Projections").

* New entrant salaries consistent with those used in the Updated Preliminary Projections.

These "open group" projections include future new entrants introduced into the census data models to project the future workforces.

As of each future actuarial valuation date, the current "closed group" actuarial assumptions and valuation methodology are used.

Under this methodology only Plan participants as of each actuarial valuation date are utilized to determine APVs, employer costs and employer contributions.

FINANCIAL IMPACT - EMPLOYER ENTRY AGE NORMAL COSTS: Employer Entry Age Normal Costs can provide a useful basis to compare the value of alternative benefit programs.

For each member who enters POLICE, there is a theoretical net annual employer cost to be paid for such member while such member remains actively employed (i.e., the Employer Entry Age Normal Cost (referred to hereafter as "EEANC")).

In addition, such EEANC may be expressed as a percentage of salary earned over a working lifetime and referred to as the Employer Entry Age Normal Rate (referred to hereafter as "EEANR").

Under the proposed legislation and based on the actuarial assumptions noted herein, the EEANC and EEANR of Tier III POLICE Members would be greater than the EEANC and EEANR for comparable Tier III POLICE Members entering at the same attained age and gender under the current POLICE provisions.

Table 2A shows a summary of the change in EEANC for Original Tier III POLICE Members for entry ages 25, 30 and 35 determined as of the most recent date of published EEANR calculations:

Table 2A

Comparison of Employer Entry Age Normal Rates
Determined as of June 30, 2012*

To Implement Certain ODR and ADR Provisions for
Original Tier III POLICE Members

Under Proposed Legislation
and Under Current Law

EEANR Under Proposed Legislation**

Retirement System	Entry Age 25		Entry Age 30		Entry Age 35	
	Male	Female	Male	Female	Male	Female
POLICE	23.91%	24.74%	25.15%	26.14%	27.27%	28.46%

EEANR Under Current Law

POLICE	20.92%	21.75%	20.73%	21.71%	20.50%	21.63%
			Increase in EEANR Due to Proposed Legislation			
POLICE	2.99%	2.99%	4.42%	4.43%	6.77%	6.83%

* Based on salaries paid over entire working lifetime. EEANR do not vary significantly over time, absent benefit and/or actuarial assumption changes.

** EEANR determined under the terms of the revised ODR and ADR benefit provisions based on the Actuarial Assumptions and Methods as noted herein including changes in assumptions for ADR. ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

Table 2B shows a summary of the change in EEANC for Revised Tier III POLICE Members for entry ages 25, 30 and 35 determined as of the most recent date of published EEANR calculations:

Table 2B

Comparison of Employer Entry Age Normal Rates
Determined as of June 30, 2012*

To Implement Certain ODR and ADR Provisions for
Revised Tier III POLICE Members

Under Proposed Legislation
and Under Current Law

EEANR Under Proposed Legislation**

Retirement System	Entry Age 25		Entry Age 30		Entry Age 35	
	Male	Female	Male	Female	Male	Female
POLICE	23.36%	24.17%	24.68%	25.64%	26.90%	28.07%
			EEANR Under Current Law			
POLICE	19.91%	20.71%	19.66%	20.59%	19.38%	20.46%
			Increase in EEANR Due to Proposed Legislation			
POLICE	3.45%	3.46%	5.02%	5.05%	7.52%	7.61%

* Based on salaries paid over entire working lifetime. EEANR do not vary significantly over time, absent benefit and/or actuarial assumption changes.

** EEANR determined under the terms of the revised ODR and ADR benefit provisions based on the Actuarial Assumptions and Methods as noted herein including changes in assumptions for ADR, ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

OTHER COSTS: Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of POLICE and other New York City agencies to implement the proposed legislation.

* The potential impact if this proposed legislation were to be extended to other public safety employees (e.g., firefighters).

* The impact of this proposed legislation on Other Postemployment Benefit ("OPEB") costs.

CENSUS DATA: The starting census data used for the calculations presented herein are the census data used in the Updated Preliminary June 30, 2013 (Lag) actuarial valuation of POLICE used under the OYLM to determine the Updated Preliminary Fiscal Year 2015 employer contributions.

The census data used for the estimates of additional employer contributions presented herein are based on average salaries of new entrants utilized in the Updated Preliminary June 30, 2013 (Lag) actuarial valuations used to determine Updated Preliminary Fiscal Year 2015 employer contributions of POLICE.

The 3,601 Original Tier III POLICE Members as of June 30, 2013 had an average age of approximately 28, average service of approximately 2.2 years and an average salary of approximately $63,000.

The 1,916 Revised Tier III POLICE Members as of June 30, 2013 had an average age of approximately 27, average service of approximately 0.6 years and an average salary of approximately $55,000.

Overall, the 5,517 Tier III POLICE Members as of June 30, 2013 had an average age of approximately 28, average service of approximately 1.7 years, and an average salary of approximately $60,000.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2013 (Lag) actuarial valuations used to determine Updated Preliminary Fiscal Year 2015 employer contributions of POLICE and adjusted for revised ADR eligibility provisions.

The probabilities of accidental disability used for Tier III POLICE Members in the event statutory presumptions were to apply equal those currently used for Tier I and Tier II POLICE Members.

The actuarial valuation methodology does not include a calculation of the value of an offset for Workers' Compensation benefits as it is the understanding of the Actuary that POLICE Members are not covered by such benefits.

To the extent that the enactment of this proposed legislation would cause a greater (lesser) number of Tier III POLICE Members to be reclassified from Ordinary Disability to Accidental Disability Retirement, or to the extent that Tier III POLICE Members who would not otherwise ever choose to apply and then receive an Ordinary Disability Retirement benefit or an Accidental Disability Retirement benefit, then the additional APVB and employer contributions shown herein would be greater (lesser).

Employer contributions under current methodology have been estimated assuming the additional APVB would be financed through future normal contributions including an amortization of the new UAAL attributable to this proposed legislation over a 15-year period (14 payments under the OYLM Methodology).

New entrants into Tier III POLICE Members were projected to replace the POLICE members expected to leave the active population to maintain a steady-state population.

The following Table 3 presents the total number of active employees of POLICE used in the projections, assuming a level work force, and the cumulative number (i.e., net of withdrawals) of Revised Tier III Members as of each June 30 from 2013 through 2017.

Table 3
Surviving Actives from Census on June 30, 2013
and
Cumulative New Revised Tier III POLICE Members from 2013
Used in the Projections*

June 30	Tier I&II	Original Tier III	Revised Tier III	Total
2013	29,258	3,601	1,916	34,775
2014	26,784	3,500	4,491	34,775
2015	24,565	3,406	6,804	34,775
2016	22,571	3,314	8,890	34,775
2017	20,937	3,225	10,613	34,775

* Total active members included in the projections assume a level work force based on the June 30, 2013 (Lag) actuarial valuation census data. Assumes presumptions apply to Tier III POLICE members.

For purposes of estimating the impact of the Tier III Escalation for retired Tier III POLICE Members, consistent with an underlying Consumer Price Inflation ("CPI") assumption of 2.5% per year, Tier III Escalation of 2.5% per year has been assumed.

This compares with the current Chapter 125 of the Laws of 2000 COLA assumption of 1.5% per year (i.e., 50% of CPI adjusted to recognize 1.0% minimum and 3.0% maximum) on the first $18,000 of benefit.

For Variable Supplements Fund ("VSF") benefits, it has been assumed that retroactive lump sum payments of VSF ("DROP payments") would be payable from the completion of 20 years of service.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and determining annual employer contributions to POLICE.

However, the economic assumptions (current and proposed) that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed by the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Acting Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2015 Legislative Session. It is Fiscal Note 2015-02, dated January 30, 2015 prepared by the Acting Chief Actuary of the New York City Retirement Systems.

FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

In response to your request received by the Office of the Actuary ("OA") on January 15, 2015, enclosed is a Fiscal Note presenting the estimated financial impact if proposed legislation similar to A9975/S7736 which was introduced during the 2014 Legislative Session is enacted into law during the 2015 Legislative Session.

BACKGROUND - DESIGN OF PROPOSED LEGISLATION

In general, the OA believes that proposed legislation should:

* Be technically accurate,
* Be clear in its intent,
* Be administrable, and

* Meet desired policy objectives.

While the OA cannot provide any legal analysis, the OA has done a review of the proposed legislation and has some concerns. These concerns that follow represent the best understanding of the Actuary and staff of the OA and should not be considered legal interpretations. All of these concerns and suggestions should be reviewed by Counsel.

Unless otherwise noted, for purposes of this letter the term Tier III FIRE Members refers to members of the New York Fire Department Pension Fund ("FIRE") who have a date of membership on or after April 1, 2012 and the one Tier III member of FIRE who has a date of membership on or after July 1, 2009 and prior to April 1, 2012.

CONCERNS WITH PROPOSED LEGISLATION WITH RESPECT TO ORDINARY DISABILITY RETIREMENT ("ODR") AND ACCIDENTAL DISABILITY RETIREMENT ("ADR")

* Benefits Compared to Tier II: The proposed legislation, if enacted, would revise the ODR and ADR benefit formulas for Tier III FIRE Members.

It appears that the proposed Tier III ODR benefit formula is intended to be the same as the ODR benefit available to Tier II FIRE Members (i.e., 1/40 of Final Average Salary ("FAS") multiplied by the years of service, but not less than (1) one-half of FAS if the years of service are 10 or more or (2) one-third of FAS if the years of service are less than 10) where the FAS for Tier III FIRE Members would be based on a one-year FAS, the same as for Tier II.

Similarly, it also appears that the proposed ADR benefit formula for Tier III FIRE Members is intended to be the same as the ADR benefit available to Tier II FIRE Members (i.e., 75% of Final Average Salary ("FAS")), where the FAS for Tier III FIRE Members would be based on a one-year FAS, the same as for Tier II.

Note: Tier II FIRE Members are also entitled to an additional 1/60 of total earnings after their 20th anniversary. Given the proposed statutory references it is the understanding of the Actuary that the Tier III FIRE Members impacted by the proposed legislation would not receive this additional 1/60 of total earnings after 20 years of service.

