

2010-11 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

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STATE OF NEW YORK

S. 6606

A. 9706

SENATE - ASSEMBLY

January 19, 2010

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

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the executive law, the vehicle and traffic law, the state finance law, the labor law, the public health law, the social services law, the criminal procedure law, the family court act, the public officers law, the general municipal law, the penal law, the correction law, the surrogate's court procedure act, the court of claims act, the civil practice law and rules, the real property tax law, the administrative code of the city of New York, the environmental conservation law, the parks, recreation and historic preservation law and the mental hygiene law, in relation to merging the crime victims board, the division of probation and correctional alternatives and the office for the prevention of domestic violence into the division of criminal justice services; and to repeal certain provisions of the executive law and the judiciary law relating thereto (Part A); to amend the executive law, in relation to disaster preparedness; in relation to the intrastate mutual aid program; to amend the executive law, the state finance law, the county law and the tax law, in relation to consolidating the office of homeland security, the state emergency management office, and the office of fire prevention and control within the department of state; to amend the executive law, in relation to duties of the division of homeland security and emergency services, the state fire administrator and the office of fire prevention and control; to amend the county law, in relation to fire training and mutual aid programs; to amend the general business law, in relation to approval of electrical devices; to amend the general municipal law, in relation to duties of the fire chief, and the fire mobilization and mutual aid plan; to amend the insurance law, in relation to information in reports of fire losses; to amend the state finance law, in relation to reimbursement for firefighting costs and funds for volunteer firefighting and emergency service providers; to amend the vehicle and traffic law, in relation to vehicles operated by

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

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officials of the office of fire prevention and control; to amend the criminal procedure law, in relation to arson investigation; and to amend the executive law, in relation to fire safety standards of cigarettes, and to repeal certain provisions of the county law and the executive law relating thereto (Part B); to amend the executive law and the civil practice law and rules, in relation to establishing a rape crisis program in the division of criminal justice services and remove the program from the department of health; and to repeal subdivision 15 of section 206 and article 6-A of the public health law relating thereto (Part C); to amend the criminal procedure law and the penal law, in relation to terms of probation; to amend the criminal procedure law, in relation to probation mandate relief; to amend the executive law, in relation to the manner in which probation aid is distributed; to amend the penal law and the criminal procedure law, in relation to warrants, the probation detainer warrant pilot project and modification and extension thereof, waiver of extradition, conditions of probation, and restitution; and to amend chapter 377 of the laws of 2007 amending the correction law and the criminal procedure law relating to establishing a probation detainer warrant pilot project, in relation to the effectiveness thereof (Part D); to amend the executive law, in relation to creating in the division of criminal justice services the office of indigent defense; and to amend the state finance law, in relation to the distribution of monies from the indigent legal services fund (Part E); to amend the county law, in relation to permitting counties to establish an office of conflict defender and providing for the repeal of such provisions upon expiration thereof (Part F); to amend the executive law, in relation to the collection of DNA; and to amend the penal law, in relation to conditions of probation and conditional discharge and refusal to provide a DNA sample (Part G); to amend the vehicle and traffic law, in relation to the denial of registration or renewal for certain violations; in relation to the suspension of registration for failure to answer or pay penalties with respect to certain violations; and in relation to establishing a photo-monitoring program to impose fines for failing to obey work zone speed limits and for failing to obey certain posted speed limits (Part H); to amend the executive law, in relation to reducing the board of parole maximum membership from nineteen to thirteen and to reduce the term of office from six to five years (Part I); to amend the correction law, in relation to the housing of persons nineteen, twenty and twenty-one years of age with the department of correctional services; to amend the criminal procedure law, in relation to permitting electronic appearances in certain court proceedings; and to amend the correction law, in relation to permitting the commingling of inmates in local correctional infirmaries and to allow prisoners to voluntarily work for nonprofit organizations (Part J); to amend the judiciary law, the civil practice law and rules, the uniform district court act, the uniform city court act, and the New York city civil court act, in relation to the increase of certain civil court fees (Part K); to amend the uniform justice court act, in relation to improving the process for the merging of town and village courts (Part L); in relation to requiring the judiciary to publicly account for the impact on local governments from any new program or expanded program to be required by its rules and regulations (Part M); to amend the public authorities law, in relation to certain bonds authorized to be issued or purchased by the municipal bond bank agency and to certain financing agreements authorized to be

executed in connection therewith (Part N); to amend the civil service law, the labor law and the executive law, in relation to abolishing the state employment relations board and shift responsibilities to the public employment relations board; and to repeal certain provisions of the labor law relating thereto (Part O); to repeal section 163-c of the state finance law, relating to imposition of a centralized procurement contract fee (Part P); to collect surplus funds from workers' compensation insurance carriers and to prevent such surpluses from recurring (Part Q); to amend the workers' compensation law and the insurance law, in relation to providing the workers' compensation board with the powers needed to protect injured workers' benefits (Part R); to establish a joint appointing authority for the state financial system project (Part S); to amend the civil service law, the state finance law and the insurance law, in relation to allowing the New York state employee health insurance plan to have the option to be self insured; and to amend the parks, recreation and historic preservation law, in relation to the health benefit plan for employees (Part T); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part U); to amend the retirement and social security law, in relation to payment by the state of certain employer retirement contributions (Part V); to amend the executive law, the real property tax law, and the tax law, in relation to merging the state office of real property services and the state board of real property services into the department of taxation and finance; and to repeal certain provisions of the real property tax law and the tax law relating thereto (Part W); to amend the real property tax law, the real property law and the tax law, in relation to establishing a property taxpayers' disclosure and assessment transparency act and simplifying the reporting of data relating to real estate transfers (Part X); to amend the real property tax law, in relation to restructuring the current aid program to encourage full value reassessments (Part Y); to amend the state finance law, in relation to aid and incentives for municipalities (Part Z); to amend the state finance law, in relation to a program of aid to municipalities in which a video lottery gaming facility is located (Part AA); to amend the legislative law, in relation to unfunded mandates on local governments and school districts; and providing for the repeal of certain provisions upon expiration thereof (Part BB); to amend the general municipal law, the education law, the public authorities law and chapter 738 of the laws of 1988 amending the administrative code of the city of New York, the public authorities law and other laws relating to the New York city school construction authority, in relation to separate specifications for public works contracts (Part CC); to amend the general municipal law, the public housing law, the state finance law and chapter 585 of the laws of 1939, relating to the rate of interest to be paid by certain public corporations upon judgments and accrued claims, in relation to interest rates paid by certain public corporations (Part DD); to amend the agriculture and markets law and the county law, in relation to the sharing of the duties of weights and measures between municipalities; to amend the town law, in relation to residency requirements of fire districts and fire companies; and to amend the real property tax law, in relation to entering into contracts for tax collection (Part EE); to amend the general municipal law, the economic development law, the state finance law and the public buildings law, in relation to procurements by local governments; and providing for the repeal of certain provisions upon expiration thereof (Part FF); to



amend the town law, in relation to eliminating compensation for town improvement district commissioners, in relation to the provision of sanitary services in the areas of towns outside of villages, and in relation to abolishing the offices of improvement district commissioners (Part GG); to amend the public officers law, in relation to fees for accident reports; to amend the general municipal law and the banking law, in relation to permitting local governments to make deposits in credit unions and savings banks; to amend the general municipal law, in relation to authorizing fees for ambulance service provided by a fire department or fire company; to amend the general municipal law, in relation to authorizing municipalities to charge for the cost of providing additional police protection to paid-admission events; to amend the general city law and the village law, in relation to increasing the rate of tax authorized to be imposed by local gross receipts taxes; and to repeal certain provisions of the public officers law relating thereto (Part HH); to amend the public authorities law, in relation to federal subsidy bonds of the New York city transitional finance authority (Part II); and to provide for the administration of certain funds and accounts related to the 2010-2011 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend the state finance law, in relation to the expiration of certain provisions thereof; to amend the state finance law, in relation to notes and bonds of the environmental facilities corporation; to amend the state finance law, in relation to the general debt service fund; to amend the state finance law, in relation to the issuance of revenue bonds; to amend part RR of chapter 57 of the laws of 2008 providing for the administration of certain funds and accounts related to the 2008-2009 budget, in relation to effectiveness of certain provisions thereof; to amend the state finance law, in relation to variable rate bonds; to amend the state finance law, in relation to mental health service facilities financing; to amend the state finance law, in relation to the sale of state bonds; to amend the state finance law, in relation to the sale of housing bonds and urban renewal bonds; to amend the state finance law, in relation to federal interest subsidy payments; to amend the public authorities law, in relation to cultural education facilities; to amend the public authorities law, in relation to library construction; to amend the public authorities law, in relation to voting of directors of the local government assistance corporation; to amend part P of chapter 57 of the laws of 2005, amending the education law relating to establishing a program of capital financing for public broadcasting stations, in relation to the effectiveness of certain provisions thereof; to amend the public authorities law, the judiciary law, the education law, the state finance law, chapter 57 of the laws of 2004, amending the education law and other laws relating to the calculation and payment of state aid to school districts and boards of cooperative educational services, chapter 57 of the laws of 2005, amending the labor law and other laws relating to implementing the state fiscal plan for the 2005-2006 state fiscal year, chapter 83 of the laws of 1995, amending the state finance law and other laws relating to state finances, chapter 7 of the laws of 1989, authorizing the New York state urban development corporation to assist the state in restructuring certain payment requirements, chapter 190 of the laws of 1990, amending the tax law relating to certain taxes, fees and other impositions, chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006



budget, chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, chapter 60 of the laws of 2006, relating to providing for administration of certain funds and accounts related to the 2006-2007 budget, chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, chapter 18 of the laws of 2008, amending the racing, pari-mutuel wagering and breeding law and other laws relating to racing corporations and associations, chapter 432 of the laws of 1997, amending the state finance law and other laws relating to the transportation, economic development and environmental conservation budget, chapter 796 of the laws of 1992, providing for enhancements to the center for science and technology on the campus of Syracuse University and the Cornell super computer center on the campus of Cornell University, chapter 684 of the laws of 1986, relating to providing for the construction of the center for computers, microelectronics and telecommunications on the campus of Columbia University in the city of New York, chapter 839 of the laws of 1987, constituting the omnibus economic development act of 1987, chapter 258 of the laws of 1993, relating to the development of sports facilities, chapter 61 of the laws of 2000, authorizing bonds for the strategic investment program, chapter 84 of the laws of 2002, chapter 3 of the laws of 2004, chapter 59 of the laws of 2004, chapter 58 of the laws of 2006, and chapter 56 of the laws of 2009, authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds and notes, chapter 59 of the laws of 2005, relating to the urban development corporation bonding authority and relating to the authority of the urban development corporation and the dormitory authority to issue bonds, chapter 62 of the laws of 2003 and chapter 161 of the laws of 2005, authorizing the urban development corporation to issue bonds, chapter 35 of the laws of 1979, relating to appropriating funds to the New York state urban development corporation, the New York state urban development corporation act, the New York state medical care facilities finance agency act, 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; and to amend part R-1 of chapter 109 of the laws of 2006 relating to dormitory authority bonds, in relation to state-supported debt; and providing for the repeal of certain provisions upon the expiration thereof (Part JJ)

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2010-2011
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through JJ. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

1

PART A

2 Section 1. Section 240 of the executive law, as amended by chapter
3 134 of the laws of 1985, is amended to read as follows:

4 § 240. [Division] Office of probation and correctional alternatives [
5 director]. 1. There shall be in the [executive department a division]
6 division of criminal justice services an office of probation and correc-
7 tional alternatives, hereinafter referred to in this article as "the
8 office". The head of the [division] office shall be the [state] direc-
9 tor of probation and correctional alternatives, who shall be appointed
10 by the [governor by and with the advice and consent of the senate, and
11 hold office at the pleasure of the governor by whom he was appointed and
12 until his successor is appointed and has qualified] commissioner.

13 2. The [state] director [of probation and correctional alternatives
14 shall have sole charge of the administration of the division of
15 probation and correctional alternatives], in consultation with the
16 commissioner, shall coordinate and recommend policy relating to the
17 administration of probation services and correctional alternative
18 programs throughout the state.

19 3. [The principal office of the division of probation and correctional
20 alternatives shall be in the county of Albany] The commissioner, in
21 consultation with the director, shall appoint staff and perform such
22 other functions to ensure the efficient operation of the office within
23 the amounts made available therefor by appropriation.

24 4. As used in this article, the term "director" shall mean the [state]
25 director of the office of probation and correctional alternatives,
26 "office" shall mean the office of probation and correctional alterna-
27 tives, "commissioner" shall mean the commissioner of the division of
28 criminal justice services and "division" shall mean the division of
29 criminal justice services.

30 § 2. Section 241 of the executive law is REPEALED.

31 § 3. Section 836 of the executive law is amended by adding three new
32 subdivisions 7, 8 and 9 to read as follows:

33 7. The functions, powers and duties of the former division of
34 probation and correctional alternatives as established in article twelve
35 of this chapter shall now be considered a function of the division of
36 criminal justice services.

37 8. The functions, powers and duties of the former New York state
38 office for the prevention of domestic violence as established in article
39 twenty-one of this chapter shall now be considered a function of the
40 division of criminal justice services.

41 9. The functions, powers and duties of the former crime victims board
42 as established in article twenty-two of this chapter shall now be
43 considered a function of the division of criminal justice services.

44 § 4. Transfer of employees. Notwithstanding any other provision of
45 law, rule, or regulation to the contrary, upon the transfer of functions
46 from the division of probation and correctional alternatives to the
47 division of criminal justice services pursuant to subdivision 7 of
48 section 836 of the executive law, as added by section three of this act,
49 all employees of the division of probation and correctional alternatives
50 shall be transferred to the division of criminal justice services.
51 Employees transferred pursuant to this section shall be transferred
52 without further examination or qualification and shall retain their
53 respective civil service classifications, status and collective bargain-
54 ing unit designations and collective bargaining agreements.



1 § 5. Transfer of records. All books, papers, and property of the divi-
2 sion of probation and correctional alternatives shall be delivered to
3 the commissioner of the division of criminal justice services. All
4 books, papers, and property of the division of probation and correction-
5 al alternatives shall continue to be maintained by the division of crim-
6 inal justice services.

7 § 6. Continuity of authority. For the purpose of succession of all
8 functions, powers, duties and obligations transferred and assigned to,
9 devolved upon and assumed by it pursuant to this act, the division of
10 criminal justice services shall be deemed and held to constitute the
11 continuation of the division of probation and correctional alternatives.

12 § 7. Completion of unfinished business. Any business or other matter
13 undertaken or commenced by the division of probation and correctional
14 alternatives or the director thereof pertaining to or connected with the
15 functions, powers, obligations and duties hereby transferred and
16 assigned to the division of criminal justice services and pending on the
17 effective date of this act, may be conducted and completed by the divi-
18 sion of criminal justice services in the same manner and under the same
19 terms and conditions and with the same effect as if conducted and
20 completed by the division of probation and correctional alternatives.

21 § 8. Continuation of rules and regulations. All rules, regulations,
22 acts, orders, determinations, and decisions of the division of probation
23 and correctional alternatives pertaining to the functions and powers
24 herein transferred and assigned, in force at the time of such transfer
25 and assumption, shall continue in full force and effect as rules, regu-
26 lations, acts, orders, determinations and decisions of the division of
27 criminal justice services until duly modified or abrogated by the
28 commissioner of the division of criminal justice services.

29 § 9. Terms occurring in laws, contracts and other documents. Whenever
30 the division of probation and correctional alternatives or the director
31 thereof, is referred to or designated in any law, contract or document
32 pertaining to the functions, powers, obligations and duties hereby
33 transferred to and assigned to the division of criminal justice services
34 or the commissioner of the division of criminal justice services, such
35 reference or designation shall be deemed to refer to the division of
36 criminal justice services or commissioner of the division of criminal
37 justice services, as applicable.

38 § 10. Existing rights and remedies preserved. No existing right or
39 remedy of any character shall be lost, impaired or affected by any
40 provisions of this act.

41 § 11. Pending actions and proceedings. No action or proceeding pending
42 at the time when this act shall take effect, brought by or against the
43 division of probation and correctional alternatives or the director
44 thereof, shall be affected by any provision of this act, but the same
45 may be prosecuted or defended in the name of the commissioner of the
46 division of criminal justice services or the division of criminal
47 justice services. In all such actions and proceedings, the commissioner
48 of the division of criminal justice services, upon application of the
49 court, shall be substituted as a party.

50 § 12. Transfer of appropriations heretofore made. All appropriations
51 or reappropriations heretofore made to the division of probation and
52 correctional alternatives to the extent of remaining unexpended or unen-
53 cumbered balance thereof, whether allocated or unallocated and whether
54 obligated or unobligated, are hereby transferred to and made available
55 for use and expenditure by the division of criminal justice services
56 subject to the approval of the director of the budget for the same

1 purposes for which originally appropriated or reappropriated and shall
2 be payable on vouchers certified or approved by the commissioner of the
3 division of criminal justice services on audit and warrant of the comp-
4 troller.

5 § 13. Transfer of assets and liabilities. All assets and liabilities
6 of the division of probation and correctional alternatives are hereby
7 transferred to and assumed by the division of criminal justice services.

8 § 14. Subdivision 1 of section 221-a of the executive law, as amended
9 by chapter 107 of the laws of 2004, is amended to read as follows:

10 1. The superintendent, in consultation with the division of criminal
11 justice services, office of court administration, the [division] office
12 of probation and correctional alternatives[,] and the [state] office for
13 the prevention of domestic violence [and the division for women], shall
14 develop a comprehensive plan for the establishment and maintenance of a
15 statewide computerized registry of all orders of protection issued
16 pursuant to articles four, five, six and eight of the family court act,
17 section 530.12 of the criminal procedure law and, insofar as they
18 involve victims of domestic violence as defined by section four hundred
19 fifty-nine-a of the social services law, section 530.13 of the criminal
20 procedure law and sections two hundred forty and two hundred fifty-two
21 of the domestic relations law, and orders of protection issued by courts
22 of competent jurisdiction in another state, territorial or tribal juris-
23 diction, special orders of conditions issued pursuant to subparagraph
24 (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the
25 criminal procedure law insofar as they involve a victim or victims of
26 domestic violence as defined by subdivision one of section four hundred
27 fifty-nine-a of the social services law or a designated witness or
28 witnesses to such domestic violence, and all warrants issued pursuant to
29 sections one hundred fifty-three and eight hundred twenty-seven of the
30 family court act, and arrest and bench warrants as defined in subdivi-
31 sions twenty-eight, twenty-nine and thirty of section 1.20 of the crimi-
32 nal procedure law, insofar as such warrants pertain to orders of
33 protection or temporary orders of protection; provided, however, that
34 warrants issued pursuant to section one hundred fifty-three of the fami-
35 ly court act pertaining to articles three, seven and ten of such act and
36 section 530.13 of the criminal procedure law shall not be included in
37 the registry. The superintendent shall establish and maintain such
38 registry for the purposes of ascertaining the existence of orders of
39 protection, temporary orders of protection, warrants and special orders
40 of conditions, and for enforcing the provisions of paragraph (b) of
41 subdivision four of section 140.10 of the criminal procedure law.

42 § 15. The article heading of article 12 of the executive law, as
43 amended by chapter 134 of the laws of 1985, is amended to read as
44 follows:

45 [DIVISION] OFFICE OF PROBATION AND CORRECTIONAL
46 ALTERNATIVES

47 § 15-a. Intentionally omitted.

48 § 16. Subdivision 2 of section 242 of the executive law, as amended by
49 chapter 134 of the laws of 1985, is amended to read as follows:

50 2. The present members of the state probation commission who were
51 appointed to such commission by the governor shall continue as the
52 members of said commission appointed pursuant to paragraph (a) of subdivi-
53 sion one of this section at the pleasure of the governor, and until
54 their successors are appointed and have qualified. The director shall be
55 chairman of the commission. No member of said probation commission shall
56 receive any compensation for his or her services as a member of such

1 commission, but the members shall be entitled to their actual necessary
2 expenses incurred in the performance of their duties. The [director]
3 commissioner may from time to time assign an employee of the division to
4 act as secretary to said probation commission. The duties of the members
5 of said probation commission shall be to attend the meetings of such
6 probation commission, at the time fixed by said commission, or called by
7 the chairman of said commission, and to consider all matters relating to
8 probation in the state, within the jurisdiction of the [division of
9 probation and correctional alternatives] office, and to advise and
10 consult with the director in regard thereto.

11 § 17. Subdivisions 1 and 2, paragraph (a) of subdivision 3, and the
12 opening paragraph of subdivision 4 of section 243 of the executive law,
13 subdivision 1 as amended by chapter 134 of the laws of 1985, subdivision
14 2 as amended by chapter 574 of the laws of 1985, paragraph (a) of subdi-
15 vision 3 as added by chapter 609 of the laws of 1997, and the opening
16 paragraph of subdivision 4 as added by chapter 568 of the laws of 2008,
17 are amended to read as follows:

18 1. The [director] office shall exercise general supervision over the
19 administration of probation services throughout the state, including
20 probation in family courts and shall collect statistical and other
21 information and make recommendations regarding the administration of
22 probation services in the courts. [He] The office shall endeavor to
23 secure the effective application of the probation system and the
24 enforcement of the probation laws and the laws relating to family courts
25 throughout the state. After consultation with the state probation
26 commission, [he] the office shall [adopt] recommend to the commissioner
27 general rules which shall regulate methods and procedure in the adminis-
28 tration of probation services, including investigation of defendants
29 prior to sentence, and children prior to adjudication, supervision, case
30 work, record keeping, and accounting, program planning and research so
31 as to secure the most effective application of the probation system and
32 the most efficient enforcement of the probation laws throughout the
33 state. Such rules shall provide that the probation investigations
34 ordered by the court in designated felony act cases under subdivision
35 one of section 351.1 of the family court act shall have priority over
36 other cases arising under articles three and seven of such act. [Such]
37 When duly adopted by the commissioner, such rules shall be binding upon
38 all probation officers and when duly adopted shall have the force and
39 effect of law, but shall not supersede rules that may be adopted pursu-
40 ant to the family court act. [He] The office shall keep [himself]
41 informed as to the work of all probation officers and shall from time to
42 time inquire into and report upon their conduct and efficiency. [He] The
43 office may investigate the work of any probation bureau or probation
44 officer and shall have access to all records and probation offices. [He]
45 The office may issue subpoenas to compel the attendance of witnesses or
46 the production of books and papers. [He] The office may administer oaths
47 and examine persons under oath. [He] The office may recommend to the
48 appropriate authorities the removal of any probation officer. [He shall
49 transmit to the governor not later than February first of each year an
50 annual report of the work of the division of probation and correctional
51 alternatives for the preceding calendar year, which shall include such
52 information relative to the administration of probation and correctional
53 alternatives throughout the state as may be appropriate. He] The office
54 may from time to time publish reports regarding probation including
55 probation in family courts, and the operation of the probation system
56 including probation in family courts and any other information regarding

1 probation as [he] the office may determine provided expenditures for
2 such purpose are within amounts appropriated therefor.

3 2. The [director] office shall exercise general supervision over the
4 utilization of correctional alternative programs throughout the state.
5 [He] The office shall collect statistical and other information and make
6 recommendations regarding the availability, identification, coordination
7 and utilization of such programs. The [director] office shall endeavor
8 to facilitate communication and coordination among and between correc-
9 tional alternative programs and probation services in order to assist in
10 making effective use of such programs. A correctional alternative
11 program shall be deemed to refer to those programs, including eligible
12 programs as defined in paragraph b of subdivision one of section two
13 hundred sixty-one of this chapter, which by themselves, or when used in
14 conjunction with one or more programs or with probation services, may
15 serve as an alternative to a sentence or disposition of incarceration or
16 a portion thereof, and which shall serve the interests of justice. The
17 [director] office shall further exercise general supervision over the
18 administration and implementation of alternatives to incarceration
19 service plans under the provisions of article thirteen-A of this chap-
20 ter. [He] The office shall [adopt] recommend to the commissioner general
21 rules and regulations which shall regulate methods and procedures in the
22 administration and funding of alternative to incarceration service
23 plans, and any other correctional alternative program funded by the
24 state through the division, including but not limited to issuance of
25 quarterly reports as specified by section two hundred sixty-three of
26 this chapter. [Such] When duly adopted by the commissioner, such rules
27 and regulations shall be binding upon all counties and eligible programs
28 that may be funded in such plans and when duly adopted shall have the
29 force and effect of law. [He] The office shall keep [himself] informed
30 as to the development, implementation and utilization of plans and fund-
31 ed eligible programs therein and shall from time to time inquire into
32 and report upon their work and efficiency. [He] The office shall inves-
33 tigate the work of any funded plan or eligible program and shall have
34 access to their records and offices for such purpose.

35 (a) The [director] office shall have the authority to certify to the
36 commissioner [of the division of criminal justice services] those
37 correctional alternative programs subject to supervision of the division
38 and determined to perform a criminal justice function, as defined in
39 subdivision ten of section eight hundred thirty-five of this chapter,
40 for the purpose of permitting access to criminal history records for
41 criminal justice purposes, subject to the approval of the commissioner
42 [of the division of criminal justice services]. Any such correctional
43 alternative program may apply for certification to the division in writ-
44 ing, on forms prescribed by the division. Such application shall speci-
45 fy, at a minimum, the following: the nature and scope of the program;
46 the necessity for access to such records related to their criminal
47 justice function; the names of employees, and their job titles or posi-
48 tions, for whom access is being sought; and any other information the
49 division deems necessary. Certification shall include the designation of
50 those employees of such programs for whom access to such records is
51 authorized. No designated employee shall have access to such records
52 until such person has satisfactorily completed appropriate training,
53 required by the division [of criminal justice services].

54 The [director] office shall [promulgate] recommend to the commissioner
55 rules and regulations which shall include guidelines and procedures on
56 the placement of sex offenders designated as level two or level three

1 offenders pursuant to article six-C of the correction law. Such regu-
2 lations shall instruct local probation departments to consider certain
3 factors when investigating and approving the residence of level two or
4 level three sex offenders sentenced to a period of probation. Such
5 factors shall include the following:

6 § 18. Subdivision 1 of section 483-d of the social services law, as
7 added by chapter 392 of the laws of 2005, is amended to read as follows:

8 1. Committee established. There is hereby established within the
9 council an out-of-state placement committee comprised of the commission-
10 er of children and family services, the commissioner of mental health,
11 the commissioner of mental retardation and developmental disabilities,
12 the commissioner of education, the commissioner of alcoholism and
13 substance abuse services, the commissioner of health, and the director
14 of the [division] office of probation and correctional alternatives.

15 § 19. Section 244 of the executive law, as amended by chapter 906 of
16 the laws of 1974, is amended to read as follows:

17 § 244. Hostels and foster homes. 1. The [director] office is hereby
18 authorized to provide or to pay for care in a hostel or foster home
19 approved by [him] the office as suitable for such cases for any proba-
20 tioner or parolee under the age of twenty-one years when the parole
21 board or a judge of a court determines that there is no other suitable
22 home for such probationer or parolee and that such probationer or paro-
23 lee should be placed in such hostel or foster home. In addition to
24 payment for such care, when ordered by the board or court, the [direc-
25 tor] office is authorized to provide or pay for clothing and other
26 necessities, including medical and psychiatric treatment, required for
27 the welfare of such probationer or parolee. The [director] office may
28 also provide or contract for such care in any suitable facility operated
29 by a department of correction or by any other public or voluntary social
30 welfare agency, institution or organization. A court with respect to
31 such a probationer and the parole board with respect to such a parolee
32 shall, subject to regulation by the [director] division control admis-
33 sions to and discharges from such hostels and foster homes. When place-
34 ment is made in any hostel or foster home, or in any facility other than
35 a public institution, such placement whenever practicable shall be in a
36 hostel, or facility operated by or in the home of a person or persons of
37 the same religious faith as the probationer or parolee.

38 2. The [director] office shall have authority and the duty to stimu-
39 late programs for the development of hostels and foster homes for the
40 care of probationers and parolees under the age of twenty-one years.

41 § 20. Section 245 of the executive law, as amended by chapter 134 of
42 the laws of 1985, is amended to read as follows:

43 § 245. Probation staff training and development. The [division] office
44 of probation and correctional alternatives shall conduct training
45 programs for city, county and state probation personnel, prepare and
46 execute programs of information and education to interest persons in the
47 field of probation as a vocation, encourage the development by schools
48 within the state of courses of study in fields related to and bearing
49 upon probation and engage in other activities of an educational or
50 informational nature designed to increase the number of qualified
51 probation personnel and improve the caliber of probation service within
52 the state. In order to effectuate the provisions of this section, the
53 [division] office of probation and correctional alternatives shall be
54 authorized to prepare and disseminate printed materials, utilize media
55 of public information, cooperate with public and private institutions of
56 learning and employ qualified persons as lecturers or consultants on a

1 fee basis to supplement services to be performed by its personnel here-
2 under. Such fees shall be payable out of funds appropriated for these
3 purposes on the audit and warrant of the comptroller on vouchers certi-
4 fied or approved by the [director] office.

5 § 21. Subdivisions 1 and 3 of section 246 of the executive law, as
6 amended by chapter 134 of the laws of 1985, are amended to read as
7 follows:

8 1. The program of state aid to county probation services shall be
9 continued. It shall be administered by the division [of probation and
10 correctional alternatives] with the advice of the state probation
11 commission. Funds appropriated to the division for distribution as state
12 aid to county probation services and to the probation services of New
13 York city shall be distributed by the division in accordance with the
14 provisions of this section, and rules adopted by the [director] commis-
15 sioner after consultation with the director and the state probation
16 commission.

17 3. Applications from counties or the city of New York for state aid
18 under this section shall be made by filing with the division [of
19 probation and correctional alternatives], a detailed plan, including
20 cost estimates covering probation services for the fiscal year or
21 portion thereof for which aid is requested. Included in such estimates
22 shall be clerical costs and maintenance and operation costs as well as
23 salaries of probation personnel and such other pertinent information as
24 the director may require. Items for which reimbursement is requested
25 under this section shall be duly designated in the estimates submitted.
26 The director, after consultation with the state probation commission,
27 shall approve such plan if it conforms to standards relating to the
28 administration of probation services as specified in the rules adopted
29 by him.

30 § 22. Section 247 of the executive law is REPEALED.

31 § 23. Section 248 of the executive law, as added by chapter 479 of the
32 laws of 1970, the opening paragraph as amended by chapter 134 of the
33 laws of 1985, is amended to read as follows:

34 § 248. Establishment of probation scholarships. The [division of
35 probation and correctional alternatives] office, [under regulations
36 which it shall prescribe, and] out of moneys appropriated to it for that
37 purpose, is authorized to grant scholarships for graduate training in
38 any course of study that would be of substantial value in the field of
39 probation at graduate schools located within the state whose programs
40 are registered by the regents.

41 Each such scholarship shall entitle the holder thereof to a sum not to
42 exceed four thousand dollars annually while in attendance at any of the
43 said schools for a period not to exceed two years of graduate profes-
44 sional study.

45 Scholarships under this section shall be awarded only to residents of
46 the state of New York who hold a degree of bachelor of arts or bachelor
47 of science from a college or university, or the equivalent thereof.

48 The [director] office, after consultation with the state probation
49 commission, shall [make] recommend to the commissioner rules governing
50 the award of such scholarships, the publication of notices offering
51 scholarships, the issuance and cancellation of certificates entitling
52 persons to the benefits thereof, the use of such scholarships by
53 persons entitled thereto, the courses that may be included under such
54 scholarships, the schools which may be attended under such scholarships,
55 the rights and duties of scholarship holders and of the schools which
56 they attend, and providing generally for the carrying into effect of the

1 provisions of this section; and may, by appropriate rule, require that
2 holders of such scholarships be available for employment in probation
3 work in the state of New York upon the completion of the training for
4 which the scholarship is provided. The [director] office shall, after
5 consultation with the state probation commission, award such scholar-
6 ships within such established rules, and any scholarship may be revoked
7 for cause.

8 Payments of money under this section may be made to the holder of the
9 scholarship or to the school or college attended under the scholarship,
10 on behalf of, and for the benefit of, the holder of the scholarship.

11 Payments of money shall be ordered by the comptroller upon vouchers of
12 the [director] office certifying that the person named therein is enti-
13 tled to receive the sum either directly, or for his or her benefit.

14 § 24. Subdivisions 2, 3 and 4 of section 257 of the executive law, as
15 amended by chapter 134 of the laws of 1985, are amended to read as
16 follows:

17 2. The [state director] office of probation and correctional alterna-
18 tives may when necessary certify in writing the need of one or more
19 salaried probation officers to the official body charged with responsi-
20 bility for appropriating funds for support of government in the poli-
21 tical subdivision of the state wherein a probation department is
22 located. Such body shall then determine whether such need exists and if
23 found to exist it shall fix the salary of such probation officer and
24 appropriate the necessary funds, as well as provide for the necessary
25 expenses of such officer.

26 3. Each probation officer who collects or has custody of money, before
27 entering upon the duties of his or her office, shall execute a bond,
28 pursuant to the provisions of section eleven of the public officers law,
29 in a penal sum to be fixed by the local director of probation with
30 sufficient sureties approved thereby, conditioned for the honest
31 accounting for all money received by him or her as such probation offi-
32 cer. In the discretion of the local director of probation, a position
33 scheduled bond covering all such probation officers may be procured and
34 executed in lieu of such individual bonds. The accounts of all probation
35 officers shall be subject to audit at any time by the proper fiscal
36 authorities and the [division] office of probation and correctional
37 alternatives.

38 4. It shall be the duty of every probation officer to furnish to each
39 of his or her probationers a statement of the conditions of probation,
40 and to instruct him or her with regard thereto; to keep informed
41 concerning his or her conduct, habits, associates, employment, recre-
42 ation and whereabouts; to contact him or her at least once a month
43 pursuant to rules promulgated by the [state director of probation and
44 correctional alternatives] commissioner of the division of criminal
45 justice services; to aid and encourage him or her by friendly advice and
46 admonition; and by such other measures as may seem most suitable to
47 bring about improvement in his or her conduct, condition and general
48 attitude toward society. Probation officers shall report to the head of
49 the probation bureau or department who shall in turn report in writing
50 to the court and the [state director] office of probation and correc-
51 tional alternatives at least monthly or where there is no bureau or
52 department, directly to the court and the [state director] office of
53 probation and correctional alternatives concerning the conduct and
54 condition of probationers; keep records of their work as probation offi-
55 cers; keep accurate and complete accounts of all money collected from
56 probationers; give receipts therefor and make prompt returns thereof at

1 least monthly; aid in securing employment; perform such other duties in
2 connection with such probationer as the court may direct or as required
3 by the general rules adopted pursuant to section two hundred forty-three
4 of this chapter; and make such reports to the [state division] office of
5 probation and correctional alternatives as it may require.

6 § 25. Paragraphs a, b, e and i of subdivision 1 of section 261 of the
7 executive law, paragraphs a, e and i as amended by chapter 338 of the
8 laws of 1989 and paragraph b as amended by chapter 461 of the laws of
9 1990, are amended to read as follows:

10 a. "Service plan" or "plan" means a county plan designed to identify
11 and provide eligible programs as determined by either an advisory board
12 established pursuant to this article, or by an existing criminal justice
13 coordinating council, provided, however, the membership of such council
14 includes a majority of those persons set forth in subdivision two of
15 this section, provided that one person shall be the chief administrative
16 officer. The following factors considered, utilized and incorporated in
17 the plan shall include but not be limited to:

18 (i) an analysis of the jail population to assist in determining incar-
19 ceration practices and trends, including, if submitting an approved
20 amendment pursuant to section two hundred sixty-six of this article, an
21 analysis of the relationship between alcohol, drugs and crime and the
22 effects of alcohol and substance abuse on the local criminal justice
23 system and jail, probation and alternatives to incarceration popu-
24 lations, consistent with planning guidelines established by the [divi-
25 sion] office; the types and nature of alternative programming needed,
26 and appropriate eligibility requirements;

27 (ii) an analysis of recent overcrowding problems and measures taken by
28 the county to relieve them;

29 (iii) a summary of existing alternatives programs and/or related
30 services and previous efforts made by the county to develop alternatives
31 to incarceration and if an approved amendment is submitted, pursuant to
32 section two hundred sixty-six of this article, a summary of existing
33 alcohol and substance abuse programs;

34 (iv) a comprehensive plan for the development of alternatives programs
35 that addresses the specific needs identified in subparagraph (i) of this
36 paragraph and furthers the county's long-range goals in the area of
37 alternatives to incarceration;

38 (v) specific proposals for the use of state aid available under this
39 chapter, including a description of services to be provided, character-
40 istics of the target populations, steps to be taken to identify eligible
41 participants, the goals and objectives to be accomplished through the
42 proposals;

43 (vi) a detailed time frame for the implementation and evaluation of
44 the specific proposals described in subparagraph (v) of this paragraph;

45 (vii) a summary of those criteria by which the [division] office and
46 the state commission of correction may measure the proposal's impact on
47 jail overcrowding; and

48 (viii) any other information which the [division] office may request
49 consistent with the purposes of this chapter.

50 Nothing in this article shall prohibit the development of regional
51 programs by two or more counties.

52 b. "Eligible programs" means existing programs, enhancement of exist-
53 ing programs or initiation of new programs or, if submitting an approved
54 amendment pursuant to section two hundred sixty-six of this article,
55 eligible alcohol and substance abuse programs as defined in paragraph c
56 of this subdivision which serve to assist the court, public officers or

1 others in identifying and avoiding the inappropriate use of incarceration.
2 Such programs may be administered by either the county or private,
3 community-based organizations and may include, but shall not be limited
4 to: new or enhanced specialized probation services which exceed those
5 probation services otherwise required to be performed in accordance with
6 applicable law, rule or regulation of the [state] division of [probation
7 and correctional alternatives] criminal justice services subject to the
8 provisions of this article; a pre-trial alternative to detention
9 program, including a comprehensive pre-arraignment program which screens
10 all defendants and ensures that the court is fully advised of the avail-
11 ability of alternatives based upon the defendant's suitability and needs
12 prior to its determination regarding the issuance of a securing order,
13 or an effective bail review program; alternatives to post-adjudicatory
14 incarceration programs, including community service, substance abuse or
15 alcohol intervention programs; and management information systems
16 designed to improve the county's ability to identify appropriate persons
17 for alternatives to detention or incarceration, as well as for improved
18 classification of persons within jail. For purposes of this paragraph,
19 community service programs may place persons performing community
20 service at worksites identified by the commissioner of the department of
21 environmental conservation and the commissioner of the office of parks,
22 recreation and historic preservation.

23 e. "Approved plan" means a plan submitted by the county executive upon
24 approval by the advisory board or council and by the local legislative
25 body, which has been determined by the [division of probation and
26 correctional alternatives] office to meet the requirements set forth in
27 paragraph a of this subdivision.

28 i. ["Division"] "Office" means the [division] office of probation and
29 correctional alternatives.

30 § 26. Section 354-a of the executive law, as amended by chapter 355 of
31 the laws of 2004, is amended to read as follows:

32 § 354-a. Information on status of veterans receiving assistance.
33 Departments, divisions, bureaus, boards, commissions and agencies of the
34 state and political subdivisions thereof, which provide assistance,
35 treatment, counseling, care, supervision or custody in service areas
36 involving health, mental health, family services, criminal justice or
37 employment, including but not limited to the office of alcoholism and
38 substance abuse services, office of mental health, [division] office of
39 probation and correctional alternatives, office of children and family
40 services, office of temporary and disability assistance, department of
41 health, department of labor, local workforce investment boards, office
42 of mental retardation and developmental disabilities, department of
43 correctional services and division of parole, shall request assisted
44 persons to provide information with regard to their veteran status and
45 military experiences. Individuals identifying themselves as veterans
46 shall be advised that the division of veterans' affairs and local veter-
47 ans' service agencies established pursuant to section three hundred
48 fifty-seven of this article provide assistance to veterans regarding
49 benefits under federal and state law. Information regarding veterans
50 status and military service provided by assisted persons solely to
51 implement this section shall be protected as personal confidential
52 information under article six-A of the public officers law against
53 disclosure of confidential material, and used only to assist in the
54 diagnosis, treatment, assessment and handling of the veteran's problems
55 within the agency requesting such information and in referring the
56 veteran to the division of veterans' affairs for information and assist-

1 ance with regard to benefits and entitlements under federal and state
2 law.

3 § 27. Subdivision 1 of section 410.92 of the criminal procedure law,
4 as added by chapter 377 of the laws of 2007, is amended to read as
5 follows:

6 1. The [division] office of probation and correctional alternatives
7 shall establish a pilot project to implement the provisions of this
8 section. Such pilot project shall be established in four counties
9 designated by the [division] office of probation and correctional alter-
10 natives provided that each such county shall be in a distinct region of
11 the state outside of the city of New York. The state [director] commis-
12 sioner of [probation and correctional alternatives] the division of
13 criminal justice services shall have the power to adopt rules and regu-
14 lations necessary to effectuate the provisions of this section.

15 § 28. Subdivision 5 of section 410.92 of the criminal procedure law,
16 as added by chapter 377 of the laws of 2007, is amended to read as
17 follows:

18 5. The [division] office of probation and correctional alternatives
19 shall develop a standard reporting form that will be used by probation
20 departments for collecting data relating to detainer warrants issued
21 pursuant to subdivision two of this section. The [division] office shall
22 prepare a report of the usage and impact of detainer warrants which
23 shall include but not be limited to the number of warrants requested and
24 granted and, for each case, the title of the individual or individuals
25 issuing warrants in each jurisdiction, the summary of technical
26 violations of conditions of probation for which a warrant is sought, the
27 efforts to find an available judge, the judicial action taken in
28 response to the warrant, the probationer's crime of conviction, the
29 probationer's race and ethnicity, and such additional information deemed
30 necessary and relevant by the [division] office. Such report shall be
31 submitted to the governor, the temporary president of the senate and the
32 speaker of the assembly no later than the first day of May following the
33 effective date of this subdivision and annually thereafter. Each local
34 director of probation shall maintain and report to the [state] director
35 of the office of probation and correctional alternatives records suffi-
36 cient to allow the compilation of such reports.

37 § 29. Paragraph (a) of subdivision 20 of section 623 of the executive
38 law, as amended by chapter 418 of the laws of 1986, is amended to read
39 as follows:

40 (a) Information transmitted by the [state division] office of
41 probation and correctional alternatives under subdivision five of
42 section 390.30 of the criminal procedure law and subdivision seven of
43 section 351.1 of the family court act which the board shall compile,
44 review and make recommendations on how to promote the use of restitution
45 and encourage its enforcement.

46 § 30. Subdivision 1 of section 643 of the executive law, as added by
47 chapter 94 of the laws of 1984, is amended to read as follows:

48 1. As used in this section, "crime victim-related agency" means any
49 agency of state government which provides services to or deals directly
50 with crime victims, including (a) the [department of social services]
51 office of children and family services, the office [of] for the aging,
52 the division of veterans affairs, [the division of probation] the divi-
53 sion of parole, [the crime victims board,] the department of motor vehi-
54 cles, the office of vocational rehabilitation, the workers' compensation
55 board, the department of health, the division of criminal justice
56 services, the office of mental health, every transportation authority

1 and the division of state police, and (b) any other agency so designated
2 by the governor within ninety days of the effective date of this
3 section.

4 § 31. Subdivision 9 of section 835 of the executive law, as amended by
5 chapter 602 of the laws of 2008, is amended to read as follows:

6 9. "Qualified agencies" means courts in the unified court system, the
7 administrative board of the judicial conference, probation departments,
8 sheriffs' offices, district attorneys' offices, the state department of
9 correctional services[, the state division of probation], the department
10 of correction of any municipality, the insurance frauds bureau of the
11 state department of insurance, the office of professional medical
12 conduct of the state department of health for the purposes of section
13 two hundred thirty of the public health law, the child protective
14 services unit of a local social services district when conducting an
15 investigation pursuant to subdivision six of section four hundred twen-
16 ty-four of the social services law, the office of Medicaid inspector
17 general, the temporary state commission of investigation, the criminal
18 investigations bureau of the banking department, police forces and
19 departments having responsibility for enforcement of the general crimi-
20 nal laws of the state and the Onondaga County Center for Forensic
21 Sciences Laboratory when acting within the scope of its law enforcement
22 duties.

23 § 32. Subdivision 8 of section 92 of the public officers law, as
24 amended by chapter 336 of the laws of 1992, is amended to read as
25 follows:

26 (8) Public safety agency record. The term "public safety agency
27 record" means a record of the commission of correction, the temporary
28 state commission of investigation, the department of correctional
29 services, the [division for youth] office of children and family
30 services, the division of parole, the [crime victims board] office of
31 victim services, the [division] office of probation and correctional
32 alternatives or the division of state police or of any agency or compo-
33 nent thereof whose primary function is the enforcement of civil or crim-
34 inal statutes if such record pertains to investigation, law enforcement,
35 confinement of persons in correctional facilities or supervision of
36 persons pursuant to criminal conviction or court order, and any records
37 maintained by the division of criminal justice services pursuant to
38 sections eight hundred thirty-seven, eight hundred thirty-seven-a, eight
39 hundred thirty-seven-b, eight hundred thirty-seven-c, eight hundred
40 thirty-eight, eight hundred thirty-nine, eight hundred forty-five, and
41 eight hundred forty-five-a of the executive law and by the department of
42 state pursuant to section ninety-nine of the executive law.

43 § 33. The opening paragraph of paragraph (b) of subdivision 6 of
44 section 1198 of the vehicle and traffic law, as amended by chapter 669
45 of the laws of 2007, is amended to read as follows:

46 After consultation with manufacturers of ignition interlock devices
47 and the national highway traffic safety administration, the commissioner
48 of the department of health, in consultation with the commissioner and
49 the [director of the division] office of probation and correctional
50 alternatives, shall promulgate regulations regarding standards for, and
51 use of, ignition interlock devices. Such standards shall include
52 provisions for setting a minimum and maximum calibration range and shall
53 include, but not be limited to, requirements that the devices:

54 § 34. Paragraph hh of subdivision 1 of section 3-0301 of the environ-
55 mental conservation law, as amended by chapter 461 of the laws of 1990,
56 is amended to read as follows:

1 hh. Cooperate with the [division] office of probation and correctional
2 alternatives by identifying appropriate worksites where persons perform-
3 ing community service as part of a criminal disposition may be assigned
4 to provide cleanup and other maintenance services in order to preserve
5 and enhance the state's natural beauty and human-made scenic qualities.
6 Such sites may include but are not limited to the state's shorelines,
7 beaches, parks, roadways, historic sites and other natural or human-made
8 resources.

9 § 35. Paragraph (m) of subdivision 1 of section 2782 of the public
10 health law, as amended by chapter 193 of the laws of 1991, is amended to
11 read as follows:

12 (m) an employee or agent of the [division] office of probation and
13 correctional alternatives or any local probation department, in accord-
14 ance with paragraph (a) of subdivision two of section twenty-seven
15 hundred eighty-six of this article, to the extent the employee or agent
16 is authorized to access records containing such information in order to
17 carry out the [division's] office's or department's functions, powers
18 and duties with respect to the protected individual, pursuant to arti-
19 cles twelve and twelve-A of the executive law;

20 § 36. Subdivision 2-f of section 3.09 of the parks, recreation and
21 historic preservation law, as amended by chapter 461 of the laws of 1990
22 and as separately renumbered by chapters 460 and 552 of the laws of
23 2001, is amended to read as follows:

24 2-f. Cooperate with the [division] office of probation and correction-
25 al alternatives by identifying appropriate worksites where persons
26 performing community service as part of a criminal disposition may be
27 assigned to provide cleanup and other maintenance services in order to
28 preserve and enhance the state's natural beauty and human-made scenic
29 qualities. Such sites may include but are not limited to the state's
30 shorelines, beaches, parks, roadways, historic sites and other natural
31 or human-made resources.

32 § 37. Paragraph 2 of subdivision (a) of section 19.09 of the mental
33 hygiene law, as added by chapter 223 of the laws of 1992, is amended to
34 read as follows:

35 (2) Upon the request of a state agency, including but not limited to
36 the department of correctional services, the [state division] office of
37 probation and correctional alternatives, the [division for youth] office
38 of children and family services, and the board of parole, the commis-
39 sioner shall have the power to provide alcoholism, substance abuse, and
40 chemical dependence services either directly or through agreements with
41 local certified or approved providers to persons in the custody or under
42 the jurisdiction of the requesting agency within amounts available and
43 within priorities established through the planning process.

44 § 38. Subdivision 4 of section 65.10 of the penal law, as added by
45 chapter 653 of the laws of 1996, is amended to read as follows:

46 4. Electronic monitoring. When imposing a sentence of probation the
47 court may, in addition to any conditions imposed pursuant to subdivi-
48 sions two and three of this section, require the defendant to submit to
49 the use of an electronic monitoring device and/or to follow a schedule
50 that governs the defendant's daily movement. Such condition may be
51 imposed only where the court, in its discretion, determines that requir-
52 ing the defendant to comply with such condition will advance public
53 safety, probationer control or probationer surveillance. Electronic
54 monitoring shall be used in accordance with uniform procedures developed
55 by the [division] office of probation and correctional alternatives.

1 § 39. Subdivision 1 of section 89-e of the correction law, as amended
2 by chapter 550 of the laws of 1987, is amended to read as follows:

3 1. The alternate correctional facility review panel is hereby estab-
4 lished and shall consist of the commissioner, the chairman of the state
5 commission of correction, the chairman of the board of parole, the
6 director of the [division] office of probation and correctional alterna-
7 tives, the commissioner of correction of the city of New York, the pres-
8 ident of the New York State Sheriffs' Association Institute, Inc., and
9 the president of the Correctional Association of New York or their
10 designees. The governor shall appoint a chairman and vice-chairman from
11 among the members.

12 § 40. Subdivision 4 of section 270 of the correction law, as added by
13 section 1 of part SS of chapter 56 of the laws of 2009, is amended to
14 read as follows:

15 4. "Division" means the division of [probation and correctional alter-
16 natives] criminal justice services.

17 § 41. Subdivision 1 of section 705 of the correction law, as amended
18 by chapter 193 of the laws of 1991, is amended to read as follows:

19 1. All applications, certificates and orders of revocation necessary
20 for the purposes of this article shall be upon forms prescribed pursuant
21 to agreement among the state commissioner of correctional services, the
22 chairman of the state board of parole and the administrator of the state
23 judicial conference. Such forms relating to certificates of relief from
24 disabilities shall be distributed by the [director of the state divi-
25 sion] office of probation and correctional alternatives and forms relat-
26 ing to certificates of good conduct shall be distributed by the chairman
27 of the board of parole.

28 § 42. The opening paragraph of subdivision 4 and subdivision 5 of
29 section 390.30 of the criminal procedure law, the opening paragraph of
30 subdivision 4 as amended by chapter 618 of the laws of 1992 and subdivi-
31 sion 5 as added by chapter 14 of the laws of 1985, are amended to read
32 as follows:

33 In lieu of the procedure set forth in subdivisions one, two and three
34 of this section, where the conviction is of a misdemeanor the scope of
35 the pre-sentence investigation may be abbreviated and a short form
36 report may be made. The use of abbreviated investigations and short
37 form reports, the matters to be covered therein and the form of the
38 reports shall be in accordance with the general rules regulating methods
39 and procedures in the administration of probation as adopted from time
40 to time by the [state director of probation and correctional alterna-
41 tives] commissioner of the division of criminal justice services pursu-
42 ant to the provisions of article twelve of the executive law. No such
43 rule, however, shall be construed so as to relieve the agency conducting
44 the investigation of the duty of investigating and reporting upon:

45 5. Information to be forwarded to the [state division] office of
46 probation and correctional alternatives. Investigating agencies under
47 this article shall be responsible for the collection, and transmission
48 to the [state division] office of probation and correctional alterna-
49 tives, of data on the number of victim impact statements prepared,
50 pursuant to regulations of the [division] office. [Such information
51 shall be transmitted to the crime victims board and included in the
52 board's annual report pursuant to subdivision twenty of section six
53 hundred twenty-three of the executive law.]

54 § 43. Subdivision 1 of section 410.80 of the criminal procedure law,
55 as amended by chapter 191 of the laws of 2007, is amended to read as
56 follows:

1 1. Authority to transfer supervision. Where a probationer at the time
2 of sentencing resides in another jurisdiction within the state, the
3 sentencing court shall transfer supervision to the appropriate probation
4 department in such other jurisdiction. Where, after a probation sentence
5 is pronounced, a probationer desires to reside in another jurisdiction
6 within the state that is not served by the sentencing court, such court,
7 in its discretion, may approve a change in residency and, upon approval,
8 shall transfer supervision to the appropriate probation department serv-
9 ing the county of the probationer's proposed new residence. Any transfer
10 under this subdivision must be in accordance with rules adopted by the
11 [director] commissioner of the [state] division of [probation and
12 correctional alternatives] criminal justice services.

13 § 44. Subdivision 8 of section 420.10 of the criminal procedure law,
14 as amended by chapter 506 of the laws of 1985, paragraph (a) as sepa-
15 rately amended by chapters 134, 233 and 506 of the laws of 1985 and
16 paragraph (b) as separately amended by chapters 134 and 506 of the laws
17 of 1985, is amended to read as follows:

18 8. Designation of restitution agency. (a) The chief elected official
19 in each county, and in the city of New York the mayor, shall designate
20 an official or organization other than the district attorney to be
21 responsible for the collection and administration of restitution and
22 reparation payments under provisions of the penal law and this chapter[;
23 provided, however, that where the state division of probation and
24 correctional alternatives provides for and delivers probation services
25 pursuant to the provisions of section two hundred forty-seven of the
26 executive law the state division of probation and correctional alterna-
27 tives shall have the first option of designating such agency as the
28 restitution agency for such county]. This official or organization shall
29 be eligible for the designated surcharge provided for by subdivision
30 eight of section 60.27 of the penal law.

31 (b) The restitution agency, as designated by paragraph (a) of this
32 subdivision, shall be responsible for the collection of data on a month-
33 ly basis regarding the numbers of restitution and reparation orders
34 issued, the numbers of satisfied restitution and reparation orders and
35 information concerning the types of crimes for which such orders were
36 required. A probation department designated as the restitution agency
37 shall then forward such information to the [director of the state divi-
38 sion] office of probation and correctional alternatives within the first
39 ten days following the end of each month [who shall transmit such infor-
40 mation to the division of criminal justice services]. In all other cases
41 the restitution agency shall report to the division of criminal justice
42 services directly. The division of criminal justice services shall
43 compile and review all such information and make recommendations to
44 promote the use of restitution and encourage its enforcement.

45 § 45. Section 252-a of the family court act, as added by chapter 55 of
46 the laws of 1992, is amended to read as follows:

47 § 252-a. Fees. (a) Notwithstanding any other provision of law, every
48 county, including the city of New York, may adopt a local law authoriz-
49 ing its probation department which is ordered to conduct an investi-
50 gation pursuant to section six hundred fifty-three of this [chapter]
51 act, to be entitled to a fee of not less than fifty dollars and not more
52 than five hundred dollars from the parties in such proceeding for
53 performing such investigation. Such fee shall be based on the party's
54 ability to pay the fee and the schedule for payment shall be fixed by
55 the court issuing the order for investigation, pursuant to the guide-
56 lines issued by the [director of the division] office of probation and

1 correctional alternatives, and may in the discretion of the court be
2 waived when the parties lack sufficient means to pay the fee. The court
3 shall apportion the fee between the parties based upon the respective
4 financial circumstances of the parties and the equities of the case.

5 (b) Fees pursuant to this section shall be paid directly to the local
6 probation department to be retained and utilized for local probation
7 services, and shall not be considered by the [division] office of
8 probation and correctional alternatives when determining state aid
9 [reimbursement] pursuant to section two hundred forty-six of the execu-
10 tive law.

11 § 46. Subdivision 7 of section 351.1 of the family court act, as added
12 by chapter 418 of the laws of 1986, is amended to read as follows:

13 7. The probation services which prepare the investigation reports
14 shall be responsible for the collection and transmission to the [state
15 division] office of probation and correctional alternatives, of data on
16 the number of victim impact statements prepared, pursuant to regulations
17 of the division. [Such information shall be transmitted to the crime
18 victims board and included in the board's annual report pursuant to
19 subdivision twenty of section six hundred twenty-three of the executive
20 law.]

21 § 47. Subdivision 2 of section 385.1 of the family court act, as
22 amended by chapter 134 of the laws of 1985, is amended to read as
23 follows:

24 2. The [division] office of probation and correctional alternatives
25 shall include in its annual report to the legislature and the governor
26 information, by county, showing the total number of delinquency cases
27 adjusted prior to filing.

28 § 48. Intentionally omitted.

29 § 49. Intentionally omitted.

30 § 50. Section 177-e of the judiciary law is REPEALED.

31 § 51. Paragraph (g) of subdivision 1 of section 1193 of the vehicle
32 and traffic law, as added by chapter 496 of the laws of 2009, is amended
33 to read as follows:

34 (g) The [division] office of probation and correctional alternatives
35 shall [promulgate] recommend to the commissioner regulations governing
36 the monitoring of compliance by persons ordered to install and maintain
37 ignition interlock devices to provide standards for monitoring by
38 departments of probation, and options for monitoring of compliance by
39 such persons, that counties may adopt as an alternative to monitoring by
40 a department of probation.

41 § 51-a. Subdivisions 5 and 6 of section 257-c of the executive law, as
42 added by chapter 55 of the laws of 1992, are amended to read as follows:

43 5. Monies collected pursuant to this section shall be utilized for
44 probation services by the local probation department. Such moneys shall
45 not be considered by the division when determining state aid [reimburse-
46 ment] pursuant to section two hundred forty-six of the executive law.
47 Monies collected shall not be used to replace federal funds otherwise
48 utilized for probation services.

49 6. The [director] commissioner of the division shall submit a report,
50 with recommendations, to the governor, temporary president of the
51 senate, speaker of the assembly, to the chairpersons of the senate crime
52 and correction committee, and assembly correction committee, senate
53 codes committee and assembly codes committee on or before January first,
54 nineteen hundred ninety-three and January first, nineteen hundred nine-
55 ty-four as to the effectiveness of the probation administrative fee in
56 enhancing the delivery of probation services throughout the state. The

1 report shall include, but not be limited to, amounts of fees imposed and
2 collected, rates of payment for different categories of convictions and
3 types of offenders, and remedies utilized and costs incurred for
4 collection in cases of non-payment.

5 § 51-b. Section 385.2 of the family court act, as amended by chapter
6 134 of the laws of 1985, is amended to read as follows:

7 § 385.2. Consolidation of records within a city having a population of
8 one million or more. Notwithstanding any other provision of law, in a
9 city having a population of one million or more, an index of the records
10 of the local probation departments located in the counties comprising
11 such city for proceedings under article three shall be consolidated and
12 filed in a central office for use by the family court and local
13 probation service in each such county. After consultation with the state
14 administrative judge, the commissioner of the division of criminal
15 justice services in consultation with the [state] director of the office
16 of probation and correctional alternatives shall specify the information
17 to be contained in such index and the organization of such consolidated
18 file.

19 § 51-c. Section 783-a of the family court act, as amended by chapter
20 134 of the laws of 1985, is amended to read as follows:

21 § 783-a. Consolidation of records within a city having a population of
22 one million or more. Notwithstanding any other provision of law, in a
23 city having a population of one million or more, an index of the records
24 of the local probation departments located in the counties comprising
25 such city for proceedings under article seven shall be consolidated and
26 filed in a central office for use by the family court and local
27 probation service in each such county. After consultation with the state
28 administrative judge, the commissioner of the division of criminal
29 justice services, in consultation with the [state] director of the
30 office of probation and correctional alternatives shall specify the
31 information to be contained in such index and the organization of such
32 consolidated file.

33 § 51-d. Paragraph (b) of subdivision 4 of section 34-a of the social
34 services law, as added by section 18 of part E of chapter 57 of the laws
35 of 2005, is amended to read as follows:

36 (b) The commissioner of the office of children and family services
37 shall review and approve or disapprove the diversion services portion of
38 the plan jointly with the director of the office of probation and
39 correctional alternatives or any other successor agency or entity. The
40 requirements for the portion of the plan and report regarding the
41 provision of diversion services shall be jointly established by the
42 commissioner of the office of children and family services and the
43 director of the office of probation and correctional alternatives or any
44 other successor agency or entity. The multi-year services plan and
45 where appropriate the annual implementation reports shall be based upon
46 a written understanding between the local social services district and
47 the probation department which outlines the cooperative procedures to be
48 followed by both parties regarding diversion services pursuant to
49 section seven hundred thirty-five of the family court act, consistent
50 with their respective obligations as otherwise required by law.

51 § 51-e. Subdivision 1 of section 483 of the social services law, as
52 added by section 2 of part F2 of chapter 62 of the laws of 2003, is
53 amended to read as follows:

54 1. There shall be a council on children and families established with-
55 in the office of children and family services consisting of the follow-
56 ing members: the state commissioner of children and family services, the

1 commissioner of temporary and disability assistance, the commissioner of
2 mental health, the commissioner of mental retardation and developmental
3 disabilities, the commissioner of the office of alcoholism and substance
4 abuse services, the commissioner of education, the [state] director of
5 the office of probation and correctional alternatives, the commissioner
6 of health, the commissioner of the division of criminal justice
7 services, the state advocate for persons with disabilities, the director
8 of the office for the aging, the commissioner of labor, and the chair of
9 the commission on quality of care for the mentally disabled. The gover-
10 nor shall designate the chair of the council and the chief executive
11 officer (CEO).

12 § 51-f. Subparagraph (i) of paragraph (a) of subdivision 3 of section
13 483-c of the social services law, as added by section 2 of part F2 of
14 chapter 62 of the laws of 2003, is amended to read as follows:

15 (i) State tier III team. There is hereby established a state team
16 designated as the "tier III team", which shall consist of the chair of
17 the council, the commissioners of children and family services, mental
18 health, health, education, alcohol and substance abuse services, and
19 mental retardation and developmental disabilities, and the director of
20 the office of probation and correctional alternatives, or their desig-
21 nated representatives, and representatives of families of children with
22 emotional and/or behavioral disorders. Other representatives may be
23 added at the discretion of such team.

24 § 51-g. Subdivision 3 of section 702 of the correction law, as amended
25 by chapter 134 of the laws of 1985, is amended to read as follows:

26 3. Where a certificate of relief from disabilities is not issued at
27 the time sentence is pronounced it shall only be issued thereafter upon
28 verified application to the court. The court may, for the purpose of
29 determining whether such certificate shall be issued, request its
30 probation service to conduct an investigation of the applicant, or if
31 the court has no probation service it may request the probation service
32 of the county court for the county in which the court is located to
33 conduct such investigation[, or if there be no such probation service
34 the court may request the state director of probation and correctional
35 alternatives to arrange for such investigation]. Any probation officer
36 requested to make an investigation pursuant to this section shall
37 prepare and submit to the court a written report in accordance with such
38 request.

39 § 51-h. Subdivision 4 of section 995-c of the executive law, as added
40 by chapter 737 of the laws of 1994, is amended to read as follows:

41 4. The commissioner of the division of criminal justice services, in
42 consultation with the commission, the commissioner of health, the [divi-
43 sions] division of parole [and], the director of the office of probation
44 and correctional alternatives and the department of correctional
45 services, shall promulgate rules and regulations governing the proce-
46 dures for notifying designated offenders of the requirements of this
47 section.

48 § 52. Section 575 of the executive law, as added by chapter 463 of
49 the laws of 1992, paragraph (e) of subdivision 3 as amended and subdivi-
50 sion 9 as added by chapter 368 of the laws of 1997, paragraph (b) of
51 subdivision 4 as amended by chapter 255 of the laws of 2008, paragraphs
52 (c), (d) and (e) of subdivision 4 as amended and subdivisions 7 and 8 as
53 added by chapter 396 of the laws of 1994, and subdivision 10 as added by
54 chapter 297 of the laws of 1998, is amended to read as follows:

55 § 575. [New York state office] Office for the prevention of domestic
56 violence. 1. Establishment of office. There is hereby established with-

1 in the [executive department the "New York state] division of criminal
2 justice services the office for the prevention of domestic violence["],
3 hereinafter in this section referred to as the "office".

4 1-a. The office shall be headed by a director, who shall be appointed
5 by the commissioner of the division of criminal justice services. The
6 director shall serve as a special advisor to the governor regarding
7 matters pertaining to the prevention of and response to domestic
8 violence, and shall, in consultation with the commissioner, coordinate
9 and recommend policy relating to the prevention of domestic violence
10 throughout the state. The commissioner, in consultation with the direc-
11 tor, shall also appoint staff and perform such other functions to ensure
12 the efficient operation of the office within the amounts made available
13 therefor by appropriation.

14 2. Duties and responsibilities. The office shall advise the governor
15 and the legislature on the most effective ways for state government to
16 respond to the problem of domestic violence. In fulfilling this respon-
17 sibility, the office shall consult with experts, service providers and
18 representative organizations in the field of domestic violence and shall
19 act as an advocate for domestic violence victims and programs.

20 3. Activities. In addition, the office shall develop and implement
21 policies and programs designed to assist victims of domestic violence
22 and their families, and to provide education and prevention, training
23 and technical assistance. Such domestic violence-related activities
24 shall include, but not be limited to:

- 25 (a) Serving as a clearinghouse for information and materials;
26 (b) Developing and coordinating community outreach and public educa-
27 tion throughout the state;
28 (c) Developing and delivering training to professionals, including but
29 not limited to professionals in the fields of:
30 (i) domestic violence;
31 (ii) health and mental health;
32 (iii) social and human services;
33 (iv) public education;
34 (v) law enforcement and criminal justice;
35 (vi) alcohol and substance abuse.
36 (d) Developing and promoting school-based prevention programs;
37 (e) Providing technical assistance to state and local government
38 bodies and other agencies and to private not-for-profit corporations, on
39 effective policies and responses to domestic violence, including devel-
40 opment of a model domestic violence policies[, pursuant to subdivisions
41 seven, eight and nine of this section];
42 (f) Promoting and facilitating interagency cooperation among state
43 agencies and intergovernmental cooperation between different levels of
44 government in the state in the delivery and/or funding of services;
45 (g) Operating as an advocate for domestic violence services and
46 victims;
47 (h) Undertaking program and services needs assessments on its own
48 initiative or at the request of the governor, the legislature or service
49 providers;
50 (i) Examining the relationship between domestic violence and other
51 problems and making recommendations for effective policy response;
52 (j) Collecting data, conducting research, and holding public hearings;
53 (k) Making periodic reports to the governor and the legislature recom-
54 mending policy and program directions and reviewing the activities of
55 the office;

1 (1) Any other activities including the making of and promulgation of
2 rules and regulations deemed necessary to facilitate the prevention of
3 domestic violence within the scope and purview of this article which are
4 not otherwise inconsistent with any other provisions of law.

5 4. Advisory council. (a) An advisory council is hereby established to
6 make recommendations on domestic violence related issues and effective
7 strategies for the prevention of domestic violence, to assist in the
8 development of appropriate policies and priorities for effective inter-
9 vention, public education and advocacy, and to facilitate and assure
10 communication and coordination of efforts among state agencies and
11 between different levels of government, state, federal, and municipal,
12 for the prevention of domestic violence.

13 (b) The advisory council shall consist of nine members and fourteen
14 ex-officio members. Each member shall be appointed to serve for a term
15 of three years and shall continue in office until a successor appointed
16 member is made. A member appointed to fill a vacancy shall be appointed
17 for the unexpired term of the member he or she is to succeed. All of the
18 members shall be individuals with expertise in the area of domestic
19 violence. Three members shall be appointed by the governor, two members
20 shall be appointed upon the recommendation of the temporary president of
21 the senate, two members shall be appointed upon the recommendation of
22 the speaker of the assembly, one member shall be appointed upon the
23 recommendation of the minority leader of the senate, and one member
24 shall be appointed upon the recommendation of the minority leader of the
25 assembly. The ex-officio members of the advisory board shall consist of
26 [one representative from the staff of each of the following state
27 departments and divisions] the director of the office, who shall chair
28 the council, and the following members or their designees: the commis-
29 sioner of the office of temporary and disability services; the commis-
30 sioner of the department of health; the commissioner of the education
31 department; the commissioner of the office of mental health; [division]
32 the commissioner of the office of alcoholism and [alcohol] substance
33 abuse services; [division of criminal justice services; division] the
34 director of the office of probation and correctional alternatives; the
35 commissioner of the office of children and family services; [crime
36 victims board] the director of the office of victim services; the chief
37 administrative judge of the office of court administration; the commis-
38 sioner of the department of labor; the director of the state office for
39 the aging; the commissioner of the department of correctional services;
40 and the chair of the division of parole.

41 (c) [The governor shall appoint a member as chair of the advisory
42 council to serve at the pleasure of the governor.

43 (d) The advisory council shall meet as often as deemed necessary by
44 the chair [or executive director] but in no event less than two times
45 per year.

46 [(e)] (d) The members of the advisory council shall receive no salary
47 or other compensation for their services but shall be entitled to
48 reimbursement for actual and necessary expenses incurred in the perform-
49 ance of their duties within amounts made available by appropriation
50 therefor subject to the approval of the director of the budget. The
51 ex-officio members of the advisory council shall receive no additional
52 compensation for their services on the advisory council above the salary
53 they receive from the respective departments or divisions that employ
54 them.

55 5. [Executive director. (a) The governor shall appoint an executive
56 director of the office who shall serve at the pleasure of the governor.

1 (b) The executive director shall receive an annual salary fixed by the
2 governor within the amounts appropriated specifically therefor and shall
3 be entitled to reimbursement for reasonable expenses incurred in
4 connection with the performance of the director's duties.

5 (c) The executive director shall appoint staff and perform such other
6 functions to ensure the efficient operation of the office.

7 6.] Assistance of other agencies. The office may request and shall
8 receive in a timely manner from any department, division, board, bureau,
9 commission or agency of the state, such information and assistance as
10 shall enable it to properly carry out its powers and duties pursuant to
11 this article.

12 [7. Model domestic violence policy for counties. (a) The office shall
13 convene a task force of county level municipal officials, municipal
14 police and members of the judiciary, or their representatives, and
15 directors of domestic violence programs, including representatives from
16 a statewide advocacy organization for the prevention of domestic
17 violence, to develop a model domestic violence policy for counties. For
18 the purposes of this subdivision, "county" shall have the same meaning
19 as such term is defined in section three of the county law, except that
20 the city of New York shall be deemed to be one county. The office shall
21 give due consideration to the recommendations of the governor, the
22 temporary president of the senate and the speaker of the assembly for
23 participation by any person on the task force, and shall make reasonable
24 efforts to assure regional balance in membership.

25 (b) The purpose of the model policy shall be to provide consistency
26 and coordination by and between county agencies and departments, includ-
27 ing criminal justice agencies and the judiciary, and, as appropriate, by
28 municipalities or other jurisdictions within the county and other
29 governmental agencies and departments, by assuring that best practices,
30 policies, protocols and procedures are used to address the issue of
31 domestic violence, and to secure the safety of the victim including, but
32 not limited to:

33 (i) response, investigation and arrest policies by police agencies;

34 (ii) response by other criminal justice agencies, including disposi-
35 tion of domestic violence complaints, the provision of information and
36 orders of protection;

37 (iii) response by human services and health agencies, including iden-
38 tification, assessment, intervention and referral policies and responses
39 to victims and the perpetrators of domestic violence;

40 (iv) training and appropriate and relevant measures for periodic eval-
41 uation of community efforts; and

42 (v) other issues as shall be appropriate and relevant for the task
43 force to develop such policy.

44 (c) Such model policy shall be reviewed by the task force to assure
45 consistency with existing law and shall be made the subject of public
46 hearings convened by the office throughout the state at places and at
47 times which are convenient for attendance by the public, after which the
48 policy shall be reviewed by the task force and amended as necessary to
49 reflect concerns raised at the hearings. If approved by the task force,
50 such model policy shall be provided as approved with explanation of its
51 provisions to the governor and the legislature not later than two years
52 after the effective date of this subdivision. Notification of the avail-
53 ability of such model domestic violence policy shall be made by the
54 office to every county in the state, and copies of the policy shall be
55 made available to them upon request.

1 (d) The office in consultation with the task force, providers of
2 service, the advisory council and others, including representatives of a
3 statewide advocacy organization for the prevention domestic violence,
4 shall provide technical support, information and encouragement to coun-
5 ties to implement the provisions of the model policy on domestic
6 violence.

7 (e) Nothing contained in this subdivision shall be deemed to prevent
8 the governing body of a county from designating a local advisory commit-
9 tee to investigate the issues, work with providers of domestic violence
10 programs and other interested parties, and to aid in the implementation
11 of the policy required by this subdivision. Such governing body or advi-
12 sory committee may request and shall receive technical assistance from
13 the office for the development of such a policy. Implementation of the
14 model domestic violence policy may take place in a form considered
15 appropriate by the governing body of a county, including guidelines,
16 regulations and local laws.

17 (f) The office shall survey county governments within four years of
18 the effective date of this subdivision to determine the level of compli-
19 ance with the model domestic violence policy, and shall take such steps
20 as shall be necessary to aid county governments in the implementation of
21 such policy.

22 8. State domestic violence policy. (a) The office shall survey every
23 state agency to determine any activities, programs, rules, regulations,
24 guidelines or statutory requirements that have a direct or indirect
25 bearing on the state's efforts and abilities to address the issue of
26 domestic violence including, but not limited to, the provision of
27 services to victims and their families. Within two years of the effec-
28 tive date of this subdivision, the office shall compile such information
29 and provide a report, with appropriate comments and recommendations, to
30 the governor and the legislature. For the purposes of this subdivision,
31 "state agency" shall have the same meaning as such term is defined in
32 section two-a of the state finance law.

33 (b) Within three years of the effective date of this subdivision the
34 office shall recommend a state domestic violence policy consistent with
35 statute and best practice, policies, procedures and protocols to the
36 governor and the legislature. The purpose of such model policy shall be
37 to provide consistency and coordination by and between state agencies
38 and departments to address the issue of domestic violence. In developing
39 such model policy, the office shall consult with a statewide advocacy
40 organization for the prevention of domestic violence, and shall assure
41 that the advisory council reviews all data and recommendations and shall
42 not submit such model policy until approved by the advisory council.
43 Such recommendations shall be provided exclusive of any study or report
44 the office is required to undertake pursuant to a chapter of the laws of
45 nineteen hundred ninety-four, entitled "the family protection and domes-
46 tic violence intervention act of 1994".

47 (c)] 6. No state agency shall promulgate a rule pursuant to the state
48 administrative procedure act, or adopt a guideline or other procedure,
49 including a request for proposals, directly or indirectly affecting the
50 provision of services to victims of domestic violence, or the provision
51 of services by residential or non-residential domestic violence
52 programs, as such terms are defined in section four hundred fifty-nine-a
53 of the social services law, or establish a grant program directly or
54 indirectly affecting such victims of domestic violence or providers of
55 service, without first consulting the office, which shall provide all
56 comments in response to such rules, guidelines or procedures in writing

1 directly to the chief executive officer of such agency, to the adminis-
2 trative regulations review committee and to the appropriate committees
3 of the legislature having jurisdiction of the subject matter addressed
4 within two weeks of receipt thereof, provided that failure of the office
5 to respond as required herein shall not otherwise impair the ability of
6 such state agency to promulgate a rule. This paragraph shall not apply
7 to an appropriation which finances a contract with a not-for-profit
8 organization which has been identified for a state agency without the
9 use of a request for proposals.

10 [9. Model domestic violence employee awareness and assistance policy.

11 (a) The office shall convene a task force including members of the busi-
12 ness community, employees, employee organizations, representatives from
13 the department of labor and the empire state development corporation,
14 and directors of domestic violence programs, including representatives
15 of statewide advocacy organizations for the prevention of domestic
16 violence, to develop a model domestic violence employee awareness and
17 assistance policy for businesses.

18 The office shall give due consideration to the recommendations of the
19 governor, the temporary president of the senate, and the speaker of the
20 assembly for participation by any person on the task force, and shall
21 make reasonable efforts to assure regional balance in membership.

22 (b) The purpose of the model employee awareness and assistance policy
23 shall be to provide businesses with the best practices, policies, proto-
24 cols and procedures in order that they ascertain domestic violence
25 awareness in the workplace, assist affected employees, and provide a
26 safe and helpful working environment for employees currently or poten-
27 tially experiencing the effects of domestic violence. The model plan
28 shall include but not be limited to:

29 (i) the establishment of a definite corporate policy statement recog-
30 nizing domestic violence as a workplace issue as well as promoting the
31 need to maintain job security for those employees currently involved in
32 domestic violence disputes;

33 (ii) policy and service publication requirements, including posting
34 said policies and service availability pamphlets in break rooms, on
35 bulletin boards, restrooms and other communication methods;

36 (iii) a listing of current domestic violence community resources such
37 as shelters, crisis intervention programs, counseling and case manage-
38 ment programs, legal assistance and advocacy opportunities for affected
39 employees;

40 (iv) measures to ensure workplace safety including, where appropriate,
41 designated parking areas, escort services and other affirmative safe-
42 guards;

43 (v) training programs and protocols designed to educate employees and
44 managers in how to recognize, approach and assist employees experiencing
45 domestic violence, including both victims and batterers; and

46 (vi) other issues as shall be appropriate and relevant for the task
47 force in developing such model policy.

48 (c) Such model policy shall be reviewed by the task force to assure
49 consistency with existing law and shall be made the subject of public
50 hearings convened by the office throughout the state at places and at
51 times which are convenient for attendance by the public, after which the
52 policy shall be reviewed by the task force and amended as necessary to
53 reflect concerns raised at the hearings. If approved by the task force,
54 such model policy shall be provided as approved with explanation of its
55 provisions to the governor and the legislature not later than one year
56 after the effective date of this subdivision. The office shall make

1 every effort to notify businesses of the availability of such model
2 domestic violence employee awareness and assistance policy.

3 (d) The office in consultation with the task force, providers of
4 services, the advisory council, the department of labor, the empire
5 state development corporation, and representatives of statewide advocacy
6 organizations for the prevention of domestic violence, shall provide
7 technical support, information, and encouragement to businesses to
8 implement the provisions of the model domestic violence employee aware-
9 ness and assistance policy.

10 (e) Nothing contained in this subdivision shall be deemed to prevent
11 businesses from adopting their own domestic violence employee awareness
12 and assistance policy.

13 (f) The office shall survey businesses within four years of the effec-
14 tive date of this section to determine the level of model policy
15 adoption amongst businesses and shall take steps necessary to promote
16 the further adoption of such policy.

17 10. New York state address confidentiality program. The office shall
18 study and issue a report to the governor and the legislature on the
19 advisability and feasibility of creating an address confidentiality
20 program in New York state to allow victims of domestic violence who have
21 left abusive relationships to keep new addresses confidential. The study
22 shall include, but not be limited to, an analysis of the various types
23 of public records involved in domestic violence cases in order to deter-
24 mine the appropriateness of such records for such program, the potential
25 effects of an address confidentiality program on the record-keeping
26 practices of state and local agencies, issues concerning inter-agency
27 cooperation, enforcement and procedure, the impact on the court system
28 and any fiscal ramifications. The office shall consult with experts,
29 service providers and representative organizations in the field of
30 domestic violence, other states which have created similar programs, the
31 division of criminal justice services and the department of state. The
32 office shall complete such study and report within one year of the
33 effective date of this subdivision.]

34 § 53. Section 576 of the executive law is REPEALED.

35 § 54. The article heading of article 21 of the executive law, as added
36 by chapter 463 of the laws of 1992, is amended to read as follows:

37 [NEW YORK STATE] OFFICE FOR

38 THE PREVENTION OF DOMESTIC VIOLENCE

39 § 55. Transfer of employees. Notwithstanding any other provision of
40 law, rule, or regulation to the contrary, upon the transfer of functions
41 from the office for the prevention of domestic violence to the division
42 of criminal justice services pursuant to subdivision 8 of section 836 of
43 the executive law, as added by section three of this act, all employees
44 of the office for the prevention of domestic violence shall be trans-
45 ferred to the division of criminal justice services. Employees trans-
46 ferred pursuant to this section shall be transferred without further
47 examination or qualification and shall retain their respective civil
48 service classifications, status and collective bargaining unit desig-
49 nations and collective bargaining agreements.

50 § 56. Transfer of records. All books, papers, and property of the
51 office for the prevention of domestic violence shall be delivered to the
52 commissioner of the division of criminal justice services. All books,
53 papers, and property of the office for the prevention of domestic
54 violence shall continue to be maintained by the division of criminal
55 justice services.



1 § 57. Continuity of authority. For the purpose of succession of all
2 functions, powers, duties and obligations transferred and assigned to,
3 devolved upon and assumed by it pursuant to this act, the division of
4 criminal justice services shall be deemed and held to constitute the
5 continuation of the office for the prevention of domestic violence.

6 § 58. Completion of unfinished business. Any business or other matter
7 undertaken or commenced by the office for the prevention of domestic
8 violence or the director thereof pertaining to or connected with the
9 functions, powers, obligations and duties hereby transferred and
10 assigned to the division of criminal justice services and pending on the
11 effective date of this act, may be conducted and completed by the divi-
12 sion of criminal justice services in the same manner and under the same
13 terms and conditions and with the same effect as if conducted and
14 completed by the office for the prevention of domestic violence.

15 § 59. Continuation of rules and regulations. All rules, regulations,
16 acts, orders, determinations, and decisions of the office for the
17 prevention of domestic violence pertaining to the functions and powers
18 herein transferred and assigned, in force at the time of such transfer
19 and assumption, shall continue in full force and effect as rules, regu-
20 lations, acts, orders, determinations and decisions of the division of
21 criminal justice services until duly modified or abrogated by the
22 commissioner of the division of criminal justice services.

23 § 60. Terms occurring in laws, contracts and other documents. Whenever
24 the office for the prevention of domestic violence or the director ther-
25 eof, is referred to or designated in any law, contract or document
26 pertaining to the functions, powers, obligations and duties hereby
27 transferred to and assigned to the division of criminal justice services
28 or the commissioner of the division of criminal justice services, such
29 reference or designation shall be deemed to refer to the division of
30 criminal justice services or commissioner of the division of criminal
31 justice services, as applicable.

32 § 61. Existing rights and remedies preserved. No existing right or
33 remedy of any character shall be lost, impaired or affected by any
34 provisions of this act.

35 § 62. Pending actions and proceedings. No action or proceeding pending
36 at the time when this act shall take effect, brought by or against the
37 office for the prevention of domestic violence or the director thereof,
38 shall be affected by any provision of this act, but the same may be
39 prosecuted or defended in the name of the commissioner of the division
40 of criminal justice services or the division of criminal justice
41 services. In all such actions and proceedings, the commissioner of the
42 division of criminal justice services, upon application of the court,
43 shall be substituted as a party.

44 § 63. Transfer of appropriations heretofore made. All appropriations
45 or reappropriations heretofore made to the office for the prevention of
46 domestic violence to the extent of remaining unexpended or unencumbered
47 balance thereof, whether allocated or unallocated and whether obligated
48 or unobligated, are hereby transferred to and made available for use and
49 expenditure by the division of criminal justice services subject to the
50 approval of the director of the budget for the same purposes for which
51 originally appropriated or reappropriated and shall be payable on vouch-
52 ers certified or approved by the commissioner of the division of crimi-
53 nal justice services on audit and warrant of the comptroller.

54 § 64. Transfer of assets and liabilities. All assets and liabilities
55 of the office for the prevention of domestic violence are hereby trans-
56 ferred to and assumed by the division of criminal justice services.

1 § 65. The opening paragraph and subdivision (a) of section 214-b of
2 the executive law, as added by chapter 222 of the laws of 1994, is
3 amended to read as follows:

4 The superintendent shall, for all members of the state police includ-
5 ing new and veteran officers, develop, maintain and disseminate, in
6 consultation with the [state] office for the prevention of domestic
7 violence, written policies and procedures consistent with article eight
8 of the family court act and applicable provisions of the criminal proce-
9 dure law and the domestic relations [laws] law, regarding the investi-
10 gation of and intervention in incidents of family offenses. Such poli-
11 cies and procedures shall make provision for education and training in
12 the interpretation and enforcement of New York's family offense laws,
13 including but not limited to:

14 (a) intake and recording of victim statements, on a standardized
15 "domestic violence incident report form" promulgated by the state divi-
16 sion of criminal justice services in consultation with the superinten-
17 dent and with the [state] director of the office for the prevention of
18 domestic violence, and the investigation thereof so as to ascertain
19 whether a crime has been committed against the victim by a member of the
20 victim's family or household as such terms are defined in section eight
21 hundred twelve of the family court act and section 530.11 of the crimi-
22 nal procedure law;

23 § 66. The opening paragraph of subdivision 15 of section 837 of the
24 executive law, as amended by chapter 626 of the laws of 1997, is amended
25 to read as follows:

26 Promulgate, in consultation with the superintendent of state police
27 and the [state] director of the office for the prevention of domestic
28 violence, a standardized "domestic violence incident report form" for
29 use by state and local law enforcement agencies in the reporting,
30 recording and investigation of all alleged incidents of domestic
31 violence, regardless of whether an arrest is made as a result of such
32 investigation. Such form shall be prepared in multiple parts, one of
33 which shall be immediately provided to the victim, and shall include
34 designated spaces for: the recordation of the results of the investi-
35 gation by the law enforcement agency and the basis for any action taken;
36 the recordation of a victim's allegations of domestic violence; the age
37 and gender of the victim and the alleged offender or offenders; and
38 immediately thereunder a space on which the victim may sign and verify
39 such victim's allegations. Such form shall also include, but not be
40 limited to spaces to identify:

41 § 67. Intentionally omitted.

42 § 68. Section 10-a of the labor law, as added by chapter 527 of the
43 laws of 1995, is amended to read as follows:

44 § 10-a. Domestic violence policy. The commissioner shall study the
45 issue of employees separated from employment due to acts of domestic
46 violence as referred to in and qualified by section four hundred fifty-
47 nine-a of the social services law. The commissioner shall consult with
48 the [New York state] office for the prevention of domestic violence and
49 its advisory council, the department of social services[, the division
50 of women] and members of the public in preparing such study. Such study
51 shall include a review of case histories in which unemployment compen-
52 sation was sought and an analysis of the policies in other states. A
53 copy of such study shall be transmitted to the temporary president of
54 the senate and the speaker of the assembly on or before January
55 fifteenth, nineteen hundred ninety-six and shall contain policy recom-
56 mendations.

1 § 69. Section 10-b of the labor law, as added by chapter 368 of the
2 laws of 1997, is amended to read as follows:

3 § 10-b. Domestic violence employee awareness and assistance. The
4 commissioner shall assist the office for the prevention of domestic
5 violence in the creation, approval and dissemination of the model domes-
6 tic violence employee awareness and assistance policy [as further
7 defined in subdivision nine of section five hundred seventy-five of the
8 executive law]. Upon completion and approval of the model [plan as
9 outlined in subdivision nine of section five hundred seventy-five of the
10 executive law,] policy, the commissioner shall assist in the promotion
11 of the model policy to businesses in New York state.

12 § 70. Intentionally omitted.

13 § 71. The opening paragraph of subdivision 2 of section 2803-p of the
14 public health law, as added by chapter 271 of the laws of 1997, is
15 amended to read as follows:

16 Every hospital having maternity and newborn services shall provide
17 information concerning family violence to parents of newborn infants at
18 any time prior to the discharge of the mother. Such information shall
19 also be provided by every diagnostic and treatment center offering
20 prenatal care services to women upon an initial prenatal care visit.
21 The commissioner shall, in consultation with the [state] office for the
22 prevention of domestic violence and the department of social services,
23 prepare, produce and transmit such notice to such facilities in quanti-
24 ties sufficient to comply with the requirements of this section. Such
25 notice shall contain information which shall include but not be limited
26 to the effects of family violence and the services available to women
27 and children experiencing family violence.

28 § 72. Intentionally omitted.

29 § 73. Subdivision 1 of section 111-v of the social services law, as
30 added by chapter 398 of the laws of 1997, is amended to read as follows:

31 1. The department, in consultation with appropriate agencies including
32 but not limited to the [New York state] office for the prevention of
33 domestic violence, shall by regulation prescribe and implement safe-
34 guards on the confidentiality, integrity, accuracy, access, and the use
35 of all confidential information and other data handled or maintained,
36 including data obtained pursuant to section one hundred eleven-o of this
37 article and including such information and data maintained in the auto-
38 mated child support enforcement system. Such information and data shall
39 be maintained in a confidential manner designed to protect the privacy
40 rights of the parties and shall not be disclosed except for the purpose
41 of, and to the extent necessary to, establish paternity, or establish,
42 modify or enforce an order of support.

43 § 74. Intentionally omitted.

44 § 75. Intentionally omitted.

45 § 76. Subdivision (a) of section 483-ee of the social services law, as
46 added by chapter 74 of the laws of 2007, is amended to read as follows:

47 (a) There is established an interagency task force on trafficking in
48 persons, which shall consist of the following members or their desig-
49 nees: (1) the commissioner of the division of criminal justice services;
50 (2) the commissioner of the office of temporary and disability assist-
51 ance; (3) the commissioner of health; (4) the commissioner of the office
52 of mental health; (5) the commissioner of labor; (6) the commissioner of
53 the office of children and family services; (7) the commissioner of the
54 office of alcoholism and substance abuse services; (8) the [chairperson]
55 director of the [crime victims board] office of victim services; (9) the
56 [executive] director of the office for the prevention of domestic

1 violence; and (10) the superintendent of the division of state police;
2 and others as may be necessary to carry out the duties and responsibil-
3 ities under this section. The task force will be co-chaired by the
4 commissioners of the division of criminal justice services and the
5 office of temporary and disability assistance, or their designees. It
6 shall meet as often as is necessary and under circumstances as are
7 appropriate to fulfilling its duties under this section.

8 § 77. Intentionally omitted.