FIRE Tier II ODR and ADR benefits are subject to Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000 on the first $18,000 of benefit after five years of Disability Retirement.

Given the proposed statutory references, it is the understanding of the Actuary that the proposed ODR and ADR benefits for Tier III FIRE Members would be entitled to the COLA described in the preceding paragraph, but would NOT be subject to an annual Tier III Escalation increase on the full benefit immediately from the date of Disability Retirement.

* Reference to ITHP: The proposed legislation, in defining the revised ODR and ADR benefits, uses the term Increased-Take-Home-Pay ("ITHP").

ITHP is a special benefit provided to Tier I and Tier II members and is not defined for Tier III members.

Given the history that no Tier III Members have ever received ITHP benefits, the Actuary has assumed that if the proposed legislation were enacted, Tier III FIRE Members would not be entitled to ITHP.

* Annuitization of Member Contributions: The proposed legislation would include in the ODR and ADR benefit formulas for Tier III FIRE Members, a benefit in the form of an annuity equal to the actuarial equivalent of the accumulated Tier III member contributions at retirement.

Annuitized benefits based directly on member contributions are available to Tier II FIRE Members. However, it is the understanding of the

Actuary that no current Tier III Member has any benefit which is defined as an annuitization of accumulated member contributions.

* General Plan Design: From an administrative and design viewpoint, the Actuary would suggest that consideration be given to incorporating enhanced ODR and ADR benefit eligibilities and benefit formulas within Retirement and Social Security Law ("RSSL") Article 14, using only Article 14 terminology and structure to achieve the desired ODR and ADR benefit eligibilities and benefit levels.

* Name: The official name of the Pension Fund is the New York Fire Department Pension Fund.

* Presumptive Conditions for ADR

It is the understanding of the Actuary that the proposed legislation, if enacted, would provide Tier III FIRE Members the ability to be eligible for and to utilize the presumptive conditions that qualify for ADR that are available to Tier I and Tier II FIRE Members.

The reasoning behind this understanding is that in the proposed legislation eligibility conditions for Tier III FIRE members for ODR would be determined pursuant to the Administrative Code of the City of New York ("ACNY") Sections 13-316, 13-352 and 13-357 (i.e., those that apply to Tier I and Tier II FIRE Members), notwithstanding anything to the contrary.

Similarly, in the proposed legislation, eligibility conditions for Tier III FIRE Members for ADR would be determined pursuant to the ACNY Sections 13-316, 13-353 and 13-357 (i.e., those that apply to Tier I and Tier II FIRE Members), notwithstanding anything to the contrary.

It is the understanding of the Actuary that in the proposed legislation, eligibility for ODR and ADR would not be pursuant to RSSL Section 507.e. RSSL Section 507.e provides that a member shall not be eligible for ODR or ADR unless the member waives the benefits of any statutory presumptions. Accordingly, it is the understanding of the Actuary that since under the proposed legislation RSSL Section 507.e would no longer apply to Tier III FIRE Members, Tier III FIRE Members would not be required to waive RSSL Section 507.e in order to be eligible for ODR or ADR benefits. Consequently, the statutory presumptions would apply since they have not been waived.

In accordance with the above reasoning, since current Tier III FIRE Members are required to waive the presumptions pursuant to RSSL Section 507.e, it is the understanding of the Actuary that Tier III FIRE Members are currently not entitled to presumptive conditions for ADR.

* Consistency Amongst Uniformed Groups

This proposed legislation would cover members of FIRE but not members of the New York City Police Pension Fund ("POLICE") or any other uniformed groups. Given the historical consistency in benefits amongst certain uniformed groups, this proposed legislation would likely lead to demands for similar legislation for at least some other uniformed groups.

PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Retirement and Social Security Law ("RSSL") Sections 506, 507, 510, 511 and 512 and amend Administrative Code of the City of New York ("ACNY") Section 13-357 to change, for members of the New York Fire Department Pension Fund ("FIRE") subject to Article 14 of the RSSL, the eligibility for and the calculation of Ordinary Disability Retirement ("ODR") benefits and Accidental Disability Retirement ("ADR") benefits.

Unless otherwise noted, for purposes of this Fiscal Note the term Tier III FIRE members refers to members of the New York Fire Department Pension Fund ("FIRE") who have a date of membership on or after July 1,

2009. Note: Although referred to herein as Tier III members, it should be noted that members who join FIRE on or after April 1, 2012 are often referred to as Tier VI members or Revised Tier III members. Also Note: There is only one Tier III member of FIRE who has a date of membership on or after July 1, 2009 and prior to April 1, 2012.

The Effective Date of the proposed legislation would be the 60th day after the date of enactment.

IMPACT ON ODR BENEFITS PAYABLE: The current eligibility provisions for ODR benefits for Tier III FIRE Members are based on:

* Completing five or more years of service, and
* Becoming eligible for Primary Social Security Disability retirement benefits.

Such ODR benefits are equal to the greater of:

* 33 1/3% of Five-Year Final Average Salary ("FAS"), or
* 2% of FAS multiplied by years of credited service (not in excess of 22 years),
* Reduced by 50% of the Primary Social Security Disability benefits (determined under RSSL Section 511), and
* Reduced by 100% of Workers' Compensation benefits (if any).

It is the understanding of the Actuary that FIRE Members are not covered by Workers' Compensation.

Under the proposed legislation the eligibility requirements for ODR benefits for Tier III FIRE Members would be revised to be the same as those provided in ACNY Sections 13-316, 13-352 and 13-357 (i.e., the provisions applicable to Tier I and Tier II FIRE members).

In particular, completing five or more years of service would not be required in order to be eligible for ODR benefits. In other words, there would not be any requirement for any minimum length of service to be completed in order to be eligible for ODR benefits.

Under the proposed legislation, if enacted, the ODR benefit for Tier III FIRE Members would be an allowance consisting of:

* An actuarial equivalent annuity of accumulated member contributions, plus
* A pension, which together with the annuity, equal to 1/40 of One-Year Final Average Salary ("FAS1") multiplied by years of credited service, but not less than:

** 1/2 of FAS1, if years of credited service are greater than or equal to 10 years, or
** 1/3 of FAS1, if years of credited service are less than 10 years.

Note: The proposed legislation also states that one component of the ODR benefit would be the actuarial equivalent annuity of an Increased-Take-Home-Pay ("ITHP") reserve. This theoretical benefit is not included in this Fiscal Note analysis since it is the understanding of the Actuary that ITHP is not available to Tier III members generally and is not specifically defined in the proposed legislation.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ODR benefits for Tier III FIRE Members. However, such ODR benefits would still be eligible for Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000.

IMPACT ON ADR BENEFITS PAYABLE: The current eligibility provisions for ADR benefits for Tier III FIRE Members are based on satisfying either:

* Being eligible for Social Security Disability retirement benefits and having become disabled due to an accident sustained in the line of duty, or

* Being physically or mentally incapacitated as a result of an accident sustained in the line of duty as determined by the appropriate administrative authority assigned by FIRE.

As a consequence of RSSL Section 507.e, a Tier III FIRE Member would not be eligible for ADR unless the member waived the benefits of any statutory presumptions (e.g., certain heart diseases).

Such ADR benefits are calculated using a formula of 50% multiplied by FAS less 50% of Primary Social Security disability benefit (determined under RSSL Section 511) and less 100% of Workers' Compensation benefits (if any).

Note: It is the understanding of the Actuary that FIRE Members are not covered by Workers' Compensation.

Under the proposed legislation the eligibility requirements for ADR benefits for Tier III FIRE Members would be revised to be the same as those provided in ACNY Sections 13-316, 13-353 and 13-357 (i.e., the provisions applicable to Tier I and Tier II FIRE Members).

In addition, it is the understanding of the Actuary that the proposed legislation, if enacted, would provide that Tier III FIRE Members could be eligible for and utilize the statutory presumptions (e.g., certain heart diseases) that qualify certain Tier I and Tier II Fire Members for ADR.

Under the proposed legislation, if enacted, the ADR benefit for Tier III FIRE Members would be revised to equal a retirement allowance equal to the sum of:

* An actuarial equivalent annuity of accumulated member contributions, plus

* 75% multiplied by FAS1.

Note: The proposed legislation also states that one component of the ADR benefit would be the actuarial equivalent annuity of an Increased-Take-Home-Pay ("ITHP") reserve. This theoretical benefit is not included in this Fiscal Note analysis since it is the understanding of the Actuary that ITHP is not available to Tier III members generally and is not specifically defined in the proposed legislation.

Also note, it is the understanding of the Actuary that the Tier III FIRE Members impacted by the proposed legislation would not receive any additional 1/60 of annual earnings after 20 years of service.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ADR benefits for Tier III FIRE Members. However, such ADR benefits would still be eligible for Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000.

FINANCIAL IMPACT - CHANGES IN BENEFITS - ACTUARIAL PRESENT VALUES. Based on the census data and the actuarial assumptions and methods noted herein, if the Effective Date is on or before June 30, 2015, then this would change the Actuarial Present Value ("APV") of benefits ("APVB"), APV of member contributions, the Unfunded Actuarial Accrued Liability ("UAAL") and APV of future employer contributions as of June 30, 2013 for Tier III FIRE Members.

FINANCIAL IMPACT - CHANGES IN PROJECTED APV OF FUTURE EMPLOYER CONTRIBUTIONS AND PROJECTED EMPLOYER CONTRIBUTIONS: For purposes of this Fiscal Note, it is assumed that the changes in APVB, APV of member contributions, UAAL and APV of future employer contributions would be reflected for the first time in the June 30, 2013 actuarial valuation of FIRE.

Under the One-Year Lag Methodology ("OYLM"), the first year that changes in benefits for Tier III FIRE Members could impact employer contributions to FIRE would be Fiscal Year 2015.

In accordance with ACNY Section 13.638.2(k-2), new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2013, the remaining working lifetime of the Tier III FIRE Members is approximately 24 years. Recognizing that this period will decrease over time as the group of Tier III Members matures, the Actuary would likely choose to amortize the new UAAL attributable to this proposed legislation over a 15-year to 20-year period (between 14 and 19 payments under the OYLM Methodology). However, since virtually all of the Tier III FIRE members that would be impacted by the benefit changes are new entrants, the resulting UAAL would be de minimis and therefore the amortization period used for the UAAL has very little impact on the final results.

The following Table 1 presents an estimate of the increases due to the changes in ODR and ADR provisions for Tier III FIRE Members in the APV of future employer contributions and in employer contributions to FIRE for Fiscal Years 2015 through 2019 that would occur based on the applicable actuarial assumptions and methods noted herein:

Table 1
Estimated Financial Impact on FIRE
If Certain Revisions are Made to
Provisions for ODR and ADR Benefits
for Tier III FIRE Members*

($ Millions)

Fiscal Year	Increase in APV of Future Employer Contributions	Increase in Employer Contributions
2015	$15.7	$1.9
2016	67.7	8.0
2017	119.6	13.4
2018	172.7	18.3
2019	227.0	23.0

* Based on actuarial assumptions and methods set forth in the Actuarial Assumptions and Method section. Also, based on the projection assumptions as described herein.

ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

The estimated increases in employer contributions shown in Table 1 are based upon the following projection assumptions:

* Level workforce (i.e., new employees are hired to replace those who leave active status).

* Projected salary increases consistent with those used in projections presented to the New York City Office of Management and Budget ("NYCOMB") for use in the January 2015 Financial Plan ("Preliminary Projections").

* New entrant salaries consistent with those used in the Updated Preliminary Projections.

These "open group" projections include future new entrants introduced into the census data models to project the future workforces.

As of each future actuarial valuation date, the current "closed group" actuarial assumptions and valuation methodology are used.

Under this methodology only Plan participants as of each actuarial valuation date are utilized to determine APVs, employer costs and employer contributions.

FINANCIAL IMPACT - EMPLOYER ENTRY AGE NORMAL COSTS: Employer Entry Age Normal Costs can provide a useful basis to compare the value of alternative benefit programs.

For each member who enters FIRE, there is a theoretical net annual employer cost to be paid for such member while such member remains actively employed (i.e., the Employer Entry Age Normal Cost ("EEANC")).

In addition, such EEANC may be expressed as a percentage of salary earned over a working lifetime and referred to as the Employer Entry Age Normal Rate ("EEANR").

Under the proposed legislation and based on the actuarial assumptions noted herein, the EEANC and EEANR of Tier III Fire Members would be greater than the EEANC and EEANR for comparable Tier III FIRE Members entering at the same attained age and gender under the current FIRE provisions.

Table 2 shows a summary of the change in EEANR for Tier III FIRE Members who have a date of membership on or after April 1, 2012 for entry ages 25, 30 and 35 with a starting salary of $45,000, determined as of the most recent date of published EEANR calculations:

Table 2
Comparison of Employer Entry Age Normal Rates
Determined as of June 30, 2012*

To Implement Certain ODR and ADR Provisions for
Tier III FIRE Members with a Membership Date on or After April 1, 2012

Under Proposed Legislation
and
Under Current Law

EEANR Under Proposed Legislation**

	Entry Age 25		Entry Age 30		Entry Age 35	
Retirement System	Male	Female	Male	Female	Male	Female
FIRE	21.92%	22.50%	27.31%	28.01%	34.55%	35.31%
EEANR Under Current Law						
FIRE	15.94%	16.51%	18.99%	19.68%	21.78%	22.51%
Increase In EEANR Due to Proposed Legislation						
FIRE	5.98%	5.99%	8.32%	8.33%	12.77%	12.80%

* Based on salaries paid over entire working lifetime. EEANR do not vary significantly over time, absent benefit and/or actuarial assumption changes.

** EEANR determined under the terms of the revised ODR and ADR benefit provisions based on the Actuarial Assumptions and Methods as noted herein including changes in assumptions for ADR, ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

OTHER COSTS: Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of FIRE and other New York City agencies to implement the proposed legislation.

* The potential impact if this proposed legislation were to be extended to other public safety employees.

* The impact of this proposed legislation on Other Postemployment Benefit ("OPEB") costs.

CENSUS DATA: The starting census data use for the calculations presented herein are the census data used in the Updated Preliminary June 30, 2013 (Lag) actuarial valuation of FIRE used to determine the Updated Preliminary Fiscal Year 2015 employer contributions.

The census data used for the estimates of additional employer contributions presented herein are based on average salaries of new entrants utilized in the Updated Preliminary June 30, 2013 (Lag) actuarial valuations used to determine Updated Preliminary Fiscal Year 2015 employer contributions of FIRE.

The 169 Tier III FIRE Members as of June 30, 2013 (including the one Tier III member who has a date of membership prior to April 1, 2012) had an average age of approximately 27, average service of approximately 0.5 years and an average salary of approximately $48,200.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2013 (Lag) actuarial valuations used to determine Updated Preliminary Fiscal Year 2015 employer contributions of FIRE and adjusted for revised ADR eligibility provisions.

The probabilities of accidental disability used for Tier III FIRE Members in the event statutory presumptions were to apply equal those currently used for Tier I and Tier II FIRE Members.

The actuarial valuation methodology does not include a calculation of the value of an offset for Workers' Compensation benefits as it is the understanding of the Actuary that FIRE members are not covered by such benefits.

To the extent that the enactment of this proposed legislation would cause a greater (lesser) number of Tier III FIRE Members to be reclassified from Ordinary Disability to Accidental Disability Retirement, or to the extent that Tier III FIRE Members who would not otherwise ever choose to apply and then receive an Ordinary Disability Retirement benefit or an Accidental Disability Retirement benefit, then the additional APVB and employer contributions shown herein would be greater (lesser).

Employer contributions under current methodology have been estimated assuming the additional APVB would be financed through future normal contributions including an amortization of the new UAAL attributable to this proposed legislation over a 15-year period (14 payments under the OYLM Methodology).

New entrants into Tier III FIRE Members were projected to replace the FIRE members expected to leave the active population to maintain a steady-state population.

The following Table 3 presents the total number of active employees of FIRE used in the projections, assuming a level work force, and the cumulative number (i.e., net of withdrawals) of Tier III Members as of each June 30 from 2013 through 2017.

Table 3
Surviving Actives from Census on June 30, 2013
and

Cumulative New Tier III FIRE Members from 2013
Used in the Projections*

June 30	Tier I & II	Tier III	Total
2013	10,013	169	10,182
2014	9,486	696	10,182
2015	8,988	1,194	10,182
2016	8,509	1,673	10,182
2017	8,055	2,127	10,182

* Total active members included in the projections assume a level work force based on the June 30, 2013 (Lag) actuarial valuation census data. Assumes presumptions apply to Tier III FIRE members.

For purposes of estimating the impact of the Tier III Escalation for retired Tier III FIRE Members, consistent with an underlying Consumer Price Inflation ("CPI") assumption of 2.5% per year, Tier III Escalation of 2.5% per year has been assumed.

This compares with the current Chapter 125 of the Laws of 2000 COLA assumption of 1.5% per year (i.e., 50% of CPI adjusted to recognize 1.0% minimum and 3.0% maximum) on the first $18,000 of benefit.

For Variable Supplements Fund ("VSF") benefits, it has been assumed that retroactive lump sum payments of VSF ("DROP payments") would be payable from the completion of 20 years of service.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and determining annual employer contributions to FIRE.

However, the economic assumptions (current and proposed) that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed be the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North Jr., am the Acting Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2015 Legislative Session. It is Fiscal Note 2015-03, dated January 30, 2015 prepared by the Acting Chief Actuary of the New York Fire Department Pension Fund.

FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

BACKGROUND - DESIGN OF PROPOSED LEGISLATION

In general, the OA believes that proposed legislation should:

* Be technically accurate,
* Be clear in its intent,
* Be administrable, and
* Meet desired policy objectives.

While the OA cannot provide any legal analysis, the OA has done a review of the proposed legislation and has some concerns. These concerns that follow represent the best understanding of the Actuary and staff of the OA and should not be considered legal interpretations. All of these concerns and suggestions should be reviewed by Counsel.

Unless otherwise noted, for purposes of this letter the term Tier III FIRE Members refers to members of the New York Fire Department Pension

Fund ("FIRE") who have a date of membership on or after April 1, 2012 and the one Tier III member of FIRE who has a date of membership on or after July 1, 2009 and prior to April 1, 2012.

CONCERNS WITH PROPOSED LEGISLATION WITH RESPECT TO ORDINARY DISABILITY RETIREMENT ("ODR") AND ACCIDENTAL DISABILITY RETIREMENT ("ADR")

* Benefits Compared to Tier II: The proposed legislation, if enacted, would revise the ODR and ADR benefit formulas for Tier III FIRE Members.

It appears that the proposed Tier III ODR benefit formula is intended to be the same as the ODR benefit available to Tier II FIRE Members (i.e., 1/40 of Final Average Salary ("FAS") multiplied by the years of service, but not less than (1) one-half of FAS if the years of service are 10 or more or (2) one-third of FAS if the years of service are less than 10) where the FAS for Tier III FIRE Members would be based on a one-year FAS, the same as for Tier II.

Similarly, it also appears that the proposed ADR benefit formula for Tier III FIRE Members is intended to be the same as the ADR benefit available to Tier II FIRE Members (i.e., 75% of Final Average Salary ("FAS")), where the FAS for Tier III FIRE Members would be based on a one-year FAS, the same as for Tier II.

Note: Tier II FIRE Members are also entitled to an additional 1/60 of total earnings after their 20th anniversary. Given the proposed statutory references it is the understanding of the Actuary that the Tier III FIRE Members impacted by the proposed legislation would not receive this additional 1/60 of total earnings after 20 years of service.

FIRE Tier II ODR and ADR benefits are subject to Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000 on the first $18,000 of benefit after five years of Disability Retirement.

Given the proposed statutory references, it is the understanding of the Actuary that the proposed ODR and ADR benefits for Tier III FIRE Members would be entitled to the COLA described in the preceding paragraph, but would NOT be subject to an annual Tier III Escalation increase on the full benefit immediately from the date of Disability Retirement.