9 § 78. Subdivision 6 of section 530.11 of the criminal procedure law,
10 as amended by chapter 224 of the laws of 1994, is amended to read as
11 follows:

12 6. Notice. Every police officer, peace officer or district attorney
13 investigating a family offense under this article shall advise the
14 victim of the availability of a shelter or other services in the commu-
15 nity, and shall immediately give the victim written notice of the legal
16 rights and remedies available to a victim of a family offense under the
17 relevant provisions of the criminal procedure law, the family court act
18 and the domestic relations law. Such notice shall be prepared in Spanish
19 and English and if necessary, shall be delivered orally, and shall
20 include but not be limited to the following statement:

21 "If you are the victim of domestic violence, you may request that the
22 officer assist in providing for your safety and that of your children,
23 including providing information on how to obtain a temporary order of
24 protection. You may also request that the officer assist you in obtain-
25 ing your essential personal effects and locating and taking you, or
26 assist in making arrangements to take you, and your children to a safe
27 place within such officer's jurisdiction, including but not limited to a
28 domestic violence program, a family member's or a friend's residence, or
29 a similar place of safety. When the officer's jurisdiction is more than
30 a single county, you may ask the officer to take you or make arrange-
31 ments to take you and your children to a place of safety in the county
32 where the incident occurred. If you or your children are in need of
33 medical treatment, you have the right to request that the officer assist
34 you in obtaining such medical treatment. You may request a copy of any
35 incident reports at no cost from the law enforcement agency. You have
36 the right to seek legal counsel of your own choosing and if you proceed
37 in family court and if it is determined that you cannot afford an attor-
38 ney, one must be appointed to represent you without cost to you.

39 You may ask the district attorney or a law enforcement officer to file
40 a criminal complaint. You also have the right to file a petition in the
41 family court when a family offense has been committed against you. You
42 have the right to have your petition and request for an order of
43 protection filed on the same day you appear in court, and such request
44 must be heard that same day or the next day court is in session. Either
45 court may issue an order of protection from conduct constituting a fami-
46 ly offense which could include, among other provisions, an order for the
47 respondent or defendant to stay away from you and your children. The
48 family court may also order the payment of temporary child support and
49 award temporary custody of your children. If the family court is not in
50 session, you may seek immediate assistance from the criminal court in
51 obtaining an order of protection.

52 The forms you need to obtain an order of protection are available from
53 the family court and the local criminal court (the addresses and tele-
54 phone numbers shall be listed). The resources available in this communi-
55 ty for information relating to domestic violence, treatment of injuries,
56 and places of safety and shelters can be accessed by calling the follow-

1 ing 800 numbers (the statewide English and Spanish language 800 numbers
2 shall be listed and space shall be provided for local domestic violence
3 hotline telephone numbers).

4 Filing a criminal complaint or a family court petition containing
5 allegations that are knowingly false is a crime."

6 The division of criminal justice services in consultation with the
7 [state] director of the office for the prevention of domestic violence
8 shall prepare the form of such written notice consistent with provisions
9 of this section and distribute copies thereof to the appropriate law
10 enforcement officials pursuant to subdivision nine of section eight
11 hundred forty-one of the executive law.

12 Additionally, copies of such notice shall be provided to the chief
13 administrator of the courts to be distributed to victims of family
14 offenses through the criminal court at such time as such persons first
15 come before the court and to the state department of health for distrib-
16 ution to all hospitals defined under article twenty-eight of the public
17 health law. No cause of action for damages shall arise in favor of any
18 person by reason of any failure to comply with the provisions of this
19 subdivision except upon a showing of gross negligence or willful miscon-
20 duct.

21 § 79. Paragraph 2 of subdivision (a) of section 249-b of the family
22 court act, as added by chapter 476 of the laws of 2009, is amended to
23 read as follows:

24 2. provide for the development of training programs with the input of
25 and in consultation with the [state] office for the prevention of domes-
26 tic violence. Such training programs must include the dynamics of
27 domestic violence and its effect on victims and on children, and the
28 relationship between such dynamics and the issues considered by the
29 court, including, but not limited to, custody, visitation and child
30 support. Such training programs along with the providers of such train-
31 ing must be approved by the office of court administration following
32 consultation with and input from the [state] office for the prevention
33 of domestic violence; and

34 § 80. Subdivision 5 of section 812 of the family court act, as amended
35 by chapter 224 of the laws of 1994, is amended to read as follows:

36 5. Notice. Every police officer, peace officer or district attorney
37 investigating a family offense under this article shall advise the
38 victim of the availability of a shelter or other services in the commu-
39 nity, and shall immediately give the victim written notice of the legal
40 rights and remedies available to a victim of a family offense under the
41 relevant provisions of the criminal procedure law, the family court act
42 and the domestic relations law. Such notice shall be available in
43 English and Spanish and, if necessary, shall be delivered orally and
44 shall include but not be limited to the following statement:

45 "If you are the victim of domestic violence, you may request that the
46 officer assist in providing for your safety and that of your children,
47 including providing information on how to obtain a temporary order of
48 protection. You may also request that the officer assist you in obtain-
49 ing your essential personal effects and locating and taking you, or
50 assist in making arrangement to take you, and your children to a safe
51 place within such officer's jurisdiction, including but not limited to a
52 domestic violence program, a family member's or a friend's residence, or
53 a similar place of safety. When the officer's jurisdiction is more than
54 a single county, you may ask the officer to take you or make arrange-
55 ments to take you and your children to a place of safety in the county
56 where the incident occurred. If you or your children are in need of

1 medical treatment, you have the right to request that the officer assist
2 you in obtaining such medical treatment. You may request a copy of any
3 incident reports at no cost from the law enforcement agency. You have
4 the right to seek legal counsel of your own choosing and if you proceed
5 in family court and if it is determined that you cannot afford an attor-
6 ney, one must be appointed to represent you without cost to you.

7 You may ask the district attorney or a law enforcement officer to file
8 a criminal complaint. You also have the right to file a petition in the
9 family court when a family offense has been committed against you. You
10 have the right to have your petition and request for an order of
11 protection filed on the same day you appear in court, and such request
12 must be heard that same day or the next day court is in session. Either
13 court may issue an order of protection from conduct constituting a fami-
14 ly offense which could include, among other provisions, an order for the
15 respondent or defendant to stay away from you and your children. The
16 family court may also order the payment of temporary child support and
17 award temporary custody of your children. If the family court is not in
18 session, you may seek immediate assistance from the criminal court in
19 obtaining an order of protection.

20 The forms you need to obtain an order of protection are available from
21 the family court and the local criminal court (the addresses and tele-
22 phone numbers shall be listed). The resources available in this communi-
23 ty for information relating to domestic violence, treatment of injuries,
24 and places of safety and shelters can be accessed by calling the follow-
25 ing 800 numbers (the statewide English and Spanish language 800 numbers
26 shall be listed and space shall be provided for local domestic violence
27 hotline telephone numbers).

28 Filing a criminal complaint or a family court petition containing
29 allegations that are knowingly false is a crime."

30 The division of criminal justice services in consultation with the
31 [state] office for the prevention of domestic violence shall prepare the
32 form of such written notice consistent with the provisions of this
33 section and distribute copies thereof to the appropriate law enforcement
34 officials pursuant to subdivision nine of section eight hundred forty-
35 one of the executive law. Additionally, copies of such notice shall be
36 provided to the chief administrator of the courts to be distributed to
37 victims of family offenses through the family court at such time as such
38 persons first come before the court and to the state department of
39 health for distribution to all hospitals defined under article twenty-
40 eight of the public health law. No cause of action for damages shall
41 arise in favor of any person by reason of any failure to comply with the
42 provisions of this subdivision except upon a showing of gross negligence
43 or willful misconduct.

44 § 81. Paragraph (f) of subdivision 3 of section 840 of the executive
45 law, as amended by section 5 of part Q of chapter 56 of the laws of
46 2009, is amended to read as follows:

47 (f) Develop, maintain and disseminate, in consultation with the
48 [state] office for the prevention of domestic violence, written policies
49 and procedures consistent with article eight of the family court act and
50 applicable provisions of the criminal procedure and domestic relations
51 laws, regarding the investigation of and intervention by new and veteran
52 police officers in incidents of family offenses. Such policies and
53 procedures shall make provisions for education and training in the
54 interpretation and enforcement of New York's family offense laws,
55 including but not limited to:

1 (1) intake and recording of victim statements, on a standardized
2 "domestic violence incident report form" promulgated by the division of
3 criminal justice services in consultation with the superintendent of
4 state police, representatives of local police forces and the [state]
5 office for the prevention of domestic violence, and the investigation
6 thereof so as to ascertain whether a crime has been committed against
7 the victim by a member of the victim's family or household as such terms
8 are defined in section eight hundred twelve of the family court act and
9 section 530.11 of the criminal procedure law; and

10 (2) the need for immediate intervention in family offenses including
11 the arrest and detention of alleged offenders, pursuant to subdivision
12 four of section 140.10 of the criminal procedure law, and notifying
13 victims of their rights, including but not limited to immediately
14 providing the victim with the written notice required in subdivision six
15 of section 530.11 of the criminal procedure law and subdivision five of
16 section eight hundred twelve of the family court act;

17 § 82. Subdivision 1 of section 621 of the executive law, as amended
18 by chapter 17 of the laws of 1982, is amended and three new subdivisions
19 1-a, 1-b and 1-c are added to read as follows:

20 1. "Board" shall mean the crime victims compensation appeals board.

21 1-a. "Office" shall mean the office of victim services.

22 1-b. "Division" shall mean the division of criminal justice services.

23 1-c. "Commissioner" shall mean the commissioner of the division of
24 criminal justice services.

25 § 83. Section 622 of the executive law is REPEALED and a new section
26 622 is added to read as follows:

27 § 622. Office of victim services. There is hereby created in the divi-
28 sion of criminal justice services the office of victim services, herein-
29 after in this article referred to as the "office". The office shall be
30 headed by a director, who shall be appointed by the commissioner for a
31 term of three years. The director shall, in consultation with the
32 commissioner, coordinate and recommend policy relating to the provision
33 of services to crime victims. The commissioner, in consultation with the
34 director, shall appoint staff and perform such other functions to ensure
35 the efficient operation of the office within the amounts made available
36 therefor by appropriation.

37 § 84. Section 623 of the executive law, as added by chapter 894 of
38 the laws of 1966, subdivisions 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19,
39 20 and 21 as added by chapter 688 of the laws of 1985, subdivision 18 as
40 amended by chapter 74 of the laws of 1986, paragraph (a) of subdivision
41 20 as amended by chapter 418 of the laws of 1986, and subdivision 22 as
42 added by chapter 346 of the laws of 1986, is amended to read as follows:

43 § 623. Powers and duties of the [board] office. The [board] office
44 shall have the following powers and duties:

45 1. To [establish and maintain a principal office and such other
46 offices within the state as it may deem necessary.

47 2. To appoint a secretary, counsel, clerks and such other employees
48 and agents as it may deem necessary, fix their compensation within the
49 limitations provided by law, and prescribe their duties.

50 3. To adopt, promulgate, amend and rescind] recommend to the commis-
51 sioner suitable rules and regulations to carry out the provisions and
52 purposes of this article, including rules for the determination of
53 claims, rules for the approval of attorneys' fees for representation
54 before the office and board and/or before the appellate division upon
55 judicial review as provided for in section six hundred twenty-nine of
56 this article, and rules for the authorization of qualified persons to

1 assist claimants in the preparation of claims for presentation to the
2 office and board [or board members].

3 [4.] 2. To request from the division of state police, from county or
4 municipal police departments and agencies and from any other state or
5 municipal department or agency, or public authority, and the same are
6 hereby authorized to provide, such assistance and data as will enable
7 the [board] office to carry out its functions and duties.

8 [5.] 3. To hear and determine all claims for awards filed with the
9 [board] office pursuant to this article, and to reinvestigate or reopen
10 cases as [the board deems] necessary.

11 [6.] 4. To direct medical examination of victims.

12 [7.] 5. To hold hearings, administer oaths or affirmations, examine
13 any person under oath or affirmation and to issue subpoenas requiring
14 the attendance and giving of testimony of witnesses and require the
15 production of any books, papers, documentary or other evidence. The
16 powers provided in this subdivision may be delegated by the [board]
17 commissioner, after consultation with the director, to any member or
18 employee [thereof] of the division. A subpoena issued under this subdi-
19 vision shall be regulated by the civil practice law and rules.

20 [8.] 6. To take or cause to be taken affidavits or depositions within
21 or without the state.

22 [9.] 7. To establish and maintain a special investigative unit to
23 expedite processing of claims by senior citizens and special emergency
24 situations[, and to promote the establishment of a volunteer program of
25 home visitation to elderly and invalid victims of violent crime].

26 [10.] 8. To advise and assist the governor in developing policies
27 designed to recognize the legitimate rights, needs and interests of
28 crime victims.

29 [11.] 9. To coordinate state programs and activities relating to crime
30 victims.

31 [12.] 10. To cooperate with and assist political subdivisions of the
32 state and not-for-profit organizations in the development of local
33 programs for crime victims.

34 [13.] 11. To study the operation of laws and procedures affecting
35 crime victims and recommend to the governor and legislature proposals to
36 improve the administration and effectiveness of such laws.

37 [14.] 12. To establish an advisory council to assist in formulation of
38 policies on the problems of crime victims.

39 [15.] 13. To [advocate] work with national associations, statewide
40 coalitions, regional coalitions, victim service providers, and other
41 advocates to address and advance the rights and interests of crime
42 victims of the state [before federal, state and local administrative,
43 regulatory, legislative, judicial and criminal justice agencies].

44 [16.] 14. To promote and conduct studies, research, analyses and
45 investigations of matters affecting the interests of crime victims.

46 [17.] 15. To [sponsor conferences relating to the problems of crime
47 victims] coordinate training opportunities for crime victim advocates
48 and service providers.

49 [18.] To serve as a clearinghouse for information relating to crime
50 victims' problems and programs.

51 [19.] 16. To accept, with the approval of the commissioner and gover-
52 nor, as agent of the state, any grant including federal grants, or any
53 gift for the purposes of this article. Any monies so received may be
54 expended by the [board] office to effectuate any purpose of this arti-
55 cle, subject to the applicable provisions of the state finance law.

1 [20. To render each year to the governor and to the legislature, on or
2 before December first of each year, a written report on the board's
3 activities including, but not limited to, specific information on each
4 of the subdivisions of this section, and the manner in which the rights,
5 needs and interests of crime victims are being addressed by the state's
6 criminal justice system. Such report shall also include, but not be
7 limited to:

8 (a) Information transmitted by the state division of probation and
9 correctional alternatives under subdivision five of section 390.30 of
10 the criminal procedure law and subdivision seven of section 351.1 of the
11 family court act which the board shall compile, review and make recom-
12 mendations on how to promote the use of restitution and encourage its
13 enforcement.

14 (b) Information relating to the implementation of and compliance with
15 article twenty-three of this chapter by the criminal justice agencies
16 and the "crime victim-related agencies" of the state.

17 21. To make grants to local crime victim service programs and carry
18 out related duties under section six hundred thirty-one-a of this arti-
19 cle.

20 22. To delegate to specified employees of the board the power to
21 disallow claims under circumstances where regulations of the board
22 provide for disallowance without prejudice to the reopening of claims.]

23 § 85. Paragraph (i) of subdivision 1 and subdivision 2 of section 624
24 of the executive law, paragraph (i) of subdivision 1 as amended by chap-
25 ter 427 of the laws of 1999 and subdivision 2 as amended by chapter 859
26 of the laws of 1990, are amended to read as follows:

27 (i) a surviving spouse of a crime victim who died from causes not
28 directly related to the crime when such victim died prior to filing a
29 claim with the [board] office or subsequent to filing a claim but prior
30 to the rendering of a decision by the [board] office. Such award shall
31 be limited to out-of-pocket loss incurred as a direct result of the
32 crime; and

33 2. A person who is criminally responsible for the crime upon which a
34 claim is based or an accomplice of such person shall not be eligible to
35 receive an award with respect to such claim. A member of the family of
36 a person criminally responsible for the crime upon which a claim is
37 based or a member of the family of an accomplice of such person, shall
38 be eligible to receive an award, unless the [board] office determines
39 pursuant to regulations [adopted by the board] promulgated to carry out
40 the provisions and purposes of this article, that the person criminally
41 responsible will receive substantial economic benefit or unjust enrich-
42 ment from the compensation. In such circumstances the award may be
43 reduced or structured in such way as to remove the substantial economic
44 benefit or unjust enrichment to such person or the claim may be denied.

45 § 85-a. Section 625 of the executive law, as added by chapter 894 of
46 the laws of 1966, subdivision 1 as amended by chapter 115 of the laws of
47 1981, subdivision 2 as amended by chapter 359 of the laws of 2001 and
48 subdivision 4 as amended by chapter 726 of the laws of 1969, is amended
49 to read as follows:

50 § 625. Filing of claims. 1. A claim may be filed by a person eligible
51 to receive an award, as provided in section six hundred twenty-four of
52 this article, or, if such person is under the age of eighteen years, an
53 incompetent, or a conservatee, by his relative, guardian, committee,
54 conservator, or attorney.

55 2. A claim must be filed by the claimant not later than one year after
56 the occurrence or discovery of the crime upon which such claim is based,

1 one year after a court finds a lawsuit to be frivolous, or not later
2 than one year after the death of the victim, provided, however, that
3 upon good cause shown, the [board] office may extend the time for
4 filing. The [board] office shall extend the time for filing where the
5 claimant received no notice pursuant to section six hundred
6 twenty-five-a of this article and had no knowledge of eligibility pursu-
7 ant to section six hundred twenty-four of this article.

8 3. Claims shall be filed [in the office of the secretary of the board]
9 in person [or], by mail or electronically, in such manner as the office
10 may prescribe. The [secretary of the board] office shall accept for
11 filing all claims submitted by persons eligible under subdivision one of
12 this section and alleging the jurisdictional requirements set forth in
13 this article and meeting the requirements as to form in the rules and
14 regulations [of the board] promulgated to carry out the provisions and
15 purposes of this article.

16 [4. Upon filing of a claim pursuant to this article, the board shall
17 promptly notify the district attorney of the county wherein the crime is
18 alleged to have occurred. If, within ten days after such notification,
19 such district attorney advises the board that a criminal prosecution is
20 pending upon the same alleged crime and requests that action by the
21 board be deferred, the board shall defer all proceedings under this
22 article until such time as such criminal prosecution has been concluded
23 and shall so notify such district attorney and the claimant. When such
24 criminal prosecution has been concluded, such district attorney shall
25 promptly so notify the board. Nothing in this section shall limit the
26 authority of the board to grant emergency awards pursuant to section six
27 hundred thirty of this article.]

28 § 86. Transfer of employees. Notwithstanding any other provision of
29 law, rule, or regulation to the contrary, upon the transfer of functions
30 from the crime victims board to the division of criminal justice
31 services pursuant to subdivision 9 of section 836 of the executive law,
32 as added by section three of this act, all employees of the crime
33 victims board shall be transferred to the division of criminal justice
34 services. Employees transferred pursuant to this section shall be trans-
35 ferred without further examination or qualification and shall retain
36 their respective civil service classifications, status and collective
37 bargaining unit designations and collective bargaining agreements.

38 § 87. Transfer of records. All books, papers, and property of the
39 crime victims board shall be delivered to the commissioner of the divi-
40 sion of criminal justice services. All books, papers, and property of
41 the crime victims board shall continue to be maintained by the division
42 of criminal justice services.

43 § 88. Continuity of authority. For the purpose of succession of all
44 functions, powers, duties and obligations transferred and assigned to,
45 devolved upon and assumed by it pursuant to this act, the division of
46 criminal justice services shall be deemed and held to constitute the
47 continuation of the crime victims board.

48 § 89. Completion of unfinished business. Any business or other matter
49 undertaken or commenced by the crime victims board or the chairman ther-
50 eof pertaining to or connected with the functions, powers, obligations
51 and duties hereby transferred and assigned to the division of criminal
52 justice services and pending on the effective date of this act, may be
53 conducted and completed by the division of criminal justice services in
54 the same manner and under the same terms and conditions and with the
55 same effect as if conducted and completed by the crime victims board.

1 § 90. Continuation of rules and regulations. All rules, regulations,
2 acts, orders, determinations, and decisions of the crime victims board
3 pertaining to the functions and powers herein transferred and assigned,
4 in force at the time of such transfer and assumption, shall continue in
5 full force and effect as rules, regulations, acts, orders, determi-
6 nations and decisions of the division of criminal justice services until
7 duly modified or abrogated by the commissioner of the division of crimi-
8 nal justice services.

9 § 91. Terms occurring in laws, contracts and other documents. Whenever
10 the crime victims board or the chairman thereof, is referred to or
11 designated in any law, contract or document pertaining to the functions,
12 powers, obligations and duties hereby transferred to and assigned to the
13 division of criminal justice services or the commissioner of the divi-
14 sion of criminal justice services, such reference or designation shall
15 be deemed to refer to the division of criminal justice services or
16 commissioner of the division of criminal justice services, as applica-
17 ble.

18 § 92. Existing rights and remedies preserved. No existing right or
19 remedy of any character shall be lost, impaired or affected by any
20 provisions of this act.

21 § 93. Pending actions and proceedings. No action or proceeding pending
22 at the time when this act shall take effect, brought by or against the
23 crime victims board or the chairman thereof, shall be affected by any
24 provision of this act, but the same may be prosecuted or defended in the
25 name of the commissioner of the division of criminal justice services or
26 the division of criminal justice services. In all such actions and
27 proceedings, the commissioner of the division of criminal justice
28 services, upon application of the court, shall be substituted as a
29 party.

30 § 94. Transfer of appropriations heretofore made. All appropriations
31 or reappropriations heretofore made to the crime victims board to the
32 extent of remaining unexpended or unencumbered balance thereof, whether
33 allocated or unallocated and whether obligated or unobligated, are here-
34 by transferred to and made available for use and expenditure by the
35 division of criminal justice services subject to the approval of the
36 director of the budget for the same purposes for which originally appro-
37 priated or reappropriated and shall be payable on vouchers certified or
38 approved by the commissioner of the division of criminal justice
39 services on audit and warrant of the comptroller.

40 § 95. Transfer of assets and liabilities. All assets and liabilities
41 of the crime victims board are hereby transferred to and assumed by the
42 division of criminal justice services.

43 § 96. Paragraphs (c), (e) and (f) of subdivision 1 of section 169 of
44 the executive law, paragraph (c) as amended by chapter 634 of the laws
45 of 1998, paragraph (e) as amended by chapter 437 of the laws of 1995,
46 and paragraph (f) as amended by chapter 83 of the laws of 1995, are
47 amended to read as follows:

48 (c) commissioner of agriculture and markets, commissioner of alcohol-
49 ism and substance abuse services, adjutant general, commissioner and
50 president of state civil service commission, commissioner of economic
51 development, chair of the energy research and development authority,
52 executive director of the board of real property services, president of
53 higher education services corporation, commissioner of motor vehicles,
54 member-chair of board of parole, [director of probation and correctional
55 alternatives,] chair of public employment relations board, secretary of
56 state, chair of the state racing and wagering board, commissioner of

1 alcoholism and substance abuse services, executive director of the hous-
2 ing finance agency, commissioner of housing and community renewal, exec-
3 utive director of state insurance fund, commissioner-chair of state
4 liquor authority, chair of the workers' compensation board;

5 (e) chairman of state athletic commission, chairman and executive
6 director of consumer protection board, [member-chairman of crime victims
7 board], chairman of human rights appeal board, chairman of the indus-
8 trial board of appeals, chairman of the employment relations board,
9 chairman of the state commission of correction, members of the board of
10 parole, members of the state racing and wagering board, member-chairman
11 of unemployment insurance appeal board, director of veterans' affairs,
12 and vice-chairman of the workers' compensation board;

13 (f) executive director of adirondack park agency, commissioners of the
14 state liquor authority, commissioners of the state civil service commis-
15 sion, members of state commission of correction, members of the employ-
16 ment relations board, [members of crime victims board,] members of unem-
17 ployment insurance appeal board, and members of the workers'
18 compensation board.

19 § 97. Subdivision 4-b of section 257 of the executive law, as added by
20 chapter 62 of the laws of 2001, is amended to read as follows:

21 4-b. It shall be the duty of every probation officer to provide writ-
22 ten notice to probationers under the officer's supervision who may be
23 subject to any requirement to report to the [crime victims board] office
24 of victim services any funds of a convicted person as defined in section
25 six hundred thirty-two-a of this chapter, the procedures for such
26 reporting and any potential penalty for a failure to comply.

27 § 98. Subdivision 6-a of section 259-a of the executive law, as added
28 by chapter 62 of the laws of 2001, is amended to read as follows:

29 6-a. The division shall have the duty to provide written notice to
30 persons who are serving a term of parole, parole supervision, condi-
31 tional release or post release supervision of any requirement to report
32 to the [crime victims board] office of victim services any funds of a
33 convicted person as defined in section [six hundred thirty-a] six
34 hundred thirty-two-a of this chapter, the procedure for such reporting
35 and any potential penalty for a failure to comply.

36 § 99. Subdivision 16 of section 259-c of the executive law, as amended
37 by section 7 of part E of chapter 62 of the laws of 2003 and as renum-
38 bered by chapter 67 of the laws of 2008, is amended to read as follows:

39 16. have the duty to provide written notice to such inmates prior to
40 release on presumptive release, parole, parole supervision, conditional
41 release or post release supervision or pursuant to subdivision six of
42 section 410.91 of the criminal procedure law of any requirement to
43 report to the [crime victims board] office of victim services any funds
44 of a convicted person as defined in section six hundred thirty-two-a of
45 this chapter, the procedure for such reporting and any potential penalty
46 for a failure to comply.

47 § 100. Subdivision 1 of section 625-a of the executive law, as amended
48 by chapter 173 of the laws of 2006, is amended to read as follows:

49 1. Every police station, precinct house, any appropriate location
50 where a crime may be reported and any location required by the [rules
51 and regulations of the board] office shall have available informative
52 booklets, pamphlets and other pertinent written information, including
53 information cards, to be supplied by the [board] office, relating to the
54 availability of crime victims compensation including all necessary
55 application blanks required to be filed with the [board] office and
56 shall display prominently posters giving notification of the existence

1 and general provisions of this article, those provisions of the penal
2 law that prohibit the intimidation of crime victims and the location of
3 the nearest crime victim service program. The [board] office may issue
4 guidelines for the location of such display and shall provide posters,
5 application forms, information cards and general information. Every
6 victim who reports a crime in any manner whatsoever shall be given
7 notice about the rights of crime victims and the existence of all rele-
8 vant local victim's assistance programs and services pursuant to section
9 six hundred twenty-five-b of this article, and supplied by the person
10 receiving the report with information, application blanks, and informa-
11 tion cards which shall clearly state: (a) that crime victims may be
12 eligible for state compensation benefits; (b) the address and phone
13 number of the [nearest board] office; (c) that police and district
14 attorneys can help protect victims against harassment and intimidation;
15 (d) the addresses and phone numbers of local victim service programs,
16 where appropriate, or space for inserting that information; or (e) any
17 other information the [board] office deems appropriate. Such cards shall
18 be designed by the [board] office in consultation with local police, and
19 shall be printed and distributed by the [board] division. The [crime
20 victims board] division shall develop a system for distributing a suffi-
21 cient supply of the information cards referred to in this subdivision,
22 to all the appropriate designated locations, which shall include a sche-
23 dule for meeting that requirement.

24 § 101. Section 625-b of the executive law, as added by chapter 173 of
25 the laws of 2006, is amended to read as follows:

26 § 625-b. Standardized victim notification and verification procedures
27 for police officers. 1. The commissioner of the division of criminal
28 justice services in cooperation with the [crime victims board] office
29 shall develop and implement a standardized procedure to be used by
30 police officers, county sheriffs' departments and state police officers
31 whereby victims of crime are notified about the rights of crime victims
32 and the existence of programs designed to assist crime victims.

33 2. In establishing a victims assistance notification procedure,
34 consideration shall be given to (a) developing a uniform method of
35 informing victims of crime of their rights and services available, (b)
36 including notification as part of a routine task performed in the course
37 of law enforcement duties, and (c) documenting a victim's receipt of
38 such notice.

39 3. All state or municipal printed forms for a police primary investi-
40 gation report shall include a space to indicate that the victim did or
41 did not receive information on victim's rights, [crime victims board]
42 office of victims services assistance and relevant local assistance
43 pursuant to subdivision one of section six hundred twenty-five-a of this
44 article.

45 § 101-a. Subdivisions 1 and 2 of section 626 of the executive law,
46 subdivision 1 as amended by chapter 408 of the laws of 2005 and subdivi-
47 sion 2 as amended by chapter 276 of the laws of 1998, are amended to
48 read as follows:

49 1. Out-of-pocket loss shall mean unreimbursed and unreimbursable
50 expenses or indebtedness reasonably incurred for medical care or other
51 services necessary as a result of the injury upon which such claim is
52 based, including such expenses incurred as a result of the exacerbation
53 of a pre-existing disability or condition directly resulting from the
54 crime or causally related to the crime. Such expenses or indebtedness
55 shall include the cost of counseling for the eligible spouse, grandpar-
56 ents, parents, stepparents, guardians, brothers, sisters, stepbrothers,

1 stepsisters, children or stepchildren of a homicide victim, and crime
2 victims who have sustained a personal physical injury as the direct
3 result of a crime and the spouse, children or stepchildren of such phys-
4 ically injured victim. For the purposes of this subdivision, the victim
5 of a sex offense as defined in article one hundred thirty of the penal
6 law is presumed to have suffered physical injury. Such counseling may be
7 provided by local victim service programs, where available. It shall
8 also include the cost of residing at or utilizing services provided by
9 shelters for battered spouses and children who are eligible pursuant to
10 subdivision two of section six hundred twenty-four of this article, and
11 the cost of reasonable attorneys' fees for representation before the
12 [board] office and/or before the appellate division upon judicial review
13 not to exceed one thousand dollars.

14 2. Out-of-pocket loss shall also include the cost of counseling for a
15 child victim and the parent, stepparent, grandparent, guardian, brother,
16 sister, stepbrother or stepsister of such victim, pursuant to regu-
17 lations [of the board] promulgated to carry out the provisions and
18 purposes of this article.

19 § 101-b. Section 627 of the executive law is REPEALED and a new
20 section 627 is added to read as follows:

21 § 627. Determination of claims. 1. The office shall determine claims
22 in accordance with rules and regulations recommended by the director and
23 promulgated by the commissioner.

24 2. The claimant may, within thirty days after receipt of the decision
25 of the office regarding a claim, make an application in writing to the
26 office for consideration of such decision by the crime victims compen-
27 sation appeals board. The board shall consider such applications in
28 accordance with rules and regulations recommended by the director and
29 promulgated by the commissioner and may affirm or modify the decision of
30 the office. The decision of the board shall become the final determi-
31 nation of the office regarding the claim.

32 § 101-c. Section 628 of the executive law is REPEALED and a new
33 section 628 is added to read as follows:

34 § 628. Crime victims compensation appeals board. 1. There is hereby
35 created in the division of criminal justice services a board, to be
36 known as the crime victims compensation appeals board. Such board shall
37 consist of the director and two members appointed by the governor. One
38 of the members appointed by the governor shall have been a victim of
39 crime or the parent or spouse of a deceased victim of crime. The direc-
40 tor shall serve as chair of the board ex officio.

41 2. The term of office of the members appointed by the governor shall
42 be three years. Any member appointed to fill a vacancy occurring other-
43 wise than by expiration of a term shall be appointed for the remainder
44 of the unexpired term.

45 3. The members of the board appointed by the governor shall receive no
46 compensation for their services but shall be allowed their actual and
47 necessary expenses incurred in the performance of their functions. The
48 director shall receive no additional compensation for service as chair
49 of the board.

50 4. The board shall meet as frequently as it deems necessary but in no
51 event less than monthly.

52 § 101-d. Section 629 of the executive law, as added by chapter 894 of
53 the laws of 1966, subdivision 1 as amended by chapter 688 of the laws of
54 1985, is amended to read as follows:

55 § 629. Judicial review. 1. [Within fifteen days after receipt of the
56 copy of the report containing the final decision of the board, the comp-

1 troller shall, if in his judgment the award is illegal or excessive,
2 notify the board of his conclusion, state the reasons for that conclu-
3 sion, and provide specific recommendations for modification. Upon
4 receiving such notification, the board shall have fifteen days within
5 which to review and either modify or re-affirm its award. If after such
6 modification or reaffirmation the comptroller continues to adjudge the
7 award to be illegal or excessive, he may within fifteen days after
8 receipt of such modification or reaffirmation, commence a proceeding in
9 the appellate division of the supreme court, third department, to review
10 the decision of the board. Such proceeding shall be heard in a summary
11 manner and shall have precedence over all other civil cases in such
12 court.] Any claimant aggrieved by a final decision of the [board] office
13 may commence a proceeding to review that decision pursuant to article
14 seventy-eight of the civil practice law and rules.

15 2. Any such proceeding shall be commenced [by the service of notice
16 thereof upon the claimant and the board in person or by mail] in accord-
17 ance with the civil practice law and rules.

18 § 101-e. Section 630 of the executive law, as amended by chapter 346
19 of the laws of 1986, and subdivision 1 as amended by chapter 318 of the
20 laws of 2007, is amended to read as follows:

21 § 630. Emergency awards. 1. Notwithstanding the provisions of section
22 six hundred twenty-seven of this article, if it appears to the [board
23 member to whom a claim is assigned] office, that such claim is one with
24 respect to which an award probably will be made, and undue hardship will
25 result to the claimant if immediate payment is not made, [such board
26 member] the office may make one or more emergency awards to the claimant
27 pending a final decision of the [board] office or payment of an award in
28 the case, provided, however, that the total amount of such emergency
29 awards shall not exceed twenty-five hundred dollars. The amount of such
30 emergency awards shall be deducted from any final award made to the
31 claimant, and the excess of the amount of any such emergency award over
32 the amount of the final award, or the full amount of any emergency
33 awards if no final award is made, shall be repaid by the claimant to the
34 board.

35 2. Notwithstanding the provisions of section six hundred twenty-seven
36 of this article, local crime victim service programs shall be authorized
37 to provide emergency awards to crime victims for essential personal
38 property, medical treatment, shelter costs, security services, coun-
39 seling and transportation the total amount of such emergency awards not
40 to exceed five hundred dollars. These programs shall be reimbursed by
41 the board, pursuant to the provisions of this article, if it is subse-
42 quently determined that the victim is an eligible claimant. Local crime
43 victim service programs shall be authorized to establish special
44 accounts for this purpose. The [board] office shall initiate a program
45 to assist local crime victim service programs in establishing special
46 accounts to provide emergency awards, within amounts designated for that
47 purpose.

48 § 101-f. Subdivisions 1, 1-a, 3, 5, 6, 13, 14, 15 and 16 of section
49 631 of the executive law, subdivision 1 as amended by chapter 74 of the
50 laws of 2007, subdivision 1-a as added by chapter 620 of the laws of
51 1997, subdivision 3 as amended by chapter 148 of the laws of 2000,
52 subdivision 5 as amended by chapter 351 of the laws of 1982, paragraph
53 (c) of subdivision 5 as amended by chapter 74 of the laws of 1986, para-
54 graph (d) as amended by chapter 309 of the laws of 1996, paragraph (e)
55 of subdivision 5 as amended by chapter 763 of the laws of 1990, subdivi-
56 sion 6 as amended by chapter 810 of the laws of 1983, the opening para-

1 graph of paragraph (a) of subdivision 6 as amended by chapter 400 of the
2 laws of 1991, subparagraph 1 of paragraph (b) of subdivision 6 as
3 amended by chapter 322 of the laws of 2005, subparagraph 7 of paragraph
4 (b) of subdivision 6 as amended by chapter 309 of the laws of 1987,
5 subdivision 13 as amended by section 1 of part E of chapter 56 of the
6 laws of 2009, subdivisions 14, 15, and 16 as added by chapter 21 of the
7 laws of 2007, are amended to read as follows:

8 1. No award shall be made unless the [board or board member] office,
9 as the case may be, finds that (a) a crime was committed, (b) such crime
10 directly resulted in personal physical injury to or the exacerbation of
11 a preexisting disability, or condition, or death of, the victim, and (c)
12 criminal justice agency records show that such crime was promptly
13 reported to the proper authorities; and in no case may an award be made
14 where the criminal justice agency records show that such report was made
15 more than one week after the occurrence of such crime unless the [board]
16 office, for good cause shown, finds the delay to have been justified;
17 provided, however, in cases involving an alleged sex offense as
18 contained in article one hundred thirty of the penal law or incest as
19 defined in section 255.25, 255.26 or 255.27 of the penal law or labor
20 trafficking as defined in section 135.35 of the penal law or sex traf-
21 ficking as defined in section 230.34 of the penal law or an offense
22 chargeable as a family offense as described in section eight hundred
23 twelve of the family court act or section 530.11 of the criminal proce-
24 dure law, the criminal justice agency report need only be made within a
25 reasonable time considering all the circumstances, including the
26 victim's physical, emotional and mental condition and family situation.
27 For the purposes of this subdivision, "criminal justice agency" shall
28 include, but not be limited to, a police department, a district attor-
29 ney's office, and any other governmental agency having responsibility
30 for the enforcement of the criminal laws of the state provided, however,
31 that in cases involving such sex offense a criminal justice agency shall
32 also mean a family court, a governmental agency responsible for child
33 and/or adult protective services pursuant to title six of article six of
34 the social services law and/or title one of article nine-B of the social
35 services law, and any medical facility established under the laws of the
36 state that provides a forensic physical examination for victims of rape
37 and sexual assault.

38 1-a. No award shall be made for a frivolous lawsuit unless the [board
39 or board member, as the case may be,] office finds that the victim has
40 been awarded costs pursuant to section eighty-three hundred three-a of
41 the civil practice law and rules and the individual responsible for the
42 payment of costs is unable to pay such costs provided, however, that in
43 no event shall the amount of such costs exceed two thousand five hundred
44 dollars.

45 3. Any award made for loss of earnings or support shall, unless
46 reduced pursuant to other provisions of this article, be in an amount
47 equal to the actual loss sustained, provided, however, that no such
48 award shall exceed six hundred dollars for each week of lost earnings or
49 support. Awards with respect to livery operator victims pursuant to
50 paragraph (b) of subdivision six of former section six hundred twenty-
51 seven of this article shall be granted in the amount and in the manner
52 provided therein. The aggregate award for all such losses pursuant to
53 this subdivision, including any awards made pursuant to paragraph (b) of
54 subdivision six of former section six hundred twenty-seven of this arti-
55 cle, shall not exceed thirty thousand dollars. If there are two or more
56 persons entitled to an award as a result of the death of a person which

1 is the direct result of a crime, the award shall be apportioned by the
2 [board] office among the claimants.

3 5. (a) In determining the amount of an award, the [board or board
4 member, as the case may be,] office shall determine whether, because of
5 his conduct, the victim of such crime contributed to the infliction of
6 his injury, and the [board or board member] office shall reduce the
7 amount of the award or reject the claim altogether, in accordance with
8 such determination.

9 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
10 sion, the [board or board member, as the case may be,] office shall
11 disregard for this purpose the responsibility of the victim for his own
12 injury where the record shows that the person injured was acting as a
13 good samaritan, as defined in this article.

14 (c) Notwithstanding any inconsistent provision of this article, where
15 the person injured acted as a good samaritan, the [board or board
16 member, as the case may be,] office may, without regard to the financial
17 difficulty of the claimant, make an award for out-of-pocket losses. Such
18 award may also include compensation for any loss of property up to five
19 thousand dollars suffered by the victim during the course of his actions
20 as a good samaritan.

21 (d) Notwithstanding any inconsistent provision of this article, where
22 a person acted as a good samaritan, and was killed as a direct result of
23 the crime, the [board or the board member, as the case may be,] office
24 may, without regard to the financial difficulty of the claimant, make a
25 lump sum award to such claimant for actual loss of support not to exceed
26 thirty thousand dollars.

27 (e) Notwithstanding any inconsistent provision of this article, where
28 a police officer or firefighter, both paid and volunteer, dies from
29 injuries received in the line of duty as a direct result of a crime, the
30 [board or the board member, as the case may be,] office may, without
31 regard to the financial difficulty of the claimant, make an award for
32 the unreimbursed counseling expenses of the eligible spouse, parents,
33 brothers, sisters or children of such victim, and/or the reasonable
34 burial expenses incurred by the claimant.

35 6. (a) Claims may be approved only if the [board or board member, as
36 the case may be,] office finds that unless the claimant's award is
37 approved he will suffer financial difficulty. However, no finding of
38 financial difficulty is required for a claim for an emergency award or
39 an award less than five thousand dollars. In determining financial
40 difficulty, the [board or board member] office shall consider all rele-
41 vant factors, including but not limited to:

- 42 (1) the number of claimant's dependents;
- 43 (2) reasonable living expenses of the claimant and his family;
- 44 (3) any special health, rehabilitative or educational needs of the
45 claimant and his dependents;
- 46 (4) the claimant's employment situation including income and potential
47 earning capacity;
- 48 (5) the claimant's net financial resources after authorized deduction
49 as provided in paragraphs (b) and (c) of this subdivision;
- 50 (6) whether claimant's financial resources will become exhausted
51 during his lifetime; and
- 52 (7) the nature and the amount of claimant's total debt and liabil-
53 ities, including the amount of debt incurred or to be incurred to pay
54 for losses and expenses of the crime, and the extent to which claimant's
55 essential assets will have to be liquidated.

1 (b) Claimant's net financial resources do not include the present
2 value of future earnings, and shall be determined by the [board] office
3 by deducting from his total financial resources the value, within
4 reasonable limits, of the following items:

5 (1) a homestead, not exceeding five hundred thousand dollars, or a
6 total of ten years' rent for a renter;

7 (2) personal property consisting of clothing and strictly personal
8 effects;

9 (3) household furniture, appliances and equipment;

10 (4) tools and equipment necessary for the claimant's trade, occupation
11 or business;

12 (5) a family automobile;

13 (6) life insurance, except in death claims; and

14 (7) retirement, education and health plans or contributions to a
15 retirement or pension program including but not limited to contributions
16 to: (i) employee profit sharing plans, (ii) employee money purchase
17 plans, (iii) 401 (k) plans, (iv) simplified employee pensions (SEP), (v)
18 individual retirement accounts (IRA), (vi) 403 (b) plans, (vii) 457
19 plans, (viii) Keogh plans, (self employed), and (ix) any other plan or
20 account for which contributions are made primarily for retirement
21 purposes.

22 (c) The [board or board member] office, after taking into consider-
23 ation the claimant's financial resources, may exempt that portion of the
24 victim's or claimant's annual income required to meet reasonable living
25 expenses and the value of inventory or other property necessary for the
26 claimant's business or occupation or the production of income required
27 to meet reasonable living expenses. In no event shall the aggregate
28 value of exemptions under this paragraph exceed one hundred thousand
29 dollars.

30 (d) Nothing contained in this subdivision shall be construed to mean
31 that the [board] office must maintain the same standard of living
32 enjoyed by the claimant prior to the death or injury.

33 (e) The [board] office shall [establish] recommend to the commissioner
34 such rules and regulations as are necessary for the implementation of
35 this section.

36 13. Notwithstanding any other provision of law, rule, or regulation to
37 the contrary, when any New York state accredited hospital, accredited
38 sexual assault examiner program, or licensed health care provider
39 furnishes services to any sexual assault survivor, including but not
40 limited to a health care forensic examination in accordance with the sex
41 offense evidence collection protocol and standards established by the
42 department of health, such hospital, sexual assault examiner program, or
43 licensed healthcare provider shall provide such services to the person
44 without charge and shall bill the [board] office directly. The [board]
45 office, in consultation with the department of health, shall define the
46 specific services to be covered by the sexual assault forensic exam
47 reimbursement fee, which must include at a minimum forensic examiner
48 services, hospital or healthcare facility services related to the exam,
49 and related laboratory tests and pharmaceuticals. Follow-up HIV post-ex-
50 posure prophylaxis costs shall continue to be reimbursed according to
51 established [board] office procedure. The [board] office, in consulta-
52 tion with the department of health, shall also generate the necessary
53 regulations and forms for the direct reimbursement procedure. The rate
54 for reimbursement shall be the amount of itemized charges not exceeding
55 eight hundred dollars, to be reviewed and adjusted annually by the
56 [board] office in consultation with the department of health. The hospi-

1 tal, sexual assault examiner program, or licensed health care provider
2 must accept this fee as payment in full for these specified services. No
3 additional billing of the survivor for said services is permissible. A
4 sexual assault survivor may voluntarily assign any private insurance
5 benefits to which she or he is entitled for the healthcare forensic
6 examination, in which case the hospital or healthcare provider may not
7 charge the [board] office. A hospital, sexual assault examiner program
8 or licensed health care provider shall, at the time of the initial
9 visit, request assignment of any private health insurance benefits to
10 which the sexual assault survivor is entitled on a form prescribed by
11 the [board] office; provided, however, such sexual assault survivor
12 shall be advised orally and in writing that he or she may decline to
13 provide such information regarding private health insurance benefits if
14 he or she believes that the provision of such information would substan-
15 tially interfere with his or her personal privacy or safety and in such
16 event, the sexual assault forensic exam fee shall be paid by the [board]
17 office. Such sexual assault survivor shall also be advised that provid-
18 ing such information may provide additional resources to pay for
19 services to other sexual assault victims. If he or she declines to
20 provide such health insurance information, he or she shall indicate such
21 decision on the form provided by the hospital, sexual assault examiner
22 program or licensed health care provider, which form shall be prescribed
23 by the [board] office.

24 14. Notwithstanding any inconsistent provision of this article, where
25 a victim dies from injuries received as a direct result of the World
26 Trade Center terrorist attacks on September eleventh, two thousand one,
27 the [board or the board member, as the case may be,] office may make an
28 award for the unreimbursed and unreimbursable expense or indebtedness
29 reasonably incurred for the cost of counseling for the eligible spouse,
30 grandparents, parents, stepparents, guardians, brothers, sisters, step-
31 brothers, stepsisters, children, or stepchildren of such victim. Any
32 award for such expense incurred on or before December thirty-first, two
33 thousand seven, shall be made without regard to the financial difficulty
34 of the claimant.

35 15. Notwithstanding any inconsistent provision of this article, where
36 a victim is injured as a direct result of the World Trade Center terror-
37 ist attacks on September eleventh, two thousand one, the [board or the
38 board member, as the case may be,] office may make an award for the
39 unreimbursed and unreimbursable expense or indebtedness reasonably
40 incurred by the claimant for medical care or counseling services neces-
41 sary as a result of such injury. Any award for such expense or indebt-
42 edness incurred on or before December thirty-first, two thousand seven,
43 shall be made without regard to the financial difficulty of the claim-
44 ant.

45 16. Notwithstanding any inconsistent provision of this article, and
46 without regard to the financial difficulty of the claimant, where a
47 victim dies from injuries received as a direct result of the World Trade
48 Center terrorist attacks on September eleventh, two thousand one, the
49 [board or the board member, as the case may be,] office may make an
50 award of reasonable burial expenses for such victim.

51 § 101-g. Subdivision 2 of section 632 of the executive law, as amended
52 by chapter 115 of the laws of 1981, is amended to read as follows:

53 2. Where a person entitled to receive an award is a person under the
54 age of eighteen years, an incompetent, or a conservatee, the award may
55 be paid to a relative, guardian, committee, conservator, or attorney of
56 such person on behalf of and for the benefit of such person. In such

1 case the payee shall be required to file a periodic accounting of the
2 award with the [board] office and to take such other action as the
3 [board] office shall determine is necessary and appropriate for the
4 benefit of the person under the age of eighteen years, incompetent or
5 conservatee.

6 § 101-h. Section 632-a of the executive law, as amended by chapter 62
7 of the laws of 2001, is amended to read as follows:

8 § 632-a. Crime victims. 1. For the purposes of this section:

9 (a) "Crime" means (i) any felony defined in the laws of the state; or
10 (ii) an offense in any jurisdiction which includes all of the essential
11 elements of any felony defined in the laws of this state and: (A) the
12 crime victim, as defined in subparagraph (i) of paragraph (d) of this
13 subdivision, was a resident of this state at the time of the commission
14 of the offense; or (B) the act or acts constituting the offense occurred
15 in whole or in part in this state.

16 (b) "Profits from a crime" means (i) any property obtained through or
17 income generated from the commission of a crime of which the defendant
18 was convicted; (ii) any property obtained by or income generated from
19 the sale, conversion or exchange of proceeds of a crime, including any
20 gain realized by such sale, conversion or exchange; and (iii) any prop-
21 erty which the defendant obtained or income generated as a result of
22 having committed the crime, including any assets obtained through the
23 use of unique knowledge obtained during the commission of, or in prepa-
24 ration for the commission of, a crime, as well as any property obtained
25 by or income generated from the sale, conversion or exchange of such
26 property and any gain realized by such sale, conversion or exchange.

27 (c) "Funds of a convicted person" means all funds and property
28 received from any source by a person convicted of a specified crime, or
29 by the representative of such person as defined in subdivision six of
30 section six hundred twenty-one of this article excluding child support
31 and earned income, where such person:

32 (i) is an inmate serving a sentence with the department of correction-
33 al services or a prisoner confined at a local correctional facility or
34 federal correctional institute, and includes funds that a superinten-
35 dent, sheriff or municipal official receives on behalf of an inmate or
36 prisoner and deposits in an inmate account to the credit of the inmate
37 pursuant to section one hundred sixteen of the correction law or depos-
38 its in a prisoner account to the credit of the prisoner pursuant to
39 section five hundred-c of the correction law; or

40 (ii) is not an inmate or prisoner but who is serving a sentence of
41 probation or conditional discharge or is presently subject to an undisc-
42 charged indeterminate, determinate or definite term of imprisonment or
43 period of post-release supervision or term of supervised release, but
44 shall include earned income earned during a period in which such person
45 was not in compliance with the conditions of his or her probation,
46 parole, conditional release, period of post-release supervision by the
47 division of parole or term of supervised release with the United States
48 probation office or United States parole commission. For purposes of
49 this subparagraph, such period of non-compliance shall be measured, as
50 applicable, from the earliest date of delinquency determined by the
51 [board] office or division of parole, or from the earliest date on which
52 a declaration of delinquency is filed pursuant to section 410.30 of the
53 criminal procedure law and thereafter sustained, or from the earliest
54 date of delinquency determined in accordance with applicable federal
55 law, rules or regulations, and shall continue until a final determi-
56 nation sustaining the violation has been made by the trial court,

1 [board] office or division of parole, or appropriate federal authority;
2 or

3 (iii) is no longer subject to a sentence of probation or conditional
4 discharge or indeterminate, determinate or definite term of imprisonment
5 or period of post-release supervision or term of supervised release, and
6 where within the previous three years: the full or maximum term or peri-
7 od terminated or expired or such person was granted a discharge by a
8 board of parole pursuant to applicable law, or granted a discharge or
9 termination from probation pursuant to applicable law or granted a
10 discharge or termination under applicable federal or state law, rules or
11 regulations prior to the expiration of such full or maximum term or
12 period; and includes only: (A) those funds paid to such person as a
13 result of any interest, right, right of action, asset, share, claim,
14 recovery or benefit of any kind that the person obtained, or that
15 accrued in favor of such person, prior to the expiration of such
16 sentence, term or period; (B) any recovery or award collected in a
17 lawsuit after expiration of such sentence where the right or cause of
18 action accrued prior to the expiration or service of such sentence; and
19 (C) earned income earned during a period in which such person was not in
20 compliance with the conditions of his or her probation, parole, condi-
21 tional release, period of post-release supervision by the division of
22 parole or term of supervised release with the United States probation
23 office or United States parole commission. For purposes of this subpara-
24 graph, such period of non-compliance shall be measured, as applicable,
25 from the earliest date of delinquency determined by the [board] office
26 or division of parole, or from the earliest date on which a declaration
27 of delinquency is filed pursuant to section 410.30 of the criminal
28 procedure law and thereafter sustained, or from the earliest date of
29 delinquency determined in accordance with applicable federal law, rules
30 or regulations, and shall continue until a final determination sustain-
31 ing the violation has been made by the trial court, [board] office or
32 division of parole, or appropriate federal authority.

33 (d) "Crime victim" means (i) the victim of a crime; (ii) the represen-
34 tative of a crime victim as defined in subdivision six of section six
35 hundred twenty-one of this article; (iii) a good samaritan as defined in
36 subdivision seven of section six hundred twenty-one of this article;
37 (iv) the [crime victims board] office of victim services or other
38 governmental agency that has received an application for or provided
39 financial assistance or compensation to the victim.

40 (e) (i) "Specified crime" means:

41 (A) a violent felony offense as defined in subdivision one of section
42 70.02 of the penal law;

43 (B) a class B felony offense defined in the penal law;

44 (C) an offense for which a merit time allowance may not be received
45 against the sentence pursuant to paragraph (d) of subdivision one of
46 section eight hundred three of the correction law;

47 (D) an offense defined in the penal law that is titled in such law as
48 a felony in the first degree;

49 (E) grand larceny in the fourth degree as defined in subdivision six
50 of section 155.30 or grand larceny in the second degree as defined in
51 section 155.40 of the penal law;

52 (F) criminal possession of stolen property in the second degree as
53 defined in section 165.52 of the penal law; or

54 (G) an offense in any jurisdiction which includes all of the essential
55 elements of any of the crimes specified in clauses (A) through (F) of
56 this subparagraph and either the crime victim as defined in subparagraph

1 (i) of paragraph (d) of this subdivision was a resident of this state at
2 the time of the commission of the offense or the act or acts constitut-
3 ing the crime occurred in whole or in part in this state.

4 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
5 graph a "specified crime" shall not mean or include an offense defined
6 in any of the following articles of the penal law: articles one hundred
7 fifty-eight, one hundred seventy-eight, two hundred twenty, two hundred
8 twenty-one, two hundred twenty-five, and two hundred thirty.

9 (f) "Earned income" means income derived from one's own labor or
10 through active participation in a business as distinguished from income
11 from, for example, dividends or investments.

12 2. (a) Every person, firm, corporation, partnership, association or
13 other legal entity, or representative of such person, firm, corporation,
14 partnership, association or entity, which knowingly contracts for, pays,
15 or agrees to pay: (i) any profits from a crime as defined in paragraph
16 (b) of subdivision one of this section, to a person charged with or
17 convicted of that crime, or to the representative of such person as
18 defined in subdivision six of section six hundred twenty-one of this
19 article; or (ii) any funds of a convicted person, as defined in para-
20 graph (c) of subdivision one of this section, where such conviction is
21 for a specified crime and the value, combined value or aggregate value
22 of the payment or payments of such funds exceeds or will exceed ten
23 thousand dollars, shall give written notice to the [crime victims board]
24 office of the payment or obligation to pay as soon as practicable after
25 discovering that the payment or intended payment constitutes profits
26 from a crime or funds of a convicted person.

27 (b) Notwithstanding subparagraph (ii) of paragraph (a) of this subdi-
28 vision, whenever the payment or obligation to pay involves funds of a
29 convicted person that a superintendent, sheriff or municipal official
30 receives or will receive on behalf [on] of an inmate serving a sentence
31 with the department of correctional services or prisoner confined at a
32 local correctional facility and deposits or will deposit in an inmate
33 account to the credit of the inmate or in a prisoner account to the
34 credit of the prisoner, and the value, combined value or aggregate value
35 of such funds exceeds or will exceed ten thousand dollars, the super-
36 intendent, sheriff or municipal official shall also give written notice
37 to the [crime victims board] office.

38 Further, whenever the state or subdivision of the state makes payment
39 or has an obligation to pay funds of a convicted person, as defined in
40 subparagraph (ii) or (iii) of paragraph (c) of subdivision one of this
41 section, and the value, combined value or aggregate value of such funds
42 exceeds or will exceed ten thousand dollars, the state or subdivision of
43 the state shall also give written notice to the [crime victims board]
44 office.

45 In all other instances where the payment or obligation to pay involves
46 funds of a convicted person, as defined in subparagraph (ii) or (iii) of
47 paragraph (c) of subdivision one of this section, and the value,
48 combined value or aggregate value of such funds exceeds or will exceed
49 ten thousand dollars, the convicted person who receives or will receive
50 such funds, or the representative of such person as defined in subdivi-
51 sion six of section six hundred twenty-one of this article, shall give
52 written notice to the [crime victims board] office.

53 (c) The [board] office, upon receipt of notice of a contract, an
54 agreement to pay or payment of profits from a crime or funds of a
55 convicted person pursuant to paragraph (a) or (b) of this subdivision,
56 or upon receipt of notice of funds of a convicted person from the super-

1 intendent, sheriff or municipal official of the facility where the
2 inmate or prisoner is confined pursuant to section one hundred sixteen
3 or five hundred-c of the correction law, shall notify all known crime
4 victims of the existence of such profits or funds at their last known
5 address.

6 3. Notwithstanding any inconsistent provision of the estates, powers
7 and trusts law or the civil practice law and rules with respect to the
8 timely bringing of an action, any crime victim shall have the right to
9 bring a civil action in a court of competent jurisdiction to recover
10 money damages from a person convicted of a crime of which the crime
11 victim is a victim, or the representative of that convicted person,
12 within three years of the discovery of any profits from a crime or funds
13 of a convicted person, as those terms are defined in this section.
14 Notwithstanding any other provision of law to the contrary, a judgment
15 obtained pursuant to this section shall not be subject to execution or
16 enforcement against the first one thousand dollars deposited in an
17 inmate account to the credit of the inmate pursuant to section one
18 hundred sixteen of the correction law or in a prisoner account to the
19 credit of the prisoner pursuant to section five hundred-c of the
20 correction law. In addition, where the civil action involves funds of a
21 convicted person and such funds were recovered by the convicted person
22 pursuant to a judgment obtained in a civil action, a judgment obtained
23 pursuant to this section may not be subject to execution or enforcement
24 against a portion thereof in accordance with subdivision (k) of section
25 fifty-two hundred five of the civil practice law and rules. If an action
26 is filed pursuant to this subdivision after the expiration of all other
27 applicable statutes of limitation, any other crime victims must file any
28 action for damages as a result of the crime within three years of the
29 actual discovery of such profits or funds, or within three years of
30 actual notice received from or notice published by the [crime victims
31 board] office of such discovery, whichever is later.

32 4. Upon filing an action pursuant to subdivision three of this
33 section, the crime victim shall give notice to the [crime victims board]
34 office of the filing by delivering a copy of the summons and complaint
35 to the [board] office. The crime victim may also give such notice to
36 the [board] office prior to filing the action so as to allow the [board]
37 office to apply for any appropriate provisional remedies which are
38 otherwise authorized to be invoked prior to the commencement of an
39 action.

40 5. Upon receipt of a copy of a summons and complaint, or upon receipt
41 of notice from the crime victim prior to filing the action as provided
42 in subdivision four of this section, the [board] office shall immediate-
43 ly take such actions as are necessary to:

44 (a) notify all other known crime victims of the alleged existence of
45 profits from a crime or funds of a convicted person by certified mail,
46 return receipt requested, where the victims' names and addresses are
47 known by the [board] office;

48 (b) publish, at least once every six months for three years from the
49 date it is initially notified by a victim, pursuant to subdivision four
50 of this section, a legal notice in newspapers of general circulation in
51 the county wherein the crime was committed and in counties contiguous to
52 such county advising any crime victims of the existence of profits from
53 a crime or funds of a convicted person. For crimes committed in a county
54 located within a city having a population of one million or more, the
55 notice shall be published in newspapers having general circulation in

1 such city. The [board] office may, in its discretion, provide for such
2 additional notice as it deems necessary;

3 (c) avoid the wasting of the assets identified in the complaint as the
4 newly discovered profits from a crime or as funds of a convicted person,
5 in any manner consistent with subdivision six of this section.

6 6. The [board] office, acting on behalf of the plaintiff and all other
7 victims, shall have the right to apply for any and all provisional reme-
8 dies that are also otherwise available to the plaintiff.

9 (a) The provisional remedies of attachment, injunction, receivership
10 and notice of pendency available to the plaintiff under the civil prac-
11 tice law and rules, shall also be available to the [board] office in all
12 actions under this section.

13 (b) On a motion for a provisional remedy, the moving party shall state
14 whether any other provisional remedy has previously been sought in the
15 same action against the same defendant. The court may require the moving
16 party to elect between those remedies to which it would otherwise be
17 entitled.

18 7. (a) (i) Whenever it appears that a person or entity has knowingly
19 and willfully failed to give notice in violation of paragraph (a) or (b)
20 of subdivision two of this section, other than the state, a subdivision
21 of the state, or a person who is a superintendent, sheriff or municipal
22 official required to give notice pursuant to this section or section one
23 hundred sixteen or section five hundred-c of the correction law, the
24 [board] office shall be authorized to serve a notice of hearing upon the
25 person or entity by personal service or by registered or certified mail.
26 The notice shall contain the time, place and purpose of the hearing. In
27 addition, the notice shall be accompanied by a petition alleging facts
28 of an evidentiary character that support or tend to support that the
29 person or entity, who shall be named therein as a respondent, knowingly
30 and willfully failed to give notice in violation of paragraph (a) or (b)
31 of subdivision two of this section. Service of the notice and petition
32 shall take place at least fifteen days prior to the date of the hearing.

33 (ii) The [chairperson of the board,] commissioner or any [board
34 member] individual designated by the [chairperson] commissioner, shall
35 preside over the hearing[. The presiding member], shall administer oaths
36 [and], may issue subpoenas[. The presiding member] and shall not be
37 bound by the rules of evidence or civil procedure, but his or her deter-
38 mination shall be based on a preponderance of the evidence. At the hear-
39 ing, the burden of proof shall be on the [board] office[, which shall be
40 represented by the counsel to the board or another person designated by
41 the board]. The [board] office shall produce witnesses and present
42 evidence in support of the alleged violation, which may include relevant
43 hearsay evidence. The respondent, who may appear personally at the hear-
44 ing, shall have the right of counsel and may cross-examine witnesses and
45 produce evidence and witnesses in his or her behalf, which may include
46 relevant hearsay evidence. The issue of whether the person who received
47 an alleged payment or obligation to pay committed the underlying crime
48 shall not be re-litigated at the hearing. Where the alleged violation is
49 the failure to give notice of a payment amount involving two or more
50 payments the combined value or aggregate value of which exceeds ten
51 thousand dollars, no violation shall be found unless it is shown that
52 such payments were intentionally structured to conceal their character
53 as funds of a convicted person, as defined in this section.

54 (iii) At the conclusion of the hearing, if the [presiding member]
55 office or designated individual is not satisfied that there is a prepon-
56 derance of evidence in support of a violation, [the member] office or

1 designated individual shall dismiss the petition. If the [presiding
2 member] office or designated individual is satisfied that there is a
3 preponderance of the evidence that the respondent committed one or more
4 violations, the [member] office or designated individual shall so find.
5 Upon such a finding, the [presiding member] office or designated indi-
6 vidual shall prepare a written statement, to be made available to the
7 respondent and respondent's counsel, indicating the evidence relied on
8 and the reasons for finding the violation.

9 (iv) The [board] commissioner, in consultation with the director,
10 shall adopt, promulgate, amend and repeal administrative rules and regu-
11 lations governing the procedures to be followed with respect to hear-
12 ings, including rules and regulations for the administrative appeal of a
13 decision made pursuant to this paragraph, provided such rules and regu-
14 lations are consistent with the provisions of this subdivision.

15 (b) (i) Whenever it is found pursuant to paragraph (a) of this subdivi-
16 sion that a respondent knowingly and willfully failed to give notice in
17 violation of paragraph (a) or (b) of subdivision two of this section,
18 the [board] office shall impose an assessment of up to the amount of the
19 payment or obligation to pay and a civil penalty of up to one thousand
20 dollars or ten percent of the payment or obligation to pay, whichever is
21 greater. If a respondent fails to pay the assessment and civil penalty
22 imposed pursuant to this paragraph, the assessment and civil penalty may
23 be recovered from the respondent by an action brought by the attorney
24 general, upon the request of the [board] office, in any court of compe-
25 tent jurisdiction. The [board] office shall deposit the assessment in an
26 escrow account pending the expiration of the three year statute of limi-
27 tations authorized by subdivision three of this section to preserve such
28 funds to satisfy a civil judgment in favor of a person who is a victim
29 of a crime committed by the convicted person to whom such failure to
30 give notice relates. The [board] office shall pay the civil penalty to
31 the state comptroller who shall deposit the money in the state treasury
32 pursuant to section one hundred twenty-one of the state finance law to
33 the credit of the criminal justice improvement account established by
34 section ninety-seven-bb of the state finance law.

35 (ii) The [board] office shall then notify any crime victim or crime
36 victims, who may have a claim against the convicted person, of the
37 existence of such moneys. Such notice shall instruct such person or
38 persons that they may have a right to commence a civil action against
39 the convicted person, as well as any other information deemed necessary
40 by the [board] office.

41 (iii) Upon a crime victim's presentation to the [board] office of a
42 civil judgment for damages incurred as a result of the crime, the
43 [board] office shall satisfy up to one hundred percent of that judgment,
44 including costs and disbursements as taxed by the clerk of the court,
45 with the escrowed fund obtained pursuant to this paragraph, but in no
46 event shall the amount of all judgments, costs and disbursements satis-
47 fied from such escrowed funds exceed the amount in escrow. If more than
48 one such crime victim indicates to the [board] office that they intend
49 to commence or have commenced a civil action against the convicted
50 person, the [board] office shall delay satisfying any judgment, costs
51 and disbursements until the claims of all such crime victims are reduced
52 to judgment. If the aggregate of all judgments, costs and disbursement
53 obtained exceeds the amount of escrowed funds, the amount used to
54 partially satisfy each judgment shall be reduced to a pro rata share.

55 (iv) After expiration of the three year statute of limitations period
56 established in subdivision three of this section, the [board] office

1 shall review all judgments that have been satisfied from such escrowed
2 funds. In the event no claim was filed or judgment obtained prior to the
3 expiration of the three year statute of limitations, the [board] office
4 shall return the escrowed amount to the respondent. In the event a claim
5 or claims are pending at the expiration of the statute of limitations,
6 such funds shall remain escrowed until the final determination of all
7 such claims to allow the [board] office to satisfy any judgment which
8 may be obtained by the crime victim. Upon the final determination of all
9 such claims and the satisfaction of up to one hundred percent of such
10 claims by the [board] office, the [board] office shall be authorized to
11 impose an additional civil penalty of up to one thousand dollars or ten
12 percent of the payment or obligation to pay, whichever is greater. Prior
13 to imposing any such penalty, the [board] office shall serve a notice
14 upon the respondent by personal service or by registered or certified
15 mail of the intent of the [board] office to impose such penalty thirty
16 days after the date of the notice and of the opportunity to submit
17 documentation concerning the [board's] office's determination. After
18 imposing and deducting any such additional civil penalty, the [board]
19 office shall distribute such remaining escrowed funds, if any, as
20 follows: fifty percent to the state comptroller, who shall deposit the
21 money in the state treasury pursuant to section one hundred twenty-one
22 of the state finance law to the credit of the criminal justice improve-
23 ment account established by section ninety-seven-bb of the state finance
24 law; and fifty percent to the respondent.

25 (v) Notwithstanding any provision of law, an alleged failure by a
26 convicted person to give notice under this section may not result in
27 proceedings for an alleged violation of the conditions of probation,
28 parole, conditional release, post release supervision or supervised
29 release unless: one or more claims were made by a crime victim against
30 the convicted person pursuant to this section, and the crime victims
31 [board] office imposes an assessment and/or penalty upon the convicted
32 person pursuant to this section, and the convicted person fails to pay
33 the total amount of the assessment and/or penalty within sixty days of
34 the imposition of such assessment and/or penalty.

35 (vi) Records maintained by the [board] office and proceedings by the
36 [board or a board member] office based thereon regarding a claim submit-
37 ted by a victim or a claimant shall be deemed confidential, subject to
38 the exceptions that appear in subdivision one of section six hundred
39 thirty-three of this article.

40 § 101-i. Section 633 of the executive law, as added by chapter 64 of
41 the laws of 1998, is amended to read as follows:

42 § 633. Confidentiality of records. 1. Records maintained by the
43 [board] office and proceedings by the office or the board [or a board
44 member] based thereon regarding a claim submitted by a victim or a
45 claimant shall be deemed confidential with the following exceptions:

46 (a) requests for information based upon legitimate criminal justice
47 purposes;

48 (b) judicial subpoenas;

49 (c) requests for information by the victim or claimant or his or her
50 authorized representative;

51 (d) for purposes necessary and proper for the administration of this
52 article.

53 2. All other records, including but not limited to, records maintained
54 pursuant to sections six hundred thirty-one-a and six hundred thirty-
55 two-a of this article and proceedings by the office or the board [or a
56 board member] based thereon shall be public record.

1 3. Any report or record obtained by the board or office, the confiden-
2 tiality of which is protected by any other law or regulation, shall
3 remain confidential subject to such law or regulation.

4 § 101-j. Section 634 of the executive law, as amended by chapter 513
5 of the laws of 1982, subdivision 1 as amended and subdivision 6 as added
6 by chapter 477 of the laws of 1986, paragraph (c) of subdivision 1 as
7 amended by chapter 397 of the laws of 1993, is amended to read as
8 follows:

9 § 634. Subrogation. 1. (a) Acceptance of an award made pursuant to
10 this article shall subrogate the state, to the extent of such award, to
11 any right or right of action accruing to the claimant or the victim to
12 recover payments on account of losses resulting from the crime with
13 respect to which the award is made. Upon the payment of an award, the
14 [board] office may, by writing, notify the claimant that such claimant
15 has ninety days, or thirty days prior to the date of expiration of the
16 applicable statute of limitations, whichever period is shorter, within
17 which to commence an action against his assailant or any third party
18 who, as a result of the crime, may be liable in damages to the claimant.
19 If the claimant fails to commence an action within the time provided
20 herein, such failure shall, after written notification by the [board]
21 office to the claimant, operate as an assignment of the claimant's cause
22 of action against the assailant or such other third party to the state;
23 provided, however, that should the claimant's cause of action be in an
24 amount in excess of the [board's] office's award, such assignment shall
25 be for only that portion of the cause of action which equals the amount
26 of the award.

27 (b) The [crime victims board] office of victim services shall review
28 those claims that have been approved by the [board] office and that have
29 resulted in an award in excess of one thousand dollars for the purpose
30 of identifying those causes of action that are likely to result in
31 recovery of the state's payment to the victim. The [board] office shall
32 submit a list of these claims on a monthly basis to the attorney general
33 with all necessary information relating to the case including whether
34 the [claimant's] claimant's cause of action has been assigned to the
35 [board] office.

36 (c) The attorney general may commence an action against the defendant
37 convicted of the crime or third party for money damages to the extent of
38 the award paid, and the claimant shall retain a right of action, subject
39 to defenses, to recover damages for the full amount of loss incurred by
40 him as a result of the crime less the amount assigned to the state by
41 operation of this subdivision. Notwithstanding any other provision of
42 law, an action brought by the attorney general pursuant to this para-
43 graph against the defendant convicted of the crime must be commenced
44 within seven years of the crime or pursuant to the time frames author-
45 ized in subdivision three of section six hundred thirty-two-a of this
46 article. A claimant who retains such right of action shall be permitted
47 to intervene in any action brought pursuant to this subdivision by the
48 attorney general. Any action brought by the attorney general may be
49 compromised or settled provided the attorney general and the [board]
50 office find that such action is in the best interests of the state.

51 2. Acceptance of an award made pursuant to this article shall create a
52 lien in favor of the state on the proceeds of any recovery from the
53 person or persons liable for the injury or death giving rise to the
54 award by the [board] office, whether by judgment, settlement or other-
55 wise, after the deduction of the reasonable and necessary expenditures,
56 including attorney's fees, incurred in effecting such recovery, to the

1 total amount of the award made by the [board] office. Such lien shall
2 attach to any moneys received or to be received by the claimant or
3 victim on account of losses resulting from the crime. Should the claim-
4 ant or victim secure a recovery from the person or persons liable for
5 the injury or death giving rise to the award by the [board] office,
6 whether by judgment, settlement or otherwise, such claimant may, upon
7 notice to the [board] office, apply to the court in which the action was
8 instituted, or to any court of competent jurisdiction if no action was
9 instituted, for an order apportioning the reasonable and necessary
10 expenditures, including attorney's fees, incurred in effecting such
11 recovery. Such expenditures shall be equitably apportioned by the court
12 between the claimant and the [board] office. A copy of such lien shall
13 be mailed to the clerk of the county within which the crime occurred and
14 such clerk will file the copy in accordance with the duties of such
15 clerk as set forth in section five hundred twenty-five of the county
16 law. The amount of such lien may be compromised or settled by the
17 [board] office provided the [board] office finds that such action is in
18 the best interests of the state, or payment of the full amount of the
19 lien to the state would cause undue hardship for the victim.

20 3. Any claimant who has received an award under this article, or his
21 guardian, judicially appointed personal representative, or his estate,
22 who brings an action for damages against the person or persons liable
23 for the injury or death giving rise to an award by the [board] office
24 under this article shall give written notice to the [board] office of
25 the commencement of such action at the time such action is commenced.
26 Such notice shall be served personally or by certified mail, return
27 receipt requested.

28 4. The attorney general may intervene, as of right, in any such action
29 on behalf of the state of New York for the purpose of recovering the
30 subrogated interest due the state of New York under the provisions of
31 this article.

32 5. The [board] commissioner, in consultation with the director, shall
33 adopt rules and regulations to carry out the provisions and purposes of
34 this section.

35 6. The [board] office shall compile information on the number of cases
36 submitted to the attorney general, the number of actions instituted by
37 the attorney general to recover payments made to crime victims, the
38 dollar amount of recoveries made in such actions both on behalf of the
39 state and any awards made to victims who intervene in such actions. The
40 [board] division shall include this information, and any recommendations
41 to the governor and legislature to improve the collection of awards, in
42 its annual report.

43 § 102. Subdivisions 1 and 2 of section 631-a of the executive law,
44 subdivision 1 as added by chapter 688 of the laws of 1985 and subdivi-
45 sion 2 as amended by chapter 263 of the laws of 1986, are amended to
46 read as follows:

47 1. The [crime victims board] division shall make grants, within
48 amounts appropriated for that purpose, for crime victim service programs
49 to provide services to crime victims and witnesses. These programs shall
50 be operated at the community level by not-for-profit organizations, by
51 agencies of local government or by any combination thereof. Crime victim
52 service programs may be designed to serve crime victims and witnesses in
53 general in a particular community, or may be designed to serve a catego-
54 ry of persons with special needs relating to a particular kind of crime.



1 2. The [crime victims board] commissioner, in consultation with the
2 director, shall promulgate regulations, relating to these grants,
3 including guidelines for its determinations.

4 (a) These regulations shall be designed to promote:

5 (i) alternative funding sources other than the state, including local
6 government and private sources;

7 (ii) coordination of public and private efforts to aid crime victims;
8 and

9 (iii) long range development of services to all victims of crime in
10 the community and to all victims and witnesses involved in criminal
11 prosecutions.

12 (b) These regulations shall also provide for services including, but
13 not limited to:

14 (i) assistance to claimants seeking crime victims compensation bene-
15 fits;

16 (ii) referrals, crisis intervention and other counseling services;

17 (iii) services to elderly victims and to child victims and their fami-
18 lies;

19 (iv) transportation and household assistance; and

20 (v) outreach to the community and education and training of law
21 enforcement and other criminal justice officials to the needs of crime
22 victims.

23 § 103. Subdivision 1 of section 640 of the executive law, as amended
24 by chapter 414 of the laws of 1985, is amended to read as follows:

25 1. The commissioner of the division of criminal justice services, in
26 consultation with the [chairman of the crime victims board] director and
27 other appropriate officials, shall promulgate standards for the treat-
28 ment of the innocent victims of crime by the agencies which comprise the
29 criminal justice system of the state.

30 § 104. The article heading of article 22 of the executive law, as
31 amended by chapter 17 of the laws of 1982, is amended to read as
32 follows:

33 [CRIME VICTIMS BOARD] OFFICE OF VICTIM SERVICES

34 § 105. Section 644 of the executive law, as added by chapter 94 of the
35 laws of 1984, is amended to read as follows:

36 § 644. Implementation. The commissioner of the division of criminal
37 justice services and the [chairman of the crime victims board] director
38 of the office of victim services shall assist criminal justice agencies
39 in implementing the guidelines promulgated by the commissioner.

40 § 106. Section 645 of the executive law, as added by chapter 893 of
41 the laws of 1986, is amended to read as follows:

42 § 645. Fair treatment standards for crime victims in the courts. The
43 chief administrator of the courts, in consultation with the commissioner
44 of the division of criminal justice services, the [chairman of the crime
45 victims board] director of the office of victim services and other
46 appropriate officials, shall promulgate standards for the treatment of
47 the innocent victims of crime by the unified court system. These stand-
48 ards shall conform to and be consistent with the regulations promulgated
49 pursuant to section six hundred forty of this article.

50 § 107. Subdivisions 1, 3 and 4 of section 646-a of the executive law,
51 subdivisions 1 as amended and 4 as added by chapter 173 of the laws of
52 2006 and subdivision 3 as added by chapter 67 of the laws of 1994, are
53 amended to read as follows:

54 1. The district attorney shall provide the victim, at the earliest
55 time possible, with an informational pamphlet detailing the rights of
56 crime victims which shall be prepared by the division of criminal

1 justice services in [cooperation with the crime victims board,] consul-
2 tation with the director of the office of victim services and distrib-
3 uted to each district attorney's office.

4 3. This pamphlet shall provide space for the insertion of the follow-
5 ing information:

6 (a) the address and phone number of the [nearest crime victims board]
7 office of victim services;

8 (b) the address and phone numbers of local victim service programs,
9 where appropriate;

10 (c) the name, phone number and office location of the person in the
11 district attorney's office to whom inquiries concerning the victims case
12 may be directed; and

13 (d) any other information the division deems appropriate.

14 4. (a) The commissioner of the division of criminal justice services
15 in [cooperation] consultation with the [crime victims board] director of
16 the office of victim services shall develop and prepare a standardized
17 form for the use of district attorney offices for the purpose of report-
18 ing compliance with this section. The form is to be distributed to each
19 district attorney. Every district attorney's office in the state shall
20 complete the reporting form annually and send it to the [chair of the
21 crime victims board] director of the office of victim services by the
22 first day of January each year subsequent to the effective date of this
23 subdivision.

24 (b) A copy of the report shall be retained by the district attorney
25 and upon request, a victim of a crime or relative of a victim shall be
26 entitled to receive from the district attorney a copy of their district
27 attorney's annual report without charge. Any other person requesting a
28 copy of the report shall pay a fee not to exceed the actual cost of
29 reproduction.

30 § 108. Paragraph (a) of subdivision 2 and subdivision 3-a of section
31 844-b of the executive law, paragraph (a) of subdivision 2 as amended by
32 chapter 393 of the laws of 1995 and subdivision 3-a as added by chapter
33 626 of the laws of 1997, are amended to read as follows:

34 (a) The committee shall consist of a representative of the commission-
35 er, representative of the superintendent of the New York state police,
36 two representatives of the New York state sheriffs association, two
37 representatives of the New York state association of chiefs of police,
38 two representatives of the New York state district attorneys' associ-
39 ation, a representative of the attorney general, a representative of the
40 [chairperson of the crime victims board] director of the office of
41 victim services, a representative of the director of the state office
42 for the aging, a representative of the commissioner of social services,
43 a representative of the commissioner of the New York city police depart-
44 ment, a representative of the New York state crime prevention coalition
45 and two elderly representatives one to be appointed by the temporary
46 president of the senate and the other by the speaker of the assembly.
47 The commissioner shall make appointments to the committee in accordance
48 with nominations submitted by the relevant agencies or organizations.
49 Each member of the committee shall be appointed by the commissioner to
50 serve a two year term. Any member appointed by the commissioner may be
51 reappointed for additional terms. Any vacancies shall be filled in the
52 same manner as the original appointment and vacancies created otherwise
53 than by expiration of term shall be filled for the remainder of that
54 unexpired term.

55 3-a. Reports. On or before March first, nineteen hundred ninety-eight
56 and annually thereafter the committee shall report to the temporary

1 president of the senate, the speaker of the assembly, the chair of the
2 assembly committee on aging and the chair of the senate committee on
3 aging, on the incidence of reports of abuse of elderly persons. Such
4 report shall consist of information from reports forwarded to the
5 committee by local law enforcement agencies pursuant to section 140.10
6 of the criminal procedure law including number of reported incidents,
7 ages of victims and alleged offenders, circumstances of the incident
8 whether arrests were made and the sentence, if any, of the offenders.
9 Such report shall also recommend policies and programs to aid law
10 enforcement agencies, the courts and the New York state [crime victims
11 board] office of victim services in efforts to assist elder victims of
12 domestic violence. The report shall also include recommendations
13 designed to assist law enforcement agencies in implementing "Triad
14 Programs".

15 § 109. Intentionally omitted.

16 § 110. Subdivision 12-g of section 8 of the state finance law, as
17 added by chapter 62 of the laws of 2001, is amended to read as follows:

18 12-g. Notwithstanding any other provision of the court of claims act
19 or any other law to the contrary, thirty days before the comptroller
20 issues a check for payment to an inmate serving a sentence of imprison-
21 ment with the state department of correctional services or to a prisoner
22 confined at a local correctional facility for any reason, including a
23 payment made in satisfaction of any damage award in connection with any
24 lawsuit brought by or on behalf of such inmate or prisoner against the
25 state or any of its employees in federal court or any other court, the
26 comptroller shall give written notice, if required pursuant to subdivi-
27 sion two of section six hundred thirty-two-a of the executive law, to
28 the [state crime victims board] office of victim services that such
29 payment shall be made thirty days after the date of such notice.

30 § 111. Subdivision 3 of section 97-bb of the state finance law, as
31 amended by section 1 of part A of chapter 56 of the laws of 2009, is
32 amended to read as follows:

33 3. Monies of the criminal justice improvement account, following
34 appropriation by the legislature and allocation by the director of the
35 budget shall be made available for local assistance services and
36 expenses of programs to provide services to crime victims and witnesses,
37 including operations of the [crime victims board] office of victim
38 services, and for payments to victims in accordance with the federal
39 crime control act of 1984, as administered pursuant to article twenty-
40 two of the executive law.

41 § 112. Paragraph (c) of subdivision 1 of section 2805-i of the public
42 health law, as added by chapter 571 of the laws of 2007, is amended to
43 read as follows:

44 (c) offering and making available appropriate HIV post-exposure treat-
45 ment therapies in cases where it has been determined, in accordance with
46 guidelines issued by the commissioner, that a significant exposure to
47 HIV has occurred, and informing the victim that payment assistance for
48 such therapies may be available from the [crime victims board] office of
49 victim services pursuant to the provisions of article twenty-two of the
50 executive law.

51 § 113. Section 70 of the general municipal law, as amended by chapter
52 62 of the laws of 2001, is amended to read as follows:

53 § 70. Payment of judgments against municipal corporation. When a final
54 judgment for a sum of money shall be recovered against a municipal
55 corporation, and the execution thereof shall not be stayed pursuant to
56 law, or the time for such stay shall have expired, the treasurer or

1 other financial officer of such corporation having sufficient moneys in
2 his hands belonging to the corporation not otherwise specifically appro-
3 priated, shall pay such judgment upon the production of a certified copy
4 of the docket thereof. Notwithstanding the provisions of any other law
5 to the contrary, in any case where payment for any reason is to be made
6 to an inmate serving a sentence of imprisonment with the state depart-
7 ment of correctional services or to a prisoner confined at a local
8 correctional facility, the treasurer or other financial officer shall
9 give written notice, if required pursuant to subdivision two of section
10 six hundred thirty-two-a of the executive law, to the [state crime
11 victims board] office of victim services that such payment shall be made
12 thirty days after the date of such notice.

13 § 114. Intentionally omitted.

14 § 115. Paragraph (b) of subdivision 4 of section 60.27 of the penal
15 law, as amended by chapter 619 of the laws of 2002, is amended to read
16 as follows:

17 (b) the term "victim" shall include the victim of the offense, the
18 representative of a crime victim as defined in subdivision six of
19 section six hundred twenty-one of the executive law, an individual whose
20 identity was assumed or whose personal identifying information was used
21 in violation of section 190.78, 190.79 or 190.80 of this chapter, or any
22 person who has suffered a financial loss as a direct result of the acts
23 of a defendant in violation of section 190.78, 190.79, 190.80, 190.82 or
24 190.83 of this chapter, a good samaritan as defined in section six
25 hundred twenty-one of the executive law and the [crime victims' board]
26 office of victim services or other governmental agency that has received
27 an application for or has provided financial assistance or compensation
28 to the victim.

29 § 116. Section 116 of the correction law, as amended by chapter 62 of
30 the laws of 2001, is amended to read as follows:

31 § 116. Inmates' funds. The warden or superintendent of each of the
32 institutions within the jurisdiction of the department of correction
33 shall deposit at least once in each week to his credit as such warden,
34 or superintendent, in such bank or banks as may be designated by the
35 comptroller, all the moneys received by him as such warden, or super-
36 intendent, as inmates' funds, and send to the comptroller and also to
37 the commissioner of correction monthly, a statement showing the amount
38 so received and deposited. Such statement of deposits shall be certified
39 by the proper officer of the bank receiving such deposit or deposits.
40 The warden, or superintendent, shall also verify by his affidavit that
41 the sum so deposited is all the money received by him as inmates' funds
42 during the month. Any bank in which such deposits shall be made shall,
43 before receiving any such deposits, file a bond with the comptroller of
44 the state, subject to his approval, for such sum as he shall deem neces-
45 sary. Upon a certificate of approval issued by the director of the budg-
46 et, pursuant to the provisions of section fifty-three of the state
47 finance law, the amount of interest, if any, heretofore accrued and
48 hereafter to accrue on moneys so deposited, heretofore and hereafter
49 credited to the warden, or superintendent, by the bank from time to
50 time, shall be available for expenditure by the warden, or superinten-
51 dent, subject to the direction of the commissioner, for welfare work
52 among the inmates in his custody. The withdrawal of moneys so deposited
53 by such warden, or superintendent, as inmates' funds, including any
54 interest so credited, shall be subject to his check. Each warden, or
55 superintendent, shall each month provide the comptroller and also the
56 commissioner with a record of all withdrawals from inmates' funds. As

1 used in this section, the term "inmates' funds" means the funds in the
2 possession of the inmate at the time of his admission into the institu-
3 tion, funds earned by him as provided in section one hundred eighty-sev-
4 en of this chapter and any other funds received by him or on his behalf
5 and deposited with such warden or superintendent in accordance with the
6 rules and regulations of the commissioner. Whenever the total unencum-
7 bered value of funds in an inmate's account exceeds ten thousand
8 dollars, the superintendent shall give written notice to the [state
9 crime victims board] office of victim services.

10 § 117. Subdivisions 7 and 8 of section 500-c of the correction law, as
11 added by chapter 62 of the laws of 2001, are amended to read as follows:

12 7. A sheriff, the New York city commissioner of correction, or the
13 Westchester county commissioner of correction, as the case may be, shall
14 maintain an institutional fund account on behalf of every lawfully
15 sentenced inmate or prisoner in his custody and shall for the benefit of
16 the person make deposits into said accounts of any prisoner funds. As
17 used in this section, the term "prisoner funds" means (i) funds in the
18 possession of the prisoner at the time of admission into the institu-
19 tion; (ii) funds earned by a prisoner as provided in section one hundred
20 eighty-seven of this chapter; and (iii) any other funds received by or
21 on behalf of the prisoner and deposited with such sheriff or municipal
22 official in accordance with the written procedures established by the
23 commission. Whenever the total value of unencumbered funds in a prison-
24 er's account exceeds ten thousand dollars, such sheriff or official
25 shall give written notice to the [state crime victims board] office of
26 victim services.

27 8. A sheriff, the New York city commissioner of correction, or the
28 Westchester county commissioner of correction, as the case may be, shall
29 provide written notice to all inmates serving a definite sentence for a
30 specified crime defined in paragraph (e) of subdivision one of section
31 six hundred thirty-two-a of the executive law who may be subject to any
32 requirement to report to the [crime victims board] office of victim
33 services any funds of a convicted person as defined in section six
34 hundred thirty-two-a of the executive law, the procedures for such
35 reporting and any potential penalty for a failure to comply.

36 § 118. Section 837-a of the executive law is amended by adding a new
37 subdivision 10 to read as follows:

38 10. Present to the governor and to the legislature, on or before
39 December thirty-first of each year, a report on the activities of the
40 office of victim services, including, but not limited to, specific
41 information on the matter in which the rights, needs and interests of
42 crime victims are being addressed by the state's criminal justice
43 system; information transmitted under subdivision five of section 390.30
44 of the criminal procedure law and subdivision seven of section 351.1 of
45 the family court act which the office shall compile, review and make
46 recommendations on how to promote the use of restitution and encourage
47 its enforcement; and information relating to the implementation of and
48 compliance with article twenty-three of this chapter by the criminal
49 justice agencies and the "crime victim-related agencies" of the state.

50 § 119. Subdivision 3 of section 410.10 of the criminal procedure law,
51 as added by chapter 62 of the laws of 2001, is amended to read as
52 follows:

53 3. When the court pronounces a sentence of probation or conditional
54 discharge for a specified crime defined in paragraph (e) of subdivision
55 one of section six hundred thirty-two-a of the executive law, in addi-
56 tion to specifying the conditions of the sentence, the court shall

1 provide written notice to such defendant concerning any requirement to
2 report to the [crime victims board] office of victim services funds of a
3 convicted person as defined in section six hundred thirty-two-a of the
4 executive law, the procedures for such reporting and any potential
5 penalty for a failure to comply.

6 § 120. Section 2222-a of the surrogate's court procedure act, as added
7 by chapter 62 of the laws of 2001, is amended to read as follows:

8 § 2222-a. Notice of legacy or distributive share payable to inmate or
9 prisoner

10 Where the legatee, distributee or beneficiary is an inmate serving a
11 sentence of imprisonment with the state department of correctional
12 services or a prisoner confined at a local correctional facility, the
13 court shall give prompt written notice to the [state crime victims
14 board] office of victim services, and at the same time direct that no
15 payment be made to such inmate or prisoner for a period of thirty days
16 following the date of entry of the order containing such direction.