* Reference to ITHP: The proposed legislation, in defining the revised ODR and ADR benefits, uses the term Increased-Take-Home-Pay ("ITHP").

ITHP is a special benefit provided to Tier I and Tier II members and is not defined for Tier III members.

Given the history that no Tier III Members have ever received ITHP benefits, the Actuary has assumed that if the proposed legislation were enacted, Tier III FIRE Members would not be entitled to ITHP.

* Annuitization of Member Contributions: The proposed legislation would include in the ODR and ADR benefit formulas for Tier III FIRE Members, a benefit in the form of an annuity equal to the actuarial equivalent of the accumulated Tier III member contributions at retirement.

Annuitized benefits based directly on member contributions are available to Tier II FIRE Members. However, it is the understanding of the Actuary that no current Tier III Member has any benefit which is defined as an annuitization of accumulated member contributions.

* General Plan Design: From an administrative and design viewpoint, the Actuary would suggest that consideration be given to incorporating enhanced ODR and ADR benefit eligibilities and benefit formulas within Retirement and Social Security Law ("RSSL") Article 14, using only Article 14 terminology and structure to achieve the desired ODR and ADR benefit eligibilities and benefit levels.

* Name: The official name of the Pension Fund is the New York Fire Department Pension Fund.

* Presumptive Conditions for ADR

It is the understanding of the Actuary that the proposed legislation, if enacted, would provide Tier III FIRE Members the ability to be eligible for and to utilize the presumptive conditions that qualify for ADR that are available to Tier I and Tier II FIRE Members.

The reasoning behind this understanding is that in the proposed legislation, eligibility conditions for Tier III FIRE members for ODR would be determined pursuant to the Administrative Code of the City of New York ("ACNY") Sections 13-316, 13-352 and 13-357 (i.e., those that apply to Tier I and Tier II FIRE Members), notwithstanding anything to the contrary.

Similarly, in the proposed legislation, eligibility conditions for Tier III FIRE Members for ADR would be determined pursuant to the Administrative Code of the City of New York ("ACNY") Sections 13-316, 13-353 and 13-357 (i.e., those that apply to Tier I and Tier II FIRE Members), notwithstanding anything to the contrary.

It is the understanding of the Actuary that in the proposed legislation, eligibility for ODR and ADR would not be pursuant to RSSL Section 507.e. RSSL Section 507.e provides that a member shall not be eligible for ODR or ADR unless the member waives the benefits of any statutory presumptions. Accordingly, it is the understanding of the Actuary that since under the proposed legislation RSSL Section 507.e would no longer apply to Tier III FIRE Members, Tier III FIRE Members would not be required to waive RSSL Section 507.e in order to be eligible for ODR or ADR benefits. Consequently, the statutory presumptions would apply since they have not been waived.

In accordance with the above reasoning, since current Tier III FIRE Members are required to waive the presumptions pursuant to RSSL Section 507.e, it is the understanding of the Actuary that Tier III FIRE Members are currently not entitled to presumptive conditions for ADR.

* Consistency Amongst Uniformed Groups

This proposed legislation would cover members of FIRE but not members of the New York City Police Pension Fund ("POLICE") or any other uniformed groups. Given the historical consistency in benefits amongst certain uniformed groups, this proposed legislation would likely lead to demands for similar legislation for at least some other uniformed groups.

FISCAL NOTE: PROVISIONS OF PROPOSED LEGISLATION: This proposed legislation would amend Retirement and Social Security Law ("RSSL") Sections 506, 507, 510, 511 and 512 and amend Administrative Code of the City of New York ("ACNY") Section 13-357 to change, for members of the New York Fire Department Pension Fund ("FIRE") subject to Article 14 of the RSSL, the eligibility for and the calculation of Ordinary Disability Retirement ("ODR") benefits and Accidental Disability Retirement ("ADR") benefits.

The proposed legislation would also amend ACNY Section 13-353.1 and General Municipal Law ("GML") Sections 207-k, 207-kk, 207-p and 207-q to change the eligibility requirements for Medical Officers of FIRE to utilize the statutory presumptions that qualify FIRE members for ADR.

Unless otherwise noted, for purposes of this Fiscal Note the term Tier III FIRE members refers to members of the New York Fire Department Pension Fund ("FIRE") who have a date of membership on or after July 1, 2009. Note: Although referred to herein as Tier III members, it should be noted that members who join FIRE on or after April 1, 2012 are often

referred to as Tier VI members or Revised Tier III members. Also Note: There is only one Tier III member of FIRE who has a date of membership on or after July 1, 2009 and prior to April 1, 2012.

The Effective Date of the proposed legislation would be the 60th day after the date of enactment.

IMPACT ON ODR BENEFITS PAYABLE: The current eligibility provisions for ODR benefits for Tier III FIRE Members are based on:

* Completing five or more years of service, and

* Becoming eligible for Primary Social Security Disability retirement benefits.

Such ODR benefits are equal to the greater of:

* 33 1/3% of Five-Year Final Average Salary ("FAS"), or

* 2% of FAS multiplied by years of credited service (not in excess of 22 years),

* Reduced by 50% of the Primary Social Security Disability benefits (determined under RSSL Section 511), and

* Reduced by 100% of Workers' Compensation benefits (if any).

It is the understanding of the Actuary that FIRE Members are not covered by Workers' Compensation.

Under the proposed legislation the eligibility requirements for ODR benefits for Tier III FIRE Members would be revised to be the same as those provided in ACNY Sections 13-316, 13-352 and 13-357 (i.e., the provisions applicable to Tier I and Tier II FIRE members).

In particular, completing five or more years of service would not be required in order to be eligible for ODR benefits. In other words, there would not any requirement for any minimum length of service to be completed in order to be eligible for ODR benefits.

Under the proposed legislation, if enacted, the ODR benefit for Tier III FIRE Members would be an allowance consisting of:

* An actuarial equivalent annuity of accumulated member contributions, plus

* A pension, which together with the annuity, equal to 1/40 of One-Year Final Average Salary ("FAS1") multiplied by years of credited service, but not less than:

* * 1/2 of FAS1, if years of credited service are greater than or equal to 10 years, or

* * 1/3 of FAS1, if years of credited service are less than 10 years.

Note: The proposed legislation also states that one component of the ODR benefit would be the actuarial equivalent annuity of an Increased-Take-Home-Pay ("ITHP") reserve. This theoretical benefit is not included in this Fiscal Note analysis since it is the understanding of the Actuary that ITHP is not available to Tier III members generally and is not specifically defined in the proposed legislation.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ODR benefits for Tier III FIRE Members. However, such ODR benefits would still be eligible for Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000.

IMPACT ON ADR BENEFITS PAYABLE: The current eligibility provisions for ADR benefits for Tier III FIRE Members are based on satisfying either:

* Being eligible for Social Security Disability retirement benefits and having become disabled due to an accident sustained in the line of duty, or

* Being physically or mentally incapacitated as a result of an accident sustained in the line of duty as determined by the appropriate administrative authority assigned by FIRE.

As a consequence of RSSL Section 507.e, a Tier III FIRE Member would not be eligible for ADR unless the member waived the benefits of any statutory presumptions (e.g., certain heart diseases).

Such ADR benefits are calculated using a formula of 50% multiplied by FAS less 50% of Primary Social Security disability benefit (determined under RSSL Section 511) and less 100% of Workers' Compensation benefits (if any).

Note: It is the understanding of the Actuary that FIRE Members are not covered by Workers' Compensation.

Under the proposed legislation the eligibility requirements for ADR benefits for Tier III FIRE Members would be revised to be the same as those provided in ACNY Sections 13-316, 13-353 and 13-357 (i.e., the provisions applicable to Tier I and Tier II FIRE Members).

In addition, it is the understanding of the Actuary that the proposed legislation, if enacted, would provide that Tier III FIRE Members could be eligible for and utilize the statutory presumptions (e.g., certain heart diseases) that qualify certain Tier I and Tier II FIRE Members for ADR.

The current eligibility to utilize the statutory presumptions requires that the member must have successfully passed a physical examination for entry into public service which failed to disclose evidence of the qualifying condition or impairment of health that formed the basis for the disability.

Under the proposed legislation, Medical Officers may satisfy the eligibility to utilize the statutory presumptions provided the Medical Officer authorized release of all relevant medical records, and there is no evidence of the qualifying condition or impairment that formed the basis for the disability in such medical records unless the contrary is proved by competent evidence.

Under the proposed legislation, if enacted, the ADR benefit for Tier III FIRE Members would be revised to equal a retirement allowance equal to the sum of:

* An actuarial equivalent annuity of accumulated member contributions, plus

* 75% multiplied by FAS1.

Note: The proposed legislation also states that one component of the ADR benefit would be the actuarial equivalent annuity of an Increased-Take-Home-Pay ("ITHP") reserve. This theoretical benefit is not included in this Fiscal Note analysis since it is the understanding of the Actuary that ITHP is not available to Tier III members generally and is not specifically defined in the proposed legislation.

Also note, it is the understanding of the Actuary that the Tier III FIRE Members impacted by the proposed legislation would not receive any additional 1/60 of annual earnings after 20 years of service.

In addition, the proposed legislation would NOT apply the Escalation available under RSSL Section 510 to ADR benefits for Tier III FIRE Members. However, such ADR benefits would still be eligible for Cost-of-Living Adjustments ("COLA") under Chapter 125 of the Laws of 2000.

FINANCIAL IMPACT - CHANGES IN BENEFITS - ACTUARIAL PRESENT VALUES: Based on the census data and the actuarial assumptions and methods noted herein, if the Effective Date is on or before June 30, 2015, then this would change the Actuarial Present Value ("APV") of benefits ("APVB"), APV of member contributions, the Unfunded Actuarial Accrued Liability ("UAAL") and APV of future employer costs as of June 30, 2013 for Tier III FIRE Members.

FINANCIAL IMPACT - CHANGES IN PROJECTED APV OF FUTURE EMPLOYER COSTS AND PROJECTED EMPLOYER COSTS: For purposes of this Fiscal Note, it is assumed that the changes in APVB, APV of future member contributions, UAAL and APV of future employer costs would be reflected for the first time in the June 30, 2013 actuarial valuation of FIRE.

Under the One-Year Lag Methodology ("OYLM"), the first year that changes in benefits for Tier III FIRE Members could impact employer costs to FIRE would be Fiscal Year 2015.

In accordance with ACNY Section 13.638.2(k-2), new UAAL attributable to benefit changes are to be amortized as determined by the Actuary but generally over the remaining working lifetime of those impacted by the benefit changes. As of June 30, 2013, the remaining working lifetime of the Tier III FIRE Members is approximately 24 years. Recognizing that this period will decrease over time as the group of Tier III Members matures, the Actuary would likely choose to amortize the new UAAL attributable to this proposed legislation over a 15-year to 20-year period (between 14 and 19 payments under the OYLM Methodology). However, since virtually all of the Tier III FIRE members that would be impacted by the benefit changes are new entrants, the resulting UAAL would be de minimis and therefore the amortization period used for the UAAL has very little impact on the final results.

The following Table 1 presents an estimate of the increases due to the changes in ODR and ADR provisions for Tier III FIRE Members and the changes in eligibility requirements for presumptions for FIRE Medical Officers in the APV of future employer costs and in employer costs to FIRE for Fiscal Years 2015 through 2019 that would occur based on the applicable actuarial assumptions and methods noted herein:

Table 1
Estimated Financial Impact on FIRE
If Certain Revisions are Made to
Provisions for ODR and ADR Benefits
for Tier III FIRE Members and to Presumption
Eligibility Requirements for Medical Officers *

($ Millions)

Fiscal Year	Increase in APV of Future Employer Costs	Increase in Employer Costs
2015	$16.3	$2.1
2016	68.3	8.2
2017	120.1	13.5
2018	173.1	18.4
2019	227.3	23.1

* Based on actuarial assumptions and methods set forth in the Actuarial Assumptions and Method section. Also, based on the projection assumptions as described herein.

ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

The estimated increases in employer costs shown in Table 1 are based upon the following projection assumptions:

* Level workforce (i.e., new employees are hired to replace those who leave active status).

* Projected salary increases consistent with those used in projections presented to the New York City Office of Management and Budget ("NYCOMB") for use in the January 2015 Financial Plan ("Updated Preliminary Projections").

* New entrant salaries consistent with those used in the Updated Preliminary Projections.

These "open group" projections include future new entrants introduced into the census data models to project the future workforces.

As of each future actuarial valuation date, the current "closed group" actuarial assumptions and valuation methodology are used.

Under this methodology only Plan participants as of each actuarial valuation date are utilized to determine APVs employer costs and employer contributions.

FINANCIAL IMPACT - CHANGES IN PROJECTED APV OF FUTURE EMPLOYER CONTRIBUTIONS AND PROJECTED EMPLOYER CONTRIBUTIONS: Since the assumptions used in the actuarial valuation of FIRE do not distinguish between Medical Officers and other FIRE members and those assumptions for Tier II members already incorporate some or all of the presumptions available under law, the increase in employer contributions and in the APV of future employer contributions would be slightly less than those shown in Table 1.

FINANCIAL IMPACT - EMPLOYER ENTRY AGE NORMAL COSTS: Employer Entry Age Normal Costs can provide a useful basis to compare the value of alternative benefit programs.

For each member who enters FIRE, there is a theoretical net annual employer cost to be paid for such member while such member remains actively employed (i.e., the Employer Entry Age Normal Cost ("EEANC")).

In addition, such EEANC may be expressed as a percentage of salary earned over a working lifetime and referred to as the Employer Entry Age Normal Rate ("EEANR").

Under the proposed legislation and based on the actuarial assumptions noted herein, the EEANC and EEANR of Tier III FIRE Members would be greater than the EEANC and EEANR for comparable Tier III FIRE Members entering at the same attained age and gender under the current FIRE provisions.

Table 2 shows a summary of the change in EEANR for Tier III FIRE Members who have a date of membership on or after April 1, 2012 for entry ages 25, 30 and 35 with a starting salary of $45,000, determined as of the most recent date of published EEANR calculations:

Table 2
Comparison of Employer Entry Age Normal Rates
Determined as of June 30, 2012*

To Implement Certain ODR and ADR Provisions for
Tier III FIRE Members with a Membership Date on or After April 1, 2012

Under Proposed Legislation
and
Under Current Law

EEANR Under Proposed Legislation**

Entry Age 25	Entry Age 30	Entry Age 35

Retirement System	Male	Female	Male	Female	Male	Female
FIRE	21.92%	22.50%	27.31%	28.01%	34.55%	35.31%
			EEANR Under Current Law			
FIRE	15.94%	16.51%	18.99%	19.68%	21.78%	22.51%
			Increase in EEANR Due to Proposed Legislation			
FIRE	5.98%	5.99%	8.32%	8.33%	12.77%	12.80%

* Based on salaries paid over entire working lifetime. EEANR do not vary significantly over time, absent benefit and/or actuarial assumption changes.

** EEANR determined under the terms of the revised ODR and ADR benefit provisions based on the Actuarial Assumptions and Methods as noted herein including changes in assumptions for ADR. ODR and ADR benefits are NOT subject to Tier III Escalation (RSSL Section 510).

OTHER COSTS: Not measured in this Fiscal Note are the following:

* The initial, additional administrative costs of FIRE and other New York City agencies to implement the proposed legislation.

* The potential impact if this proposed legislation were to be extended to other public safety employees.

* The impact of this proposed legislation on Other Postemployment Benefit ("OPEB") costs.

CENSUS DATA: The starting census data used for the calculations presented herein are the census data used in the Updated Preliminary June 30, 2013 (Lag) actuarial valuation of FIRE used to determine the Updated Preliminary Fiscal Year 2015 employer contributions.

The census data used for the estimates of additional employer contributions presented herein are based on average salaries of new entrants utilized in the Updated Preliminary June 30, 2013 (Lag) actuarial valuations used to determine Updated Preliminary Fiscal Year 2015 employer contributions of FIRE.

The 169 Tier III FIRE Members as of June 30, 2013 (including the one Tier III member who has a date of membership prior to April 1, 2012) had an average age of approximately 27, average service of approximately 0.5 years and an average salary of approximately $48,200.

There were 21 Medical Officers in FIRE as of June 30, 2013. Of the 21, 7 are currently eligible to utilize the statutory presumptions. In addition, 7 of the 14 Medical Officers who are not currently eligible to utilize the statutory presumptions became members after September 11, 2001 and, therefore, are unlikely to be eligible for World Trade Center presumptive benefits but, if the proposed legislation is enacted, could become eligible for other presumptive benefits.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional employer contributions presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2013 (Lag) actuarial valuations used to determine Updated Preliminary Fiscal Year 2015 employer contributions of FIRE and adjusted for revised ADR eligibility provisions.

The probabilities of accidental disability used for Tier III FIRE Members in the event statutory presumptions were to apply equal those currently used for Tier I and Tier II FIRE Members.

The actuarial valuation methodology does not include a calculation of the value of an offset for Workers' Compensation benefits as it is the understanding of the Actuary that FIRE Members are not covered by such benefits.

To the extent that the enactment of this proposed legislation would cause a greater (lesser) number of Tier III FIRE Members to be reclassified from Ordinary Disability to Accidental Disability Retirement, or to the extent that Tier III FIRE Members who would not otherwise ever choose to apply and then receive an Ordinary Disability Retirement benefit or an Accidental Disability Retirement benefit, then the additional APVB and employer contributions shown herein would be greater (lesser).

Employer contributions under current methodology have been estimated assuming the additional APVB would be financed through future normal contributions including an amortization of the new UAAL attributable to this proposed legislation over a 15-year period (14 payments under the OYLM Methodology).

New entrants into Tier III FIRE Members were projected to replace the FIRE members expected to leave the active population to maintain a steady-state population.

The following Table 3 presents the total number of active employees of FIRE used in the projections, assuming a level work force, and the cumulative number (i.e., net of withdrawals) of Tier III Members as of each June 30 from 2013 through 2017.

Table 3
Surviving Actives from Census on June 30, 2013
and
Cumulative New Tier III FIRE Members from 2013
Used in the Projections*

June 30	Tier I&II	Tier III	Total
2013	10,013	169	10,182
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2017	8,055	2,127	10,182

* Total active members included in the projections assume a level work force based on the June 30, 2013 (Lag) actuarial valuation census data. Assumes presumptions apply to Tier III FIRE members.

For purposes of estimating the impact of the Tier III Escalation for retired Tier III FIRE Members, consistent with an underlying Consumer Price Inflation ("CPI") assumption of 2.5% per year, Tier III Escalation of 2.5% per year has been assumed.

This compares with the current Chapter 125 of the Laws of 2000 COLA assumption of 1.5% per year (i.e., 50% of CPI adjusted to recognize 1.0% minimum and 3.0% maximum) on the first $18,000 of benefit.

For Variable Supplements Fund ("VSF") benefits, it has been assumed that retroactive lump sum payments of VSF ("DROP payments") would be payable from the completion of 20 years of service.

ECONOMIC VALUES OF BENEFITS: The actuarial assumptions used to determine the financial impact of the proposed legislation discussed in this Fiscal Note are those appropriate for budgetary models and determining annual employer contributions to FIRE.

However, the economic assumptions (current and proposed) that are used for determining employer contributions do not develop risk-adjusted, economic values of benefits. Such risk-adjusted, economic values of benefits would likely differ significantly from those developed by the budgetary models.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Acting Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2015 Legislative Session. It is Fiscal Note 2015-07, dated February 27, 2015 prepared by the Acting Chief Actuary of the New York Fire Department Pension Fund.