17 § 121. Subdivision 6-a of section 20 of the court of claims act, as
18 added by chapter 62 of the laws of 2001, is amended to read as follows:

19 6-a. Notwithstanding the provisions of subdivisions five, five-a and
20 six of this section, in any case where a judgment or any part thereof is
21 to be paid to an inmate serving a sentence of imprisonment with the
22 state department of correctional services or to a prisoner confined at a
23 local correctional facility, the comptroller shall give written notice,
24 if required pursuant to subdivision two of section six hundred thirty-
25 two-a of the executive law, to the [state crime victims board] office of
26 victim services that such judgment shall be paid thirty days after the
27 date of such notice.

28 § 122. Subdivision 11 of section 1311 of the civil practice law and
29 rules, as added by chapter 655 of the laws of 1990, is amended to read
30 as follows:

31 11. (a) Any stipulation or settlement agreement between the parties to
32 a forfeiture action shall be filed with the clerk of the court in which
33 the forfeiture action is pending. No stipulation or settlement agreement
34 shall be accepted for filing unless it is accompanied by an affidavit
35 from the claiming authority that written notice of the stipulation or
36 settlement agreement, including the terms of such, has been given to the
37 [state crime victims board] office of victim services, the state divi-
38 sion of criminal justice services, and in the case of a forfeiture based
39 on a felony defined in article two hundred twenty or section 221.30 or
40 221.55 of the penal law, to the state division of substance abuse
41 services.

42 (b) No judgment or order of forfeiture shall be accepted for filing
43 unless it is accompanied by an affidavit from the claiming authority
44 that written notice of judgment or order, including the terms of such,
45 has been given to the [state crime victims board] office of victim
46 services, the state division of criminal justice services, and in the
47 case of a forfeiture based on a felony defined in article two hundred
48 twenty or section 221.30 or 221.55 of the penal law, to the state divi-
49 sion of substance abuse services.

50 (c) Any claiming authority or claiming agent which receives any prop-
51 erty pursuant to chapter thirteen of the food and drug laws (21 U.S.C.
52 §801 et seq.) of the United States and/or chapter four of the customs
53 duties laws (19 U.S.C. §1301 et seq.) of the United States and/or chap-
54 ter 96 of the crimes and criminal procedure laws (18 U.S.C. §1961 et
55 seq.) of the United States shall provide an affidavit to the commission-

1 er of the division of criminal justice services stating the estimated
2 present value of the property received.

3 § 123. Subdivision 4 of section 1349 of the civil practice law and
4 rules, as added by chapter 655 of the laws of 1990, is amended to read
5 as follows:

6 4. The claiming authority shall report the disposal of property and
7 collection of assets pursuant to this section to the [state crime
8 victims board] office of victim services, the state division of criminal
9 justice services and the state division of substance abuse services.

10 § 124. Subdivision (d) of section 4510 of the civil practice law and
11 rules, as added by chapter 432 of the laws of 1993, is amended to read
12 as follows:

13 (d) Limitation on waiver. A client who, for the purposes of obtaining
14 compensation under article twenty-two of the executive law or insurance
15 benefits, authorizes the disclosure of any privileged communication to
16 an employee of the [crime victims board] office of victim services or an
17 insurance representative shall not be deemed to have waived the privi-
18 lege created by this section.

19 § 125. Section 5011 of the civil practice law and rules, as amended by
20 chapter 62 of the laws of 2001, is amended to read as follows:

21 § 5011. Definition and content of judgment. A judgment is the determi-
22 nation of the rights of the parties in an action or special proceeding
23 and may be either interlocutory or final. A judgment shall refer to, and
24 state the result of, the verdict or decision, or recite the default upon
25 which it is based. A judgment may direct that property be paid into
26 court when the party would not have the benefit or use or control of
27 such property or where special circumstances make it desirable that
28 payment or delivery to the party entitled to it should be withheld. In
29 any case where damages are awarded to an inmate serving a sentence of
30 imprisonment with the state department of correctional services or to a
31 prisoner confined at a local correctional facility, the court shall give
32 prompt written notice to the [state crime victims board] office of
33 victim services, and at the same time shall direct that no payment be
34 made to such inmate or prisoner for a period of thirty days following
35 the date of entry of the order containing such direction.

36 § 126. Intentionally omitted.

37 § 127. Subdivision 2 of section 459-b of the real property tax law, as
38 added by chapter 269 of the laws of 1996, is amended to read as follows:

39 2. To qualify as a physically disabled crime victim or good samaritan
40 for the purposes of this section, an individual shall submit to the
41 assessor a certified statement from a physician licensed to practice in
42 the state of New York on a form prescribed and made available by the
43 state board which states that the individual has a permanent physical
44 impairment which substantially limits one or more of such individual's
45 major life activities, except that an individual who has obtained a
46 certificate from the state commission for the blind and visually hand-
47 capped stating that such individual is legally blind may submit such
48 certificate in lieu of a physician's certified statement. In addition, a
49 copy of a police report pertaining to the crime from which the injury
50 resulted, a report from the [crime victims board] office of victim
51 services or other evidence or documentation which would tend to substan-
52 tiate that a physical disability was inflicted upon an individual as the
53 result of a crime shall also be submitted to the assessor.

54 § 128. Paragraph 2 of subdivision c of section 17-193 of the adminis-
55 trative code of the city of New York, as added by local law number 62 of
56 the city of New York for the year 2007, is amended to read as follows:

1 2. contact information for the New York state [crime victims board]
2 office of victim services and information indicating how such owner,
3 resident or occupant can apply to such [board] office for financial
4 assistance to help cover the cost of professional clean up of a trauma
5 scene, including how application forms can be obtained at the [board's]
6 office's local office or website;

7 § 129. This act shall take effect on April 1, 2010; provided, however,
8 that:

9 (a) the amendments to paragraphs a, b, e and i of subdivision 1 of
10 section 261 of the executive law made by section twenty-five of this act
11 shall not affect the repeal of such section and shall be deemed repealed
12 therewith;

13 (b) the amendments to subdivisions 1 and 5 of section 410.92 of the
14 criminal procedure law made by sections twenty-seven and twenty-eight of
15 this act shall not affect the repeal of such section and shall be deemed
16 repealed therewith;

17 (c) the amendments to the opening paragraph of paragraph (b) of subdi-
18 vision 6 of section 1198 of the vehicle and traffic law made by section
19 thirty-three of this act shall not affect the repeal of such section and
20 shall be deemed repealed therewith;

21 (d) the amendments to section 252-a of the family court act made by
22 section forty-five of this act shall not affect the expiration of such
23 section and shall be deemed to expire therewith;

24 (e) the amendments to subdivisions 5 and 6 of section 257-c of the
25 executive law made by section fifty-one-a of this act shall not affect
26 the expiration of such section and shall expire therewith;

27 (f) the amendments to subdivision (a) of section 483-ee of the social
28 services law made by section seventy-six of this act shall not affect
29 the repeal of such section and shall be deemed repealed therewith; and

30 (g) the amendments to subdivisions 7 and 8 of section 500-c of the
31 correction law made by section one hundred seventeen of this act shall
32 not affect the repeal of such section and shall be deemed repealed ther-
33 ewith.

34

PART B

35 Section 1. Section 20 of the executive law, as added by chapter 640 of
36 the laws of 1978, paragraph a of subdivision 2 as amended by chapter 781
37 of the laws of 1988, is amended to read as follows:

38 § 20. Natural and man-made disasters; policy; definitions. 1. It shall
39 be the policy of the state that:

40 a. local government and emergency service organizations continue their
41 essential role as the first line of defense in times of disaster, and
42 that the state provide appropriate supportive services to the extent
43 necessary;

44 b. local chief executives take an active and personal role in the
45 development and implementation of disaster preparedness programs and be
46 vested with authority and responsibility in order to insure the success
47 of such programs;

48 c. state and local natural disaster and emergency response functions
49 be coordinated using recognized practices in incident management in
50 order to bring the fullest protection and benefit to the people;

51 d. state resources be organized and prepared for immediate effective
52 response to disasters which are beyond the capability of local govern-
53 ments and emergency service organizations; and



1 e. state and local plans, organizational arrangements, and response
2 capability required to execute the provisions of this article shall at
3 all times be the most effective that current circumstances and existing
4 resources allow.

5 2. As used in this article the following terms shall have the follow-
6 ing meanings:

7 a. "disaster" means occurrence or imminent threat of wide spread or
8 severe damage, injury, or loss of life or property resulting from any
9 natural or man-made causes, including, but not limited to, fire, flood,
10 earthquake, hurricane, tornado, high water, landslide, mudslide, wind,
11 storm, wave action, volcanic activity, epidemic, air contamination,
12 terrorism, cyber event, blight, drought, infestation, explosion, radio-
13 logical accident, nuclear, chemical, biological, or bacteriological
14 release, water contamination, bridge failure or bridge collapse.

15 b. "state disaster emergency" means a period beginning with a declara-
16 tion by the governor that a disaster exists and ending upon the termi-
17 nation thereof.

18 c. "municipality" means a public corporation as defined in subdivision
19 one of section sixty-six of the general construction law and a special
20 district as defined in subdivision sixteen of section one hundred two of
21 the real property tax law.

22 d. "commission" means the disaster preparedness commission created
23 pursuant to section twenty-one of this article.

24 e. "emergency services organization" means a public or private agency,
25 voluntary organization or group organized and functioning for the
26 purpose of providing fire, medical, ambulance, rescue, housing, food or
27 other services directed toward relieving human suffering, injury or loss
28 of life or damage to property as a result of an emergency, including
29 non-profit and governmentally-supported organizations, but excluding
30 governmental agencies.

31 f. "chief executive" means:

32 (1) a county executive or manager of a county;

33 (2) in a county not having a county executive or manager, the chairman
34 or other presiding officer of the county legislative body;

35 (3) a mayor of a city or village, except where a city or village has a
36 manager, it shall mean such manager; and

37 (4) a supervisor of a town, except where a town has a manager, it
38 shall mean such manager.

39 g. "Disaster emergency response personnel" means agencies, public
40 officers, employees, or affiliated volunteers having duties and respon-
41 sibilities under or pursuant to a comprehensive emergency management
42 plan.

43 h. "Emergency management director" means the government official
44 responsible for emergency preparedness, response and recovery for a
45 county, city, town, or village.

46 § 2. Section 21 of the executive law, as added by chapter 640 of the
47 laws of 1978, subdivision 1 as amended by chapter 346 of the laws of
48 2002, subdivision 2 as amended by chapter 158 of the laws of 1994, para-
49 graph c of subdivision 3 as amended by chapter 42 of the laws of 2004,
50 and paragraphs f, g, h, i, and j of subdivision 3 as amended and para-
51 graph k of subdivision 3 as added by chapter 171 of the laws of 2006, is
52 amended to read as follows:

53 § 21. Disaster preparedness commission established; meetings; powers
54 and duties. 1. There is hereby created in the executive department a
55 disaster preparedness commission consisting of the commissioners of
56 transportation, health, division of criminal justice services, educa-

1 tion, social services, economic development, agriculture and markets,
2 housing and community renewal, general services, labor, environmental
3 conservation, mental health, parcs, recreation and historic preserva-
4 tion, correctional services and children and family services, the presi-
5 dent of the New York state energy research and development authority,
6 the superintendents of state police, insurance, banking, the secretary
7 of state, the state fire administrator, the [chair] chairs of the public
8 service commission and the crime victims board, the adjutant general,
9 the [director] directors of the [state] offices within the division of
10 homeland security and emergency services, the office for technology, the
11 [chairman] chairs of the thruway authority, the metropolitan transporta-
12 tion authority, the port authority of New York and New Jersey, the chief
13 professional officer of the state coordinating chapter of the American
14 Red Cross and three additional members, to be appointed by the governor,
15 two of whom shall be chief executives. Each member agency may designate
16 an officer of that agency, with responsibility for disaster preparedness
17 matters, who may represent that agency on the commission. The commis-
18 sioner of the division of homeland security and emergency services shall
19 serve as chair of the commission, and the governor shall designate the
20 vice chair of the commission. The members of the commission, except
21 those who serve ex officio, shall be allowed their actual and necessary
22 expenses incurred in the performance of their duties under this article
23 but shall receive no additional compensation for services rendered
24 pursuant to this article.

25 2. The commission, on call of the chairperson, shall meet at least
26 twice each year and at such other times as may be necessary. The agenda
27 and meeting place of all regular meetings shall be made available to the
28 public in advance of such meetings and all such meetings shall be open
29 to the public. The commission shall establish quorum requirements and
30 other rules and procedures regarding conduct of its meetings and other
31 affairs. [The adjutant general shall serve as secretary to the commis-
32 sion and provide staff services as may be necessary through the state
33 emergency management office.]

34 3. The commission shall have the following powers and responsibil-
35 ities:

36 a. study all aspects of man-made or natural disaster prevention,
37 response and recovery;

38 b. request and obtain from any state or local officer or agency any
39 information necessary to the commission for the exercise of its respon-
40 sibilities;

41 c. prepare [state disaster preparedness plans, to be approved by the
42 governor, and review such plans and report thereon] and, as appropriate,
43 revise a state comprehensive emergency management plan. The commission
44 shall report all revisions to such plan by March thirty-first of each
45 year to the governor, the legislature and the chief judge of the state,
46 unless a current version of the plan is available to the public on the
47 website of the division of homeland security and emergency services. In
48 preparing such plans, the commission shall consult with federal and
49 local officials, emergency service organizations, and the public as it
50 deems appropriate. To the extent such plans impact upon administration
51 of the civil and criminal justice systems of the state, including their
52 operational and fiscal needs in times of disaster emergency, the commis-
53 sion, its staff and any working group, task force, agency or other
54 instrumentality to which it may delegate responsibility to assist it in
55 its duties shall consult with the chief administrator of the courts and



1 coordinate their preparation with him or her or with his or her repre-
2 sentatives;

3 d. prepare, keep current and distribute to chief executives and others
4 an inventory of programs directly relevant to prevention, minimization
5 of damage, readiness, operations during disasters, and recovery follow-
6 ing disasters;

7 e. direct state disaster operations and coordinate state disaster
8 operations with local disaster operations following the declaration of a
9 state disaster emergency;

10 f. unless it deems it unnecessary, create, following the declaration
11 of a state disaster emergency, a temporary organization in the disaster
12 area to provide for integration and coordination of efforts among the
13 various federal, state, municipal and private agencies involved. The
14 commission, upon a finding that a municipality is unable to manage local
15 disaster operations, may, with the approval of the governor, direct the
16 temporary organization to assume direction of the local disaster oper-
17 ations of such municipality, for a specified period of time, and in such
18 cases such temporary organization shall assume direction of such local
19 disaster operations, subject to the supervision of the commission. In
20 such event, such temporary organization may utilize such municipality's
21 local resources, provided, however, that the state shall not be liable
22 for any expenses incurred in using such municipality's resources;

23 g. assist in the coordination of federal recovery efforts and coordi-
24 nate recovery assistance by state and private agencies;

25 h. provide for periodic briefings, drills, exercises or other means to
26 assure that all state personnel with direct responsibilities in the
27 event of a disaster are fully familiar with response and recovery plans
28 and the manner in which they shall carry out their responsibilities, and
29 coordinate with federal, local or other state personnel. Such activities
30 may take place on a regional or county basis, and local and federal
31 participation shall be invited and encouraged;

32 i. submit to the governor, the legislature and the chief judge of the
33 state by March thirty-first of each year an annual report which shall
34 include but need not be limited to:

35 (1) a summary of commission and state agency activities for the year
36 and plans for the ensuing year with respect to the duties and responsi-
37 bilities of the commission;

38 (2) recommendations on ways to improve state and local capability to
39 prevent, prepare for, respond to and recover from disasters;

40 (3) the status of the state and local plans for disaster preparedness
41 and response, including the name of any locality which has failed or
42 refused to develop and implement its own disaster preparedness plan and
43 program; and

44 j. [coordinate and, to the extent possible and feasible, integrate
45 commission activities, responsibilities and duties with those of the
46 civil defense commission; and

47 k.] develop public service announcements to be distributed to tele-
48 vision and radio stations and other media throughout the state informing
49 the public how to prepare and respond to disasters. Such public service
50 announcements shall be distributed in English and such other languages
51 as such commission deems appropriate.

52 4. All powers of the state civil defense commission are assigned to
53 the commission.

54 5. The office of emergency management within the division of homeland
55 security and emergency services shall serve as the staff arm of the

1 commission and shall be responsible for implementing provisions of this
2 article and the rules and policies adopted by the commission.

3 § 3. Subdivision 3 of section 22 of the executive law, as added by
4 chapter 640 of the laws of 1978, subparagraph 8 of paragraph b as
5 amended by chapter 42 of the laws of 2004 and subparagraphs 14 and 15 of
6 paragraph b as amended and subparagraph 16 of paragraph b as added by
7 chapter 677 of the laws of 2006, is amended to read as follows:

8 3. Such plans shall be prepared with such assistance from other agen-
9 cies as the commission deems necessary, and shall include, but not be
10 limited to:

11 a. Disaster prevention and mitigation. Plans to prevent and minimize
12 the effects of disasters shall include, but not be limited to:

13 (1) identification of [potential disasters and disaster sites] hazards
14 and assessment of risk;

15 (2) recommended disaster prevention and mitigation projects, policies,
16 priorities and programs, with suggested implementation schedules, which
17 outline federal, state and local roles;

18 (3) suggested revisions and additions to building and safety codes,
19 and zoning and other land use programs;

20 (4) suggested ways in which state agencies can provide technical
21 assistance to municipalities in the development of local disaster
22 prevention and mitigation plans and programs;

23 (5) such other measures as reasonably can be taken to [prevent disas-
24 ters or mitigate their impact] protect lives, prevent disasters, and
25 reduce the impact of disasters.

26 b. Disaster response. Plans to coordinate the use of resources and
27 manpower for service during and after disaster emergencies and to deliv-
28 er services to aid citizens and reduce human suffering resulting from a
29 disaster emergency shall include, but not be limited to:

30 (1) [centralized] coordination of resources, manpower and services,
31 using recognized practices in incident management and utilizing existing
32 organizations and lines of authority and centralized direction of
33 requests for assistance;

34 (2) the location, procurement, construction, processing, transporta-
35 tion, storing, maintenance, renovation, distribution, disposal or use of
36 materials, including those donated, and facilities and services;

37 (3) a system for warning populations who are or may be endangered;

38 (4) arrangements for activating state, municipal and volunteer forces,
39 through normal chains of command so far as possible and for continued
40 communication and reporting;

41 (5) a specific plan for rapid and efficient communication, and for the
42 integration of state communication facilities during a state disaster
43 emergency, including the assignment of responsibilities and the estab-
44 lishment of communication priorities, and liaison with municipal,
45 private and federal communication facilities;

46 (6) a plan for coordinated evacuation procedures, including the estab-
47 lishment of temporary housing and other necessary facilities;

48 (7) criteria for establishing priorities with respect to the restora-
49 tion of vital services and debris removal;

50 (8) plans for the continued effective operation of the civil and crim-
51 inal justice systems;

52 (9) provisions for training state and local government personnel and
53 volunteers in disaster response operations;

54 (10) providing information to the public;

55 (11) care for the injured and needy and identification and disposition
56 of the dead;

1 (12) utilization and coordination of programs to assist victims of
2 disasters, with particular attention to the needs of the poor, the
3 elderly, the [handicapped] disabled, and other groups which may be espe-
4 cially affected;

5 (13) control of ingress and egress to and from a disaster area;

6 (14) arrangements to administer federal disaster assistance;

7 (15) a system for obtaining and coordinating [disaster information]
8 situational awareness including the centralized assessment of disaster
9 effects and resultant needs; and

10 (16) utilization and coordination of programs to assist individuals
11 with household pets and service animals following a disaster, with
12 particular attention to means of evacuation, shelter and transportation
13 options.

14 c. Recovery. Plans to provide for recovery and redevelopment after
15 disaster emergencies shall include, but not be limited to:

16 (1) measures to coordinate state agency assistance in recovery
17 efforts;

18 (2) arrangements to administer federal recovery assistance; and

19 (3) such other measures as reasonably can be taken to assist in the
20 development and implementation of local disaster recovery plans.

21 § 4. Section 23 of the executive law, as added by chapter 640 of the
22 laws of 1978, subdivision 1 as amended by chapter 603 of the laws of
23 1993, subdivision 5 and subparagraph 8 of paragraph b of subdivision 7
24 as amended by chapter 42 of the laws of 2004, and subparagraphs 16 and
25 17 of paragraph b of subdivision 7 as amended and subparagraph 18 of
26 paragraph b of subdivision 7 as added by chapter 677 of the laws of
27 2006, is amended to read as follows:

28 § 23. Local disaster preparedness plans. 1. Each county, except those
29 contained within the city of New York, and each city, town and village
30 is authorized to prepare [disaster preparedness] comprehensive emergency
31 management plans. The disaster preparedness commission shall provide
32 assistance and advice for the development of such plans. City, town and
33 village plans shall be coordinated with the county plan.

34 2. The purpose of such plans shall be to minimize the effect of disas-
35 ters by (i) identifying appropriate local measures to prevent disasters,
36 (ii) developing mechanisms to coordinate the use of local resources and
37 manpower for service during and after disasters and the delivery of
38 services to aid citizens and reduce human suffering resulting from a
39 disaster, and (iii) providing for recovery and redevelopment after
40 disasters.

41 3. Plans for coordination of resources, manpower and services shall
42 provide for a centralized coordination and direction of requests for
43 assistance.

44 4. Plans for coordination of assistance shall provide for utilization
45 of existing organizations and lines of authority.

46 5. In preparing such plans, cooperation, advice and assistance shall
47 be sought from local government officials, regional and local planning
48 agencies, police agencies, fire departments and fire companies, local
49 [civil defense] emergency management agencies, commercial and volunteer
50 ambulance services, health and social services officials, community
51 action agencies, the chief administrator of the courts, organizations
52 for the elderly and the handicapped, other interested groups and the
53 general public. Such advice and assistance may be obtained through
54 public hearings held on public notice, or through other appropriate
55 methods.

1 6. All plans for [disaster preparedness] comprehensive emergency
2 management developed by local governments or any revisions thereto shall
3 be submitted to the commission by December thirty-first of each year to
4 facilitate state coordination of disaster operations.

5 7. Such plans shall include, but not be limited to:

6 a. Disaster prevention and mitigation. Plans to prevent and minimize
7 the effects of disasters shall include, but not be limited to:

8 (1) [identification of potential disasters and disaster sites] iden-
9 tification of hazards and assessment of risk;

10 (2) recommended disaster prevention and mitigation projects, policies,
11 priorities and programs, with suggested implementation schedules, which
12 outline federal, state and local roles;

13 (3) suggested revisions and additions to building and safety codes and
14 zoning and other land use programs;

15 (4) such other measures as reasonably can be taken to [prevent disas-
16 ters or mitigate their impact] protect lives, prevent disasters, and
17 reduce their impact.

18 b. Disaster response. Plans to coordinate the use of resources and
19 manpower for service during and after disasters and to deliver services
20 to aid citizens and reduce human suffering resulting from a disaster
21 shall include, but not be limited to:

22 (1) centralized coordination of resources, manpower and services,
23 utilizing existing organizations and lines of authority and centralized
24 direction of requests for assistance;

25 (2) the location, procurement, construction, processing, transporta-
26 tion, storing, maintenance, renovation, distribution or use of materi-
27 als, facilities and services which may be required in time of disaster;

28 (3) a system for warning populations who are or may be endangered;

29 (4) arrangements for activating municipal and volunteer forces,
30 through normal chains of command so far as possible, and for continued
31 communication and reporting;

32 (5) a specific plan for rapid and efficient communication and for the
33 integration of local communication facilities during a disaster includ-
34 ing the assignment of responsibilities and the establishment of communi-
35 cation priorities and liaison with municipal, private, state and federal
36 communication facilities;

37 (6) a plan for coordination evacuation procedures including the estab-
38 lishment of temporary housing and other necessary facilities;

39 (7) criteria for establishing priorities with respect to the restora-
40 tion of vital services and debris removal;

41 (8) plans for the continued effective operation of the civil and crim-
42 inal justice systems;

43 (9) provisions for training local government personnel and volunteers
44 in disaster response operations;

45 (10) providing information to the public;

46 (11) care for the injured and needy and identification and disposition
47 of the dead;

48 (12) utilization and coordination of programs to assist victims of
49 disasters, with particular attention to the needs of the poor, the
50 elderly, the handicapped, and other groups which may be especially
51 affected;

52 (13) control of ingress and egress to and from a disaster area;

53 (14) arrangements to administer state and federal disaster assistance;

54 (15) procedures under which the county, city, town, village or other
55 political subdivision and emergency organization personnel and resources
56 will be used in the event of a disaster;

1 (16) a system for obtaining and coordinating disaster information
2 including the centralized assessment of local disaster effects and
3 resultant needs;

4 (17) continued operation of governments of political subdivisions; and

5 (18) utilization and coordination of programs to assist individuals
6 with household pets and service animals following a disaster, with
7 particular attention to means of evacuation, shelter and transportation
8 options.

9 c. Recovery. Local plans to provide for recovery and redevelopment
10 after disasters shall include, but not be limited to:

11 (1) recommendations for replacement, reconstruction, removal or relo-
12 cation of damaged or destroyed public or private facilities, proposed
13 new or amendments to zoning, subdivision, building, sanitary or fire
14 prevention regulations and recommendations for economic development and
15 community development in order to minimize the impact of any potential
16 future disasters on the community.

17 (2) provision for cooperation with state and federal agencies in
18 recovery efforts.

19 (3) provisions for training and educating local disaster officials or
20 organizations in the preparation of applications for federal and state
21 disaster recovery assistance.

22 § 5. Paragraph f of subdivision 1 of section 24 of the executive law,
23 as added by chapter 158 of the laws of 1994, is amended to read as
24 follows:

25 f. the establishment or designation of emergency shelters [and/or],
26 emergency medical shelters, and in consultation with the state commis-
27 sioner of health and alternate medical care sites;

28 § 6. Subdivisions 2 and 3 of section 26 of the executive law, subdivi-
29 sion 2 as added by chapter 640 of the laws of 1978 and subdivision 3 as
30 amended by chapter 158 of the laws of 1994, are amended to read as
31 follows:

32 2. Coordination of assistance shall utilize existing organizations and
33 lines of authority and shall utilize any [disaster preparedness or civil
34 defense plans] comprehensive emergency management plans prepared by the
35 affected municipality.

36 3. A chief executive or any elected or appointed county, city, town or
37 village official shall not be held responsible for acts or omissions of
38 municipal employees, disaster preparedness forces or civil defense forc-
39 es when performing disaster assistance pursuant to a declared disaster
40 emergency or when exercising [disaster preparedness] comprehensive emer-
41 gency management plans.

42 § 7. Section 29-b of the executive law, as added by chapter 640 of the
43 laws of 1978, is amended to read as follows:

44 § 29-b. Use of [civil defense forces] disaster emergency response
45 personnel in disasters. 1. The governor may, in his or her discretion,
46 direct the state [civil defense commission] disaster preparedness
47 commission to conduct [a civil defense drill] an emergency exercise or
48 drill, under its direction, in which all or any of the [civil defense
49 forces] personnel and resources of the agencies of the commission of the
50 state may be utilized to perform the duties assigned to them in a [civil
51 defense emergency] disaster, for the purpose of protecting and preserv-
52 ing human life or property in a disaster. [In such event, civil defense
53 forces] During a disaster or such drill or exercise, disaster emergency
54 response personnel in the state shall operate under the direction and
55 command of the [state director of civil defense] chair of such commis-
56 sion, and shall possess the same powers, duties, rights, privileges and

1 immunities as are applicable in a civil defense drill held at the direc-
2 tion of the state civil defense commission under the provisions of the
3 New York state defense emergency act.

4 2. Local use of [civil defense forces] disaster emergency response
5 personnel. a. Upon the threat or occurrence of a disaster, and during
6 and immediately following the same, and except as otherwise provided in
7 paragraph d of this subdivision, the county chief executive may direct
8 the [civil defense director] emergency management director of a county
9 to assist in the protection and preservation of human life or property
10 by [holding a civil defense drill and training exercise at the scene of
11 the disaster and at any other appropriate places within the county, in
12 which all or any civil defense forces may be called upon] calling upon
13 disaster emergency response personnel employed by or supporting that
14 county, as specified in the county comprehensive emergency management
15 plan, to perform the [civil defense] emergency response duties assigned
16 to them.

17 b. The [civil defense forces] disaster emergency response personnel of
18 the county shall be regarded as a reserve disaster force to be acti-
19 vated, in whole [in] or in part, by the county [civil defense director]
20 emergency management director upon the direction of the county chief
21 executive when the county chief executive, in his discretion, is
22 convinced that the personnel and resources of local municipal and
23 private agencies normally available for disaster assistance are insuffi-
24 cient adequately to cope with the disaster.

25 c. Except as provided in paragraph d of this subdivision, the county
26 chief executive may exercise the power conferred upon him in paragraph a
27 of this subdivision, or may deactivate the [civil defense forces] disas-
28 ter emergency response personnel of the county in whole or in part, on
29 his own motion or upon the request of the chief executive officer of a
30 village, town or city located within the county of which he is an offi-
31 cer.

32 d. Where the local office of [civil defense] public safety or emergen-
33 cy management in a city is independent of the county office of [civil
34 defense] public safety or emergency management and is not consolidated
35 therewith, the county chief executive may direct the [civil defense
36 director] emergency management director of the county to render assist-
37 ance within such city only when the chief executive officer of such city
38 has certified to him that the [civil defense forces] disaster emergency
39 response personnel of the city have been activated pursuant to the
40 provisions of subdivision three of this section and that all resources
41 available locally are insufficient adequately to cope with the disaster.

42 e. When performing disaster assistance pursuant to this section, coun-
43 ty [civil defense forces] disaster emergency response personnel shall
44 operate under the direction and command of the county [civil defense]
45 emergency management director and his duly authorized deputies, and
46 shall possess the same powers, duties, rights, privileges and immunities
47 they would possess when performing their duties in a locally sponsored
48 civil defense drill or training exercise in the civil or political
49 subdivision in which they are enrolled, employed or assigned [civil
50 defense] emergency response responsibilities.

51 f. The chief executive officer of a city shall be responsible for the
52 conduct of disaster operations within the city, including the operations
53 directed by the county [civil defense] emergency management director
54 when rendering disaster assistance within a city pursuant to this
55 section.

1 g. Outside of a city, the sheriff of the county, and in Nassau county
2 the commissioner of police of the county of Nassau, shall supervise the
3 operations of the [civil defense director] emergency management director
4 when rendering peace officer duties incident to disaster assistance. The
5 sheriff and such commissioner may delegate such supervisory power to an
6 elected or appointed town or village official in the area affected.

7 h. Neither the chief executive officer of a city, nor the county chief
8 executive, nor any elected or appointed town or village official to whom
9 the county chief executive has delegated supervisory power as aforesaid
10 shall be held responsible for acts or omissions of [civil defense forc-
11 es] disaster emergency response personnel when performing disaster
12 assistance.

13 3. City use of [civil defense forces] disaster emergency response
14 personnel. a. Upon the threat or occurrence of a disaster, and during
15 and immediately following the same, and except as otherwise provided in
16 paragraph d of this subdivision, the chief executive of a city may
17 direct the [civil defense] emergency management director of the city to
18 assist in the protection and preservation of human life or property by
19 [holding a civil defense drill and training exercise at the scene of the
20 disaster and at any other appropriate places within the city, in which
21 all or any civil defense forces may be called upon] calling upon city
22 disaster emergency response personnel to perform the [civil defense]
23 emergency response duties assigned to them.

24 b. The [civil defense forces] disaster emergency response personnel of
25 the city shall be regarded as a reserve disaster force to be activated,
26 in whole or in part, by the city [civil defense] emergency management
27 director upon the direction of the chief executive officer of the city
28 when the latter, in his discretion, is convinced that the personnel and
29 resources of local municipal and private agencies normally available for
30 disaster assistance are insufficient adequately to cope with the disas-
31 ter.

32 c. Except as provided in paragraph d of this subdivision, the chief
33 executive officer of a city may exercise the power conferred upon him in
34 paragraph a of this subdivision, or may deactivate the [civil defense
35 forces] disaster emergency response personnel of the city in whole or in
36 part, on his own motion or upon the request of the head of the city
37 police force.

38 d. Where the local office of [civil defense] emergency management in a
39 city is under the jurisdiction of a consolidated county office of civil
40 defense as provided in the New York state defense emergency act, the
41 chief executive officer of such city seeking the assistance of [civil
42 defense forces] disaster emergency response personnel in the protection
43 and preservation of human life or property within such city because of
44 such disaster, must request the same from the county chief executive in
45 which such city is located, in the same manner as provided for assist-
46 ance to towns and villages in subdivision two of this section.

47 e. When performing disaster assistance pursuant to this subdivision,
48 [city civil defense forces] disaster emergency response personnel shall
49 operate under the direction and command of the city [civil defense
50 director] emergency management director and his duly authorized depu-
51 ties, and shall possess the same powers, duties, rights, privileges, and
52 immunities they would possess when performing their duties in a locally
53 sponsored civil defense drill or training exercise in the city in which
54 they are enrolled, employed or assigned [civil defense] emergency
55 response responsibilities.

1 f. Where the city [civil defense forces] disaster emergency response
2 personnel have been directed to assist in local disaster operations
3 pursuant to paragraph a of this subdivision, and the chief executive
4 officer of the city is convinced that the personnel and resources of
5 local municipal and private agencies normally available for disaster
6 assistance, including local [civil defense forces] disaster emergency
7 response personnel, are insufficient adequately to cope with the disas-
8 ter, he may certify the fact to the county chief executive and request
9 the county chief executive to direct the county [civil defense] emergen-
10 cy management director to render assistance in the city, as provided in
11 subdivision two of this section.

12 g. The chief executive officer of a city shall be responsible for the
13 conduct of disaster operations within the city, including the operations
14 directed by the county [civil defense] emergency management director,
15 when rendering disaster assistance within a city pursuant to this subdi-
16 vision.

17 h. Neither the chief executive officer of a city, nor the county chief
18 executive, shall be held responsible for acts or omissions of [civil
19 defense forces] disaster emergency response personnel when performing
20 disaster assistance.

21 § 8. Paragraph (e) of subdivision 1 of section 29-e of the executive
22 law, as added by chapter 603 of the laws of 1993, is amended to read as
23 follows:

24 (e) "The [state] office of emergency management [office]" shall mean
25 the office within the [office of military and naval affairs that assists
26 the disaster preparedness commission in implementing the powers and
27 duties of the disaster preparedness commission] division of homeland
28 security and emergency services.

29 § 9. Paragraphs (a), (f) and (g) of subdivision 3 of section 29-e of
30 the executive law, as added by chapter 603 of the laws of 1993, are
31 amended to read as follows:

32 (a) Upon the issuance of a declaration of significant economic
33 distress due to unanticipated natural disaster by the governor, a muni-
34 cipality recognized by the governor as being affected by such disaster
35 [which occurred on or after December first, nineteen hundred ninety-
36 two,] may apply to the [state emergency management office] division of
37 homeland security and emergency services within ninety days of such
38 declaration on a form prescribed by such office, for reimbursement from
39 the state's contingency reserve fund for reimbursement of extraordinary
40 and unanticipated costs associated with the reconstruction or repair of
41 public buildings, facilities or infrastructure.

42 (f) In providing assistance pursuant to this section, the [state emer-
43 gency management office] division of homeland security and emergency
44 services may give preference to applicants which demonstrate the great-
45 est need or which document that such assistance will be utilized to
46 bring the applicant into compliance with federal or state law.

47 (g) In the event that amounts appropriated are insufficient to provide
48 for full reimbursement of all extraordinary and unanticipated costs
49 incurred by such municipality approved for reimbursement pursuant to
50 this section, the [state emergency management office] division of home-
51 land security and emergency services is authorized to provide a pro rata
52 share of the appropriations, appropriated herein, to such municipality.

53 § 10. Paragraphs (a) and (b) of subdivision 4 of section 29-e of the
54 executive law, as added by chapter 603 of the laws of 1993, are amended
55 to read as follows:

1 (a) The [adjutant general] commissioner of the division of homeland
2 security and emergency services as defined in article [nine] twenty-six
3 of this chapter with the [advise] advice and consent of the disaster
4 preparedness commission created pursuant to this article, shall have the
5 power to make such rules and regulations as may be necessary and proper
6 to effectuate the purposes of this section.

7 (b) The [adjutant general] commissioner of the division of homeland
8 security and emergency services shall by March fifteenth of each year
9 report to the governor and the legislature describing the activities and
10 operation of the program authorized by this section. Such report shall
11 set forth the number of reimbursement applications received and
12 approved; the identities of the counties, cities, towns and villages
13 receiving reimbursement together with the amount and purpose of the
14 reimbursement.

15 § 11. The executive law is amended by adding a new section 29-h to
16 read as follows:

17 § 29-h. Intrastate mutual aid program. 1. Creation. There is hereby
18 created the intrastate mutual aid program to complement existing mutual
19 aid agreements in the event of a disaster that results in a formal
20 declaration of an emergency by a participating local government. All
21 local governments within the state, excepting those which affirmatively
22 choose not to participate in accordance with subdivision four of this
23 section, are deemed to be participants in the program.

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

26 a. "Employee" means any person holding a position by election,
27 appointment, or employment by a local government, or a volunteer
28 expressly authorized to act by a local government;

29 b. "Local government" means any county, city, town or village of the
30 state;

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

33 d. "Requesting local government" means the local government that asks
34 another local government for assistance during a declared emergency, or
35 for the purposes of conducting training, or undertaking a drill or exer-
36 cise;

37 e. "Assisting local government" means one or more local governments
38 that provide assistance pursuant to a request for assistance from a
39 requesting local government during a declared emergency, or for the
40 purposes of conducting training, or undertaking a drill or exercise; and

41 f. "Volunteer" means an individual, or member of a volunteer organiza-
42 tion, who is not a regular employee of the assisting local government
43 and who provides emergency or disaster relief services at the request of
44 an assisting local government, other than an enrolled member of a volun-
45 teer ambulance service as defined in section three thousand one of the
46 public health law, or volunteer members of fire companies as defined in
47 section sixteen-a of the general city law, section one hundred seventy-
48 six-b of the town law, and section 10-1006 of the village law, regard-
49 less of whether or not the individual receives compensation from his or
50 her regular employer; this includes but is not limited to medical
51 reserve corps, community emergency response teams, and county animal
52 response teams.

53 3. Intrastate mutual aid program committee established; meetings;
54 powers and duties. a. There is hereby created within the disaster
55 preparedness commission an intrastate mutual aid program committee, for
56 purposes of this section to be referred to as the committee, which shall

1 be chaired by the commissioner of the division of homeland security and
2 emergency services, and shall include the state fire administrator, the
3 commissioner of health, and the commissioner of agriculture and markets,
4 provided that each such official may appoint a designee to serve in his
5 or her place on the committee. The committee shall also include five
6 representatives from local public safety or emergency response agencies,
7 who shall serve a maximum two-year term, to be appointed by the commis-
8 sioner of the division of homeland security and emergency services, with
9 regard to a balance of geographic representation and discipline exper-
10 tise.

11 b. The committee, on the call of the chairperson, shall meet at least
12 twice each year and at such other times as may be necessary. The agenda
13 and meeting place of all regular meetings shall be made available to the
14 public in advance of such meetings and all such meetings shall be open
15 to the public.

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

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

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

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

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

26 (5) to prepare reports to the disaster preparedness commission
27 discussing the effectiveness of mutual aid in the state and making
28 recommendations for improving the efficacy of the system, if appropri-
29 ate.

30 4. Local government participation in the intrastate mutual aid
31 program. a. A local government may elect not to participate in the
32 intrastate mutual aid program, or to withdraw from the program, by its
33 governing body enacting a resolution declaring that it elects not to
34 participate in the program and providing such resolution to the division
35 of homeland security and emergency services. Participation in the
36 program will continue until a copy of such resolution is received and
37 confirmed by the division of homeland security and emergency services.

38 b. A local government that has declined to participate in the program
39 may, acting by resolution through its governing body and providing a
40 copy of the resolution to the division of homeland security and emergen-
41 cy services, elect to participate in the program.

42 c. Nothing in this section shall preclude a local government from
43 entering into mutual aid agreements with other local governments or
44 other entities with terms that supplement or differ from the provisions
45 of this section.

46 d. Nothing in this section shall affect any other agreement to which a
47 local government may currently be a party, or later enter into, includ-
48 ing, but not limited to, the state fire mobilization and mutual aid
49 plan.

50 5. Fire related resources. Notwithstanding the authority vested
51 pursuant to this section, all fire related resources shall be adminis-
52 tered pursuant to section two hundred nine-e of the general municipal
53 law.

54 6. Requesting assistance under the intrastate mutual aid program. a. A
55 participating local government may request assistance of other partic-
56 ipating local governments in preventing, mitigating, responding to and

1 recovering from disasters that result in locally-declared emergencies,
2 or for the purpose of conducting multi-jurisdictional or regional train-
3 ing, drills or exercises. Requests for assistance may be made verbally
4 or in writing; verbal requests shall be memorialized in writing as soon
5 thereafter as is practicable.

6 b. Once an emergency is declared at the county level, all requests and
7 offers for assistance, to the extent practical, shall be made through
8 the county emergency management office, or in the case of the city of
9 New York, through the city emergency management office. All requests
10 for assistance should include:

11 (1) a description of the disaster;

12 (2) a description of the assistance needed;

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

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

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

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

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

21 d. The written request for assistance and all inventories of resources
22 being deployed shall be submitted to the division of homeland security
23 and emergency services within three calendar days of the request for or
24 deployment of such resources.

25 7. Performance of services. a. (1) Emergency response personnel of an
26 assisting local government shall continue under the administrative
27 control of their jurisdiction. However, in all other cases where not
28 prohibited by existing statute or other authority, emergency response
29 personnel of an assisting local government shall be under the direction
30 and control of the appropriate officials within the incident management
31 system of the requesting local government;

32 (2) Performance by employees of an assisting local government or
33 volunteers of services for a requesting local government, pursuant to
34 this section, shall have no impact upon whether negotiating unit employ-
35 ees represented by an employee organization, recognized or certified
36 pursuant to sections two hundred six or two hundred seven of the civil
37 service law, exclusively perform such services, as that phrase is used
38 by the New York state public employment relations board, on behalf of
39 the requesting local government;

40 b. Assets and equipment of an assisting local government shall contin-
41 ue under the ownership of the assisting jurisdiction, but shall be under
42 the direction and control of the appropriate officials within the inci-
43 dent management system of the requesting local government.

44 8. Division of homeland security and emergency services responsibil-
45 ities under the intrastate mutual aid program. The division of homeland
46 security and emergency services shall:

47 a. maintain a current list of participating jurisdictions with their
48 authorized representatives and contact information, and provide a copy
49 of the list to each of the participating jurisdictions on an annual
50 basis during the second quarter of each calendar year;

51 b. monitor and report to the intrastate mutual aid program committee
52 on the use of the intrastate mutual aid program;

53 c. coordinate the provision of mutual aid resources in accordance with
54 the comprehensive emergency management plan and supporting protocols;

55 d. identify mutual aid best practices;



1 e. when practical, provide the committee with statistical information
2 related to the use of mutual aid during recent regional disaster
3 responses; and

4 f. assist with the development, implementation and management of a
5 state-wide resource typing system.

6 9. License, certificate and permit portability. a. State certified
7 emergency medical services providers who respond outside of their normal
8 jurisdiction pursuant to a request for assistance under this program
9 shall follow their normal operating protocols as if they were responding
10 and rendering services in their home jurisdiction.

11 b. Any other individual deployed through a participating local govern-
12 ment who is certified or permitted either locally or regionally when
13 responding pursuant to a request for assistance under this program shall
14 have the same powers and duties as if they were responding in their home
15 jurisdiction.

16 c. The officers and members of any police department, including a
17 sheriff and his or her deputies, while engaged in duty and rendering
18 service in a requesting local government that is outside their geograph-
19 ical area of employment, shall have the same powers, duties, rights,
20 benefits, privileges and immunities as if they were performing their
21 duties in the civil or political subdivision in or by which they are
22 normally employed.

23 10. Reimbursement of assisting jurisdiction by requesting jurisdic-
24 tion; resolving disputes regarding reimbursement. a. Any assisting local
25 government requesting aid under this program for loss, damage or
26 expenses incurred in connection with the provision of aid that seeks
27 reimbursement by the requesting local government shall make such request
28 in accordance with procedures developed by the intrastate mutual aid
29 committee.

30 b. Where a dispute arises between an assisting local government and a
31 requesting local government regarding reimbursement for loss, damages or
32 expenses incurred in connection with the provision of aid, the parties
33 will make every effort to resolve the dispute within thirty business
34 days of written notice of the dispute by the party asserting noncompli-
35 ance. In the event that the dispute is not resolved within ninety busi-
36 ness days of the notice of the claim, at the request of either party,
37 the dispute shall be resolved through arbitration conducted under the
38 commercial arbitration rules of the American Arbitration Association.

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

41 b. All activities performed under the intrastate mutual aid program
42 are deemed to be governmental functions, and employees of assisting
43 local governments shall be provided the same protections from liability
44 as if they were employees of the requesting jurisdiction.

45 c. Employees of an assisting local government responding to or render-
46 ing assistance pursuant to a request who sustain injury or death in the
47 course of, and arising out of, their response are entitled to all appli-
48 cable benefits as if they were responding in their home jurisdiction.

49 d. Nothing in this section shall be construed to provide any
50 protection against liability, or to create any liability, for an indi-
51 vidual who responds to a state of emergency where aid has not been
52 requested, or where aid has not been authorized by the individual's
53 local government.

54 12. Obligation of insurers. Nothing in this section shall impair,
55 alter, limit or modify the rights or obligations of any insurer under
56 any policy of insurance.

1 § 12. Section 31 of the executive law, as amended by chapter 37 of
2 the laws of 1962, subdivision 11 as amended by chapter 827 of the laws
3 of 1972 and subdivision 13 as added by chapter 430 of the laws of 1997,
4 is amended to read as follows:

5 § 31. Divisions. There shall be in the executive department the
6 following divisions:

- 7 1. The division of the budget.
- 8 2. The division of military and naval affairs.
- 9 3. The office of general services.
- 10 4. The division of state police.
- 11 5. The division of parole.
- 12 6. The division of housing.
- 13 7. The division of alcoholic beverage control.
- 14 8. [Commission against discrimination] The division of human rights.
- 15 9. [The division of safety.
- 16 10.] The division of veterans' affairs.
- 17 [11. The office of planning services.
- 18 12. State civil defense commission] 10. The division of homeland secu-
19 urity and emergency services.
- 20 [13.] 11. Office for technology.

21 The governor may establish, consolidate, or abolish additional divi-
22 sions and bureaus.

23 § 13. (a) Findings. The functions of the office for fire prevention
24 and control and the state office of emergency management are critical to
25 public health and safety, as is the function of the office of homeland
26 security. The purpose of this section is to preserve and enhance these
27 functions by consolidating these agencies. The goal of consolidation is
28 not to reduce the performance of either function, but rather to inte-
29 grate them so as to perform them in the most effective possible way.

30 (b) Consolidation. The powers, duties and unfinished business of the
31 state emergency management office in the executive department and the
32 office for fire prevention and control in the department of state are
33 transferred to the division of homeland security and emergency services,
34 created in article 26 of the executive law and formerly known as the
35 office of homeland security. All assets, liabilities and records of the
36 state emergency management office and the office for fire prevention and
37 control are transferred to the division of emergency response and home-
38 land security. For the purpose of succession to functions, powers,
39 duties and obligations transferred and assigned to, devolved upon and
40 assumed by it pursuant to this act, the division of homeland security
41 and emergency services shall be deemed and held to constitute the
42 continuation of the state emergency management office, and the office
43 for fire prevention and control.

44 (c) Transfer of employees. Every officer and employee of the state
45 emergency management office and the office of fire prevention and
46 control is hereby transferred to the division of homeland security and
47 emergency services. For those officers and employees of the state emer-
48 gency management office and office for fire prevention and control in
49 the unclassified service of the state, the provisions of section 45 of
50 the civil service law shall apply.

51 (d) Pending actions and proceedings. No action pending as of the
52 effective date of this act brought by or against the state office of
53 emergency management or the office for fire prevention and control or
54 their directors shall be affected by any provision of this act, but the
55 same may be prosecuted or defended in the name of the commissioner of

1 the division of homeland security and emergency services who shall, upon
2 application to the court, be substituted as a party.

3 (e) Continuation of rules and regulations. All rules, regulations,
4 acts, determinations and decisions of the state office of emergency
5 management or office for fire prevention and control in force at the
6 time of the effective date of this act shall continue in force and
7 effect as rules, regulations, acts, determinations and decisions of the
8 commissioner of the division of homeland security and emergency services
9 until duly modified or abrogated by the commissioner of the division of
10 homeland security and emergency services.

11 (f) Transfer of appropriations. All appropriations and reappropri-
12 ations heretofore made to the state office of emergency management, to
13 the extent of remaining unexpended or unencumbered balances thereof,
14 whether allocated or unallocated and whether obligated or unobligated,
15 shall be transferred to and made available for use and expenditure by
16 the division of homeland security and emergency services.

17 § 14. The article heading of article 26 of the executive law, as added
18 by section 1 of part B of chapter 1 of the laws of 2004, is amended to
19 read as follows:

20 [STATE OFFICE OF HOMELAND SECURITY]

21 DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

22 § 15. Section 709 of the executive law, as added by section 2 of part
23 B of chapter 1 of the laws of 2004, paragraph (p) of subdivision 2 as
24 amended and paragraph (r) of subdivision 2 as added by chapter 620 of
25 the laws of 2005, paragraph (q) of subdivision 2 as separately amended
26 by chapters 537 and 620 of the laws of 2005, and paragraph (r) of subdi-
27 vision 2 as added by chapter 537 of the laws of 2005, is amended to read
28 as follows:

29 § 709. [State office of homeland security] Division of homeland secu-
30 urity and emergency services; creation; powers and duties. 1. There is
31 hereby created within the executive department the [office of homeland
32 security] division of homeland security and emergency services, which
33 shall have and exercise the powers and duties set forth in this article.
34 Any reference to the 'office of public security', the 'office of home-
35 land security', the 'state emergency management office', the 'office of
36 cyber security' or the 'office for fire prevention and control' in the
37 laws of New York state, executive orders, or contracts entered into on
38 behalf of the state shall be deemed to refer to the [state office of
39 homeland security] division of homeland security and emergency services.

40 2. The [office] division shall have the power and duty to:

41 (a) oversee and coordinate the state's homeland security and compre-
42 hensive emergency management resources, subject to any laws, rules or
43 regulations governing the budgeting and appropriation of funds;

44 (b) review homeland security and comprehensive emergency management
45 policies, protocols and strategies of state agencies. The agencies shall
46 include, but not be limited to, [the division of state police, division
47 of military and naval affairs, state emergency management office,
48 department of health, department of environmental conservation, division
49 of criminal justice services, department of state, office for technolo-
50 gy, and the department of transportation] the state agencies included on
51 the disaster preparedness commission as identified in section twenty-one
52 of this chapter;

53 (c) develop policies, protocols and strategies, which may be used to
54 prevent, detect, respond to and recover from terrorist acts or threats
55 and other natural and man-made disasters, which for purposes of this

1 section shall have the same meaning as defined in article two-B of this
2 chapter;

3 (d) identify potential inadequacies in the state's policies, protocols
4 and strategies to detect, respond to and recover from terrorist acts or
5 threats and other natural and man-made disasters;

6 (e) undertake periodic drills and simulations designed to assess and
7 prepare responses to terrorist acts or threats and other natural and
8 man-made disasters;

9 (f) coordinate state resources for the collection and analysis of
10 information relating to terrorist threats and terrorist activities and
11 other natural and man-made disasters throughout the state subject to any
12 applicable laws, rules, or regulations;

13 (g) coordinate and facilitate information sharing among local, state,
14 and federal law enforcement agencies to ensure appropriate intelligence
15 to assist in the early identification of and response to potential
16 terrorist activities and other natural and man-made disasters, subject
17 to any applicable laws, rules, or regulations governing the release,
18 disclosure or sharing of any such information;

19 (h) assess the preparedness of state and local public health systems
20 to respond to terrorist acts and other natural and man-made disasters,
21 including ensuring the availability of early warning systems designed to
22 detect potential threats and determining adequacy and availability of
23 necessary vaccines and pharmaceuticals and hospital capacity;

24 (i) coordinate strategies, protocols and first-responder equipment
25 needs that may be used to monitor, detect, respond to and mitigate the
26 consequences of a potential biological, chemical or radiological terror-
27 ist act or threat;

28 (j) work with local, state and federal agencies and private entities
29 to conduct assessments of the vulnerability of critical infrastructure
30 to terrorist attack and other natural and man-made disasters, including,
31 but not limited to, nuclear facilities, power plants, telecommunications
32 systems, mass transportation systems, public roadways, railways, bridges
33 and tunnels, and develop strategies that may be used to protect such
34 infrastructure from terrorist attack and other natural and man-made
35 disasters;

36 (k) develop plans that may be used to promote rapid recovery from
37 terrorist attacks and other natural and man-made disasters, to ensure
38 prompt restoration of transportation, utilities, critical communications
39 and information systems and to protect such infrastructure;

40 (l) develop plans that may be used to contain and remove hazardous
41 materials used in a terrorist attack or released as a result of natural
42 or man-made disaster;

43 (m) act as primary contact with the federal department of homeland
44 security;

45 (n) adopt, promulgate, amend and rescind rules and regulations to
46 effectuate the provisions and purposes of this article and the powers
47 and duties of the [office] division in connection therewith;

48 (o) consult with appropriate state and local governments, institutions
49 of higher learning, first responders, health care providers and private
50 entities as necessary to effectuate the provisions of this article, and
51 work with those entities to establish, facilitate and foster cooperation
52 to better prepare the state to prevent and respond to threats and acts
53 of terrorism and other natural and man-made disasters;

54 (p) to serve as a clearinghouse for the benefit of municipalities
55 regarding information relating to available federal, state and regional
56 grant programs in connection with homeland security, disaster prepared-

1 ness, communication infrastructure and emergency first responder
2 services, and to promulgate rules and regulations necessary to ensure
3 that grant information is timely posted on the [office's] division's
4 website;

5 (q) request from any department, division, office, commission or other
6 agency of the state or any political subdivision thereof, and the same
7 are authorized to provide, such assistance, services and data as may be
8 required by the [office of homeland security] division of homeland secu-
9 urity and emergency services in carrying out the purposes of this arti-
10 cle, subject to applicable laws, rules, and regulations; [and]

11 (r) develop standards and a certification process for training
12 programs for training of private security officers in commercial build-
13 ings which shall:

14 (i) improve observation, detection and reporting skills;

15 (ii) improve coordination with local police, fire and emergency
16 services;

17 (iii) provide and improve skills in working with advanced security
18 technology including surveillance and access control procedures;

19 (iv) require at least forty hours of training including three hours of
20 training devoted to terrorism awareness; and

21 (v) have been certified as a qualified program by the [state office of
22 homeland security.] division of homeland security and emergency
23 services;

24 [(r)] (s) work in consultation with or make recommendations to the
25 commissioner of agriculture and markets in developing rules and regu-
26 lations relating to ammonium nitrate security[.]; and

27 (t) develop, maintain, and deploy state, regional and local all-hazard
28 incident management teams.

29 3. The division of homeland security and emergency services shall
30 consist of several offices including, but not limited to, the office of
31 homeland security, which shall have the powers, and be responsible for
32 carrying out the duties, including but not limited to those set forth in
33 this article; the office of emergency management, which shall have the
34 powers, and be responsible for carrying out the duties, including but
35 not limited to those set forth in article two-B of this chapter; the
36 office of fire prevention and control, which shall have the powers, and
37 be responsible for carrying out the duties, including but not limited to
38 those set forth in section one hundred fifty-six of this chapter; the
39 office of cyber security, which shall have the powers, and be responsi-
40 ble for carrying out the duties, including but not limited to those set
41 forth in section seven hundred fifteen of this article; and the office
42 of interoperable and emergency communications, which shall have the
43 powers, and be responsible for carrying out the duties, including but
44 not limited to those set forth in section seven hundred seventeen of
45 this article.

46 4. As set forth in section seven hundred ten of this article, the
47 commissioner of the division of homeland security and emergency services
48 shall be appointed by the governor, with the advice and consent of the
49 senate, and hold office at the pleasure of the governor. The directors
50 of the offices of homeland security, emergency management, fire
51 prevention and control, cyber security, and interoperable and emergency
52 communications, and such other offices as may be established, shall be
53 appointed by, and hold office at the pleasure of, the governor and they
54 shall report to the commissioner of the division of homeland security
55 and emergency services except, in case of emergency, shall report to the
56 commissioner and to the deputy secretary for public safety.

1 5. The directors of the offices of homeland security, emergency
2 management, fire prevention and control, cyber security, interoperable
3 and emergency communications, and such other offices as may be estab-
4 lished, shall, in consultation with the commissioner, have the authority
5 to promulgate rules and regulations to carry out the duties of their
6 office, including the establishment of fees necessary to compensate for
7 costs associated with the delivery of training and services.

8 6. The directors of the offices of homeland security, emergency
9 management, fire prevention and control, cyber security, interoperable
10 and emergency communications, and such other offices as may be estab-
11 lished, shall have the authority to enter into contracts with any
12 person, firm, corporation, municipality, or government entity.

13 § 16. Section 710 of the executive law, as added by section 2 of part
14 B of chapter 1 of the laws of 2004, is amended to read as follows:

15 § 710. [Director of the office of homeland security] Commissioner of
16 the division of homeland security and emergency services; appointment of
17 the [director] commissioner; powers and duties. 1. The [director of the
18 office of homeland security (director)] commissioner of the division of
19 homeland security and emergency services (commissioner) shall be
20 appointed by the governor, by and with the advice and consent of the
21 senate, and hold office at the pleasure of the governor. [The salary of
22 the director shall be fixed at a level commensurate with that of the
23 state officers identified in paragraph (a) of subdivision one of section
24 one hundred sixty-nine of this chapter.]

25 2. The [director] commissioner, acting by and through the [office]
26 division, shall have the power and duty to:

27 (a) administer the duties of the [office] division pursuant to this
28 section;

29 (b) administer such other duties as may be devolved upon the [office]
30 division from time to time pursuant to law;

31 (c) cooperate with and assist other state and federal departments,
32 boards, commissions, agencies and public authorities in the development
33 and administration of policies and protocols which will enhance the
34 safety and security of the citizens of the state;

35 (d) enter into contracts with any person, firm, corporation or govern-
36 mental agency, and do all things necessary to carry out the functions,
37 powers and duties expressly set forth in this article, subject to any
38 applicable laws, rules or regulations;

39 (e) establish offices, departments and bureaus and make changes there-
40 in as he or she may deem necessary to carry out the functions of the
41 [office] division. One of the [divisions] units within the [office]
42 division shall be the office of cyber security [and critical infrastruc-
43 ture coordination] which shall be dedicated to the identification and
44 mitigation of the state's cyber security infrastructure vulnerabilities;
45 [and]

46 (f) subject to the provisions of this article and the civil service
47 law, and the rules and regulations adopted pursuant thereto, the [direc-
48 tor] commissioner may appoint other officers, employees, agents and
49 consultants as may be necessary, prescribe their duties, fix their
50 compensation, and provide for payment of their reasonable expenses, all
51 within amounts available therefor by appropriation. The [director]
52 commissioner may transfer officers or employees from their positions to
53 other positions in the [office] commissioner, or abolish or consolidate
54 such positions[.];

55 (g) notwithstanding any other provision of law to the contrary, accept
56 and contract as agent of the state for any gift to support the develop-

1 ment and training missions of the division of homeland security and
2 emergency services.

3 § 17. Section 713 of the executive law, as added by chapter 403 of the
4 laws of 2003, paragraphs (a) and (b) of subdivision 2 as amended by
5 chapter 426 of the laws of 2004, and such section as renumbered by
6 section 2 of part B of chapter 1 of the laws of 2004, is amended to read
7 as follows:

8 § 713. Protection of critical infrastructure including energy generat-
9 ing and transmission facilities. 1. Notwithstanding any other provision
10 of law, the [director of public security] commissioner of the division
11 of homeland security and emergency services shall conduct a review and
12 analysis of measures being taken by the public service commission and
13 any other agency or authority of the state or any political subdivision
14 thereof and, to the extent practicable, of any federal entity, to
15 protect the security of critical infrastructure related to energy gener-
16 ation and transmission located within the state. The [director of public
17 security] commissioner of the division of homeland security and emergen-
18 cy services shall have the authority to review any audits or reports
19 related to the security of such critical infrastructure, including
20 audits or reports conducted at the request of the public service commis-
21 sion or any other agency or authority of the state or any political
22 subdivision thereof or, to the extent practicable, of any federal enti-
23 ty. The owners and operators of such energy generating or transmission
24 facilities shall, in compliance with any federal and state requirements
25 regarding the dissemination of such information, provide access to the
26 [director of public security] commissioner of the division of homeland
27 security and emergency services to such audits or reports regarding such
28 critical infrastructure provided, however, that exclusive custody and
29 control of such audits and reports shall remain solely with the owners
30 and operators of such energy generating or transmission facilities. For
31 the purposes of this article, the term "critical infrastructure" has the
32 meaning ascribed to that term in subdivision five of section eighty-six
33 of the public officers law.

34 2. (a) On or before December thirty-first, two thousand four, and not
35 later than three years after such date, and every five years thereafter,
36 the [director of public security] commissioner of the division of home-
37 land security and emergency services shall report to the governor, the
38 temporary president of the senate, the speaker of the assembly, the
39 chairperson of the public service commission and the chief executive of
40 any such affected generating or transmission company or his or her
41 designee. Such report shall review the security measures being taken
42 regarding critical infrastructure related to energy generating and tran-
43 smission facilities, assess the effectiveness thereof, and include
44 recommendations to the legislature or the public service commission if
45 the [director of public security] commissioner of the division of home-
46 land security and emergency services determines that additional measures
47 are required to be implemented, considering, among other factors, the
48 unique characteristics of each energy generating or transmission facili-
49 ty. [On or before April thirtieth, two thousand four, the director of
50 public security shall make a preliminary report to the governor, the
51 temporary president of the senate, the speaker of the assembly, the
52 chairman of the public service commission, and the chief executive of
53 any such affected generating or transmission company or his or her
54 designee.]

55 (b) Before the receipt of such report identified in paragraph (a) of
56 this subdivision, each recipient of such report shall develop confiden-

1 tiality protocols, which shall be binding upon the recipient who issues
2 the protocols and anyone to whom the recipient shows a copy of the
3 report, in consultation with the [director of public security] commis-
4 sioner of the division of homeland security and emergency services for
5 the maintenance and use of such report so as to ensure the confidential-
6 ity of the report and all information contained therein, provided,
7 however, that such [protocols shall not be binding upon a person who is
8 provided access to such report or any information contained therein
9 pursuant to section eighty-nine of the public officers law after a final
10 determination that access to such report or any information contained
11 therein could not be denied pursuant to subdivision two of section
12 eighty-seven] report and any information contained or used in its prepa-
13 ration shall be exempt and not made available pursuant to article six of
14 the public officers law. The [director of public security] commissioner
15 of the division of homeland security and emergency services shall also
16 develop protocols for his or her office related to the maintenance and
17 use of such report so as to ensure the confidentiality of the report and
18 all information contained therein. On each report, the [director of
19 public security] commissioner of the division of homeland security and
20 emergency services shall prominently display the following statement:
21 "this report may contain information that if disclosed could endanger
22 the life or safety of the public, and therefore, pursuant to section
23 seven hundred [ten] eleven of the executive law, this report is to be
24 maintained and used in a manner consistent with protocols established to
25 preserve the confidentiality of the information contained herein in a
26 manner consistent with law".

27 (c) Except in the case of federally licensed electric generating
28 facilities, the public service commission shall have the discretion to
29 require that the recommendations of the [director of public security]
30 commissioner of the division of homeland security and emergency services
31 be implemented by any owner or operator of an energy generating or tran-
32 smission facility. Recommendations regarding federally licensed electric
33 generating facilities shall instead only be made available by the
34 [director of public security] commissioner of the division of homeland
35 security and emergency services to the appropriate federal agency in
36 compliance with any federal and state requirements regarding the dissem-
37 ination of such information.

38 3. Any reports prepared pursuant to this article shall not be subject
39 to disclosure pursuant to [section] sections eighty-seven and eighty-
40 eight of the public officers law.

41 § 18. Section 714 of the executive law, as added by section 1 of part
42 C of chapter 1 of the laws of 2004, is amended to read as follows:

43 § 714. Protection of critical infrastructure; storage facilities for
44 hazardous substances. 1. Notwithstanding any other provision of law and
45 subject to the availability of an appropriation, the [director of the
46 office of homeland security] commissioner of the division of homeland
47 security and emergency services shall conduct a review and analysis of
48 measures being taken by the owners and operators of facilities identi-
49 fied pursuant to paragraph (b) of subdivision two of this section to
50 protect the security of critical infrastructure related to such facili-
51 ties. The [director of the office of homeland security] commissioner of
52 the division of homeland security and emergency services shall have the
53 authority to review all audits or reports related to the security of
54 such critical infrastructure, including all such audits or reports
55 mandated by state and federal law or regulation, including spill
56 prevention reports and risk management plans, audits and reports

1 conducted at the request of the department of environmental conservation
2 or at the request of any federal entity, or any other agency or authori-
3 ty of the state or any political subdivision thereof, and reports
4 prepared by owners and operators of such facilities as required in this
5 subdivision. The owners and operators of such facilities shall, in
6 compliance with any federal and state requirements regarding the dissem-
7 ination of such information, provide access to the [director of the
8 office of homeland security] commissioner of the division of homeland
9 security and emergency services to such audits and reports regarding
10 such critical infrastructure provided, however, exclusive custody and
11 control of such audits and reports shall remain solely with the owners
12 and operators of such facilities to the extent not inconsistent with any
13 other law. For the purposes of this section, the term "critical infras-
14 tructure" has the meaning ascribed to that term in subdivision five of
15 section eighty-six of the public officers law.

16 2. To effectuate his or her duties pursuant to this section and iden-
17 tify risks to the public, the [director of the office of homeland secu-
18 rity] commissioner of the division of homeland security and emergency
19 services shall:

20 (a) within six months of the effective date of this section, in
21 consultation with the commissioner of environmental conservation, the
22 commissioner of health, and such representatives of the chemical indus-
23 try and higher education as may be appropriate, prepare a list that
24 identifies toxic or hazardous substances, including but not limited to
25 those substances listed as hazardous to public health, safety or the
26 environment in regulations promulgated pursuant to article thirty-seven
27 of the environmental conservation law, as well as those substances for
28 which the state possesses insufficient or limited toxicological informa-
29 tion but for which there exists preliminary evidence that the substance
30 or the class of chemicals with similar physical and chemical properties
31 to which it belongs has the potential to cause death, injury, or serious
32 adverse effects to human health or the environment, based on the severi-
33 ty of the threat posed to the public by the unauthorized release of such
34 substances. Such list will be promulgated in accord with the provisions
35 of the state administrative procedure act;

36 (b) upon completion of the list required pursuant to paragraph (a) of
37 this subdivision, but no later than one hundred twenty days after such
38 date, in consultation with the commissioner of environmental conserva-
39 tion, the commissioner of health and such representatives of the chemi-
40 cal industry and any state, local and municipal officials as may be
41 appropriate, identify facilities, including facilities regulated pursu-
42 ant to title nine and title eleven of article twenty-seven and article
43 forty of the environmental conservation law, but excluding facilities
44 that hold liquified petroleum gas for fuel at retail sale as described
45 in section 112(1)(4)(B) of the Clean Air Act (42 U.S.C. section
46 7412(r)(4)(b)) and those facilities that are defined as "water suppli-
47 ers" in subdivision one of section eleven hundred twenty-five of the
48 public health law, which because of their storage of or relationship to
49 such substances identified pursuant to paragraph (a) of this subdivision
50 pose risks to the public should an unauthorized release of such hazard-
51 ous substances occur; and

52 (c) require such facilities identified pursuant to paragraph (b) of
53 this subdivision, as the director so determines, to prepare a vulner-
54 ability assessment of the security measures taken by such facilities to
55 prevent and respond to the unauthorized release of hazardous substances
56 as may be stored therein, which assessments the [director of the office

1 of homeland security] commissioner of the division of homeland security
2 and emergency services shall review and consider in light of the seri-
3 ousness of the risk posed and vulnerability of such facility and, where
4 appropriate, make recommendations with respect thereto.

5 3. (a) On or before June first, two thousand five, the [director of
6 homeland security] commissioner of the division of homeland security and
7 emergency services shall make a preliminary report to the governor, the
8 temporary president of the senate, the speaker of the assembly, the
9 commissioner of environmental conservation, the commissioner of health
10 and the chief executive officer of any such affected facility or his or
11 her designee, and on or before December thirty-first, two thousand five,
12 and not later than three years after such date, and every five years
13 thereafter, the [director of the office of homeland security] commis-
14 sioner of the division of homeland security and emergency services shall
15 report to the governor, the temporary president of the senate, the
16 speaker of the assembly, the commissioner of environmental conservation,
17 the commissioner of health and the chief executive officer of any such
18 affected facility or his or her designee. Such report shall review the
19 security measures being taken regarding critical infrastructure related
20 to such facilities, assess the effectiveness thereof, and include recom-
21 mendations to the legislature, the department of environmental conserva-
22 tion or the department of health if the [director of the office of home-
23 land security] commissioner of the division of homeland security and
24 emergency services determines that additional measures are required to
25 be implemented.

26 (b) Before the receipt of such report identified in paragraph (a) of
27 this subdivision, each recipient of such report shall develop confiden-
28 tiality protocols which shall be binding upon the recipient who issues
29 the protocols and anyone to whom the recipient shows a copy of the
30 report in consultation with the [director of the office of homeland
31 security] commissioner of the division of homeland security and emergen-
32 cy services, for the maintenance and use of such report so as to ensure
33 the confidentiality of the report and all information contained therein,
34 provided, however, that such protocols shall not be binding upon a
35 person who is provided access to such report or any information
36 contained therein pursuant to section eighty-nine of the public officers
37 law after a final determination that access to such report or any infor-
38 mation contained therein could not be denied pursuant to subdivision two
39 of section eighty-seven of the public officers law. The [director of the
40 office of homeland security] commissioner of the division of homeland
41 security and emergency services shall also develop protocols for such
42 office related to the maintenance and use of such report so as to ensure
43 the confidentiality of all sensitive information contained in such
44 report. On each report, the [director of the office of homeland securi-
45 ty] commissioner of the division of homeland security and emergency
46 services shall prominently display the following statement: "This report
47 may contain information that if disclosed could endanger the life or
48 safety of the public, and therefore, pursuant to section seven hundred
49 eleven of the executive law[, as added by a chapter of the laws of two
50 thousand four], this report is to be maintained and used in a manner
51 consistent with protocols established to preserve the confidentiality of
52 the information contained herein in a manner consistent with law."

53 (c) The department of environmental conservation shall have the
54 discretion to require that recommendations of the [director of the
55 office of homeland security] commissioner of the division of homeland

1 security and emergency services be implemented by any owner or operator
2 of a hazardous substances storage facility as defined in this section.

3 § 19. Section 715 of the executive law, as added by chapter 604 of the
4 laws of 2007, is amended to read as follows:

5 § 715. [Records and data] Office of cyber security. 1. The office of
6 cyber security shall be dedicated to the protection of the state's cyber
7 security infrastructure, including, but not limited to, the identifica-
8 tion and mitigation of vulnerabilities, deterring and responding to
9 cyber events, and promoting cyber security awareness within the state.
10 The office shall also be responsible for statewide policies, standards,
11 programs, and services relating to cyber security and geographic infor-
12 mation systems, including the statewide coordination of geographically
13 referenced critical infrastructure information. The director of the
14 office shall be the chief cyber security officer of New York state.

15 2. The director may request and receive from any department, division,
16 board, bureau, commission or other agency of the state or any political
17 subdivision thereof or any public authority such assistance, information
18 and data as will enable the office properly to carry out its functions,
19 powers and duties.

20 3. The director of the office [of cyber security and critical infras-
21 tructure coordination] is authorized to maintain, in electronic or paper
22 formats, maps, geographic images, geographic data and metadata.

23 [2.] 4. The director of the office [of cyber security and critical
24 infrastructure coordination] is authorized to promulgate any rules and
25 regulations necessary to implement the provisions of this section.

26 § 20. Section 715 of the executive law, as added by chapter 630 of the
27 laws of 2007, is amended to read as follows:

28 § [715.] 716. Protection of critical infrastructure; commercial
29 aviation, petroleum and natural gas fuel transmission facilities and
30 pipelines. 1. Notwithstanding any other provision of law, the [director
31 of the office of homeland security] commissioner of the division of
32 homeland security and emergency services shall conduct a review and
33 analysis of measures being taken by any other agency or authority of the
34 state or any political subdivision thereof and, to the extent practica-
35 ble, of any federal entity, to protect the security of critical infras-
36 tructure related to commercial aviation fuel, petroleum and natural gas
37 transmission facilities and pipelines in this state which are not
38 located upon the premises of a commercial airport. As deemed appropriate
39 by such [director] commissioner, the [office of homeland security] divi-
40 sion of homeland security and emergency services shall have the authori-
41 ty to physically inspect the premises and review any audits or reports
42 related to the security of such critical infrastructure, including
43 audits or reports conducted at the request of any other agency or
44 authority of the state or any political subdivision thereof or, to the
45 extent practicable, of any federal entity. The operators of such commer-
46 cial aviation fuel, petroleum or natural gas transmission facilities and
47 pipelines shall, in compliance with any federal and state requirements
48 regarding the dissemination of such information, provide access to the
49 [director of the office of homeland security] commissioner of the divi-
50 sion of homeland security and emergency services to such audits or
51 reports regarding such critical infrastructure provided, however, that
52 exclusive custody and control of such audits and reports shall remain
53 solely with the operators of such commercial aviation fuel, petroleum or
54 natural gas transmission facilities and pipelines. For the purposes of
55 this article, the term "critical infrastructure" has the meaning



1 ascribed to that term in subdivision five of section eighty-six of the
2 public officers law.

3 2. (a) On or before December thirty-first, two thousand [eight, and
4 not later than three years after such date] eleven, and every five years
5 thereafter, the [director of the office of homeland security] commis-
6 sioner of the division of homeland security and emergency services shall
7 report to the governor, the temporary president of the senate, the
8 speaker of the assembly, the public service commission, and the operator
9 of any such affected commercial aviation fuel, petroleum or natural gas
10 transmission facility or pipeline. Such report shall review the security
11 measures being taken regarding critical infrastructure related to
12 commercial aviation fuel, petroleum or natural gas transmission facili-
13 ties and pipelines, assess the effectiveness thereof, and include recom-
14 mendations to the legislature, the public service commission, or the
15 operator of a commercial aviation fuel, petroleum or natural gas trans-
16 mission facility or pipeline, or any appropriate state or federal regu-
17 lating entity or agency if the [director of the office of homeland secu-
18 rity] commissioner of the division of homeland security and emergency
19 services determines that additional measures are required to be imple-
20 mented, considering among other factors, the unique characteristics of
21 each commercial aviation fuel, petroleum or natural gas transmission
22 facility or pipeline. [On or before April thirtieth, two thousand eight,
23 the director of the office of homeland security shall make a preliminary
24 report to the governor, the temporary president of the senate, the
25 speaker of the assembly, the public service commission, and the operator
26 of any such affected commercial aviation fuel, petroleum or natural gas
27 transmission facility or pipeline.]

28 (b) Before the receipt of such report identified in paragraph (a) of
29 this subdivision, each recipient of such report shall develop confiden-
30 tiality protocols, which shall be binding upon the recipient who issues
31 the protocols and anyone to whom the recipient shows a copy of the
32 report, in consultation with the [director of the office of homeland
33 security] commissioner of the division of homeland security and emergen-
34 cy services for the maintenance and use of such report so as to ensure
35 the confidentiality of the report and all information contained therein,
36 provided, however, that such report and any information contained or
37 used in its preparation shall be exempt and not made available pursuant
38 to article six of the public officers law. The [director of the office
39 of homeland security] commissioner of the division of homeland security
40 and emergency services shall also develop protocols for his or her
41 office related to the maintenance and use of such report so as to ensure
42 the confidentiality of the report and all information contained therein.
43 On each report, the [director of the office of homeland security]
44 commissioner of the division of homeland security and emergency services
45 shall prominently display the following statement: "this report may
46 contain information that if disclosed could endanger the life or safety
47 of the public, and therefore, pursuant to section seven hundred [ten]
48 eleven of the executive law, this report is to be maintained and used in
49 a manner consistent with protocols established to preserve the confiden-
50 tiality of the information contained herein in a manner consistent with
51 law".

52 (c) The public service commission shall have the discretion to
53 require, through regulation or otherwise, that the recommendations of
54 the [director of the office of homeland security] commissioner of the
55 division of homeland security and emergency services be implemented at

1 an affected commercial aviation fuel, petroleum or natural gas trans-
2 mission facility or pipeline.

3 (d) The [office of homeland security] division of homeland security
4 and emergency services shall receive necessary appropriations for the
5 performance of its duties pursuant to this section.

6 § 21. Paragraph (a) of subdivision 1 of section 169 of the executive
7 law, as amended by section 1 of part F of chapter 56 of the laws of
8 2005, is amended to read as follows:

9 (a) commissioner of correctional services, commissioner of education,
10 commissioner of health, commissioner of mental health, commissioner of
11 mental retardation and developmental disabilities, commissioner of chil-
12 dren and family services, commissioner of temporary and disability
13 assistance, chancellor of the state university of New York, commissioner
14 of transportation, commissioner of environmental conservation, super-
15 intendent of state police, [and] commissioner of general services and
16 commissioner of the division of homeland security and emergency
17 services;

18 § 21-a. The executive law is amended by adding a new section 717 to
19 read as follows:

20 § 717. Office of interoperable and emergency communications. 1. The
21 office of interoperable and emergency communications shall be dedicated
22 to the development, coordination and implementation of policies, plans,
23 standards, programs and services related to interoperable and emergency
24 communications. The office shall coordinate with federal, state, local,
25 tribal, non-governmental and other appropriate entities.

26 2. The office shall be responsible for coordinating relevant grant
27 programs and other funding sources to enhance interoperable and emergen-
28 cy communications, as consistent with the mission of the division. The
29 director shall make final determinations regarding the distribution of
30 grants, in consultation with the board.

31 3. The director of this office shall serve as the statewide interoper-
32 able and emergency communications coordinator.

33 4. To ensure appropriate coordination and consultation with relevant
34 entities, the director shall be the chairperson of the statewide inter-
35 operable and emergency communication board as defined in section three
36 hundred twenty-seven of the county law, and whose duties shall include,
37 but not be limited to all the duties regularly assigned to the board as
38 defined by section three hundred twenty-eight of the county law.

39 § 22. Subdivision 2 of section 709 of the executive law is amended by
40 adding a new paragraph (u) to read as follows:

41 (u) Notwithstanding article six-C of this chapter, or any other
42 provision of law to the contrary, the division of homeland security and
43 emergency services shall establish best practices regarding training and
44 education for firefighters and first responders which shall include but
45 not be limited to: minimum basic training for firefighters and first
46 responders; in-service training and continuing education; and special-
47 ized training as it may apply to the specific duties of a category of
48 emergency personnel.

49 § 23. Section 155 of the executive law, as added by chapter 225 of the
50 laws of 1979, is amended to read as follows:

51 § 155. Office of fire prevention and control; creation; state fire
52 administrator; employees. There is hereby created in the [department of
53 state] division of homeland security and emergency services an office of
54 fire prevention and control. The head of such office shall be the state
55 fire administrator, who shall be appointed by the [secretary of state]
56 governor and shall hold office during the pleasure of the [secretary of

1 state] governor. He shall receive an annual salary to be fixed by the
2 [secretary of state] commissioner of the division of homeland security
3 and emergency services within the amount available by appropriation. He
4 shall also be entitled to receive reimbursement for expenses actually
5 and necessarily incurred by him in the performance of his duties within
6 the amount available by appropriation. [The state fire administrator
7 may, from time to time, with the approval of the secretary of state,
8 create, abolish, transfer and consolidate divisions, bureaus, and other
9 units within the office of fire prevention and control as he may deter-
10 mine necessary for the efficient operation of such office. The state
11 fire administrator may, with the approval of the secretary of state,
12 appoint such deputies, directors and others within the office as he may
13 deem necessary to the proper implementation of this article, prescribe
14 their duties, fix their compensation and provide for reimbursement of
15 their actual and necessary expenses within the amounts available by
16 appropriation.]

17 § 24. Section 156-c of the executive law is REPEALED.

18 § 25. Section 156-f of the executive law, as added by chapter 21 of
19 the laws of 2006, is amended to read as follows:

20 § 156-f. Evacuation drills. Except as may be otherwise provided in
21 rules and regulations promulgated by the [department of state] division
22 of homeland security and emergency services pursuant to article eighteen
23 of this chapter, in any building owned or leased in whole by the state
24 or any agency thereof, an evacuation drill shall be conducted at least
25 twice each year in which all of the occupants of the buildings shall
26 participate simultaneously and which shall conduct all such occupants to
27 a place of safety. In New York city, the state fire administrator shall
28 make rules, regulations and special orders necessary and suitable to
29 each situation, as appropriate.

30 § 26. Section 156-g of the executive law, as added by chapter 303 of
31 the laws of 2007, is amended to read as follows:

32 § 156-g. Establishment of teams for urban search and rescue, specialty
33 rescue and incident support. 1. Authorization to establish urban search
34 and rescue task force teams, specialty rescue teams, and incident
35 support teams. The [state fire administrator] commissioner of the divi-
36 sion of homeland security and emergency services after consultation with
37 the state fire administrator shall have the authority to establish,
38 organize, administer, support, train, and fund urban search and rescue
39 task force teams, specialty rescue teams, and incident support teams
40 created pursuant to this section.

41 2. Definitions. For the purposes of this section, the following terms
42 shall have the following meanings:

43 (a) "urban search and rescue task force team" shall mean a specialized
44 team or group of teams, formed pursuant to this section, organized with
45 capabilities equivalent to urban search and rescue task force teams
46 established under the federal emergency management agency in order to
47 assist in the removal of trapped victims in emergency situations includ-
48 ing, but not limited to, collapsed structures, trench excavations,
49 elevated locations, and other technical rescue situations.

50 (b) "specialty rescue team" shall mean a specialized team, formed
51 pursuant to this section, organized to provide technical rescue assist-
52 ance to first responders including, but not limited to, canine search
53 and rescue/disaster response, cave search and rescue, collapse search
54 and rescue, mine and tunnel search and rescue, and swift water/flood
55 search and rescue teams. Such teams shall be aligned with one or more of

1 the search and rescue categories within the federal emergency management
2 agency's national resource typing system.

3 (c) "incident support team" shall mean a team of trained response
4 personnel, formed pursuant to this section, organized to provide coordi-
5 nation with governmental agencies and non-governmental organizations as
6 well as technical, and logistical support to urban search and rescue
7 task force teams and specialty rescue teams.

8 3. Appointment and training of team members; equipment. (a) The [state
9 fire administrator] commissioner of the division of homeland security
10 and emergency services is hereby authorized to appoint members to any
11 team created pursuant to this section. Team membership shall consist of
12 local emergency response personnel, state agency personnel and specialty
13 personnel as required.

14 (b) The [state fire administrator] commissioner of the division of
15 homeland security and emergency services shall be responsible for train-
16 ing and equipping the teams established pursuant to this section and for
17 training such other teams located within the state for response to man-
18 made or natural disasters to the extent appropriations are provided.
19 The [state fire administrator] commissioner of the division of homeland
20 security and emergency services shall support the capabilities of each
21 team established pursuant to this section with the necessary training
22 and equipment to ensure mobilization and deployment for rapid response
23 to emergencies and disasters to the extent appropriations are provided.

24 4. Accreditation of teams. The [state fire administrator] commissioner
25 of the division of homeland security and emergency services shall have
26 the authority to establish an accreditation program to review and evalu-
27 ate new and existing local and regional technical rescue capabilities,
28 and provide recommendations for capability enhancement in accordance
29 with the national incident management system, the national response
30 plan, and nationally recognized standards.

31 5. Defense, indemnification and insurance coverage of team members.
32 Members of the teams formed pursuant to this section who are volunteer
33 firefighters, volunteer ambulance workers, municipal or state employees,
34 or employees of a non-governmental entity shall be provided coverage by
35 their respective municipalities, organizations, and entities for
36 purposes of sections seventeen and eighteen of the public officers law
37 and/or other defense and indemnification coverage and workers' compen-
38 sation coverage pursuant to applicable provisions of the workers'
39 compensation law or benefits pursuant to applicable provisions of the
40 volunteer firefighters' [benefits] benefit law or the volunteer ambu-
41 lance workers' benefit law. Individuals appointed to an urban search and
42 rescue task force team, a specialty rescue team or an incident support
43 team, for which such coverage is not available, shall be deemed volun-
44 teer state employees for purposes of section seventeen of the public
45 officers law and section three of the workers' compensation law.

46 6. Rules and regulations. The [state fire administrator] commissioner
47 of the division of homeland security and emergency services after
48 consultation with the state fire administrator shall have the authority
49 to promulgate rules and regulations as deemed necessary relating to the
50 accreditation of urban search and rescue task force teams, specialty
51 rescue teams, and incident support teams and to the formation and opera-
52 tion of all teams established pursuant to this section.

53 7. Funding. The [secretary of state and the state fire administrator]
54 division of homeland security and emergency services shall expend the
55 necessary monies for training, equipment, and other items necessary to
56 support the operations of urban search and rescue task force teams,

1 specialty rescue teams and incident support teams within appropriations
2 provided. The [secretary of state and the state fire administrator]
3 division of homeland security and emergency services also may, pursuant
4 to applicable rules and regulations approved by the director of the
5 division of the budget, approve grants of funds from monies allocated
6 and appropriated for any or all such teams.

7 § 27. Section 157 of the executive law, as added by chapter 225 of the
8 laws of 1979, is amended to read as follows:

9 § 157. Granting authority. The [office of fire prevention and control,
10 by and through the state fire administrator] division of homeland secu-
11 riety and emergency services by and through the commissioner of the divi-
12 sion of homeland security and emergency services or his duly authorized
13 officers and employees, shall administer, carry out and approve grants
14 of funds from moneys allocated and appropriated therefor, for authorized
15 arson, fire prevention and control expenditures as defined herein, that
16 are conducted by municipal corporations. "Authorized arson, fire
17 prevention and control expenditures" shall mean those expenditures
18 utilized by a municipal corporation for fire or arson prevention, fire
19 or arson investigation and arson prosecution. No expenditure which has
20 not been specifically designated by the local legislative body for
21 arson, fire prevention and control and approved by the office of fire
22 prevention and control pursuant to rules and regulations promulgated
23 thereby shall be considered an "authorized arson, fire prevention and
24 control expenditure." The [office of fire prevention and control] divi-
25 sion of homeland security and emergency services shall adopt, amend and
26 rescind such rules, regulations and guidelines as may be necessary for
27 the performance of its functions, powers and duties under this section.
28 The [office of fire prevention and control] division of homeland securi-
29 ty and emergency services shall allocate grants under this article among
30 the municipalities whose applications have been approved in such a
31 manner as will most nearly provide an equitable distribution of the
32 grants among municipalities, taking into consideration such factors as
33 the level of suspected arson activity, population and population densi-
34 ty, the need for state funding to carry out local programs, and the
35 potential of the municipalities to effectively employ such grants.

36 § 28. Section 158 of the executive law is REPEALED and a new section
37 158 is added to read as follows:

38 § 158. Firefighting and code enforcement training. 1. For the purpose
39 of this section, the term fire fighter and code enforcement personnel
40 shall mean a member of a fire department whose duties include fire
41 service as defined in paragraph d of subdivision eleven of section three
42 hundred two of the retirement and social security law or a code enforce-
43 ment officer charged with enforcement of building or fire codes.

44 2. In addition to the functions, powers and duties otherwise provided
45 by this article, the state fire administrator may promulgate rules and
46 regulations with respect to:

47 (a) The approval, or revocation thereof, of fire and code enforcement
48 training programs for fire fighters and code enforcement personnel;

49 (b) Minimum courses of study, attendance requirements, and equipment
50 and facilities to be required for approved fire and code enforcement
51 training programs for fire fighters and code enforcement personnel;

52 (c) Minimum qualifications for instructors for approved fire and code
53 enforcement training programs for fire fighters and code enforcement
54 personnel;

55 (d) The requirements of minimum basic training which fire fighters and
56 code enforcement personnel appointed to probationary terms shall

1 complete before being eligible for permanent appointment, and the time
2 within which such basic training must be completed following such
3 appointment to a probationary term;

4 (e) The requirements of minimum basic training which fire fighters and
5 code enforcement personnel not appointed for probationary terms but
6 appointed on other than a permanent basis shall complete in order to be
7 eligible for continued employment or permanent appointment, and the time
8 within which such basic training must be completed following such
9 appointment on a non-permanent basis;

10 (f) The requirements for in-service training programs designed to
11 assist fire fighters and code enforcement personnel in maintaining
12 skills and being informed of technological advances;

13 (g) Categories or classifications of advanced in-service training
14 programs and minimum courses of study and attendance requirements with
15 respect to such categories or classifications;

16 (h) Exemptions from particular provisions of this article in the case
17 of any county, city, town, village or fire district, if in the opinion
18 of the state fire administrator the standards of fire and code enforce-
19 ment training established and maintained by such county, city, town,
20 village or fire district are equal to or higher than those established
21 pursuant to this article; or revocation in whole or in part of such
22 exemption, if in his or her opinion the standards of fire and code
23 enforcement training established and maintained by such county, city,
24 town, village or fire district are lower than those established pursuant
25 to this article; and

26 (i) Education, health and physical fitness requirements for eligibil-
27 ity of persons for provisional or permanent appointment in the compet-
28 itive class of the civil service as fire fighters and code enforcement
29 personnel as it deems necessary and proper for the efficient performance
30 of such duties;

31 3. In furtherance of his or her functions, powers and duties as set
32 forth in this section, the state fire administrator may:

33 (a) Recommend studies, surveys and reports to be made by the state
34 fire administrator regarding the carrying out of the objectives and
35 purposes of this section;

36 (b) Visit and inspect any fire and code enforcement training programs
37 approved by the state fire administrator or for which application for
38 such approval has been made; and

39 (c) Recommend standards for promotion to supervisory positions.