PART FF

Section 1. The civil service law is amended by adding a new section 162-a to read as follows:

S 162-A. PURCHASE OF CONTRACTS RELATING TO HEALTH BENEFITS. THE PRESIDENT IS HEREBY AUTHORIZED AND DIRECTED TO EVALUATE THE COSTS AND EFFICIENCIES RELATED TO PURCHASING A CONTRACT OR CONTRACTS WHEREBY A PROGRAM OF GROUP HEALTH BENEFITS SHALL BE PROVIDED TO RETIREES PURSUANT TO THIS ARTICLE AND COVERED UNDER TITLE EIGHTEEN OF THE SOCIAL SECURITY ACT AND DETERMINE WITHIN THIRTY DAYS IF SUCH CONTRACT OR CONTRACTS WOULD RESULT IN A COST SAVINGS. IF THE PRESIDENT CONCLUDES THAT ENTERING A CONTRACT FOR SUCH GROUP HEALTH BENEFITS WOULD RESULT IN A COST SAVINGS THEN THE PRESIDENT SHALL PURCHASE A CONTRACT FOR SUCH GROUP HEALTH BENEFITS. SUCH CONTRACT FOR GROUP HEALTH BENEFITS SHALL BE COMPARABLE IN STABILITY AND CONTINUITY OF COVERAGE, CARE AND SERVICES TO THE PROGRAM OF HEALTH BENEFITS OFFERED TO OTHER MEMBERS AND THEIR DEPENDANTS UNDER THIS SECTION AND SHALL NOT DIMINISH ANY EXISTING BENEFITS PROVIDED TO MEMBERS ENROLLED IN THE NEW YORK STATE HEALTH INSURANCE PROGRAM PURSUANT TO THIS ARTICLE. SUCH BENEFITS SHALL BE DELIVERED AND ADMINISTERED IN ACCORDANCE WITH SUCH CONTRACT FOR GROUP HEALTH BENEFITS AND SHALL BE PURCHASED FROM ONE OR MORE CORPORATIONS LICENSED IN THIS STATE PURSUANT TO ARTICLE THIRTY-TWO OF THE INSURANCE LAW OR SUBJECT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW.

(A) A REASONABLE TIME BEFORE ENTERING INTO ANY INSURANCE CONTRACT OR CONTRACT WITH AN ADMINISTRATOR OR ADMINISTRATORS HEREUNDER, THE PRESIDENT SHALL INVITE PROPOSALS FROM SUCH QUALIFIED INSURERS OR ADMINISTRATORS AS IN HIS OR HER OPINION WOULD DESIRE TO ACCEPT ANY PART OF THE INSURANCE OR ADMINISTRATIVE SERVICES AUTHORIZED BY THIS SECTION.

(B) THE PRESIDENT MAY ARRANGE WITH ANY CORPORATION LICENSED PURSUANT TO ARTICLE THIRTY-TWO OF THE INSURANCE LAW OR SUBJECT TO ARTICLE FORTY-THREE OF THE INSURANCE LAW ISSUING ANY SUCH CONTRACT TO REINSURE PORTIONS OF SUCH CONTRACT WITH ANY OTHER SUCH CORPORATION WHICH ELECTS TO BE A REINSURER AND IS LEGALLY COMPETENT TO ENTER INTO A REINSURANCE AGREEMENT.

(C) THE PRESIDENT MAY DESIGNATE ONE OR MORE OF SUCH CORPORATIONS AS THE ADMINISTERING CORPORATION OR CORPORATIONS.

(D) EACH EMPLOYEE WHO IS COVERED UNDER ANY SUCH CONTRACT OR CONTRACTS SHALL RECEIVE A CERTIFICATE SETTING FORTH THE BENEFITS TO WHICH THE EMPLOYEE AND HIS OR HER DEPENDENTS ARE ENTITLED THEREUNDER, TO WHOM SUCH BENEFITS SHALL BE PAYABLE, TO WHOM CLAIMS SHOULD BE SUBMITTED, AND SUMMARIZING THE PROVISIONS OF THE CONTRACT PRINCIPALLY AFFECTING THE

EMPLOYEE AND HIS OR HER DEPENDENTS. SUCH CERTIFICATE SHALL BE IN LIEU OF THE CERTIFICATE WHICH THE CORPORATION OR CORPORATIONS ISSUING SUCH CONTRACT OR CONTRACTS WOULD OTHERWISE ISSUE.

S 2. This act shall take effect immediately.

PART GG

Section 1. Subdivision 9 of section 201 of the workers' compensation law is amended by adding a new paragraph C to read as follows:

C. "DISABILITY" ALSO INCLUDES FAMILY CARE.

S 2. Subdivision 14 of section 201 of the workers' compensation law, as added by chapter 600 of the laws of 1949 and as renumbered by chapter 438 of the laws of 1964, is amended, and nine new subdivisions 15, 16, 17, 18, 19, 20, 21, 22 and 23 are added to read as follows:

14. "A day of disability" means any day on which the employee was prevented from performing work because of disability, INCLUDING ANY DAY WHICH THE EMPLOYEE USES FOR FAMILY CARE, and for which [he] THE EMPLOYEE has not received his OR HER regular remuneration.

15. "FAMILY CARE" MEANS ANY LEAVE TAKEN BY AN EMPLOYEE FROM PERFORMING WORK:

A. TO PARTICIPATE IN PROVIDING CARE, INCLUDING PHYSICAL OR PSYCHOLOGICAL CARE, FOR A FAMILY MEMBER OF THE EMPLOYEE MADE NECESSARY BY A SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER; OR

B. TO BOND WITH THE EMPLOYEE'S CHILD DURING THE FIRST TWELVE MONTHS AFTER THE CHILD'S BIRTH, OR THE FIRST TWELVE MONTHS AFTER THE PLACEMENT OF THE CHILD FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE.

16. "CHILD" MEANS A BIOLOGICAL, ADOPTED OR FOSTER CHILD, A STEP-CHILD, A LEGAL WARD OR A CHILD OF A PERSON WHO STANDS IN PARENTAL RELATIONSHIP TO THE CHILD WHO IS:

A. LESS THAN EIGHTEEN YEARS OF AGE; OR

B. EIGHTEEN YEARS OF AGE OR OLDER AND INCAPABLE OF SELF-CARE BECAUSE OF A MENTAL OR PHYSICAL DISABILITY.

17. "DOMESTIC PARTNER" HAS THE SAME MEANING SET FORTH IN SUBDIVISION ONE OF SECTION FOUR OF THIS CHAPTER.

18. "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, INJURY, IMPAIRMENT, OR PHYSICAL OR MENTAL CONDITION THAT:

A. REQUIRES INPATIENT CARE IN A HOSPITAL, HOSPICE OR RESIDENTIAL HEALTH CARE FACILITY; OR

B. REQUIRES CONTINUING TREATMENT BY A HEALTH CARE PROVIDER.

19. "PARENT" MEANS A BIOLOGICAL OR ADOPTIVE PARENT OR STEP-PARENT OF AN EMPLOYEE, OR A PERSON WHO STOOD IN PARENTAL RELATIONSHIP TO AN EMPLOYEE WHEN THE EMPLOYEE WAS:

A. LESS THAN EIGHTEEN YEARS OF AGE; OR

B. EIGHTEEN YEARS OF AGE OR OLDER AND INCAPABLE OF SELF-CARE BECAUSE OF A MENTAL OR PHYSICAL DISABILITY.

20. "FAMILY MEMBER" MEANS A CHILD, SPOUSE, DOMESTIC PARTNER, PARENT, GRANDCHILD, GRANDPARENT, OR MOTHER OR FATHER OF A DOMESTIC PARTNER.

21. "PERSONS WHO STAND IN PARENTAL RELATIONSHIP TO A CHILD" INCLUDE THOSE WITH DAY-TO-DAY RESPONSIBILITIES TO CARE FOR AND PROVIDE FINANCIAL SUPPORT OF A CHILD, OR, IN THE CASE OF AN EMPLOYEE, WHO HAD SUCH RESPONSIBILITY FOR THE EMPLOYEE WHEN THE EMPLOYEE WAS A CHILD. A BIOLOGICAL OR LEGAL RELATIONSHIP SHALL NOT BE NECESSARY.

22. "GRANDCHILD" MEANS THE CHILD OF A CHILD.

23. "HEALTH CARE PROVIDER" MEANS A HEALTH CARE PRACTITIONER WHO IS LICENSED UNDER THE RELEVANT FEDERAL OR STATE LAWS TO PROVIDE MEDICAL,

EMERGENCY OR HEALTH SERVICES, AND IS TREATING AN EMPLOYEE OR A FAMILY MEMBER FOR A SERIOUS HEALTH CONDITION.

S 3. Section 202 of the workers' compensation law is amended by adding a new subdivision 1-a to read as follows:

1-A. SOLELY FOR THE PURPOSES OF THE PROVISIONS OF THIS ARTICLE RELATING TO THE PROVISION OF BENEFITS, RIGHTS AND PRIVILEGES RELATING TO FAMILY CARE LEAVE, "COVERED EMPLOYER" SHALL INCLUDE THE STATE OR ANY POLITICAL OR CIVIL SUBDIVISION THEREOF, AND EMPLOYERS WITH TWENTY-FIVE OR MORE EMPLOYEES.

S 4. The workers' compensation law is amended by adding two new sections 203-a and 203-b to read as follows:

S 203-A. RETALIATORY ACTION PROHIBITED. 1. THE PROVISIONS OF SECTION ONE HUNDRED TWENTY OF THIS CHAPTER AND SECTION TWO HUNDRED FORTY-ONE OF THIS ARTICLE SHALL BE APPLICABLE TO FAMILY CARE LEAVE AS IF FULLY SET FORTH IN THIS SECTION.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO DIMINISH THE RIGHTS, PRIVILEGES OR REMEDIES OF ANY EMPLOYEE UNDER ANY COLLECTIVE BARGAINING AGREEMENT OR EMPLOYMENT CONTRACT; EXCEPT THAT THE INSTITUTION OF AN ACTION IN ACCORDANCE WITH THIS SECTION SHALL BE DEEMED A WAIVER OF THE RIGHTS AND REMEDIES AVAILABLE UNDER ANY OTHER CONTRACT OR COLLECTIVE BARGAINING AGREEMENT.

S 203-B. FAMILY CARE LEAVE. ANY ELIGIBLE EMPLOYEE OF A COVERED EMPLOYER WHO TAKES FAMILY CARE LEAVE ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN UNDER THIS SECTION SHALL BE ENTITLED, ON RETURN FROM SUCH LEAVE, TO BE RESTORED BY HIS OR HER EMPLOYER TO THE POSITION OF EMPLOYMENT HELD BY THE EMPLOYEE WHEN THE LEAVE COMMENCED, OR TO BE RESTORED TO A COMPARABLE POSITION WITH COMPARABLE EMPLOYMENT BENEFITS, PAY AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT. THE TAKING OF LEAVE FOR THE PURPOSE OF FAMILY CARE SHALL NOT RESULT IN THE LOSS OF ANY EMPLOYMENT BENEFIT ACCRUED PRIOR TO THE DATE ON WHICH THE LEAVE COMMENCED. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO ENTITLE ANY RESTORED EMPLOYEE TO THE ACCRUAL OF ANY SENIORITY OR EMPLOYMENT BENEFITS DURING ANY PERIOD OF LEAVE, OR ANY RIGHT, BENEFIT OR POSITION TO WHICH THE EMPLOYEE WOULD HAVE BEEN ENTITLED HAD THE EMPLOYEE NOT TAKEN SUCH LEAVE. A VIOLATION OF THIS SECTION SHALL BE A VIOLATION OF SECTION ONE HUNDRED TWENTY OF THIS CHAPTER, AND ALL REMEDIES AND PENALTIES AVAILABLE UNDER SECTION ONE HUNDRED TWENTY OF THIS CHAPTER SHALL BE AVAILABLE FOR VIOLATIONS OF THIS SECTION AS IF FULLY SET FORTH IN THIS SECTION.

S 5. Section 204 of the workers' compensation law is amended by adding a new subdivision 3 to read as follows:

3. THE WEEKLY BENEFIT WHICH AN EMPLOYEE ON FAMILY CARE LEAVE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SIXTEEN, BUT BEFORE JANUARY FIRST, TWO THOUSAND SEVENTEEN, SHALL BE FIFTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED THIRTY-FIVE PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE DEPARTMENT PURSUANT TO SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER. THE WEEKLY BENEFIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND SEVENTEEN, BUT BEFORE JANUARY FIRST, TWO THOUSAND EIGHTEEN, SHALL BE FIFTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FORTY PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE DEPARTMENT PURSUANT TO SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER. THE WEEKLY BENEFIT WHICH THE DISABLED EMPLOYEE IS ENTITLED TO RECEIVE FOR DISABILITY COMMENCING ON OR AFTER JANUARY FIRST, TWO THOUSAND EIGHTEEN SHALL BE FIFTY PERCENT OF THE EMPLOYEE'S AVERAGE WEEKLY

WAGE, BUT IN NO CASE SHALL SUCH BENEFIT EXCEED FIFTY PERCENT OF THE STATEWIDE AVERAGE WEEKLY WAGE AS DETERMINED BY THE DEPARTMENT PURSUANT TO SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER.

S 6. Subdivisions 1, 2, 3, 4, and 8 of section 205 of the workers' compensation law, subdivision 1 as amended by chapter 651 of the laws of 1958, subdivision 2 as amended by chapter 270 of the laws of 1990 and subdivisions 3, 4 and 8 as added by chapter 600 of the laws of 1949 and as renumbered by chapter 352 of the laws of 1981, are amended and a new subdivision 9 is added to read as follows:

1. (A) For DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF AN EMPLOYEE, FOR more than twenty-six weeks during a period of fifty-two consecutive calendar weeks or during any one period of disability, OR

(B) FOR FAMILY CARE, FOR MORE THAN SIX WEEKS DURING A PERIOD OF FIFTY-TWO CONSECUTIVE CALENDAR WEEKS OR DURING ANY ONE PERIOD OF FAMILY CARE;

2. for any period of disability RESULTING FROM THE INJURY, SICKNESS OR PREGNANCY OF AN EMPLOYEE during which an employee is not under the care of a duly licensed physician or with respect to disability resulting from a condition of the foot which may lawfully be treated by a duly registered and licensed podiatrist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed chiropractor of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly licensed dentist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly registered and licensed psychologist of the state of New York or with respect to a disability resulting from a condition which may lawfully be treated by a duly certified nurse midwife, for any period of such disability during which an employee is neither under the care of a physician nor a podiatrist, nor a chiropractor, nor a dentist, nor a psychologist, nor a certified nurse midwife; and for any period of disability during which an employee who adheres to the faith or teachings of any church or denomination and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, is not under the care of a practitioner duly accredited by the church or denomination, and provided such employee shall submit to all physical examinations as required by this chapter[.];

3. for any disability RESULTING FROM INJURY OR SICKNESS OF AN EMPLOYEE occasioned by the wilful intention of the employee to bring about injury to or the sickness of himself or another, or resulting from any injury or sickness sustained in the perpetration by the employee of an illegal act;

4. for any day of disability during which the employee performed work for remuneration or profit, BUT NOT INCLUDING ANY REMUNERATION RECEIVED FOR CARING FOR A FOSTER OR ADOPTED CHILD OR OTHER INDIVIDUAL RESIDING IN THE EMPLOYEE'S PLACE OF RESIDENCE;

8. for any disability RESULTING FROM AN INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE commencing before the employee becomes eligible to benefits hereunder [or commencing prior to July first, nineteen hundred fifty, but this shall not preclude benefits for recurrence after July first, nineteen hundred fifty, of a disability commencing prior thereto.]; OR

9. FOR ANY DAY OF ABSENCE FROM WORK REQUIRED PURSUANT TO ANY DISCIPLINARY PROCESS, OR, WITH REGARD TO FAMILY CARE BENEFITS, ANY DAY OF ABSENCE FROM WORK RESULTING FOR INJURY, SICKNESS OR PREGNANCY OF THE

EMPLOYEE, INCLUDING ANY LEAVE TAKEN UNDER SECTION SEVENTY-THREE OR SEVENTY-FIVE OF THE CIVIL SERVICE LAW.

S 7. The workers' compensation law is amended by adding a new section 205-a to read as follows:

S 205-A. RELATIONSHIP BETWEEN DISABILITY BENEFITS FOR FAMILY CARE AND FOR THE EMPLOYEE'S OWN INJURY, SICKNESS OR PREGNANCY. THE RECEIPT OF BENEFITS FOR DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE, SHALL NOT COUNT TOWARD ANY TIME LIMITATION UNDER SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS ARTICLE ON THE RECEIPT OF BENEFITS FOR FAMILY CARE, AND THE RECEIPT OF BENEFITS FOR FAMILY CARE SHALL NOT COUNT TOWARD ANY TIME LIMITATION UNDER SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS ARTICLE ON THE RECEIPT OF BENEFITS FOR DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY TO THE EMPLOYEE, EXCEPT THAT AN EMPLOYEE MAY RECEIVE DISABILITY BENEFITS ON ONLY ONE CLAIM AT ANY TIME.

S 8. Subdivision 3 of section 209 of the workers' compensation law, as amended by chapter 415 of the laws of 1983, is amended and a new subdivision 6 is added to read as follows:

3. The contribution of each such employee to the cost of disability benefits provided by this article shall be one-half of one per centum of the employee's wages paid to him on and after July first, nineteen hundred fifty, but not in excess of sixty cents per week FOR THE COST OF DISABILITY BENEFITS FOR INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE.

6. EFFECTIVE DURING THE TWO THOUSAND SIXTEEN CALENDAR YEAR FAMILY CARE BENEFITS SHALL BE PROVIDED AT NO COST TO AN ELIGIBLE EMPLOYEE THROUGH THE STATE GENERAL FUND. THIS EXACT LEVEL OF FUNDING SHALL BE PROVIDED BY THE STATE EACH CALENDAR YEAR FOR FAMILY CARE BENEFITS. DURING EVERY SUBSEQUENT CALENDAR YEAR, THE CONTRIBUTION OF EACH SUCH EMPLOYEE TO THE COST OF FAMILY CARE BENEFITS SHALL BE SET BY REGULATION OF THE SUPERINTENDENT OF FINANCIAL SERVICES. EMPLOYERS SHALL NOT CONTRIBUTE TOWARD THE COST OF FAMILY CARE BENEFITS.

S 9. Section 211 of the workers' compensation law is amended by adding two new subdivisions 7 and 8 to read as follows:

7. SUCH FAMILY CARE BENEFITS AS ARE PROVIDED FOR IN THIS ARTICLE SHALL BE IN ADDITION TO, AND SHALL NOT AMEND, REPEAL OR REPLACE, THE TERMS OF ANY AGREEMENT THAT IS COLLECTIVELY NEGOTIATED BETWEEN AN EMPLOYER AND AN EMPLOYEE ORGANIZATION, INCLUDING AGREEMENT OR INTEREST ARBITRATION AWARDS MADE PURSUANT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

8. NOTHING IN THIS ARTICLE SHALL REQUIRE AN EMPLOYER TO USE THE SAME CARRIER TO PROVIDE BENEFITS REQUIRED BY OR PERMISSIBLE UNDER THIS ARTICLE FOR DISABILITY RESULTING FROM INJURY, SICKNESS TO OR PREGNANCY OF THE EMPLOYEE AS IT USES TO PROVIDE BENEFITS REQUIRED BY OR PERMISSIBLE UNDER THIS ARTICLE FOR FAMILY CARE. AN EMPLOYER MAY USE A DIFFERENT MEANS, AMONG THOSE SET FORTH IN SUBDIVISIONS ONE THROUGH FIVE OF THIS SECTION, TO PROVIDE BENEFITS REQUIRED BY THIS ARTICLE FOR DISABILITY RESULTING FROM INJURY OR SICKNESS TO OR PREGNANCY OF THE EMPLOYEE, FROM THE MEANS USED TO PROVIDE BENEFITS REQUIRED BY THIS ARTICLE FOR FAMILY CARE.

S 10. The workers' compensation law is amended by adding a new section 211-a to read as follows:

S 211-A. PUBLIC EMPLOYEES; EMPLOYEE OPTION. 1. FOR PURPOSES OF THIS SECTION:

(A) "PUBLIC EMPLOYEE" MEANS ANY EMPLOYEE OF THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY, OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY.