40 4. In addition to the functions, powers and duties otherwise provided
41 by this section, the state fire administrator shall:

42 (a) Approve fire and code enforcement training programs for fire
43 fighters and code enforcement personnel and issue certificates of
44 approval to such programs, and revoke such approval or certificate;

45 (b) Certify, as qualified, instructors for approved fire and code
46 enforcement training programs for fire fighters and code enforcement
47 personnel and issue appropriate certificates to such instructors;

48 (c) Certify fire fighters and code enforcement personnel who have
49 satisfactorily completed basic training programs and in-service training
50 programs, and issue appropriate certificates to such fire fighters and
51 code enforcement personnel;

52 (d) Cause studies and surveys to be made relating to the establish-
53 ment, operation, effectiveness and approval of fire and code enforcement
54 training programs;

1 (e) Cause studies and surveys to be made relating to the completion or
2 partial completion of training programs by video or computer to the
3 maximum extent practicable; and

4 (f) Consult with and cooperate with the state university of New York
5 and private universities, colleges and institutes in the state for the
6 development of specialized courses of study for fire fighters and code
7 enforcement personnel in fire science, fire administration and code
8 enforcement.

9 § 29. Section 159 of the executive law is REPEALED.

10 § 30 Section 159-a of the executive law is REPEALED.

11 § 31. Section 159-b of the executive law is REPEALED.

12 § 32. Section 159-c of the executive law is REPEALED.

13 § 33. Section 159-d of the executive law is REPEALED.

14 § 34. Section 580 of the executive law is REPEALED.

15 § 35. Section 97-pp of the state finance law, as amended by chapter
16 631 of the laws of 1994, subdivisions 4, 5 and 6 as amended by chapter
17 72 of the laws of 2006, is amended to read as follows:

18 § 97-pp. New York state emergency services revolving loan account. 1.
19 There is hereby established within the combined expendable trust
20 fund-020 in the custody of the state comptroller a new account to be
21 known as the "New York state emergency services revolving loan account".

22 2. The account shall consist of all moneys appropriated for its
23 purpose, all moneys transferred to such account pursuant to law, and all
24 moneys required by this section or any other law to be paid into or
25 credited to this account, including all moneys received by the account
26 or donated to it, payments of principal and interest on loans made from
27 the account, and any interest earnings which may accrue from the invest-
28 ment or reinvestment of moneys from the account.

29 3. Moneys of the account, when allocated, shall be available to the
30 [secretary of state] commissioner of the division of homeland security
31 and emergency services to make loans as provided in this section. Up to
32 five percent of the moneys of the account or two hundred fifty thousand
33 dollars, whichever is less, may be used to pay the expenses, including
34 personal service and maintenance and operation, in connection with the
35 administration of such loans.

36 4. (a) The [secretary of state] commissioner of the division of home-
37 land security and emergency services, on recommendation of the [emergen-
38 cy services loan board] state fire administrator, may make, upon appli-
39 cation duly made, up to the amounts available by appropriation, loans
40 for:

41 (i) Purchasing fire fighting apparatus. A loan for purchasing fire
42 fighting apparatus shall not exceed the lesser of two hundred twenty-
43 five thousand dollars or seventy-five percent of the cost of the fire
44 fighting apparatus; provided, however, that loans issued in response to
45 a joint application shall not exceed the lesser of four hundred thousand
46 dollars or seventy-five percent of the cost of the fire fighting appara-
47 tus.

48 (ii) Purchasing ambulances or rescue vehicles. A loan for purchasing
49 an ambulance or a rescue vehicle shall not exceed the lesser of one
50 hundred fifty thousand dollars or seventy-five percent of the cost of
51 the ambulance or rescue vehicle; provided, however, that loans issued in
52 response to a joint application shall not exceed the lesser of two
53 hundred sixty-five thousand dollars or seventy-five percent of the cost
54 of the ambulance or rescue vehicle.

55 (iii) Purchasing protective equipment or communication equipment. A
56 loan for purchasing protective equipment or communication equipment or

1 both shall not exceed one hundred thousand dollars. Communication equip-
2 ment purchased with such loan shall, to the maximum extent practicable,
3 be compatible with the communication equipment of adjacent services and
4 jurisdictions; provided, however, that loans issued in response to a
5 joint application shall not exceed one hundred sixty-five thousand
6 dollars.

7 (iv) Repairing or rehabilitating fire fighting apparatus, ambulances,
8 or rescue vehicles. A loan for repairing or rehabilitating fire fighting
9 apparatus, ambulances, or rescue vehicles shall not exceed the lesser of
10 seventy-five thousand dollars or one hundred percent of the cost of the
11 repair or rehabilitation; provided, however, that loans issued in
12 response to a joint application shall not exceed the lesser of one
13 hundred thirty-five thousand dollars or one hundred percent of the cost
14 of the repair or rehabilitation.

15 (v) Purchasing accessory equipment. A loan for purchasing accessory
16 equipment shall not exceed seventy-five thousand dollars; provided,
17 however, that loans issued in response to a joint application shall not
18 exceed one hundred thirty-five thousand dollars.

19 (vi) Renovating, rehabilitating or repairing facilities that house
20 firefighting equipment, ambulances, rescue vehicles and related equip-
21 ment. A loan for this purpose shall not exceed the lesser of one hundred
22 fifty thousand dollars or seventy-five percent of the cost of the
23 project; provided, however, that loans issued in response to a joint
24 application shall not exceed the lesser of two hundred sixty-five thou-
25 sand dollars or seventy-five percent of the cost of the project.

26 (vii) Construction costs associated with the establishment of facili-
27 ties that house firefighting equipment, ambulances, rescue vehicles and
28 related equipment. A loan for this purpose shall not exceed the lesser
29 of three hundred thousand dollars or seventy-five percent of the cost of
30 the construction, or be used for the payment of fees for design, plan-
31 ning, preparation of applications or other costs not directly attribut-
32 able to land acquisitions or construction; provided, however, that loans
33 issued in response to a joint application shall not exceed the lesser of
34 five hundred twenty-five thousand dollars or seventy-five percent of the
35 cost of the construction, or be used for the payment of fees for design,
36 planning, preparation of applications or other costs not directly
37 attributable to land acquisitions or construction.

38 (viii) Construction costs associated with the establishment of facili-
39 ties for the purpose of live fire training. A loan for this purpose
40 shall not be granted if another live fire training facility is located
41 within the boundaries of the county or within twenty-five miles. A loan
42 for this purpose shall not exceed the lesser of one hundred fifty thou-
43 sand dollars or seventy-five percent of the cost of construction,
44 provided, however, joint applications shall not exceed the lesser of two
45 hundred sixty-five thousand dollars or seventy-five percent of the cost
46 of construction or be used for the payment of fees for design, planning,
47 preparation of applications or other costs not directly attributable to
48 land acquisitions or construction.

49 (b) No loan authorized by this section shall have an interest rate
50 exceeding two and one-half percent. No applicant shall receive a loan
51 for any purpose under paragraph (a) of this subdivision more than once
52 in any five-year period; provided, however, that joint applicants may
53 receive up to two loans in any five year period. The minimum amount of
54 any loan shall be five thousand dollars. The period of any loan shall
55 not exceed the period of probable usefulness, prescribed by section
56 11.00 of the local finance law, for the emergency equipment to be

1 purchased with the proceeds of the loan or, if no period be there
2 prescribed, five years. The total amount of any interest earned by the
3 investment or reinvestment of all or part of the principal of any loan
4 made under this section shall be returned to the [secretary of state]
5 commissioner of the division of homeland security and emergency services
6 for deposit in the account and shall not be credited as payment of prin-
7 cipal or interest on the loan. The [secretary of state] commissioner of
8 the division of homeland security and emergency services may require
9 security for any loan and may specify the priority of liens against any
10 emergency equipment wholly or partially purchased with moneys loaned
11 under this section. The [secretary of state] commissioner of the divi-
12 sion of homeland security and emergency services may make loans under
13 this section subject to such other terms and conditions the [secretary]
14 commissioner of the division of homeland security and emergency services
15 deems proper.

16 (c) The [secretary of state] commissioner of the division of homeland
17 security and emergency services shall have the power to make such rules
18 and regulations as may be necessary and proper to effectuate the
19 purposes of this section.

20 (d) The [secretary of state] commissioner of the division of homeland
21 security and emergency services shall annually report by March fifteenth
22 to the governor and the legislature describing the activities and opera-
23 tion of the loan program authorized by this section. Such report shall
24 set forth the number of loan applications received and approved; the
25 number of joint applications received and approved; the names of coun-
26 ties, cities, towns, villages and fire districts receiving loans togeth-
27 er with the amount and purpose of the loan, the interest rate charged,
28 and the outstanding balance; and the balance remaining in the New York
29 state emergency services revolving loan account, along with fund reven-
30 ues and expenditures for the previous fiscal year, and projected reven-
31 ues and expenditures for the current and following fiscal years.

32 5. (a) Application for loans may be made by a town, village, city,
33 fire district, fire protection district, independent, not-for-profit
34 fire and ambulance corporation or county, other than a county wholly
35 contained within a city, provided that the application is otherwise
36 consistent with its respective powers. Applications may also be submit-
37 ted jointly by multiple applicants provided that the application is
38 otherwise consistent with each applicant's respective powers.

39 (b) Every application shall be in a form acceptable to the [secretary
40 of state] commissioner of the division of homeland security and emergen-
41 cy services. Every application shall accurately reflect the conditions
42 which give rise to the proposed expenditure and accurately reflect the
43 ability of the applicant to make such an expenditure without the
44 proceeds of a loan under this section.

45 (c) (i) The [emergency services loan board] commissioner of the divi-
46 sion of homeland security and emergency services shall give preference
47 to those applications which demonstrate the greatest need, joint appli-
48 cations, and to those applications the proceeds of which will be applied
49 toward attaining compliance with federal and state laws and may disap-
50 prove any application which contains no adequate demonstration of need
51 or which would result in inequitable or inefficient use of the moneys in
52 the account.

53 (ii) In making determinations on loan applications, the [emergency
54 services loan board] commissioner of the division of homeland security
55 and emergency services shall assure that loan fund moneys are equitably
56 distributed among all sectors of the emergency services community and

1 all geographical areas of the state. Loans for the purpose of personal
2 protective firefighting equipment shall be given preference for a period
3 of two years from the date the first loan is made. Not less than fifty
4 percent of the loans annually made shall be made to applicants whose
5 fire protection or ambulance service is provided by a fire department or
6 ambulance service whose membership is comprised exclusively of volun-
7 teers and whose budget for the fiscal year immediately preceding did not
8 exceed one hundred thousand dollars.

9 (d) [An application or joint application shall be referred by the
10 secretary of state to the emergency services loan board. The board shall
11 consist of the following thirteen members: the secretary of state as
12 chair, or the secretary's designee, the state fire administrator, five
13 members appointed by the governor, two members appointed by the tempo-
14 rary president of the senate, two members appointed by the speaker of
15 the assembly, one member appointed by the minority leader of the senate,
16 and one member appointed by the minority leader of the assembly. Each
17 member of the board shall serve at the pleasure of the appointing offi-
18 cial. Members of the board shall serve without salary or per diem allow-
19 ance, but shall be entitled to reimbursement for actual and necessary
20 expenses incurred in the performance of official duties under this
21 section, provided, however, that such members are not, at the time such
22 expenses are incurred, public employees otherwise entitled to such
23 reimbursement. Notwithstanding any inconsistent provisions of law,
24 general, special or local, no officer or employee of the state, or poli-
25 tical subdivision of the state, any governmental entity operating any
26 public school or college or other public agency or instrumentality or
27 unit of government which exercises governmental powers under the laws of
28 the state, shall forfeit office or employment by reason of acceptance or
29 appointment as a member, representative, officer, employee or agent of
30 the board nor shall service as such member, representative, officer,
31 employee or agent of the board be deemed incompatible or in conflict
32 with such office or employment.

33 (e) An application or joint application shall not be approved:

34 (i) if the applicant or applicants are in arrears on any prior loan
35 under this section,

36 (ii) if it shall be shown that at any time in the prior ten years the
37 applicant or applicants used state funds to repay all or part of any
38 loan made under this section.

39 [(f)] (e) The [emergency services loan board] commissioner of the
40 division of homeland security and emergency services shall, to the maxi-
41 mum extent feasible, and consistent with the other provisions of this
42 section, seek to provide that loans authorized by this section reflect
43 an appropriate geographic distribution, are distributed equitably and
44 encourage regional cooperation.

45 6. For purposes of this section, the following terms shall have the
46 accompanying meanings:

47 (a) "Fire companies" means (i) a fire company, the members of which
48 are firefighters, volunteer, paid or both, of a county, city, town,
49 village, fire district or fire department, or (ii) a fire corporation,
50 the members of which are firefighters, volunteer, paid or both, provid-
51 ing fire protection pursuant to a fire protection contract within a fire
52 protection district of a town.

53 (b) "Volunteer ambulance service" means an individual, partnership,
54 association, corporation, municipality or any legal or public entity or
55 subdivision thereof engaged in providing emergency medical services and
56 the transportation of sick, disabled or injured persons by motor vehi-

1 cle, aircraft or other form of transportation to or from facilities
2 providing hospital services which is (i) operating not for pecuniary
3 profit or financial gain, and (ii) no part of the assets or income of
4 which is distributable to, or inures to the benefit of, its members,
5 directors or officers.

6 (c) "Ambulance" means a motor vehicle designed, appropriately
7 equipped, and used for carrying sick or injured persons.

8 (d) "Accessory equipment" means equipment necessary to support the
9 ordinary functions of fire fighting, emergency medical services, or
10 rescue activities other than communication equipment, protective equip-
11 ment, and motor vehicles together with their fixtures and appointments.

12 (e) "Account" means the New York state emergency services revolving
13 loan account established by this section within the combined expendable
14 trust fund-020.

15 (f) "Communication equipment" means any voice or original transmission
16 system or telemetry system used to enhance fire fighter safety on the
17 grounds of a fire or other emergency.

18 (g) "Emergency equipment" means any or all of the following: ambu-
19 lances, accessory equipment, communication equipment, fire fighting
20 apparatus, protective equipment, and rescue vehicles.

21 (h) "Fire fighting apparatus" means elevated equipment, pumpers, tank-
22 ers, ladder trucks, hazardous materials emergency response vehicles, or
23 other such specially equipped motor vehicles used for fire protection,
24 together with the fixtures and appointments necessary to support their
25 functions.

26 (i) "Joint application" means an application submitted by two or more
27 towns, villages, cities, fire districts, fire protection districts,
28 not-for-profit fire and ambulance corporations or counties, other than a
29 county wholly contained within a city, for any purposes provided in
30 subdivision four of this section.

31 (j) "Protective equipment" means any clothing and devices that comply
32 with occupational safety and health administration standards (federal
33 occupational safety and health act regulations) used to protect person-
34 nel who provide emergency services from injury while performing their
35 functions, including, but not limited to, helmets, coats, boots, eyesh-
36 ields, gloves and self contained respiratory protection devices.

37 (k) "Rescue vehicle" means a motor vehicle, other than an ambulance or
38 fire fighting apparatus, appropriately equipped and used to support fire
39 department operations and includes a vehicle specifically for carrying
40 accessory equipment.

41 § 36. Section 326 of the county law, as added by section 1 of part G
42 of chapter 81 of the laws of 2002, is amended to read as follows:

43 § 326. New York state [911] interoperable and emergency communication
44 board. The "New York state [911] interoperable and emergency communi-
45 cation board" is hereby established within the [department of state]
46 division of homeland security and emergency services. The board shall
47 assist local governments, service suppliers, wireless telephone service
48 suppliers and appropriate state agencies by facilitating the most effi-
49 cient and effective routing of 911 emergency calls; developing minimum
50 standards for public safety answering points; promoting the exchange of
51 information, including emerging technologies; and encouraging the use of
52 best practice standards among the public safety answering point communi-
53 ty.

54 § 37. Section 328 of the county law is amended by adding a new subdi-
55 vision 10 to read as follows:

1 10. The New York state interoperable and emergency communication board
2 shall advise the commissioner of the division of homeland security and
3 emergency services on priorities and approval of all interoperable
4 expenditures and requests for expenditure of grants and other funding
5 programs related to interoperable communications. In carrying out this
6 responsibility, and consistent with the mission of the division of home-
7 land security and emergency services, the board will provide guidance
8 related to the development, coordination and implementation of policies,
9 plans, standards, programs and services related to interoperable and
10 emergency communications.

11 § 38. Section 327 of the county law, as added by section 1 of part G
12 of chapter 81 of the laws of 2002, subdivision 5 as amended by section 2
13 of part Y of chapter 62 of the laws of 2003, is amended to read as
14 follows:

15 § 327. New York state [911] interoperable and emergency communication
16 board membership. 1. The board shall consist of [thirteen] twenty-five
17 members who shall be selected as follows:

18 (a) one shall be the [secretary of state] statewide interoperable and
19 emergency communication coordinator, or his or her designee, who shall
20 be the chairperson of the board;

21 (b) one shall be the commissioner of criminal justice services, or his
22 or her designee;

23 (c) [five] one shall be the superintendent of the state police, or his
24 or her designee;

25 (d) one shall be the adjutant general of the division of military and
26 naval affairs, or his or her designee;

27 (e) one shall be the commissioner of the division of homeland security
28 and emergency services, or his or her designee;

29 (f) one shall be the commissioner of the department of transportation,
30 or his or her designee;

31 (g) one shall be the commissioner of the department of health, or his
32 or her designee;

33 (h) one shall be the director of the office for technology, or his or
34 her designee;

35 (i) seven shall be appointed by the governor; provided, however, that
36 no more than two such appointments made pursuant to this paragraph shall
37 be from the same category of members as provided for in subdivision two
38 of this section;

39 [(d) three] (j) five shall be appointed by the governor upon the
40 recommendation of the temporary president of the senate; provided,
41 however, that no more than one such appointment made pursuant to this
42 paragraph shall be from the same category of members as provided for in
43 subdivision two of this section; and

44 [(e) three] (k) five shall be appointed by the governor upon the
45 recommendation of the speaker of the assembly; provided, however, that
46 no more than one such appointment made pursuant to this paragraph shall
47 be from the same category of members as provided for in subdivision two
48 of this section.

49 2. The members appointed upon the recommendation of the temporary
50 president of the senate and the speaker of the assembly, and the members
51 appointed by the governor pursuant to paragraph (c) of subdivision one
52 of this section, shall be representative of chiefs of police, sheriffs,
53 fire chiefs and departments, ambulance service providers, including
54 proprietary or volunteer ambulance services, county 911 coordinators,
55 emergency managers, local elected officials, non-governmental organiza-
56 tions specializing in disaster relief, tribal nation representation, and

1 statewide first responder associations, wireless telephone service
2 suppliers, service suppliers or representatives of consumer interests.

3 3. Each board member shall be appointed for a term of four years.
4 Vacancies in the board occurring otherwise than by expiration of a term
5 shall be filled for the unexpired term in the same manner as the
6 original appointment. The board shall meet as frequently as it may deem
7 necessary and at least four times each year on such dates as agreed upon
8 by the board. The board may approve and from time to time amend bylaws
9 in relation to its meetings and the transaction of its business. A
10 majority of the members of the board then in office shall constitute a
11 quorum for the transaction of any business or the exercise of any power
12 by the board.

13 4. Members of the board shall receive no compensation for their
14 services, but shall be reimbursed for actual and necessary expenses
15 incurred by them in the performance of their duties. Notwithstanding any
16 inconsistent provisions of law, no officer or employee of the state or
17 any political subdivision of the state shall forfeit such office or
18 employment by reason of acceptance or appointment as a member of the
19 board. For purposes of section thirteen of article thirteen of the state
20 constitution, membership on the board by a sheriff shall not constitute
21 public office.

22 5. Article two of the state administrative procedure act shall not
23 apply, provided, however, that the board shall publicly post the stand-
24 ards proposed pursuant to section three hundred twenty-eight of this
25 article no later than forty-five days prior to their adoption. Such
26 standards shall be posted in appropriate publications, the state regis-
27 ter and on the [department of state's] division of homeland security and
28 emergency services' website. During such forty-five day period, the
29 board shall receive and consider public comment on the proposed stand-
30 ards before adopting final standards. Upon final adoption, those stand-
31 ards adopted pursuant to section three hundred twenty-eight of this
32 article shall be posted in appropriate publications, the state register
33 and on the [department of state's] division of homeland security and
34 emergency services' website.

35 6. The board shall be subject to articles six and seven of the public
36 officers law.

37 § 39. Section 328-a of the county law is REPEALED.

38 § 40. Section 328-b of the county law, as added by section 1 of part G
39 of chapter 81 of the laws of 2002, is amended to read as follows:

40 § 328-b. Powers and duties of the chairperson. 1. The chairperson of
41 the board shall coordinate efforts among other executive agencies having
42 an interest in the duties of the board, and shall consult with such
43 agencies in carrying out the duties of the board.

44 2. The chairperson shall receive such assistance as required to carry
45 out its duties from staff of the [department of state] division of home-
46 land security and emergency services designated for such purposes, as
47 well as staff members recommended by other state agencies to the chair-
48 person.

49 3. The board may request and receive from any department, division,
50 board, bureau, commission, or other agency of the state or any political
51 subdivision thereof such assistance, information, and data as will
52 enable the board to properly carry out its functions, powers, and duties
53 under this article.

54 § 41. Section 331 of the county law is REPEALED.

55 § 42. Section 332 of the county law is REPEALED.

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

4 (c) [To fund costs associated with the design, construction, and oper-
5 ation of the statewide wireless network annually pursuant to appropri-
6 ation by the legislature] Up to the sum of seventy-five million dollars
7 annually may be used for the provision of grants or reimbursements to
8 counties for the development, consolidation, or operation of public
9 safety communications systems or networks designed to support statewide
10 interoperable communications for first responders, to be distributed
11 pursuant to standards and guidelines issued by the state. Annual grants
12 may consider costs borne by a municipality related to the issuance of
13 local public safety communications bonds pursuant to section twenty-four
14 hundred thirty-two of the public authorities law, when the municipality
15 has qualified as an approved participant in a statewide interoperable
16 communications system under the standards and guidelines issued by the
17 state, and maintains compliance with such standards and guidelines. The
18 grant amount will be prescribed pursuant to an agreement with the muni-
19 cipality, and may not exceed thirty percent of the annual cost borne by
20 the municipality in relation to such bonds;

21 § 44. Paragraphs (d) and (e) of subdivision 6 of section 186-f of the
22 tax law, as added by section 3 of part B of chapter 56 of the laws of
23 2009, are amended and a new paragraph (f) is added to read as follows:

24 (d) Not less than the sum of ten million dollars annually must be
25 disbursed pursuant to article six-A of the county law and appropriated
26 by the legislature; [and]

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

31 (f) services and expenses that support the operations and mission of
32 the division of homeland security and emergency services as appropriated
33 by the legislature.

34 § 45. Section 156-e of the executive law, as added by section 2 of
35 part A of chapter 81 of the laws of 2002, is amended to read as follows:

36 § 156-e. College fire safety. 1. Notwithstanding the provisions of any
37 law to the contrary, the office of fire prevention and control of the
38 division of homeland security and emergency services, by and through the
39 state fire administrator or their duly authorized officers and employ-
40 ees, shall have the responsibility to annually inspect buildings under
41 the jurisdiction of public colleges and independent colleges, as these
42 terms are defined in section eight hundred seven-b of the education law,
43 for compliance with and violations of the uniform fire prevention and
44 building code; or any other applicable code, rule or regulation pertain-
45 ing to fire safety. Buildings subject to inspection are all buildings
46 under the jurisdiction of such colleges used for classroom, dormitory,
47 fraternity, sorority, laboratory, physical education, dining, recre-
48 ational or other purposes.

49 2. a. The office of fire prevention and control shall have the power
50 to issue a notice of violation and orders requiring the remedying of any
51 condition found to exist in, on or about any such building which
52 violates the uniform fire prevention and building code, or any other
53 code, rule or regulation pertaining to fire safety, fire safety equip-
54 ment and fire safety devices. Such office is further authorized to
55 promulgate regulations regarding the issuance of violations, compliance

1 with orders, and providing for time for compliance, reinspection proce-
2 dures, and issuance of certificates of conformance.

3 b. Where any college authority in general charge of the operation of
4 any public or independent college buildings is served personally or by
5 registered or certified mail with an order of the office of fire
6 prevention and control to remedy any violation and fails to comply with
7 such order immediately or within such other time as specified in the
8 order, the office of fire prevention and control may avail itself of any
9 or all of the following remedies: (1) assess a civil penalty of up to
10 five hundred dollars per day until the violation is corrected; (2) order
11 immediate closure of the building, buildings or parts thereof where a
12 violation exists that poses an imminent threat to public health and
13 safety; (3) exercise all of the authority conferred upon the [secretary
14 of state] state fire administrator pursuant to article eighteen of this
15 chapter to obtain compliance with its orders; or (4) refer violations to
16 the appropriate local government authorities for enforcement pursuant to
17 article eighteen of this chapter.

18 c. The office of fire prevention and control [by and through the
19 secretary of state] is authorized to commence necessary proceedings in a
20 court of competent jurisdiction seeking enforcement of any of its orders
21 and payment of assessed penalties.

22 3. a. Except as provided herein, any county, city, town or village,
23 pursuant to resolution of their respective legislative bodies, may apply
24 to the office of fire prevention and control for delegation of all or
25 part of the duties, rights and powers conferred upon the office of fire
26 prevention and control by this section and section eight hundred seven-b
27 of the education law. Upon acceptable demonstration of adequate capabil-
28 ity, resources and commitment on the part of the applicant local govern-
29 ment, the office of fire prevention and control may make such deleg-
30 ation, in which case the local government shall also have all of the
31 rights, duties and powers provided to local governments in article eigh-
32 teen of this chapter and in any city charter or code. The authority
33 granted in this section to assess civil penalties, order closure of
34 buildings and take action possessed by the [secretary of state] state
35 fire administrator under article eighteen of this chapter, shall not be
36 delegated to the local government. Such powers shall continue in the
37 office of fire prevention and control which may exercise them in the
38 case of violations, on its own volition or at the request of the delegee
39 local government. The delegation shall expire after three years, and may
40 be renewed at the discretion of the office of fire prevention and
41 control. All inspection reports conducted pursuant to a delegation of
42 authority shall be promptly filed with the office of fire prevention and
43 control. In the event any such report is not filed or reasonable grounds
44 exist to believe that inspections or enforcement are inadequate or inef-
45 fective, the office of fire prevention and control may revoke the deleg-
46 ation or continue it subject to terms and conditions specified by the
47 office of fire prevention and control.

48 b. The authorities in a city having a population of one million or
49 more shall exercise all of the rights, powers and duties pertaining to
50 inspection of independent and public college buildings and enforcement
51 provided in this section and section eight hundred seven-b of the educa-
52 tion law, without impairing any existing authority of such city. A copy
53 of all inspection reports shall be filed with the office of fire
54 prevention and control by the authorities conducting inspections.

1 § 46. Subdivision 2 and paragraph (b) of subdivision 3 of section
2 837-o of the executive law, as amended by chapter 689 of the laws of
3 2002, are amended to read as follows:

4 2. Within ten business days of receipt from the applicant, the chief
5 of the fire company shall send the completed search request form to
6 either (i) the sheriff's department of the county in which the fire
7 company is located, or (ii) the [department of state,] office of fire
8 prevention and control, as follows:

9 (a) the sheriff's department of the county in which the fire company
10 is located shall be responsible for receiving the search requests and
11 processing the search requests with the division within ten business
12 days of receipt from the chief of the fire company, unless the county
13 legislative body adopts and files with the [secretary of state] office
14 of fire prevention and control pursuant to the municipal home rule law a
15 local law providing that the sheriff's department shall not have such
16 responsibility;

17 (b) in all other instances where a county legislative body has adopted
18 a local law pursuant to paragraph (a) of this subdivision, the [depart-
19 ment of state,] office of fire prevention and control shall be responsi-
20 ble for receiving search requests and forwarding the search requests to
21 the division.

22 The [department of state,] office of fire prevention and control is
23 hereby authorized to establish a communication network with the division
24 for the purpose of forwarding search requests and receiving search
25 results pursuant to paragraph (b) of this subdivision.

26 (b) The results of the search shall be communicated in writing, within
27 ten business days of receipt from the division, to the chief of the fire
28 company from which the search request originated by either the sheriff's
29 department or the [department of state,] office of fire prevention and
30 control, and shall be kept confidential by the chief, except as provided
31 in paragraph (c) of this subdivision. The results of the search shall
32 only state either that: (i) the applicant stands convicted of arson, or
33 (ii) the applicant has no record of conviction for arson. The results of
34 the search shall not divulge any other information relating to the crim-
35 inal history of the applicant.

36 § 47. Subdivisions 1 and 2 of section 225-a of the county law, as
37 amended by chapter 225 of the laws of 1979, are amended to read as
38 follows:

39 1. In order to develop and maintain programs for fire training, fire
40 service-related activities and mutual aid in cases of fire and other
41 emergencies in which the services of firemen would be used and to coop-
42 erate with the office of fire prevention and control [in the department
43 of state] in furthering such programs, the board of supervisors of any
44 county may create a county fire advisory board and may establish the
45 office of county fire coordinator.

46 2. A county fire advisory board shall consist of not less than five
47 nor more than twenty-one members, each of whom shall be appointed by the
48 board of supervisors for a term of not to exceed one year, two years or
49 three years. Such terms of office need not be the same for all members.
50 It shall be the duty of such board to cooperate with the office of fire
51 prevention and control [in the department of state] in relation to such
52 programs for fire training, fire service-related activities and mutual
53 aid; to act as an advisory body to the board of supervisors and to the
54 county fire coordinator, if any, in connection with the county partic-
55 ipation in such programs for fire training, fire service-related activ-
56 ities and mutual aid and in connection with the county establishment and

1 maintenance of a county fire training school and mutual aid programs in
2 cases of fire and other emergencies in which the services of firemen
3 would be used; to perform such other duties as the board of supervisors
4 may prescribe in relation to fire training, fire service-related activ-
5 ities and mutual aid in cases of fire and other emergencies in which the
6 services of firemen would be used. The members of such board shall be
7 county officers, and shall serve without compensation.

8 § 48. Section 399-n of the general business law, as added by chapter
9 576 of the laws of 1985, is amended to read as follows:

10 § 399-n. Approval of electrical devices. Whenever electrical devices
11 or electrical wiring or electrical apparatus are required to be approved
12 by underwriters laboratories for fire safety by any statute, law, rule
13 or regulation, of the state or any municipality thereof, approval by any
14 qualified laboratory or testing organization that tests for fire safety
15 in the state of New York will be deemed to be satisfaction of such
16 requirement. For the purposes of this section, a qualified laboratory or
17 testing organization is one which meets the criteria of (1) the American
18 Society for Testing Materials test E548-76, or (2) any rules or regu-
19 lations relating thereto that may be promulgated by [the office of fire
20 prevention and control of] the department of state.

21 § 49. Section 204-d of the general municipal law, as amended by chap-
22 ter 583 of the laws of 2006, is amended to read as follows:

23 § 204-d. Duties of the fire chief. The fire chief of any fire depart-
24 ment or company shall, in addition to any other duties assigned to him
25 by law or contract, to the extent reasonably possible determine or cause
26 to be determined the cause of each fire or explosion which the fire
27 department or company has been called to suppress. He shall file with
28 the office of fire prevention and control [of the department of state] a
29 report containing such determination and any additional information
30 required by such office regarding the fire or explosion. The report
31 shall be in the form designated by such office. He shall contact or
32 cause to be contacted the appropriate investigatory authority if he has
33 reason to believe the fire or explosion is of incendiary or suspicious
34 origin. For all fires that are suspected to have been ignited by a ciga-
35 rette, within fourteen days after completing the investigation into such
36 fire, the fire chief shall forward to [the office of fire prevention and
37 control] the department of state information detailing, to the extent
38 possible: (a) the specific brand and style of the cigarette suspected of
39 having ignited such fire; (b) whether the cigarette package was marked
40 as required by subdivision six of section one hundred fifty-six-c of the
41 executive law; and (c) the location and manner in which such cigarette
42 was purchased.

43 § 50. Subdivisions 1 and 2 of section 209-e of the general municipal
44 law, as amended by chapter 225 of the laws of 1979, are amended to read
45 as follows:

46 1. Plan. The state fire administrator shall prepare a state fire mobi-
47 lization and mutual aid plan which may provide for the establishment of
48 fire mobilization and mutual aid zones of the state. Upon filing of the
49 plan in the office [of the department of state] of fire prevention and
50 control such plan shall become the state fire mobilization and mutual
51 aid plan. Such plan may be amended from time to time in the same manner
52 as originally adopted.

53 2. Regional fire administrators. The state fire administrator may
54 appoint and remove a regional fire administrator for each fire mobiliza-
55 tion and mutual aid zone established pursuant to the state fire mobili-
56 zation and mutual aid plan. Before he enters on the duties of the

1 office, each regional fire administrator shall take and subscribe before
2 an officer authorized by law to administer oaths the constitutional oath
3 of office, which shall be administered and certified by the officer
4 taking the same without compensation and shall be filed in the office of
5 [the department of state] fire prevention and control.

6 § 51. Subdivision (b) of section 318 of the insurance law is amended
7 to read as follows:

8 (b) The information contained in such reports shall, in accordance
9 with such regulations, be available to law enforcement agencies, to tax
10 districts which have, pursuant to the provisions of section twenty-two
11 of the general municipal law, filed with the superintendent a notice of
12 intention to claim against the proceeds of a policy of fire insurance,
13 to the office of fire prevention and control [of the department of
14 state,] and to appropriate governmental agencies charged with the
15 responsibility for demolition of structures.

16 § 52. Section 54-e of the state finance law, as added by chapter 741
17 of the laws of 1978, paragraph g of subdivision 1 as amended by chapter
18 225 of the laws of 1979, is amended to read as follows:

19 § 54-e. State assistance to reimburse municipalities for firefighting
20 costs. 1. As used in this section, unless otherwise expressly stated:

21 a. "Normal operating expenses" shall mean those costs, losses and
22 expenses which are ordinarily associated with the maintenance, adminis-
23 tration and day-to-day operations of the fire department of a munici-
24 pality. Such expenses shall include, but not be limited to, the ordinary
25 wages of firefighters, administrative and other overhead costs, depreci-
26 ation, the costs of litigation and the costs of employee's benefits,
27 including insurance, disability, death, or health care whether or not
28 such costs are incurred as the result of firefighting services rendered
29 to property under the jurisdiction of the state of New York.

30 b. "Firefighting costs" shall mean those expenses and losses which
31 would not have been incurred had not the fire in question taken place.
32 Such costs shall include, but not be limited to, salaries for specially
33 employed personnel, costs of supplies expended, and the lesser of (1)
34 the cost of repairing any destroyed or damaged equipment or (2) the
35 value of such equipment immediately preceding the fire. Firefighting
36 costs shall not include: normal operating expenses as defined herein,
37 any firefighting cost for which the municipality is reimbursed under a
38 policy of insurance or any costs associated with false alarms, regard-
39 less of cause.

40 c. "Claim" shall mean that amount which is equal to those firefighting
41 costs incurred by a municipality to the extent that such costs exceed
42 the sum of two hundred fifty dollars.

43 d. "Fire" shall mean any instance of destructive and uncontrolled
44 burning on property under the jurisdiction of the state of New York
45 including scorch burns and explosions of combustible dust or solids,
46 flammable liquids and gases.

47 e. "Municipality" shall mean any county, city, village, town or fire
48 district, having a fire department consisting of personnel, apparatus
49 and equipment which has as its purpose protecting property and maintain-
50 ing the safety and welfare of the public from the dangers of fire, or,
51 in the case of a fire protection district or that portion of a town
52 outside a village or fire district, a fire company as defined in section
53 three of the volunteer [firemen's] firefighters' benefit law. The
54 personnel of any such fire department may be paid employees or unpaid
55 volunteers or any combination thereof.

1 f. "Property under the jurisdiction of the state of New York" shall
2 mean real property and improvements thereon and appurtenances thereto in
3 which the state of New York holds legal fee simple title and further,
4 any real property conveyed or made available to the New York state hous-
5 ing finance agency or the dormitory authority of the state of New York
6 under agreements for the financing and construction of facilities for
7 the state university of New York; provided however, with the exception
8 of property occupied by the state university of New York, such property
9 shall not include leasehold interest; provided further, such property
10 shall not include any property for which a municipality receives any
11 payments-in-lieu of taxes or any other payments, including real property
12 taxes, that are or may be used for providing fire protection to such
13 property.

14 [g. "Secretary" shall mean the secretary of state or the state fire
15 administrator as his designee.]

16 2. Any municipality whose fire department has responded to a fire on
17 property under the jurisdiction of the state of New York:

18 a. shall, within thirty days after such fire, submit a report, on a
19 form prescribed by the [secretary of state] office of fire prevention
20 and control, to the [secretary] office of fire prevention and control
21 stating the location of such a fire and the firefighting costs incurred
22 while fighting such a fire; and

23 b. may, within thirty days after such a fire, submit a claim, on a
24 form prescribed by the [secretary of state,] office of fire prevention
25 and control to the [secretary] office of fire prevention and control
26 pursuant to the provisions of this section.

27 3. The [secretary] office of fire prevention and control shall review
28 each claim to determine if such claim shall be approved, reduced,
29 amended or rejected and shall notify the municipality, within sixty days
30 of receipt of such claim, as to his determination. The municipality
31 shall notify the [secretary,] office of fire prevention and control
32 within thirty days after receipt of the [secretary's] office of fire
33 prevention and control's notification, as to its acceptance or rejection
34 of such determination. Failure to so notify the [secretary] office of
35 fire prevention and control shall constitute an acceptance of the deter-
36 mination. If accepted by the municipality, such acceptance shall consti-
37 tute the final and conclusive determination for such claim. If rejected
38 by the municipality, such municipality shall resubmit its claim, within
39 thirty days after receipt of the [secretary's] office of fire prevention
40 and control's notification, together with its reasons for objection and
41 any additional documentation which may justify its claim. Upon receipt
42 of a resubmitted claim, the [secretary] office of fire prevention and
43 control shall review such claim and within sixty days of receipt of such
44 resubmitted claim, make a final determination as to the amount to be
45 approved for such claim. If the municipality shall dispute such final
46 determination it may commence an action, within sixty days of such final
47 determination, in the court of claims which shall have jurisdiction to
48 adjudicate the claim and enter judgment, which judgment shall be a final
49 determination for purposes of this section and shall be payable in
50 accordance with the provisions of subdivisions four and five of this
51 section.

52 4. The [secretary] office of fire prevention and control shall certify
53 all claims for which a final determination has been made. The [secre-
54 tary] office of fire prevention and control shall submit all claims
55 certified during the preceding year to the comptroller of the department
56 of audit and control on or before April first of each year. Any claim

1 that has been received prior to April first of such year, but for which
2 no certification has been made, shall, for purposes of payment, be
3 considered as a claim for the year in which such certification is made.

4 5. All claims certified by the [secretary] office of fire prevention
5 and control shall be paid annually and shall be paid upon a warrant from
6 the comptroller from funds appropriated in the local assistance fund. In
7 the event such appropriation is insufficient to permit the aggregate
8 annual payments authorized under this section, each municipality's
9 payment for any claim or claims certified during the preceding year
10 shall be decreased proportionally until the total payments are equal to
11 the amount appropriated.

12 6. The chief fiscal officer of the municipality shall pay the amounts
13 received under this section into the fund or funds from which moneys
14 were expended to provide the firefighting services for which a
15 reimbursement was made under this section.

16 7. This section shall not in any way impair, limit or modify the
17 rights and obligations of any insurer under any policy of insurance.

18 8. The [secretary of state] office of fire prevention and control
19 shall annually prepare a report on the effectiveness of this section and
20 shall submit such report to the legislature. Such report shall include
21 the number and location of any fire on property under the jurisdiction
22 of the state of New York, the number of claims and the amount of each
23 such claim filed pursuant to this section and further, the total amount
24 of all claims filed and the total amount of payments made under the
25 provisions of this section. The first such report shall be submitted to
26 the legislature on or before June first, nineteen hundred seventy-nine.

27 § 53. Subdivisions 4 and 5 of section 99-q of the state finance law,
28 as added by chapter 490 of the laws of 2009, are amended to read as
29 follows:

30 4. Monies shall be payable from the fund on the audit and warrant of
31 the comptroller on vouchers approved and certified by the [secretary of
32 state upon the recommendation of the office of fire prevention and
33 control] state fire administrator.

34 5. To the extent practicable, the [secretary of state] state fire
35 administrator shall ensure that all monies received during a fiscal year
36 are expended prior to the end of that fiscal year.

37 § 54. Subdivision 1 of section 115-a of the vehicle and traffic law,
38 as amended by chapter 225 of the laws of 1979, is amended to read as
39 follows:

40 1. a vehicle operated by officials of the office of fire prevention
41 and control [in the department of state],

42 § 55. Subdivision 79 of section 2.10 of the criminal procedure law, as
43 added by chapter 241 of the laws of 2004, is amended to read as follows:

44 79. Supervisors and members of the arson investigation bureau and fire
45 inspection bureau of the [department of state's] office of fire
46 prevention and control when acting pursuant to their special duties in
47 matters arising under the laws relating to fires, their prevention,
48 extinguishment, investigation thereof, and fire perils; provided, howev-
49 er, that nothing in this subdivision shall be deemed to authorize such
50 employees to carry, possess, repair, or dispose of a firearm unless the
51 appropriate license therefor has been issued pursuant to section 400.00
52 of the penal law.

53 § 56. The executive law is amended by adding a new section 100-c to
54 read as follows:

55 § 100-c. Fire safety standards for cigarettes. 1. Definitions. As
56 used in this section, a. "Cigarette" shall mean any roll for smoking

1 made wholly or in part of tobacco or of any other substance, irrespec-
2 tive of size or shape and whether or not such tobacco or substance is
3 flavored, adulterated or mixed with any other ingredient, the wrapper or
4 cover of which is made of paper or any other substance or material
5 except tobacco.

6 b. "Sell" shall mean to sell, or to offer or agree to do the same.

7 2. a. Within two years after the effective date of this section, the
8 department of state shall promulgate fire safety standards for ciga-
9 rettes sold or offered for sale in this state. Such standards shall take
10 effect as provided in subdivision four of this section and shall insure
11 either:

12 (1) that such cigarettes, if ignited, will stop burning within a time
13 period specified by the standards if the cigarettes are not smoked
14 during that period; or

15 (2) that such cigarettes meet performance standards prescribed by the
16 department of state to limit the risk that such cigarettes will ignite
17 upholstered furniture, mattresses or other household furnishings.

18 b. In promulgating fire safety standards for cigarettes pursuant to
19 this section, the department of state, in consultation with the depart-
20 ment of health, shall consider whether cigarettes manufactured in
21 accordance with such standards may reasonably result in increased health
22 risks to consumers.

23 c. The department of state shall be responsible for administering the
24 provisions of this section.

25 d. The department of state shall report to the governor and the legis-
26 lature no later than eighteen months after the effective date of this
27 section on the status of its work in promulgating the fire safety stand-
28 ards required by this subdivision.

29 e. When a cigarette is suspected of having ignited a fire, and the
30 department of state receives information regarding the brand and style
31 of such cigarette pursuant to section two hundred four-d or section
32 ninety-one-a of the general municipal law, and where such brand and
33 style had been previously certified pursuant to subdivision three of
34 this section and the package has been marked as required by subdivision
35 six of this section, the department of state shall conduct random test-
36 ing on cigarettes of the same brand and style in order to determine
37 whether such cigarettes meet the fire safety standards mandated by this
38 section; provided however that such testing shall not be required if the
39 department of state has tested such brand and style within the preceding
40 three months.

41 3. On and after the date the fire safety standards take effect in
42 accordance with subdivision four of this section, no cigarettes shall be
43 sold or offered for sale in this state unless the manufacturer thereof
44 has certified in writing to the department of state that such cigarettes
45 meet the performance standards prescribed by the department of state
46 pursuant to subdivision two of this section.

47 a. Such certifications must be based upon testing conducted by a labo-
48 ratory that has been accredited pursuant to Standard ISO/IEC 17025 of
49 the international organization for standardization, or such other compa-
50 rable accreditation standard as the department of state shall require by
51 regulation.

52 b. Such certification shall be signed by an officer of the manufactur-
53 er and shall contain for each cigarette brand style such information as
54 shall be deemed necessary by the department of state, including but not
55 limited to: (i) the brand and style; (ii) length in millimeters; (iii)
56 circumference in millimeters; (iv) flavor, if applicable; (v) filter or

1 non-filter; (vi) package description; (vii) the name, address and tele-
2 phone number of the laboratory, if different than the manufacturer that
3 conducted the test; (viii) the date that the testing occurred; and (ix)
4 a notarized statement from an officer or director of the laboratory
5 certifying that the cigarette meets the performance standards prescribed
6 by the department of state.

7 c. If a manufacturer has certified a cigarette pursuant to this subdi-
8 vision, and thereafter makes any change to such cigarette that is likely
9 to alter its compliance with the fire safety standards mandated by this
10 section, then before such cigarette may be sold or offered for sale in
11 this state such manufacturer shall retest such cigarette in accordance
12 with the testing standards prescribed by the department of state and
13 maintain records of such retesting as required by subdivision seven of
14 this section. Any such altered cigarette which does not meet the
15 performance standard prescribed by the department of state may not be
16 sold in the state. Copies of such written certifications shall be
17 provided by the certifying manufacturer to all wholesale dealers, as
18 defined in subdivision eight of section four hundred seventy of the tax
19 law, and all agents, as defined in subdivision eleven of section four
20 hundred seventy of the tax law. The department of state shall prescribe
21 procedures by which stamping agents, wholesale dealers or retail dealers
22 are notified of which cigarettes have been certified by manufacturers as
23 meeting the performance standards prescribed by the department of state,
24 which may include the maintenance of a website listing certified ciga-
25 rette brands and styles.

26 4. The fire safety standards required pursuant to subdivision two of
27 this section shall take effect on such date as the department of state
28 shall specify in promulgating such standards and such date shall be the
29 earliest practicable date by which manufacturers of cigarettes can
30 comply with such standards; provided, however, that such date shall not
31 be later than one hundred eighty days after such standards are promul-
32 gated. On and after such date, no person or entity shall sell in this
33 state cigarettes that have not been certified by the manufacturer in
34 accordance with subdivision three of this section or that have not been
35 marked in the manner required by subdivision six of this section;
36 provided, however, that nothing in this subdivision shall be construed
37 to prohibit any person or entity from selling or offering for sale ciga-
38 rettes that have not been certified by the manufacturer in accordance
39 with subdivision three of this section and have not been marked in the
40 manner required by subdivision six of this section if such cigarettes
41 are or will be stamped for sale in another state or are packaged for
42 sale outside the United States.

43 5. a. Any wholesale dealer, as defined in subdivision eight of section
44 four hundred seventy of the tax law, or any agent, as defined in subdi-
45 vision eleven of section four hundred seventy of the tax law, or any
46 other person or entity who knowingly sells or offers to sell cigarettes
47 in violation of subdivision four of this section shall be subject to a
48 civil penalty not to exceed one hundred dollars for each pack of such
49 cigarettes sold or offered for sale provided that in no case shall the
50 penalty against any wholesale dealer exceed one hundred thousand dollars
51 for sales or offers to sell during any thirty day period. Any retail
52 dealer, as defined in subdivision nine of section four hundred seventy
53 of the tax law, who knowingly sells or offers to sell cigarettes in
54 violation of subdivision four of this section shall be subject to a
55 civil penalty not to exceed one hundred dollars for each pack of such
56 cigarettes sold or offered for sale, provided that in no case shall the

1 penalty against any retail dealer exceed twenty-five thousand dollars
2 for sales or offers to sell during any thirty day period. Any person
3 engaged in the business of selling cigarettes in or for shipment into
4 New York who possesses cigarettes that have not been certified or marked
5 in accordance with the requirements of this section shall be deemed to
6 be offering such cigarettes for sale in New York. An agent licensed in
7 more than one state may rebut such presumption by establishing: (i) that
8 such cigarettes have been physically segregated from cigarettes offered
9 for sale in New York; and (ii) no New York tax stamps have been placed
10 on any cigarettes that have not been certified or marked in accordance
11 with this section. In addition to any penalties imposed by this section
12 the commissioner of taxation and finance, after an opportunity for a
13 hearing has been afforded pursuant to subdivision five of section four
14 hundred eighty of the tax law, shall suspend for six months the license
15 of any agent issued pursuant to section four hundred seventy-two of the
16 tax law, the license of any wholesale dealer issued pursuant to section
17 four hundred eighty of the tax law, or the registration of any retail
18 dealer issued pursuant to section four hundred eighty-a of the tax law,
19 when such agent, wholesale dealer or retail dealer violates this section
20 three or more times within a three year period, provided such violations
21 occurred on at least three separate calendar days.

22 b. In addition to any penalty prescribed by law, any corporation,
23 partnership, sole proprietor, limited partnership, association or any
24 other business entity engaged in the manufacture of cigarettes that
25 knowingly makes a false certification pursuant to subdivision three of
26 this section shall be subject to a civil penalty of at least seventy-
27 five thousand dollars and not to exceed two hundred fifty thousand
28 dollars for each such false certification, and any entity that fails to
29 pay a civil penalty imposed pursuant to this paragraph within thirty
30 days after such penalty is imposed, shall be subject to a bar from sell-
31 ing cigarettes covered by that false certification in this state until
32 the state receives full payment of such penalty.

33 c. There is hereby established in the custody of the state comptroller
34 a special fund to be known as the "cigarette fire safety act fund". Such
35 fund shall consist of all moneys recovered from the assessment of civil
36 penalties authorized by this subdivision. Such monies shall be deposit-
37 ed to the credit of the fund and shall, in addition to any other moneys
38 made available for such purpose, be available to the department of state
39 for the purpose of fire safety and prevention programs. All payments
40 from the cigarette fire safety act fund shall be made on the audit and
41 warrant of the state comptroller on vouchers certified and submitted by
42 the state fire administrator.

43 6. No cigarettes shall be distributed, sold or offered for sale in
44 this state unless the manufacturer has placed on each individual package
45 the letters "FSC" which signifies fire standards compliant. Such letters
46 shall appear in eight point type and be permanently printed, stamped,
47 engraved or embossed on the package at or near the UPC code, if present.
48 Any package containing such symbol is deemed to be in compliance with
49 the department of state regulations set forth in 19 NYCRR 429.8.

50 7. a. Each manufacturer shall maintain copies of the reports of all
51 tests conducted on all cigarettes for a period of three years, and shall
52 make copies of such reports available to the department of state and the
53 attorney general upon written request; provided, however, that any
54 manufacturer that fails to make copies of such reports available within
55 sixty days of receiving such a written request shall be subject to a
56 civil penalty not to exceed ten thousand dollars for each day after the



1 sixtieth day that such manufacturer does not make such copies available
2 and shall be subject to a bar from selling or offering to sell ciga-
3 rettes in New York until such copies are made available.

4 b. Testing performed or sponsored by the department of state in order
5 to determine a cigarette's compliance with the fire safety standards
6 mandated by this section shall be conducted (i) in accordance with the
7 requirements applicable to manufacturers pursuant to the regulations of
8 the department of state, and (ii) by a laboratory that has been accred-
9 ited pursuant to standard ISO/IEC 17025 of the international organiza-
10 tion for standardization or such other comparable accreditation standard
11 as the department of state shall require by regulation.

12 8. a. To enforce the provisions of this section, the commissioner of
13 taxation and finance and the secretary of state may take administrative
14 action imposing the civil penalties and suspensions authorized by subdi-
15 vision five of this section. In addition, the attorney general may bring
16 an action on behalf of the people of the state of New York to enjoin
17 acts in violation of this section and to recover any civil penalties
18 unless civil penalties have been previously recovered in such adminis-
19 trative proceedings.

20 b. Any enforcement officer as defined in section thirteen hundred
21 ninety-nine-t of the public health law shall have the power to impose
22 upon any retail dealer the civil penalties authorized by subdivision
23 five of this section, following a hearing conducted in the same manner
24 as hearings conducted under article thirteen-E of the public health law.

25 c. To enforce the provisions of this section, the commissioner of
26 taxation and finance and the secretary of state, or their duly author-
27 ized representatives, are hereby authorized to examine the books,
28 papers, invoices and other records of any person in possession, control
29 or occupancy of any premises where cigarettes are placed, stored, sold
30 or offered for sale, as well as the stock of cigarettes in any such
31 premises. Every person in the possession, control or occupancy of any
32 premises where cigarettes are placed, sold or offered for sale, is here-
33 by directed and required to give the commissioner of taxation and
34 finance and the secretary of state, and their duly authorized represen-
35 tatives, the means, facilities and opportunity for such examinations as
36 are herein provided for and required.

37 d. Whenever any police officer designated in section 1.20 of the crim-
38 inal procedure law shall discover any cigarettes which have not been
39 marked in the manner required by subdivision six of this section, such
40 officer is hereby authorized and empowered to seize and take possession
41 of such cigarettes. Such seized cigarettes shall be turned over to the
42 commissioner of taxation and finance, and shall be forfeited to the
43 state. Cigarettes seized pursuant to this section shall be destroyed.

44 e. The secretary of state and the commissioner of taxation and finance
45 are hereby authorized and directed to promulgate such regulations as are
46 deemed necessary to implement the provisions of this section.

47 § 57. Subdivision 2 of section 91-a of the general municipal law, as
48 added by chapter 583 of the laws of 2006, is amended to read as follows:

49 2. Where an investigative unit formed by this section has investigated
50 a fire and such fire is suspected to have been ignited by a cigarette
51 and not caused by arson, the investigative unit shall forward to the
52 office of fire prevention and control and the secretary of state within
53 fourteen days of completing the investigation into such fire information
54 detailing, to the extent possible: (a) the specific brand and style of
55 the cigarette suspected of having ignited such fire; (b) whether the
56 cigarette package was marked as required by subdivision six of section

1 [one hundred fifty-six-c] one hundred-c of the executive law; and (c)
2 the location and manner in which such cigarette was purchased.

3 § 58. Section 204-d of the general municipal law, as amended by chap-
4 ter 583 of the laws of 2006, is amended to read as follows:

5 § 204-d. Duties of the fire chief. The fire chief of any fire depart-
6 ment or company shall, in addition to any other duties assigned to him
7 by law or contract, to the extent reasonably possible determine or cause
8 to be determined the cause of each fire or explosion which the fire
9 department or company has been called to suppress. He shall file with
10 the office of fire prevention and control [of the department of state] a
11 report containing such determination and any additional information
12 required by such office regarding the fire or explosion. The report
13 shall be in the form designated by such office. He shall contact or
14 cause to be contacted the appropriate investigatory authority if he has
15 reason to believe the fire or explosion is of incendiary or suspicious
16 origin. For all fires that are suspected to have been ignited by a ciga-
17 rette, within fourteen days after completing the investigation into such
18 fire, the fire chief shall forward to the office of fire prevention and
19 control information detailing, to the extent possible: (a) the specific
20 brand and style of the cigarette suspected of having ignited such fire;
21 (b) whether the cigarette package was marked as required by subdivision
22 six of section [one hundred fifty-six-c] one hundred-c of the executive
23 law; and (c) the location and manner in which such cigarette was
24 purchased.

25 § 59. Subdivision 2-a of section 480-b of the tax law, as amended by
26 section 2 of part MM-1 of chapter 57 of the laws of 2008, is amended to
27 read as follows:

28 2-a. An agent may not affix, or cause to be affixed, a New York state
29 cigarette tax stamp to a package of cigarettes unless: (a) the ciga-
30 rettes have been certified by the manufacturer if certification is
31 required under subdivision three of section [one hundred fifty-six-c]
32 one hundred-c of the executive law; and (b) the package has been marked
33 in such manner as may be required by subdivision six of section [one
34 hundred fifty-six-c] one hundred-c of the executive law.

35 § 60. This act shall take effect on April 1, 2010; provided however
36 that section eleven of this act shall take effect one year after it
37 shall have become a law; and provided further that sections forty-one
38 and forty-two of this act shall take effect on April 1, 2010 so long as
39 nothing in this act may adversely affect any state agency from distrib-
40 uting funds to political subdivisions of the state in a like manner as
41 the year prior; provided, however, that if anything in this act adverse-
42 ly affects any state agency from distributing funds to political subdi-
43 visions of this state in a like manner as the year prior then sections
44 forty-one and forty-two of this act shall take effect upon the cessation
45 of such adverse affects, provided that the director of the division of
46 the budget shall notify the legislative bill drafting commission upon
47 the cessation of such adverse affects provided for in this section in
48 order that the commission may maintain an accurate and timely effective
49 data base of the official text of the laws of the state of New York in
50 furtherance of effectuating the provisions of section 44 of the legisla-
51 tive law and section 70-b of the public officers law; provided however
52 that section fifty-three of this act shall take effect on the same date
53 and in the same manner as section 3 of chapter 490 of the laws of 2009,
54 takes effect; and provided further that agencies are hereby authorized
55 to promulgate and establish any rules and regulations that are necessary
56 for the implementation of this act on its effective date.

1

PART C

2 Section 1. Section 837 of the executive law is amended by adding a new
3 subdivision 19 to read as follows:

4 19. (a) Promulgate rules and regulations which establish:

5 (i) procedures to review and approve rape crisis programs that provide
6 training to rape crisis counselors as defined in section forty-five
7 hundred ten of the civil practice law and rules;

8 (ii) minimum training standards for rape crisis counselors;

9 (iii) procedures to enable approved rape crisis programs to certify
10 current and future rape crisis counselors, including volunteer counse-
11 lors, provided such rape crisis counselors have met the minimum training
12 standards as set forth in this subdivision; and

13 (iv) procedures to periodically review approved training programs to
14 assure they continue to satisfy established standards.

15 (b) Rape crisis programs approved by the division shall provide train-
16 ing programs consisting of at least thirty hours of pre-service training
17 and within the first year of service at least ten hours of in-service
18 training for rape crisis counselors. This training shall include but not
19 be limited to, instruction on the following:

20 (i) the dynamics of sexual offenses, sexual abuses or incest;

21 (ii) crisis intervention techniques;

22 (iii) client-counselor confidentiality requirements;

23 (iv) communication skills and intervention techniques;

24 (v) an overview of the state criminal justice system;

25 (vi) an update and review of state laws on sexual offenses, sexual
26 abuse or incest;

27 (vii) the availability of state and community resources for clients;

28 (viii) working with a diverse population;

29 (ix) an overview of child abuse and maltreatment identification and
30 reporting responsibilities; and

31 (x) information on the availability of medical and legal assistance
32 for such clients.

33 (c) The division shall provide technical assistance to approved rape
34 crisis programs to implement training programs in accordance with the
35 minimum standards set forth in this subdivision.

36 § 2. The executive law is amended by adding a new article 36-B to read
37 as follows:

38 ARTICLE 36-B

39 RAPE CRISIS INTERVENTION AND PREVENTION PROGRAM

40 Section 846-n. Short title.

41 846-o. Definitions.

42 846-p. Authorization of programs.

43 846-q. Technical assistance.

44 846-r. Evaluation and reports.

45 846-s. Assistance of other agencies.

46 § 846-n. Short title. This article shall be known and may be cited as
47 the "rape crisis intervention and prevention act".

48 § 846-o. Definitions. As used in this article the following terms
49 shall have the following meanings:

50 1. "Division" means the division of criminal justice services.

51 2. "Rape crisis intervention and prevention program" means any program
52 which has been approved by the division offering counseling and assist-
53 ance to clients concerning sex offenses, sexual abuse, or incest.

1 3. "Community support system" means a system of service providers in a
2 community designed to meet the needs of a victim of a sex offense, sexu-
3 al abuse or incest.

4 4. "Comprehensive services" means hotline, counseling, community
5 prevention, recruitment and training programs, accompaniment services,
6 and referral.

7 5. "Counseling" means individual communication and interaction which
8 helps the client make choices and act upon those choices, provided to a
9 client concerning any sex offense, sexual abuse, incest, or attempt to
10 commit a sex offense, sexual abuse, or incest.

11 6. "Client" means any person seeking or receiving the services of a
12 rape crisis counselor for the purpose of securing counseling or assist-
13 ance concerning any sex offense, sexual abuse, incest, or attempt to
14 commit a sex offense, sexual abuse, or incest.

15 7. "Hotline" means twenty-four-hour access to rape crisis intervention
16 and prevention services, including telephone hotline and telephone coun-
17 seling capabilities.

18 8. "Community prevention" means public education projects designed to
19 encourage victim use of rape crisis intervention services, educating the
20 general public about the availability and significance of rape crisis
21 intervention services, providing sex offense, sexual abuse or incest
22 prevention and personal safety information, providing other education
23 programs which sensitize service providers and the general public about
24 the nature of sex offenses, sexual abuse or incest and the needs of
25 survivors of a sex offense, sexual abuse or incest. "Community
26 prevention" also means and includes public education projects designed
27 to teach the general public about the problem of acquaintance rape,
28 including but not limited to:

29 (a) the importance of promptly respecting the decision of another
30 person not to engage in sexual conduct; and

31 (b) the right of every individual to make such a decision and have it
32 respected.

33 9. "Recruitment and training programs" means programs designed to
34 recruit and train staff or volunteers in a rape crisis intervention and
35 prevention program as well as training or education to other agencies
36 participating in a community support system.

37 10. "Accompaniment services" means services that assure the presence
38 of a trained rape crisis worker to assist and support the client, at
39 hospitals, law enforcement agencies, district attorneys' offices, courts
40 and other agencies.

41 11. "Referral" means referral to and assistance with medical services
42 and services of criminal justice agencies, mental health agencies, or
43 other entities providing related services.

44 § 846-p. Authorization of programs. 1. The division is hereby author-
45 ized to contract, within amounts appropriated, for the provision of rape
46 crisis intervention and prevention programs as provided herein. Rules,
47 regulations and guidelines as shall be necessary or appropriate to
48 assure successful implementation of this program shall be promulgated by
49 the division.

50 2. Nothing contained in this section shall prohibit a program, with
51 the approval of the division, from subcontracting for, or otherwise
52 ensuring that the required services are available.

53 § 846-q. Technical assistance. The division shall provide or arrange
54 to provide technical assistance as requested and necessary to programs
55 to develop appropriate services, train staff, and improve coordination



1 with other appropriate support services, the criminal justice system and
2 other appropriate officials and services.

3 § 846-r. Evaluation and reports. To the extent resources are avail-
4 able, the division shall undertake a comprehensive evaluation of each
5 program periodically and in addition shall monitor each program's
6 compliance with the requirements of this article. The evaluation shall
7 measure uniform indicators of program operation and effectiveness.

8 § 846-s. Assistance of other agencies. To effectuate the purposes of
9 this article, the division may request from any department, board,
10 bureau, commission or other agency of the state, and the same are
11 authorized to provide such assistance, services and data as will enable
12 the division to assure that the provisions and intent of this article
13 are carried out.

14 § 3. Subdivision (a) of section 4510 of the civil practice law and
15 rules, as added by chapter 432 of the laws of 1993, is amended to read
16 as follows:

17 (a) Definitions. When used in this section, the following terms shall
18 have the following meanings:

19 1. "Rape crisis program" means any office, institution or center which
20 has been approved pursuant to subdivision [fifteen of section two
21 hundred six of the public health] nineteen of section eight hundred
22 thirty-seven of the executive law, offering counseling and assistance to
23 clients concerning sexual offenses, sexual abuses or incest.

24 2. "Rape crisis counselor" means any person who has been certified by
25 an approved rape crisis program as having satisfied the training stand-
26 ards specified in subdivision [fifteen of section two hundred six of the
27 public health] nineteen of section eight hundred thirty-seven of the
28 executive law, and who, regardless of compensation, is acting under the
29 direction and supervision of an approved rape crisis program.

30 3. "Client" means any person who is seeking or receiving the services
31 of a rape crisis counselor for the purpose of securing counseling or
32 assistance concerning any sexual offenses, sexual abuse, incest or
33 attempts to commit sexual offenses, sexual abuse, or incest, as defined
34 in the penal law.

35 § 4. Subdivision 15 of section 206 of the public health law, as added
36 by chapter 432 of the laws of 1993, is REPEALED.

37 § 5. Article 6-A of the public health law is REPEALED.

38 § 6. This act shall take effect immediately and shall be deemed to
39 have been in full force and effect on and after April 1, 2010; provided,
40 however, the rape crisis programs approved by the department of health
41 prior to the effective date of this act shall remain certified unless
42 such approval is terminated pursuant to the rules and regulations
43 adopted pursuant to section three of this act and that rape crisis coun-
44 selors certified by such programs shall remain certified for purposes of
45 section 4510 of the civil practice law and rules; and provided further
46 that the commissioner of the division of criminal justice services is
47 authorized to promulgate such rules and regulations as may be necessary
48 to effectuate the purposes of this act prior to such effective date.

49

PART D

50 Section 1. Paragraphs (b) and (c) of subdivision 2 of section 390.20
51 of the criminal procedure law, as amended by chapter 413 of the laws of
52 1991, are amended to read as follows:

53 (b) A sentence of imprisonment for a term in excess of [ninety] one
54 hundred eighty days;

1 (c) Consecutive sentences of imprisonment with terms aggregating more
2 than [ninety] one hundred eighty days.

3 § 2. The opening paragraph of subdivision 1 of section 720.20 of the
4 criminal procedure law, as amended by chapter 652 of the laws of 1974,
5 is amended to read as follows:

6 Upon felony conviction of an eligible youth, the court must order a
7 pre-sentence investigation [of the defendant] and may not determine
8 youthful offender status and pronounce sentence unless it has received a
9 written report of the investigation. Upon misdemeanor conviction of an
10 eligible youth and where paragraph (b) of this subdivision applies, the
11 court may not pronounce a sentence of probation or a sentence of impri-
12 sonment in excess of one hundred eighty days or consecutive sentences of
13 imprisonment aggregating in excess of one hundred eighty days unless it
14 has ordered a pre-sentence investigation and received a written report
15 of the investigation. [After receipt of a written report of the inves-
16 tigation and at] At the time of pronouncing sentence the court must
17 determine whether or not the eligible youth is a youthful offender.
18 Such determination shall be in accordance with the following criteria:

19 § 3. The opening paragraph of subdivision 6 of section 390.50 of the
20 criminal procedure law, as added by chapter 866 of the laws of 1980, is
21 amended to read as follows:

22 Professional licensing agencies. Probation departments shall provide a
23 copy of presentence reports prepared in the case of individuals who are
24 known to be licensed pursuant to title eight of the education law to the
25 state department of health if the licensee is a physician, a special-
26 ist's assistant or a physician's assistant, and to the state education
27 department with respect to all other such licensees. Such reports shall
28 be accumulated and forwarded every three months, shall be in writing,
29 may be submitted in a hard copy or electronically, and shall contain the
30 following information:

31 § 4. Subdivision 30 of section 1.20 of the criminal procedure law, as
32 amended by chapter 265 of the laws of 1976, is amended to read as
33 follows:

34 30. "Bench warrant" means a process of a criminal court in which a
35 criminal action is pending, directing a police officer, or a uniformed
36 court officer, pursuant to paragraph [b] (b) of subdivision two of
37 section 530.70 of this chapter, to take into custody a defendant in such
38 action who has previously been arraigned upon the accusatory instrument
39 by which the action was commenced, and to bring him or her before such
40 court. The function of a bench warrant is to achieve the court appear-
41 ance of a defendant in a pending criminal action for some purpose other
42 than his initial arraignment in the action. The term shall also include
43 a process in which a criminal proceeding is pending or imminent, direct-
44 ing a probation officer or police officer pursuant to subdivision two of
45 section 410.40 of this chapter or pursuant to subdivision two or six of
46 section 530.70 of this chapter, to take into custody an individual under
47 probation supervision and to bring him or her before the court. For
48 purposes of this definition, any warrant issued upon reasonable grounds
49 to believe that such an individual has violated a condition of his or
50 her term of release under probation supervision or failed to appear in
51 connection with the violation of probation action shall be recognized as
52 a bench warrant and construed as a probation warrant for purposes of
53 subdivision two of section two hundred twenty-one of the executive law.

54 § 5. Subdivisions 1 and 2 of section 410.92 of the criminal procedure
55 law, subdivision 1 as added by chapter 377 of the laws of 2007 and

1 subdivision 2 as amended by chapter 16 of the laws of 2008, are amended
2 to read as follows:

3 1. The division of [probation and correctional alternatives] criminal
4 justice services shall [establish a pilot project to] implement the
5 provisions of this section. [Such pilot project shall be established in
6 four counties designated by the division of probation and correctional
7 alternatives provided that each such county shall be in a distinct
8 region of the state outside of the city of New York.] The [state direc-
9 tor of probation and correctional alternatives] commissioner of the
10 division of criminal justice services shall have the power to adopt
11 rules and regulations necessary to effectuate the provisions of this
12 section.

13 2. A person under probation supervision for conviction of a sex
14 offense or a sexually violent offense, as such terms are defined by
15 subdivision two or three of section one hundred sixty-eight-a of the
16 correction law, [or] a family offense as defined in subdivision one of
17 section 530.11 of this chapter, conviction of a crime defined in section
18 one hundred sixty-eight-t of the correction law, or conviction of crimi-
19 nal contempt in the first degree or aggravated criminal contempt as
20 defined in sections 215.51 and 215.52 of the penal law, where the
21 conduct underlying such criminal contempt conviction is related to a sex
22 offense, a sexually violent offense, a family offense, or a crime
23 defined in section one hundred sixty-eight-t of the correction law, who
24 has been taken into custody pursuant to section 410.40 or section 410.50
25 of this article in a county designated pursuant to subdivision one of
26 this section for violation of a condition of a sentence of probation
27 must forthwith be brought before the court that imposed the sentence.
28 Where the court that imposed sentence is a local criminal court and no
29 judge from that court is available, and such person has been taken into
30 custody pursuant to subdivision four of section 410.50 of this article,
31 such person shall be brought before any available alternative court as
32 described in subdivision five of section 120.90 of this chapter. Where
33 the court that imposed the sentence is a superior court and no judge
34 from that court is available, such person shall be brought before any
35 available local criminal court in the same county. When no such alterna-
36 tive court is available, the probation officer shall report such fact
37 and such efforts to locate an available alternative court to the direc-
38 tor or deputy director of the local probation department, and thereupon
39 a warrant may be issued by such director or deputy director for the
40 temporary detention of such person upon that official's determination
41 that a public safety risk requires that the probationer be immediately
42 taken into custody. A warrant issued pursuant to this subdivision shall
43 constitute sufficient authority to the superintendent or other person in
44 charge of any jail, penitentiary, lockup or detention pen to whom it is
45 delivered to hold in temporary detention the person named therein.
46 During such period of temporary detention, a warrant issued pursuant to
47 this subdivision shall have the same effect as a warrant issued by a
48 court pursuant to subdivision two of section 410.40 of this article.

49 § 6. The criminal procedure law is amended by adding a new section
50 570.51 to read as follows:

51 § 570.51 Pre-signed waiver of extradition.

52 Notwithstanding any other provision of law, a law enforcement agency
53 in the state of New York holding a person who is alleged to have
54 violated the terms or conditions of his or her probation, parole, bail
55 or any other release in the demanding state shall immediately deliver

1 that person to the duly authorized agent of the demanding state without
2 the requirement of a governor's warrant if the following apply:

3 1. the person has previously signed a written waiver of extradition
4 as a term of his or her current probation, parole, bail or other release
5 in the demanding state;

6 2. the law enforcement agency holding the person has received an
7 authenticated copy of the written waiver of extradition previously
8 signed by the person and photographs or fingerprints or other evidence
9 properly identifying the person as the person who signed the waiver; and

10 3. all open criminal charges in the state of New York have been
11 disposed of through trial and sentencing.

12 § 7. Section 60.27 of the penal law is amended by adding a new subdi-
13 vision 14 to read as follows:

14 14. (a) Notwithstanding any other provision of law, whenever it shall
15 appear to the satisfaction of the appropriate district attorney, that an
16 order of restitution that is part of any disposition does not include an
17 amount owed to a victim, does not reflect the amount which was imposed
18 by the court or agreed to by all parties, as the case may be, or is
19 contrary to applicable law, it shall be his or her duty to immediately
20 move to set aside such sentence pursuant to section 440.40 of the crimi-
21 nal procedure law.

22 (b) Where a transfer of probation has occurred pursuant to section
23 410.80 of the criminal procedure law and the probationer is subject to a
24 restitution condition, the department of probation in the county in
25 which the order of restitution was imposed shall notify the appropriate
26 district attorney. Upon notification by the department of probation,
27 such district attorney shall file a certified copy of the judgment with
28 the clerk of the county in the receiving jurisdiction for purposes of
29 establishing a first lien and to permit institution of civil proceedings
30 pursuant to the provisions of subdivision six of section 420.10 of the
31 criminal procedure law.

32 § 8. Paragraph (b) of subdivision 3 of section 65.10 of the penal law
33 is amended to read as follows:

34 (b) Remain within the jurisdiction of the court unless granted permis-
35 sion to leave by the court or the probation officer[; and]. Where a
36 defendant is granted permission to move or travel outside the jurisdic-
37 tion of the court, the defendant shall sign a written waiver of extradi-
38 tion agreeing to waive extradition proceedings and not to contest any
39 effort by any jurisdiction to return the defendant to this state. Where
40 any county or the city of New York incurs costs associated with the
41 return of any probationer, the jurisdiction may collect the expenses
42 involved in connection with his or her return, from the probationer.

43 § 9. Section 4 of chapter 377 of the laws of 2007, amending the
44 correction law and the criminal procedure law relating to establishing a
45 probation detainer warrant pilot project, is amended to read as follows:

46 § 4. This act shall take effect immediately and shall expire and be
47 deemed repealed March 31, [2010] 2013.

48 § 10. The section heading and subdivisions 1, 2, 3 and 4 of section
49 246 of the executive law, the section heading and subdivisions 2 and 4
50 as added by chapter 479 of the laws of 1970, subdivisions 1 and 3 as
51 amended by chapter 134 of the laws of 1985, and the second undesignated
52 paragraph of subdivision 4 as amended by chapter 55 of the laws of 1992,
53 are amended to read as follows:

54 State [reimbursement] aid for probation services. 1. The program of
55 state aid to county probation services shall be [continued. It shall be]
56 administered by the division of [probation and correctional alterna-

1 tives] criminal justice services with the advice of the [state probation
2 commission] director of the office of probation and correctional alter-
3 natives. Funds appropriated to the division for distribution as state
4 aid to county probation services and to the probation services of New
5 York city shall be distributed by the division in accordance with [the
6 provisions of this section, and] rules and regulations adopted by the
7 [director] commissioner of the division of criminal justice services
8 after consultation with the [state probation commission] director of the
9 office of probation and correctional alternatives.

10 2. State aid shall be granted to the city of New York and the respec-
11 tive counties outside the city of New York [only to the extent of reim-
12 bursing fifty per centum of the approved] for expenditures to be
13 incurred by the county or city in maintaining and improving local
14 probation services subject to amounts appropriated for this purpose.
15 [It] State aid grants shall not [include] be used for expenditures for
16 capital additions or improvements, or for debt service costs for capital
17 improvements.

18 State aid shall be granted by the [director] commissioner of the divi-
19 sion of criminal justice services after consultation with the [state
20 probation commission] director of the office of probation and correc-
21 tional alternatives, provided the respective counties or the city of New
22 York conform to standards relating to the administration of probation
23 services as adopted by the [director] commissioner of the division of
24 criminal justice services after consultation with the [state probation
25 commission] director of the office of probation and correctional alter-
26 natives.

27 3. Applications from counties or the city of New York for state aid
28 under this section shall be made by filing with the division of
29 [probation and correctional alternatives] criminal justice services, a
30 detailed plan, including cost estimates covering probation services for
31 the fiscal year or portion thereof for which aid is requested. Included
32 in such estimates shall be clerical costs and maintenance and operation
33 costs as well as salaries of probation personnel and such other perti-
34 nent information as the [director] commissioner of the division of crim-
35 inal justice services may require. Items for which [reimbursement] state
36 aid is requested under this section shall be duly designated in the
37 estimates submitted. The [director] commissioner of the division of
38 criminal justice services, after consultation with the [state probation
39 commission] director of the office of probation and correctional alter-
40 natives, shall approve such plan if it conforms to standards relating to
41 the administration of probation services as specified in the rules
42 adopted by him or her.

43 4. An approved plan and compliance with standards relating to the
44 administration of probation services promulgated by the [director]
45 commissioner of the division of criminal justice services shall be a
46 prerequisite to eligibility for [reimbursement] state aid. [At the end
47 of each quarter, each county outside the city of New York approved as
48 eligible for reimbursement under this section, and the city of New York
49 if approved as eligible for reimbursement under this section, shall
50 submit to the division, in such form as the director requires, a veri-
51 fied accounting of all expenditures made by the county, or the city of
52 New York, in providing probation services. Such accounting shall desig-
53 nate those items for which reimbursement is claimed, and shall be
54 presented together with a claim for reimbursement.

55 In submitting a claim for reimbursement each] The commissioner of the
56 division of criminal justice services may take into consideration grant-

1 ing additional state aid from an appropriation made for state aid for
2 county probation services for counties or the city of New York when a
3 county or the city of New York demonstrates that additional probation
4 services were dedicated to intensive supervision programs, intensive
5 programs for sex offenders or programs defined as juvenile risk inter-
6 vention services. The administration of such additional grants shall be
7 made according to rules and regulations promulgated by the commissioner
8 of the division of criminal justice services. Each county and the city
9 of New York shall certify the total amount collected pursuant to section
10 two hundred fifty-seven-c of this chapter [during the period for which
11 such reimbursement is claimed]. The [director] commissioner of the divi-
12 sion of criminal justice services shall thereupon certify to the comp-
13 troller for payment by the state out of funds appropriated for that
14 purpose, the amount to which the county or the city of New York shall be
15 entitled under this section.

16 § 11. The second undesignated paragraph of subdivision 4 of section
17 246 of the executive law, as added by chapter 479 of the laws of 1970,
18 is amended to read as follows:

19 The [director] commissioner of the division of criminal justice
20 services shall thereupon certify to the comptroller for payment by the
21 state out of funds appropriated for that purpose, the amount to which
22 the county or the city of New York shall be entitled under this section.

23 § 12. This act shall take effect immediately; provided, however, that:

24 (a) sections one, two, three, four, five, six, seven, and eight of
25 this act shall take effect on the ninetieth day after it shall have
26 become a law;

27 (b) the provisions of section nine of this act shall be deemed to have
28 been in full force and effect on or after March 31, 2010;

29 (c) the amendments to subdivisions 1 and 2 of section 410.92 of the
30 criminal procedure law made by section five of this act shall not affect
31 the repeal of such section and shall be deemed repealed therewith; and

32 (d) the amendments to the second undesignated paragraph of subdivision
33 4 of section 246 of the executive law made by section ten of this act
34 shall not affect the expiration and reversion of such undesignated para-
35 graph and shall expire therewith when upon such date the provisions of
36 section eleven of this act shall take effect.

37

PART E

38 Section 1. The executive law is amended by adding two new sections
39 837-s and 837-t to read as follows:

40 § 837-s. Office of indigent defense. 1. There is hereby created within
41 the division the office of indigent defense, hereinafter in this section
42 referred to as "the office". The office shall operate under the adminis-
43 trative supervision of the division and employees of the office shall
44 abide by all administrative policies, procedures, and regulations of the
45 division; provided that the office shall function independently of the
46 division regarding the establishment of policy and standards for the
47 provision of indigent defense services and shall report directly to the
48 indigent defense board established pursuant to section eight hundred
49 thirty-seven-t of this article regarding the establishment of policy and
50 standards for the provision of indigent defense services.

51 2. (a) The governor shall appoint a director of the office who shall
52 serve at the pleasure of the governor. The person appointed as director
53 shall, upon his or her appointment, have been admitted to practice law

1 in the state of New York and shall have not less than five years profes-
2 sional experience in the area of indigent defense.

3 (b) The commissioner, in consultation with the director, shall appoint
4 employees and perform such other functions to ensure the efficient oper-
5 ation of the office within the amounts made available therefor by appro-
6 priation.

7 3. Duties and responsibilities. The office shall, in consultation with
8 the indigent defense board, have the following duties and responsibil-
9 ities:

10 (a) To examine and evaluate indigent defense services provided to
11 indigent criminal defendants in each county;

12 (b) To collect information and data regarding the provision of indi-
13 gent defense services including, but not limited to:

14 (i) the types and combinations of defender systems now being utilized
15 in each county;

16 (ii) the existing public defender salary scale statewide;

17 (iii) the actual yearly caseloads of attorneys providing services to
18 indigent criminal defendants as public defenders, legal aid attorneys or
19 pursuant to any other city or county plan for representation placed in
20 operation pursuant to article eighteen-B of the county law;

21 (iv) how the yearly caseloads of indigent defense counsel compare with
22 the yearly caseloads of prosecutors in each county;

23 (v) disposition rates, including whether by dismissal of charges, plea
24 or trial, of public defense attorneys acting under each type of indigent
25 defense plan;

26 (vi) the average number of attorney hours currently being spent in
27 each county to defend against different types of criminal charges;

28 (vii) actual expenditures currently being made in each county on crim-
29 inal defense and prosecution services;

30 (viii) the funds currently being spent on criminal defense and prose-
31 cution services, and the amount being spent on ancillary services, such
32 as investigators, support staff, social workers, and expert witnesses;

33 (ix) the standards and criteria used in each county to determine
34 whether a criminal defendant is eligible to receive public defense
35 services; and

36 (x) the standards and criteria used in each county to determine wheth-
37 er an attorney is qualified to provide services as a public defender, a
38 legal aid attorney or pursuant to any other city or county plan for
39 representation placed in operation pursuant to article eighteen-B of the
40 county law, including as assigned counsel on a case by case basis;

41 (c) To analyze and evaluate the collected data, and undertake any
42 necessary research and studies, in order to consider and recommend meas-
43 ures to enhance the provision of defense services to indigent defendants
44 and to ensure that indigent criminal defendants are provided with
45 constitutionally effective representation in a manner that is fiscally
46 responsible for counties and the state, which may include but not be
47 limited to: establishing a definition of indigency and uniform standards
48 and procedures to guide courts in determining whether a defendant is
49 eligible for indigent defense services; and establishing standards,
50 criteria and a process for qualifying attorneys to provide defense
51 services to indigent criminal defendants;

52 (d) To develop recommendations to improve the delivery of defense
53 services statewide in a manner that is consistent with the needs of the
54 counties, the efficiency and adequacy of the indigent defense plan oper-
55 ated in the counties and the quality of representation offered, which
56 may include the distribution of grants pursuant to specified criteria;

1 (e) To develop recommendations regarding the distribution of any
2 monies appropriated for indigent defense services, including but not
3 limited to monies from the indigent legal services fund, for consider-
4 ation by the indigent defense board;

5 (f) To investigate and monitor any other matter related to indigent
6 defense services that the executive director deems important;

7 (g) To request and receive from any department, division, board,
8 bureau, commission or other agency of the state or any political subdi-
9 vision thereof or any public authority such assistance, information and
10 data as will enable the office properly to carry out its functions,
11 powers and duties;

12 (h) To present findings and make recommendations for consideration by
13 the indigent defense board as established pursuant to section eight
14 hundred thirty-seven-t of this article; and

15 (i) to execute decisions of the indigent defense board established
16 pursuant to section eight hundred thirty-seven-t of this article,
17 including the distribution of funds.

18 § 837-t. Indigent defense board. 1. There is hereby created within the
19 division the indigent defense board, hereinafter referred to in this
20 section as the board, which shall consist of nine members who shall be
21 appointed as follows:

22 (a) one shall be the chief judge of the court of appeals, who shall be
23 the chair of the board;

24 (b) one shall be appointed by the governor on recommendation of the
25 temporary president of the senate;

26 (c) one shall be appointed by the governor on recommendation of the
27 speaker of the assembly;

28 (d) one shall be appointed by the governor from a list of at least
29 four nominees submitted by the New York state bar association;

30 (e) two shall be appointed by the governor from a list of at least
31 four nominees submitted by the New York state association of counties;

32 (f) one shall be appointed by the governor and shall be an attorney
33 who has provided indigent defense services as an employee of a public
34 defender's office for at least five years; and

35 (g) two shall be appointed by the governor.

36 2. All members of the board shall be appointed for terms of two years,
37 such terms to commence on April first, and expire on March thirty-first,
38 except the chief judge of the court of appeals who shall serve ex offi-
39 cio. Any member chosen to fill a vacancy created otherwise than by expi-
40 ration of term shall be appointed for the unexpired term of the member
41 whom he or she is to succeed. Vacancies caused by expiration of a term
42 or otherwise shall be filled in the same manner as original appoint-
43 ments. Any member may be reappointed for additional terms.

44 3. Membership on the board shall not constitute the holding of an
45 office, and members of the board shall not be required to take and file
46 oaths of office before serving on the board. The board shall not have
47 the right to exercise any portion of the sovereign power of the state.

48 4. The board shall meet at least four times in each year. Special
49 meetings may be called by the chair and shall be called by the chair
50 upon the written request of five members of the board. The board may
51 establish its own procedures with respect to the conduct of its meetings
52 and other affairs; provided, however, that the quorum and majority
53 provisions of section forty-one of the general construction law shall
54 govern all actions taken by the board.

1 5. The members of the board shall receive no compensation for their
2 services but shall be allowed their actual and necessary expenses
3 incurred in the performance of their functions hereunder.

4 6. No member of the board shall be disqualified from holding any
5 public office or employment, nor shall he or she forfeit any such office
6 or employment, by reason of his or her appointment hereunder, notwith-
7 standing the provisions of any general, special or local law, ordinance
8 or city charter.

9 7. The board shall have the following duties and responsibilities:

10 (a) To evaluate existing indigent defense programs and determine the
11 type of indigent defense services that should be provided in New York
12 state to best serve the interests of indigent defendants;

13 (b) To consult with and advise the office of indigent defense in
14 carrying out the duties and responsibilities of such office;

15 (c) To accept, reject or modify recommendations made by the office of
16 indigent defense regarding the allocation of funds from the indigent
17 legal services fund and the awarding of grants, including incentive
18 grants; and

19 (d) To advise the governor and legislature and make recommendations
20 regarding the provision of indigent defense services in New York state.

21 § 2. Section 98-b of the state finance law, as added by section 12 of
22 part J of chapter 62 of the laws of 2003, subdivision 3 as amended by
23 section 1 of part H of chapter 56 of the laws of 2004 and paragraph (b)
24 of subdivision 3 as amended by section 1 of part G of chapter 56 of the
25 laws of 2005, is amended to read as follows:

26 § 98-b. Indigent legal services fund. 1. There is hereby established
27 in the joint custody of the comptroller and the commissioner of taxation
28 and finance a special fund to be known as the indigent legal services
29 fund.

30 2. Such fund shall consist of all moneys appropriated for the purpose
31 of such fund, all other moneys required to be paid into or credited to
32 such fund, and all moneys received by the fund or donated to it.

33 3. (a) [As provided in this subdivision, moneys received by the indi-
34 gent legal services fund each calendar year from January first through
35 December thirty-first shall be made available by the state comptroller
36 in the immediately succeeding calendar year to (i) assist counties and,
37 in the case of a county wholly contained within a city, such city, in
38 providing legal representation for persons who are financially unable to
39 afford counsel pursuant to article eighteen-B of the county law; and
40 (ii) assist the state, in funding representation provided by assigned
41 counsel paid in accordance with section thirty-five of the judiciary
42 law. Moneys from the fund shall be distributed at the direction of the
43 state comptroller in accordance with the provisions of this subdivision.

44 (b) (i) Commencing on March thirty-first, two thousand five, moneys
45 from such fund shall first be made available, in the calendar year next
46 succeeding the calendar year in which collected, to reimburse the state
47 for payments, made in the previous calendar year, for] The office of
48 court administration may expend a portion of the funds available in the
49 indigent legal services fund to support assigned counsel paid in accord-
50 ance with section thirty-five of the judiciary law, up to an annual sum
51 of twenty-five million dollars.

52 [(ii) Commencing with the payment on April first, two thousand five or
53 as soon thereafter as practicable, and subsequent quarterly payments
54 thereafter, moneys from such fund shall be available to reimburse the
55 state for providing funding for legal representation in periods and at
56 rates of compensation in effect after January first, two thousand four

1 in accordance with section thirty-five of the judiciary law, in an
2 amount equal to such funding provided during the preceding quarter, less
3 the amount of funding provided during that quarter in accordance with
4 such section at rates of compensation in effect immediately prior to
5 January first, two thousand four, up to but not exceeding six million
6 two hundred fifty thousand dollars per quarter.

7 (c) The balance of moneys received by such fund shall be distributed
8 by the state comptroller, in the calendar year next succeeding the
9 calendar year in which collected, to counties and, in the case of a
10 county wholly contained within a city, such city, to assist such coun-
11 ties and such city in providing representation pursuant to article eigh-
12 teen-B of the county law. The amount to be made available each year to
13 such counties and such city shall be calculated by the state comptroller
14 as follows:

15 (i) The county executive or chief executive officer of each county or,
16 in the case of a county wholly contained within a city, such city shall,
17 in accordance with subdivision two of section seven hundred twenty-two-f
18 of the county law, certify to the state comptroller, by March first of
19 each year, the total expenditure of local funds by each such county or
20 city, during the period January first through December thirty-first of
21 the previous calendar year, for providing legal representation to
22 persons who were financially unable to afford counsel, pursuant to arti-
23 cle eighteen-B of the county law.

24 (ii) The state comptroller shall then total the amount of local funds
25 expended by all such counties and such city to determine the sum of such
26 moneys expended by all such counties and such city for providing such
27 representation in such calendar year.

28 (iii) The state comptroller shall then calculate the percentage share
29 of the statewide sum of such expenditures for each county and such city
30 for such calendar year.

31 (iv) The state comptroller shall then determine:

32 (A) the fund amount available to be distributed pursuant to this para-
33 graph, which shall be the amount received by the indigent legal services
34 fund in the immediately preceding calendar year, minus the amount to be
35 distributed to the state under paragraph (b) of this subdivision
36 provided, however, that with respect to the first payment made to coun-
37 ties and such city on March thirty-first, two thousand five, such
38 payment shall be made from the amounts received by the indigent legal
39 services fund in the immediately preceding two calendar years, minus the
40 amount to be distributed to the state under paragraph (b) of this subdi-
41 vision; and

42 (B) the annual payment amount to be paid to each county and such city
43 pursuant to this subdivision, which shall be the product of the percent-
44 age share of statewide local funds expended by each such county and
45 city, as determined pursuant to subparagraph (iii) of this paragraph,
46 multiplied by the fund amount available for distribution, as determined
47 pursuant to clause (A) of this subparagraph.]

48 (b) An annual sum of forty million dollars shall be available to the
49 city of New York for the provision of indigent defense services.

50 (c) Remaining moneys received by the indigent legal services fund
51 shall be distributed in accordance with sections eight hundred thirty-
52 seven-s and eight hundred thirty-seven-t of the executive law within
53 amounts appropriated therein.

54 (d) All payments from this account shall be made upon vouchers
55 approved and certified and upon audit and warrant of the state comp-
56 troller. The state comptroller shall, as soon as practicable, make such

1 payments to the state and each county and each city in a lump sum
2 payment.

3 [4. Maintenance of effort. (a) As used in this section, "local funds"
4 shall mean all funds appropriated or allocated by a county or, in the
5 case of a county wholly contained within a city, such city, for services
6 and expenses in accordance with article eighteen-B of the county law,
7 other than funds received from: (i) the federal government or the state;
8 or (ii) a private source, where such city or county does not have
9 authority or control over the payment of such funds by such private
10 source.

11 (b) State funds received by a county or city pursuant to subdivision
12 three of this section shall be used to supplement and not supplant any
13 local funds which such county or city would otherwise have had to expend
14 for the provision of counsel and expert, investigative and other
15 services pursuant to article eighteen-B of the county law. All such
16 state funds received by a county or city shall be used to improve the
17 quality of services provided pursuant to article eighteen-B of the coun-
18 ty law.

19 (c) Notwithstanding the provisions of any other law, as a precondition
20 for receiving state assistance pursuant to subdivision three of this
21 section, a county or city shall be required pursuant to this paragraph
22 to demonstrate compliance with the maintenance of effort provisions of
23 paragraph (b) of this subdivision. Such compliance shall be shown as a
24 part of the annual report submitted by the county or city in accordance
25 with subdivision two of section seven hundred twenty-two-f of the county
26 law. Such maintenance of effort shall be shown by demonstrating with
27 specificity:

28 (i) that the total amount of local funds expended for services and
29 expenses pursuant to article eighteen-B of the county law during the
30 applicable calendar year reporting period did not decrease from the
31 amount of such local funds expended during the previous calendar year
32 provided, however, that with respect to the report filed in two thousand
33 six regarding calendar year two thousand five, such maintenance of
34 effort shall be shown by demonstrating with specificity that the total
35 amount of local funds expended for services and expenses pursuant to
36 article eighteen-B of the county law during the two thousand five calen-
37 dar year did not decrease from the amount of such local funds expended
38 during calendar year two thousand two; or

39 (ii) where the amount of local funds expended for such services
40 decreased over such period, that all state funds received during the
41 most recent state fiscal year pursuant to subdivision three of this
42 section were used to assure an improvement in the quality of services
43 provided in accordance with article eighteen-B of the county law and
44 have not been used to supplant local funds. For purposes of this subpar-
45 agraph, whether there has been an improvement in the quality of such
46 services shall be determined by considering the expertise, training and
47 resources made available to attorneys, experts and investigators provid-
48 ing such services; the total caseload handled by such attorneys, experts
49 and investigators as such relates to the time expended in each case and
50 the quality of services provided; the system by which attorneys were
51 matched to cases with a degree of complexity suitable to each attorney's
52 training and experience; the provision of timely and confidential access
53 to such attorneys and expert and investigative services; and any other
54 similar factors related to the delivery of quality public defense
55 services.]

1 § 3. This act shall take effect immediately and shall be deemed to
2 have been in full force and effect on and after April 1, 2010.

3

PART F

4 Section 1. Section 716 of the county law, as amended by chapter 714
5 of the laws of 1966, is amended to read as follows:

6 § 716. Public defender and conflict defender; appointment; term; other
7 employees. 1. The board of supervisors of any county may create an
8 office of public defender, or may authorize a contract between its coun-
9 ty and one or more other such counties to create an office of public
10 defender to serve such counties. A city may create an office of public
11 defender in any county wholly contained within its borders and such city
12 shall possess with respect to such office all the powers conferred upon
13 a board of supervisors by the provisions of this article. The board or
14 boards of supervisors may designate an attorney-at-law as public defen-
15 der and shall fix his or her term and compensation. Subject to the
16 approval of such board or boards, the public defender may appoint as
17 many assistant attorneys, clerks, investigators, stenographers and other
18 employees as he or she may deem necessary and as shall be authorized by
19 such board or boards. The public defender shall fix the compensation of
20 such aides and assistants within the amounts such board or boards may
21 appropriate for such purposes. Notwithstanding any other provision of
22 law relating to the creation of county offices, where the board of
23 supervisors of any county has established an office of public defender
24 by resolution, and thereafter such office is created by local law, such
25 local law may authorize the payment of compensation and other expenses
26 incurred in the operation of said office retroactive to the date of the
27 adoption of said resolution.

28 2. The board of supervisors of any county which has created the office
29 of public defender, may create an office of conflict defender independ-
30 ent from the public defender's office, or may authorize a contract
31 between its county and one or more other such counties to create such
32 office of conflict defender to serve such counties. A city which has
33 created the office of public defender may create such office of conflict
34 defender in any county wholly contained within its borders and such city
35 shall possess with respect to such office all the powers conferred upon
36 a board of supervisors by the provisions of this article. The board or
37 boards of supervisors may designate an attorney-at-law duly licensed to
38 practice in the state of New York as conflict defender and shall fix his
39 or her term and compensation. Subject to the approval of such board or
40 boards, the conflict defender may appoint as many assistant attorneys,
41 clerks, investigators, stenographers and other employees as he or she
42 may deem necessary and as shall be authorized by such board or boards.
43 The conflict defender shall fix the compensation of such aides and
44 assistants within the amounts such board or boards may appropriate for
45 such purposes. Notwithstanding any other provision of law relating to
46 the creation of county offices, where the board of supervisors of any
47 county has established an office of conflict defender by resolution, and
48 thereafter such office is created by local law, such local law may
49 authorize the payment of compensation and other expenses incurred in the
50 operation of said office retroactive to the date of the adoption of said
51 resolution.

52 § 2. Section 717 of the county law, as amended by chapter 682 of the
53 laws of 1975 and subdivision 2 as amended by chapter 453 of the laws of
54 1999, is amended to read as follows:

1 § 717. Public defender and conflict defender; duties. 1. The public
2 defender shall represent, without charge, at the request of the defend-
3 ant, or by order of the court with the consent of the defendant, each
4 indigent defendant who is charged with a crime as defined in section
5 seven hundred twenty-two-a of [the county law] this chapter in the coun-
6 ty or counties in which such public defender serves. When representing
7 an indigent defendant, the public defender shall counsel and represent
8 him or her at every stage of the proceedings following arrest, shall
9 initiate such proceedings as in his or her judgment are necessary to
10 protect the rights of the accused, and may, in his or her discretion,
11 prosecute any appeal, if in his or her judgment the facts and circum-
12 stances warrant such appeal.

13 2. The public defender shall also represent, without charge, in a
14 proceeding in family court or surrogate's court in the county or coun-
15 ties where such public defender serves, any person entitled to counsel
16 pursuant to section two hundred sixty-two and section eleven hundred
17 twenty of the family court act and section four hundred seven of the
18 surrogate's court procedure act, or any person entitled to counsel
19 pursuant to article six-C of the correction law, who is financially
20 unable to obtain counsel. When representing such person, the public
21 defender shall counsel and represent him or her at every stage of the
22 proceedings, shall initiate such proceedings as in the judgment of the
23 public defender are necessary to protect the rights of such person, and
24 may prosecute any appeal when, in his or her judgment the facts and
25 circumstances warrant such appeal.

26 3. (a) Whenever the public defender has been requested or assigned to
27 undertake representation of a party or represents a party whose inter-
28 ests conflict with the interests of a party represented or proposed to
29 be represented by the public defender, the conflict defender shall
30 represent, without charge, any such person with a conflicting interest
31 who is charged with a crime as defined in section seven hundred twenty-
32 two-a of this chapter in the county or counties in which such conflict
33 defender serves. When representing an indigent defendant, the conflict
34 defender shall counsel and represent him or her at every stage of the
35 proceedings following arrest, shall initiate such proceedings as in his
36 or her judgment are necessary to protect the rights of the accused, and
37 may, in his or her discretion, prosecute any appeal, if in his or her
38 judgment the facts and circumstances warrant such appeal.

39 (b) The conflict defender shall also represent such person with a
40 conflicting interest as described in paragraph (a) of this subdivision,
41 without charge, in a proceeding in family court or surrogate's court in
42 the county or counties where such conflict defender serves, any person
43 entitled to counsel pursuant to section two hundred sixty-two and
44 section eleven hundred twenty of the family court act and section four
45 hundred seven of the surrogate's court procedure act, or any person
46 entitled to counsel pursuant to article six-C of the correction law, who
47 is financially unable to obtain counsel. When representing such person,
48 the conflict defender shall counsel and represent him or her at every
49 stage of the proceedings, shall initiate such proceedings as in the
50 judgment of the conflict defender are necessary to protect the rights of
51 such person, and may prosecute any appeal when, in his or her judgment
52 the facts and circumstances warrant such appeal.

53 § 4. Section 718 of the county law, as amended by chapter 682 of the
54 laws of 1977, is amended to read as follows:

55 § 718. Appointment of other counsel. Nothing contained herein shall
56 preclude a court on its own motion or upon application by the public

1 defender or conflict defender or by the indigent defendant or person
2 described in section two hundred sixty-two or section eleven hundred
3 twenty of the family court act, or section four hundred seven of the
4 surrogate's court procedure act, from appointing an attorney other than
5 the public defender or conflict defender to represent such defendant or
6 person or to assist in the representation of such defendant or person at
7 any stage of the proceedings or on appeal. If such attorney is
8 appointed, he or she shall serve without compensation, unless such
9 compensation is otherwise provided for by law.

10 § 5. Section 719 of the county law, as amended by chapter 682 of the
11 laws of 1975, is amended to read as follows:

12 § 719. Expenses. If a public defender or conflict defender serves more
13 than one county, the expenses of salaries, maintenance and operation of
14 his or her office shall be shared by the participating counties in
15 accordance with the provisions of the agreement establishing the office.
16 Expenses incidental to individual cases shall be paid by the county for
17 which the services were rendered. All expenses chargeable to a county
18 hereunder shall be a county charge to be paid upon certification by the
19 county treasurer out of an appropriation made for such purposes.

20 § 6. Section 720 of the county law, as amended by chapter 761 of the
21 laws of 1966, is amended to read as follows:

22 § 720. Annual report. The public defender and the conflict defender
23 shall each make an annual report to the board or boards of supervisors
24 covering all cases handled by his or her office during the preceding
25 year.

26 § 7. Subdivision 1 of section 722 of the county law, as amended by
27 chapter 682 of the laws of 1977, is amended to read as follows:

28 1. Representation by a public defender or a conflict defender
29 appointed pursuant to [county law] article eighteen-A of this chapter.

30 § 8. This act shall take effect immediately provided, however, the
31 provisions of this act shall expire and be deemed repealed March 31,
32 2012.

33

PART G

34 Section 1. Subdivision 7 of section 995 of the executive law, as
35 amended by chapter 2 of the laws of 2006, paragraph (a) as separately
36 amended by chapter 320 of the laws of 2006, is amended to read as
37 follows:

38 7. "Designated offender" means a person convicted of [and sentenced
39 for] any [one or more of the following provisions of the penal law (a)
40 sections 120.05, 120.10, and 120.11, relating to assault; sections
41 125.15 through 125.27 relating to homicide; sections 130.25, 130.30,
42 130.35, 130.40, 130.45, 130.50, 130.65, 130.67 and 130.70, relating to
43 sex offenses; sections 205.10, 205.15, 205.17 and 205.19, relating to
44 escape and other offenses, where the offender has been convicted within
45 the previous five years of one of the other felonies specified in this
46 subdivision; or sections 255.25, 255.26 and 255.27, relating to incest,
47 a violent felony offense as defined in subdivision one of section 70.02
48 of the penal law, attempted murder in the first degree, as defined in
49 section 110.00 and section 125.27 of the penal law, kidnapping in the
50 first degree, as defined in section 135.25 of the penal law, arson in
51 the first degree, as defined in section 150.20 of the penal law,
52 burglary in the third degree, as defined in section 140.20 of the penal
53 law, attempted burglary in the third degree, as defined in section
54 110.00 and section 140.20 of the penal law, a felony defined in article

1 four hundred ninety of the penal law relating to terrorism or any
2 attempt to commit an offense defined in such article relating to terror-
3 ism which is a felony; or (b) criminal possession of a controlled
4 substance in the first degree, as defined in section 220.21 of the penal
5 law; criminal possession of a controlled substance in the second degree,
6 as defined in section 220.18 of the penal law; criminal sale of a
7 controlled substance, as defined in article 220 of the penal law; or
8 grand larceny in the fourth degree, as defined in subdivision five of
9 section 155.30 of the penal law; or (c) any misdemeanor or felony
10 defined as a sex offense or sexually violent offense pursuant to para-
11 graph (a), (b) or (c) of subdivision two or paragraph (a) of subdivision
12 three of section one hundred sixty-eight-a of the correction law; or (d)
13 any of the following felonies, or an attempt thereof where such attempt
14 is a felony offense:

15 aggravated assault upon a person less than eleven years old, as
16 defined in section 120.12 of the penal law; menacing in the first
17 degree, as defined in section 120.13 of the penal law; reckless endan-
18 germent in the first degree, as defined in section 120.25 of the penal
19 law; stalking in the second degree, as defined in section 120.55 of the
20 penal law; criminally negligent homicide, as defined in section 125.10
21 of the penal law; vehicular manslaughter in the second degree, as
22 defined in section 125.12 of the penal law; vehicular manslaughter in
23 the first degree, as defined in section 125.13 of the penal law;
24 persistent sexual abuse, as defined in section 130.53 of the penal law;
25 aggravated sexual abuse in the fourth degree, as defined in section
26 130.65-a of the penal law; female genital mutilation, as defined in
27 section 130.85 of the penal law; facilitating a sex offense with a
28 controlled substance, as defined in section 130.90 of the penal law;
29 unlawful imprisonment in the first degree, as defined in section 135.10
30 of the penal law; custodial interference in the first degree, as defined
31 in section 135.50 of the penal law; criminal trespass in the first
32 degree, as defined in section 140.17 of the penal law; criminal tamper-
33 ing in the first degree, as defined in section 145.20 of the penal law;
34 tampering with a consumer product in the first degree, as defined in
35 section 145.45 of the penal law; robbery in the third degree as defined
36 in section 160.05 of the penal law; identity theft in the second degree,
37 as defined in section 190.79 of the penal law; identity theft in the
38 first degree, as defined in section 190.80 of the penal law; promoting
39 prison contraband in the first degree, as defined in section 205.25 of
40 the penal law; tampering with a witness in the third degree, as defined
41 in section 215.11 of the penal law; tampering with a witness in the
42 second degree, as defined in section 215.12 of the penal law; tampering
43 with a witness in the first degree, as defined in section 215.13 of the
44 penal law; criminal contempt in the first degree, as defined in subdivi-
45 sions (b), (c) and (d) of section 215.51 of the penal law; aggravated
46 criminal contempt, as defined in section 215.52 of the penal law; bail
47 jumping in the second degree, as defined in section 215.56 of the penal
48 law; bail jumping in the first degree, as defined in section 215.57 of
49 the penal law; patronizing a prostitute in the second degree, as defined
50 in section 230.05 of the penal law; patronizing a prostitute in the
51 first degree, as defined in section 230.06 of the penal law; promoting
52 prostitution in the second degree, as defined in section 230.30 of the
53 penal law; promoting prostitution in the first degree, as defined in
54 section 230.32 of the penal law; compelling prostitution, as defined in
55 section 230.33 of the penal law; disseminating indecent materials to
56 minors in the second degree, as defined in section 235.21 of the penal

1 law; disseminating indecent materials to minors in the first degree, as
2 defined in section 235.22 of the penal law; riot in the first degree, as
3 defined in section 240.06 of the penal law; criminal anarchy, as defined
4 in section 240.15 of the penal law; aggravated harassment of an employee
5 by an inmate, as defined in section 240.32 of the penal law; unlawful
6 surveillance in the second degree, as defined in section 250.45 of the
7 penal law; unlawful surveillance in the first degree, as defined in
8 section 250.50 of the penal law; endangering the welfare of a vulnerable
9 elderly person in the second degree, as defined in section 260.32 of the
10 penal law; endangering the welfare of a vulnerable elderly person in the
11 first degree, as defined in section 260.34 of the penal law; use of a
12 child in a sexual performance, as defined in section 263.05 of the penal
13 law; promoting an obscene sexual performance by a child, as defined in
14 section 263.10 of the penal law; possessing an obscene sexual perform-
15 ance by a child, as defined in section 263.11 of the penal law; promot-
16 ing a sexual performance by a child, as defined in section 263.15 of the
17 penal law; possessing a sexual performance by a child, as defined in
18 section 263.16 of the penal law; criminal possession of a weapon in the
19 third degree, as defined in section 265.02 of the penal law; criminal
20 sale of a firearm in the third degree, as defined in section 265.11 of
21 the penal law; criminal sale of a firearm to a minor, as defined in
22 section 265.16 of the penal law; unlawful wearing of a body vest, as
23 defined in section 270.20 of the penal law; hate crimes as defined in
24 section 485.05 of the penal law; and crime of terrorism, as defined in
25 section 490.25 of the penal law; or (e) a felony defined in the penal
26 law or an attempt thereof where such attempt is a felony; or (f) any of
27 the following misdemeanors: assault in the third degree as defined in
28 section 120.00 of the penal law; attempted aggravated assault upon a
29 person less than eleven years old, as defined in section 110.00 and
30 section 120.12 of the penal law; attempted menacing in the first degree,
31 as defined in section 110.00 and section 120.13 of the penal law; menac-
32 ing in the second degree as defined in section 120.14 of the penal law;
33 menacing in the third degree as defined in section 120.15 of the penal
34 law; reckless endangerment in the second degree as defined in section
35 120.20 of the penal law; stalking in the fourth degree as defined in
36 section 120.45 of the penal law; stalking in the third degree as defined
37 in section 120.50 of the penal law; attempted stalking in the second
38 degree, as defined in section 110.00 and section 120.55 of the penal
39 law; forcible touching as defined in section 130.52 of the penal law
40 regardless of the age of the victim; sexual abuse in the third degree as
41 defined in section 130.55 of the penal law regardless of the age of the
42 victim; unlawful imprisonment in the second degree as defined in section
43 135.05 of the penal law regardless of the age of the victim; attempted
44 unlawful imprisonment in the first degree, as defined in section 110.00
45 and section 135.10 of the penal law regardless of the age of the victim;
46 criminal trespass in the second degree as defined in section 140.15 of
47 the penal law; possession of burglar's tools as defined in section
48 140.35 of the penal law; petit larceny as defined in section 155.25 of
49 the penal law; endangering the welfare of a child as defined in section
50 260.10 of the penal law; endangering the welfare of an incompetent or
51 physically disabled person as defined in section 260.25] felony defined
52 in the penal law or any misdemeanor defined in the penal law, or a
53 person adjudicated and sentenced as a youthful offender pursuant to
54 article seven hundred twenty of the criminal procedure law for any such
55 misdemeanor or felony, or a person who is required to register as a sex
56 offender pursuant to article six-C of the correction law.



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

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

9 (b) (i) In the case of a designated offender who is sentenced to a
10 term of imprisonment, such sample shall be collected by the public serv-
11 ant to whose custody the designated offender has been committed.

12 (ii) In the case of a designated offender who is sentenced to a term
13 of probation, including a sentence of probation imposed in conjunction
14 with a sentence of imprisonment when a sample has not already been
15 taken, such sample shall be collected by the probation department super-
16 vising the designated offender.

17 (iii) In the case of a designated offender whose sentence does not
18 include either a term of imprisonment or a term of probation, the court,
19 or in the case of a person registered as a sex offender on or before the
20 effective date of this subparagraph who has not had a DNA sample taken,
21 the division of criminal justice services, shall order that the desig-
22 nated offender report to an office of the sheriff of that county, and
23 when the designated offender does so, such sample shall be collected by
24 the sheriff's office.

25 (iv) In the case of a designated sex offender who is required to
26 register as a sex offender pursuant to article six-C of the correction
27 law as a result of a conviction obtained in a foreign jurisdiction on or
28 after the effective date of this subparagraph, such sample shall be
29 collected by the probation department of the county in which the desig-
30 nated offender resides.

31 (v) Nothing in this paragraph shall prohibit the collection of a DNA
32 sample from a designated offender by any court official, state or local
33 correction official or employee, probation officer, parole officer,
34 police officer, peace officer, or other public servant who has been
35 notified by the division of criminal justice services that such desig-
36 nated offender has not provided a DNA sample. Upon notification by the
37 division of criminal justice services that a designated offender has not
38 provided a DNA sample, such court official, state or local correction
39 official or employee, probation officer, parole officer, police officer,
40 peace officer or other public servant shall collect the DNA sample.

41 § 3. Section 65.10 of the penal law is amended by adding a new subdi-
42 vision 4-b to read as follows:

43 4-b. Mandatory DNA condition for designated offenders and certain
44 other offenders. When imposing a sentence of probation or conditional
45 discharge upon a person defined as a designated offender pursuant to
46 subdivision seven of section nine hundred ninety-five of the executive
47 law, the court shall require as a mandatory condition of such sentence
48 that such person provide a DNA sample as required by section nine
49 hundred ninety-five of the executive law. Nothing in this subdivision
50 shall be construed as prohibiting a DNA condition upon any other offen-
51 der where authorized by article forty-nine-B of the executive law.

52 § 4. The penal law is amended by adding a new section 270.40 to read
53 as follows:

54 § 270.40 Failure to provide a DNA sample.

55 A person is guilty of failure to provide a DNA sample when he or she
56 (a) is a designated offender, as defined in subdivision seven of section

1 nine hundred ninety-five of the executive law, required to provide a
2 sample appropriate for DNA testing pursuant to the provisions of subdi-
3 vision three of section nine hundred ninety-five-c of the executive law;
4 (b) has been notified by a court, state or local correction official or
5 employee, parole officer, probation officer, police officer, peace offi-
6 cer or other public servant of the obligation to provide such a sample;
7 and (c) upon request to provide such sample made by a public servant
8 authorized to collect it, fails to provide such a sample.

9 Failure to provide a DNA sample is a class A misdemeanor.

10 § 5. This act shall take effect January 1, 2011; provided, however,
11 that the amendments to subdivision 7 of section 995 of the executive law
12 made by section one of this act shall apply to designated offenses
13 committed on or after such effective date; and provided, further that
14 the amendments to subdivision 7 of section 995 of the executive law made
15 by section one of this act relating to a person who is required to
16 register as a sex offender pursuant to article six-C of the correction
17 law shall apply to a person registered as a sex offender prior to, on,
18 or after such effective date.

19

PART H

20 Section 1. Section 401 of the vehicle and traffic law is amended by
21 adding a new subdivision 5-b to read as follows:

22 5-b. Denial of registration or renewal for certain violations. a. If
23 at the time of application for a registration or renewal thereof there
24 is a notification from or on behalf of the division of criminal justice
25 services, or any agency, division or authority so designated by such
26 division, that the registrant or his representative has failed to answer
27 or has failed to pay any penalty imposed by such division, agency or
28 authority following the entry of a final decision of liability in
29 response to a total of three or more notices of liability charging the
30 registrant was liable in accordance with section eleven hundred eighty-
31 one-a of this chapter for a violation of paragraph two of subdivision
32 (d) or subdivision (f) of section eleven hundred eighty of this chapter,
33 the commissioner, or his agent, shall deny the registration or renewal
34 application until the applicant provides proof from the division of
35 criminal justice services that in each such instance, the registrant has
36 appeared in response to such notices of liability or has paid such
37 penalties. Where an application is denied pursuant to this section, the
38 commissioner may, in his or her discretion, deny a registration or
39 renewal application to any other person for the same vehicle and may
40 deny a registration or renewal application for any other motor vehicle
41 registered in the name of the applicant where the commissioner has
42 determined that such applicant's intent is to evade the purposes of this
43 subdivision and where the commissioner has reasonable grounds to believe
44 that such registration or renewal will have the effect of defeating the
45 purposes of this subdivision. Such denial shall only remain in effect
46 as long as the notices of liability remain unanswered or the penalties
47 unpaid. Terms defined in section eleven hundred eighty-one-a of this
48 chapter shall be defined in the same way for purposes of this section.

49 b. Any notices required to be sent to the commissioner pursuant to
50 this section shall be submitted in such form and manner as the commis-
51 sioner may prescribe.

52 § 2. Section 510 of the vehicle and traffic law is amended by adding a
53 new subdivision 4-f to read as follows:

1 4-f. Suspension of registration for failure to answer or pay penalties
2 with respect to certain violations. a. Upon the receipt of a notifica-
3 tion by or on behalf of the division of criminal justice services, or
4 any agency, division or authority so designated by such division, that
5 an owner of a motor vehicle has failed to answer within the required
6 time or has failed to pay any penalty imposed following the entry of a
7 final decision of liability by such division, agency or authority in
8 response to a total of six or more notices of liability charging such
9 owner with a violation of paragraph two of subdivision (d) or subdivi-
10 sion (f) of section eleven hundred eighty of this chapter in accordance
11 with the provisions of section eleven hundred eighty-one-a of this chap-
12 ter, the commissioner, or his or her agent, shall suspend the registra-
13 tion of the vehicle or vehicles involved in the violations or the privi-
14 lege of operation of any motor vehicle owned by the registrant. Such
15 suspension shall take effect no less than thirty days from the date on
16 which notice thereof is sent by the commissioner to the person whose
17 registration or privilege is suspended, and shall remain in effect until
18 such registrant has appeared in response to such notice of liability or
19 has paid such penalty in each such instance. Terms defined in section
20 eleven hundred eighty-one-a of this chapter shall be defined in the same
21 way for purposes of this section.

22 b. Any notices required to be sent to the commissioner pursuant to
23 this section shall be submitted in such form and manner as the commis-
24 sioner may prescribe.

25 § 3. The vehicle and traffic law is amended by adding a new section
26 1181-a to read as follows:

27 § 1181-a. Owner liability for operation in excess of certain posted
28 speed limits. 1. Notwithstanding any other provision of law, and in
29 accordance with this section, rules and regulations may be promulgated
30 by the division of state police, the division of criminal justice
31 services, and any agency, division or authority so designated by the
32 division of criminal justice services, to establish a photo-monitoring
33 program and to impose monetary liability on the owner of a vehicle that
34 is operated in excess of a maximum speed limit in violation of paragraph
35 two of subdivision (d) or subdivision (f) of section eleven hundred
36 eighty of this article for failing to obey posted speed limits in work
37 zones and designated stretches of highway. The superintendent of state
38 police shall determine the locations in which the photo-monitoring
39 program shall be established in consultation with the commissioner of
40 the department of transportation. No more than fifty operating photo-
41 monitoring systems shall be in place at any given time. Signs alerting
42 motorists to the presence of photo-monitoring devices shall be placed at
43 least three hundred yards in advance of the location of such device.

44 2. The owner of a vehicle shall be liable for a civil penalty imposed
45 pursuant to this section except as provided in subdivisions ten and
46 eleven of this section and, provided, however, that no owner of a vehi-
47 cle shall be liable for a penalty imposed pursuant to this section where
48 the operator of such vehicle has been charged with a violation of
49 section eleven hundred eighty of this article for the same incident.

50 3. For purposes of this section, the term "owner" shall mean any
51 person, corporation, partnership, firm, agency, association, lessor or
52 organization who, at the time of the violation and with respect to the
53 vehicle identified in the notice of liability: (a) is the beneficial or
54 equitable owner of such vehicle; or (b) has title to such vehicle; or
55 (c) is the registrant or co-registrant of such vehicle which is regis-
56 tered with the department of motor vehicles of this state or any other



1 state, territory, district, province, nation or other jurisdiction and
2 includes (d) a person entitled to the use and possession of a vehicle
3 subject to a security interest in another person. For purposes of this
4 section, the term "photo-monitoring system" shall mean a vehicle speed
5 sensor that automatically produces one or more photographs, one or more
6 microphotographs, a videotape or other recorded images of vehicles trav-
7 eling at the location of such device. For purposes of this section, the
8 term "vehicle" shall mean every device in, upon or by which a person or
9 property is or may be transported or drawn upon a highway.

10 4. A certificate, sworn to or affirmed by an agent of the division,
11 agency or authority which charged that the violation occurred, or a
12 facsimile thereof, based upon inspection of photographs, microphoto-
13 graphs, videotape or other recorded images produced by a photo-monitor-
14 ing system shall be prima facie evidence of the facts contained therein
15 and shall be admissible into evidence in any review of the liability for
16 such violation.

17 5. An owner found liable for a violation of paragraph two of subdivi-
18 sion (d) of section eleven hundred eighty of this article pursuant to
19 this section shall be liable for a monetary penalty of fifty dollars.
20 An owner found liable for a violation of subdivision (f) of section
21 eleven hundred eighty of this article pursuant to this section shall be
22 liable for a monetary penalty of one hundred dollars.

23 6. An imposition of liability pursuant to this section shall be based
24 upon a preponderance of evidence as submitted. An imposition of liabil-
25 ity pursuant to this section shall not be deemed a conviction as an
26 operator and shall not be made part of the motor vehicle operating
27 record, furnished pursuant to section three hundred fifty-four of this
28 chapter, of the person upon whom such liability is imposed nor shall it
29 be used for insurance purposes in the provision of motor vehicle insur-
30 ance coverage.

31 7. (a) A notice of liability shall be sent by first class mail to each
32 person alleged to be liable, pursuant to this section, as an owner for a
33 violation of paragraph two of subdivision (d) or subdivision (f) of
34 section eleven hundred eighty of this article. Such notice shall be
35 mailed no later than forty-five days after the alleged violation except
36 as provided in subdivision ten of this section. Personal delivery on the
37 owner shall not be required. A manual or automatic record of mailing
38 prepared in the ordinary course of business shall be prima facie
39 evidence of the mailing of the notice.

40 (b) A notice of liability shall contain the name and address of the
41 person alleged to be liable as an owner for a violation of paragraph two
42 of subdivision (d) or subdivision (f) of section eleven hundred eighty
43 of this article, the registration number of the vehicle involved in such
44 violation, the location where such violation took place, the date and
45 time of such violation, the identification number of the photo-monitor-
46 ing system that recorded the violation or other document locator number.

47 (c) The notice of liability shall also contain information advising
48 the person charged of the manner and time in which such person may
49 request a copy of the photographs, microphotographs, videotape or other
50 recorded images produced by a photo-monitoring system and the certifi-
51 cate that charged that the violation occurred. Such request shall be
52 submitted within forty-five days of mailing of the notice of liability.

53 (d) The notice of liability shall contain information advising the
54 person charged of the manner and the time in which such person may chal-
55 lenge the liability alleged in the notice. Such notice of liability
56 shall also contain a warning to advise the person charged that failure



1 to answer or challenge in the manner and time provided shall be deemed
2 an admission of liability and that a default judgment may be entered as
3 a final decision of liability thereon.

4 (e) Failure to answer a notice of liability within forty-five days of
5 mailing of the notice shall result in the entry of a default judgment
6 and the immediate conversion of the notice of liability into a final
7 decision of liability against the owner.

8 8. Review of a challenge to the liability imposed upon owners by this
9 section shall be conducted by a liability review examiner. Liability
10 review examiners shall be appointed by the commissioner of the division
11 of criminal justice services and shall be employees of the division of
12 criminal justice services. The commissioner of the division of criminal
13 justice services may appoint as many liability review examiners as are
14 needed for review of challenges to liability pursuant to this section,
15 within amounts appropriated therefor. Written challenges to liability
16 shall be submitted to the division of criminal justice services by
17 owners within forty-five days of mailing of the notice of liability or
18 within forty-five days of mailing of the photographs, microphotographs,
19 videotape or other recorded images and the certificate, whichever is
20 later. The commissioner of the division of criminal justice services
21 shall promulgate rules and regulations governing the review of chal-
22 lenges to liability imposed upon owners pursuant to this section which
23 shall, at a minimum, require a liability review examiner to inspect the
24 photographs, microphotographs, videotape or other recorded images
25 produced by a photo-monitoring system and the certificate, or any other
26 written information the examiner deems relevant, review the owner's
27 written challenge to liability and the accuracy of the information
28 alleged in the notice of liability, and issue a final decision of
29 liability within thirty days of receipt of the challenge.

30 9. If an owner receives a notice of liability pursuant to this section
31 for any time period during which the vehicle was reported to the police
32 department as having been stolen, it shall be a valid defense to an
33 allegation of liability for a violation of paragraph two of subdivision
34 (d) or subdivision (f) of section eleven hundred eighty of this article
35 that prior to the time of the violation, the vehicle had been reported
36 to the police as stolen, and that it had not been recovered by such
37 time. For purposes of asserting the defense provided by this subdivision
38 it shall be sufficient that a certified copy of the police report on the
39 stolen vehicle be sent by first class mail to the division having juris-
40 isdiction.

41 10. An owner who is a lessor of a vehicle to which a notice of liabil-
42 ity was issued pursuant to subdivision seven of this section shall not
43 be liable for the violation of paragraph two of subdivision (d) or
44 subdivision (f) of section eleven hundred eighty of this article
45 provided that he or she sends to the division serving the notice of
46 liability a copy of the rental, lease or other such contract document
47 covering such vehicle on the date of the violation, with the name and
48 address of the lessee clearly legible, within thirty days after receiv-
49 ing the original notice of liability. Failure to send such information
50 within such thirty day time period shall render the lessor liable for
51 the penalty prescribed by this section. Where the lessor complies with
52 the provisions of this subdivision, the lessee of such vehicle on the
53 date of such violation shall be deemed to be the owner of such vehicle
54 for purposes of this section and shall be subject to liability for the
55 violation of paragraph two of subdivision (d) or subdivision (f) of
56 section eleven hundred eighty of this article, provided that the divi-



1 sion mails a notice of liability to the lessee within thirty days after
2 receiving such notice from the lessor. For purposes of this subdivision
3 the term "lessor" shall mean any person, corporation, firm, partnership,
4 agency, association or organization engaged in the business of renting
5 or leasing vehicles to any lessee under a rental agreement, lease or
6 otherwise wherein the said lessee has the use of said vehicle for any
7 period of time. For purposes of this subdivision, the term "lessee"
8 shall mean any person, corporation, firm, partnership, agency, associ-
9 ation or organization that rents, leases or contracts for the use of one
10 or more vehicles and has use thereof for any period of time.

11 11. Except as provided in subdivision ten of this section, if a person
12 receives a notice of liability pursuant to this section it shall be a
13 valid defense to an allegation of liability for a violation of paragraph
14 two of subdivision (d) or subdivision (f) of section eleven hundred
15 eighty of this article that the individual who received the notice of
16 liability pursuant to this section was not an owner of the vehicle at
17 the time the violation occurred or that the vehicle was used without the
18 owner's express or implied permission. If the owner liable for a
19 violation of paragraph two of subdivision (d) or subdivision (f) of
20 section eleven hundred eighty of this article pursuant to this section
21 was not the operator of the vehicle at the time of the violation, the
22 owner may maintain an action for indemnification against the operator.

23 12. Nothing in this section shall be construed to limit the liability
24 of an operator of a vehicle for any violation of any provision of law.

25 13. Notwithstanding any other provision of law, all photographs,
26 microphotographs, videotape or other recorded images prepared pursuant
27 to this section shall be for the use of governmental agencies or author-
28 ities in the discharge of their duties and shall not be made available
29 to the public except as expressly provided for in this section.

30 § 4. This act shall take effect immediately.

31 PART I

32 Section 1. Subdivision 1 of section 259-b of the executive law, as
33 amended by chapter 123 of the laws of 1987, is amended to read as
34 follows:

35 1. There shall be in the state division of parole a state board of
36 parole which shall possess the powers and duties hereinafter specified.
37 Such board shall consist of not more than [nineteen] thirteen members
38 appointed by the governor with the advice and consent of the senate. The
39 term of office of each member of such board shall be for [six] five
40 years; provided, however, that any member chosen to fill a vacancy
41 occurring otherwise than by expiration of term shall be appointed for
42 the remainder of the unexpired term of the member whom he is to succeed.
43 In the event of the inability to act of any member, the governor may
44 appoint some competent informed person to act in his stead during the
45 continuance of such disability.

46 § 2. This act shall take effect immediately; provided that (a) for all
47 current members of the state board of parole that have served five years
48 or more of their current term of office, their term of office shall
49 expire on the effective date of this act, and (b) all other current
50 members of the state board of parole shall serve no more than five years
51 of their current term provided that such members of the state board of
52 parole shall continue to discharge their duties after the expiration of
53 their term until a successor is chosen and confirmed.

1

PART J

2 Section 1. Subdivisions 4 and 13 of section 500-b of the correction
3 law, subdivision 4 as added by chapter 907 of the laws of 1984 and
4 subdivision 13 as amended by chapter 574 of the laws of 1985, are
5 amended to read as follows:

6 4. (a) No person under nineteen years of age shall be placed or kept
7 or allowed to be at any time with any prisoner or prisoners [nineteen]
8 twenty-two years of age or older, in any room, dormitory, cell or tier
9 of the buildings of such institution unless separately grouped to
10 prevent access to persons under nineteen years of age by prisoners
11 [nineteen] twenty-two years of age or older.

12 (b) Persons nineteen, twenty or twenty-one years of age may, at the
13 discretion of the chief administrative officer, be placed or kept either
14 with persons under nineteen years of age or with persons over twenty-two
15 years of age, provided however that in making the decision on where to
16 house such nineteen, twenty or twenty-one year old persons, the chief
17 administrative officer shall consider all of the factors set forth in
18 paragraph (a) of subdivision seven of this section.

19 13. Where in the opinion of the chief administrative officer an emer-
20 gency overcrowding condition exists in a local correctional facility
21 caused in part by the [prohibition against the commingling of persons
22 under nineteen years of age with persons nineteen years of age or older
23 or the commingling of persons nineteen years of age or older with
24 persons under nineteen years of age] restrictions upon commingling of
25 categories of persons set forth in subdivision four of this section, the
26 chief administrative officer may apply to the commission for permission
27 to commingle the aforementioned categories of inmates for a period not
28 to exceed thirty days as provided herein. The commission shall acknowl-
29 edge to the chief administrative officer the receipt of such application
30 upon its receipt. The chief administrative officer shall be permitted
31 to commingle such inmates upon acknowledgment of receipt of the applica-
32 tion by the commission. The commission shall assess the application
33 within seven days of receipt. The commission shall deny any such appli-
34 cation and shall prohibit the continued commingling of such inmates
35 where it has found that the local correctional facility does not meet
36 the criteria set forth in this subdivision and further is in substantial
37 noncompliance with minimum staffing requirements as provided in commis-
38 sion rules and regulations. In addition, the commission shall determine
39 whether the commingling of such inmates presents a danger to the health,
40 safety or welfare of any such inmate. If no such danger exists the chief
41 administrative officer may continue the commingling until the expiration
42 of the aforementioned thirty day period or until such time as he deter-
43 mines that the overcrowding which necessitated the commingling no longer
44 exists, whichever occurs first. In the event the commission determines
45 that such danger exists, it shall immediately notify the chief adminis-
46 trative officer, and the commingling of such inmates shall cease. Such
47 notification shall include specific measures which should be undertaken
48 by the chief administrative officer, to correct such dangers. The chief
49 administrative officer may correct such dangers and reapply to the
50 commission for permission to commingle; however, no commingling may take
51 place until such time as the commission certifies that the facility is
52 now in compliance with the measures set forth in the notification under
53 this subdivision. When such certification has been received by the chief
54 administrative officer, the commingling may continue for thirty days,
55 less any time during which the chief administrative officer commingled



1 such inmates following his application to the commission, or until such
2 time as he determines that the overcrowding which necessitated the
3 commingling no longer exists, whichever occurs first. The chief adminis-
4 trative officer may apply for permission to commingle such inmates for
5 up to two additional thirty day periods, in conformity with the
6 provisions and the requirements of this subdivision, in a given calendar
7 year. For the period ending December thirtieth, nineteen hundred eight-
8 y-four, a locality may not apply for more than one thirty day commin-
9 gling period.

10 § 2. Subdivisions 1 and 2 of section 182.20 of the criminal procedure
11 law, subdivision 1 as amended by chapter 332 of the laws of 2009 and
12 subdivision 2 as added by chapter 689 of the laws of 1993, are amended
13 to read as follows:

14 1. Notwithstanding any other provision of law and except as provided
15 in section 182.30 of this article, the court, in its discretion, may
16 dispense with the personal appearance of the defendant, except an
17 appearance at a hearing or trial, and conduct an electronic appearance
18 in connection with a criminal action [pending in Albany, Bronx, Broome,
19 Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,
20 Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattarau-
21 gus, Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester,
22 Suffolk, Herkimer or Franklin county], provided that the chief adminis-
23 trator of the courts has authorized the use of electronic appearance
24 [and the defendant, after consultation with counsel, consents on the
25 record. Such consent shall be required at the commencement of each elec-
26 tronic appearance to such electronic appearance].

27 2. If, for any reason, the court determines on its own motion or on
28 the motion of any party that the conduct of an electronic appearance may
29 impair the legal rights of the defendant, it shall not permit the elec-
30 tronic appearance to proceed. If[, for any other articulated reason,
31 either party requests at any time during the electronic appearance that
32 such appearance be terminated] the court commences and then terminates
33 an electronic appearance, the court shall [grant such request and]
34 adjourn the proceeding to a date certain. Upon the adjourned date the
35 proceeding shall be recommenced from the point at which [the request for
36 termination of] the electronic appearance [had been granted] was termi-
37 nated.

38 § 3. Subdivisions 6 and 12 of section 500-b of the correction law, as
39 added by chapter 907 of the laws of 1984, are amended to read as
40 follows:

41 6. The commission shall promulgate rules and regulations in accordance
42 with subdivisions seven and eight of this section to assure that persons
43 in custody in local correctional facilities will be afforded appropriate
44 precautions for their personal safety and welfare in assignment to hous-
45 ing, including care or treatment in a facility operated infirmary.

46 12. (a) The provisions of this section shall govern only the assign-
47 ment of persons to facility housing units and shall not be construed to
48 prohibit the commingling of persons during their participation in any
49 facility program or activity, including meals and visitations.

50 (b) Notwithstanding any other provision of law, it shall not be
51 prohibited to house men and women receiving care or treatment in a
52 facility operated infirmary, provided that proper separation is main-
53 tained according to rules and regulations that shall be promulgated by
54 the commission.

55 § 4. Subdivision 2-a of section 72 of the correction law, as added by
56 chapter 268 of the laws of 1973, is amended to read as follows:

1 2-a. The commissioner, superintendent, or director of an institution
2 in which an inmate is confined, may permit an inmate, wishing to do so,
3 to leave the institution under guard for the purpose of performing
4 volunteer labor or services when in the public interest upon the threat
5 or occurrence of a natural disaster, including but not limited to flood,
6 earthquake, hurricane, landslide or fire. An inmate may also be permit-
7 ted to leave the institution under guard to voluntarily perform work for
8 a nonprofit organization pursuant to this subdivision. As used in this
9 subdivision, the term "nonprofit organization" means an organization
10 operated exclusively for religious, charitable, or educational purposes,
11 no part of the net earnings of which inures to the benefit of any
12 private shareholder or individual.

13 § 5. Section 170 of the correction law is amended by adding a new
14 subdivision 3 to read as follows:

15 3. Notwithstanding any other provision of law, an inmate may be
16 permitted to leave the institution under guard to voluntarily perform
17 work for a nonprofit organization. As used in this section, the term
18 "nonprofit organization" means an organization operated exclusively for
19 religious, charitable, or educational purposes, no part of the net earn-
20 ings of which inures to the benefit of any private shareholder or indi-
21 vidual.

22 § 6. Subdivision 6 of section 177 of the correction law, as renumbered
23 by section 1 of part K of chapter 56 of the laws of 2009, is renumbered
24 subdivision 7 and a new subdivision 6 is added to read as follows:

25 6. Notwithstanding any other provision of law, an inmate may be
26 permitted to leave the institution under guard to voluntarily perform
27 work for a nonprofit organization. As used in this section, the term
28 "nonprofit organization" means an organization operated exclusively for
29 religious, charitable, or educational purposes, no part of the net earn-
30 ings of which inures to the benefit of any private shareholder or indi-
31 vidual.

32 § 7. Section 500-d of the correction law, as amended by chapter 403 of
33 the laws of 1986, is amended to read as follows:

34 § 500-d. Food and labor. (1) Prisoners detained for trial, and those
35 under sentence, shall be provided with a sufficient quantity of plain
36 but wholesome food, at the expense of the county; such foods shall be
37 purchased in the manner and subject to the regulations provided in
38 section four hundred eight of the county law; but prisoners detained for
39 trial may, at their own expense, and under the direction of the keeper,
40 be supplied with any other proper articles of food.

41 (2) Such keeper shall cause each prisoner committed to his jail for
42 imprisonment under sentence, to be constantly employed at hard labor
43 when practicable, during every day, except Sunday but the Sunday excep-
44 tion shall not apply where a prisoner under sentence of intermittent
45 imprisonment serves less than the five preceding days in the jail and
46 the keeper has adopted an employment program designed especially for
47 intermittent imprisonment, and the board of supervisors of the county,
48 or judge of the county, may prescribe the kind of labor at which such
49 prisoner shall be employed; and the keeper shall account, at least annu-
50 ally, with the board of supervisors of the county, for the proceeds of
51 such labor.

52 (3) Such keeper may, with the consent of the board of supervisors of
53 the county, or the county judge, from time to time, cause such of the
54 convicts under his charge as are capable of hard labor, to be employed
55 outside of the jail in the same, or in an adjoining county, upon such
56 terms as may be agreed upon between the keepers and the officers, or

1 persons, under whose direction such convicts shall be placed, subject to
2 such regulations as the board or judge may prescribe; and the board of
3 supervisors of the several counties are authorized to employ convicts
4 under sentence to confinement in the county jails, in building and
5 repairing penal institutions of the county and in building and repairing
6 the highways in their respective counties or in preparing the materials
7 for such highways for sale to and for the use of the state, counties,
8 towns, villages or cities, and in cutting wood and performing other work
9 which is commonly carried on at a prison camp, and to make rules and
10 regulations for their employment; and the said board of supervisors are
11 hereby authorized to cause money to be raised by taxation for the
12 purpose of furnishing materials and carrying this provision into effect;
13 and the courts of this state are hereby authorized to sentence convicts
14 committed to detention in the county jails to such hard labor as may be
15 provided for them by the boards of supervisors. This section as amended
16 shall not affect a county wholly included within a city. Notwithstand-
17 ing any other provision of law, an inmate may be permitted to leave the
18 institution under guard to voluntarily perform work for a nonprofit
19 organization pursuant to this subdivision. As used in this section, the
20 term "nonprofit organization" means an organization operated exclusively
21 for religious, charitable, or educational purposes, no part of the net
22 earnings of which inures to the benefit of any private shareholder or
23 individual.

24 § 8. This act shall take effect immediately, provided however that:

25 (a) the amendments to section 500-b of the correction law made by
26 sections one and three of this act shall not affect the repeal of such
27 section and shall be deemed to be repealed therewith; and

28 (b) the amendments to section 180.20 of the criminal procedure law
29 made by section two of this act shall not affect the repeal of such
30 section and shall be deemed to be repealed therewith; and

31 (c) section three of this act shall become effective upon promulgation
32 of rules and regulations by the commission of correction as referenced
33 in such section three.

34

PART K

35 Section 1. Paragraph (e) of subdivision 2 of section 39 of the judici-
36 ary law, as amended by section 22 of part J of chapter 62 of the laws of
37 2003, is amended to read as follows:

38 (e) All fees collected pursuant to sections eighteen hundred three,
39 eighteen hundred three-A and nineteen hundred eleven of the New York
40 city civil court act, all fees collected pursuant to state law by the
41 county clerks in the city of New York, except as otherwise provided
42 herein with respect to fees collected pursuant to subdivision (a) of
43 section eight thousand eighteen of the civil practice law and rules and
44 except those fees collected by the clerk of Richmond county which in the
45 other counties of the city of New York are collected by the city regis-
46 ters, all fees collected pursuant to section eight thousand eighteen of
47 the civil practice law and rules except only to the extent of [one
48 hundred sixty-five] two hundred fifteen dollars of any fee collected
49 pursuant to subdivision (a) of such section and except for those
50 collected pursuant to paragraph three of such subdivision (a), all fees
51 collected pursuant to section eight thousand twenty of the civil prac-
52 tice law and rules except for those collected pursuant to subdivisions
53 (f), (g) and (h) of said section, all fees collected pursuant to section
54 eight thousand twenty-two of the civil practice law and rules, all fees



1 collected pursuant to section twenty-four hundred two of the surrogate's
2 court procedure act, all fees collected pursuant to section eighteen
3 hundred three, eighteen hundred three-A and subdivision (a) of section
4 nineteen hundred eleven of the uniform district court act, all fees
5 collected pursuant to section eighteen hundred three, eighteen hundred
6 three-A and subdivision (a) of section nineteen hundred eleven of the
7 uniform city court act and all fines, penalties and forfeitures
8 collected pursuant to subdivision eight of section eighteen hundred
9 three of the vehicle and traffic law, except such fines, penalties and
10 forfeitures collected by the Nassau county traffic and parking
11 violations agency, section 71-0211 of the environmental conservation
12 law, section two hundred one of the navigation law and subdivision one
13 of section 27.13 of the parks, recreation and historic preservation law
14 shall be paid to the state commissioner of taxation and finance on a
15 monthly basis no later than ten days after the last day of each month.
16 The additional fee of five dollars collected by county clerks in New
17 York city pursuant to paragraph three of subdivision (a) of section
18 eight thousand eighteen of the civil practice law and rules shall be
19 distributed monthly by the county clerks as follows: four dollars and
20 seventy-five cents to the commissioner of education for deposit into the
21 local government records management improvement funds; and twenty-five
22 cents to the city of New York.

23 § 2. Paragraph 1 of subdivision (a) of section 8018 of the civil prac-
24 tice law and rules, as amended by section 23 of part J of chapter 62 of
25 the laws of 2003, is amended to read as follows:

26 1. A county clerk is entitled, for the assignment of an index number
27 to an action pending in a court of which he or she is clerk, to a fee of
28 [one hundred ninety] two hundred forty dollars, payable in advance.

29 § 3. Subdivision (a) of section 8020 of the civil practice law and
30 rules, as amended by section 25 of part J of chapter 62 of the laws of
31 2003, is amended to read as follows:

32 (a) Placing cause on calendar. For placing a cause on a calendar for
33 trial or inquest, one hundred twenty-five dollars in the supreme court
34 and county court; except that where rules of the chief administrator of
35 the courts require that a request for judicial intervention be made in
36 an action pending in supreme court or county court, the county clerk
37 shall be entitled to a fee of ninety-five dollars, payable before a
38 judge may be assigned pursuant to such request, and thereafter, for
39 placing such a cause on a calendar for trial or inquest, the county
40 clerk shall be entitled to an additional fee of thirty dollars, and no
41 other fee may be charged thereafter pursuant to this subdivision; except
42 that the county clerk shall be entitled to a fee of [forty-five] one
43 hundred twenty dollars upon the filing of each motion or cross motion in
44 such action. However, no fee shall be imposed for a motion which seeks
45 leave to proceed as a poor person pursuant to subdivision (a) of section
46 eleven hundred one of this chapter.

47 § 4. Subdivision (b) of section 8022 of the civil practice law and
48 rules, as amended by section 6 of part B of chapter 686 of the laws of
49 2003, is amended to read as follows:

50 (b) The clerks of the appellate divisions of the supreme court and the
51 clerk of the court of appeals are entitled, upon the filing of a record
52 on a civil appeal or a statement in lieu of record on a civil appeal, as
53 required by rule 5530 of this chapter, to a fee of three hundred fifteen
54 dollars, payable in advance. The clerks of the appellate divisions also
55 shall be entitled to such fee upon the filing of a notice of petition or
56 order to show cause commencing a special proceeding in their respective



1 courts. In addition, the clerks of the appellate divisions of the
2 supreme court and the clerk of the court of appeals are entitled, upon
3 the filing of each motion or cross motion with respect to a civil appeal
4 or special proceeding, to a fee of [forty-five] one hundred twenty
5 dollars, payable in advance. However, no fee shall be imposed for a
6 motion or cross motion which seeks leave to prosecute or defend a civil
7 appeal or special proceeding as a poor person pursuant to subdivision
8 (a) of section eleven hundred one of this chapter.

9 § 5. Paragraph 2 of subdivision (a) of section 1911 of the uniform
10 district court act, as amended by section 33 of part J of chapter 62 of
11 the laws of 2003, is amended to read as follows:

12 (2) Upon filing the first paper in an action or proceeding, including
13 a special proceeding for the settlement of a claim of an infant or
14 incompetent, [forty-five] sixty dollars, unless there has been paid a
15 fee of forty-five dollars for the issuance of a summons, order of arrest
16 or attachment, requisition or warrant of seizure, or a notice of
17 petition or order to show cause in lieu thereof in a summary proceeding,
18 as provided for by [subparagraph (1) hereof] paragraph (1) of this
19 subdivision.

20 § 6. Paragraph 1 of subdivision (a) of section 1911 of the uniform
21 city court act, as amended by section 5 of part B of chapter 686 of the
22 laws of 2003, is amended to read as follows:

23 (1) Upon the filing of the first paper in any action or proceeding,
24 [forty-five] sixty dollars, unless there has already been paid a fee of
25 forty-five dollars as provided for by paragraph (11) [hereof] of this
26 subdivision.

27 § 7. Subdivision (b) of section 1911 of the New York city civil court
28 act, as amended by section 36 of part J of chapter 62 of the laws of
29 2003, is amended to read as follows:

30 (b) Upon filing summons with proof of service thereof, or upon filing
31 of the first paper in that county in any action or proceeding,
32 [forty-five] sixty dollars, unless there has been paid in that county a
33 fee of forty-five dollars pursuant to subdivision (a) [hereof] of this
34 section.

35 § 8. This act shall take effect July 1, 2010.

36 PART L

37 Section 1. Subdivision 1 of section 106 of the uniform justice court
38 act, as amended by chapter 499 of the laws of 1977, is amended to read
39 as follows:

40 1. A justice may hold court anywhere in the municipality including in
41 the case of a town justice anywhere within a village wholly or partly
42 contained within the town of which he is a justice regardless of whether
43 or not said village has a village court and in the event two or more
44 contiguous villages maintain offices in the same building, a village
45 justice of any such village may hold court in such building, notwith-
46 standing that the building is outside the boundaries of such village. A
47 town justice may hold court in an adjacent town providing such justice
48 has been elected or holds office pursuant to a plan established by
49 resolution which was adopted pursuant to the provisions of section one
50 hundred six-a of this [chapter] article or the provisions of section one
51 hundred six-b of this article. A justice may hold court in one or more
52 municipalities that form a contiguous geographic area, including in a
53 town and one or more villages each of which is wholly or partly
54 contained within such town, within the same county providing there is an

1 agreement between such municipalities pursuant to article five-g of the
2 general municipal law to hold all court proceedings in any of the such
3 municipalities in a courtroom or other suitable facility open to the
4 public.

5 § 2. Subdivision 1 of section 106-a of the uniform justice court act,
6 as amended by chapter 237 of the laws of 2007, is amended to read as
7 follows:

8 1. The town boards of two or more towns that form a contiguous
9 geographic area within the same county are hereby authorized to estab-
10 lish a single town court to be comprised of town justices to be elected
11 from each of such towns in the same manner and for the same terms as
12 town justices are so elected except that [such terms shall not expire
13 during the same year] the number of such terms expiring in any one year
14 may not exceed by more than one the number of terms expiring in any
15 other year in which terms expire. The procedure to establish such
16 single court may be initiated by the town board or may be initiated by
17 petition. In the event the procedure is initiated by petition, the peti-
18 tion shall be addressed to each town board and shall be signed by at
19 least twenty percent of the registered voters in such towns.

20 § 3. Subdivision 3 of section 106-a of the uniform justice court act,
21 as amended by chapter 237 of the laws of 2007, is amended to read as
22 follows:

23 3. Such petition shall be filed in the office of the town clerk of one
24 of such towns and a certified copy shall be filed in the office of the
25 town clerk of the other town or towns.

26 § 4. Subdivision 8 of section 106-a of the uniform justice court act,
27 as amended by chapter 237 of the laws of 2007, is amended to read as
28 follows:

29 8. In the event that each respective town board approves such resol-
30 ution or petition, such boards shall prepare a joint resolution which
31 shall provide that the office of one justice in each town shall be abol-
32 ished and that the remaining justice in each town shall have jurisdic-
33 tion in each town to the same extent as if each such justice was elected
34 in each town. Such joint resolution shall provide for the election of at
35 least one town justice every two years but in no case shall the number
36 of terms expiring in any one year exceed by more than one the number of
37 terms expiring in any other year in which terms expire, and shall iden-
38 tify each justice whose office shall be abolished, and shall identify
39 each justice whose office shall be continued [to so provide for the
40 election of one justice every two years].

41 § 5. Subdivision 9 of section 106-a of the uniform justice court act,
42 as amended by chapter 237 of the laws of 2007, is amended to read as
43 follows:

44 9. In the event no agreement can be reached as to which offices shall
45 be abolished, the [office] offices to be [first] abolished by such
46 resolution shall be chosen from each of the offices of town justice by
47 lot. [In the event it is determined by lot that the office of justice to
48 be first abolished is an office, the term of which will expire in more
49 than two years, such office shall be abolished as provided in such
50 resolution. The office of town justice that shall also then be abolished
51 in the other town shall be that office which would have expired in less
52 than two years. In the event it is determined by lot that the office of
53 town justice to be abolished is an office, the term of which will expire
54 in less than two years, such office shall be abolished as provided in
55 such resolution. The office of town justice that shall also be abol-
56 ished in any town shall be that office which would have expired in more

1 than two years] However in no case shall an office be chosen by lot to
2 be abolished that would cause the remaining offices to violate the
3 requirements of subdivision eight of this section.

4 § 6. Subdivision 11 of section 106-a of the uniform justice court act,
5 as added by chapter 499 of the laws of 1977, is amended to read as
6 follows:

7 11. If such resolution is approved by a majority of the qualified
8 persons voting thereon in each town such resolution shall be deemed to
9 be adopted and the plan to establish a single town court shall be imple-
10 mented in the manner provided in such resolution. If such resolution is
11 disapproved by a majority of the qualified persons voting thereon in one
12 [town] or [in both] more towns, such resolution shall be defeated and no
13 further action shall be taken to implement such plan.

14 § 7. Subdivision 12 of section 106-a of the uniform justice court act,
15 as added by chapter 499 of the laws of 1977, is amended to read as
16 follows:

17 12. Any town justice continuing in office pursuant to such plan and
18 any town justice hereafter elected pursuant to the plan established in
19 such resolution shall have jurisdiction in each [adjacent] town in the
20 contiguous geographic area to the same extent and effect as if such town
21 justice were elected in each such town.

22 § 8. This act shall take effect April 1, 2010.

23

PART M

24 Section 1. 1. Mandates. As used in this section, "mandate" means any
25 rule or regulation issued by the chief judge of the court of appeals or
26 the chief administrative judge that creates a new program or requires a
27 higher level of service for an existing program that a local government
28 is required to provide.

29 2. Impact of local mandates. (a) There shall be no new mandates
30 imposed on a local government without a public accounting of the
31 expected impact on such local government, which public accounting shall
32 include the fiscal impacts of such mandate, a cost-benefit analysis,
33 documentation of input sought and received from the affected local
34 government, and proposed sources of revenue to fund such mandate.

35 (b) Notwithstanding paragraph (a) of this subdivision, such a mandate
36 may be imposed without such accounting if such mandate is necessary to
37 protect against an urgent threat to public health or safety, provided
38 that such accounting shall be completed promptly thereafter.

39 § 2. This act shall take effect immediately.

40

PART N

41 Section 1. Section 2431 of the public authorities law is amended by
42 adding a new closing paragraph to read as follows:

43 It is further declared to be in the public interest and it is the
44 policy of the state to provide a means by which state and local first-
45 responder public safety agencies can establish regional communications
46 capabilities, intended to serve as a part of a statewide interoperable
47 network, and to do so by authorizing a state instrumentality to borrow
48 money and use the proceeds to purchase obligations issued by a munici-
49 pality or enter into special public safety communications financing
50 agreements with a municipality to fund these communications capabili-
51 ties, thereby resulting in savings for taxpayers.



1 § 2. Subdivisions 2, 3 and 10 of section 2432 of the public authori-
2 ties law, as amended by section 2 of part E of chapter 494 of the laws
3 of 2009, are amended, subdivisions 25 and 26 are renumbered subdivisions
4 26 and 27 and three new subdivisions 25, 28 and 29 are added to read as
5 follows:

6 (2) "Bonds" and "Notes". The bonds and notes, including any special
7 program bonds, special school purpose bonds, [and] recovery act bonds,
8 and public safety communications bonds respectively issued by the agency
9 pursuant to this title. Bonds and notes shall not include any tax lien
10 collateralized securities issued pursuant to this title.

11 (3) "Municipal Bond". A bond or note or evidence of debt payable from
12 any local revenues, including taxes, assessments and rents, which a
13 municipality may lawfully issue to finance local improvements and public
14 purposes, including local ARRA bonds and local public safety communi-
15 cations bonds, but does not include (a) any bond or note or evidence of
16 debt issued by any other state or any public body or municipal corpo-
17 ration thereof, (b) any special program agreement, or (c) any special
18 school purpose agreement or any special school deficit program agree-
19 ment.

20 (10) "Debt Service Reserve Fund Requirement". With respect to any debt
21 service reserve fund created by section twenty-four hundred thirty-nine
22 of this title relating to bonds other than special program bonds or
23 special school purpose bonds or special school deficit program bonds or
24 recovery act bonds or public safety communications bonds, as of any
25 particular date of computation, an amount of money equal to the greatest
26 of the respective amounts, for the then current or any succeeding calen-
27 dar year, of annual debt service payments required to be made to the
28 agency on all municipal bonds purchased with the proceeds of bonds which
29 bonds are secured by such debt service reserve fund, such annual debt
30 service payments for any calendar year being an amount of money equal to
31 the aggregate of (a) all interest payable during such calendar year on
32 all municipal bonds purchased by the agency and then outstanding on said
33 date of computation which are secured by such debt service reserve fund,
34 plus (b) the principal amount of all municipal bonds purchased by the
35 agency and then outstanding on said date of computation which mature
36 during such calendar year and are secured by such debt service reserve
37 fund; and with respect to any debt service reserve fund created by
38 section twenty-four hundred thirty-nine of this title relating to an
39 issue or issues of special program bonds or special school purpose bonds
40 or special school deficit program bonds or recovery act bonds or public
41 safety communications bonds, such amount as shall be determined by the
42 agency.

43 (25) "Public safety communications bonds". Bonds of the agency, all or
44 a portion of the proceeds of which are used to purchase a local public
45 safety communication bond or enter into a special public safety communi-
46 cations financing agreement, payable, in each case, from such funds as
47 shall be provided therefor. The amount of such bonds issued by the agen-
48 cy shall not exceed one billion dollars.

49 (28) "Local public safety communications bonds". A municipal bond
50 issued to finance or fund all or a portion of the costs of building
51 regional, interoperable public communications networks for statewide use
52 by first-responder agencies in the state, including equipment and inci-
53 dental costs. Local public safety communication bonds may also be
54 issued to refinance outstanding bonds issued by municipalities for the
55 purposes described herein provided that present value savings are real-
56 ized from such a refunding.

1 (29) "Special public safety communications financing agreement". An
2 agreement between the agency and a municipality entered into pursuant to
3 section twenty-four hundred thirty-five-f of this title.

4 § 3. Subdivisions 11 and 18 of section 2434 of the public authorities
5 law, as amended by section 68 of part H of chapter 83 of the laws of
6 2002, are amended and a new subdivision 7-c is added to read as follows:

7 (7-c) To acquire and contract to acquire, and to enter into arrange-
8 ments with a municipality for the purchase of its local public safety
9 communications bonds.

10 (11) To make and execute contracts for the servicing of municipal
11 bonds acquired by the agency pursuant to this title, and for the servic-
12 ing of special program agreements, special school purpose agreements
13 [and], special school deficit program agreements, and special public
14 safety communications financing agreements, and to pay the reasonable
15 value of services rendered to the agency pursuant to those contracts;

16 (18) To establish any terms and provisions with respect to any special
17 program agreement, special school purpose agreement [or], special school
18 deficit program agreement or special public safety communications
19 financing agreement, including any terms for payment, and any other
20 matters which are necessary, desirable or advisable in the judgment of
21 the agency;

22 § 4. Subdivisions 1 and 2 of section 2435 of the public authorities
23 law, as amended by section 4 of part E of chapter 494 of the laws of
24 2009, are amended to read as follows:

25 1. The agency may purchase, and contract to purchase, municipal bonds
26 from municipalities at such price or prices, upon such terms and condi-
27 tions and in such manner, not inconsistent with the provisions of the
28 local finance law, as the agency shall deem advisable; provided, howev-
29 er, that the average interest rate payable on all municipal bonds (taken
30 as a group) purchased with the proceeds of an issue of bonds shall equal
31 or exceed the interest rate on such issue of bonds. The agency shall not
32 purchase the municipal bonds of any municipality if (i) the aggregate
33 principal amount thereof, together with the aggregate principal balances
34 of the municipal bonds of such municipality then outstanding and held by
35 the agency, exceed an amount equal to ten percent of the aggregate prin-
36 cipal amount of the statutory authorization at the time for the issuance
37 of bonds and notes, as provided in section twenty-four hundred thirty-
38 eight of this title, and (ii) the aggregate principal amount thereof
39 exceeds an amount equal to fifty percent of the aggregate principal
40 amount of all municipal bonds proposed to be so purchased at the time;
41 provided, however, that this sentence shall not apply to local ARRA
42 bonds or local public safety communications bonds.

43 2. The agency shall require as a condition of purchase of municipal
44 bonds from municipalities that each such municipality shall agree (i) to
45 pledge its full faith and credit for the payment of the principal of and
46 interest on such municipal bonds, (ii) to make annual appropriations for
47 amounts required for the payment of such principal and interest, and
48 (iii) if at any time the municipality fails to make the required appro-
49 priation to pay such principal and interest, or fails to make the
50 payment of the required principal and interest, the provisions of
51 section twenty-four hundred thirty-six and/or twenty-four hundred thir-
52 ty-six-b of this title shall take effect, provided that in connection
53 with special public safety communications financing agreements, the
54 agency may require that each municipality that has entered into such an
55 agreement with the agency shall agree, to the extent permitted by law,
56 (i) to pledge its full faith and credit for the payment of its obli-

1 gations under such special public safety communications financing agree-
2 ments, (ii) to make annual appropriations for amounts required for the
3 payment required to be made under such special public safety communi-
4 cations financing agreements. If at any time the municipality fails to
5 make the required appropriation to pay its obligations under such
6 special public safety communications financing agreements, or fails to
7 make the payment of the required amounts thereunder, the provisions of
8 section twenty-four hundred thirty-six of this title shall take effect.
9 All municipalities selling municipal bonds to the agency are hereby
10 authorized to make and carry out the agreements with the agency required
11 in this subdivision.

12 § 5. The public authorities law is amended by adding a new section
13 2436-c to read as follows:

14 § 2436-c. Local public safety communications bonds. (1) The agency may
15 purchase local public safety communications bonds using the proceeds of
16 public safety communication bonds, subject to the provisions of this
17 section and to any other provision of law applicable to the municipality
18 and bonds it issues, including any debt limitation applicable to the
19 municipality that issued the local public safety communications bond, as
20 well as to the other provisions of this title. To the extent that any
21 such other provision of law conflicts with a provision of this section,
22 the provision of this section shall control, except as otherwise stated.

23 (2) Local public safety communications bonds shall be payable from
24 funds provided by a municipality for payment thereof as well as any
25 monies available from special public safety communications agreements.

26 (3) The agency's public safety communications bonds secured by
27 payments of principal and interest due with respect to local public
28 safety communications bonds shall not be a debt of either the state or
29 any municipality, and neither the state nor any municipality shall be
30 liable thereon, nor shall they be payable out of any funds other than
31 those of the agency; and such local public safety communications bonds
32 shall contain on the face thereof a statement to such effect.

33 (4) Subject to the provisions of any contract with holders of bonds,
34 notes or other obligations, proceeds of public safety communications
35 bonds to be paid to a municipality to purchase its local public safety
36 communications bonds shall be paid to the municipality and shall not be
37 commingled with any other money of the agency.

38 (5) Nothing contained in this title shall be construed to create a
39 debt of the state within the meaning of any constitutional or statutory
40 provisions.

41 (6) (a) A municipality may covenant and agree that the municipality
42 will not limit, alter or impair the rights hereby vested in the agency
43 to fulfill the terms of any agreements made with holders of the agency's
44 public safety communications bonds, the proceeds of which were used to
45 purchase the municipality's local public safety communications bonds, or
46 in any way impair the rights and remedies of such holders or the securi-
47 ty for such bonds, until such bonds, together with the interest thereon
48 and all costs and expenses in connection with any action or proceeding
49 by or on behalf of such holders, are fully paid and discharged.

50 (b) Any such agreement with a municipality may be pledged by the agen-
51 cy to secure its public safety communications bonds used to purchase
52 local public safety communications bonds issued by that municipality and
53 may not be modified thereafter except as provided by the terms of the
54 pledge or subsequent agreements with the holders of such public safety
55 communications bonds.

1 § 6. Subdivision 5 of section 2437 of the public authorities law, as
2 amended by section 6 of part E of chapter 494 of the laws of 2009, is
3 amended to read as follows:

4 (5) Any bonds or notes of the agency other than special program bonds,
5 special school purpose bonds, special school deficit program bonds [or],
6 recovery act bonds or public safety communications bonds shall be sold
7 at public sale and from time to time upon such terms and at such prices
8 as may be determined by the agency, and the agency may pay all expenses,
9 premiums and commissions which it may deem necessary or advantageous in
10 connection with the issuance and sale thereof. Any special program
11 bonds, special school purpose bonds, special school deficit program
12 bonds [or], recovery act bonds or public safety communications bonds
13 shall be sold at public or private sale and from time to time upon such
14 terms and at such prices as may be determined by the agency, and the
15 agency may pay all expenses, premiums and commissions which it may deem
16 necessary or advantageous in connection with the issuance and sale ther-
17 eof provided, however, that special program bonds relating to a special
18 program agreement entered for the purpose described in paragraph (b) of
19 subdivision one of section twenty-four hundred thirty-five-a of this
20 title shall be sold on or before June thirtieth, two thousand one. No
21 special program bonds, special school purpose bonds, special school
22 deficit program bonds, or recovery act bonds, or public safety communi-
23 cations bonds of the agency may be sold by the agency at private sale,
24 however, unless such sale and the terms thereof have been approved in
25 writing by (a) the comptroller, where such sale is not to the comp-
26 troller, or (b) the director of the budget, where such sale is to the
27 comptroller.

28 § 7. Subdivision 1 of section 2438 of the public authorities law, as
29 amended by section 7 of part E of chapter 494 of the laws of 2009, is
30 amended as follows:

31 (1) The agency shall not issue bonds and notes in an aggregate princi-
32 pal amount at any one time outstanding exceeding one billion dollars,
33 excluding tax lien collateralized securities, special school purpose
34 bonds, special school deficit program bonds, special program bonds
35 issued to finance the reconstruction, rehabilitation or renovation of an
36 educational facility pursuant to the provisions of subdivision (b) of
37 section sixteen of chapter six hundred five of the laws of two thousand,
38 special program bonds issued to finance the cost of a project for
39 design, reconstruction or rehabilitation of a school building pursuant
40 to the provisions of section fourteen of the city of Syracuse and the
41 board of education of the city school district of the city of Syracuse
42 cooperative school reconstruction act, recovery act bonds, public safety
43 communications bonds and bonds and notes issued to refund outstanding
44 bonds and notes.

45 § 8. The public authorities law is amended by adding a new section
46 2435-f to read as follows:

47 § 2435-f. Special public safety communications financing agreements.
48 (1) In order to fulfill the purposes of this title and notwithstanding
49 any general or special law to the contrary, the agency and the applica-
50 ble municipality are hereby authorized to enter into one or more special
51 public safety communications financing agreements, which special public
52 safety communications financing agreements shall, consistent with the
53 provisions of this title, contain such terms, provisions and conditions
54 as, in the judgment of the agency, shall be necessary or desirable. Each
55 special public safety communications financing agreement shall specify
56 the amount to be made available to the applicable municipality through

1 the proceeds of an issue of public safety communications bonds and shall
2 require such municipality to make payments to the agency in the amounts
3 and the times determined by the agency to be necessary to provide for
4 the payment of such public safety communications bonds and for such
5 other fees, charges, costs, and other amounts as the agency shall in its
6 judgment determine to be necessary or desirable. Such payment or
7 payments to be made by the applicable municipality to the agency as set
8 forth in this section shall be made from such sources as shall be agreed
9 upon between the applicable municipality and the agency pursuant to the
10 applicable special public safety communications financing agreement.

11 (2) Any special public safety communications financing agreement
12 entered into pursuant to subdivision one of this section shall provide
13 that the obligations thereunder to fund or pay the amounts therein
14 provided for shall not constitute a debt of the state or such munici-
15 pality within the meaning of any constitutional or statutory provision
16 and shall be deemed executory only to the extent of moneys available and
17 that no liability shall be incurred by the state or such municipality
18 beyond the moneys available for such purpose.

19 § 9. This act shall take effect immediately.

20

PART O

21 Section 1. Subdivision 5 of section 205 of the civil service law is
22 amended by adding a new paragraph (m) to read as follows:

23 (m) To administer the provisions of article twenty of the labor law to
24 the extent provided for in such article, and to serve all the functions
25 of the board as defined in section seven hundred one of the labor law,
26 including to make, amend and rescind such rules and regulations as may
27 be necessary to carry out the provisions of such article.

28 § 2. Subdivisions 1, 2, 3 and 4 of section 205 of the civil service
29 law, subdivision 1 as amended by chapter 391 of the laws of 1969, subdi-
30 vision 2 as added by chapter 392 of the laws of 1967, subdivision 3 as
31 amended by chapter 307 of the laws of 1979 and subdivision 4 as amended
32 by chapter 503 of the laws of 1971, are amended to read as follows:

33 1. There is hereby created in the [state] department [of civil
34 service] a board, to be known as the public employment relations board,
35 which shall consist of three members appointed by the governor, by and
36 with the advice and consent of the senate from persons representative of
37 the public. Not more than two members of the board shall be members of
38 the same political party. Each member shall be appointed for a term of
39 six years, except that of the members first appointed, one shall be
40 appointed for a term to expire on May thirty-first, nineteen hundred
41 sixty-nine, one for a term to expire on May thirty-first, nineteen
42 hundred seventy-one, and one for a term to expire on May thirty-first,
43 nineteen hundred seventy-three. The governor shall designate one member
44 who shall serve as [chairman] chairperson of the board until the expira-
45 tion of his or her term. A member appointed to fill a vacancy shall be
46 appointed for the unexpired term of the member whom he or she is to
47 succeed.

48 2. Members of the board shall hold no other public office or public
49 employment in the state. The [chairman] chairperson shall give his or
50 her whole time to his or her duties.

51 3. Members of the board other than the [chairman] chairperson shall,
52 when performing the work of the board, be compensated at the rate of two
53 hundred [and] fifty dollars per day, together with an allowance for
54 actual and necessary expenses incurred in the discharge of their duties



1 hereunder. The [chairman] chairperson shall receive an annual salary to
2 be fixed within the amount available therefor by appropriation, in addi-
3 tion to an allowance for expenses actually and necessarily incurred by
4 him or her in the performance of his or her duties.

5 4. (a) The chairperson of the board may appoint an executive director
6 and such other persons, including but not limited to attorneys, media-
7 tors, members of fact-finding boards and representatives of employee
8 organizations and public employers to serve as technical advisers to
9 such fact-finding boards, as it may from time to time deem necessary for
10 the performance of its functions, prescribe their duties, fix their
11 compensation and provide for reimbursement of their expenses within the
12 amounts made available therefor by appropriation. Attorneys appointed
13 under this section may, at the direction of the chairperson of the
14 board, appear for and represent the board in any case in court.

15 (b) No member of the board or its appointees pursuant to this subdivi-
16 sion, including without limitation any mediator or fact-finder employed
17 or retained by the board, shall, except as required by this article, be
18 compelled to nor shall he or she voluntarily disclose to any administra-
19 tive or judicial tribunal or at the legislative hearing, held pursuant
20 to subparagraph (iii) of paragraph (e) of subdivision three of section
21 two hundred nine of this article, any information relating to the resol-
22 ution of a particular dispute in the course of collective negotiations
23 acquired in the course of his or her official activities under this
24 article, nor shall any reports, minutes, written communications, or
25 other documents pertaining to such information and acquired in the
26 course of his or her official activities under this article be subject
27 to subpoena or voluntarily disclosed; except that where the information
28 so required indicates that the person appearing or who has appeared
29 before the board has been the victim of, or otherwise involved in, a
30 crime, other than a criminal contempt in a case involving or growing out
31 of a violation of this article, said members of the board and its
32 appointees may be required to testify fully in relation thereto upon any
33 examination, trial, or other proceeding in which the commission of such
34 crime is the subject of inquiry.

35 § 3. Subdivision 9 of section 701 of the labor law, as amended by
36 chapter 166 of the laws of 1991, is amended to read as follows:

37 9. The term "board" means the public employment relations board
38 created by section [seven hundred two of this article] two hundred five
39 of the civil service law, in carrying out its functions under this arti-
40 cle.

41 § 4. Section 702 of the labor law is REPEALED, and a new section 702
42 is added to read as follows:

43 § 702. Special mediators. The board may, when necessary, appoint or
44 designate special mediators who shall have the authority and power of
45 members of the board with regard to such matter, provided that their
46 authority and power to act for the board shall cease upon the conclusion
47 of the specific matter so assigned to them or by revocation by the board
48 of their appointment or designation. Such special mediators shall, when
49 performing the work of the board as aforesaid, be compensated at a rate
50 to be determined by the board subject to the approval of the director of
51 the budget, together with an allowance for actual and necessary expenses
52 incurred in the discharge of their duties hereunder.

53 § 5. Subdivisions 3 and 4 of section 707 of the labor law, subdivision
54 3 as amended by chapter 210 of the laws of 1942 and subdivision 4 as
55 amended by chapter 676 of the laws of 1963, are amended to read as
56 follows:

1 3. The jurisdiction of the supreme court shall be exclusive and its
2 judgment and decree shall be final, except that appeals shall lie to the
3 appellate division of said court and to the court of appeals, in the
4 manner and subject to the limitations provided in the civil practice
5 [act] law and rules irrespective of the nature of the decree or judgment
6 or the amount involved.

7 4. Any person aggrieved by a final order of the board granting or
8 denying in whole or in part the relief sought may obtain a review of
9 such order in the supreme court of the county where the unfair labor
10 practice in question was alleged to have been engaged in or wherein such
11 person resides or transacts business by filing in such court a written
12 petition praying that the order of the board be modified or set aside,
13 or if such court be on vacation or in recess, then to the supreme court
14 of any county adjoining the county wherein the unfair labor practice in
15 question occurred or wherein any such person resides or [tranacts] tran-
16 sacts business. A copy of such petition shall be forthwith served upon
17 the board, and thereupon the aggrieved party shall file in the court a
18 transcript of the entire record in the proceeding, certified by the
19 board, including the pleading and testimony and order of the board. Upon
20 such filing, the court shall proceed in the same manner as in the case
21 of an application by the board under subdivision one of this section,
22 and shall have the same exclusive jurisdiction to grant to the board
23 such temporary relief or restraining order as it deems just and proper,
24 and in like manner to make and enter a decree enforcing, modifying and
25 enforcing as so modified, or setting aside in whole or in part the order
26 of the board; and the findings of the board as to the facts shall in
27 like manner be conclusive.

28 § 6. Subdivision 1 of section 708 of the labor law, as added by chap-
29 ter 443 of the laws of 1937, is amended to read as follows:

30 1. The board, or its duly authorized agents or agencies, shall at all
31 reasonable times have access to, for the purposes of examination, and
32 the right to examine, copy or photograph any evidence, including
33 payrolls or lists of employees, of any person being investigated or
34 proceeded against that relates to any matter under investigation or in
35 question. [Any member of the] The board shall have power to issue
36 subpoenas requiring the attendance and testimony of witnesses and the
37 production of any evidence that relates to any matter under investi-
38 gation or in question before the board, its member, agent, or agency,
39 conducting the hearing or investigation. Any member of the board, or any
40 agent or agency designated by the board for such purposes, may adminis-
41 ter oaths and affirmations, examine witnesses, and receive evidence.

42 § 7. Section 710 of the labor law, as added by chapter 443 of the laws
43 of 1937, is amended to read as follows:

44 § 710. Public records and proceedings. Subject to rules and regu-
45 lations to be made by the board consistent with article six of the
46 public officers law, the complaints, orders and testimony relating to a
47 proceeding instituted by the board under section seven hundred six of
48 this article may be made public records and be made available for
49 inspection or copying. All proceedings pursuant to section seven hundred
50 [and] six of this article shall be open to the public.

51 § 8. Section 717 of the labor law, as added by chapter 166 of the laws
52 of 1991, is amended to read as follows:

53 § 717. State mediation board [and], state labor relations board, and
54 state employment relations board abolished. The state mediation board
55 created by chapter five hundred sixty-nine of the laws of nineteen
56 hundred sixty-eight [and], the New York state labor relations board

1 created by chapter four hundred forty-three of the laws of nineteen
2 hundred thirty-seven, and the state employment relations board created
3 by chapter one hundred sixty-six of the laws of nineteen hundred nine-
4 ty-one are hereby abolished. All the functions, powers and duties of
5 such boards are hereby assigned to and shall hereafter be exercised and
6 performed by and through the board. Any controversy, proceeding or other
7 matter pending before the New York state board of mediation [or], the
8 state labor relations board or the state employment relations board at
9 the time this section takes effect, may be conducted and completed by
10 the board and for such purposes the board shall be deemed to be a
11 continuation of the functions, powers and duties of the New York state
12 board of mediation [or], the state labor relations board or the state
13 employment relations board, respectively, and not a new entity. Upon the
14 transfer of functions to the board pursuant to this section, all appro-
15 priations and reappropriations heretofore or hereafter made to the
16 department of labor relating to the state board of mediation or the
17 state labor relations board or segregated pursuant to law, to the extent
18 of remaining unexpended or unencumbered balances thereof, whether allo-
19 cated or unallocated and whether obligated or unobligated are hereby
20 made available for use and expenditure by the board for the same
21 purposes for which originally appropriated or reappropriated. Whenever
22 the state board of mediation or the state labor relations board or the
23 chairman of the state board of mediation or of the state labor relations
24 board or the state employment relations board is referred to or desig-
25 nated in any general, special or local law or in any rule, regulation,
26 contract or other document, such reference or designation shall be
27 deemed to refer to the board and the chairman thereof, respectively.

28 § 9. Subdivisions (a) and (b) of section 12 of the executive law, as
29 added by section 2 of part B of chapter 383 of the laws of 2001, are
30 amended to read as follows:

31 (a) Notwithstanding any other law, the state, through the governor,
32 may execute a tribal-state compact with the Seneca Nation of Indians
33 pursuant to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25
34 U.S.C. [§§] §§ 2701-2721 and 18 U.S.C. [§§] §§ 1166-1168) consistent with
35 a memorandum of understanding between the governor and the president of
36 the Seneca Nation of Indians executed on June twentieth, two thousand
37 one and filed with the department of state on June twenty-first, two
38 thousand one. Such tribal-state compact shall be deemed ratified by the
39 legislature upon the governor's certification to the temporary president
40 of the senate, the speaker of the assembly, and the secretary of state,
41 that such compact, through its terms, by a Nation's ordinance
42 or other agreement between the state and Nation, by a Nation's ordinance
43 or resolution, by statute, by executive order, or by the terms of any
44 other agreement entered into by or on behalf of the Nation, provides:
45 (i) assurances that the Nation will provide (1) reasonable access to the
46 gaming and related facilities to labor union organizers for purposes of
47 a campaign to solicit employee support for labor union representation;
48 (2) permission for labor union organizers to distribute labor union
49 authorization cards on site for the purpose of soliciting employee
50 support for labor union representation; and (3) recognition of labor
51 unions as the exclusive collective bargaining representatives of employ-
52 ees in appropriate bargaining units based upon a demonstration of major-
53 ity employee support of such labor unions by union authorization card
54 check as verified, if necessary, by an independent arbitrator appointed
55 by the [State] Public Employment Relations Board in consultation with
56 the Nation and the labor union; (ii) assurances that the Nation has an

1 adequate civil recovery system which guarantees fundamental due process
2 to visitors and guests of the facility and related facilities; and (iii)
3 assurances that the Nation will maintain during the term of the compact
4 sufficient liability insurance to assure that visitors and guests will
5 be compensated for their injuries.

6 (b) Notwithstanding any other law, the state, through the governor,
7 may execute tribal-state compacts pursuant to the Indian Gaming Regula-
8 tory Act of 1988 (P.L. 100-497; 25 U.S.C. [§§] §§ 2701-2721 and 18 U.S.C.
9 [§§] §§ 1166-1168) authorizing up to three Class III gaming facilities in
10 the counties of Sullivan and Ulster. Such tribal-state compact shall be
11 deemed ratified by the legislature upon the governor's certification to
12 the temporary president of the senate, the speaker of the assembly and
13 the secretary of state, that such compact, through its terms, by a memo-
14 randum of understanding or other agreement between the state and Nation,
15 by a Nation's ordinance or resolution, by statute, by executive order,
16 or by the terms of any other agreement entered into by or on behalf of
17 the Nation, provides: (i) assurances that the Nation will provide (1)
18 reasonable access to the gaming and related facilities to labor union
19 organizers for purposes of a campaign to solicit employee support for
20 labor union representation; (2) permission for labor union organizers to
21 distribute labor union authorization cards on site for the purpose of
22 soliciting employee support for labor union representation; (3)
23 provision of employees' names and addresses to labor union represen-
24 tatives and tribal/employer/management neutrality in labor union organ-
25 izing campaigns; (4) recognition of labor unions as the exclusive
26 collective bargaining representatives of employees in appropriate
27 bargaining units based upon a demonstration of majority employee support
28 of such labor unions by union authorization card check as verified, if
29 necessary, by an independent arbitrator appointed by the [State] Public
30 Employment Relations Board in consultation with the Nation and the labor
31 union; and (5) final and binding arbitration of organized labor matters
32 or disputes including negotiations for collective bargaining agreements
33 with arbitrators' awards enforceable in a state or federal court of
34 competent jurisdiction; (ii) assurances that the Nation has an adequate
35 civil recovery system which guarantees fundamental due process to visi-
36 tors and guests of the facility and related facilities; and (iii) assur-
37 ances that the Nation will maintain during the term of the compact
38 sufficient liability insurance to assure that visitors and guests will
39 be compensated for their injuries.

40 § 10. Paragraphs (e) and (f) of subdivision 1 of section 169 of the
41 executive law, paragraph (e) as amended by chapter 437 of the laws of
42 1995 and paragraph (f) as amended by chapter 83 of the laws of 1995, are
43 amended to read as follows:

44 (e) chairman of state athletic commission, chairman and executive
45 director of consumer protection board, member-chairman of crime victims
46 board, chairman of human rights appeal board, chairman of the industrial
47 board of appeals, [chairman of the employment relations board,] chairman
48 of the state commission of correction, members of the board of parole,
49 members of the state racing and wagering board, member-chairman of unem-
50 ployment insurance appeal board, director of veterans' affairs, and
51 vice-chairman of the workers' compensation board;

52 (f) executive director of adirondack park agency, commissioners of the
53 state liquor authority, commissioners of the state civil service commis-
54 sion, members of state commission of correction, [members of the employ-
55 ment relations board,] members of crime victims board, members of unem-

1 ployment insurance appeal board, and members of the workers'
2 compensation board.

3 § 11. This act shall not revoke or rescind any regulations or opinions
4 issued by the state employment relations board in effect upon the effec-
5 tive date of this act, to the extent that such regulations or opinions
6 are not inconsistent with any law of the state of New York. The public
7 employment relations board shall undertake a comprehensive review of all
8 such regulations and opinions, which will address the consistency of
9 such regulations and opinions among each other and will propose any
10 regulatory changes necessitated by such review.

11 § 12. This act shall take effect on the thirtieth day after it shall
12 have become a law; provided, however, that effective immediately, the
13 chair of the public employment relations board and the chair of the
14 state employment relations board are hereby authorized to take such
15 actions as are necessary and proper to prepare for an orderly transition
16 of the functions, powers and duties as herein provided.

17

PART P

18 Section 1. Section 163-c of the state finance law is REPEALED.

19 § 2. This act shall take effect immediately.

20

PART Q

21 Section 1. (a) For the purpose of this section, "insurance carrier,"
22 and "workers' compensation rating board" shall have the meaning set
23 forth in section 2 of the workers' compensation law.