(B) "PUBLIC EMPLOYER" MEANS THE STATE, ANY POLITICAL SUBDIVISION OF THE STATE, A PUBLIC AUTHORITY, OR ANY OTHER GOVERNMENTAL AGENCY OR INSTRUMENTALITY THEREOF.

(C) "EMPLOYEE ORGANIZATION" SHALL HAVE THE MEANING SET FORTH IN SECTION TWO HUNDRED ONE OF THE CIVIL SERVICE LAW.

2. PUBLIC EMPLOYERS SHALL PROVIDE BENEFITS FOR FAMILY CARE TO PUBLIC EMPLOYEES WHERE AN EMPLOYEE ORGANIZATION THAT REPRESENTS THOSE PUBLIC EMPLOYEES ELECTS TO HAVE FAMILY CARE BENEFITS PROVIDED IN ACCORDANCE WITH THE PROCEDURES AND TERMS SET FORTH IN SUBDIVISION THREE OF THIS SECTION.

3. AN EMPLOYEE ORGANIZATION MAY ELECT TO HAVE FAMILY CARE BENEFITS PROVIDED ON BEHALF OF THE PUBLIC EMPLOYEES IT REPRESENTS:

(A) AT ANY TIME UPON NINETY DAYS NOTICE TO ANY PUBLIC EMPLOYER WHICH IS NOT PROVIDING DISABILITY BENEFITS FOR INJURY, SICKNESS OR PREGNANCY OF A PUBLIC EMPLOYEE UNDER SECTION TWO HUNDRED TWELVE OF THIS ARTICLE, OR WHICH IS SELF-INSURED FOR SUCH BENEFITS;

(B) FOR ANY PUBLIC EMPLOYER WHICH IS PROVIDING DISABILITY BENEFITS FOR INJURY, SICKNESS OR PREGNANCY OF A PUBLIC EMPLOYEE UNDER SECTION TWO HUNDRED TWELVE OF THIS ARTICLE, UPON NOTICE AT LEAST NINETY DAYS PRIOR TO THE EXPIRATION OF THE PUBLIC EMPLOYER'S INSURANCE POLICY FOR SUCH BENEFITS, WHICH ELECTION SHALL BE EFFECTIVE ONLY FOR THE TIME PERIOD COVERED BY ANY SUBSEQUENT POLICY OR RENEWAL; OR

(C) AT ANY TIME AS IS MUTUALLY AGREED UPON BETWEEN THE EMPLOYEE ORGANIZATION AND ANY PUBLIC EMPLOYER. AN EMPLOYEE ORGANIZATION THAT HAS ELECTED TO HAVE THE FAMILY CARE BENEFIT PROVIDED MAY OPT OUT OF IT WITHIN THE TIME PERIODS, AND EFFECTIVE UPON THE SAME DATES, SET FORTH IN THIS PARAGRAPH.

4. IN THE ABSENCE OF ANY CONTRARY STATEMENT IN A COLLECTIVELY NEGOTIATED AGREEMENT UNDER ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW, A PUBLIC EMPLOYER MAY REQUIRE PUBLIC EMPLOYEES WHO OPT IN UNDER THIS SECTION TO CONTRIBUTE THE FAMILY CARE COST AS SET FORTH IN SECTION TWO HUNDRED NINE OF THIS ARTICLE.

S 11. Subdivisions 1, 2, 3 and 4 of section 217 of the workers' compensation law, subdivision 1 as amended by chapter 167 of the laws of 1999, subdivisions 2 and 3 as amended by chapter 270 of the laws of 1990, and subdivision 4 as added by chapter 600 of the laws of 1949, are amended to read as follows:

1. (A) Written notice and proof of disability shall be furnished to the employer by or on behalf of the employee claiming benefits or, in the case of a claimant under section two hundred seven of this article, to the chair, within thirty days after commencement of the period of disability. Additional proof shall be furnished thereafter from time to time as the employer or carrier or chair may require but not more often than once each week. Such proof shall include:

(I) IN THE CASE OF DISABILITY RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF THE EMPLOYEE, a statement of disability by the employee's attending [physician or attending podiatrist or attending chiropractor or attending dentist or attending psychologist or attending certified nurse midwife, or in the case of an employee who adheres to the faith or teachings of any church or denomination, and who in accordance with its creed, tenets or principles depends for healing upon prayer through spiritual means alone in the practice of religion, by an accredited practitioner, containing facts and opinions as to such disability in compliance with regulations of the chair.] HEALTH CARE PROVIDER; AND

(II) IN THE CASE OF FAMILY CARE FOR BONDING WITH A NEW CHILD, A BIRTH CERTIFICATE, CERTIFICATE OF ADOPTION, OR OTHER COMPETENT EVIDENCE SHOW-

ING THAT THE EMPLOYEE IS THE PARENT OF A CHILD WITHIN TWELVE MONTHS OF THAT CHILD'S BIRTH OR PLACEMENT FOR ADOPTION OR FOSTER CARE WITH THE EMPLOYEE.

(B) Failure to furnish notice or proof within the time and in the manner [above] provided IN PARAGRAPH (A) OF THIS SUBDIVISION shall not invalidate the claim but no benefits shall be required to be paid for any period more than two weeks prior to the date on which the required proof is furnished unless it shall be shown to the satisfaction of the chair not to have been reasonably possible to furnish such notice or proof and that such notice or proof was furnished as soon as possible; provided, however, that no benefits shall be paid unless the required proof of disability is furnished within twenty-six weeks after commencement of the period of disability. No limitation of time provided in this section shall run as against any person who is mentally incompetent, or physically incapable of providing such notice as a result of a serious medical condition, or a minor so long as such person has no guardian of the person and/or property.

2. An employee claiming benefits FOR THE EMPLOYEE'S INJURY, SICKNESS OR PREGNANCY shall, as requested by the employer or carrier, submit himself or herself at intervals, but not more than once a week, for examination by a [physician or podiatrist or chiropractor or dentist or psychologist or certified nurse midwife] RELEVANT HEALTH CARE PROVIDER designated by the employer or carrier. All such examinations shall be without cost to the employee and shall be held at a reasonable time and place.

3. The chair may direct the claimant WHO SEEKS DISABILITY BENEFITS FOR HIS OR HER INJURY, SICKNESS OR PREGNANCY to submit to examination by a [physician or podiatrist or chiropractor or dentist or psychologist] RELEVANT HEALTH CARE PROVIDER designated by him or her in any case in which the claim to disability benefits is contested and in claims arising under section two hundred seven OF THIS ARTICLE, and in other cases as the chair or board may require.

4. Refusal of the claimant without good cause to submit to any such examination shall disqualify [him] THE CLAIMANT from all benefits hereunder for the period of such refusal, except as to benefits already paid.

S 12. Subdivision 2 of section 229 of the workers' compensation law, as added by chapter 271 of the laws of 1985, is amended to read as follows:

2. (A) Whenever an employee of a covered employer who is eligible for benefits under section two hundred four of this article shall be absent from work due to a disability as defined in subdivision nine of section two hundred one of this article for more than seven consecutive days, the employer shall provide the employee with a written statement of the employee's rights under this article in a form prescribed by the [chairman] CHAIR. The statement shall be provided to the employee within five business days after the employee's seventh consecutive day of absence due to disability or within five business days after the employer knows or should know that the employee's absence is due to disability, whichever is later.

(B) EACH COVERED EMPLOYER SHALL PROVIDE EACH EMPLOYEE WITH A TYPEWRITTEN, PRINTED OR ELECTRONIC NOTICE IN A FORM PRESCRIBED BY THE CHAIR, STATING THAT THE EMPLOYER HAS PROVIDED FOR THE PAYMENT OF DISABILITY BENEFITS AS REQUIRED BY THIS ARTICLE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS PARAGRAPH. EACH COVERED EMPLOYER SHALL PROVIDE SUCH NOTICE TO ALL NEW EMPLOYEES WITHIN THIRTY DAYS OF THEIR FIRST DAY OF WORK.

S 13. Subdivision 2 of section 76 of the workers' compensation law, as added by chapter 600 of the laws of 1949, is amended to read as follows:

2. The purposes of the state insurance fund herein created are hereby enlarged to provide [for the] insurance [by the state insurance fund of] FOR the payment of the benefits required by section two hundred four of this chapter, INCLUDING BENEFITS FOR FAMILY CARE PROVIDED EITHER IN THE SAME POLICY WITH OR IN A SEPARATE POLICY FROM BENEFITS FOR DISABILITY RESULTING FROM INJURY OR SICKNESS TO OR PREGNANCY OF AN EMPLOYEE, AND AS PROVIDED PURSUANT TO SECTION TWO HUNDRED ELEVEN-A OF THIS CHAPTER. A separate fund is hereby created within the state insurance fund, which shall be known as the "disability benefits fund", and which shall consist of all premiums received and paid into said fund on account of such insurance, all securities acquired by and through the use of moneys belonging to said fund and of interest earned upon moneys belonging to said fund and deposited or invested as herein provided. Said disability benefits fund shall be applicable to the payment of benefits, expenses and assessments on account of insurance written pursuant to article nine of this chapter.

S 14. Paragraph 3 of subsection (a) of section 1113 of the insurance law is amended to read as follows:

(3) "Accident and health insurance," means (i) insurance against death or personal injury by accident or by any specified kind or kinds of accident and insurance against sickness, ailment or bodily injury, including insurance providing disability benefits pursuant to article nine of the workers' compensation law, INCLUDING ANY INSURANCE UNDER SUCH ARTICLE FOR FAMILY CARE BENEFITS, AND/OR DISABILITY BENEFITS RESULTING FROM INJURY, SICKNESS OR PREGNANCY OF AN EMPLOYEE ALL, except as specified in item (ii) [hereof] OF THIS PARAGRAPH; and (ii) non-cancellable disability insurance, meaning insurance against disability resulting from sickness, ailment or bodily injury (but excluding insurance solely against accidental injury) under any contract which does not give the insurer the option to cancel or otherwise terminate the contract at or after one year from its effective date or renewal date.

S 15. This act shall take effect immediately.

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

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