24 (b) For the purposes of this section, "excess assessment funds" shall
25 mean any excess of the amount collected by an insurance carrier from its
26 policy holders in accordance with a calculation provided by the workers'
27 compensation rating board pursuant to subdivision 8 of section 15,
28 subdivision 3 of section 25-a or section 151 of the workers' compen-
29 sation law attributable to the period April 1, 2008, through March 31,
30 2009, over the amount paid to the workers' compensation board pursuant
31 to subdivision 8 of section 15, subdivision 3 of section 25-a or section
32 151 of the workers' compensation law attributable to the period April 1,
33 2008, through March 31, 2009.

34 (c) Any insurance carrier or affiliated group of insurance carriers
35 that has collected excess assessment funds shall pay over to the chair
36 of the workers' compensation board, within sixty days of the effective
37 date of this subdivision, the amount of such funds. Such funds shall be
38 credited to the workers' compensation account. Any amounts collected
39 pursuant to this section shall be transferred by the comptroller to the
40 general fund, at the request of the director of the budget.

41 § 2. This act shall take effect immediately.

42

PART R

43 Section 1. Subdivisions 2 and 3 of section 50-a of the workers'
44 compensation law, as added by chapter 139 of the laws of 2008, are
45 amended to read as follows:

46 2. At any time prior to April first, two thousand [nine] eleven, the
47 chair may withdraw funds from the uninsured employers fund provided for
48 under section twenty-six-a of this chapter, up to such amount as the
49 chair determines is sufficient to fund any anticipated additional
50 expenses of such fund, taking into account anticipated available reven-

1 ues, but in no event to exceed [fifty-two] seventy-five million dollars
2 in the aggregate. Such funds shall be deposited into the group self-in-
3 surer offset fund, and used in accordance with subdivision one of this
4 section. As consistent with this section, the chair may set the timing
5 of such withdrawals in its discretion.

6 3. Beginning on January first, two thousand [ten] twelve, and each
7 year thereafter, the chair shall add to the total of each annual assess-
8 ment made under paragraph g of subdivision five of section fifty of this
9 article the sum of up to three million dollars, to be allocated to
10 private group and individual self-insurers in accordance with such para-
11 graph. The chair shall assess additional funds under this paragraph as
12 necessary to insure that there are sufficient funds in the fund for
13 uninsured employers to meet its liabilities, or if necessary in accord-
14 ance with section one hundred fifty-one of this chapter. Such funds as
15 are collected pursuant to this subdivision shall be deposited into the
16 uninsured employer fund until all funds withdrawn therefrom under subdivi-
17 sion one of this section are returned with interest calculated at an
18 annual rate equal to the rate of return on funds in the fund for unin-
19 sured employers from the prior year.

20 § 2. Section 1108 of the insurance law is amended by adding a new
21 subsection (j) to read as follows:

22 (j) Any group of employers authorized by the workers' compensation
23 board to provide workers' compensation benefits for the employees of all
24 member employers pursuant to subdivision three-a of section fifty of the
25 workers' compensation law.

26 § 3. The second undesignated paragraph of subdivision 3 of section 50
27 of the workers' compensation law, as amended by chapter 6 of the laws of
28 2007, is amended to read as follows:

29 If for any reason the status of an employer under this subdivision is
30 terminated, the securities or the surety bond, or the securities, cash,
31 or irrevocable letters of credit and surety bond, on deposit referred to
32 herein shall remain in the custody of the chair for [a period of at
33 least twenty-six months. At the expiration of] such time [or such
34 further time period] as the chair may deem proper and warranted under
35 the circumstances[, and so designates, the chair may accept in]. In
36 lieu thereof, [and for the additional purpose of] and at the discretion
37 of the chair, the employer, his or her heirs or assigns or others carry-
38 ing on or liquidating such business, may execute an assumption of work-
39 ers' compensation liability insurance policy securing such further and
40 future contingent liability as may arise from prior injuries to workers
41 and be incurred by reason of any change in condition of such workers
42 warranting the board making subsequent awards for payment of additional
43 compensation[, a policy of insurance furnished by the employer, his
44 heirs or assigns or others carrying on or liquidating such business].
45 Such policy shall be in a form approved by the superintendent of insur-
46 ance and issued by the state fund or any insurance company licensed to
47 issue this class of insurance in this state. In the event that such
48 policy is issued by an insurance company other than the state fund, then
49 said policy shall be deemed of the kind specified in paragraph fifteen
50 of subsection (a) of section one thousand one hundred thirteen of the
51 insurance law and covered by the workers' compensation security fund as
52 created and governed by article six-A of this chapter. It shall only be
53 issued for a single complete premium payment in advance by the employer
54 and in an amount deemed acceptable by the chair and the superintendent
55 of insurance. In lieu of the applicable premium charge ordinarily
56 required to be imposed by a carrier, said premium shall include a

1 surcharge in an amount to be determined by the chair to: (i) satisfy
2 all assessment liability due and owing to the board and/or the chair
3 under this chapter; and (ii) satisfy all future assessment liability
4 under this section. Said surcharge shall be payable to the board simul-
5 taneous to the execution of the assumption of workers' compensation
6 liability insurance policy. However, the payment of said surcharge does
7 not relieve the carrier from any other liability, including liability
8 owed to the superintendent of insurance pursuant to article six-a of
9 this chapter. [It shall be given in an amount to be determined by the
10 chair and when] When issued such policy shall be non-cancellable without
11 recourse for any cause during the continuance of the liability secured
12 and so covered.

13 § 4. Paragraph 7 of subdivision 3-a of section 50 of the workers'
14 compensation law, as amended by chapter 139 of the laws of 2008, is
15 amended to read as follows:

16 (7) (a) If for any reason, the status of a group self-insurer under
17 this subdivision is terminated, the securities or cash or the surety
18 bond on deposit referred to herein shall remain in the custody of the
19 chair for [a period of at least twenty-six months. At the expiration of]
20 such time [or such further period] as the chair may deem proper and
21 warranted[, he or she may accept in]. In lieu thereof, [and for the
22 additional purpose of] and at the discretion of the chair, the group
23 self-insurer, its heirs or assigns or others carrying on or liquidating
24 such group self-insurer, including the chair on the group self-insurer's
25 behalf, may execute an assumption of workers' compensation liability
26 insurance policy securing such further and future contingent liability
27 as may arise from prior injuries to workers and be incurred by reason of
28 any change in the condition of such workers warranting the board making
29 subsequent awards for payment of additional compensation[, a policy of
30 insurance furnished by the group self-insurer, its successor or assigns
31 or others carrying on or liquidating such group self-insurer]. Such
32 policy shall be in a form approved by the superintendent of insurance
33 and issued by the state fund or any insurance company licensed to issue
34 this class of insurance in this state. In the event that such policy is
35 issued by an insurance company other than the state fund, then said
36 policy shall be deemed of the kind specified in paragraph fifteen of
37 subsection (a) of section one thousand one hundred thirteen of the
38 insurance law and covered by the workers' compensation security fund as
39 created and governed by article six-A of this chapter. It shall only be
40 issued for a single complete premium payment in advance by the group
41 self-insurer and in an amount deemed acceptable by the chair and the
42 superintendent of insurance. In lieu of the applicable premium charge
43 ordinarily required to be imposed by a carrier, said premium shall
44 include a surcharge in an amount to be determined by the chair to: (i)
45 satisfy all assessment liability due and owing to the board and/or the
46 chair under this chapter; and (ii) satisfy all future assessment liabil-
47 ity under this section. Said surcharge shall be payable to the board
48 simultaneous to the execution of the assumption of workers' compensation
49 liability insurance policy. However, the payment of said surcharge does
50 not relieve the carrier from any other liability, including liability
51 owed to the superintendent of insurance pursuant to article six-A of
52 this chapter. [It shall be given in an amount to be determined by the
53 chair and when] When issued such policy shall be noncancellable without
54 recourse for any cause during the continuance of the liability secured
55 and so covered.

1 (b) The chair shall levy an assessment on the members of a defaulted
2 group self-insurer within one hundred twenty days of such default or of
3 the effective date of the chapter of the laws of two thousand eight
4 which amended this subdivision, whichever is later, and against the
5 members of any other terminated group self-insurer when necessary, for
6 such an amount as he or she determines to be necessary to discharge all
7 liabilities of the group self-insurer, including the reasonable cost of
8 liquidation such as claims administration costs, actuarial and account-
9 ing services, and the value of future assessments on members of such
10 group self-insurer. The chair may impose subsequent deficit assessments,
11 or return funds to members, to adjust the moneys collected to reflect
12 the time of participation, and percent of group self-insurer liabilities
13 for such time. Notwithstanding any such action by the chair, each member
14 of the group self-insurer shall remain jointly and severally responsible
15 for all liabilities provided by this chapter including but not limited
16 to outstanding and estimated future liabilities and assessments.
17 Further, separate and apart from, and in addition to a member's joint
18 and several liability and notwithstanding any payments made by any other
19 members of the group self-insurer pursuant to this subparagraph, in the
20 event that a member neglects or fails to pay an assessment levied pursu-
21 ant to this subparagraph, the member shall be deemed in default in the
22 payment of compensation. Such defaulting member is subject to the
23 enforcement provisions of section twenty-six of this chapter for the
24 payment of all compensation relative to awards due and owing on claims
25 filed by the employees of such member that have neither been paid by the
26 member or the group self-insurer. Nothing in this paragraph shall
27 prevent the chair from offering payment plans or settling claims against
28 members of any group self-insurer as necessary to facilitate collection.

29 (c) Upon the assumption of the assets and liabilities of a group self-
30 insurer by the chair or his or her designee pursuant to regulation of
31 the chair, all records, documents and files of whatever nature, pertain-
32 ing to the group self-insurer, be they in the possession of the group
33 self-insurer or a third party, and all remaining assets of the group
34 self-insurer, shall become the property of the chair. All custodians of
35 such records and/or funds shall turn over to the chair or his designee
36 all such original records upon demand.

37 § 5. Subdivision 4 of section 50 of the workers' compensation law is
38 amended by adding a new paragraph e to read as follows:

39 e. If for any reason the status of a county, city, village, town,
40 school district, fire district or other political subdivision of state
41 is terminated, at the discretion of the chair, the county, city,
42 village, town, school district, fire district or other political subdi-
43 vision of state, may execute an assumption of workers' compensation
44 liability insurance policy securing such further and future contingent
45 liability as may arise from prior injuries to workers and be incurred by
46 reason of any change in the condition of such workers warranting the
47 board making subsequent awards for payment of additional compensation.
48 Such policy shall be in a form approved by the superintendent of insur-
49 ance and shall be issued by the state fund or any insurance company
50 licensed to issue this class of policy in this state. In the event that
51 such policy is issued by an insurance company other than the state fund,
52 then said policy shall be deemed to be insurance of the kind specified
53 in paragraph fifteen of subsection (a) of section one thousand one
54 hundred thirteen of the insurance law and covered by the workers'
55 compensation security fund as created and governed by article six-A of
56 this chapter. It shall only be issued for a single complete premium

1 payment in advance by the county, city, village, town, school district,
2 fire district or other political subdivision of state and in an amount
3 deemed acceptable by the chair and the superintendent of insurance. In
4 lieu of the applicable premium charge ordinarily required to be imposed
5 by a carrier, said premium shall include a surcharge in an amount to be
6 determined by the chair to satisfy all assessment liability due and
7 owing to the board and/or the chair under this chapter. Said surcharge
8 shall be payable to the board simultaneous to the execution of the
9 assumption of workers' compensation liability insurance policy. However,
10 the payment of said surcharge does not relieve the carrier from any
11 other liability, including liability owed to the superintendent of
12 insurance pursuant to article six-A of this chapter. When issued such
13 policy shall be non-cancellable without recourse for any cause during
14 the continuance of the liability secured and so covered.

15 § 6. Section 73 of the workers' compensation law, as added by chapter
16 849 of the laws of 1955, is amended to read as follows:

17 § 73. Abandonment of plan. The board of supervisors of a county may by
18 local law provide for the abandonment of a plan, effective as of the
19 close of the calendar year then in progress. Such plan, however, shall
20 continue to operate thereafter until all liabilities of the plan
21 incurred prior to such effective date shall have been satisfied and all
22 advances to the county self-insurance fund shall have been repaid. Such
23 local law shall provide a method for the distribution of any assets of
24 the plan remaining after all such liabilities have been satisfied. The
25 provisions of this section shall not apply to any plan abandoned pursu-
26 ant to section sixty-one of this chapter. At the discretion of the
27 chair, the board of supervisors of a county may execute an assumption of
28 workers' compensation liability insurance policy securing such further
29 and future contingent liability as may arise from prior injuries to
30 workers and be incurred by reason of any change in the condition of such
31 workers warranting the board making subsequent awards for payment of
32 additional compensation. Such policy shall be in a form approved by the
33 superintendent of insurance and shall be issued by the state fund or any
34 insurance company licensed to issue this class of insurance in this
35 state. In the event that such policy is issued by an insurance company
36 other than the state fund, then said policy shall be deemed to be of the
37 kind specified in paragraph fifteen of subsection (a) of section one
38 thousand one hundred thirteen of the insurance law and covered by the
39 workers' compensation security fund as created and governed by article
40 six-A of this chapter. It shall only be issued for a single complete
41 premium payment in advance by the county, city, village, town, school
42 district, fire district or other political subdivision of state and in
43 an amount deemed acceptable by the chair and the superintendent of
44 insurance. In lieu of the applicable premium charge ordinarily required
45 to be imposed by a carrier, said premium shall include a surcharge in an
46 amount to be determined by the chair to satisfy all assessment liability
47 due and owing to the board and/or the chair under this chapter. Said
48 surcharge shall be payable to the board simultaneous to the execution of
49 the assumption of workers' compensation liability insurance policy.
50 However, the payment of said surcharge does not relieve the carrier from
51 any other liability, including liability owed to the superintendent of
52 insurance pursuant to article six-A of this chapter. When issued such
53 policy shall be non-cancellable without recourse for any cause during
54 the continuance of the liability secured and so covered.



1 § 7. The eighth undesignated paragraph of section 106 of the workers'
2 compensation law, as amended by chapter 598 of the laws of 2000, is
3 amended to read as follows:

4 "Carrier" means a stock or mutual corporation or a reciprocal insurer
5 or a nonprofit property/casualty insurance company, if such corporation
6 or insurer is authorized to transact the business of workers' compen-
7 sation insurance in this state, including but not limited to the issu-
8 ance of an assumption of workers' compensation liability insurance poli-
9 cy, but not including any such corporation or insurer which is
10 insolvent.

11 § 8. This act shall take effect immediately.

12 PART S

13 Section 1. The division of the budget and office of the state comp-
14 troller may dedicate such officers and employees as may be needed to a
15 joint project, which shall be known as the state financial system
16 project, and which shall be responsible for the development, implementa-
17 tion and maintenance of a single, statewide financial management system
18 for use by the state comptroller and all agencies. The division of the
19 budget and the office of the state comptroller shall serve jointly as
20 the appointing authority for all titles within the project, and shall
21 jointly appoint a project manager therefor. For purposes of appointment
22 and promotion under the civil service law, the state financial system
23 project shall be treated as if it were a single department.

24 § 2. This act shall take effect immediately.

25 PART T

26 Section 1. The section heading and subdivision 1 of section 160 of the
27 civil service law, as amended by chapter 329 of the laws of 1960, are
28 amended to read as follows:

29 Regulations governing the health [insurance] benefit plan; advisory
30 committee. 1. The president, subject to the provisions of this article,
31 is hereby empowered to establish regulations relating to:

32 (1) the eligibility of (a) active and (b) retired employees to partic-
33 ipate in the health [insurance] benefit plan authorized by this article,

34 (2) the terms and conditions of the insurance and/or plan administra-
35 tor contract or contracts, as applied to (a) active employees and (b)
36 retired employees, and

37 (3) the purchase of such insurance and/or plan administrator contract
38 or contracts and the administration of such health [insurance] benefit
39 plan.

40 The president shall adopt such further regulations as may be required
41 for the effective administration of this article, including the right to
42 require advance payments of any portion of the amount required to be
43 paid by any participating employer as its share in connection with the
44 operation of the health [insurance] benefit plan hereunder.

45 § 2. Subdivisions 1 and 3 of section 161 of the civil service law, as
46 amended by chapter 329 of the laws of 1960, are amended to read as
47 follows:

48 1. The president is hereby authorized and directed to establish a
49 health [insurance] benefit plan for state officers and employees and
50 their dependents and officers and employees of the state colleges of
51 agriculture, home economics, industrial labor relations and veterinary
52 medicine, the state agricultural experiment station at Geneva, and any

1 other institution or agency under the management and control of Cornell
2 university as the representative of the board of trustees of the state
3 university of New York, and the state college of ceramics under the
4 management and control of Alfred university as the representative of the
5 board of trustees of the state university of New York and their depen-
6 dents which, subject to the conditions and limitations contained in this
7 article, and in the regulations of the president, will provide for group
8 hospitalization, surgical and medical insurance against the financial
9 costs of hospitalization, surgery, medical treatment and care, and may
10 include, among other things prescribed drugs, medicines, prosthetic
11 appliances, hospital in-patient and out-patient service benefits and
12 medical expense indemnity benefits.

13 3. The health [insurance] benefit plan shall be designed by the presi-
14 dent (1) to provide a reasonable relationship between the hospital,
15 surgical and medical benefits to be included, and the expected distrib-
16 ution of expenses of each such type to be incurred by the covered
17 employees and dependents, and (2) to include reasonable controls, which
18 may include deductible and coinsurance provisions applicable to some or
19 all of the benefits, to reduce unnecessary utilization of the various
20 hospital, surgical and medical services to be provided and to provide
21 reasonable assurance of stability in future years of the plan, and (3)
22 to provide benefits on a non-discriminatory basis to the extent possi-
23 ble, to active members throughout the state, wherever located.

24 § 3. The section heading and subdivisions 1 and 2 of section 162 of
25 the civil service law, the section heading and subdivision 2 as amended
26 by chapter 329 of the laws of 1960 and subdivision 1 as amended by chap-
27 ter 805 of the laws of 1984, are amended to read as follows:

28 Contract for health [insurance] benefits. 1. The president is hereby
29 authorized and directed to purchase a contract or contracts to provide
30 the benefits under the plan of health [insurance] benefits determined
31 upon in accordance with the provisions of this article. Such contract or
32 contracts shall be purchased from one or more corporations licensed to
33 transact accident and health insurance business in this state or subject
34 to article forty-three of the insurance law. Alternatively, the presi-
35 dent may provide health benefits directly to plan participants, in which
36 case the president is hereby authorized to purchase a contract or
37 contracts with one or more firms qualified to administer, on New York
38 state health benefit plan's behalf, the plan of benefits required under
39 this article. Any health insurance coverage mandated by law applicable
40 to contracts for health insurance entered into under this section shall
41 also apply to the provision of any benefits pursuant to this subdivi-
42 sion. Notwithstanding the provisions of this subdivision, the presi-
43 dent's election to provide health benefits directly to plan participants
44 shall not constitute the doing of insurance business within the meaning
45 of article eleven of the insurance law. All of the benefits to be
46 provided under this article may be included in one or more similar
47 contracts, or the benefits may be classified into different types with
48 each type included under one or more similar contracts issued by the
49 same or different companies.

50 2. A reasonable time before entering into any insurance contract or
51 contract with an administrator or administrators hereunder, the presi-
52 dent shall invite proposals from such qualified insurers or administra-
53 tors as in his or her opinion would desire to accept any part of the
54 insurance coverage or administrative services authorized by this arti-
55 cle.

1 § 4. Subdivisions 1, 2, 5, 7 and 8 of section 163 of the civil service
2 law, subdivisions 1 and 5 as amended by chapter 329 of the laws of 1960,
3 subdivision 2 as amended by chapter 617 of the laws of 1967, subdivision
4 7 as amended by chapter 198 of the laws of 1966 and subdivision 8 as
5 added by chapter 394 of the laws of 1984, are amended to read as
6 follows:

7 1. All persons in the service of the state, whether elected, appointed
8 or employed, who elect to participate in such health [insurance] benefit
9 plan shall be eligible to participate therein, provided, however, that
10 the president may adopt such regulations as he or she may deem appropri-
11 ate excluding temporary, part time or intermittent employment.

12 2. The contract or contracts shall provide for health [insurance]
13 benefits for retired employees of the state and of the state colleges of
14 agriculture, home economics, industrial labor relations and veterinary
15 medicine, the state agricultural experiment station at Geneva, and any
16 other institution or agency under the management and control of Cornell
17 university as the representative of the board of trustees of the state
18 university of New York, and the state college of ceramics under the
19 management and control of Alfred university as the representative of the
20 board of trustees of the state university of New York, and their spouses
21 and dependent children as defined by the regulations of the president,
22 on such terms as the president may deem appropriate, and the president
23 may authorize the inclusion in the plan of the employees and retired
24 employees of public authorities, public benefit corporations, school
25 districts, special districts, district corporations, municipal corpo-
26 rations excluding active employees and retired employees of cities
27 having a population of one million or more inhabitants whose compen-
28 sation is or was before retirement paid out of the city treasury, or
29 other appropriate agencies, subdivisions or quasi-public organizations
30 of the state and their spouses and dependent children as defined by the
31 regulations of the president. Any such corporation, district, agency or
32 organization electing to participate in the plan shall be required to
33 pay its proportionate share of the expenses of administration of the
34 plan in such amounts and at such times as determined and fixed by the
35 president. All amounts payable for such expenses of administration
36 shall be paid to the commissioner of taxation and finance and shall be
37 applied to the reimbursement of funds previously advanced for such
38 purposes. Neither the state nor any other participant in the plan shall
39 be charged with the particular experience attributable to the employees
40 of the participant, and all dividends or retroactive rate credits shall
41 be distributed pro-rata based upon the number of employees of such
42 participant covered by the plan.

43 5. The chief fiscal officer of any such participating employer shall
44 be authorized to deduct from the wages or salary paid to its employees
45 who are participants in such health [insurance] benefit plan the sums
46 required to be paid by them under such plan. Each such participating
47 employer is authorized to appropriate such sums as are required to be
48 paid by it as its share in connection with the operation of such plan.

49 7. For purposes of eligibility for participation in the health [insur-
50 ance] benefit plan no person shall be deemed to be a state officer or
51 employee or to be in the service of the state unless his salary or
52 compensation is paid directly by the state, and no person shall be
53 deemed to be a retired officer or employee of the state unless his sala-
54 ry or compensation immediately preceding his retirement was paid direct-
55 ly by the state; provided, however, that all active and retired
56 justices, judges, officers and employees of the supreme court, surro-

1 gate's court, county court, family court, civil court of the city of New
2 York, criminal court of the city of New York and district court in any
3 county, officers and employees of the office of probation for the courts
4 of New York city shall be eligible for participation in the health
5 [insurance] benefit plan whether or not their salaries are paid or
6 before retirement were paid directly by the state.

7 8. Notwithstanding any other law, rule or regulation to the contrary,
8 where the state and an employee organization representing state officers
9 and employees who are in positions which are in the collective negotiat-
10 ing unit established by chapter four hundred three of the laws of nine-
11 teen hundred eighty-three enter into a collectively negotiated agreement
12 pursuant to article fourteen of this chapter providing that officers and
13 employees who hold positions in such unit on or after April first, nine-
14 teen hundred eighty-four and who immediately upon termination from such
15 position are eligible to receive a retirement benefit from either the
16 New York state or New York city retirement systems shall continue to be
17 eligible to participate in the employee benefit fund established by
18 section two hundred six-a of the state finance law, such officers and
19 employees upon retirement shall continue to participate in and receive
20 the benefits of such fund as provided in such collectively negotiated
21 agreement and shall not be eligible to receive and shall not receive
22 from the statewide health [insurance] benefit plan established pursuant
23 to this article coverage for benefits covered by such employee benefit
24 fund.

25 § 4-a. Section 163-a of the civil service law, as added by chapter 302
26 of the laws of 1985, is amended to read as follows:

27 § 163-a. [Health insurance adjustment] Supplementary plan. 1. For the
28 purposes of this section, the term "supplementary plan" shall mean a
29 health [insurance] benefit plan which provides an adjustment to the
30 deductible or co-insurance liability or to the benefits provided by the
31 statewide health [insurance] benefit plan purchased pursuant to section
32 one hundred sixty-two of this article.

33 2. The president may require the insurer of a supplementary plan to
34 the statewide health [insurance] benefit plan, provided as a result of a
35 collectively negotiated agreement pursuant to article fourteen of this
36 chapter, to make a comparable supplementary plan available to partic-
37 ipating employers as of the implementation date of the state employees'
38 supplementary plan. The comparable supplementary plan shall be experi-
39 ence rated as to those participating employers electing it, with the
40 costs thereof allocated equitably among them.

41 3. Every participating employer which, on or before July first, nine-
42 teen hundred eighty-five, entered into a collectively negotiated agree-
43 ment pursuant to article fourteen of this chapter with employee organ-
44 izations representing its employees to provide the statewide health
45 [insurance] benefit plan shall provide such comparable supplementary
46 plan on the date established by the president until the expiration of
47 such negotiated agreement.

48 § 5. Section 165 of the civil service law, as amended by chapter 810
49 of the laws of 1964, subdivision 2 as amended by chapter 608 of the laws
50 of 1977, is amended to read as follows:

51 § 165. Termination of active employment. 1. The health [insurance]
52 benefit coverage of any employee and his or her dependents, if any,
53 shall cease upon the discontinuance of his or her term of office or
54 employment, subject to regulations which may be prescribed by the presi-
55 dent for extension of coverage and for conversion to an individual
56 contract providing for such of the benefits provided under this article

1 as may be provided under such individual contracts, under terms approved
2 by the president, the total cost of any such contract to be borne by the
3 employee.

4 2. In the event of death of an employee having coverage at the time of
5 death for himself or herself and his or her dependents, and where the
6 circumstances of death are such that beneficiaries or dependents of such
7 deceased employee are entitled to an accidental death benefit payable by
8 a retirement system or pension plan administered by the state or a civil
9 division thereof on account of death resulting from an accident
10 sustained in the performance of his or her duties or to death benefits
11 provided for under the [workmen's] workers' compensation law, the unre-
12 married spouse of such employee covered at the time of his or her death
13 and his or her covered dependents, for so long as they would otherwise
14 qualify as dependents eligible for coverage under the regulations of the
15 president, shall be eligible to continue full coverage under the health
16 [insurance] benefit plan upon payment at intervals determined by the
17 president of the full cost of such coverage; provided, however, that the
18 state shall pay and any participating employer may elect to pay the full
19 cost of such coverage, except that in the case of those enrolled in an
20 optional benefit plan, the employer shall contribute not more than the
21 same dollar amount which would be paid if such unremarried spouse and
22 dependents were enrolled in the basic statewide health [insurance] bene-
23 fit plan. The president shall adopt such regulations as may be required
24 to carry out the provisions of this subdivision which shall include, but
25 need not be limited to, provisions for filing application for continued
26 coverage, including reasonable time limits therefor, and provisions for
27 continued coverage of spouse and dependents pending determination of an
28 application for accidental death benefits from a retirement system or
29 pension plan administered by the state or a civil division thereof or
30 pending determination of a claim for death benefits under the [work-
31 men's] workers' compensation law.

32 § 6. Section 165-a of the civil service law, as amended by chapter 467
33 of the laws of 1991, the closing paragraph as added by chapter 105 of
34 the laws of 2005, is amended to read as follows:

35 § 165-a. Continuation of state health [insurance] benefit plans for
36 survivors of employees of the state and/or of a political subdivision or
37 of a public authority. Notwithstanding any other provision of law to the
38 contrary, the president shall permit the unremarried spouse and the
39 dependents, otherwise qualified as eligible for coverage under regu-
40 lations of the president, of a person who was an employee of the state
41 and/or of a political subdivision thereof or of a public authority for
42 not less than ten years, provided however, that the ten-year service
43 requirement shall not apply to such employees on active military duty in
44 connection with the Persian Gulf conflict who die on or after August
45 second, nineteen hundred ninety while in the Persian Gulf combat zone or
46 while performing such military duties, who had been a participant in any
47 of the state health [insurance] benefit plans, to continue under the
48 coverage which such deceased employee had in effect at the time of
49 death, upon the payment at intervals determined by the president of the
50 full cost of such coverage, provided, however, that the unremarried
51 spouse of an active employee of the State who died on or after April
52 first nineteen hundred seventy-five and before April first nineteen
53 hundred seventy-nine who timely elected to continue dependent coverage,
54 or such unremarried spouse who timely elected individual coverage shall
55 continue to pay at intervals determined by the president one-quarter of
56 the full cost of dependent coverage and provided further, that, with

1 regard to employees of the State, where and to the extent that an agree-
2 ment pursuant to article fourteen of this chapter so provides, or where
3 the director of employee relations, with respect to employees of the
4 State who are not included within a negotiating unit so recognized or
5 certified pursuant to article fourteen of this chapter whom the director
6 of employee relations determines should be declared eligible for the
7 continuation of health [insurance] benefit plans for the survivors of
8 such employees of the State, the president shall adopt regulations
9 providing for the continuation of such health [insurance] benefit or
10 benefits by the unremarried spouse of an active employee of the State
11 who died on or after April first nineteen hundred seventy-nine who
12 elects to continue dependent coverage, or such unremarried spouse who
13 elects individual coverage, and upon such election shall pay at inter-
14 vals determined by the president one-quarter of the full cost of depend-
15 ent coverage and, provided further with respect to enrolled employees of
16 a political subdivision or public authority in a negotiating unit recog-
17 nized or certified pursuant to article fourteen of this chapter, where
18 an agreement negotiated pursuant to said article so provides, and with
19 respect to enrolled employees of a political subdivision or public
20 authority not included within a negotiating unit so recognized or certi-
21 fied, at the discretion of the appropriate political subdivision or
22 public authority, the unremarried spouse of an active employee of the
23 political subdivision or of the public authority who died on or after
24 April first nineteen hundred seventy-five, may elect to continue depend-
25 ent coverage or such unremarried spouse may elect individual coverage
26 and upon such election shall pay at intervals determined by the presi-
27 dent one-quarter of the full cost of dependent coverage.

28 The president shall adopt such regulations as may be required to carry
29 out the provisions of this subdivision which shall include, but need not
30 be limited to, provisions for filing application for continued coverage.

31 Notwithstanding any law to the contrary, the survivors of any employee
32 subject to this section shall be entitled to the health [insurance]
33 benefits granted pursuant to this section, provided that such employee
34 died while on active duty other than for training purposes, pursuant to
35 Title 10 of the United States Code, with the armed forces of the United
36 States, and such member died on such active duty on or after the effec-
37 tive date of [the] chapter one hundred five of the laws of two thousand
38 five [which added this paragraph] as a result of injuries, disease or
39 other medical condition sustained or contracted in such active duty with
40 the armed forces of the United States.

41 § 7. Paragraph (a) of subdivision 1 and subdivisions 2, 4, 5 and 6 of
42 section 167 of the civil service law, paragraph (a) of subdivision 1 as
43 amended by chapter 582 of the laws of 1988, subdivision 2 as amended by
44 chapter 534 of the laws of 1998, subdivision 4 as amended by chapter 407
45 of the laws of 1970, subdivision 5 as amended by chapter 617 of the laws
46 of 1967, and subdivision 6 as amended by section 2 of part C of chapter
47 56 of the laws of 2006, are amended to read as follows:

48 (a) The full cost of premium or subscription charges for the coverage
49 of retired state employees who are enrolled in the statewide and the
50 supplementary health [insurance] benefit plans established pursuant to
51 this article and who retired prior to January first, nineteen hundred
52 eighty-three shall be paid by the state. Nine-tenths of the cost of
53 premium or subscription charges for the coverage of state employees and
54 retired state employees retiring on or after January first, nineteen
55 hundred eighty-three who are enrolled in the statewide and supplementary
56 health [insurance] benefit plans shall be paid by the state. Three-

1 quarters of the cost of premium or subscription charges for the coverage
2 of dependents of such state employees and retired state employees shall
3 be paid by the state. Except as provided in paragraph (b) of this subdi-
4 vision, the state shall contribute toward the premium or subscription
5 charges for the coverage of each state employee or retired state employ-
6 ee who is enrolled in an optional benefit plan and for the dependents of
7 such state employee or retired state employee the same dollar amount
8 which would be paid by the state for the premium or subscription charges
9 for the coverage of such state employee or retired state employee and
10 his or her dependents if he or she were enrolled in the statewide and
11 the supplementary health [insurance] benefit plans, but not in excess of
12 the premium or subscription charges for the coverage of such state
13 employee or retired state employee and his or her dependents under such
14 optional benefit plan. For purposes of this subdivision, employees of
15 the state colleges of agriculture, home economics, industrial labor
16 relations, and veterinary medicine, the state agricultural experiment
17 station at Geneva, and any other institution or agency under the manage-
18 ment and control of Cornell university as the representative of the
19 board of trustees of the state university of New York, and employees of
20 the state college of ceramics under the management and control of Alfred
21 university as the representative of the board of trustees of the state
22 university of New York, shall be deemed to be state employees whose
23 salaries or compensation are paid directly by the state.

24 2. Each participating employer shall be required to pay not less than
25 fifty percentum of the cost of premium or subscription charges for the
26 coverage of its employees and retired employees who are enrolled in the
27 statewide only or the statewide and comparable supplementary health
28 [insurance] benefit plans established pursuant to this article. Such
29 employer shall be required to pay not less than thirty-five percentum of
30 the cost of premium or subscription charges for the coverage of depen-
31 dents of such employees and retired employees. Such employer shall
32 contribute toward the premium or subscription charges for the coverage
33 of each employee or retired employee who is enrolled in an optional
34 benefit plan and for the dependents of such employee or retired employee
35 the same dollar amount which would be paid by such employer for the
36 premium or subscription charges for the coverage of such employee or
37 retired employee and his or her dependents if he or she were enrolled in
38 the statewide health [insurance] benefit plan, but not in excess of the
39 premium or subscription charges for the coverage of such employee or
40 retired employee and his or her dependents under such optional benefit
41 plan. Such employer shall not be required to pay the cost of premium or
42 subscription charges for the coverage of unpaid elected officials, or
43 unpaid board members of a public authority, or their dependents,
44 provided, however that no unpaid board member of a public authority
45 shall be eligible to participate in such [insurance] benefit plan until
46 he or she has served in such position for at least six months. Subject
47 to such regulations as the president may prescribe, any participating
48 employer may elect to pay higher rates of contribution for the coverage
49 of employees, retired employees and their dependents; provided, however,
50 that if a participating employer elects to pay a higher or lower rate of
51 contribution for its retired employees or their dependents, or both,
52 than that paid by the state for its retired employees or their depen-
53 dents, or both, amounts withheld from the retirement allowances of such
54 retired employees for their share of premium or subscription charges, if
55 any, shall, if the president so requires, be paid to such participating
56 employer which shall pay into the health insurance fund the full cost of



1 premium or subscription charges for the coverage of such retired employ-
2 ees and their dependents. Such election shall be exercised by the
3 adoption of a resolution by its governing body which, if required by law
4 to be approved by any other body or officer, shall have been so
5 approved.

6 4. Upon the retirement, on or after July first, nineteen hundred
7 sixty-five, of a state employee whose salary or compensation is paid
8 directly by the state, who is subject to a plan established by law,
9 rule, regulation, written order or written policy which provides for the
10 regular earning and accumulation of sick leave, and who is eligible to
11 continue coverage under the health [insurance] benefit plan after
12 retirement, the department [of civil service] shall determine, based on
13 the employee's age at the time of retirement, the actuarial equivalent
14 in monthly installments for the remaining life expectancy of such
15 retired employee, of the dollar value of the earned and accumulated but
16 unused sick leave standing to his or her credit at the time of retire-
17 ment, without interest. Such dollar value shall be based on the employ-
18 ee's salary at the time of retirement. In addition to regular employer
19 contributions, contributions in the amount of such monthly installments
20 shall be paid from the state's appropriation to the health insurance
21 fund and applied towards the charges for health [insurance] benefits on
22 account of such retired employee and his or her dependents, to the
23 extent necessary to pay such charges. The remaining amount, if any,
24 necessary to pay such charges shall be contributed by such retired
25 employee. On or after October first, nineteen hundred seventy when such
26 dollar value of such sick leave amounts to less than one hundred dollars
27 for a particular retired employee, in lieu of contributions which would
28 otherwise be required from such retired employee, additional contrib-
29 utions shall be paid for the state's appropriation to the health insur-
30 ance fund and applied towards the charges for health [insurance] bene-
31 fits on account of such retired employee and his or her dependents until
32 the sum of such additional contributions equals such dollar value of
33 such sick leave. The remaining amount, if any, necessary to pay such
34 charges shall be contributed by such retired employee. For purposes of
35 this subdivision, employees of the state colleges of agriculture, home
36 economics, industrial labor relations, and veterinary medicine, the
37 state agricultural experiment station at Geneva, and any other institu-
38 tion or agency under the management and control of Cornell university as
39 the representative of the board of trustees of the state university of
40 New York, and employees of the state college of ceramics under the
41 management and control of Alfred university as the representative of the
42 board of trustees of the state university of New York, shall be deemed
43 to be state employees whose salaries or compensation is paid directly by
44 the state.

45 5. Subject to such regulations as the president may prescribe, any
46 participating employer may elect to make additional contributions
47 towards charges for health [insurance] benefit coverage on account of
48 its retired employees and their dependents, based on the dollar value of
49 their sick leave accumulated but unused at the time of retirement. Such
50 election shall apply to employees in the service of the participating
51 employer who retire on or after the effective date of such election, who
52 are subject to a plan established by law, rule, regulation, written
53 order or written policy which provides for the regular earning and accu-
54 mulation of sick leave, and who are eligible to continue coverage under
55 the health [insurance] benefit plan after retirement. The participating
56 employer shall certify to the department [of civil service] the dollar

1 value of earned and accumulated but unused sick leave standing to the
2 credit of an employee at the time of his or her retirement. Additional
3 contributions shall be paid by such participating employer and applied
4 towards charges for health [insurance] benefits on account of its
5 retired employees and their dependents in the same manner as provided in
6 subdivision four of this section with respect to retired state employees
7 and their dependents.

8 6. There is hereby created a health insurance fund which shall be
9 available without fiscal year limitation for premium or subscription
10 charge payments, for payment of health benefits to plan participants,
11 and for administrative services under any contract or contracts
12 purchased in accordance with this article. The amounts withheld from
13 employees and retired employees under subdivision three of this section,
14 all amounts appropriated by the state to such health insurance fund, and
15 all amounts contributed by any participating employer pursuant to subdi-
16 vision two of this section, shall be credited to such health insurance
17 fund. The income derived from any dividends, premium rate adjustments or
18 other refunds under any such contract or contracts shall be credited to
19 such fund and retained therein as a special reserve for adverse fluctu-
20 ation in future charges under any such contract or contracts. Any inter-
21 est earned by the investment of moneys in such health insurance fund
22 shall be added to such special reserve, become a part of such special
23 reserve, and be used for the purpose of such special reserve.

24 § 8. Section 167-a of the civil service law, as added by chapter 602
25 of the laws of 1966, is amended to read as follows:

26 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
27 from the coverage of the health [insurance] benefit plan of supplementa-
28 ry medical insurance benefits for which an active or retired employee or
29 a dependent covered by the health [insurance] benefit plan is or would
30 be eligible under the federal old-age, survivors and disability insur-
31 ance program, an amount equal to the premium charge for such supplemen-
32 tary medical insurance benefits for such active or retired employee and
33 his or her dependents, if any, shall be paid monthly or at other inter-
34 vals to such active or retired employee from the health insurance fund.
35 Where appropriate, such amount may be deducted from contributions paya-
36 ble by the employee or retired employee; or where appropriate in the
37 case of a retired employee receiving a retirement allowance, such amount
38 may be included with payments of his or her retirement allowance.
39 Employer contributions to the health insurance fund shall be adjusted as
40 necessary to provide for such payments.

41 § 9. Section 168 of the civil service law, as amended by chapter 329
42 of the laws of 1960, subdivisions 1 and 2 as amended by chapter 585 of
43 the laws of 1968 and subdivision 3 as amended by chapter 198 of the laws
44 of 1966, is amended to read as follows:

45 § 168. Assessment of certain costs. 1. If the salary or compensation
46 of any officers and employees of the state is paid from a special or
47 administrative fund or funds, other than the state purposes fund or the
48 local assistance fund of the general fund of the state or the capital
49 construction fund or an income fund of the state university or the
50 mental hygiene services fund, such fund or funds shall be charged, and
51 there shall be paid therefrom as [hereinafter] provided in this section
52 the employer's share of the premium for the coverage of such officers
53 and employees under the health [insurance] benefit plan. If the amounts
54 appropriated or allocable from such special or administrative fund or
55 funds are insufficient for such purpose, the director of the budget is
56 hereby authorized to allocate such additional sums from such fund or

1 funds as may be necessary therefor; provided, however, that no transfer
2 shall be made between two or more of such funds. Such amounts shall be
3 paid, at such times as shall be required by the president, to the
4 commissioner of taxation and finance and shall be credited to the health
5 insurance fund to pay, or reimburse the health insurance fund for the
6 payment of, the employer's share of the premium for coverage of such
7 officers and employees under the health [insurance] benefit plan.

8 2. If the salary or compensation of any officers and employees of the
9 state is payable from a special or administrative fund or funds, other
10 than the state purposes fund or the local assistance fund of the general
11 fund of the state or the capital construction fund or an income fund of
12 the state university or the mental hygiene services fund, a propor-
13 tionate share of the expenses of administration of the health [insur-
14 ance] benefit plan, on account of coverage of such officers and employ-
15 ees, shall be payable from such fund or funds. If the amounts
16 appropriated or allocable from such special or administrative fund or
17 funds are insufficient for such purpose, the director of the budget is
18 hereby authorized to allocate such additional sums from such funds or
19 funds as may be necessary therefor; provided, however, that no transfer
20 shall be made between two or more of such funds. The proportionate share
21 of the expenses of administration of the health [insurance] benefit plan
22 chargeable pursuant to this subdivision to any special or administrative
23 fund shall be determined by the president and shall be payable at such
24 times as may be fixed by him or her. Such sums shall be payable to the
25 commissioner of taxation and finance and shall be applied to the
26 reimbursement of funds previously advanced for the expenses of adminis-
27 tration of the health [insurance] benefit plan.

28 3. (a) If the salary or compensation of any justices, judges, officers
29 and employees of the supreme court, surrogate's court, county court,
30 family court, civil court of the city of New York, criminal court of the
31 city of New York and district court in any county, officers and employ-
32 ees of the office of probation for the courts of New York city is not
33 paid in whole or in part from the treasury of the state, but is paid
34 directly from the treasury of a civil division, such civil division
35 shall be required to pay the employer's share of the premium charges for
36 the coverage of such justices, judges, officers and employees under the
37 state health [insurance] benefit plan. The appropriate fiscal officer of
38 such civil division shall deduct from the salary or wages paid to such
39 justices, judges, officers and employees the sums required to be paid by
40 them under such plan. Such deductions and the corresponding employer's
41 share of premium charges shall be paid, at such times as required by the
42 president, to the commissioner of taxation and finance and shall be
43 credited to the health insurance fund.

44 (b) If the salary or compensation of any retired justices, judges,
45 officers and employees of the supreme court, surrogate's court, county
46 court, family court, civil court of the city of New York, criminal court
47 of the city of New York and district court in any county, officers and
48 employees of the office of probation for the courts of New York city
49 prior to retirement was not paid in whole or in part from the treasury
50 of the state but was paid directly from the treasury of a civil divi-
51 sion, such civil division shall be required to pay the employer's share
52 of the premium charges for the coverage of such retired justices, judg-
53 es, officers and employees under the state health [insurance] benefit
54 plan. If such retired justices, judges, officers and employees are
55 receiving retirement allowances from a pension or retirement plan or
56 system administered by such civil division, the amounts required to be

1 paid by such retired justices, judges, officers and employees as their
2 share of premium charges shall be deducted from their retirement allow-
3 ances. Such deductions and the employer's share of premium charges shall
4 be paid, at such times as required by the president, to the commissioner
5 of taxation and finance and shall be credited to the health insurance
6 fund.

7 (c) Any civil division required by this subdivision to pay the employ-
8 er's share of the premium charges for the coverage of active or retired
9 justices, judges, officers and employees of the supreme court, surro-
10 gate's court, county court, family court, civil court of the city of New
11 York, criminal court of the city of New York and district court in any
12 county, officers and employees of the office of probation for the courts
13 of New York city shall also be assessed and required to pay a propor-
14 tionate share of the expenses of administration of the health [insur-
15 ance] benefit plan in such amounts and at such times as determined by
16 the president. Such sums shall be payable to the commissioner of taxa-
17 tion and finance and shall be applied to the reimbursement of funds
18 previously advanced for the expenses of administration of the health
19 [insurance] benefit plan.

20 § 10. Subdivisions 1 and 3 of section 161-a of the civil service law,
21 subdivision 1 as amended by chapter 302 of the laws of 1985 and subdivi-
22 sion 3 as added by chapter 307 of the laws of 1979, are amended to read
23 as follows:

24 1. Where, and to the extent that, an agreement between the state and
25 an employee organization entered into pursuant to article fourteen of
26 this chapter provides for health [insurance] benefits, the president,
27 after receipt of written directions from the director of employee
28 relations, shall implement the provisions of such agreement consistent
29 with the terms thereof and to the extent necessary shall adopt regu-
30 lations providing for the benefits to be thereunder provided. The presi-
31 dent, with the approval of the director of the budget, may extend such
32 benefits, in whole or in part, to employees not subject to the
33 provisions of such agreement.

34 3. There is hereby created a council on employee health insurance to
35 supervise the administration of changes to the health [insurance] bene-
36 fit plan negotiated in collective negotiations and to provide continuing
37 policy direction to insurance plans administered by the state the
38 provisions of any other law to the contrary notwithstanding. The council
39 shall consist of the president [of the civil service commission], the
40 director of the division of the budget, and the director of employee
41 relations.

42 § 11. Paragraph (a) of subdivision 1 of section 11 of the civil
43 service law, as amended by chapter 299 of the laws of 1968, is amended
44 to read as follows:

45 (a) The term "expenses of administration" means the total cost of
46 administration of the department [of civil service], excluding costs of
47 providing services to municipalities and costs of administration of the
48 health [insurance] benefit plan, and excluding costs of special programs
49 or activities of the department as may be determined by the president,
50 subject to approval of the director of the budget, which do not serve
51 generally all state departments and agencies under the jurisdiction of
52 the department;

53 § 12. Section 158 of the civil service law, as added by chapter 1047
54 of the laws of 1973, subdivision 1 as amended by section 4 of part C of
55 chapter 56 of the laws of 2006, is amended to read as follows:

1 § 158. Group term life insurance plan and group accident and health
2 [insurance] benefit plan. 1. The president, subject to the provisions of
3 this section, is hereby empowered to establish regulations relating to,
4 and to enter into and administer contracts providing for, a group term
5 life insurance plan, and a group accident and health [insurance] benefit
6 plan on behalf of legislators, employees of the legislature hired on an
7 annual basis, judges and justices of the unified court system, and state
8 employees and retired employees who, for the purposes of article four-
9 teen of this chapter, have been for a period of time prescribed by the
10 regulations and, except for such retirees, continue to be in positions
11 designated as managerial or confidential positions. The president may
12 authorize the inclusion in the plan of such employees and retired
13 employees of other governments or public employers as defined in subdi-
14 vision [seven] six of section two hundred one of this chapter. The pres-
15 ident may adopt whatever other regulations which may be necessary to
16 fulfill the intentions of this section. No regulation shall be adopted,
17 repealed or amended, and no other action taken with respect to such
18 employees affecting the amount of, or eligibility for, benefits or rates
19 of contribution under this section without the approval of the director
20 of employee relations.

21 The full costs of any insurance program or programs established pursu-
22 ant to this subdivision, excluding administrative costs, shall be borne
23 by insureds and retirees. Any interest earned by the moneys in the life
24 insurance fund shall be added to such fund, become a part of such fund,
25 be used for the purpose of such fund, and be available without fiscal
26 year limitation.

27 2. The regulations of the president authorized by this section shall
28 provide that the entire cost of premiums or subscription charges for
29 coverage under the insurance plans established pursuant to such regu-
30 lations shall be borne by the employees electing such coverage. Such
31 regulations may provide for the allocation of any administrative
32 expenses, other than those of the insurer, among employers or employees
33 or retired employees participating in such coverage.

34 § 13. Subdivision 1 of section 174 of the civil service law, as added
35 by chapter 585 of the laws of 1998, is amended to read as follows:

36 1. All persons who, as of the effective date of this article, are or
37 shall become eligible to participate in the state health [insurance]
38 benefit plan established under article eleven of this chapter, shall be
39 eligible to participate in the long term care insurance plan established
40 under this article. The president shall adopt regulations prescribing
41 the conditions under which an eligible individual may elect to partic-
42 ipate in the long term care insurance plan.

43 § 14. The article heading of article 11 of the civil service law, as
44 added by chapter 461 of the laws of 1956 and such article as renumbered
45 by chapter 790 of the laws of 1958, is amended to read as follows:

46 HEALTH [INSURANCE] BENEFITS FOR STATE AND RETIRED STATE EMPLOYEES

47 § 15. Subparagraph (i) of paragraph f of subdivision 2 of section 5 of
48 the state finance law, as added by section 1 of part E of chapter 56 of
49 the laws of 2000, is amended to read as follows:

50 (i) in the unclassified service of the state and, notwithstanding any
51 other provision of law to the contrary, shall be designated managerial
52 and, as such, eligible for benefits provided by subdivision two of
53 section eleven and subdivision (a) of section twelve of chapter four
54 hundred sixty of the laws of nineteen hundred eighty-two, as amended;
55 section one hundred fifty-eight of the civil service law; eligible to
56 participate in the state deferred compensation plan, the New York state

1 and local employees' retirement system; the health [insurance] benefit
2 plan for state employees; and subject to coverage under sections seven-
3 teen and eighteen of the public officers law, or

4 § 16. Subdivisions 1 and 3 of section 99-c of the state finance law,
5 as added by chapter 55 of the laws of 1977, are amended to read as
6 follows:

7 1. In the event a county, city, town, village or school district which
8 has elected to receive distribution or distributions from the health
9 insurance reserve receipts fund, pursuant to an agreement between such
10 municipality or school district and the state and which has elected to
11 terminate its contractual agreement for health [insurance] benefits with
12 the New York state department of civil service, or if called upon by the
13 New York state department of civil service, pursuant to such agreement,
14 to return such distribution within the time period and under the condi-
15 tions specified in such agreement, shall be in default of its obligation
16 to repay such distribution, the allotment, apportionment, and payment of
17 local assistance aid, education aid or other state aid as appropriate
18 and as determined by the comptroller shall be withheld by the state upon
19 the following terms and conditions.

20 3. Notwithstanding any inconsistent provisions of law, the comptroller
21 shall establish a fund, to be called the health insurance reserve
22 receipts fund, to receive transfers of funds from the health insurance
23 carriers or the plan administrator or administrators of the New York
24 state employee health [insurance] benefit plan, pursuant to contractual
25 agreements between such carriers and the New York state department of
26 civil service and/or from the health insurance fund. Moneys returned by
27 the municipalities and school districts or withheld from state aid by
28 the comptroller pursuant to provisions governing termination of the
29 contractual agreements shall be deposited in this fund. Disbursements
30 from the health insurance reserve receipts fund shall be [for the
31 purpose of returning to participating governments and school districts
32 the appropriate share of moneys remitted by such health insurance carri-
33 ers and/or] for the purpose of remitting to the carriers any moneys due
34 them as a result of termination of the state's contract with the carri-
35 ers or termination of agreements between the state and municipalities
36 and school districts and/or for the purpose of transferring funds to the
37 health insurance fund. Disbursements from such fund shall be made pursu-
38 ant to the procedures for authorization of expenditures contained in
39 article [XI] eleven of the civil service law upon the issuance of a
40 certificate of approval of availability by the director of the budget
41 and subject to audit and warrant of the comptroller.

42 § 17. Subdivision 2 of section 9.09 of the parks, recreation and
43 historic preservation law is amended to read as follows:

44 2. For the purposes of eligibility for participation in the state
45 health [insurance] benefit plan under article eleven of the civil
46 service law and for survivor's benefits for active and retired state
47 employees [as provided by sections one hundred fifty-four and one
48 hundred fifty-five of the civil service law], employees of the commis-
49 sion, to the extent to which the compensation paid for their services is
50 derived from funds appropriated by this state, shall be deemed to be
51 employees of this state and qualified for such participation and bene-
52 fits. For the purpose of determining their rights under the [workmen's]
53 workers' compensation law of this state, employees of the commission
54 employed wholly or partly in this state shall be deemed to be employees
55 of this state provided, however, that the amount of any payment made
56 under such compensation law to an employee of the commission employed

1 only partly in this state shall be only in such proportion as the amount
2 of his or her salary paid by the state of New York shall bear to his or
3 her total salary.

4 § 18. Subsection (b) of section 1101 of the insurance law is amended
5 by adding a new subparagraph 6 to read as follows:

6 (6) Notwithstanding the foregoing, the election by the president of
7 the civil service commission to provide health benefits directly to New
8 York state health benefit plan participants shall not constitute the
9 doing of insurance business within the meaning of article eleven of the
10 insurance law.

11 § 19. This act shall take effect immediately and shall be deemed to
12 have been in full force and effect on and after April 1, 2010.

13

PART U

14 Section 1. Section 167-a of the civil service law, as added by chapter
15 602 of the laws of 1966, is amended to read as follows:

16 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
17 from the coverage of the health insurance plan of supplementary medical
18 insurance benefits for which an active or retired employee or a depend-
19 ent covered by the health insurance plan is or would be eligible under
20 the federal old-age, survivors and disability insurance program, an
21 amount equal to the premium charge for such supplementary medical insur-
22 ance benefits for such active or retired employee and his or her depen-
23 dents, if any, shall be paid monthly or at other intervals to such
24 active or retired employee from the health insurance fund. Where appro-
25 priate, such amount may be deducted from contributions payable by the
26 employee or retired employee; or where appropriate in the case of a
27 retired employee receiving a retirement allowance, such amount may be
28 included with payments of his or her retirement allowance. [Employer]
29 All state employer, employee, retired employee and dependent contrib-
30 utions to the health insurance fund shall be adjusted as necessary to
31 provide for payment of premium charges under this section. All other
32 employer contributions to the health insurance fund shall be adjusted as
33 necessary to provide for such payments.

34 § 2. This act shall take effect immediately and shall be deemed to
35 have been in full force and effect on and after April 1, 2010.

36

PART V

37 Section 1. The retirement and social security law is amended by adding
38 a new section 16-e to read as follows:

39 § 16-e. Amortization of a portion of the state's contribution bill for
40 fiscal year ending March thirty-first, two thousand eleven. a. If the
41 comptroller, in his or her discretion, decides to permit amortization of
42 employer contributions pursuant to this section, then, on the basis of
43 the annual actuarial valuation made as of April first, two thousand nine
44 as provided for in this chapter, the comptroller shall determine the
45 amount (exclusive of payments for group term life insurance, deficiency
46 payments, adjustments relating to prior to fiscal years' obligations and
47 obligations pertaining to retirement incentives or any other obligations
48 that the state is permitted to pay on an amortized basis) required to be
49 paid pursuant to section twenty-three-a of this article for the fiscal
50 year ending March thirty-first, two thousand eleven. The amount by which
51 the contribution amount with respect to the fiscal year ending March
52 thirty-first, two thousand eleven exceeds nine and one-half percent of



1 the estimated pensionable salary base for the fiscal year ending March
2 thirty-first, two thousand eleven shall be the "amount eligible for
3 amortization." The "amount eligible for amortization" may be amortized
4 over a ten-year period at a fixed rate of interest per annum to be
5 determined by the comptroller to be applied to the unpaid balance of the
6 amounts eligible for amortization of all employers, which approximates a
7 market rate of return on taxable fixed rate securities with similar
8 terms issued by comparable issuers, with the first of ten equal payments
9 payable during the fiscal year ending March thirty-first, two thousand
10 twelve.

11 b. The state may, in lieu of paying its bill for fiscal year ending
12 March thirty-first, two thousand eleven, pay a lesser amount during the
13 fiscal year ending March thirty-first, two thousand eleven which shall
14 be determined by the comptroller to equal the following amount:

15 the entire bill for the fiscal year ending on March thirty-first, two
16 thousand eleven, calculated pursuant to section twenty-three-a of this
17 article (without reference to this section) less the "amount eligible
18 for amortization" determined pursuant to subdivision a of this section.

19 c. If the state makes the payment provided for in subdivision b of
20 this section, the state shall pay during the fiscal year ending March
21 thirty-first, two thousand twelve an amount determined by the comp-
22 troller by adding the following two amounts together:

23 (1) the state's entire bill for the fiscal year ending March thirty-
24 first, two thousand twelve, calculated pursuant to section
25 twenty-three-a of this article (without reference to this section), less
26 the "amount eligible for amortization" determined pursuant to section
27 sixteen-f of this title, if applicable, and

28 (2) the first annual installment of the "amount eligible for amorti-
29 zation" determined pursuant to subdivision a of this section.

30 d. The remaining amortized payments determined pursuant to section
31 sixteen-c and sixteen-d of this title and pursuant to this section shall
32 be due and payable each subsequent fiscal year during the applicable
33 amortization period. The comptroller shall have the authority to permit
34 the pre-payment of the remaining balance of the "amount eligible for
35 amortization," determined pursuant to both such sections subject to the
36 following:

37 (1) on or before August first, two thousand ten, in addition to advis-
38 ing with respect to the amount due for the current year billing and for
39 the payment of the amortized annual installments determined pursuant to
40 sections sixteen-c and sixteen-d of this title and pursuant to this
41 section, the comptroller shall advise the state of the total amount due
42 and be authorized to accept pre-payment in full of said amount for
43 fiscal year ending March thirty-first, two thousand eleven.

44 (2) on or before each subsequent August first during the amortization
45 periods, in addition to the amount due for the current year billing and
46 for the payment of the annual amortized installments, the comptroller
47 shall advise the state of the total amount still outstanding and be
48 authorized to accept the pre-payment of any balance remaining to be paid
49 for that fiscal year.

50 § 2. The retirement and social security law is amended by adding a new
51 section 16-f to read as follows:

52 § 16-f. Amortization of a portion of the state's contribution bill for
53 fiscal year ending March thirty-first, two thousand twelve. a. If the
54 comptroller, in his or her discretion, decides to permit amortization of
55 employer contributions pursuant to this section, then, on the basis of
56 the annual actuarial valuation made as of April first, two thousand ten

1 as provided for in this chapter, the comptroller shall determine the
2 amount (exclusive of payments for group term life insurance, deficiency
3 payments, adjustments relating to prior fiscal years' obligations and
4 obligations pertaining to retirement incentives or any other obligations
5 that the state is permitted to pay on an amortized basis) required to be
6 paid pursuant to section twenty-three-a of this article for the fiscal
7 year ending March thirty-first, two thousand twelve. The amount by which
8 the contribution amount with respect to the fiscal year ending March
9 thirty-first, two thousand twelve exceeds ten and one-half percent of
10 the estimated pensionable salary base for the fiscal year ending March
11 thirty-first, two thousand twelve shall be the "amount eligible for
12 amortization." The "amount eligible for amortization" may be amortized
13 over a ten-year period at a fixed rate of interest per annum to be
14 determined by the comptroller to be applied to the unpaid balance of the
15 amounts eligible for amortization of all employers, which approximates a
16 market rate of return on taxable fixed rate securities with similar
17 terms issued by comparable issuers, with the first of ten equal payments
18 payable during the fiscal year ending March thirty-first, two thousand
19 thirteen.

20 b. The state may, in lieu of paying its bill for fiscal year ending
21 March thirty-first, two thousand twelve, pay a lesser amount during the
22 fiscal year ending March thirty-first, two thousand twelve which shall
23 be determined by the comptroller by adding the following two amounts
24 together:

25 (1) the entire bill for the fiscal year ending on March thirty-first,
26 two thousand twelve, calculated pursuant to section twenty-three-a of
27 this article (without reference to this section) less the "amount eligi-
28 ble for amortization" determined pursuant to subdivision a of this
29 section; and

30 (2) the first annual installment of the "amount eligible for amorti-
31 zation" determined pursuant to subdivision a of section sixteen-e of
32 this title, if applicable.

33 c. If the state makes the payment provided for in subdivision b of
34 this section, the state shall pay during the fiscal year ending March
35 thirty-first, two thousand thirteen an amount determined by the comp-
36 troller by adding the following three amounts together:

37 (1) the state's entire bill for the fiscal year ending March thirty-
38 first, two thousand thirteen, calculated pursuant to section twenty-
39 three-a of this article (without reference to this section) less the
40 "amount eligible for amortization" determined pursuant to section
41 sixteen-g of this article, if applicable,

42 (2) the first annual installment of the "amount eligible for amorti-
43 zation" determined pursuant to subdivision a of this section, and

44 (3) the second annual installment of the "amount eligible for amorti-
45 zation" determined pursuant to subdivision a of section sixteen-e of
46 this title, if applicable.

47 d. The remaining amortized payments determined pursuant to sections
48 sixteen-c, sixteen-d, and sixteen-e of this title and pursuant to this
49 section shall be due and payable each subsequent fiscal year during the
50 applicable amortization period. The comptroller shall have the authority
51 to permit the pre-payment of the remaining balance of the "amount eligi-
52 ble for amortization," determined pursuant to both such sections subject
53 to the following:

54 (1) on or before August first, two thousand eleven, in addition to
55 advising with respect to the amount due for the current year billing and
56 for the payment of the amortized annual installments determined pursuant

1 to sections sixteen-c, sixteen-d, and sixteen-e of this title and pursu-
2 ant to this section, the comptroller shall advise the state of the total
3 amount due and be authorized to accept pre-payment in full of said
4 amount for fiscal year ending March thirty-first, two thousand twelve.

5 (2) on or before each subsequent August first during the amortization
6 periods, in addition to the amount due for the current year billing and
7 for the payment of the annual amortized installments, the comptroller
8 shall advise the state of the total amount still outstanding and be
9 authorized to accept the pre-payment of any balance remaining to be paid
10 for that fiscal year.

11 § 3. The retirement and social security law is amended by adding a new
12 section 16-g to read as follows:

13 § 16-g. Amortization of a portion of the state's contribution bill for
14 fiscal year ending March thirty-first, two thousand thirteen. a. If the
15 comptroller, in his or her discretion, decides to permit amortization of
16 employer contributions pursuant to this section, then, on the basis of
17 the annual actuarial valuation made as of April first, two thousand
18 eleven as provided for in this chapter, the comptroller shall determine
19 the amount (exclusive of payments for group term life insurance, defi-
20 ciency payments, adjustments relating to prior fiscal years' obligations
21 and obligations pertaining to retirement incentives or any other obli-
22 gations that the state is permitted to pay on an amortized basis)
23 required to be paid pursuant to section twenty-three-a of this article
24 for the fiscal year ending March thirty-first, two thousand thirteen.
25 The amount by which the contribution amount with respect to the fiscal
26 year ending March thirty-first, two thousand thirteen exceeds eleven and
27 one-half percent of the estimated pensionable salary base for the fiscal
28 year ending March thirty-first, two thousand thirteen shall be the
29 "amount eligible for amortization." The "amount eligible for amorti-
30 zation" may be amortized over a ten-year period at a fixed rate of
31 interest per annum to be determined by the comptroller to be applied to
32 the unpaid balance of the amounts eligible for amortization of all
33 employers, which approximates a market rate of return on taxable fixed
34 rate securities with similar terms issued by comparable issuers, with
35 the first of ten equal payments payable during the fiscal year ending
36 March thirty-first, two thousand fourteen.

37 b. The state may, in lieu of paying its bill for fiscal year ending
38 March thirty-first, two thousand thirteen, pay a lesser amount during
39 the fiscal year ending March thirty-first, two thousand thirteen which
40 shall be determined by the comptroller by adding the following three
41 amounts together:

42 (1) the entire bill for the fiscal year ending on March thirty-first,
43 two thousand thirteen, calculated pursuant to section twenty-three-a of
44 this article (without reference to this section) less the "amount eligi-
45 ble for amortization" determined pursuant to subdivision a of this
46 section;

47 (2) the first annual installment of the "amount eligible for amorti-
48 zation" determined pursuant to subdivision a of section sixteen-f of
49 this title, if applicable; and

50 (3) the second annual installment of the "amount eligible for amorti-
51 zation" determined pursuant to subdivision a of section sixteen-e of
52 this title, if applicable.

53 c. If the state makes the payment provided for in subdivision b of
54 this section, the state shall pay during the fiscal year ending March
55 thirty-first, two thousand fourteen an amount determined by the comp-
56 troller by adding the following four amounts together:

1 (1) the state's entire bill for the fiscal year ending March thirty-
2 first, two thousand fourteen, calculated pursuant to section twenty-
3 three-a of this article (without reference to this section), less the
4 "amount eligible for amortization" determined pursuant to section
5 sixteen-h of this bill, if applicable,

6 (2) the first annual installment of the "amount eligible for amorti-
7 zation" determined pursuant to subdivision a of this section, and

8 (3) the second annual installment of the "amount eligible for amorti-
9 zation" determined pursuant to subdivision a of section sixteen-f of
10 this title, if applicable, and

11 (4) the third annual installment of the "amount eligible for amorti-
12 zation" determined pursuant to subdivision a of section sixteen-e of
13 this title, if applicable.

14 d. The remaining amortized payments determined pursuant to sections
15 sixteen-c, sixteen-d, sixteen-e, and sixteen-f of this title and pursu-
16 ant to this section shall be due and payable each subsequent fiscal year
17 during the applicable amortization period. The comptroller shall have
18 the authority to permit the pre-payment of the remaining balance of the
19 "amount eligible for amortization," determined pursuant to both such
20 sections subject to the following:

21 (1) on or before August first, two thousand twelve, in addition to
22 advising with respect to the amount due for the current year billing and
23 for the payment of the amortized annual installments determined pursuant
24 to section sixteen-c, sixteen-d, sixteen-e and sixteen-f of this title
25 and pursuant to this section, the comptroller shall advise the state of
26 the total amount due and be authorized to accept pre-payment in full of
27 said amount for fiscal year ending March thirty-first, two thousand
28 thirteen.

29 (2) on or before each subsequent August first during the amortization
30 periods, in addition to the amount due for the current year billing and
31 for the payment of the annual amortized installments, the comptroller
32 shall advise the state of the total amount still outstanding and be
33 authorized to accept the pre-payment of any balance remaining to be paid
34 for that fiscal year.

35 § 4. The retirement and social security law is amended by adding a new
36 section 16-h to read as follows:

37 § 16-h. Amortization of a portion of the state's contribution bill for
38 fiscal year ending March thirty-first, two thousand fourteen. a. If the
39 comptroller, in his or her discretion, decides to permit amortization of
40 employer contributions pursuant to this section, then, on the basis of
41 the annual actuarial valuation made as of April first, two thousand
42 twelve as provided for in this chapter, the comptroller shall determine
43 the amount (exclusive of payments for group term life insurance, defi-
44 ciency payments, adjustments relating to prior fiscal years' obligations
45 and obligations pertaining to retirement incentives or any other obli-
46 gations that the state is permitted to pay on an amortized basis)
47 required to be paid pursuant to section twenty-three-a of this article
48 for the fiscal year ending March thirty-first, two thousand fourteen.
49 The amount by which the contribution amount with respect to the fiscal
50 year ending March thirty-first, two thousand fourteen exceeds twelve and
51 one-half percent of the estimated pensionable salary base for the fiscal
52 year ending March thirty-first, two thousand fourteen shall be the
53 "amount eligible for amortization." The "amount eligible for amorti-
54 zation" may be amortized over a ten-year period at a fixed rate of
55 interest per annum to be determined by the comptroller to be applied to
56 the unpaid balance of the amounts eligible for amortization of all



1 employers, which approximates a market rate of return on taxable fixed
2 rate securities with similar terms issued by comparable issuers, with
3 the first of ten equal payments payable during the fiscal year ending
4 March thirty-first, two thousand fifteen.

5 b. The state may, in lieu of paying its bill for fiscal year ending
6 March thirty-first, two thousand fourteen, pay a lesser amount during
7 the fiscal year ending March thirty-first, two thousand fourteen which
8 shall be determined by the comptroller by adding the following four
9 amounts together:

10 (1) the entire bill for the fiscal year ending on March thirty-first,
11 two thousand fourteen, calculated pursuant to section twenty-three-a of
12 this article (without reference to this section) less the "amount eligi-
13 ble for amortization" determined pursuant to subdivision a of this
14 section; and

15 (2) the first annual installment of the "amount eligible for amorti-
16 zation" determined pursuant to subdivision a of section sixteen-g of
17 this title, if applicable; and

18 (3) the second annual installment of the "amount eligible for amorti-
19 zation" determined pursuant to subdivision a of section sixteen-f of
20 this title, if applicable; and

21 (4) the third annual installment of the "amount eligible for amorti-
22 zation" determined pursuant to subdivision a of section sixteen-e of
23 this title, if applicable.

24 c. If the state makes the payment provided for in subdivision b of
25 this section, the state shall pay during the fiscal year ending March
26 thirty-first, two thousand fifteen an amount determined by the comp-
27 troller by adding the following five amounts together:

28 (1) the state's entire bill for the fiscal year ending March thirty-
29 first, two thousand fifteen, calculated pursuant to section twenty-
30 three-a of this article (without reference to this section) less the
31 "amount eligible for amortization" determined pursuant to section
32 sixteen-i of this title, if applicable,

33 (2) the first annual installment of the "amount eligible for amorti-
34 zation" determined pursuant to subdivision a of this section; and

35 (3) the second annual installment of the "amount eligible for amorti-
36 zation" determined pursuant to subdivision a of section sixteen-g of
37 this title, if applicable; and

38 (4) the third annual installment of the "amount eligible for amorti-
39 zation" determined pursuant to subdivision a of section sixteen-f of
40 this title, if applicable; and

41 (5) the fourth annual installment of the "amount eligible for amorti-
42 zation" determined pursuant to subdivision a of section sixteen-e of
43 this title, if applicable.

44 d. The remaining amortized payments determined pursuant to sections
45 sixteen-c, sixteen-d, sixteen-e, sixteen-f, and sixteen-g of this title
46 and pursuant to this section shall be due and payable each subsequent
47 fiscal year during the applicable amortization period. The comptroller
48 shall have the authority to permit the pre-payment of the remaining
49 balance of the "amount eligible for amortization," determined pursuant
50 to both such sections subject to the following:

51 (1) on or before August first, two thousand thirteen, in addition to
52 advising with respect to the amount due for the current year billing and
53 for the payment of the amortized annual installments determined pursuant
54 to sections sixteen-c, sixteen-d, sixteen-e, sixteen-f, and sixteen-g of
55 this title and pursuant to this section, the comptroller shall advise
56 the state of the total amount due and be authorized to accept pre-pay-

1 ment in full of said amount for fiscal year ending March thirty-first,
2 two thousand fourteen.

3 (2) on or before each subsequent August first during the amortization
4 periods, in addition to the amount due for the current year billing and
5 for the payment of the annual amortized installments, the comptroller
6 shall advise the state of the total amount still outstanding and be
7 authorized to accept the pre-payment of any balance remaining to be paid
8 for that fiscal year.

9 § 5. The retirement and social security law is amended by adding a new
10 section 16-i to read as follows:

11 § 16-i. Amortization of a portion of the state's contribution bill for
12 fiscal year ending March thirty-first, two thousand fifteen. a. If the
13 comptroller, in his or her discretion, decides to permit amortization of
14 employer contributions pursuant to this section, then, on the basis of
15 the annual actuarial valuation made as of April first, two thousand
16 thirteen as provided for in this chapter, the comptroller shall deter-
17 mine the amount (exclusive of payments for group term life insurance,
18 deficiency payments, adjustments relating to prior fiscal years' obli-
19 gations and obligations pertaining to retirement incentives or any other
20 obligations that the state is permitted to pay on an amortized basis)
21 required to be paid pursuant to section twenty-three-a of this article
22 for the fiscal year ending March thirty-first, two thousand fifteen. The
23 amount by which the contribution amount with respect to the fiscal year
24 ending March thirty-first, two thousand fifteen exceeds thirteen and
25 one-half percent of the estimated pensionable salary base for the fiscal
26 year ending March thirty-first, two thousand fifteen shall be the
27 "amount eligible for amortization." The "amount eligible for amorti-
28 zation" may be amortized over a ten-year period at a fixed rate of
29 interest per annum to be determined by the comptroller to be applied to
30 the unpaid balance of the amounts eligible for amortization of all
31 employers, which approximates a market rate of return on taxable fixed
32 rate securities with similar terms issued by comparable issuers, with
33 the first of ten equal payments payable during the fiscal year ending
34 March thirty-first, two thousand sixteen.

35 b. The state may, in lieu of paying its bill for fiscal year ending
36 March thirty-first, two thousand fifteen, pay a lesser amount during the
37 fiscal year ending March thirty-first, two thousand fifteen which shall
38 be determined by the comptroller by adding the following five amounts
39 together:

40 (1) the entire bill for the fiscal year ending on March thirty-first,
41 two thousand fifteen, calculated pursuant to section twenty-three-a of
42 this article (without reference to this section) less the "amount eligi-
43 ble for amortization" determined pursuant to subdivision a of this
44 section; and

45 (2) the first annual installment of the "amount eligible for amorti-
46 zation" determined pursuant to subdivision a of section sixteen-h of
47 this title, if applicable; and

48 (3) the second annual installment of the "amount eligible for amorti-
49 zation" determined pursuant to subdivision a of section sixteen-g of
50 this title, if applicable; and

51 (4) the third annual installment of the "amount eligible for amorti-
52 zation" determined pursuant to subdivision a of section sixteen-f of
53 this title, if applicable; and

54 (5) the fourth annual installment of the "amount eligible for amorti-
55 zation" determined pursuant to subdivision a of section sixteen-e of
56 this title, if applicable.



1 c. If the state makes the payment provided for in subdivision b of
2 this section, the state shall pay during the fiscal year ending March
3 thirty-first, two thousand sixteen an amount determined by the comp-
4 troller by adding the following six amounts together:

5 (1) the state's entire bill for the fiscal year ending March thirty-
6 first, two thousand sixteen, calculated pursuant to section twenty-
7 three-a of this article (without reference to this section) less the
8 "amount eligible for amortization" determined pursuant to section
9 sixteen-j of this title, if applicable,

10 (2) the first annual installment of the "amount eligible for amorti-
11 zation" determined pursuant to subdivision a of this section; and

12 (3) the second annual installment of the "amount eligible for amorti-
13 zation" determined pursuant to subdivision a of section sixteen-h of
14 this title, if applicable; and

15 (4) the third annual installment of the "amount eligible for amorti-
16 zation" determined pursuant to subdivision a of section sixteen-g of
17 this title, if applicable; and

18 (5) the fourth annual installment of the "amount eligible for amorti-
19 zation" determined pursuant to subdivision a of section sixteen-f of
20 this title, if applicable; and

21 (6) the fifth annual installment of the "amount eligible for amorti-
22 zation" determined pursuant to subdivision a of section sixteen-e of
23 this title, if applicable.

24 d. The remaining amortized payments determined pursuant to sections
25 sixteen-c, sixteen-d, sixteen-e, sixteen-f, sixteen-g, and sixteen-h of
26 this title and pursuant to this section shall be due and payable each
27 subsequent fiscal year during the applicable amortization period. The
28 comptroller shall have the authority to permit the pre-payment of the
29 remaining balance of the "amount eligible for amortization," determined
30 pursuant to both such sections subject to the following:

31 (1) on or before August first, two thousand fourteen, in addition to
32 advising with respect to the amount due for the current year billing and
33 for the payment of the amortized annual installments determined pursuant
34 to sections sixteen-c, sixteen-d, sixteen-e, sixteen-f, sixteen-g and
35 sixteen-h of this title and pursuant to this section, the comptroller
36 shall advise the state of the total amount due and be authorized to
37 accept pre-payment in full of said amount for fiscal year ending March
38 thirty-first, two thousand fifteen.

39 (2) on or before each subsequent August first during the amortization
40 periods, in addition to the amount due for the current year billing and
41 for the payment of the annual amortized installments, the comptroller
42 shall advise the state of the total amount still outstanding and be
43 authorized to accept the pre-payment of any balance remaining to be paid
44 for that fiscal year.

45 § 6. The retirement and social security law is amended by adding a new
46 section 16-j to read as follows:

47 § 16-j. Amortization of a portion of the state's contribution bill for
48 fiscal year ending March thirty-first, two thousand sixteen. a. If the
49 comptroller, in his or her discretion, decides to permit amortization of
50 employer contributions pursuant to this section, then, on the basis of
51 the annual actuarial valuation made as of April first, two thousand
52 fourteen as provided for in this chapter, the comptroller shall deter-
53 mine the amount (exclusive of payments for group term life insurance,
54 deficiency payments, adjustments relating to prior fiscal years' obli-
55 gations and obligations pertaining to retirement incentives or any other
56 obligations that the state is permitted to pay on an amortized basis)



1 required to be paid pursuant to section twenty-three-a of this article
2 for the fiscal year ending March thirty-first, two thousand sixteen. The
3 amount by which the contribution amount with respect to the fiscal year
4 ending March thirty-first, two thousand sixteen exceeds fourteen and
5 one-half percent of the estimated pensionable salary base for the fiscal
6 year ending March thirty-first, two thousand sixteen shall be the
7 "amount eligible for amortization." The "amount eligible for amorti-
8 zation" may be amortized over a ten-year period at a fixed rate of
9 interest per annum to be determined by the comptroller to be applied to
10 the unpaid balance of the amounts eligible for amortization of all
11 employers, which approximates a market rate of return on taxable fixed
12 rate securities with similar terms issued by comparable issuers, with
13 the first of ten equal payments payable during the fiscal year ending
14 March thirty-first, two thousand seventeen.

15 b. The state may, in lieu of paying its bill for fiscal year ending
16 March thirty-first, two thousand sixteen, pay a lesser amount during the
17 fiscal year ending March thirty-first, two thousand sixteen which shall
18 be determined by the comptroller by adding the following six amounts
19 together:

20 (1) the entire bill for the fiscal year ending on March thirty-first,
21 two thousand sixteen, calculated pursuant to section twenty-three-a of
22 this article (without reference to this section) less the "amount eligi-
23 ble for amortization" determined pursuant to subdivision a of this
24 section; and

25 (2) the first annual installment of the "amount eligible for amorti-
26 zation" determined pursuant to subdivision a of section sixteen-i of
27 this title, if applicable; and

28 (3) the second annual installment of the "amount eligible for amorti-
29 zation" determined pursuant to subdivision a of section sixteen-h of
30 this title, if applicable; and

31 (4) the third annual installment of the "amount eligible for amorti-
32 zation" determined pursuant to subdivision a of section sixteen-g of
33 this title, if applicable; and

34 (5) the fourth annual installment of the "amount eligible for amorti-
35 zation" determined pursuant to subdivision a of section sixteen-f of
36 this title, if applicable; and

37 (6) the fifth annual installment of the "amount eligible for amorti-
38 zation" determined pursuant to subdivision a of section sixteen-e of
39 this title, if applicable.

40 c. If the state makes the payment provided for in subdivision b of
41 this section, the state shall pay during the fiscal year ending March
42 thirty-first, two thousand seventeen an amount determined by the comp-
43 troller by adding the following seven amounts together:

44 (1) the state's entire bill for the fiscal year ending March thirty-
45 first, two thousand seventeen, calculated pursuant to section twenty-
46 three-a of this article (without reference to this section);

47 (2) the first annual installment of the "amount eligible for amorti-
48 zation" determined pursuant to subdivision a of this section; and

49 (3) the second annual installment of the "amount eligible for amorti-
50 zation" determined pursuant to subdivision a of section sixteen-i of
51 this title, if applicable; and

52 (4) the third annual installment of the "amount eligible for amorti-
53 zation" determined pursuant to subdivision a of section sixteen-h of
54 this title, if applicable; and



1 (5) the fourth annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section sixteen-g of
3 this title, if applicable; and

4 (6) the fifth annual installment of the "amount eligible for amorti-
5 zation" determined pursuant to subdivision a of section sixteen-f of
6 this title, if applicable; and

7 (7) the sixth annual installment of the "amount eligible for amorti-
8 zation" determined pursuant to subdivision a of section sixteen-e of
9 this title, if applicable.

10 d. The remaining amortized payments determined pursuant to sections
11 sixteen-c, sixteen-d, sixteen-e, sixteen-f, sixteen-g, sixteen-h and
12 sixteen-i of this title and pursuant to this section shall be due and
13 payable each subsequent fiscal year during the applicable amortization
14 period. The comptroller shall have the authority to permit the pre-pay-
15 ment of the remaining balance of the "amount eligible for amortization,"
16 determined pursuant to both such sections subject to the following:

17 (1) on or before August first, two thousand fifteen, in addition to
18 advising with respect to the amount due for the current year billing and
19 for the payment of the amortized annual installments determined pursuant
20 to sections sixteen-c, sixteen-d, sixteen-e, sixteen-f, sixteen-g,
21 sixteen-h and sixteen-i of this title and pursuant to this section, the
22 comptroller shall advise the state of the total amount due and be
23 authorized to accept pre-payment in full of said amount for fiscal year
24 ending March thirty-first, two thousand sixteen.

25 (2) on or before each subsequent August first during the amortization
26 periods, in addition to the amount due for the current year billing and
27 for the payment of the annual amortized installments, the comptroller
28 shall advise the state of the total amount still outstanding and be
29 authorized to accept the pre-payment of any balance remaining to be paid
30 for that fiscal year.

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

34 2. requiring a minimum annual contribution from the state and every
35 participating employer (exclusive of payments for group term life insur-
36 ance, deficiency payments, adjustments relating to prior fiscal years'
37 obligations and obligations pertaining to retirement incentives or any
38 other obligations that the state or participating employer is permitted
39 to pay on an amortized basis) equal to [four] five and one-half percent
40 of pensionable salaries. Effective immediately upon implementation by
41 the comptroller of the comprehensive structural reform program set forth
42 in this section, and in all subsequent years, participating employers
43 shall pay either the required annual contribution determined under the
44 revised schedule pertaining to the valuation, billing and payment of
45 contributions pursuant to paragraph one of this subdivision, or the
46 required minimum annual contribution of [four] five and one-half percent
47 of pensionable salaries, whichever is greater; and

48 § 8. The retirement and social security law is amended by adding a new
49 section 316-e to read as follows:

50 § 316-e. Amortization of a portion of the state's contribution bills
51 for fiscal year ending March thirty-first, two thousand eleven. a. If
52 the comptroller, in his or her discretion, decides to permit amorti-
53 zation of employer contributions pursuant to this section, then, on the
54 basis of the annual actuarial valuation made as of April first, two
55 thousand nine as provided for in this chapter, the comptroller shall
56 determine the annual amount (exclusive of payments for group term life

1 insurance, deficiency payments, adjustments relating to prior fiscal
2 years' obligations and obligations pertaining to retirement incentives
3 or any other obligations that the state is permitted to pay on an amor-
4 tized basis) required to be paid pursuant to section three hundred twen-
5 ty-three-a of this article for the fiscal year ending March thirty-
6 first, two thousand eleven. The amount by which the contribution amount
7 with respect to fiscal year ending March thirty-first, two thousand
8 eleven exceeds seventeen and one-half percent of the estimated pensiona-
9 ble salary base for fiscal year ending March thirty-first, two thousand
10 eleven shall be the "amount eligible for amortization." The "amount
11 eligible for amortization" shall be amortized over a ten-year period at
12 a fixed rate of interest per annum to be determined by the comptroller
13 to be applied to the unpaid balance of the amounts eligible for amorti-
14 zation of all employers, which approximates a market rate of return on
15 taxable fixed rate securities with similar terms issued by comparable
16 issuers, with the first of ten equal payments payable during the fiscal
17 year ending March thirty-first, two thousand twelve.

18 b. The state may, in lieu of paying its bill for the fiscal year
19 ending March thirty-first, two thousand eleven, pay a lesser amount
20 during the fiscal year ending March thirty-first, two thousand eleven
21 which shall be determined by the comptroller equaling the following
22 amount,

23 the entire bill for the fiscal year ending on March thirty-first, two
24 thousand eleven, calculated pursuant to section three hundred twenty-
25 three-a of this article (without reference to this section) less the
26 "amount eligible for amortization" determined pursuant to subdivision a
27 of this section.

28 c. If the state makes the payment provided for in subdivision b of
29 this section, the state shall pay during the fiscal year ending March
30 thirty-first, two thousand twelve an amount determined by the comp-
31 troller by adding the following two amounts together:

32 (1) the state's entire bill for the fiscal year ending March thirty-
33 first, two thousand twelve, calculated pursuant to section three hundred
34 twenty-three-a of this article (without reference to this section), less
35 the "amount eligible for amortization" determined pursuant to section
36 three hundred sixteen-f of this title, if applicable;

37 (2) the first annual installment of the "amount eligible for amorti-
38 zation" determined pursuant to subdivision a of this section.

39 d. The remaining amortized payments determined pursuant to sections
40 three hundred sixteen-c and three hundred sixteen-d of this title and
41 pursuant to this section shall be due and payable each subsequent fiscal
42 year during the applicable amortization period. The comptroller shall
43 have the authority to permit the pre-payment of the remaining balance of
44 the "amount eligible for amortization" determined pursuant to both such
45 sections subject to the following:

46 (1) on or before August first, two thousand ten in addition to advis-
47 ing with respect to the amount due for the current year billing and for
48 the payment of the amortized annual installments determined pursuant to
49 sections three hundred sixteen-c and three hundred sixteen-d of this
50 title and pursuant to this section, the comptroller shall advise the
51 state of the total amount due and be authorized to accept pre-payment in
52 full of said amount for the fiscal year ending March thirty-first, two
53 thousand eleven.

54 (2) on or before each subsequent August first during the amortization
55 period, in addition to the amount due for the current year billing and
56 for the payment of the annual amortized installment, the comptroller



1 shall advise the state of the total amount still outstanding and be
2 authorized to accept the pre-payment of any balance remaining to be paid
3 for that fiscal year.

4 § 9. The retirement and social security law is amended by adding a new
5 section 316-f to read as follows:

6 § 316-f. Amortization of a portion of the state's contribution bills
7 for fiscal year ending March thirty-first, two thousand twelve. a. If
8 the comptroller, in his or her discretion, decides to permit amorti-
9 zation of employer contributions pursuant to this section, then, on the
10 basis of the annual actuarial valuation made as of April first, two
11 thousand ten as provided for in this chapter, the comptroller shall
12 determine the annual amount (exclusive of payments for group term life
13 insurance, deficiency payments, adjustments relating to prior fiscal
14 years' obligations and obligations pertaining to retirement incentives
15 or any other obligations that the state is permitted to pay on an amor-
16 tized basis) required to be paid pursuant to section three hundred twen-
17 ty-three-a of this article for the fiscal year ending March thirty-
18 first, two thousand twelve. The amount by which the contribution amount
19 with respect to fiscal year ending March thirty-first, two thousand
20 twelve exceeds eighteen and one-half percent of the estimated pensiona-
21 ble salary base for fiscal year ending March thirty-first, two thousand
22 twelve shall be the "amount eligible for amortization." The "amount
23 eligible for amortization" shall be amortized over a ten-year period at
24 a fixed rate of interest per annum to be determined by the comptroller
25 to be applied to the unpaid balance of the amounts eligible for amorti-
26 zation of all employers, which approximates a market rate of return on
27 taxable fixed rate securities with similar terms issued by comparable
28 issuers, with the first of ten equal payments payable during the fiscal
29 year ending March thirty-first, two thousand thirteen.

30 b. The state may, in lieu of paying its bill for the fiscal year
31 ending March thirty-first, two thousand twelve, pay a lesser amount
32 during the fiscal year ending March thirty-first, two thousand twelve
33 which shall be determined by the comptroller by adding the following two
34 amounts together:

35 (1) the entire bill for the fiscal year ending on March thirty-first,
36 two thousand twelve, calculated pursuant to section three hundred twen-
37 ty-three-a of this article (without reference to this section) less the
38 "amount eligible for amortization" determined pursuant to subdivision a
39 of this section; and

40 (2) the first annual installment of the "amount eligible for amorti-
41 zation" determined pursuant to section three hundred sixteen-e of this
42 title, if applicable.

43 c. If the state makes the payment provided for in subdivision b of
44 this section, the state shall pay during the fiscal year ending March
45 thirty-first, two thousand thirteen an amount determined by the comp-
46 troller by adding the following three amounts together:

47 (1) the state's entire bill for the fiscal year ending March thirty-
48 first, two thousand thirteen, calculated pursuant to section three
49 hundred twenty-three-a of this article (without reference to this
50 section), less the "amount eligible for amortization" determined pursu-
51 ant to section three hundred sixteen-g of this article, if applicable;

52 (2) the first annual installment of the "amount eligible for amorti-
53 zation" determined pursuant to subdivision a of this section, and

54 (3) the second annual installment of the "amount eligible for amorti-
55 zation" determined pursuant to subdivision a of section three hundred
56 sixteen-e of this article, if applicable.

1 d. The remaining amortized payments determined pursuant to sections
2 three hundred sixteen-c, three hundred sixteen-d, and three hundred
3 sixteen-e of this title and pursuant to this section shall be due and
4 payable each subsequent fiscal year during the applicable amortization
5 period. The comptroller shall have the authority to permit the pre-pay-
6 ment of the remaining balance of the "amount eligible for amortization"
7 determined pursuant to both such sections subject to the following:

8 (1) on or before August first, two thousand eleven in addition to
9 advising with respect to the amount due for the current year billing and
10 for the payment of the amortized annual installments determined pursuant
11 to sections three hundred sixteen-c, three hundred sixteen-d, and three
12 hundred sixteen-e of this title and pursuant to this section, the comp-
13 troller shall advise the state of the total amount due and be authorized
14 to accept pre-payment in full of said amount for the fiscal year ending
15 March thirty-first, two thousand twelve.

16 (2) on or before each subsequent August first during the amortization
17 period, in addition to the amount due for the current year billing and
18 for the payment of the annual amortized installment, the comptroller
19 shall advise the state of the total amount still outstanding and be
20 authorized to accept the pre-payment of any balance remaining to be paid
21 for that fiscal year.

22 § 10. The retirement and social security law is amended by adding a
23 new section 316-g to read as follows:

24 § 316-g. Amortization of a portion of the state's contribution bills
25 for fiscal year ending March thirty-first, two thousand thirteen. a. If
26 the comptroller, in his or her discretion, decides to permit amorti-
27 zation of employer contributions pursuant to this section, then, on the
28 basis of the annual actuarial valuation made as of April first, two
29 thousand eleven as provided for in this chapter, the comptroller shall
30 determine the annual amount (exclusive of payments for group term life
31 insurance, deficiency payments, adjustments relating to prior fiscal
32 years' obligations and obligations pertaining to retirement incentives
33 or any other obligations that the state is permitted to pay on an amor-
34 tized basis) required to be paid pursuant to section three hundred twen-
35 ty-three-a of this article for the fiscal year ending March thirty-
36 first, two thousand thirteen. The amount by which the contribution
37 amount with respect to fiscal year ending March thirty-first, two thou-
38 sand thirteen exceeds nineteen and one-half percent of the estimated
39 pensionable salary base for fiscal year ending March thirty-first, two
40 thousand thirteen shall be the "amount eligible for amortization." The
41 "amount eligible for amortization" shall be amortized over a ten-year
42 period at a fixed rate of interest per annum to be determined by the
43 comptroller to be applied to the unpaid balance of the amounts eligible
44 for amortization of all employers, which approximates a market rate of
45 return on taxable fixed rate securities with similar terms issued by
46 comparable issuers, with the first of ten equal payments payable during
47 the fiscal year ending March thirty-first, two thousand fourteen.

48 b. The state may, in lieu of paying its bill for the fiscal year
49 ending March thirty-first, two thousand thirteen, pay a lesser amount
50 during the fiscal year ending March thirty-first, two thousand thirteen
51 which shall be determined by the comptroller by adding the following
52 three amounts together:

53 (1) the entire bill for the fiscal year ending on March thirty-first,
54 two thousand thirteen, calculated pursuant to section three hundred
55 twenty-three-a of this article (without reference to this section) less

1 the "amount eligible for amortization" determined pursuant to subdivi-
2 sion a of this section;

3 (2) the first annual installment of the "amount eligible for amorti-
4 zation" determined pursuant to section three hundred sixteen-f of this
5 title, if applicable; and

6 (3) the second annual installment of the "amount eligible for amorti-
7 zation" determined pursuant to section three hundred sixteen-e of this
8 title, if applicable.

9 c. If the state makes the payment provided for in subdivision b of
10 this section, the state shall pay during the fiscal year ending March
11 thirty-first, two thousand fourteen an amount determined by the comp-
12 troller by adding the following four amounts together:

13 (1) the state's entire bill for the fiscal year ending March thirty-
14 first, two thousand fourteen, calculated pursuant to section three
15 hundred twenty-three-a of this article (without reference to this
16 section) less the "amount eligible for amortization" determined pursuant
17 to section three hundred sixteen-h of this title, if applicable;

18 (2) the first annual installment of the "amount eligible for amorti-
19 zation" determined pursuant to subdivision a of this section;

20 (3) the second annual installment of the "amount eligible for amorti-
21 zation" determined pursuant to subdivision a of section three hundred
22 sixteen-f of this article, if applicable; and

23 (4) the third annual installment of the "amount eligible for amorti-
24 zation" determined pursuant to subdivision a of section three hundred
25 sixteen-e of this title, if applicable.

26 d. The remaining amortized payments determined pursuant to sections
27 three hundred sixteen-c, three hundred sixteen-d, three hundred
28 sixteen-e, and three hundred sixteen-f of this title and pursuant to
29 this section shall be due and payable each subsequent fiscal year during
30 the applicable amortization period. The comptroller shall have the
31 authority to permit the pre-payment of the remaining balance of the
32 "amount eligible for amortization" determined pursuant to both such
33 sections subject to the following:

34 (1) on or before August first, two thousand twelve in addition to
35 advising with respect to the amount due for the current year billing and
36 for the payment of the amortized annual installments determined pursuant
37 to sections three hundred sixteen-c, three hundred sixteen-d, three
38 hundred sixteen-e, and three hundred sixteen-f of this title and pursu-
39 ant to this section, the comptroller shall advise the state of the total
40 amount due and be authorized to accept pre-payment in full of said
41 amount for the fiscal year ending March thirty-first, two thousand thir-
42 teen.

43 (2) on or before each subsequent August first during the amortization
44 period, in addition to the amount due for the current year billing and
45 for the payment of the annual amortized installment, the comptroller
46 shall advise the state of the total amount still outstanding and be
47 authorized to accept the pre-payment of any balance remaining to be paid
48 for that fiscal year.

49 § 11. The retirement and social security law is amended by adding a
50 new section 316-h to read as follows:

51 § 316-h. Amortization of a portion of the state's contribution bills
52 for fiscal year ending March thirty-first, two thousand fourteen. a. If
53 the comptroller, in his or her discretion, decides to permit amorti-
54 zation of employer contributions pursuant to this section, then, on the
55 basis of the annual actuarial valuation made as of April first, two
56 thousand twelve as provided for in this chapter, the comptroller shall

1 determine the annual amount (exclusive of payments for group term life
2 insurance, deficiency payments, adjustments relating to prior fiscal
3 years' obligations and obligations pertaining to retirement incentives
4 or any other obligations that the state is permitted to pay on an amor-
5 tized basis) required to be paid pursuant to section three hundred twen-
6 ty-three-a of this article for the fiscal year ending March thirty-
7 first, two thousand fourteen. The amount by which the contribution
8 amount with respect to fiscal year ending March thirty-first, two thou-
9 sand fourteen exceeds twenty and one-half percent of the estimated
10 pensionable salary base for fiscal year ending March thirty-first, two
11 thousand fourteen shall be the "amount eligible for amortization." The
12 "amount eligible for amortization" shall be amortized over a ten-year
13 period at a fixed rate of interest per annum to be determined by the
14 comptroller to be applied to the unpaid balance of the amounts eligible
15 for amortization of all employers, which approximates a market rate of
16 return on taxable fixed rate securities with similar terms issued by
17 comparable issuers, with the first of ten equal payments payable during
18 the fiscal year ending March thirty-first, two thousand fifteen.

19 b. The state may, in lieu of paying its bill for the fiscal year
20 ending March thirty-first, two thousand fourteen, pay a lesser amount
21 during the fiscal year ending March thirty-first, two thousand fourteen
22 which shall be determined by the comptroller by adding the following
23 four amounts together:

24 (1) the entire bill for the fiscal year ending on March thirty-first,
25 two thousand fourteen, calculated pursuant to section three hundred
26 twenty-three-a of this article (without reference to this section) less
27 the "amount eligible for amortization" determined pursuant to subdivi-
28 sion a of this section;

29 (2) the first annual installment of the "amount eligible for amorti-
30 zation" determined pursuant to section three hundred sixteen-g of this
31 title, if applicable; and

32 (3) the second annual installment of the "amount eligible for amorti-
33 zation" determined pursuant to section three hundred sixteen-f of this
34 title, if applicable; and

35 (4) the third annual installment of the "amount eligible for amorti-
36 zation" determined pursuant to section three hundred sixteen-e of this
37 title, if applicable.

38 c. If the state makes the payment provided for in subdivision b of
39 this section, the state shall pay during the fiscal year ending March
40 thirty-first, two thousand fifteen an amount determined by the comp-
41 troller by adding the following five amounts together:

42 (1) the state's entire bill for the fiscal year ending March thirty-
43 first, two thousand fifteen, calculated pursuant to section three
44 hundred twenty-three-a of this article (without reference to this
45 section), less the "amount eligible for amortization" determined pursu-
46 ant to section three hundred sixteen-i of this title, if applicable;

47 (2) the first annual installment of the "amount eligible for amorti-
48 zation" determined pursuant to subdivision a of this section; and

49 (3) the second annual installment of the "amount eligible for amorti-
50 zation" determined pursuant to subdivision a of section three hundred
51 sixteen-g of this title, if applicable; and

52 (4) the third annual installment of the "amount eligible for amorti-
53 zation" determined pursuant to subdivision a of section three hundred
54 sixteen-f of this title, if applicable; and



1 (5) the fourth annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section three hundred
3 sixteen-e of this title, if applicable.

4 d. The remaining amortized payments determined pursuant to sections
5 three hundred sixteen-c, three hundred sixteen-d, three hundred
6 sixteen-e, three hundred sixteen-f, and three hundred sixteen-g of this
7 title and pursuant to this section shall be due and payable each subse-
8 quent fiscal year during the applicable amortization period. The comp-
9 troller shall have the authority to permit the pre-payment of the
10 remaining balance of the "amount eligible for amortization" determined
11 pursuant to both such section subject to the following:

12 (1) on or before August first, two thousand thirteen in addition to
13 advising with respect to the amount due for the current year billing and
14 for the payment of the amortized annual installments determined pursuant
15 to sections three hundred sixteen-c, three hundred sixteen-d, three
16 hundred sixteen-e, three hundred sixteen-f, and three hundred sixteen-g
17 of this title and pursuant to this section, the comptroller shall advise
18 the state of the total amount due and be authorized to accept pre-pay-
19 ment in full of said amount for the fiscal year ending March thirty-
20 first, two thousand fourteen.

21 (2) on or before each subsequent August first during the amortization
22 period, in addition to the amount due for the current year billing and
23 for the payment of the annual amortized installment, the comptroller
24 shall advise the state of the total amount still outstanding and be
25 authorized to accept the pre-payment of any balance remaining to be paid
26 for that fiscal year.

27 § 12. The retirement and social security law is amended by adding a
28 new section 316-i to read as follows:

29 § 316-i. Amortization of a portion of the state's contribution bills
30 for fiscal year ending March thirty-first, two thousand fifteen. a. If
31 the comptroller, in his or her discretion, decides to permit amorti-
32 zation of employer contributions pursuant to this section, then, on the
33 basis of the annual actuarial valuation made as of April first, two
34 thousand thirteen as provided for in this chapter, the comptroller shall
35 determine the annual amount (exclusive of payments for group term life
36 insurance, deficiency payments, adjustments relating to prior fiscal
37 years' obligations and obligations pertaining to retirement incentives
38 or any other obligations that the state is permitted to pay on an amor-
39 tized basis) required to be paid pursuant to section three hundred twen-
40 ty-three-a of this article for the fiscal year ending March thirty-
41 first, two thousand fifteen. The amount by which the contribution amount
42 with respect to fiscal year ending March thirty-first, two thousand
43 fifteen exceeds twenty one and one-half percent of the estimated
44 pensionable salary base for fiscal year ending March thirty-first, two
45 thousand fifteen shall be the "amount eligible for amortization." The
46 "amount eligible for amortization" shall be amortized over a ten-year
47 period at a fixed rate of interest per annum to be determined by the
48 comptroller to be applied to the unpaid balance of the amounts eligible
49 for amortization of all employers, which approximates a market rate of
50 return on taxable fixed rate securities with similar terms issued by
51 comparable issuers, with the first of ten equal payments payable during
52 the fiscal year ending March thirty-first, two thousand sixteen.

53 b. The state may, in lieu of paying its bill for the fiscal year
54 ending March thirty-first, two thousand fifteen, pay a lesser amount
55 during the fiscal year ending March thirty-first, two thousand fifteen



1 which shall be determined by the comptroller by adding the following
2 five amounts together:

3 (1) the entire bill for the fiscal year ending on March thirty-first,
4 two thousand fifteen, calculated pursuant to section three hundred twen-
5 ty-three-a of this article (without reference to this section) less the
6 "amount eligible for amortization" determined pursuant to subdivision a
7 of this section;

8 (2) the first annual installment of the "amount eligible for amorti-
9 zation" determined pursuant to section three hundred sixteen-h of this
10 title, if applicable; and

11 (3) the second annual installment of the "amount eligible for amorti-
12 zation" determined pursuant to section three hundred sixteen-g of this
13 title, if applicable; and

14 (4) the third annual installment of the "amount eligible for amorti-
15 zation" determined pursuant to section three hundred sixteen-f of this
16 title, if applicable; and

17 (5) the fourth annual installment of the "amount eligible for amorti-
18 zation" determined pursuant to section three hundred sixteen-e of this
19 title, if applicable.

20 c. If the state makes the payment provided for in subdivision b of
21 this section, the state shall pay during the fiscal year ending March
22 thirty-first, two thousand sixteen an amount determined by the comp-
23 troller by adding the following six amounts together:

24 (1) the state's entire bill for the fiscal year ending March thirty-
25 first, two thousand sixteen, calculated pursuant to section three
26 hundred twenty-three-a of this article (without reference to this
27 section), less the "amount eligible for amortization" determined pursu-
28 ant to section three hundred sixteen-j of this title, if applicable; and

29 (2) the first annual installment of the "amount eligible for amorti-
30 zation" determined pursuant to subdivision a of this section; and

31 (3) the second annual installment of the "amount eligible for amorti-
32 zation" determined pursuant to subdivision a of section three hundred
33 sixteen-h of this title, if applicable; and

34 (4) the third annual installment of the "amount eligible for amorti-
35 zation" determined pursuant to subdivision a of section three hundred
36 sixteen-g of this article, if applicable; and

37 (5) the fourth annual installment of the "amount eligible for amorti-
38 zation" determined pursuant to subdivision a of section three hundred
39 sixteen-f of this title, if applicable; and

40 (6) the fifth annual installment of the "amount eligible for amorti-
41 zation" determined pursuant to subdivision a of section three hundred
42 sixteen-e of this title, if applicable.

43 d. The remaining amortized payments determined pursuant to sections
44 three hundred sixteen-c, three hundred sixteen-d, three hundred
45 sixteen-e, three hundred sixteen-f, three hundred sixteen-g, and three
46 hundred sixteen-h of this title and pursuant to this section shall be
47 due and payable each subsequent fiscal year during the applicable amor-
48 tization period. The comptroller shall have the authority to permit the
49 pre-payment of the remaining balance of the "amount eligible for amorti-
50 zation" determined pursuant to both such section subject to the follow-
51 ing:

52 (1) on or before August first, two thousand fourteen in addition to
53 advising with respect to the amount due for the current year billing and
54 for the payment of the amortized annual installments determined pursuant
55 to sections three hundred sixteen-c, three hundred sixteen-d, three
56 hundred sixteen-e, three hundred sixteen-f, three hundred sixteen-g, and

1 three hundred sixteen-h of this title and pursuant to this section, the
2 comptroller shall advise the state of the total amount due and be
3 authorized to accept pre-payment in full of said amount for the fiscal
4 year ending March thirty-first, two thousand fifteen.

5 (2) on or before each subsequent August first during the amortization
6 period, in addition to the amount due for the current year billing and
7 for the payment of the annual amortized installment, the comptroller
8 shall advise the state of the total amount still outstanding and be
9 authorized to accept the pre-payment of any balance remaining to be paid
10 for that fiscal year.

11 § 13. The retirement and social security law is amended by adding a
12 new section 316-j to read as follows:

13 § 316-j. Amortization of a portion of the state's contribution bills
14 for fiscal year ending March thirty-first, two thousand sixteen. a. If
15 the comptroller, in his or her discretion, decides to permit amorti-
16 zation of employer contributions pursuant to this section, then, on the
17 basis of the annual actuarial valuation made as of April first, two
18 thousand fourteen as provided for in this chapter, the comptroller shall
19 determine the annual amount (exclusive of payments for group term life
20 insurance, deficiency payments, adjustments relating to prior fiscal
21 years' obligations and obligations pertaining to retirement incentives
22 or any other obligations that the state is permitted to pay on an amor-
23 tized basis) required to be paid pursuant to section three hundred twen-
24 ty-three-a of this article for the fiscal year ending March thirty-
25 first, two thousand sixteen. The amount by which the contribution amount
26 with respect to fiscal year ending March thirty-first, two thousand
27 sixteen exceeds twenty-two and one-half percent of the estimated
28 pensionable salary base for fiscal year ending March thirty-first, two
29 thousand sixteen shall be the "amount eligible for amortization." The
30 "amount eligible for amortization" shall be amortized over a ten-year
31 period at a fixed rate of interest per annum to be determined by the
32 comptroller to be applied to the unpaid balance of the amounts eligible
33 for amortization of all employers, which approximates a market rate of
34 return on taxable fixed rate securities with similar terms issued by
35 comparable issuers, with the first of ten equal payments payable during
36 the fiscal year ending March thirty-first, two thousand seventeen.

37 b. The state may, in lieu of paying its bill for the fiscal year
38 ending March thirty-first, two thousand sixteen, pay a lesser amount
39 during the fiscal year ending March thirty-first, two thousand sixteen
40 which shall be determined by the comptroller by adding the following six
41 amounts together:

42 (1) the entire bill for the fiscal year ending on March thirty-first,
43 two thousand sixteen, calculated pursuant to section three hundred twen-
44 ty-three-a of this article (without reference to this section) less the
45 "amount eligible for amortization" determined pursuant to subdivision a
46 of this section;

47 (2) the first annual installment of the "amount eligible for amorti-
48 zation" determined pursuant to section three hundred sixteen-i of this
49 title, if applicable; and

50 (3) the second annual installment of the "amount eligible for amorti-
51 zation" determined pursuant to section three hundred sixteen-h of this
52 title, if applicable; and

53 (4) the third annual installment of the "amount eligible for amorti-
54 zation" determined pursuant to section three hundred sixteen-g of this
55 title, if applicable; and



1 (5) the fourth annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to section three hundred sixteen-f of this
3 title, if applicable; and

4 (6) the fifth annual installment of the "amount eligible for amorti-
5 zation" determined pursuant to section three hundred sixteen-e of this
6 title, if applicable.

7 c. If the state makes the payment provided for in subdivision b of
8 this section, the state shall pay during the fiscal year ending March
9 thirty-first, two thousand seventeen an amount determined by the comp-
10 troller by adding the following seven amounts together:

11 (1) the state's entire bill for the fiscal year ending March thirty-
12 first, two thousand seventeen, calculated pursuant to section three
13 hundred twenty-three-a of this article (without reference to this
14 section);

15 (2) the first annual installment of the "amount eligible for amorti-
16 zation" determined pursuant to subdivision a of this section; and

17 (3) the second annual installment of the "amount eligible for amorti-
18 zation" determined pursuant to subdivision a of section three hundred
19 sixteen-i of this title, if applicable; and

20 (4) the third annual installment of the "amount eligible for amorti-
21 zation" determined pursuant to subdivision a of section three hundred
22 sixteen-h of this title, if applicable; and

23 (5) the fourth annual installment of the "amount eligible for amorti-
24 zation" determined pursuant to subdivision a of section three hundred
25 sixteen-g of this title, if applicable; and

26 (6) the fifth annual installment of the "amount eligible for amorti-
27 zation" determined pursuant to subdivision a of section three hundred
28 sixteen-f of this title, if applicable; and

29 (7) the sixth annual installment of the "amount eligible for amorti-
30 zation" determined pursuant to subdivision a of section three hundred
31 sixteen-e of this title, if applicable.

32 d. The remaining amortized payments determined pursuant to sections
33 three hundred sixteen-c, three hundred sixteen-d, three hundred
34 sixteen-e, three hundred sixteen-f, three hundred sixteen-g, three
35 hundred sixteen-h, and three hundred sixteen-i of this title and pursu-
36 ant to this section shall be due and payable each subsequent fiscal year
37 during the applicable amortization period. The comptroller shall have
38 the authority to permit the pre-payment of the remaining balance of the
39 "amount eligible for amortization" determined pursuant to both such
40 sections subject to the following:

41 (1) on or before August first, two thousand fifteen in addition to
42 advising with respect to the amount due for the current year billing and
43 for the payment of the amortized annual installments determined pursuant
44 to sections three hundred sixteen-c, three hundred sixteen-d, three
45 hundred sixteen-e, three hundred sixteen-f, three hundred sixteen-g,
46 three hundred sixteen-h, and three hundred sixteen-i of this title and
47 pursuant to this section, the comptroller shall advise the state of the
48 total amount due and be authorized to accept pre-payment in full of said
49 amount for the fiscal year ending March thirty-first, two thousand
50 sixteen.

51 (2) on or before each subsequent August first during the amortization
52 period, in addition to the amount due for the current year billing and
53 for the payment of the annual amortized installment, the comptroller
54 shall advise the state of the total amount still outstanding and be
55 authorized to accept the pre-payment of any balance remaining to be paid
56 for that fiscal year.

1 § 14. The retirement and social security law is amended by adding a
2 new section 17-e to read as follows:

3 § 17-e. Amortization of a portion of the bills for participating
4 employers for the two thousand ten - two thousand eleven fiscal year.

5 a. If the comptroller, in his or her discretion, decides to permit amor-
6 tization of employer contributions pursuant to this section, then, on or
7 about October fifteenth, two thousand nine, on the basis of the annual
8 actuarial valuation provided for in this chapter, the comptroller shall
9 determine the amount (exclusive of payments for group term life insur-
10 ance, deficiency payments, adjustments relating to prior fiscal years'
11 obligations and obligations pertaining to retirement incentives or any
12 other obligations that a participating employer is permitted to pay on
13 an amortized basis) of the annual contribution for a participating
14 employer pursuant to section twenty-three-a of this article due for the
15 fiscal year ending March thirty-first, two thousand eleven. The amount
16 by which such contribution exceeds nine and one-half percent of the
17 estimated pensionable salary base for the fiscal year ending March thir-
18 ty-first, two thousand eleven shall be the "amount eligible for amorti-
19 zation". An amount up to the "amount eligible for amortization" may be
20 amortized over a ten-year period at a fixed rate of interest per annum
21 to be determined by the comptroller to be applied to the unpaid balance
22 of the amounts eligible for amortization of all employers, which approx-
23 imates a market rate of return on taxable fixed rate securities with
24 similar terms issued by comparable issuers, with the first of ten equal
25 payments payable on February first, two thousand twelve.

26 b. A participating employer, may, in lieu of paying its entire Febru-
27 ary first, two thousand eleven bill, pay a lesser amount on February
28 first, two thousand eleven which shall be determined by the comptroller
29 equaling the following amounts,

30 the entire February first, two thousand eleven bill, calculated pursu-
31 ant to section twenty-three-a of this article (without reference to this
32 section) less the "amount eligible for amortization" determined pursuant
33 to subdivision a of this section;

34 c. A participating employer making a payment pursuant to subdivision b
35 of this section shall pay on February first, two thousand twelve an
36 amount determined by the comptroller by adding the following two amounts
37 together;

38 (1) the entire February first, two thousand twelve bill, calculated
39 pursuant to section twenty-three-a of this article (without reference to
40 this section), less the "amount eligible for amortization" determined
41 pursuant to subdivision a of section seventeen-f of this article; and

42 (2) the first annual installment of the "amount eligible for amorti-
43 zation" determined pursuant to subdivision a of this section.

44 d. Amortized payments determined pursuant to sections seventeen-b,
45 seventeen-c, and seventeen-d of this title and pursuant to this section
46 shall be due and payable on February first of each year during the
47 applicable amortization period. The comptroller shall have the authority
48 to permit the pre-payment of the remaining balance of the "amount eligi-
49 ble for amortization" determined pursuant to all such sections subject
50 to the following:

51 (1) on or before November fifteenth, two thousand eleven in addition
52 to the amount due for the current year billing and for the payment of
53 the amortized annual installment determined pursuant to section seven-
54 teen-b, seventeen-c, and seventeen-d of this title and pursuant to this
55 section, the comptroller shall advise the participating employer of the



1 total amount due and be authorized to accept pre-payment in full of said
2 amount by February first, two thousand twelve.

3 (2) on or before each November fifteenth thereafter, in addition to
4 the amount due for the current year billing and for the payment of the
5 annual amortized installments, the comptroller shall advise the partic-
6 ipating employer of the total amount still outstanding and be authorized
7 to accept the pre-payment of any balance remaining to be paid by Febru-
8 ary first of the succeeding year.

9 § 15. The retirement and social security law is amended by adding a
10 new section 17-f to read as follows:

11 § 17-f. Amortization of a portion of the bills for participating
12 employers for the two thousand eleven--two thousand twelve fiscal year.

13 a. If the comptroller, in his or her discretion, decides to permit amor-
14 tization of employer contributions pursuant to this section, then, on or
15 about October fifteenth, two thousand ten, on the basis of the annual
16 actuarial valuation provided for in this chapter, the comptroller shall
17 determine the amount (exclusive of payments for group term life insur-
18 ance, deficiency payments, adjustments relating to prior fiscal years'
19 obligations and obligations pertaining to retirement incentives or any
20 other obligations that a participating employer is permitted to pay on
21 an amortized basis) of the annual contribution for a participating
22 employer pursuant to section twenty-three-a of this article due for the
23 fiscal year ending March thirty-first, two thousand twelve. The amount
24 by which such contribution exceeds ten and one-half percent of the esti-
25 imated pensionable salary base for the fiscal year ending March thirty-
26 first, two thousand twelve shall be the "amount eligible for amorti-
27 zation". An amount up to the "amount eligible for amortization" may be
28 amortized over a ten-year period at a fixed rate of interest per annum
29 to be determined by the comptroller to be applied to the unpaid balance
30 of the amounts eligible for amortization of all employers, which approx-
31 imates a market rate of return on taxable fixed rate securities with
32 similar terms issued by comparable issuers, with the first of ten equal
33 payments payable on February first, two thousand thirteen.

34 b. A participating employer, may, in lieu of paying its entire Febru-
35 ary first, two thousand twelve bill, pay a lesser amount on February
36 first, two thousand twelve which shall be determined by the comptroller
37 by adding the following two amounts together:

38 (1) the entire February first, two thousand twelve bill, calculated
39 pursuant to section twenty-three-a of this article (without reference to
40 this section) less the "amount eligible for amortization" determined
41 pursuant to subdivision a of this section; and

42 (2) the first annual installment of the "amount eligible for amorti-
43 zation" determined pursuant to subdivision a of section seventeen-e of
44 this article, if applicable.

45 c. A participating employer making a payment pursuant to subdivision b
46 of this section shall pay on February first, two thousand thirteen an
47 amount determined by the comptroller by adding the following three
48 amounts together:

49 (1) the entire February first, two thousand thirteen bill, calculated
50 pursuant to section twenty-three-a of this article (without reference to
51 this section), less the "amount eligible for amortization" determined
52 pursuant to subdivision a of section seventeen-g of this title; and

53 (2) the first annual installment of the "amount eligible for amorti-
54 zation" determined pursuant to subdivision a of this section; and



1 (3) the second annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section seventeen-e of
3 this title, if applicable.

4 d. Amortized payments determined pursuant to sections seventeen-b,
5 seventeen-c, seventeen-d, and seventeen-e of this title, and pursuant to
6 this section shall be due and payable on February first of each year
7 during the applicable amortization period. The comptroller shall have
8 the authority to permit the pre-payment of the remaining balance of the
9 "amount eligible for amortization" determined pursuant to all such
10 sections subject to the following:

11 (1) on or before November fifteenth, two thousand twelve in addition
12 to the amount due for the current year billing and for the payment of
13 the amortized annual installment determined pursuant to sections seven-
14 teen-b, seventeen-c, seventeen-d, and seventeen-e of this title and
15 pursuant to this section, the comptroller shall advise the participating
16 employer of the total amount due and be authorized to accept pre-payment
17 in full of said amount by February first, two thousand thirteen.

18 (2) on or before each November fifteenth thereafter, in addition to
19 the amount due for the current year billing and for the payment of the
20 annual amortized installments, the comptroller shall advise the partic-
21 ipating employer of the total amount still outstanding and be authorized
22 to accept the pre-payment of any balance remaining to be paid by Febru-
23 ary first of the succeeding year.

24 § 16. The retirement and social security law is amended by adding a
25 new section 17-g to read as follows:

26 § 17-g. Amortization of a portion of the bills for participating
27 employers for the two thousand twelve--two thousand thirteen fiscal
28 year. a. If the comptroller, in his or her discretion, decides to permit
29 amortization of employer contributions pursuant to this section, then,
30 on or about October fifteenth, two thousand eleven, on the basis of the
31 annual actuarial valuation provided for in this chapter, the comptroller
32 shall determine the amount (exclusive of payments for group term life
33 insurance, deficiency payments, adjustments relating to prior fiscal
34 years' obligations and obligations pertaining to retirement incentives
35 or any other obligations that a participating employer is permitted to
36 pay on an amortized basis) of the annual contribution for a participat-
37 ing employer pursuant to section twenty-three-a of this article due for
38 the fiscal year ending March thirty-first, two thousand thirteen. The
39 amount by which such contribution exceeds eleven and one-half percent of
40 the estimated pensionable salary base for the fiscal year ending March
41 thirty-first, two thousand thirteen shall be the "amount eligible for
42 amortization". An amount up to the "amount eligible for amortization"
43 may be amortized over a ten-year period at a fixed rate of interest per
44 annum to be determined by the comptroller to be applied to the unpaid
45 balance of the amounts eligible for amortization of all employers, which
46 approximates a market rate of return on taxable fixed rate securities
47 with similar terms issued by comparable issuers, with the first of ten
48 equal payments payable on February first, two thousand fourteen.

49 b. A participating employer, may, in lieu of paying its entire Febru-
50 ary first, two thousand thirteen bill, pay a lesser amount on February
51 first, two thousand thirteen which shall be determined by the comp-
52 troller by adding the following three amounts together:

53 (1) the entire February first, two thousand thirteen bill, calculated
54 pursuant to section twenty-three-a of this article (without reference to
55 this section) less the "amount eligible for amortization" determined
56 pursuant to subdivision a of this section; and

1 (2) the first annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section seventeen-f of
3 this title, if applicable; and

4 (3) the second annual installment of the "amount eligible for amorti-
5 zation" determined pursuant to subdivision a of section seventeen-e of
6 this title, if applicable.

7 c. A participating employer making a payment pursuant to subdivision b
8 of this section shall pay on February first, two thousand fourteen an
9 amount determined by the comptroller by adding the following four
10 amounts together:

11 (1) the entire February first, two thousand fourteen bill, calculated
12 pursuant to section twenty-three-a of this article (without reference to
13 this section) less the "amount eligible for amortization" determined
14 pursuant to section seventeen-h of this title, if applicable; and

15 (2) the first annual installment of the "amount eligible for amorti-
16 zation" determined pursuant to subdivision a of this section; and

17 (3) the second annual installment of the "amount eligible for amorti-
18 zation" determined pursuant to subdivision a of section seventeen-f of
19 this title, if applicable

20 (4) the third annual installment of the "amount eligible for amorti-
21 zation" determined pursuant to subdivision a of section seventeen-e of
22 this title, if applicable.

23 d. Amortized payments determined pursuant to sections seventeen-b,
24 seventeen-c, seventeen-d, seventeen-e, and seventeen-f of this title and
25 pursuant to this section shall be due and payable on February first of
26 each year during the applicable amortization period. The comptroller
27 shall have the authority to permit the pre-payment of the remaining
28 balance of the "amount eligible for amortization" determined pursuant to
29 all such sections subject to the following:

30 (1) on or before November fifteenth, two thousand thirteen in addition
31 to the amount due for the current year billing and for the payment of
32 the amortized annual installment determined pursuant to sections seven-
33 teen-b, seventeen-c, seventeen-d, seventeen-e, and seventeen-f of this
34 title and pursuant to this section, the comptroller shall advise the
35 participating employer of the total amount due and be authorized to
36 accept pre-payment in full of said amount by February first, two thou-
37 sand fourteen.

38 (2) on or before each November fifteenth thereafter, in addition to
39 the amount due for the current year billing and for the payment of the
40 annual amortized installments, the comptroller shall advise the partic-
41 ipating employer of the total amount still outstanding and be authorized
42 to accept the pre-payment of any balance remaining to be paid by Febru-
43 ary first of the succeeding year.

44 § 17. The retirement and social security law is amended by adding a
45 new section 17-h to read as follows:

46 § 17-h. Amortization of a portion of the bills for participating
47 employers for the two thousand thirteen--two thousand fourteen fiscal
48 year. a. If the comptroller, in his or her discretion, decides to permit
49 amortization of employer contributions pursuant to this section, then,
50 on or about October fifteenth, two thousand twelve, on the basis of the
51 annual actuarial valuation provided for in this chapter, the comptroller
52 shall determine the amount (exclusive of payments for group term life
53 insurance, deficiency payments, adjustments relating to prior fiscal
54 years' obligations and obligations pertaining to retirement incentives
55 or any other obligations that a participating employer is permitted to
56 pay on an amortized basis) of the annual contribution for a participat-



1 ing employer pursuant to section twenty-three-a of this article due for
2 the fiscal year ending March thirty-first, two thousand fourteen. The
3 amount by which such contribution exceeds twelve and one-half percent of
4 the estimated pensionable salary base for the fiscal year ending March
5 thirty-first, two thousand fourteen shall be the "amount eligible for
6 amortization". An amount up to the "amount eligible for amortization"
7 may be amortized over a ten-year period at a fixed rate of interest per
8 annum to be determined by the comptroller to be applied to the unpaid
9 balance of the amounts eligible for amortization of all employers, which
10 approximates a market rate of return on taxable fixed rate securities
11 with similar terms issued by comparable issuers, with the first of ten
12 equal payments payable on February first, two thousand fifteen.

13 b. A participating employer, may, in lieu of paying its entire Febru-
14 ary first, two thousand fourteen bill, pay a lesser amount on February
15 first, two thousand fourteen which shall be determined by the comp-
16 troller by adding the following four amounts together:

17 (1) the entire February first, two thousand fourteen bill, calculated
18 pursuant to section twenty-three-a of this article (without reference to
19 this section) less the "amount eligible for amortization" determined
20 pursuant to subdivision a of this section; and

21 (2) the first annual installment of the "amount eligible for amorti-
22 zation" determined pursuant to subdivision a of section seventeen-g of
23 this title, if applicable; and

24 (3) the second annual installment of the "amount eligible for amorti-
25 zation" determined pursuant to subdivision a of section seventeen-f of
26 this title, if applicable; and

27 (4) the third annual installment of the "amount eligible for amorti-
28 zation" determined pursuant to subdivision a of section seventeen-e of
29 this title, if applicable.

30 c. A participating employer making a payment pursuant to subdivision b
31 of this section shall pay on February first, two thousand fifteen an
32 amount determined by the comptroller by adding the following five
33 amounts together:

34 (1) the entire February first, two thousand fifteen bill, calculated
35 pursuant to section twenty-three-a of this article (without reference to
36 this section) less the "amount eligible for amortization" determined
37 pursuant to section seventeen-i of this title, if applicable; and

38 (2) the first annual installment of the "amount eligible for amorti-
39 zation" determined pursuant to subdivision a of this section; and

40 (3) the second annual installment of the "amount eligible for amorti-
41 zation" determined pursuant to subdivision a of section seventeen-g of
42 this title, if applicable; and

43 (4) the third annual installment of the "amount eligible for amorti-
44 zation" determined pursuant to subdivision a of section seventeen-f of
45 this title, if applicable; and

46 (5) the fourth annual installment of the "amount eligible for amorti-
47 zation" determined pursuant to subdivision a of section seventeen-e of
48 this title, if applicable.

49 d. Amortized payments determined pursuant to sections seventeen-b,
50 seventeen-c, seventeen-d, seventeen-e, seventeen-f and seventeen-g of
51 this title and pursuant to this section shall be due and payable on
52 February first of each year during the applicable amortization period.
53 The comptroller shall have the authority to permit the pre-payment of
54 the remaining balance of the "amount eligible for amortization" deter-
55 mined pursuant to all such sections subject to the following:

1 (1) on or before November fifteenth, two thousand fourteen in addition
2 to the amount due for the current year billing and for the payment of
3 the amortized annual installment determined pursuant to sections seven-
4 teen-b, seventeen-c, seventeen-d, seventeen-e, seventeen-f and seven-
5 teen-g of this title and pursuant to this section, the comptroller shall
6 advise the participating employer of the total amount due and be author-
7 ized to accept pre-payment in full of said amount by February first, two
8 thousand fifteen.

9 (2) on or before each November fifteenth thereafter, in addition to
10 the amount due for the current year billing and for the payment of the
11 annual amortized installments, the comptroller shall advise the partic-
12 ipating employer of the total amount still outstanding and be authorized
13 to accept the pre-payment of any balance remaining to be paid by Febru-
14 ary first of the succeeding year.

15 § 18. The retirement and social security law is amended by adding a
16 new section 17-i to read as follows:

17 § 17-i. Amortization of a portion of the bills for participating
18 employers for the two thousand fourteen--two thousand fifteen fiscal
19 year. a. If the comptroller, in his or her discretion, decides to permit
20 amortization of employer contributions pursuant to this section, then,
21 on or about October fifteenth, two thousand thirteen, on the basis of
22 the annual actuarial valuation provided for in this chapter, the comp-
23 troller shall determine the amount (exclusive of payments for group term
24 life insurance, deficiency payments, adjustments relating to prior
25 fiscal years' obligations and obligations pertaining to retirement
26 incentives or any other obligations that a participating employer is
27 permitted to pay on an amortized basis) of the annual contribution for a
28 participating employer pursuant to section twenty-three-a of this arti-
29 cle due for the fiscal year ending March thirty-first, two thousand
30 fifteen. The amount by which such contribution exceeds thirteen and
31 one-half percent of the estimated pensionable salary base for the fiscal
32 year ending March thirty-first, two thousand fifteen shall be the
33 "amount eligible for amortization". An amount up to the "amount eligible
34 for amortization" may be amortized over a ten-year period at a fixed
35 rate of interest per annum to be determined by the comptroller to be
36 applied to the unpaid balance of the amounts eligible for amortization
37 of all employers, which approximates a market rate of return on taxable
38 fixed rate securities with similar terms issued by comparable issuers,
39 with the first of ten equal payments payable on February first, two
40 thousand sixteen.

41 b. A participating employer, may, in lieu of paying its entire Febru-
42 ary first, two thousand fifteen bill, pay a lesser amount on February
43 first, two thousand fifteen which shall be determined by the comptroller
44 by adding the following five amounts together:

45 (1) the entire February first, two thousand fifteen bill, calculated
46 pursuant to section twenty-three-a of this article (without reference to
47 this section) less the "amount eligible for amortization" determined
48 pursuant to subdivision a of this section; and

49 (2) the first annual installment of the "amount eligible for amorti-
50 zation" determined pursuant to subdivision a of section seventeen-h of
51 this title, if applicable; and

52 (3) the second annual installment of the "amount eligible for amorti-
53 zation" determined pursuant to subdivision a of section seventeen-g of
54 this title, if applicable; and

1 (4) the third annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section seventeen-f of
3 this title, if applicable; and

4 (5) the fourth annual installment of the "amount eligible for amorti-
5 zation" determined pursuant to subdivision a of section seventeen-e of
6 this title, if applicable.

7 c. A participating employer making a payment pursuant to subdivision b
8 of this section shall pay on February first, two thousand sixteen an
9 amount determined by the comptroller by adding the following six amounts
10 together:

11 (1) the entire February first, two thousand sixteen bill, calculated
12 pursuant to section twenty-three-a of this article (without reference to
13 this section) less the "amount eligible for amortization" determined
14 pursuant to section seventeen-j of this title, if applicable; and

15 (2) the first annual installment of the "amount eligible for amorti-
16 zation" determined pursuant to subdivision a of this section; and

17 (3) the second annual installment of the "amount eligible for amorti-
18 zation" determined pursuant to subdivision a of section seventeen-h of
19 this title, if applicable; and

20 (4) the third annual installment of the "amount eligible for amorti-
21 zation" determined pursuant to subdivision a of section seventeen-g of
22 this title, if applicable; and

23 (5) the fourth annual installment of the "amount eligible for amorti-
24 zation" determined pursuant to subdivision a of section seventeen-f of
25 this title, if applicable; and

26 (6) the fifth annual installment of the "amount eligible for amorti-
27 zation" determined pursuant to subdivision a of section seventeen-e of
28 this title, if applicable.

29 d. Amortized payments determined pursuant to sections seventeen-b,
30 seventeen-c, seventeen-d, seventeen-e, seventeen-f, seventeen-g and
31 seventeen-h of this title and pursuant to this section shall be due and
32 payable on February first of each year during the applicable amorti-
33 zation period. The comptroller shall have the authority to permit the
34 pre-payment of the remaining balance of the "amount eligible for amorti-
35 zation" determined pursuant to all such sections subject to the follow-
36 ing:

37 (1) on or before November fifteenth, two thousand fifteen in addition
38 to the amount due for the current year billing and for the payment of
39 the amortized annual installment determined pursuant to sections seven-
40 teen-b, seventeen-c, seventeen-d, seventeen-e, seventeen-f, seventeen-g
41 and seventeen-h of this title and pursuant to this section, the comp-
42 troller shall advise the participating employer of the total amount due
43 and be authorized to accept pre-payment in full of said amount by Febru-
44 ary first, two thousand sixteen.

45 (2) on or before each November fifteenth thereafter, in addition to
46 the amount due for the current year billing and for the payment of the
47 annual amortized installments, the comptroller shall advise the partic-
48 ipating employer of the total amount still outstanding and be authorized
49 to accept the pre-payment of any balance remaining to be paid by Febru-
50 ary first of the succeeding year.

51 § 19. The retirement and social security law is amended by adding a
52 new section 17-j to read as follows:

53 § 17-j. Amortization of a portion of the bills for participating
54 employers for the two thousand fifteen--two thousand sixteen fiscal
55 year. a. If the comptroller, in his or her discretion, decides to
56 permit amortization of employer contributions pursuant to this section,

1 then, on or about October fifteenth, two thousand fourteen, on the basis
2 of the annual actuarial valuation provided for in this chapter, the
3 comptroller shall determine the amount (exclusive of payments for group
4 term life insurance, deficiency payments, adjustments relating to prior
5 fiscal years' obligations and obligations pertaining to retirement
6 incentives or any other obligations that a participating employer is
7 permitted to pay on an amortized basis) of the annual contribution for a
8 participating employer pursuant to section twenty-three-a of this arti-
9 cle due for the fiscal year ending March thirty-first, two thousand
10 sixteen. The amount by which such contribution exceeds fourteen and
11 one-half percent of the estimated pensionable salary base for the fiscal
12 year ending March thirty-first, two thousand sixteen shall be the
13 "amount eligible for amortization". An amount up to the "amount eligible
14 for amortization" may be amortized over a ten-year period at a fixed
15 rate of interest per annum to be determined by the comptroller to be
16 applied to the unpaid balance of the amounts eligible for amortization
17 of all employers, which approximates a market rate of return on taxable
18 fixed rate securities with similar terms issued by comparable issuers,
19 with the first of ten equal payments payable on February first, two
20 thousand seventeen.

21 b. A participating employer may, in lieu of paying its entire February
22 first, two thousand sixteen bill, pay a lesser amount on February first,
23 two thousand sixteen which shall be determined by the comptroller by
24 adding the following six amounts together:

25 (1) the entire February first, two thousand sixteen bill, calculated
26 pursuant to section twenty-three-a of this article (without reference to
27 this section) less the "amount eligible for amortization" determined
28 pursuant to subdivision a of this section; and

29 (2) the first annual installment of the "amount eligible for amorti-
30 zation" determined pursuant to subdivision a of section seventeen-i of
31 this title, if applicable; and

32 (3) the second annual installment of the "amount eligible for amorti-
33 zation" determined pursuant to subdivision a of section seventeen-h of
34 this title, if applicable; and

35 (4) the third annual installment of the "amount eligible for amorti-
36 zation" determined pursuant to subdivision a of section seventeen-g of
37 this title, if applicable; and

38 (5) the fourth annual installment of the "amount eligible for amorti-
39 zation" determined pursuant to subdivision a of section seventeen-f of
40 this title, if applicable; and

41 (6) the fifth annual installment of the "amount eligible for amorti-
42 zation" determined pursuant to subdivision a of section seventeen-e of
43 this title, if applicable.

44 c. A participating employer making a payment pursuant to subdivision b
45 of this section shall pay on February first, two thousand seventeen an
46 amount determined by the comptroller by adding the following seven
47 amounts together:

48 (1) the entire February first, two thousand seventeen bill, calculated
49 pursuant to section twenty-three-a of this article (without reference to
50 this section); and

51 (2) the first annual installment of the "amount eligible for amorti-
52 zation" determined pursuant to subdivision a of this section; and

53 (3) the second annual installment of the "amount eligible for amorti-
54 zation" determined pursuant to subdivision a of section seventeen-i of
55 this title, if applicable; and

1 (4) the third annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section seventeen-h of
3 this title, if applicable; and

4 (5) the fourth annual installment of the "amount eligible for amorti-
5 zation" determined pursuant to subdivision a of section seventeen-g of
6 this title, if applicable; and

7 (6) the fifth annual installment of the "amount eligible for amorti-
8 zation" determined pursuant to subdivision a of section seventeen-f of
9 this title, if applicable; and

10 (7) the sixth annual installment of the "amount eligible for amorti-
11 zation" determined pursuant to subdivision a of section seventeen-e of
12 this title, if applicable.

13 d. Amortized payments determined pursuant to sections seventeen-b,
14 seventeen-c, seventeen-d, seventeen-e, seventeen-f, seventeen-g, seven-
15 teen-h and seventeen-i of this title and pursuant to this section shall
16 be due and payable on February first of each year during the applicable
17 amortization period. The comptroller shall have the authority to permit
18 the pre-payment of the remaining balance of the "amount eligible for
19 amortization" determined pursuant to all such sections subject to the
20 following:

21 (1) on or before November fifteenth, two thousand sixteen in addition
22 to the amount due for the current year billing and for the payment of
23 the amortized annual installment determined pursuant to sections seven-
24 teen-b, seventeen-c, seventeen-d, seventeen-e, seventeen-f, seventeen-g,
25 seventeen-h and seventeen-i of this title and pursuant to this section,
26 the comptroller shall advise the participating employer of the total
27 amount due and be authorized to accept pre-payment in full of said
28 amount by February first, two thousand seventeen.

29 (2) on or before each November fifteenth thereafter, in addition to
30 the amount due for the current year billing and for the payment of the
31 annual amortized installments, the comptroller shall advise the partic-
32 ipating employer of the total amount still outstanding and be authorized
33 to accept the pre-payment of any balance remaining to be paid by Febru-
34 ary first of the succeeding year.

35 § 20. The retirement and social security law is amended by adding a
36 new section 317-e to read as follows:

37 § 317-e. Amortization of a portion of the bills for participating
38 employers for the two thousand ten--two thousand eleven fiscal year. a.
39 If the comptroller, in his or her discretion, decides to permit amorti-
40 zation of employer contributions pursuant to this section, then, on or
41 about October fifteenth, two thousand nine, on the basis of the annual
42 actuarial valuation provided for in this chapter, the comptroller shall
43 determine the amount (exclusive of payments for group term life insur-
44 ance, deficiency payments, adjustments relating to prior fiscal years'
45 obligations and obligations pertaining to retirement incentives or any
46 other obligations that a participating employer is permitted to pay on
47 an amortized basis) of the annual contribution for a participating
48 employer pursuant to section three hundred twenty-three-a of this arti-
49 cle due for the fiscal year ending March thirty-first, two thousand
50 eleven. The amount by which such contribution exceeds seventeen and
51 one-half percent of the estimated pensionable salary base for the fiscal
52 year ending March thirty-first, two thousand eleven shall be the "amount
53 eligible for amortization". An amount up to the "amount eligible for
54 amortization" may be amortized over a ten-year period at a fixed rate of
55 interest per annum to be determined by the comptroller to be applied to
56 the unpaid balance of the amounts eligible for amortization of all

1 employers, which approximates a market rate of return on taxable fixed
2 rate securities with similar terms issued by comparable issuers, with
3 the first of ten equal payments payable on February first, two thousand
4 twelve.

5 b. A participating employer, may, in lieu of paying its entire Febru-
6 ary first, two thousand eleven bill, pay a lesser amount on February
7 first, two thousand eleven which shall be determined by the comptroller
8 equaling the following amounts,

9 the entire February first, two thousand eleven bill, calculated pursu-
10 ant to section three hundred twenty-three-a of this article (without
11 reference to this section) less the "amount eligible for amortization"
12 determined pursuant to subdivision a of this section.

13 c. A participating employer making a payment pursuant to subdivision b
14 of this section shall pay on February first, two thousand twelve an
15 amount determined by the comptroller by adding the following two amounts
16 together:

17 (1) the entire February first, two thousand twelve bill, calculated
18 pursuant to section three hundred twenty-three-a of this article (with-
19 out reference to this section), less the "amount eligible for amorti-
20 zation" determined pursuant to subdivision a of section three hundred
21 seventeen-f of this title; and

22 (2) the first annual installment of the "amount eligible for amorti-
23 zation" determined pursuant to subdivision a of this section.

24 d. Amortized payments determined pursuant to sections three hundred
25 seventeen-b, three hundred seventeen-c, and three hundred seventeen-d of
26 this title and pursuant to this section shall be due and payable on
27 February first of each year during the applicable amortization period.
28 The comptroller shall have the authority to permit the pre-payment of
29 the remaining balance of the "amount eligible for amortization" deter-
30 mined pursuant to all such sections subject to the following:

31 (1) on or before November fifteenth, two thousand eleven in addition
32 to the amount due for the current year billing and for the payment
33 of the amortized annual installment determined pursuant to sections
34 three hundred seventeen-b, three hundred seventeen-c, and three hundred
35 seventeen-d of this title and pursuant to this section, the comptroller
36 shall advise the participating employer of the total amount due and be
37 authorized to accept pre-payment in full of said amount by February
38 first, two thousand twelve.

39 (2) on or before each November fifteenth thereafter, in addition to
40 the amount due for the current year billing and for the payment of the
41 annual amortized installments, the comptroller shall advise the partic-
42 ipating employer of the total amount still outstanding and be authorized
43 to accept the pre-payment of any balance remaining to be paid by Febru-
44 ary first of the succeeding year.

45 § 21. The retirement and social security law is amended by adding a
46 new section 317-f to read as follows:

47 § 317-f. Amortization of a portion of the bills for participating
48 employers for the two thousand eleven--two thousand twelve fiscal year.

49 a. If the comptroller, in his or her discretion, decides to permit amor-
50 tization of employer contributions pursuant to this section, then, on or
51 about October fifteenth, two thousand ten, on the basis of the annual
52 actuarial valuation provided for in this chapter, the comptroller shall
53 determine the amount (exclusive of payments for group term life insur-
54 ance, deficiency payments, adjustments relating to prior fiscal years'
55 obligations and obligations pertaining to retirement incentives or any
56 other obligations that a participating employer is permitted to pay on

1 an amortized basis) of the annual contribution for a participating
2 employer pursuant to section three hundred twenty-three-a of this arti-
3 cle due for the fiscal year ending March thirty-first, two thousand
4 twelve. The amount by which such contribution exceeds eighteen and one-
5 half percent of the estimated pensionable salary base for the fiscal
6 year ending March thirty-first, two thousand twelve shall be the "amount
7 eligible for amortization". An amount up to the "amount eligible for
8 amortization" may be amortized over a ten-year period at a fixed rate of
9 interest per annum to be determined by the comptroller to be applied to
10 the unpaid balance of the amounts eligible for amortization of all
11 employers, which approximates a market rate of return on taxable fixed
12 rate securities with similar terms issued by comparable issuers, with
13 the first of ten equal payments payable on February first, two thousand
14 thirteen.

15 b. A participating employer, may, in lieu of paying its entire Febru-
16 ary first, two thousand twelve bill, pay a lesser amount on February
17 first, two thousand twelve which shall be determined by the comptroller
18 by adding the following two amounts together:

19 (1) the entire February first, two thousand twelve bill, calculated
20 pursuant to section three hundred twenty-three-a of this article (with-
21 out reference to this section) less the "amount eligible for amorti-
22 zation" determined pursuant to subdivision a of this section; and

23 (2) the first annual installment of the "amount eligible for amorti-
24 zation" determined pursuant to subdivision a of section three hundred
25 seventeen-e of this title, if applicable.

26 c. A participating employer making a payment pursuant to subdivision b
27 of this section shall pay on February first, two thousand thirteen an
28 amount determined by the comptroller by adding the following three
29 amounts together:

30 (1) the entire February first, two thousand thirteen bill, calculated
31 pursuant to section three hundred twenty-three-a of this article (with-
32 out reference to this section), less the "amount eligible for amorti-
33 zation" determined pursuant to subdivision a of section three hundred
34 seventeen-g of this title; and

35 (2) the first annual installment of the "amount eligible for amorti-
36 zation" determined pursuant to subdivision a of this section; and

37 (3) the second annual installment of the "amount eligible for amorti-
38 zation" determined pursuant to subdivision a of section three hundred
39 seventeen-e of this title, if applicable.

40 d. Amortized payments determined pursuant to sections three hundred
41 seventeen-b, three hundred seventeen-c, three hundred seventeen-d, and
42 three hundred seventeen-e of this title, and pursuant to this section
43 shall be due and payable on February first of each year during the
44 applicable amortization period. The comptroller shall have the authori-
45 ty to permit the pre-payment of the remaining balance of the "amount
46 eligible for amortization" determined pursuant to all such sections
47 subject to the following:

48 (1) on or before November fifteenth, two thousand twelve in addition
49 to the amount due for the current year billing and for the payment of
50 amortized annual installment determined pursuant to sections three
51 hundred seventeen-b, three hundred seventeen-c, three hundred seven-
52 teen-d, and three hundred seventeen-e of this title and pursuant to this
53 section, the comptroller shall advise the participating employer of the
54 total amount due and be authorized to accept pre-payment in full of said
55 amount by February first, two thousand thirteen.



1 (2) on or before each November fifteenth thereafter, in addition to
2 the amount due for the current year billing and for the payment of the
3 annual amortized installments, the comptroller shall advise the partic-
4 ipating employer of the total amount still outstanding and be authorized
5 to accept the pre-payment of any balance remaining to be paid by Febru-
6 ary first of the succeeding year.

7 § 22. The retirement and social security law is amended by adding a
8 new section 317-g to read as follows:

9 § 317-g. Amortization of a portion of the bills for participating
10 employers for the two thousand twelve--two thousand thirteen fiscal
11 year. a. If the comptroller, in his or her discretion, decides to permit
12 amortization of employer contributions pursuant to this section, then,
13 on or about October fifteenth, two thousand eleven, on the basis of the
14 annual actuarial valuation provided for in this chapter, the comptroller
15 shall determine the amount (exclusive of payments for group term life
16 insurance, deficiency payments, adjustments relating to prior fiscal
17 years' obligations and obligations pertaining to retirement incentives
18 or any other obligations that a participating employer is permitted to
19 pay on an amortized basis) of the annual contribution for a participat-
20 ing employer pursuant to section three hundred twenty-three-a of this
21 article due for the fiscal year ending March thirty-first, two thousand
22 thirteen. The amount by which such contribution exceeds nineteen and
23 one-half percent of the estimated pensionable salary base for the fiscal
24 year ending March thirty-first, two thousand thirteen shall be the
25 "amount eligible for amortization". An amount up to the "amount eligible
26 for amortization" may be amortized over a ten-year period at a fixed
27 rate of interest per annum to be determined by the comptroller to be
28 applied to the unpaid balance of the amounts eligible for amortization
29 of all employers, which approximates a market rate of return on taxable
30 fixed rate securities with similar terms issued by comparable issuers,
31 with the first of ten equal payments payable on February first, two
32 thousand fourteen.

33 b. A participating employer, may, in lieu of paying its entire Febru-
34 ary first, two thousand thirteen bill, pay a lesser amount on February
35 first, two thousand thirteen which shall be determined by the comp-
36 troller by adding the following three amounts together:

37 (1) the entire February first, two thousand thirteen bill, calculated
38 pursuant to section three hundred twenty-three-a of this article (with-
39 out reference to this section) less the "amount eligible for amorti-
40 zation" determined pursuant to subdivision a of this section; and

41 (2) the first annual installment of the "amount eligible for amorti-
42 zation" determined pursuant to subdivision a of section three hundred
43 seventeen-f of this title, if applicable; and

44 (3) the second annual installment of the "amount eligible for amorti-
45 zation" determined pursuant to subdivision a of section three hundred
46 seventeen-e of this title, if applicable.

47 c. A participating employer making a payment pursuant to subdivision b
48 of this section shall pay on February first, two thousand fourteen an
49 amount determined by the comptroller by adding the following four
50 amounts together:

51 (1) the entire February first, two thousand fourteen bill, calculated
52 pursuant to section three hundred twenty-three-a of this article (with-
53 out reference to this section) less the "amount eligible for amorti-
54 zation" determined pursuant to section seventeen-h of this title, if
55 applicable; and

1 (2) the first annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of this section; and

3 (3) the second annual installment of the "amount eligible for amorti-
4 zation" determined pursuant to subdivision a of section three hundred
5 seventeen-f of this title, if applicable; and

6 (4) the third annual installment of the "amount eligible for amorti-
7 zation" determined pursuant to subdivision a of section three hundred
8 seventeen-e of this title, if applicable.

9 d. Amortized payments determined pursuant to sections three hundred
10 seventeen-b, three hundred seventeen-c, three hundred seventeen-d, three
11 hundred seventeen-e, and three hundred seventeen-f of this title and
12 pursuant to this section shall be due and payable on February first of
13 each year during the applicable amortization period. The comptroller
14 shall have the authority to permit the pre-payment of the remaining
15 balance of the "amount eligible for amortization" determined pursuant to
16 all such sections subject to the following:

17 (1) on or before November fifteenth, two thousand thirteen in addition
18 to the amount due for the current year billing and for the payment of
19 the amortized annual installment determined pursuant to sections three
20 hundred seventeen-b, three hundred seventeen-c, three hundred seven-
21 teen-d, three hundred seventeen-e, and three hundred seventeen-f of this
22 title and pursuant to this section, the comptroller shall advise the
23 participating employer of the total amount due and be authorized to
24 accept pre-payment in full of said amount by February first, two thou-
25 sand fourteen.

26 (2) on or before each November fifteenth thereafter, in addition to
27 the amount due for the current year billing and for the payment of the
28 annual amortized installments, the comptroller shall advise the partic-
29 ipating employer of the total amount still outstanding and be authorized
30 to accept the pre-payment of any balance remaining to be paid by Febru-
31 ary first of the succeeding year.

32 § 23. The retirement and social security law is amended by adding a
33 new section 317-h to read as follows:

34 § 317-h. Amortization of a portion of the bills for participating
35 employers for the two thousand thirteen--two thousand fourteen fiscal
36 year. a. If the comptroller, in his or her discretion, decides to permit
37 amortization of employer contributions pursuant to this section, then,
38 on or about October fifteenth, two thousand twelve, on the basis of the
39 annual actuarial valuation provided for in this chapter, the comptroller
40 shall determine the amount (exclusive of payments for group term life
41 insurance, deficiency payments, adjustments relating to prior fiscal
42 years' obligations and obligations pertaining to retirement incentives
43 or any other obligations that a participating employer is permitted to
44 pay on an amortized basis) of the annual contribution for a participat-
45 ing employer pursuant to section three hundred twenty-three-a of this
46 article due for the fiscal year ending March thirty-first, two thousand
47 fourteen. The amount by which such contribution exceeds twenty and
48 one-half percent of the estimated pensionable salary base for the fiscal
49 year ending March thirty-first, two thousand fourteen shall be the
50 "amount eligible for amortization". An amount up to the "amount eligible
51 for amortization" may be amortized over a ten-year period at a fixed
52 rate of interest per annum to be determined by the comptroller to be
53 applied to the unpaid balance of the amounts eligible for amortization
54 of all employers, which approximates a market rate of return on taxable
55 fixed rate securities with similar terms issued by comparable issuers,



1 with the first of ten equal payments payable on February first, two
2 thousand fifteen.

3 b. A participating employer, may, in lieu of paying its entire Febru-
4 ary first, two thousand fourteen bill, pay a lesser amount on February
5 first, two thousand fourteen which shall be determined by the comp-
6 troller by adding the following four amounts together:

7 (1) the entire February first, two thousand fourteen bill, calculated
8 pursuant to section three hundred twenty-three-a of this article (with-
9 out reference to this section) less the "amount eligible for amorti-
10 zation" determined pursuant to subdivision a of this section; and

11 (2) the first annual installment of the "amount eligible for amorti-
12 zation" determined pursuant to subdivision a of section three hundred
13 seventeen-g of this title, if applicable; and

14 (3) the second annual installment of the "amount eligible for amorti-
15 zation" determined pursuant to subdivision a of section three hundred
16 seventeen-f of this title, if applicable; and

17 (4) the third annual installment of the "amount eligible for amorti-
18 zation" determined pursuant to subdivision a of section three hundred
19 seventeen-e of this title, if applicable.

20 c. A participating employer making a payment pursuant to subdivision b
21 of this section shall pay on February first, two thousand fifteen an
22 amount determined by the comptroller by adding the following five
23 amounts together:

24 (1) the entire February first, two thousand fifteen bill, calculated
25 pursuant to section three hundred twenty-three-a of this article (with-
26 out reference to this section, less the "amount eligible for amorti-
27 zation" determined pursuant to section three hundred seventeen-i of this
28 title, if applicable; and

29 (2) the first annual installment of the "amount eligible for amorti-
30 zation" determined pursuant to subdivision a of this section; and

31 (3) the second annual installment of the "amount eligible for amorti-
32 zation" determined pursuant to subdivision a of section three hundred
33 seventeen-g of this title, if applicable; and

34 (4) the third annual installment of the "amount eligible for amorti-
35 zation" determined pursuant to subdivision a of section three hundred
36 seventeen-f of this title, if applicable; and

37 (5) the fourth annual installment of the "amount eligible for amorti-
38 zation" determined pursuant to subdivision a of section three hundred
39 seventeen-e of this title, if applicable.

40 d. Amortized payments determined pursuant to sections three hundred
41 seventeen-b, three hundred seventeen-c, three hundred seventeen-d, three
42 hundred seventeen-e, three hundred seventeen-f and three hundred seven-
43 teen-g of this title and pursuant to this section shall be due and paya-
44 ble on February first of each year during the applicable amortization
45 period. The comptroller shall have the authority to permit the pre-pay-
46 ment of the remaining balance of the "amount eligible for amortization"
47 determined pursuant to all such sections subject to the following:

48 (1) on or before November fifteenth, two thousand fourteen in addition
49 to the amount due for the current year billing and for the payment of
50 the amortized annual installment determined pursuant to sections three
51 hundred seventeen-b, three hundred seventeen-c, three hundred seven-
52 teen-d, three hundred seventeen-e, three hundred seventeen-f and three
53 hundred seventeen-g of this title and pursuant to this section, the
54 comptroller shall advise the participating employer of the total amount
55 due and be authorized to accept pre-payment in full of said amount by
56 February first, two thousand fifteen.

1 (2) on or before each November fifteenth thereafter, in addition to
2 the amount due for the current year billing and for the payment of the
3 annual amortized installments, the comptroller shall advise the partic-
4 ipating employer of the total amount still outstanding and be authorized
5 to accept the pre-payment of any balance remaining to be paid by Febru-
6 ary first of the succeeding year.

7 § 24. The retirement and social security law is amended by adding a
8 new section 317-i to read as follows:

9 § 317-i. Amortization of a portion of the bills for participating
10 employers for the two thousand fourteen--two thousand fifteen fiscal
11 year. a. If the comptroller, in his or her discretion, decides to permit
12 amortization of employer contributions pursuant to this section, then,
13 on or about October fifteenth, two thousand thirteen, on the basis of
14 the annual actuarial valuation provided for in this chapter, the comp-
15 troller shall determine the amount (exclusive of payments for group term
16 life insurance, deficiency payments, adjustments relating to prior
17 fiscal years' obligations and obligations pertaining to retirement
18 incentives or any other obligations that a participating employer is
19 permitted to pay on an amortized basis) of the annual contribution for a
20 participating employer pursuant to section three hundred twenty-three-a
21 of this article due for the fiscal year ending March thirty-first, two
22 thousand fifteen. The amount by which such contribution exceeds twenty-
23 one and one-half percent of the estimated pensionable salary base for
24 the fiscal year ending March thirty-first, two thousand fifteen shall be
25 the "amount eligible for amortization". An amount up to the "amount
26 eligible for amortization" may be amortized over a ten-year period at a
27 fixed rate of interest per annum to be determined by the comptroller to
28 be applied to the unpaid balance of the amounts eligible for amorti-
29 zation of all employers, which approximates a market rate of return on
30 taxable fixed rate securities with similar terms issued by comparable
31 issuers, with the first of ten equal payments payable on February first,
32 two thousand sixteen.

33 b. A participating employer, may, in lieu of paying its entire Febru-
34 ary first, two thousand fifteen bill, pay a lesser amount on February
35 first, two thousand fifteen which shall be determined by the comptroller
36 by adding the following five amounts together:

37 (1) the entire February first, two thousand fifteen bill, calculated
38 pursuant to section three hundred twenty-three-a of this article (with-
39 out reference to this section) less the "amount eligible for amorti-
40 zation" determined pursuant to subdivision a of this section; and

41 (2) the first annual installment of the "amount eligible for amorti-
42 zation" determined pursuant to subdivision a of section three hundred
43 seventeen-h of this title, if applicable; and

44 (3) the second annual installment of the "amount eligible for amorti-
45 zation" determined pursuant to subdivision a of section three hundred
46 seventeen-g of this title, if applicable; and

47 (4) the third annual installment of the "amount eligible for amorti-
48 zation" determined pursuant to subdivision a of section three hundred
49 seventeen-f of this title, if applicable; and

50 (5) the fourth annual installment of the "amount eligible for amorti-
51 zation" determined pursuant to subdivision a of section three hundred
52 seventeen-e of this title, if applicable.

53 c. A participating employer making a payment pursuant to subdivision b
54 of this section shall pay on February first, two thousand sixteen an
55 amount determined by the comptroller by adding the following six amounts
56 together:

1 (1) the entire February first, two thousand sixteen bill, calculated
2 pursuant to section three hundred twenty-three-a of this article (with-
3 out reference to this section) less the "amount eligible for amorti-
4 zation" determined pursuant to section three hundred seventeen-j of this
5 title, if applicable; and

6 (2) the first annual installment of the "amount eligible for amorti-
7 zation" determined pursuant to subdivision a of this section; and

8 (3) the second annual installment of the "amount eligible for amorti-
9 zation" determined pursuant to subdivision a of section three hundred
10 seventeen-h of this title, if applicable; and

11 (4) the third annual installment of the "amount eligible for amorti-
12 zation" determined pursuant to subdivision a of section three hundred
13 seventeen-g of this title, if applicable; and

14 (5) the fourth annual installment of the "amount eligible for amorti-
15 zation" determined pursuant to subdivision a of section three hundred
16 seventeen-f of this title, if applicable; and

17 (6) the fifth annual installment of the "amount eligible for amorti-
18 zation" determined pursuant to subdivision a of section three hundred
19 seventeen-e of this title, if applicable.

20 d. Amortized payments determined pursuant to sections three hundred
21 seventeen-b, three hundred seventeen-c, three hundred seventeen-d, three
22 hundred seventeen-e, three hundred seventeen-f, three hundred seven-
23 teen-g and three hundred seventeen-h of this title and pursuant to this
24 section shall be due and payable on February first of each year during
25 the applicable amortization period. The comptroller shall have the
26 authority to permit the pre-payment of the remaining balance of the
27 "amount eligible for amortization" determined pursuant to all such
28 sections subject to the following:

29 (1) on or before November fifteenth, two thousand fifteen in addition
30 to the amount due for the current year billing and for the payment of
31 the amortized annual installment determined pursuant to sections three
32 hundred seventeen-b, three hundred seventeen-c, three hundred seven-
33 teen-d, three hundred seventeen-e, three hundred seventeen-f, three
34 hundred seventeen-g and three hundred seventeen-h of this title and
35 pursuant to this section, the comptroller shall advise the participating
36 employer of the total amount due and be authorized to accept pre-payment
37 in full of said amount by February first, two thousand sixteen.

38 (2) on or before each November fifteenth thereafter, in addition to
39 the amount due for the current year billing and for the payment of the
40 annual amortized installments, the comptroller shall advise the partic-
41 ipating employer of the total amount still outstanding and be authorized
42 to accept the pre-payment of any balance remaining to be paid by Febru-
43 ary first of the succeeding year.

44 § 25. The retirement and social security law is amended by adding a
45 new section 317-j to read as follows:

46 § 317-j. Amortization of a portion of the bills for participating
47 employers for the two thousand fifteen--two thousand sixteen fiscal
48 year. a. If the comptroller, in his or her discretion, decides to permit
49 amortization of employer contributions pursuant to this section, then,
50 on or about October fifteenth, two thousand fourteen, on the basis of
51 the annual actuarial valuation provided for in this chapter, the comp-
52 troller shall determine the amount (exclusive of payments for group term
53 life insurance, deficiency payments, adjustments relating to prior
54 fiscal years' obligations and obligations pertaining to retirement
55 incentives or any other obligations that a participating employer is
56 permitted to pay on an amortized basis) of the annual contribution for a



1 participating employer pursuant to section three hundred twenty-three-a
2 of this article due for the fiscal year ending March thirty-first, two
3 thousand sixteen. The amount by which such contribution exceeds twenty-
4 two and one-half percent of the estimated pensionable salary base for
5 the fiscal year ending March thirty-first, two thousand sixteen shall be
6 the "amount eligible for amortization". An amount up to the "amount
7 eligible for amortization" may be amortized over a ten-year period at a
8 fixed rate of interest per annum to be determined by the comptroller to
9 be applied to the unpaid balance of the amounts eligible for amorti-
10 zation of all employers, which approximates a market rate of return on
11 taxable fixed rate securities with similar terms issued by comparable
12 issuers, with the first of ten equal payments payable on February first,
13 two thousand seventeen.

14 b. A participating employer, may, in lieu of paying its entire Febru-
15 ary first, two thousand sixteen bill, pay a lesser amount on February
16 first, two thousand sixteen which shall be determined by the comptroller
17 by adding the following six amounts together:

18 (1) the entire February first, two thousand sixteen bill, calculated
19 pursuant to section three hundred twenty-three-a of this article (with-
20 out reference to this section) less the "amount eligible for amorti-
21 zation" determined pursuant to subdivision a of this section); and

22 (2) the first annual installment of the "amount eligible for amorti-
23 zation" determined pursuant to subdivision a of section three hundred
24 seventeen-i of this title, if applicable; and

25 (3) the second annual installment of the "amount eligible for amorti-
26 zation" determined pursuant to subdivision a of section three hundred
27 seventeen-h of this title, if applicable; and

28 (4) the third annual installment of the "amount eligible for amorti-
29 zation" determined pursuant to subdivision a of section three hundred
30 seventeen-g of this title, if applicable; and

31 (5) the fourth annual installment of the "amount eligible for amorti-
32 zation" determined pursuant to subdivision a of section three hundred
33 seventeen-f of this title, if applicable; and

34 (6) the fifth annual installment of the "amount eligible for amorti-
35 zation" determined pursuant to subdivision a of section three hundred
36 seventeen-e of this title, if applicable.

37 c. A participating employer making a payment pursuant to subdivision b
38 of this section shall pay on February first, two thousand seventeen an
39 amount determined by the comptroller by adding the following seven
40 amounts together:

41 (1) the entire February first, two thousand seventeen bill, calculated
42 pursuant to sections three hundred twenty-three-a of this article (with-
43 out reference to this section); and

44 (2) the first annual installment of the "amount eligible for amorti-
45 zation" determined pursuant to subdivision a of this section; and

46 (3) the second annual installment of the "amount eligible for amorti-
47 zation" determined pursuant to subdivision a of section three hundred
48 seventeen-i of this title, if applicable; and

49 (4) the third annual installment of the "amount eligible for amorti-
50 zation" determined pursuant to subdivision a of section three hundred
51 seventeen-h of this title, if applicable; and

52 (5) the fourth annual installment of the "amount eligible for amorti-
53 zation" determined pursuant to subdivision a of section three hundred
54 seventeen-g of this title, if applicable; and



1 (6) the fifth annual installment of the "amount eligible for amorti-
2 zation" determined pursuant to subdivision a of section three hundred
3 seventeen-f of this title, if applicable; and

4 (7) the sixth annual installment of the "amount eligible for amorti-
5 zation" determined pursuant to subdivision a of section three hundred
6 seventeen-e of this title, if applicable.

7 d. Amortized payments determined pursuant to sections three hundred
8 seventeen-b, three hundred seventeen-c, three hundred seventeen-d, three
9 hundred seventeen-e, three hundred seventeen-f, three hundred seven-
10 teen-g, three hundred seventeen-h and three hundred seventeen-i of this
11 title and pursuant to this section shall be due and payable on February
12 first of each year during the applicable amortization period. The comp-
13 troller shall have the authority to permit the pre-payment of the
14 remaining balance of the "amount eligible for amortization" determined
15 pursuant to all such sections subject to the following:

16 (1) on or before November fifteenth, two thousand sixteen in addition
17 to the amount due for the current year billing and for the payment of
18 the amortized annual installment determined pursuant to sections three
19 hundred seventeen-b, three hundred seventeen-c, three hundred seven-
20 teen-d, three hundred seventeen-e, three hundred seventeen-f, three
21 hundred seventeen-g, three hundred seventeen-h and three hundred seven-
22 teen-i of this title and pursuant to this section, the comptroller shall
23 advise the participating employer of the total amount due and be author-
24 ized to accept pre-payment in full of said amount by February first, two
25 thousand seventeen.

26 (2) on or before each November fifteenth thereafter, in addition to
27 the amount due for the current year billing and for the payment of the
28 annual amortized installments, the comptroller shall advise the partic-
29 ipating employer of the total amount still outstanding and be authorized
30 to accept the pre-payment of any balance remaining to be paid by Febru-
31 ary first of the succeeding year.

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

35 2. requiring a minimum annual contribution from the state and every
36 participating employer (exclusive of payments for group term life insur-
37 ance, deficiency payments, adjustments relating to prior fiscal years'
38 obligations and obligations pertaining to retirement incentives or any
39 other obligations that the state or participating employer is permitted
40 to pay on an amortized basis) equal to [four] five and one-half percent
41 of pensionable salaries. Effective immediately upon implementation by
42 the comptroller of the comprehensive structural reform program set forth
43 in this section, and in all subsequent years, participating employers
44 shall pay either the required annual contribution determined under the
45 revised schedule pertaining to the valuation, billing and payment of
46 contributions pursuant to paragraph one of this subdivision, or the
47 required minimum annual contribution of [four] five and one-half percent
48 of pensionable salaries, whichever is greater; and

49 § 27. Severability clause. If any clause, sentence, paragraph, subdi-
50 vision, section or part of this act shall be adjudged by any court of
51 competent jurisdiction to be invalid, such judgment shall not affect,
52 impair, or invalidate the remainder thereof, but shall be confined in
53 its operation to the clause, sentence, paragraph, subdivision, section
54 or part thereof directly involved in the controversy in which such judg-
55 ment shall have been rendered. It is hereby declared to be the intent of

1 the legislature that this act would have been enacted even if such
2 invalid provisions had not been included herein.

3 § 28. This act shall take effect immediately.

FISCAL NOTE.--This bill would amend the Retirement and Social Security Law as it pertains to employer bills of the New York State and Local Employees Retirement System (ERS) and the New York State and Local Police and Fire Retirement System (PFRS).

This bill puts in place a 6 year program that allows ERS and PFRS employers, if they choose to participate, to amortize a portion of their bill with their respective Retirement System when employer contributions rates rise above certain levels. In ERS these levels are 9.5% for 2010/11 bills, 10.5% for 2011/12 bills, 11.5% for 2012/13 bills, 12.5% for 2013/14 bills, 13.5% for 2014/15 bills, and 14.5% for 2015/16 bills. In PFRS these levels are 17.5% for 2010/11 bills, 18.5% for 2011/12 bills, 19.5% for 2012/13 bills, 20.5% for 2013/14 bills, 21.5% for 2014/15 bills, and 22.5% for 2015/16 bills. The amortization is over a period of 10 years at a rate of interest determined by the Comptroller (which approximates a market rate of return on taxable fixed rate securities with similar terms issued by comparable issuers), with the first of the ten equal annual payments payable one year following the respective billing date.

Further, this bill increases the current minimum contribution to the System from 4.5% of payroll to 5.5% of payroll for all future years. Over the long term, this provision will act to reduce the contribution rate volatility and enhance the long term fiscal health of the System.

If this bill is enacted, we estimate that there would be a small administrative cost to the System to revise the current billing processes.

This estimate, dated December 17, 2009, and intended for use only during the 2010 Legislative Session, is Fiscal Note No. 2010-45, 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.

4 PART W

5 Section 1. (a) The purpose of this act is to provide for an orderly
6 transfer of responsibilities relating to real property tax adminis-
7 tration to the commissioner of taxation and finance and the department
8 of taxation and finance, from the state board of real property services
9 and the state office of real property services.

10 (b) Wherever the terms "state board of real property services," "state
11 board" or "state office of real property services" appear in the real
12 property tax law, such terms are hereby changed to "commissioner",
13 provided that in sections 614, 816, 818, 1253 and 1263 of the real prop-
14 erty tax law, such terms shall be changed to "tax appeals tribunal," and
15 provided further that the text of sections 202, 216, 324, 489-o, 489-11,
16 1210 and 1218 of the real property tax law shall be changed only as
17 provided by the ensuing provisions of this act.

18 (c) Wherever the terms "state board of real property services," "state
19 board" or "state office of real property services" appear in the tax
20 law, such terms are hereby changed to "commissioner", provided further
21 that the text of subdivision (e) of section 15, paragraph 5 of subdivi-
22 sion (b) of section 22, subdivision 25th of section 171 and sections
23 171-o, 697, and 1564 of the tax law shall only be changed to the extent
24 provided by the ensuing provisions of this act.

1 (d) Wherever the term "state board of real property services" or
2 "state office of real property services" appears in the consolidated or
3 unconsolidated laws of this state other than the real property tax law
4 or the tax law, such term is hereby changed to "commissioner of taxation
5 and finance". Wherever the term "state board of real property services"
6 is followed by the term "state board" in such a statute, such term is
7 hereby changed to "commissioner".

8 (e) The legislative bill drafting commission is hereby directed to
9 effectuate this provision, and shall be guided by a memorandum of
10 instruction setting forth the specific provisions of law to be amended.
11 Such memorandum shall be transmitted to the legislative bill drafting
12 commission within sixty days of enactment of this provision. Such memo-
13 randum shall be issued jointly by the governor, the temporary president
14 of the senate, and the speaker of the assembly, or by the delegate of
15 each.

16 § 2. Paragraph (c) of subdivision 1 of section 169 of the executive
17 law, as amended by chapter 634 of the laws of 1998, is amended to read
18 as follows:

19 (c) commissioner of agriculture and markets, commissioner of alcohol-
20 ism and substance abuse services, adjutant general, commissioner and
21 president of state civil service commission, commissioner of economic
22 development, chair of the energy research and development authority,
23 [executive director of the board of real property services,] president
24 of higher education services corporation, commissioner of motor vehi-
25 cles, member-chair of board of parole, director of probation and correc-
26 tional alternatives, chair of public employment relations board, secre-
27 tary of state, chair of the state racing and wagering board,
28 commissioner of alcoholism and substance abuse services, executive
29 director of the housing finance agency, commissioner of housing and
30 community renewal, executive director of state insurance fund, commis-
31 sioner-chair of state liquor authority, chair of the workers' compen-
32 sation board;

33 § 3. Section 102 of the real property tax law is amended by adding
34 three new subdivisions 5-a, 9-b and 20-a to read as follows:

35 5-a. "Commissioner" means the commissioner of taxation and finance.

36 9-b. "Department" means the department of taxation and finance.

37 20-a. "Tax appeals tribunal" means the body established by section two
38 thousand four of the tax law.

39 § 4. Sections 200, 201, 204, 206, 208, 210, 212 and 214 of the real
40 property tax law are REPEALED.

41 § 5. The real property tax law is amended by adding a new section 200
42 to read as follows:

43 § 200. Assumption of responsibilities by the department of taxation
44 and finance. 1. On and after the effective date of this section, the
45 functions, powers and duties of the state board of real property
46 services as formerly established by this chapter shall be considered
47 functions, powers and duties of the commissioner of taxation and
48 finance, except to the extent provided by section two hundred six of
49 this article.

50 2. On and after the effective date of this section, the functions,
51 powers and duties of the office of real property services as formerly
52 established by this chapter shall be considered functions, powers and
53 duties of the commissioner of taxation and finance.

54 3. Notwithstanding any other provision of law, rule, or regulation to
55 the contrary, upon the transfer of functions from the office of real
56 property services to the department of taxation and finance pursuant to

1 this section, all employees of the office of real property services
2 substantially engaged in the performance of the transferred functions
3 shall be transferred to the department of taxation and finance. Employ-
4 ees transferred pursuant to this section shall be transferred without
5 further examination or qualification and shall retain their respective
6 civil service classifications, status and collective bargaining unit
7 designations and collective bargaining agreements.

8 4. All books, papers, and property of the office of real property
9 services shall be delivered to the commissioner. All books, papers, and
10 property of the office of real property services shall continue to be
11 maintained by the department.

12 5. For the purpose of succession of all functions, powers, duties and
13 obligations transferred and assigned to, devolved upon and assumed by it
14 pursuant to this section, the department shall be deemed and held to
15 constitute the continuation of the office of real property services.

16 6. Except as provided in subdivision seven of this section, any busi-
17 ness or other matter undertaken or commenced by the state board, the
18 office of real property services or the executive director thereof
19 pertaining to or connected with the functions, powers, obligations and
20 duties hereby transferred and assigned to the commissioner or the
21 department and pending on the effective date of this section, may be
22 conducted and completed by the commissioner or the department in the
23 same manner and under the same terms and conditions and with the same
24 effect as if conducted and completed by the state board, the office of
25 real property services or its executive director.

26 7. No later than sixty days after the effective date of this section,
27 the commissioner shall provide the president of the tax appeals tribunal
28 with a list of all tentative special franchise values, special franchise
29 assessments, railroad ceilings, state equalization rates and other
30 equalization products established pursuant to this chapter for which a
31 complaint had been filed and not been resolved by the state board, as
32 well as any other tentative special franchise value, special franchise
33 assessment, railroad ceiling, state equalization rate or any other
34 equalization product established pursuant to this chapter for which a
35 timely complaint could be filed after such date, as well as any pending
36 county equalization reviews. Upon receipt of such list, the tax appeals
37 tribunal shall perform the review functions previously performed by the
38 state board.

39 8. (a) All rules, regulations, acts, orders, determinations, and deci-
40 sions of the state board or the office of real property services
41 pertaining to the functions and powers herein transferred and assigned
42 to the commissioner or the department, in force at the time of such
43 transfer and assumption, shall continue in full force and effect as
44 rules, regulations, acts, orders, determinations and decisions of the
45 department until duly modified or abrogated by the commissioner or the
46 department.

47 (b) All rules, regulations, acts, orders, determinations, and deci-
48 sions of the state board or the office of real property services
49 pertaining to the functions and powers herein transferred and assigned
50 to the tax appeals tribunal, in force at the time of such transfer and
51 assumption, shall continue in full force and effect as rules, regu-
52 lations, acts, orders, determinations and decisions of the tax appeals
53 tribunal until duly modified or abrogated by the tax appeals tribunal.

54 9. Whenever the state board, the office of real property services or
55 its executive director is referred to or designated in any law, contract
56 or document pertaining to the functions, powers, obligations and duties

1 hereby transferred to and assigned to the commissioner or the depart-
2 ment, such reference or designation shall be deemed to refer to the
3 commissioner or department, as applicable or indicated by the context.

4 10. No existing right or remedy of any character shall be lost,
5 impaired or affected by any provisions of this section.

6 11. Except as provided in subdivision seven of this section, no action
7 or proceeding pending on the effective date of this section, brought by
8 or against the state board, the office of real property services or its
9 executive director shall be affected by any provision of this section,
10 but the same may be prosecuted or defended in the name of the commis-
11 sioner or the department. In all such actions and proceedings, the
12 commissioner, upon application of the court, shall be substituted as a
13 party.

14 12. All appropriations or reappropriations made to the office of real
15 property services to the extent of remaining unexpended or unencumbered
16 balance thereof, whether allocated or unallocated and whether obligated
17 or unobligated, are hereby transferred to and made available for use and
18 expenditure by the department subject to the approval of the director of
19 the budget for the same purposes for which originally appropriated or
20 reappropriated and shall be payable on vouchers certified or approved by
21 the commissioner on audit and warrant of the comptroller.

22 13. All assets and liabilities of the office of real property services
23 are hereby transferred to and assumed by the department.

24 § 6. Section 202 of the real property tax law, paragraph (c) of subdi-
25 vision 1 as amended by chapter 615 of the laws of 1972, paragraph (h) of
26 subdivision 1 as amended by chapter 261 of the laws of 1992, paragraph
27 (k) of subdivision 1 as amended, paragraph (m) of subdivision 1 as added
28 and paragraph (n) of subdivision 1 as relettered by chapter 833 of the
29 laws of 1960, paragraph (o) of subdivision 1 as added by chapter 716 of
30 the laws of 1990, paragraph (p) of subdivision 1 as added by chapter 166
31 of the laws of 1991, paragraph (q) of subdivision 1 as added by chapter
32 450 of the laws of 2004, subdivision 1-a as added by chapter 739 of the
33 laws of 1978, subdivision 1-b as added by chapter 237 of the laws of
34 1995, subdivision 2 as added by chapter 522 of the laws of 1981, the
35 opening paragraph of subdivision 2 as amended by chapter 385 of the laws
36 of 1994, and paragraph (a) of subdivision 2 as amended by chapter 776 of
37 the laws of 1988, is amended to read as follows:

38 § 202. Powers and duties of [state board] the commissioner in relation
39 to real property tax administration. 1. The [board] commissioner shall:

40 (a) Assess special franchises;

41 (b) Establish state equalization rates for each county, city, town and
42 village;

43 [(c) Hear and determine reviews relating to determinations made by
44 county equalization agencies;

45 (d)] (c) Approve assessments of state lands subject to taxation;

46 [(e)] (d) Have general supervision of the function of assessing
47 throughout the state;

48 [(f)] (e) Investigate, from time to time, the methods of assessment
49 throughout the state, and confer with, advise and assist assessors and
50 other officials whose duties relate to assessments;

51 [(g)] (f) Furnish assessors with such information and instructions as
52 may be necessary or proper to aid them in making assessments, which
53 instructions shall be followed and compliance with which may be enforced
54 by [the board] him or her;

55 [(h)] (g) Prescribe, and in [its] his or her discretion furnish to
56 assessors at the expense of the state, forms relating to assessments,

1 including applications for exemption from real property taxation, which
2 forms shall be used by the assessors and applicants for an exemption
3 granted pursuant to this or any other chapter, and the use of which
4 shall be enforced by the [board] commissioner;

5 [(i)] (h) Obtain from state and local officers, bodies or other agen-
6 cies such information as may be necessary for the proper discharge of
7 [its] the duties conferred upon him or her in relation to real property
8 tax administration, which information shall be furnished on his or her
9 demand [of the state board];

10 [(j)] (i) Inquire into the provisions of the laws of other states and
11 confer with the appropriate officials thereof regarding the most effec-
12 tual and equitable methods of assessing and taxing real property;

13 [(k)] (j) Prepare an annual report to the legislature which shall
14 include therein recommendations concerning amendments to existing law
15 and such other information as [it] he or she may deem advisable;

16 [(l)] (k) Adopt and amend such rules, regulations, orders and determi-
17 nations, not inconsistent with law, as may be necessary for the exercise
18 of [its] his or her powers and the performance of [its] his or her
19 duties under this chapter;

20 [(m)] (l) Establish railroad ceilings for railroad real property;

21 [(n)] (m) Exercise and perform such other powers and duties as may be
22 conferred or imposed on [it] him or her by law.

23 [(o) monitor] (n) Monitor the quality of local assessment practices by
24 individual assessing units.

25 [(p) impose,] (o) Impose, collect and receive such charges or fees as
26 may be authorized by statute.

27 [(q)] (p) Promulgate rules and regulations for the ascertainment and
28 reporting of "assessment record billing owner" information, as defined
29 in section one hundred three of the eminent domain procedure law, for
30 the purposes of the administration of [said] such law.

31 [1-a] 2. In any instance where an assessing unit has acted pursuant
32 to the rules, regulations, orders, determinations or instructions of the
33 [state board] commissioner acting pursuant to the authority conferred
34 upon him or her by this chapter, and such action is the subject of a
35 judicial review, the [state board] commissioner may upon request of the
36 assessing unit assist such assessing unit by the filing of a brief
37 amicus curiae or through such other means as may be appropriate.

38 [1-b] 3. The [state board] commissioner may adopt rules and regu-
39 lations, as necessary, to implement the computerized statewide school
40 district address match and income verification system set forth in
41 section one hundred seventy-one of the tax law.

42 [2. The members of the board, or a majority thereof, shall act as a
43 body when determining reviews relating to county equalization rates and
44 adopting and amending rules, regulations and orders in accordance with
45 law. The board may by resolution delegate to any officer or employee of
46 the office of real property services any other power or duty to be exer-
47 cised or performed by it under this chapter or any other law subject to
48 the following:

49 (a) Any resolution which delegates powers and duties relating to the
50 assessment of special franchises, the approval of assessments of state
51 lands subject to taxation, and the establishment of state equalization
52 rates pursuant to article twelve of this chapter shall be adopted annu-
53 ally. Any such resolution shall specify the assessment rolls for which
54 said delegation is made and shall set forth the full value standard
55 which shall be used. However, no such resolution may delegate the power
56 to make a final determination in a matter in which a complaint has been

1 filed pursuant to articles six and twelve of this chapter; provided,
2 however, that the power to adjust a final special franchise assessment
3 which is affected by a special equalization rate established pursuant to
4 section twelve hundred twenty-two of this chapter may be delegated
5 whether or not a complaint has been filed pursuant to article six of
6 this chapter. The executive director shall report to the members of the
7 board all actions taken pursuant to any such resolution within ten days
8 of taking said actions. Within ten days of receipt of the report of the
9 executive director, if any member of the board has an objection, a meet-
10 ing of the board shall be convened for the purpose of considering the
11 objection. Failure to make a report shall not, however, affect the
12 legality of any such actions.

13 (b) Any resolution which delegates powers and duties relating to the
14 establishment of special state equalization rates pursuant to sections
15 eight hundred six and thirteen hundred fourteen of this chapter and
16 special equalization ratios pursuant to articles twelve-A and twelve-B
17 of this chapter and certifications of changes in the level of assessment
18 pursuant to this chapter or any other law shall prescribe the policies
19 or criteria to be observed in the exercise of such powers and duties by
20 the officer or employee to whom they are delegated. However, no such
21 resolution may delegate the power to make a final determination in a
22 matter in which a complaint has been filed pursuant to articles twelve-A
23 and twelve-B of this chapter.]

24 4. Any records that come into the commissioner's custody in the course
25 of discharging the duties imposed upon him or her by this chapter shall
26 be subject to public access to the full extent provided by this chapter
27 and the public officers law, and shall not be subject to the secrecy
28 provisions of the tax law.

29 § 7. The real property tax law is amended by adding two new sections
30 204 and 206 to read as follows:

31 § 204. Office of real property tax services. There is hereby created
32 within the department of taxation and finance an office of real property
33 tax services. The head of the office shall be a deputy commissioner for
34 real property tax services, who shall be appointed by the governor. The
35 deputy commissioner for real property tax services shall exercise such
36 powers and duties in relation to real property tax administration as may
37 be delegated to him or her by the commissioner, shall report directly to
38 the commissioner on the activities of the office, and shall hold office
39 at the pleasure of the commissioner. The commissioner may appoint such
40 officers, employees, agents, consultants and special committees as he or
41 she may deem necessary to carry out the provisions of this chapter, and
42 shall prescribe their duties.

43 § 206. Reviews of certain determinations. 1. The tax appeals tribunal
44 shall have the following powers in relation to real property tax admin-
45 istration:

46 (a) The power to determine the final special franchise value, special
47 franchise assessment, railroad ceiling, state equalization rate or any
48 other equalization product established pursuant to this chapter for
49 which a complaint has been filed, as provided by sections four hundred
50 eighty-nine-o, four hundred eighty-nine-11, six hundred fourteen, twelve
51 hundred ten, twelve hundred fifty-three, and twelve hundred sixty-three
52 of this chapter;

53 (b) The power to hear and determine reviews relating to determinations
54 made by county equalization agencies, as provided by sections eight
55 hundred sixteen and eight hundred eighteen of this chapter.

1 2. The provisions of section five hundred twenty-five of this chapter
2 shall apply so far as practicable to a hearing conducted by the tax
3 appeals tribunal pursuant to this chapter.

4 § 8. Section 216 of the real property tax law, as added by chapter 490
5 of the laws of 1988, subdivision 5 as amended by chapter 529 of the laws
6 of 1990, is amended to read as follows:

7 § 216. Powers of [board] commissioner upon neglect or refusal of offi-
8 cials to perform duties. 1. Whenever it appears to the satisfaction of
9 the [state board] commissioner that any assessor or other public offi-
10 cer, employee or board of assessment review whose duties relate directly
11 to real property tax administration has failed to comply with the
12 provisions of this chapter or any other law relating to such duties, or
13 the rules and regulations of the [board] commissioner made pursuant
14 thereto, after a hearing on the facts, the [board] commissioner may
15 issue an order directing such assessor, officer, employee or board of
16 assessment review to comply with such law, rule or regulation.

17 2. If any assessor or other public officer, employee or board of
18 assessment review whose duties relate directly to real property tax
19 administration shall [wilfully] willfully and intentionally refuse or
20 neglect to perform any duty or do any act required by or pursuant to
21 this chapter, in addition to any other penalty provided by law, such
22 assessor, public officer, employee or member of a board of assessment
23 review shall forfeit to the municipal corporation of which such asses-
24 sor, public officer, employee or member is an officer a sum not to
25 exceed fifty dollars for each [wilful] willful and intentional
26 violation, which may be recovered by the [state board] commissioner.

27 3. Where a property owner is, in a proceeding conducted pursuant to
28 this section, found to be directly affected by the violation of state
29 law or rule, the [board] commissioner in its order shall establish
30 procedures by which an assessor, officer, employee or board of assess-
31 ment review whose duties relate directly to real property tax adminis-
32 tration, whether or not a party to the proceeding, shall remedy the
33 failure to comply with such state law or rules with respect to an
34 assessment roll filed not more than three years prior to the commence-
35 ment of the proceeding. Such remedy may include reconvening the board of
36 assessment review, identifying the class of persons eligible to complain
37 when the board of assessment review reconvenes, and issuing instructions
38 to such board of assessment review on the law and any documentation
39 required of eligible complainants in relation to the findings of the
40 [state board] commissioner. A copy of such order shall be mailed to such
41 assessor, officer, employee or board of assessment review and to each
42 municipal corporation which utilizes such assessment roll. Such order
43 shall, where appropriate, require the assessing unit to mail a copy of
44 the order to each eligible complainant whose name and address is readily
45 ascertainable from the record of the proceeding.

46 4. (a) Where the [state board] commissioner has ordered the board of
47 assessment review to reconvene to receive complaints, a copy of the
48 order shall be mailed by the assessing unit to each eligible complain-
49 ant, which mailing shall be accompanied by the form prescribed by the
50 [state board] commissioner for complaints on tentative assessments or
51 such other form as may be prescribed [by the state board] for such
52 purpose. Included with such order and form shall be a notice stating the
53 date, time and place at which the board of assessment review will recon-
54 vene. This material shall be mailed to the eligible complainant no later
55 than fifteen days prior to the meeting of the board of assessment
56 review. On the date and time specified in such notice, the board of

1 assessment review will reconvene to hear any complaints filed pursuant
2 to such order and shall have the powers and duties set forth in section
3 five hundred twenty-five of this chapter, except that it may receive
4 only complaints with respect to assessments of those parcels to which
5 the [state board's] commissioner's order applies. A petition for review
6 of the assessment of such property pursuant to either title one or one-A
7 of article seven of this chapter may be filed no later than thirty days
8 after the determination of the board of assessment review is mailed to
9 the petitioner, notwithstanding the provisions of section seven hundred
10 two or seven hundred thirty of this chapter.

11 (b) The assessor shall correct the assessment roll upon receipt of the
12 verified statement of changes from the board of assessment review. If
13 the assessor no longer has custody of the assessment roll when such
14 verified statement is received, he or she shall forward a copy of such
15 verified statement and a copy of the [state board's] commissioner's
16 order to the person having custody of the assessment roll or tax roll,
17 which person shall thereupon make the appropriate corrections. The
18 assessor shall also forward a copy of the verified statement of changes
19 to the clerk of each tax levying body which levies taxes on such assess-
20 ment roll.

21 (c) Where a tax, special assessment or special ad valorem levy has
22 been paid prior to the correction of the tax roll pursuant to this
23 section and the order of the board of assessment review results in a
24 reduction of the tax liability of a parcel, the tax levying body shall
25 refund to the person who paid such tax, special assessment or special ad
26 valorem levy the amount which exceeds the tax, special assessment, or
27 special ad valorem levy due upon the corrected tax roll. Any such refund
28 shall be a charge upon each municipal corporation or special district to
29 the extent that the taxes, special assessments or special ad valorem
30 levies were levied on its behalf or as is otherwise provided by law with
31 respect to Nassau and Suffolk counties; provided, however, that no
32 application need be made by the petitioner for such refund. The verified
33 statement of changes provided to the clerk of the tax district shall
34 constitute an application for refund for the purposes of this section.
35 Where a refund is not made within ninety days of the receipt of the
36 verified statement of changes, interest in the amount of one percent per
37 month shall be added to the amount to be refunded for each month or part
38 thereof in excess of ninety days and paid to the property owner.

39 (d) Where taxes, special assessments or special ad valorem levies have
40 been levied prior to the correction of the tax roll pursuant to this
41 section and the verified statement of changes of the board of assessment
42 review results in an increase in the tax liability of a parcel or the
43 imposition of a tax liability upon a parcel, the additional tax, special
44 assessment, or special ad valorem levy shall be levied, collected and
45 accounted for as provided in the [state board's] commissioner's order.

46 (e) The provisions of title three of article five of this chapter
47 shall apply as far as practicable to the correction of an assessment
48 roll or tax roll and, if applicable, to a refund of taxes pursuant to
49 this section; provided however that no application, except as provided
50 herein, need be made for such correction or refund.

51 5. If an assessor, or other public officer, employee or board of
52 assessment review whose duties relate directly to real property tax
53 administration fails or refuses to comply with the [state board's]
54 commissioner's order within ten days after service of such order or
55 within such time as is prescribed by the [state board] commissioner for
56 compliance with its order, the [state board] commissioner may commence a

1 special proceeding pursuant to article four of the civil practice law
2 and rules to compel compliance with such order. Such special proceeding
3 shall be commenced by the counsel to the [state board] department of
4 taxation and finance, except that the attorney general of the state
5 shall commence such proceeding on behalf of the [state board] department
6 if he or she deems it necessary.

7 § 9. Section 324 of the real property tax law, as added by chapter 361
8 of the laws of 1986, is amended to read as follows:

9 § 324. Local disciplinary actions. An assessor may be removed from
10 office for just cause by the appointing authority after a hearing upon
11 notice. A determination to remove an assessor or take other disciplinary
12 action as a result of the removal proceeding against an assessor shall
13 be subject to review by the [state board] civil service commission upon
14 application filed with [such board] the civil service commission by the
15 assessor within thirty days after receipt by him or her of written
16 notice of such determination. The review by the [state board] civil
17 service commission shall be based upon the record and a transcript of
18 the hearing held by the appointing authority and such oral or written
19 argument as may be presented to [such board] the civil service commis-
20 sion by the parties to the proceeding. Upon completion of such review
21 the [state board] civil service commission shall affirm, reverse or
22 modify the determination of the appointing authority. The determination
23 of the [state board] civil service commission shall be subject to judi-
24 cial review in accordance with the provision of article seventy-eight of
25 the civil practice law and rules.

26 § 10. Subparagraphs (iv) and (v) of paragraph (b) of subdivision 4 of
27 section 425 of the real property tax law, subparagraph (iv) as amended
28 by section 3 of part E of chapter 83 of the laws of 2002, subparagraph
29 (v) as amended by chapter 631 of the laws of 2006, are amended to read
30 as follows:

31 (iv) Effective with applications for the enhanced exemption on final
32 assessment rolls to be completed in two thousand three, the application
33 form shall indicate that the owners of the property and any owners'
34 spouses residing on the premises may authorize the assessor to have
35 their income eligibility verified annually thereafter by the state
36 department of taxation and finance, in lieu of furnishing copies of the
37 applicable income tax return or returns with the application. If the
38 owners of the property and any owners' spouses residing on the premises
39 elect to participate in this program, which shall be known as the STAR
40 income verification program, they must furnish their taxpayer identifi-
41 cation numbers in order to facilitate matching with records of the
42 department [of taxation and finance]. Thereafter, their income eligibil-
43 ity shall be verified annually by the [state] department [of taxation
44 and finance] and the assessor shall not request income documentation
45 from them, unless such department advises the assessor [through the
46 state board] that they do not satisfy the applicable income eligibility
47 requirements, or that it is unable to determine whether they satisfy
48 those requirements.

49 (v) (A) Except in the case of a city with a population of one million
50 or more, the assessor shall forward to the [state board] department, in
51 the time and manner required by the [state board] department, informa-
52 tion identifying the persons who have elected to participate in the STAR
53 income verification program. [The state board shall forward such infor-
54 mation to the department of taxation and finance in the manner provided
55 by the agreement executed pursuant to section one hundred seventy-one-o
56 of the tax law, and shall notify the assessor of the response or

1 responses it receives from such department pursuant to such agreement.]
2 After receiving [such] the department's response or responses, the
3 assessing authority shall cause notices to be mailed to participants as
4 provided by paragraph (b) of subdivision five of this section. Informa-
5 tion [obtained by the state board] provided to the department identify-
6 ing such persons, and responses obtained from such department shall be
7 confidential and shall not be subject to disclosure under article six of
8 the public officers law.

9 (B) In the case of a city of one million or more, the assessor shall
10 forward to the department of taxation and finance, in the time and
11 manner required by the department, information identifying the persons
12 who have elected to participate in the STAR income verification program.
13 The department shall advise the assessor of its findings in the manner
14 provided by the agreement executed pursuant to section one hundred
15 seventy-one-o of the tax law. After receiving such response or
16 responses, the assessing authority shall cause notices to be mailed to
17 participants as provided by paragraph (b) of subdivision five of this
18 section. Information [obtained by the state board] provided to the
19 department identifying such persons, and responses obtained from such
20 department shall be confidential and shall not be subject to disclosure
21 under article six of the public officers law.

22 § 11. The opening paragraph of paragraph (b) of subdivision 5 of
23 section 425 of the real property tax law, as amended by chapter 742 of
24 the laws of 2005, is amended to read as follows:

25 Informational notice for participants in the STAR income verification
26 program. In the case of a parcel which is owned by an owner or owners
27 who have elected to participate in the STAR income verification program,
28 the assessing authority shall cause a notice, preferably on a postcard,
29 to be mailed to such owner or owners after the assessor has been noti-
30 fied of their income eligibility by the department [of taxation and
31 finance through the state board]. Each such notice shall be mailed with-
32 out restrictions upon forwarding or delivery, and shall contain, in
33 language prescribed by the [state board] department, the substance of
34 one of the following statements, whichever is appropriate:

35 § 12. Paragraph (a) of subdivision 12 of section 425 of the real prop-
36 erty tax law, as amended by section 9 of part E of chapter 83 of the
37 laws of 2002, is amended to read as follows:

38 (a) Generally. In addition to discontinuing the exemption on the next
39 ensuing tentative assessment roll, if the assessor determines that the
40 property improperly received the exemption on one or more of the three
41 preceding assessment rolls, or is advised by the department [of taxation
42 and finance through the state board] that the applicable income standard
43 was not satisfied with regard to a property which received the enhanced
44 exemption on one or more of those rolls, he or she shall proceed to
45 revoke the improperly granted prior exemption or exemptions. If the
46 assessor is advised [through the state board] that the department [of
47 taxation and finance] was unable to verify the income eligibility of one
48 or more participants in the income verification program, the assessor
49 shall mail that person or those persons a notice in a form prescribed by
50 the [state board] department requesting that the person or persons docu-
51 ment their income in the same manner and to the same extent as if the
52 person or persons were submitting an initial application for the
53 enhanced STAR exemption. If such income documentation is not provided
54 within forty-five days of such request, or if the documentation provided
55 does not establish the eligibility of the person or persons to the
56 assessor's satisfaction, the assessor shall treat the exemption as an

1 improperly granted exemption and proceed in the manner provided by this
2 subdivision.

3 § 13. Section 489-o of the real property tax law, as added by chapter
4 86 of the laws of 1963, subdivision 2 as amended by chapter 735 of the
5 laws of 1983, and subdivision 3 as added by chapter 841 of the laws of
6 1986, is amended to read as follows:

7 § 489-o. Final determination of railroad ceiling; certificate. 1.
8 After the hearing provided for in section four hundred eighty-nine-n of
9 this [chapter] title, the [state board] tax appeals tribunal shall
10 finally determine the railroad ceiling for the railroad real property of
11 each railroad company situated in each assessing unit. Whenever upon
12 complaint the [state board] tax appeals tribunal shall revise the local
13 reproduction cost of a railroad company in an assessing unit, it shall
14 revise the railroad ceiling therefor to reflect such revision, but it
15 shall not, on account of such revision, modify any other determination
16 with respect to the railroad ceilings for such railroad company for such
17 year. Notwithstanding the fact that no complaint shall have been filed
18 with respect to a tentative determination of a railroad ceiling, the
19 [state board] tax appeals tribunal shall give effect to any special
20 equalization rate established, pursuant to subdivision two of section
21 four hundred eighty-nine-l of this [chapter] title prior to the final
22 determination of the railroad ceiling.

23 2. Not later than ten days before the last date prescribed by law for
24 the levy of taxes, the state board shall file a certificate setting
25 forth each railroad ceiling as finally determined with the assessor of
26 the appropriate assessing unit or the town or county assessor who
27 prepares a copy of the applicable part of the town or county assessment
28 roll for village tax purposes as provided in subdivision three of
29 section fourteen hundred two of this chapter, and at the same time
30 shall transmit to each railroad company for which such ceiling has been
31 determined a duplicate copy of such certificate.

32 3. Any final determination of a railroad ceiling by the [state board]
33 tax appeals tribunal pursuant to subdivision one of this section shall
34 be subject to judicial review in a proceeding under article seventy-
35 eight of the civil practice law and rules.

36 § 14. Section 489-ll of the real property tax law, as added by chapter
37 920 of the laws of 1977, subdivision 2 as amended by chapter 735 of the
38 laws of 1983, subdivision 3 as added by chapter 841 of the laws of 1986,
39 is amended to read as follows:

40 § 489-ll. Final determination of railroad ceiling; certificate. 1.
41 After the hearing provided for in section four hundred eighty-nine-kk of
42 this [chapter] title, the [state board] tax appeals tribunal shall
43 finally determine the railroad ceiling for the railroad real property of
44 each railroad company situated in each assessing unit. Whenever upon
45 complaint the [state board] tax appeals tribunal shall revise the local
46 reproduction cost of a railroad company in an assessing unit, it shall
47 revise the appropriate railroad ceiling to reflect such revision, but it
48 shall not, on account of such revision, modify any other determination
49 with respect to the railroad ceilings for such railroad company for such
50 year. Notwithstanding the fact that no complaint shall have been filed
51 with respect to a tentative determination of a railroad ceiling, the
52 [state board] tax appeals tribunal shall give effect to any special
53 equalization rate established pursuant to subdivision two of section
54 four hundred eighty-nine-jj of this [chapter] title prior to the final
55 determination of the railroad ceiling.

1 2. Not later than ten days before the last date prescribed by law for
2 the levy of taxes, the [state board] tax appeals tribunal shall file a
3 certificate setting forth each railroad ceiling as finally determined
4 with the assessor of the appropriate assessing unit or the town or coun-
5 ty assessor who prepares a copy of the applicable part of the town or
6 county assessment roll for village tax purposes as provided in subdivi-
7 sion three of section fourteen hundred two of this chapter, and at the
8 same time shall transmit to each railroad company for which such ceiling
9 has been determined a duplicate copy of such certificate.

10 3. Any final determination of a railroad ceiling by the [state board]
11 tax appeals tribunal pursuant to subdivision one of this section shall
12 be subject to judicial review in a proceeding under article seventy-
13 eight of the civil practice law and rules.

14 § 15. Section 614 of the real property tax law is amended to read as
15 follows:

16 § 614. Determination of final assessment of special franchises.
17 After [the hearing of complaints, if any, as provided in] receiving the
18 commissioner's report regarding any complaint filed pursuant to section
19 six hundred twelve of this [chapter] article, the [state board] tax
20 appeals tribunal shall determine the final assessment of each special
21 franchise.

22 § 16. Subdivision 2 of section 740 of the real property tax law, as
23 added by chapter 732 of the laws of 1983, is amended to read as follows:

24 2. A petition and notice shall be served by delivering two copies to
25 [a member of the state board] the commissioner or to an officer or
26 employee authorized by [the board] him or her to accept service, not
27 more than sixty days after the written notice of the final assessment
28 prescribed by section six hundred eighteen of this chapter has been
29 served. Where a proceeding is commenced by an assessing unit in which a
30 special franchise is situated, an additional copy shall be filed by the
31 petitioner with the owner of that special franchise. Where a proceeding
32 is commenced by a special franchise owner, the petitioner, within ten
33 days after service, shall file an additional copy with the clerk of the
34 city, town or village and with the clerk of the school district in which
35 that special franchise is situated except a school district governed by
36 the provisions of article fifty-two of the education law.

37 § 17. Section 1210 of the real property tax law, as amended by chapter
38 355 of the laws of 1990, is amended to read as follows:

39 § 1210. Establishment of final state equalization rates, class ratios
40 and class equalization rates. After [hearing the complaints, if any, as
41 provided in] receiving the commissioner's report regarding any complaint
42 filed pursuant to section twelve hundred eight of this [chapter] title,
43 the [state board] tax appeals tribunal shall establish the final state
44 equalization rate, class ratios, and class equalization rates, if
45 required, for each city, town, village, special assessing unit, or
46 approved assessing unit or eligible non-assessing unit village which has
47 adopted the provisions of section nineteen hundred three of this chap-
48 ter.

49 § 18. Section 1218 of the real property tax law, as amended by chapter
50 685 of the laws of 2004, is amended to read as follows:

51 § 1218. Review of final determinations of [state board] tax appeals
52 tribunal relating to state equalization rates. A final determination of
53 the [state board] tax appeals tribunal relating to state equalization
54 rates may be reviewed by commencing an action in the appellate division
55 of the supreme court in the manner provided by article seventy-eight of
56 the civil practice law and rules upon application of the county, city,

1 town or village for which the rate or rates were established. The stand-
2 ard of review in such a proceeding shall be as specified in subdivision
3 four of section seventy-eight hundred three of the civil practice law
4 and rules. Whenever a final order is issued in such a proceeding
5 directing a revised state equalization rate, any county, village or
6 school district that used the former rate in the apportionment of taxes
7 must, upon receipt of such final order, recalculate the levy that used
8 such former rate and credit or debit as appropriate its constituent
9 municipalities in its next levy. Any special franchise assessments that
10 were established using the former rate must, upon receipt of such final
11 order, be revised by the [state board] tax appeals tribunal in accord-
12 ance with the new rate, and, if taxes have already been levied upon such
13 assessments, the affected special franchise owners shall either automat-
14 ically receive a refund if there is a decrease or be taxed on an
15 increase in the next levy in the manner provided for omitted parcels in
16 title three of article five of this chapter.

17 § 19. Subdivision (e) of section 15 of the tax law, as amended by
18 chapter 161 of the laws of 2005, is amended to read as follows:

19 (e) Eligible real property taxes. The term "eligible real property
20 taxes" means taxes imposed on real property which is owned by the QEZE
21 and located in an empire zone with respect to which the QEZE is certi-
22 fied pursuant to article eighteen-B of the general municipal law,
23 provided such taxes are paid by the QEZE which is the owner of the real
24 property or are paid by a tenant which either (i) does not meet the
25 eligibility requirements under section fourteen of this article to be a
26 QEZE or (ii) cannot treat such payment as eligible real property taxes
27 pursuant to this paragraph and such taxes become a lien on the real
28 property during a taxable year in which the owner of the real property
29 is both certified pursuant to article eighteen-B of the general munici-
30 pal law and a qualified empire zone enterprise. In addition, "eligible
31 real property taxes" shall include taxes paid by a QEZE which is a
32 lessee of real property if the following conditions are satisfied: (1)
33 the taxes must be paid by the lessee pursuant to explicit requirements
34 in a written lease executed or amended on or after June first, two thou-
35 sand five, (2) such taxes become a lien on the real property during a
36 taxable year in which the lessee of the real property is both certified
37 pursuant to article eighteen-B of the general municipal law and a quali-
38 fied empire zone enterprise, and (3) the lessee has made direct payment
39 of such taxes to the taxing authority and has received a receipt for
40 such payment of taxes from the taxing authority. In addition, the term
41 "eligible real property taxes" includes payments in lieu of taxes made
42 by the QEZE to the state, a municipal corporation or a public benefit
43 corporation pursuant to a written agreement entered into between the
44 QEZE and the state, municipal corporation, or public benefit corpo-
45 ration. Provided, however, a payment in lieu of taxes made by the QEZE
46 pursuant to a written agreement executed or amended on or after January
47 first, two thousand one, shall not constitute eligible real property
48 taxes in any taxable year to the extent that such payment exceeds the
49 product of (A) the greater of (i) the basis for federal income tax
50 purposes, calculated without regard to depreciation, determined as of
51 the effective date of the QEZE's certification pursuant to article eigh-
52 teen-B of the general municipal law of real property, including build-
53 ings and structural components of buildings, owned by the QEZE and
54 located in empire zones with respect to which the QEZE is certified
55 pursuant to such article eighteen-B of the general municipal law, and
56 provided that if such basis is further adjusted or reduced pursuant to



1 any provision of the internal revenue code, the QEZE may petition the
2 department[,] and the department of economic development [and the office
3 of real property services] to disregard such reduction or adjustment for
4 the purpose of this subdivision or (ii) the basis for federal income tax
5 purposes of such real property described in clause (i) of this subpara-
6 graph, calculated without regard to depreciation, on the last day of the
7 taxable year, and provided that if such basis is further adjusted or
8 reduced pursuant to any provision of the internal revenue code, the QEZE
9 may petition the department, the department of economic development and
10 the office of real property services to disregard such reduction or
11 adjustment for the purpose of this subdivision; and (B) the estimated
12 effective full value tax rate within the county in which such property
13 is located, as most recently [reported to] calculated by the commission-
14 er [by the secretary of the state board of real property services, or
15 his or her designee]. The [state board] commissioner shall annually
16 calculate estimated effective full value tax rates within each county
17 for this purpose based upon the most current information available to
18 [it] him or her in relation to county, city, town, village and school
19 district taxes.

20 § 20. Paragraph 5 of subdivision (b) of section 22 of the tax law, as
21 amended by section 4 of part H of chapter 577 of the laws of 2004, is
22 amended to read as follows:

23 (5) Eligible real property taxes. The term "eligible real property
24 taxes" means taxes imposed on real property which consists of a quali-
25 fied site owned by the developer, provided such taxes become a lien on
26 the real property in a period during which the real property is a quali-
27 fied site. In addition, the term "eligible real property taxes" includes
28 payments in lieu of taxes by the developer, with respect to a qualified
29 site, to the state, a municipal corporation or a public benefit corpo-
30 ration pursuant to a written agreement entered into between the develop-
31 er and the state, a municipal corporation or a public benefit corpo-
32 ration. Provided, however, such a payment in lieu of taxes shall not
33 constitute eligible real property taxes in any taxable year to the
34 extent that such payment exceeds the product of (A) the greater of (i)
35 the basis for federal income tax purposes, determined on the date the
36 taxpayer becomes a developer as defined under this section, of real
37 property, including buildings and structural components of buildings,
38 owned by the developer and located on a qualified site with respect to
39 which the taxpayer is a developer, or (ii) the basis for federal income
40 tax purposes of such real property described in clause (i) of this
41 subparagraph on the last day of the taxable year, and (B) the estimated
42 effective full value tax rate within the county in which such property
43 is located, as most recently [reported to] calculated by the commission-
44 er [by the secretary of the state board of real property services, or
45 his or her designee]. The [state board] commissioner shall annually
46 calculate estimated and effective full value tax rates within each coun-
47 ty for this purpose based upon the most current information available to
48 [it] him or her in relation to county, city, town, village and school
49 district taxes. Provided further, where the amount of the credit deter-
50 mined under paragraph two of this subdivision is the total product of
51 the factors and tax specified therein, the term "eligible real property
52 taxes" under this paragraph shall apply only to taxes imposed on real
53 property which is attributed to a qualified site located in an environ-
54 mental zone. Where the developer is a partner in a partnership or a
55 shareholder in a New York S corporation, such real property shall be
56 owned by the partnership or the New York S corporation, respectively.

1 § 21. Subdivision twenty-fifth of section 171 of the tax law, as
2 amended by chapter 170 of the laws of 1994, paragraph a as amended by
3 section 93 of part A of chapter 436 of the laws of 1997, paragraph b as
4 amended and paragraph c as added by chapter 474 of the laws of 1996, is
5 amended to read as follows:

6 Twenty-fifth. a. With respect to the income to be used in the computa-
7 tion of school aid payable in the school year nineteen hundred ninety-
8 four--ninety-five and thereafter, be required to design, develop and
9 implement a permanent computerized statewide school district address
10 match and income verification system in regard to each school district's
11 valuation of total New York adjusted gross income as determined by the
12 department, for use in determining state aid to education. The depart-
13 ment shall promulgate rules and regulations to effect the provisions of
14 this paragraph within ninety days of the enactment of the chapter of the
15 laws of nineteen hundred ninety-four amending this paragraph. Commencing
16 September first, nineteen hundred ninety-seven, the commissioner[, and
17 the commissioner of education[, and the executive director of the office
18 of real property services], subject to the approval of the director of
19 the budget shall be required to enter into a cooperative agreement by
20 September first of each year, which will govern the validation and
21 correction and completion of the total New York adjusted gross income of
22 school districts until September first of the following year. Such
23 agreement shall include, but not be limited to: (i) procedures to
24 improve the accuracy of school district income data, in a manner which
25 gives appropriate recognition to computerized processing capabilities,
26 administrative feasibility of manual processes and confidentiality
27 implications; (ii) procedures to verify the school district codes
28 reported by taxpayers; (iii) procedures to correct identified inaccura-
29 cies; (iv) procedures to assign school district codes based on the
30 permanent residence addresses of taxpayers who failed to complete the
31 school district code; (v) the schedule for the transmittal of electronic
32 data between the agencies, as necessary, to implement such system; and
33 (vi) beginning in the nineteen hundred ninety-six state fiscal year,
34 procedures for the review process provided for in paragraph c of this
35 subdivision. All state departments and agencies, and school districts
36 and other local governments and agencies, shall cooperate with the
37 parties to such agreement in its implementation.

38 b. 1. [With respect to income used in the computation of school aid
39 payable in the school years nineteen hundred ninety-four--ninety-five
40 through nineteen hundred ninety-seven--ninety-eight, be required to
41 design, develop and implement a process whereby school districts may
42 request a review of the assignment of taxpayer addresses to their school
43 district. In addition to the cooperative agreement developed pursuant to
44 paragraph a of this subdivision between the commissioner, the commis-
45 sioner of education and the director of the office of real property
46 services, the parties shall enter into a second cooperative agreement to
47 establish procedures for such a review process. Such procedures shall
48 include but not be limited to: (i) general criteria to be used for the
49 purpose of evaluating suspected inaccuracies in the assignment of tax
50 returns to school districts; (ii) a process for rating the requests for
51 review, giving appropriate recognition to the relative incidence of
52 suspected inaccuracies, the relative effect of suspected inaccuracies on
53 the aggregate income, income per return and relative income per pupil of
54 the school district, and the relative effect of suspected inaccuracies
55 on state aid payable to the school district pursuant to the education
56 law; (iii) a process for identifying the school districts for partic-

1 ipation in the review process from the rated list of applicants; (iv)
2 processes by which addresses assigned to identified school districts
3 will be reviewed and by which corrections to inaccuracies will be iden-
4 tified; (v) a process by which corrections to inaccurate assignments
5 will be made to appropriate files; and (vi) deadlines by which school
6 districts must submit requests for review to the commissioner of educa-
7 tion and timelines for each of the procedures included in the agreement.

8 2. School districts requesting a review in accordance with the
9 provisions of this paragraph shall be required, in consultation with the
10 district superintendent of schools for the supervisory district in which
11 the school district is located, appointed pursuant to section nineteen
12 hundred fifty of the education law, to submit to the commissioner of
13 education evidence in support of a contention that the assignment of tax
14 returns to their district is inaccurate. Identified school districts may
15 be required to review ordered listings, prepared by the department or
16 the office of real property services or an authorized vendor contracted
17 by the department, of the permanent resident address of selected taxpay-
18 ers who filed personal income tax returns with the department reporting
19 a school district code or address which indicates that the taxpayer was
20 a resident of such identified school district at the close of the taxa-
21 ble year for which the return was filed. In no case shall ordered
22 address listings for school district review include those addresses
23 which the school district had the opportunity to review pursuant to
24 paragraph a of this subdivision. District superintendents of schools
25 appointed pursuant to section nineteen hundred fifty of the education
26 law, having an identified school district within their supervisory
27 district, shall be required to verify any suspected inaccuracies indi-
28 cated by an identified district as a result of the district's review of
29 ordered address listings pursuant to this paragraph.

30 3.] Any correction, pursuant to this paragraph, of verified inaccura-
31 cies of income data shall only result in the removal of such returns
32 from the identified school district.

33 [4.] 2. All state departments and agencies, and school districts and
34 other local governments and agencies, shall cooperate with the parties
35 to such agreement in the implementation of the review process provided
36 pursuant to this paragraph.

37 c. 1. With respect to income used in the computation of school aid
38 payable in the school years nineteen hundred ninety-eight--ninety-nine
39 and thereafter, be required to design, develop and implement a process
40 whereby school districts may request a review of the assignment of
41 taxpayer addresses to their school district. Procedures for such a
42 review process shall be included in the cooperative agreement entered
43 into pursuant to paragraph a of this subdivision.

44 2. School districts requesting a review in accordance with the
45 provisions of this paragraph shall be required, in consultation with the
46 district superintendent of schools for the supervisory district in which
47 the school district is located, appointed pursuant to section nineteen
48 hundred fifty of the education law, to submit to the commissioner of
49 education evidence in support of a contention that the assignment of tax
50 returns to their district is inaccurate. Identified school districts may
51 be required to review ordered listings, prepared by the department [or
52 the office of real property services] or an authorized vendor contracted
53 by the department, of the permanent resident address of selected taxpay-
54 ers who filed personal income tax returns with the department reporting
55 a school district code or address which indicates that the taxpayer was
56 a resident of such identified school district at the close of the taxa-

1 ble year for which the return was filed. In no case shall ordered
2 address listings for school district review include those addresses
3 which the school district had the opportunity to review pursuant to
4 paragraph a of this subdivision. District superintendents of schools
5 appointed pursuant to section nineteen hundred fifty of the education
6 law, having an identified school district within their supervisory
7 district, shall be required to verify any suspected inaccuracies indi-
8 cated by an identified district as a result of the district's review of
9 ordered address listings pursuant to this paragraph.

10 3. Any correction, pursuant to this paragraph, of verified inaccura-
11 cies of income data shall only result in the removal of such returns
12 from the identified school district.

13 4. All state departments and agencies, and school districts and other
14 local governments and agencies, shall cooperate with the parties to such
15 agreement in the implementation of the review process provided pursuant
16 to this paragraph.

17 § 22. Section 171-o of the tax law, as amended by chapter 631 of the
18 laws of 2006, is amended to read as follows:

19 § 171-o. Income verification for [the state board of real property
20 services and] a city with a population of one million or more. (1) The
21 department shall enter into an agreement with [the state board of real
22 property services to verify, to the extent practicable, whether persons
23 described in paragraph (b) of subdivision four of section four hundred
24 twenty-five of the real property tax law meet the income eligibility
25 requirements prescribed therein for the applicable income tax year,
26 beginning with the income tax year ending in two thousand two. The
27 department shall also enter into an agreement with] a city with a popu-
28 lation of one million or more to verify, to the extent practicable,
29 whether persons described in paragraph (b) of subdivision four of
30 section four hundred twenty-five of the real property tax law meet the
31 income eligibility requirements prescribed therein for the applicable
32 income tax year, beginning with the income tax year ending in two thou-
33 sand five. The department shall advise the [state board of real property
34 services, or] city[, as the case may be,] of its findings, stating in
35 each case either that such person or persons do or do not satisfy such
36 requirements, or that the eligibility of such person or persons cannot
37 be verified, whichever is appropriate. The department shall not provide
38 any other information about the income of such persons to the [state
39 board of real property services or] city.

40 (2) The provisions of article six of the public officers law shall not
41 apply to any information that the department obtains from or provides to
42 the [state board of real property services or] city pursuant to this
43 section.

44 (3) Any information furnished by the department pursuant to this
45 section shall be deemed confidential and the assessor, any municipal
46 officer or municipal employees are prohibited from disclosing any such
47 information, except for any disclosure necessary in the performance of
48 their official duties in connection with the school tax relief (STAR)
49 exemption pursuant to section four hundred twenty-five of the real prop-
50 erty tax law. Any unauthorized disclosure of such information shall be
51 deemed a violation of section eight hundred five-a of the general munic-
52 ipal law.

53 § 23. Paragraph 12 of subsection (e) of section 606 of the tax law is
54 REPEALED.

1 § 24. Paragraphs 3, 4 and 5 of subsection (k) of section 697 of the
2 tax law, as amended by chapter 237 of the laws of 1995, are amended to
3 read as follows:

4 [(3) Notwithstanding the provisions of subsection (e) of this section,
5 the department or authorized vendor contracted by the department shall
6 furnish annually, as required pursuant to subdivision twenty-fifth of
7 section one hundred seventy-one of this chapter, to the executive direc-
8 tor of the office of real property services, electronic file transfers
9 of the permanent residence address of each taxpayer who has filed a
10 personal income tax return with the department. Such transfers shall be
11 in accordance with the schedule established pursuant to the agreement
12 developed in accordance with paragraph d of subdivision twenty-fifth of
13 section one hundred seventy-one of this chapter. Similarly, the office
14 of real property services shall, subject to the availability of funds
15 appropriated for this purpose, verify or correct or determine the school
16 district for each such residence address provided by the department and
17 shall return such updated data to the department in accordance with the
18 provisions of such agreement.]

19 (4) Notwithstanding the provisions of subsection (e) of this section,
20 the department [or the office of real property services] or an author-
21 ized vendor contracted by the department shall furnish, as required
22 pursuant to subdivision twenty-fifth of section one hundred seventy-one
23 of this chapter, to the superintendents of schools of identified school
24 districts and district superintendents of schools appointed pursuant to
25 section nineteen hundred fifty of the education law, having an identi-
26 fied school district within their supervisory district, an ordered list-
27 ing, for such identified school districts electing to participate in the
28 appeals process for a limited school district address review validation
29 and correction process.

30 (5) The information provided pursuant to this section and subdivision
31 twenty-fifth of section one hundred seventy-one of this chapter shall be
32 used solely for the purpose of verifying the legal residence and school
33 district of a taxpayer in determining the distribution of state aid for
34 education and such information may only be disclosed by such commission-
35 er, [director,] superintendents and authorized vendor contracted by the
36 department for such purposes to employees of the state education depart-
37 ment, [employees of the state office of real property services] and to
38 employees under the control of such superintendents. In addition,
39 notwithstanding the provisions of subsection (e) of this section, the
40 department may furnish to an authorized vendor contracted by the depart-
41 ment the permanent resident address and school code data necessary for
42 the implementation of the temporary school district address review vali-
43 dation and correction process, the pilot computerized address match and
44 income verification project, or the permanent computerized statewide
45 school district address match and income verification system pursuant to
46 subdivision twenty-fifth of section one hundred seventy-one of this
47 chapter. Any violation of the provisions of this section shall be
48 punishable in the manner provided for in subsection (e) of this section.
49 Any information obtained by any agency or person pursuant to the
50 provisions of this section shall not be deemed a "record", as defined in
51 subdivision four of section eighty-six of the public officers law.

52 § 25. Subdivision 3 of section 1564 of the tax law, as amended by
53 chapter 17 of the laws of 2008, is amended to read as follows:

54 3. An exemption from the tax which is equal to the median sales price
55 of residential real property within the applicable town or city, as
56 determined by the [office of real property services pursuant to proce-

1 dures adopted for this purpose by the state board of real property
2 services established pursuant to article two of the real property tax
3 law] commissioner, shall be allowed on the consideration of the convey-
4 ance of improved or unimproved real property or an interest therein.
5 § 26. This act shall take effect immediately.

6 PART X

7 Section 1. The real property tax law is amended by adding a new
8 section 509 to read as follows:

9 § 509. Property taxpayers' disclosure and assessment transparency act.

10 1. Notwithstanding the provisions of any general, special or local law
11 to the contrary, the assessors in towns, cities and counties having
12 power to assess property for tax purposes shall, not later than sixty
13 days prior to the date set by law for the filing of the tentative
14 assessment roll, provide to the state board in an electronic format the
15 following information:

16 (a) the preliminary assessment of each parcel on such tentative
17 assessment roll;

18 (b) the level of assessment which the assessor expects to apply to
19 that roll;

20 (c) the final assessment of the parcel, if any, on the prior year's
21 final assessment roll;

22 (d) the property address and tax map identification number of each
23 such parcel;

24 (e) the date by which complaints may be filed relative to the tenta-
25 tive assessments that are to appear on the tentative assessment roll, if
26 other than the fourth Tuesday of May; and

27 (f) the dates and times when the assessor will be available to discuss
28 preliminary assessments on an informal basis prior to the filing of the
29 tentative assessment roll, and the contact information which he or she
30 would like to be given to the general public.

31 2. Not later than forty-five days prior to the date set by law for the
32 filing of the tentative assessment roll, the state board shall post on
33 its website a report pertaining to the assessing unit, which report
34 shall include at least the following information:

35 (a) For the tentative assessment roll:

36 (i) the preliminary assessment of each parcel on such tentative
37 assessment roll;

38 (ii) the level of assessment which the assessor expects to apply to
39 that roll;

40 (iii) the market value which each preliminary assessment represents,
41 and

42 (iv) the property address and tax map identification number of each
43 such parcel.

44 (b) For the prior year's final assessment roll:

45 (i) the final assessment of each parcel, if any, on the prior year's
46 final assessment roll;

47 (ii) the state equalization rate which was applicable to that roll;

48 (iii) the full value which each such final assessment represented; and

49 (iv) the property address and tax map identification number of each
50 such parcel.

51 (c) The dates and times when the assessor will be available to discuss
52 preliminary assessments on an informal basis prior to the filing of the
53 tentative assessment roll, together with the contact information which
54 he or she supplied to the state board.

1 (d) The date by which complaints may be filed relative to the tenta-
2 tive assessments that are to appear on the tentative assessment roll.

3 (e) A link to the most recent publication of the state board that
4 describes the process for seeking review of tentative assessments.

5 3. The state board shall publicize the posting of its report through
6 such reasonable means as may be at its disposal, including the distrib-
7 ution of media releases.

8 4. (a) The assessing unit shall make the data contained in the state
9 board's report available to the public at its municipal offices or if
10 there be none, at an alternative location designated by the governing
11 body, and at such other convenient places as may be designated by the
12 governing body. In addition, if the assessing unit maintains a website,
13 it shall post a link thereon to such data.

14 (b) The assessing unit may publicize the availability of such data
15 through such reasonable means as may be at its disposal.

16 5. Where an assessment appearing on a tentative assessment roll is
17 greater than the preliminary assessment of the same parcel reported to
18 the state board pursuant to this section, the assessor shall mail a
19 notice to the property owner at least ten days prior to the date for
20 hearing complaints in relation to assessments. Such notice shall be
21 substantially in the same form as is prescribed by section five hundred
22 ten of this title.

23 6. Failure to post or otherwise provide any of the information
24 described by this section, in whole or in part, or failure of an owner
25 to receive the same shall not prevent the levy, collection and enforce-
26 ment of the payment of the taxes on such real property.

27 7. The state board may adopt such rules as it deems necessary to the
28 implementation of this section.

29 8. The provisions of this section shall not apply to special assessing
30 units.

31 9. Nothing in this section shall be construed to relieve assessing
32 units of the obligation to send notices of increases when required under
33 the provisions of section five hundred ten of this title.

34 § 2. Section 511 of the real property tax law is amended by adding a
35 new subdivision 9 to read as follows:

36 9. The provisions of this section shall not apply to assessing units
37 which are subject to the provisions of section five hundred nine of this
38 title, nor to special assessing units.

39 § 3. Subdivision 5 of section 574 of the real property tax law, as
40 amended by chapter 257 of the laws of 1993, is amended to read as
41 follows:

42 5. [Forms or reports filed] Data collected pursuant to this section or
43 section three hundred thirty-three of the real property law shall be
44 made available for public inspection or copying in accordance with rules
45 promulgated by the state board, except that where the state board and
46 the department of taxation and finance have developed a combined process
47 for collecting data pursuant to paragraph viii of subdivision one-e of
48 section three hundred thirty-three of the real property law, any data so
49 collected which is not required to be furnished to the state board by
50 statute or by the state board's rules shall not be subject to inspection
51 or copying.

52 § 4. Paragraphs i and v of subdivision 1-e of section 333 of the real
53 property law, as amended by section 1 of part B of chapter 57 of the
54 laws of 2004 and paragraph i as separately amended by chapter 521 of the
55 laws of 2004, are amended and two new paragraphs vii and viii are added
56 to read as follows:

1 i. A recording officer shall not record or accept for record any
2 conveyance of real property affecting land in New York state unless
3 accompanied by a transfer report form prescribed by the state board of
4 real property services or in lieu thereof, confirmation from the state
5 board that the required data has been reported to it pursuant to para-
6 graph vii of this subdivision, and the fee prescribed pursuant to subdi-
7 vision three of this section.

8 v. The provisions of this subdivision shall not operate to invalidate
9 any conveyance of real property where one or more of the items desig-
10 nated as subparagraphs one through eight of paragraph ii of this subdivi-
11 sion, have not been reported or which has been erroneously reported,
12 nor affect the record contrary to the provisions of this subdivision,
13 nor impair any title founded on such conveyance or record. Such form
14 shall [be certified] contain an affirmation as to the accuracy of the
15 contents made both by the transferor or transferors and by the transfer-
16 ee or transferees. Provided, however, that if the conveyance of real
17 property occurs as a result of a taking by eminent domain, tax foreclo-
18 sure, or other involuntary proceeding such [form] affirmation may be
19 [certified] made only by either the condemnor, tax district, or other
20 party to whom the property has been conveyed, or by that party's attor-
21 ney. The affirmations required by this paragraph shall be made in the
22 form and manner prescribed by the state board, provided that notwith-
23 standing any provision of law to the contrary, affirmants may be
24 allowed, but shall not be required, to sign such affirmations electron-
25 ically.

26 vi. Any deed executed and delivered prior to July first, nineteen
27 hundred ninety-four may nevertheless be recorded in the office of the
28 county clerk providing there is submitted therewith, and in place of
29 such form, a separate statement signed by the transferor or transferors
30 and the transferee or transferees or any person having sufficient know-
31 ledge to sign such form which contains the same information required by
32 the state board of real property services as set forth in subparagraphs
33 one through four of paragraph ii of this subdivision.

34 vii. The state board is hereby authorized to develop and oversee the
35 implementation of a system to allow the data required by this subdivi-
36 sion and section five hundred seventy-four of the real property tax law
37 to be reported to it electronically, notwithstanding any provision of
38 law to the contrary. The state board is further authorized to adopt any
39 rules necessary to implement such a system. Such rules shall set forth
40 such standards and procedures as may be needed for the effective and
41 efficient administration of the program, including standards for provid-
42 ing confirmation to recording officers of the reporting of required data
43 to the state board.

44 viii. Upon agreement between the state board of real property services
45 and the department of taxation and finance, the process for collecting
46 data pursuant to this subdivision and section five hundred seventy-four
47 of the real property tax law may be combined in whole or in part with
48 the process for collecting data pursuant to articles thirty-one, eleven,
49 twenty-two and subsection (a) of section six hundred sixty-three of the
50 tax law in connection with the real estate transfer tax, notwithstanding
51 any provision of law to the contrary. The state board and the commis-
52 sioner of taxation and finance are authorized to adopt any rules neces-
53 sary to implement the provisions of this paragraph, individually or
54 jointly.

55 § 5. Section 693 of the tax law is amended by adding a new subsection
56 (e) to read as follows:

1 (e) Notwithstanding the provisions of paragraph one of subsection (e)
2 of section six hundred ninety-seven of this part, the commissioner may
3 furnish to the state board of real property services information relat-
4 ing to real property transfers obtained or derived from returns filed
5 pursuant to this article in relation to the real estate transfer tax, to
6 the extent that such information is also required to be reported to the
7 state board by section three hundred thirty-three of the real property
8 law and section five hundred seventy-four of the real property tax law
9 and the rules adopted thereunder, provided such information was
10 collected through a combined process established pursuant to an agree-
11 ment entered into with the state board pursuant to paragraph viii of
12 subdivision one-e of section three hundred thirty-three of the real
13 property law. The state board may redisclose such information to the
14 extent authorized by section five hundred seventy-four of the real prop-
15 erty tax law.

16 § 6. Section 1418 of the tax law is amended by adding a new subdivi-
17 sion (h) to read as follows:

18 (h) Notwithstanding the provisions of subdivision (a) of this section,
19 the commissioner may furnish to the state board of real property
20 services information relating to real property transfers obtained or
21 derived from returns filed pursuant to this article in relation to the
22 real estate transfer tax, to the extent that such information is also
23 required to be reported to the state board by section three hundred
24 thirty-three of the real property law and section five hundred seventy-
25 four of the real property tax law and the rules adopted thereunder,
26 provided such information was collected through a combined process
27 established pursuant to an agreement entered into with the state board
28 pursuant to paragraph viii of subdivision one-e of section three hundred
29 thirty-three of the real property law. The state board may redisclose
30 such information to the extent authorized by section five hundred seven-
31 ty-four of the real property tax law.

32 § 7. This act shall take effect on the first of January next succeed-
33 ing the date on which it shall have become a law, provided that the
34 state board of real property services and the department of taxation and
35 finance are hereby authorized to adopt any rules needed to implement the
36 provisions of this act prior to such date.

37

PART Y

38 Section 1. Paragraphs (a), (b) and (c) of subdivision 1 and subdivi-
39 sion 2 of section 1573 of the real property tax law, paragraph (a) of
40 subdivision 1 as amended and paragraphs (b) and (c) of subdivision 1 as
41 added by chapter 309 of the laws of 1996, subdivision 2 as amended by
42 chapter 655 of the laws of 2004 and paragraph (a) of subdivision 2 as
43 amended by chapter 212 of the laws of 2006, are amended to read as
44 follows:

45 (a) the assessing unit has satisfied standards of quality assessment
46 administration, as established by the state board pursuant to regu-
47 lations promulgated by the state board, subject to the approval of the
48 director of the budget[. Such rules shall be based upon but not limited
49 to the following criteria:

- 50 (i) quality and maintenance of valuation data;
51 (ii) presentation of public information and data;
52 (iii) administration of exemptions;
53 (iv) an acceptable level of assessment uniformity as measured annually
54 by the state board; and

1 (v) compliance with statutes and rules.] and has implemented a revalu-
2 ation pursuant to an approved plan as provided in this subdivision;

3 (b) [any revaluation or update of assessments, implemented on an
4 assessment roll finalized after the first day of January, nineteen
5 hundred ninety-six,] the revaluation is at one hundred percent of value;
6 however, in special assessing units the revaluation or update of assess-
7 ments must be at a uniform percentage of value for each class;

8 (c) [the assessing unit has published, on the tentative assessment
9 roll, the uniform percentage of value at which all real property is
10 assessed, or in special assessing units, the uniform percentage of value
11 at which each class of property is assessed;] the revaluation was imple-
12 mented pursuant to a plan, approved pursuant to the rules of the state
13 board, of not less than four years that provides, at a minimum, for a
14 revaluation in the first and last year of such plan, but in no case less
15 than once every four years, and for inventory data to be collected at
16 least once every six years;

17 2. (a) State assistance pursuant to subdivision one of this section
18 shall be payable [as follows] in an amount not to exceed five dollars
19 per parcel for [each separately assessed parcel appearing on the appli-
20 cable] an assessment roll[, excluding] upon which a revaluation is
21 implemented in accordance with an approved plan, and not to exceed two
22 dollars per parcel for any assessment roll upon which a revaluation is
23 not implemented in accordance with an approved plan. The amount payable
24 on a per parcel basis shall exclude parcels which are wholly exempt or
25 assessed by the state board[: (a) Triennial aid shall be payable when
26 the state board determines that the assessing unit has implemented a
27 revaluation or update that includes the reinspection and reappraisal of
28 all locally assessed properties. However, no assessing unit may qualify
29 for this payment more than once in a three year period, and no aid may
30 be paid pursuant to this paragraph with respect to any assessment roll
31 filed after the year two thousand eleven.

32 (b) (i) Annual aid shall be payable when the state board determines
33 that the assessing unit has maintained an equitable assessment roll.
34 Such determination shall be made in accordance with standards estab-
35 lished pursuant to regulations promulgated by the state board, subject
36 to the approval of the director of the budget, and shall be based upon
37 criteria including but not limited to:

38 (A) annually maintaining assessments at the percentage of value speci-
39 fied in subdivision one of this section;

40 (B) annually conducting a systematic analysis of all locally assessed
41 properties using a methodology specified in such regulations;

42 (C) annually revising assessments as necessary to maintain the stated
43 uniform percentage of value; and

44 (D) implementing a local program for physically inspecting and reap-
45 praising each parcel at least once every six years.

46 (E) Such standards shall contain ranges of acceptable performance as
47 determined by the state board in accordance with nationally recognized
48 assessment methods.

49 (ii) No aid shall be paid pursuant to this paragraph with respect to
50 any assessment roll which receives triennial aid pursuant to paragraph
51 (a) of this subdivision].

52 [(iii)] (b) Any assessing unit that fails to implement a revaluation
53 as prescribed in an approved plan shall remit to the state the full
54 amount of any state aid received pursuant to this subdivision for the
55 assessment rolls following the one upon which the most recent revalu-
56 ation was implemented.



1 (c) Nothing herein shall be deemed to prevent an assessing unit from
2 withdrawing from an approved plan. Any assessing unit that does so shall
3 only be responsible for remission of per parcel payments for non-revalu-
4 ation years.

5 (d) No grant awarded to any individual assessing unit in any given
6 year pursuant to this subdivision shall exceed five hundred thousand
7 dollars.

8 § 2. This act shall take effect immediately and shall apply to assess-
9 ment rolls with taxable status dates occurring on and after March 1,
10 2010.

11 PART Z

12 Section 1. Clause 2 of subparagraph (viii) of paragraph a of subdivi-
13 sion 10 of section 54 of the state finance law, as amended by section 5
14 of part GG of chapter 56 of the laws of 2009, is amended to read as
15 follows:

16 (2) for the state fiscal year commencing April first, two thousand
17 eight and in each state fiscal year thereafter, the base level grant
18 received in the immediately preceding state fiscal year pursuant to
19 paragraph b of this subdivision, excluding any deficit reduction adjust-
20 ment pursuant to paragraph e-1 of this subdivision, plus any additional
21 apportionments received in such year pursuant to paragraph d of this
22 subdivision and any per capita adjustments received in such year pursu-
23 ant to paragraph e of this subdivision plus any additional aid received
24 in such year pursuant to paragraph p of this subdivision.

25 § 2. Paragraph b of subdivision 10 of section 54 of the state finance
26 law, as amended by section 2 of part O of chapter 56 of the laws of
27 2008, is amended to read as follows:

28 b. Base level grants. (i) Within amounts appropriated in the state
29 fiscal year commencing April first, two thousand seven and in each state
30 fiscal year thereafter, there shall be apportioned and paid to a county
31 with a population of less than one million but more than nine hundred
32 twenty-five thousand according to the federal decennial census of two
33 thousand, cities with a population of less than one million, towns and
34 villages a base level grant in an amount equal to the prior year aid
35 received by such county, city, town or village.

36 (ii) Notwithstanding subparagraph (i) of this paragraph, within
37 amounts appropriated in the state fiscal year commencing April first,
38 two thousand ten, there shall be apportioned and paid to each munici-
39 pality a base level grant in an amount equal to the prior year aid
40 received by such municipality minus a base level grant adjustment calcu-
41 lated in accordance with clause two of this subparagraph.

42 (1) When used in this subparagraph, unless otherwise expressly stated:

43 (A) "2008-09 AIM funding" shall mean the sum of the base level grant
44 pursuant to this paragraph, additional annual apportionment pursuant to
45 paragraph d of this subdivision, per capita adjustment pursuant to para-
46 graph e of this subdivision and special aid and incentives to certain
47 eligible cities as appropriated in chapter fifty of the laws of two
48 thousand eight, as amended by chapter one of the laws of two thousand
49 nine, apportioned and paid to such municipality in the state fiscal year
50 commencing April first, two thousand eight.

51 (B) "2008 total revenues" shall mean "total revenues" for such munici-
52 pality as reported in the state comptroller's special report on local
53 government finances for New York state for local fiscal years ended in
54 two thousand eight.

1 (C) "AIM reliance" shall mean 2008-09 AIM funding expressed as a
2 percentage of 2008 total revenues.

3 (2) The base level grant adjustment shall equal:

4 (A) two percent of prior year aid if AIM reliance was at least ten
5 percent, or

6 (B) five percent of prior year aid if AIM reliance was less than ten
7 percent.

8 (iii) Notwithstanding subparagraph (i) of this paragraph, a county
9 with a population of less than one million but more than nine hundred
10 twenty-five thousand according to the federal decennial census of two
11 thousand shall not receive a base level grant in the state fiscal year
12 commencing April first, two thousand ten or in any state fiscal year
13 thereafter.

14 § 3. Paragraph i of subdivision 10 of section 54 of the state finance
15 law is amended by adding a new subparagraph (vii) to read as follows:

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

23 § 4. Paragraph j of subdivision 10 of section 54 of the state finance
24 law, as amended by section 3 of part D of chapter 503 of the laws of
25 2009, is amended to read as follows:

26 j. Special aid and incentives for municipalities to the city of New
27 York. In the state fiscal year commencing April first, two thousand
28 seven a city with a population of one million or more shall receive
29 twenty million dollars on or before December fifteenth. In the state
30 fiscal year commencing April first, two thousand eight, a city with a
31 population of one million or more shall receive two hundred forty-five
32 million nine hundred forty-four thousand eight hundred thirty-four
33 dollars payable on or before December fifteenth. In the state fiscal
34 year commencing April first, two thousand nine, [and in each state
35 fiscal year thereafter,] a city with a population of one million or more
36 shall receive three hundred one million six hundred fifty-eight thousand
37 four hundred ninety-five dollars payable on or before December
38 fifteenth. Special aid and incentives for municipalities to the city of
39 New York shall be apportioned and paid as required as follows:

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

42 (ii) Any amounts required to be paid to the New York city housing
43 development corporation pursuant to the New York city housing develop-
44 ment corporation act;

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

48 (iv) Eighty million dollars to the special account for the municipal
49 assistance corporation for the city of New York in the municipal assist-
50 ance tax fund created pursuant to section ninety-two-d of this chapter
51 to the extent that such amount has been included by the municipal
52 assistance corporation for the city of New York in any computation for
53 the issuance of bonds on a parity with outstanding bonds pursuant to a
54 contract with the holders of such bonds prior to the issuance of any
55 other bonds secured by payments from the municipal assistance corpo-

1 ration for the city of New York in the municipal assistance state aid
2 fund created pursuant to section ninety-two-e of this chapter;

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

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

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

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

15 Notwithstanding any other law to the contrary, the amount paid to any
16 city with a population of one million or more on or before December
17 fifteenth shall be for an entitlement period ending the immediately
18 preceding June thirtieth.

19 § 5. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 2010.

21

PART AA

22 Section 1. Subdivision 2 of section 54-1 of the state finance law, as
23 amended by section 1 of part KK of chapter 56 of the laws of 2009, is
24 amended to read as follows:

25 2. Within amounts appropriated therefor, an eligible city and an
26 eligible municipality shall receive a state aid payment as follows:

27 a. An eligible city shall receive: (i) for the state fiscal years
28 commencing April first, two thousand seven and April first, two thousand
29 eight, a state aid payment equal to three and one-half percent of the
30 "estimated net machine income" generated by a video lottery gaming
31 facility located in such eligible city. Such state aid payment shall not
32 exceed twenty million dollars per eligible city; [and] (ii) for the
33 state fiscal year commencing April first, two thousand nine [and for
34 each state fiscal year thereafter], an amount equal to the state aid
35 payment received in the state fiscal year commencing April first, two
36 thousand eight; and (iii) for the state fiscal year commencing April
37 first, two thousand ten and for each state fiscal year thereafter, an
38 amount equal to ninety percent of the state aid payment received in the
39 state fiscal year commencing April first, two thousand nine.

40 b. Eligible municipalities shall receive: (i) for the state fiscal
41 years commencing April first, two thousand seven and April first, two
42 thousand eight, a share of three and one-half percent of the "estimated
43 net machine income" generated by a video lottery gaming facility located
44 within such eligible municipality as follows: (1) twenty-five percent
45 shall be apportioned and paid to the county; and (2) seventy-five
46 percent shall be apportioned and paid on a pro rata basis to eligible
47 municipalities, other than the county, based upon the population of such
48 eligible municipalities. Such state aid payment shall not exceed twen-
49 ty-five percent of an eligible municipality's total expenditures as
50 reported in the statistical report of the comptroller in the preceding
51 state fiscal year pursuant to section thirty-seven of the general munic-
52 ipal law; [and] (ii) for the state fiscal year commencing April first,
53 two thousand nine [and for each state fiscal year thereafter]: (1) for
54 an eligible municipality which is located in a county that has a poverty

1 rate equal to or greater than seventy-five percent of the New York state
2 poverty rate, an amount equal to the state aid payment received in the
3 state fiscal year commencing April first, two thousand eight; and (2)
4 for an eligible municipality which is located in a county that has a
5 poverty rate less than seventy-five percent of the New York state pover-
6 ty rate, an amount equal to fifty percent of the state aid payment
7 received in the state fiscal year commencing April first, two thousand
8 eight; and (iii) for the state fiscal year commencing April first, two
9 thousand ten and for each state fiscal year thereafter, an amount equal
10 to ninety percent of the state aid payment received in the state fiscal
11 year commencing April first, two thousand nine.

12 § 2. This act shall take effect immediately and shall be deemed to
13 have been in full force and effect on and after April 1, 2010.

14

PART BB

15 Section 1. The legislative law is amended by adding a new section 51-a
16 to read as follows:

17 § 51-a. Moratorium on unfunded mandates. 1. Definitions. As used in
18 this section, the following terms shall have the following meanings:

19 (a) "Local government" means a county, city, town, village, school
20 district, or special district.

21 (b) "Net additional cost" means the cost or costs incurred or antic-
22 ipated to be incurred within a one year period by a local government in
23 performing or administering any program, project, or activity after
24 subtracting therefrom any revenues received or receivable by such local
25 government in relation to such program, project, or activity, including
26 but not limited to:

27 (i) fees charged to the recipients of such program, project, or activ-
28 ity;

29 (ii) state or federal funds received for such program, project, or
30 activity; and

31 (iii) an offsetting savings resulting from the diminution or elimi-
32 nation of any other program, project, or activity that state law
33 requires such local government to provide or undertake.

34 (c) "Unfunded mandate" means:

35 (i) any state law that requires a local government to provide or
36 undertake any new program, project or activity that results in an annual
37 net additional cost to any local government in excess of ten thousand
38 dollars or an aggregate annual net additional cost to all local govern-
39 ments within the state in excess of one million dollars; or

40 (ii) any state law that requires a local government to provide a high-
41 er level of service or funding for an existing program, project or
42 activity that results in an annual net additional cost to any local
43 government in excess of ten thousand dollars or an aggregate annual net
44 additional cost to all local governments within the state in excess of
45 one million dollars; or

46 (iii) any state law that requires a local government to grant any new
47 property tax exemption or that broadens the eligibility or increases the
48 dollar amount of any existing property tax exemption, on property that
49 otherwise would have generated revenue under the current property tax
50 rate of such local government in excess of ten thousand dollars in any
51 local government or in excess of one million dollars statewide; or

52 (iv) any state law with a legal requirement that would otherwise like-
53 ly have the effect of raising property taxes in excess of ten thousand

1 dollars in any local government or in excess of one million dollars
2 statewide.

3 2. Moratorium on unfunded mandates. Notwithstanding any other
4 provision of law, no unfunded mandates shall be enacted.

5 3. Exemptions. (a) A state law shall not be considered an unfunded
6 mandate where such law:

7 (i) is required by a court order or judgment; or

8 (ii) is provided at the option of the local government under a law
9 that is permissive rather than mandatory; or

10 (iii) results from the passage of a home rule message whereby a local
11 government requests authority to implement the program or service speci-
12 fied in the statute, and the statute imposes costs only upon that local
13 government which requests the authority to impose the program or
14 service; or

15 (iv) is required by statute or executive order that implements a
16 federal law or regulation and results from costs mandated by the federal
17 government to be borne at the local level, unless the statute or execu-
18 tive order results in costs which exceed the costs mandated by the
19 federal government; or

20 (v) is imposed on both government and non-government entities in the
21 same or substantially similar circumstances; or

22 (vi) repeals or revises a state law to ease an existing requirement
23 that a local government provide or undertake a program, project, or
24 activity, or reapportions the costs of activities between local govern-
25 ments; or

26 (vii) is necessary to protect against an immediate threat to public
27 health or safety.

28 (b) The effective date of any act establishing a mandate shall provide
29 a reasonable time for the state and any local government to plan imple-
30 mentation thereof and shall be consistent with the availability of
31 required funds.

32 § 2. Section 51 of the legislative law, as added by chapter 985 of the
33 laws of 1983, is amended to read as follows:

34 § 51. Fiscal [impact] notes on bills affecting political subdivisions.

35 1. For the purpose of this section, the term "political subdivision"
36 means any county, city, town, village, special district or school
37 district.

38 2. [The legislature shall by concurrent resolution of the senate and
39 assembly prescribe rules requiring fiscal notes to accompany, on a sepa-
40 rate form, bills and amendments to bills, except as otherwise prescribed
41 by such rules, which] A bill that would substantially affect the reven-
42 ues or expenses, or both, of any political subdivision shall contain a
43 fiscal note stating the estimated annual cost to the political subdivi-
44 sion affected and the source of such estimate.

45 3. Fiscal notes shall not, however, be required for bills: (a) subject
46 to the provisions of section fifty of this chapter, or (b) accompanied
47 by special home rule requests submitted by political subdivisions, or
48 (c) which provide discretionary authority to political subdivisions, or
49 (d) submitted pursuant to section twenty-four of the state finance law.

50 4. If the estimate or estimates contained in a fiscal note are inaccu-
51 rate, such inaccuracies shall not affect, impair or invalidate such
52 bill.

53 § 3. This act shall take effect immediately, provided, however, that
54 section one of this act shall only apply to laws enacted after such
55 effective date and shall expire and be deemed repealed four years after
56 such effective date.

1

PART CC

2 Section 1. Section 101 of the general municipal law is amended by
3 adding a new subdivision 6 to read as follows:

4 6. Notwithstanding subdivision one of this section and any other law
5 to the contrary, any contract, subcontract, lease, grant, bond, coven-
6 ant, or other agreement for projects undertaken by school districts
7 shall not be subject to the requirements of separate specifications
8 (referred to as the Wicks Law).

9 § 2. Subdivisions 2 and 2-a of section 458 of the education law,
10 subdivision 2 as amended and subdivision 2-a as added by section 5 of
11 part MM of chapter 57 of the laws of 2008, are amended to read as
12 follows:

13 2. [Except as otherwise provided in section two hundred twenty-two of
14 the labor law, every contract, lease or other agreement entered into by
15 or on behalf of the fund for the acquisition, lease, construction,
16 reconstruction, rehabilitation or improvement of the school portion of
17 the work in any combined occupancy structure shall contain a provision
18 that, when the entire cost of any such contemplated construction, recon-
19 struction, rehabilitation or improvement for the school portion of the
20 work shall exceed three million dollars in the counties of the Bronx,
21 Kings, New York, Queens, and Richmond; one million five hundred thousand
22 dollars in the counties of Nassau, Suffolk and Westchester; and five
23 hundred thousand dollars in all other counties within the state, sepa-
24 rate specifications shall be prepared for the following three subdivi-
25 sions of the work on the school portion to be performed:

26 a. Plumbing and gas fitting;
27 b. Steam heating, hot water heating, ventilating and air conditioning
28 apparatus; and
29 c. Electric wiring and standard illuminating fixtures.

30 Such specifications shall be drawn so as to permit the letting of
31 separate and independent contracts for each of the above three subdivi-
32 sions of work. Within the above three subdivisions of work, any equip-
33 ment, apparatus and/or installations which shall be designed to service
34 the entire combined occupancy structure shall be included within the
35 school portion of the work or let as separate and independent contracts
36 even if physically located within the non-school portion of the work.]
37 Except as otherwise provided by the public housing law, the provisions
38 of which shall apply when the developer is the New York city housing
39 authority, every developer or general contractor undertaking the
40 construction, reconstruction, rehabilitation or improvement of any such
41 combined occupancy structure pursuant to or in furtherance of the
42 provisions of this article shall let [separate] contracts to the lowest
43 responsible bidder for the [three subdivisions of the above specified]
44 work to persons, firms or corporations approved by the chairman of the
45 fund as being qualified, responsible and reliable bidders engaged in
46 these classes of work. All such qualified bidders engaged in [the above
47 specified] this work shall be entitled to bid and to receive, upon
48 request, a copy of the plans and specifications. All such bids shall be
49 submitted to the fund and shall be opened publicly at a stated time and
50 place.

51 2-a. Each bidder on a public work contract[, where the preparation of
52 separate specifications is not required,] shall submit with its bid a
53 separate sealed list that names each subcontractor that the bidder will
54 use to perform work on the contract, and the agreed-upon amount to be
55 paid to each, for: a. plumbing and gas fitting, b. steam heating, hot

1 water heating, ventilating and air conditioning apparatus and c. elec-
2 tric wiring and standard illuminating fixtures. After the low bid is
3 announced, the sealed list of subcontractors submitted with such low bid
4 shall be opened and the names of such subcontractors shall be announced,
5 and thereafter any change of subcontractor or agreed-upon amount to be
6 paid to each shall require the approval of the public owner, upon a
7 showing presented to the public owner of legitimate construction need
8 for such change, which shall be open to public inspection. Legitimate
9 construction need shall include, but not be limited to, a change in
10 project specifications, a change in construction material costs, a
11 change to subcontractor status as determined pursuant to paragraph (e)
12 of subdivision two of section two hundred twenty-two of the labor law,
13 or the subcontractor has become otherwise unwilling, unable or unavail-
14 able to perform the subcontract. The sealed lists of subcontractors
15 submitted by all other bidders shall be returned to them unopened after
16 the contract award.

17 § 3. Subdivisions 2 and 2-a of section 482 of the education law,
18 subdivision 2 as amended and subdivision 2-a as added by section 6 of
19 part MM of chapter 57 of the laws of 2008, are amended to read as
20 follows:

21 2. [Except as otherwise provided in section two hundred twenty-two of
22 the labor law, every contract, lease or other agreement entered into by
23 or on behalf of the fund for the acquisition, lease, construction,
24 reconstruction, rehabilitation or improvement of any combined occupancy
25 structure shall contain a provision that, when the entire cost of any
26 such contemplated construction, reconstruction, rehabilitation or
27 improvement shall exceed three million dollars in the counties of the
28 Bronx, Kings, New York, Queens, and Richmond; one million five hundred
29 thousand dollars in the counties of Nassau, Suffolk and Westchester; and
30 five hundred thousand dollars in all other counties within the state,
31 separate specifications shall be prepared for the following three subdivi-
32 sions of the work to be performed:

33 a. Plumbing and gas fitting;

34 b. Steam heating, hot water heating, ventilating and air conditioning
35 apparatus; and

36 c. Electric wiring and standard illuminating fixtures.

37 Such specifications shall be drawn so as to permit the letting of
38 separate and independent contracts for each of the above three subdivi-
39 sions of work.] Except as otherwise provided by the public housing law,
40 the provisions of which shall apply when the developer is the Yonkers
41 city housing authority, every developer or general contractor undertak-
42 ing the construction, reconstruction, rehabilitation or improvement of
43 any such combined occupancy structure pursuant to or in furtherance of
44 the provisions of this article shall let [separate] contracts to the
45 lowest responsible bidder for the [three subdivisions of the above spec-
46 ified] work to persons, firms or corporations approved by the chairman
47 of the fund as being qualified, responsible and reliable bidders engaged
48 in these classes of work. All such qualified bidders engaged in [the
49 above specified] this work shall be entitled to bid and to receive, upon
50 request, a copy of the plans and specifications. All such bids shall be
51 submitted to the fund and shall be opened publicly at a stated time and
52 place.

53 2-a. Each bidder on a public work contract[, where the preparation of
54 separate specifications is not required,] shall submit with its bid a
55 separate sealed list that names each subcontractor that the bidder will
56 use to perform work on the contract, and the agreed-upon amount to be

1 paid to each, for: a. plumbing and gas fitting, b. steam heating, hot
2 water heating, ventilating and air conditioning apparatus and c. elec-
3 tric wiring and standard illuminating fixtures. After the low bid is
4 announced, the sealed list of subcontractors submitted with such low bid
5 shall be opened and the names of such subcontractors shall be announced,
6 and thereafter any change of subcontractor or agreed-upon amount to be
7 paid to each shall require the approval of the public owner, upon a
8 showing presented to the public owner of legitimate construction need
9 for such change, which shall be open to public inspection. Legitimate
10 construction need shall include, but not be limited to, a change in
11 project specifications, a change in construction material costs, a
12 change to subcontractor status as determined pursuant to paragraph (e)
13 of subdivision two of section two hundred twenty-two of the labor law,
14 or the subcontractor has become otherwise unwilling, unable or unavail-
15 able to perform the subcontract. The sealed lists of subcontractors
16 submitted by all other bidders shall be returned to them unopened after
17 the contract award.

18 § 4. Subdivision 1 of section 1735 of the public authorities law, as
19 amended by chapter 345 of the laws of 2009, is amended to read as
20 follows:

21 1. Notwithstanding the provisions of paragraph b of subdivision one of
22 section seventeen hundred thirty-four of this title, the award of
23 construction contracts by the authority [between July first, nineteen
24 hundred eighty-nine and June thirtieth, two thousand fourteen,] shall
25 not be subject to the provisions of section one hundred one of the
26 general municipal law.

27 § 5. Section 19 of chapter 738 of the laws of 1988, amending the
28 administrative code of the city of New York, the public authorities law
29 and other laws relating to the New York city school construction author-
30 ity, as amended by chapter 345 of the laws of 2009, is amended to read
31 as follows:

32 § 19. This act shall take effect immediately, provided, however, that
33 the provisions of subdivision 6 of section 209 of the civil service law,
34 as added by section four of this act, shall expire and be deemed
35 repealed on and after June 30, 1995[, and further provided that the
36 provisions of section 1735 of the public authorities law, as added by
37 section fourteen of this act, shall expire and be deemed repealed on
38 June 30, 2014].

39 § 6. This act shall take effect immediately and shall control all
40 contracts advertised or solicited for bid on or after such date under
41 the provisions of any law requiring contracts to be let pursuant to
42 provisions of law amended by this act.

43

PART DD

44 Section 1. Subdivision 1 of section 3-a of the general municipal law,
45 as amended by chapter 4 of the laws of 1991, is amended to read as
46 follows:

47 1. Except as provided in subdivisions two, four and five of this
48 section, the rate of interest to be paid by a municipal corporation upon
49 any judgment or accrued claim against the municipal corporation shall
50 [not exceed nine per centum per annum] be calculated at a rate equal to
51 the weekly average one year constant maturity treasury yield, as
52 published by the board of governors of the federal reserve system, for
53 the calendar week preceding the date of the entry of the judgment award-
54 ing damages. In no event, however, shall a municipal corporation pay a



1 rate of interest on any judgment or accrued claim more than nine per
2 centum per annum.

3 § 2. Subdivision 5 of section 157 of the public housing law, as
4 amended by chapter 681 of the laws of 1982, is amended to read as
5 follows:

6 5. The rate of interest to be paid by an authority upon any judgment
7 or accrued claim against the authority shall [not exceed nine per centum
8 per annum] be calculated at a rate equal to the weekly average one year
9 constant maturity treasury yield, as published by the board of governors
10 of the federal reserve system, for the calendar week preceding the date
11 of the entry of the judgment awarding damages. In no event, however,
12 shall an authority pay a rate of interest on any judgment or accrued
13 claim more than nine per centum per annum.

14 § 3. Section 16 of the state finance law, as amended by chapter 681 of
15 the laws of 1982, is amended to read as follows:

16 § 16. Rate of interest on judgments and accrued claims against the
17 state. The rate of interest to be paid by the state upon any judgment
18 or accrued claim against the state shall [not exceed nine per centum per
19 annum] be calculated at a rate equal to the weekly average one year
20 constant maturity treasury yield, as published by the board of governors
21 of the federal reserve system, for the calendar week preceding the date
22 of the entry of the judgment awarding damages. In no event, however,
23 shall the state pay a rate of interest on any judgment or accrued claim
24 more than nine per centum per annum.

25 § 4. Section 1 of chapter 585 of the laws of 1939, relating to the
26 rate of interest to be paid by certain public corporations upon judg-
27 ments and accrued claims, as amended by chapter 681 of the laws of 1982,
28 is amended to read as follows:

29 Section 1. The rate of interest to be paid by a public corporation
30 upon any judgment or accrued claim against the public corporation shall
31 [not exceed nine per centum per annum] be calculated at a rate equal to
32 the weekly average one year constant maturity treasury yield, as
33 published by the board of governors of the federal reserve system, for
34 the calendar week preceding the date of the entry of the judgment award-
35 ing damages. In no event, however, shall a public corporation pay a
36 rate of interest on any judgment or accrued claim more than nine per
37 centum per annum. The term "public corporation" as used in this act
38 shall mean and include every corporation created for the construction of
39 public improvements, other than a county, city, town, village, school
40 district or fire district or an improvement district established in a
41 town or towns, and possessing both the power to contract indebtedness
42 and the power to collect rentals, charges, rates or fees for services or
43 facilities furnished or supplied.

44 § 5. This act shall take effect immediately.

45

PART EE

46 Section 1. Section 180 of the agriculture and markets law, as added
47 by chapter 874 of the laws of 1977, is amended to read as follows:

48 § 180. Municipal directors of weights and measures. 1. There shall be
49 a county director of weights and measures in each county, except where
50 (a) a county is wholly embraced within a city there shall be a city
51 director of weights and measures, or (b) where two or more counties have
52 entered into an intermunicipal agreement, pursuant to article five-G of
53 the general municipal law, to share the functions, powers, and duties of
54 one director of weights and measures. Any county or city having a popu-

1 lation of one million or more may elect to designate its commissioner of
2 consumer affairs as its director of weights and measures. Subdivision
3 four of this section shall not apply to a commissioner of consumer
4 affairs so designated.

5 2. No city may institute a weights and measures program. Provided,
6 that any city which maintained a weights and measures program on January
7 first, nineteen hundred seventy-six may continue such program under a
8 city director of weights and measures.

9 a. Any such city may contract with the legislature of the county in
10 which it is located for the county director of weights and measures to
11 perform the duties of and have the same powers within such city as the
12 city director. Such contract shall fix the amount to be paid annually by
13 the city to the county for such services. During the period such
14 contract is in force and effect, the office of city director of weights
15 and measures shall be abolished.

16 b. The county director shall not have jurisdiction in any city which
17 has a city director of weights and measures, except in the county of
18 Westchester the county director shall have concurrent jurisdiction with
19 city directors of weights and measures in such county.

20 3. Nothing contained herein shall prohibit the governing body of any
21 county or city from assigning to its municipal director powers and
22 duties in addition to the powers and duties prescribed by this article
23 provided such additional powers and duties deal primarily with services
24 designed to aid and protect the consumer and are not inconsistent with
25 the provisions of this article.

26 4. The municipal director shall be appointed by the appropriate
27 authority of the municipality in which he resides having the general
28 power of appointment of officers and employees. Where two or more coun-
29 ties have entered into an intermunicipal agreement, pursuant to article
30 five-G of the general municipal law, to share the functions, powers, and
31 duties of one director of weights and measures, such municipal director
32 may reside in any county that is a party to the intermunicipal agree-
33 ment. He shall be paid a salary determined by the appropriate authority
34 and shall be provided by such authority with the working standards of
35 weights, measures and other equipment as required by rules and regu-
36 lations promulgated in accordance with this article. The position of
37 municipal director shall be in the competitive class of the civil
38 service with respect to all persons appointed on or after the effective
39 date of this act.

40 § 2. Section 775 of the county law is amended to read as follows:

41 § 775. [County sealer] Director of weights and measures; duties. The
42 [county sealer] director of weights and measures shall perform the
43 duties prescribed by law for the enforcement of honest weights and meas-
44 ures. He shall perform such additional and related duties as may be
45 prescribed by law and directed by the board of supervisors.

46 § 3. Subdivision 7 of section 176-b of the town law, as separately
47 amended by chapters 302, 314, 468 and 474 of the laws of 2009, is
48 amended to read as follows:

49 7. (a) The membership of any volunteer firefighter shall not be
50 continued pursuant to subdivision five of this section, and persons
51 shall not be elected to membership pursuant to subdivision six of this
52 section, if, by so doing, the percentage of such non-resident members in
53 the fire company would exceed forty-five per centum of the actual
54 membership of the fire company, provided however, that the provisions of
55 this subdivision shall not apply to the memberships of the Shelter
56 Island Heights fire district, the Cherry Grove fire district, the Fire

1 Island Pines fire district, the Davis Park fire department, and the Cold
2 Spring Harbor fire district in Suffolk county, the New Hampton fire
3 district, the Mechanicstown fire district, the Pocatello fire district,
4 the Washington Heights fire district and the Good Will fire district in
5 Orange county, the Jericho fire district and the Westbury fire district
6 in Nassau county, the Orangeburg fire district in Rockland county, the
7 South Lockport Fire Company and the Terry's Corners volunteer fire
8 company in Niagara County, the Taunton fire district and the Onondaga
9 Hill fire department in Onondaga county, the Town of Batavia fire
10 department in Genesee County, the Schuyler Heights fire district and the
11 Slingerlands fire district I in Albany county, the town of Providence
12 fire district in Saratoga county, the River Road fire district, No. 3 in
13 Erie county, the Sir William Johnson Fire Company in Fulton county, the
14 Fort Johnson Fire district in Montgomery county or the memberships of
15 the Millwood fire district, the Purchase Fire District, the North Castle
16 South Fire District, No. 1 in Westchester county, the Thornwood fire
17 company, No. 1 in Westchester county and the Rockland Lake fire district
18 in Rockland county.

19 (b) Upon application by a fire district or fire company to the state
20 fire administrator, the requirements of paragraph (a) of this subdivi-
21 sion shall be waived for a period of five years, provided that no adja-
22 cent fire district objects within sixty days of notice, published in the
23 state register. Any such objection shall be made in writing to the
24 state fire administrator setting forth the reasons such waiver should
25 not be granted. In cases where an objection is properly filed, the state
26 fire administrator shall have the authority to grant a waiver, for such
27 length of time as deemed appropriate but not to exceed five years, upon
28 consideration of (1) the difficulty of the fire company or district in
29 retaining and recruiting adequate personnel; (2) any alternative means
30 available to the fire company or district to address such difficulties;
31 and (3) the impact of such waiver on adjacent fire districts.

32 § 4. Section 578 of the real property tax law, as added by chapter 636
33 of the laws of 1970, is amended to read as follows:

34 § 578. County assistance under cooperative agreements. 1. The legis-
35 lative bodies of the counties and the governing boards of the cities,
36 towns, villages and school districts or appropriate officers thereof
37 authorized by such legislative body or governing board, as the case may
38 be, shall have power to enter into contracts with each other for data
39 processing and other mechanical assistance in the preparation of assess-
40 ment rolls, tax rolls, tax bills and other assessment and property tax
41 records and for supplies of field books, assessment rolls and other
42 assessment and property tax forms.

43 2. The legislative body of a county and the governing body of any
44 city, town, village or school district therein shall have the power to
45 enter into contracts with each other under which the county treasurer
46 shall serve as the tax collecting officer for such city, town, village
47 or school district. Such an agreement shall be considered an agreement
48 for the provision of a "joint service" for purposes of article five-G of
49 the general municipal law. Any such agreement shall be approved by both
50 the city, town, village or school district and the county, by a majority
51 vote of the voting strength of each governing body.

52 § 5. This act shall take effect immediately.

1 Section 1. Subdivision 1 of section 103 of the general municipal law,
2 as amended by section 1 of part D of chapter 494 of the laws of 2009, is
3 amended to read as follows:

4 1. Except as otherwise expressly provided by an act of the legislature
5 or by a local law adopted prior to September first, nineteen hundred
6 fifty-three, all contracts for public work involving an expenditure of
7 more than [thirty-five] fifty thousand dollars and all purchase
8 contracts involving an expenditure of more than [ten] twenty thousand
9 dollars, shall be awarded by the appropriate officer, board or agency of
10 a political subdivision or of any district therein including but not
11 limited to a soil conservation district, to the lowest responsible
12 bidder furnishing the required security after advertisement for [sealed]
13 bids in the manner provided by this section. In any case where a respon-
14 sible bidder's gross price is reducible by an allowance for the value of
15 used machinery, equipment, apparatus or tools to be traded in by a poli-
16 tical subdivision, the gross price shall be reduced by the amount of
17 such allowance, for the purpose of determining the low bid. In cases
18 where two or more responsible bidders furnishing the required security
19 submit identical bids as to price, such officer, board or agency may
20 award the contract to any of such bidders. Such officer, board or agency
21 may, in his or her or its discretion, reject all bids and readvertise
22 for new bids in the manner provided by this section. [For purposes of
23 this section, "sealed bids", as that term applies to purchase contracts,
24 shall include bids] In determining whether a purchase is an expenditure
25 within the discretionary threshold amounts established by this subdivi-
26 sion, the officer, board or agency of a political subdivision or of any
27 district therein shall consider the reasonably expected aggregate amount
28 of all purchases of the same commodities, services or technology to be
29 made within the twelve-month period commencing on the date of purchase.
30 Purchases of commodities, services or technology shall not be arti-
31 ficially divided for the purpose of satisfying the discretionary buying
32 thresholds established by this subdivision. A change to or a renewal of
33 a discretionary purchase shall not be permitted if the change or renewal
34 would bring the reasonably expected aggregate amount of all purchases of
35 the same commodities, services or technology from the same provider
36 within the twelve-month period commencing on the date of the first
37 purchase to an amount greater than the discretionary buying threshold
38 amount. Bids may be submitted in an electronic format including
39 submission of the statement of non-collusion required by section one
40 hundred three-d of this article, provided that the governing board of
41 the political subdivision or district, by resolution, has authorized the
42 receipt of bids in such format. Submission in electronic format may
43 [not, however,] be required as the sole method for the submission of
44 bids. Bids submitted in an electronic format shall be transmitted by
45 bidders to the receiving device designated by the political subdivision
46 or district. Any method used to receive electronic bids shall comply
47 with article three of the state technology law, and any rules and regu-
48 lations promulgated and guidelines developed thereunder and, at a mini-
49 imum, must (a) document the time and date of receipt of each bid received
50 electronically; (b) authenticate the identity of the sender; (c) ensure
51 the security of the information transmitted; and (d) ensure the confi-
52 dentiality of the bid until the time and date established for the open-
53 ing of bids. The timely submission of an electronic bid in compliance
54 with instructions provided for such submission in the advertisement for
55 bids and/or the specifications shall be the responsibility solely of
56 each bidder or prospective bidder. No political subdivision or district



1 therein shall incur any liability from delays of or interruptions in the
2 receiving device designated for the submission and receipt of electronic
3 bids.

4 § 2. Subdivision 1 of section 103 of the general municipal law, as
5 amended by chapter 413 of the laws of 1991, is amended to read as
6 follows:

7 1. Except as otherwise expressly provided by an act of the legislature
8 or by a local law adopted prior to September first, nineteen hundred
9 fifty-three, all contracts for public work involving an expenditure of
10 more than [twenty] fifty thousand dollars and all purchase contracts
11 involving an expenditure of more than [ten] twenty thousand dollars,
12 shall be awarded by the appropriate officer, board or agency of a poli-
13 tical subdivision or of any district therein including but not limited
14 to a soil conservation district, to the lowest responsible bidder
15 furnishing the required security after advertisement for [sealed] bids
16 in the manner provided by this section. In determining whether a
17 purchase is an expenditure within the discretionary threshold amounts
18 established by this subdivision, the officer, board or agency of a poli-
19 tical subdivision or of any district therein shall consider the reason-
20 ably expected aggregate amount of all purchases of the same commodities,
21 services or technology to be made within the twelve-month period
22 commencing on the date of purchase. Purchases of commodities, services
23 or technology shall not be artificially divided for the purpose of
24 satisfying the discretionary buying thresholds established by this
25 subdivision. A change to or a renewal of a discretionary purchase shall
26 not be permitted if the change or renewal would bring the reasonably
27 expected aggregate amount of all purchases of the same commodities,
28 services or technology from the same provider within the twelve-month
29 period commencing on the date of the first purchase to an amount greater
30 than the discretionary buying threshold amount. In any case where a
31 responsible bidder's gross price is reducible by an allowance for the
32 value of used machinery, equipment, apparatus or tools to be traded in
33 by a political subdivision, the gross price shall be reduced by the
34 amount of such allowance, for the purpose of determining the low bid. In
35 cases where two or more responsible bidders furnishing the required
36 security submit identical bids as to price, such officer, board or agen-
37 cy may award the contract to any of such bidders. Such officer, board or
38 agency may, in his, her or its discretion, reject all bids and readver-
39 tise for new bids in the manner provided by this section.

40 § 3. Subdivision 5 of section 103 of the general municipal law, as
41 amended by chapter 413 of the laws of 1991, is amended to read as
42 follows:

43 5. Upon the adoption of a resolution by a vote of at least three-
44 fifths of all the members of the governing body of a political subdivi-
45 sion or district therein stating that, for reasons of efficiency or
46 economy, there is need for standardization, purchase contracts for a
47 particular type or kind of equipment, material or supplies [of more than
48 ten thousand dollars] in excess of the monetary threshold fixed for
49 purchase contracts in this section may be awarded by the appropriate
50 officer, board or agency of such political subdivision or any such
51 district therein, to the lowest responsible bidder furnishing the
52 required security after advertisement for [sealed] bids therefor in the
53 manner provided in this section. Such resolution shall contain a full
54 explanation of the reasons for its adoption.

55 § 4. Section 103-d of the general municipal law, as amended by chapter
56 675 of the laws of 1966, is amended to read as follows:

1 § 103-d. Statement of non-collusion in bids and proposals to political
2 subdivision of the state. 1. Every bid or proposal hereafter made to a
3 political subdivision of the state or any public department, agency or
4 official thereof where competitive bidding is required by statute, rule,
5 regulation or local law, for work or services performed or to be
6 performed or goods sold or to be sold, shall contain the following
7 statement subscribed by the bidder and affirmed by such bidder as true
8 under the penalties of perjury: Non-collusive bidding certification.

9 "(a) By submission of this bid, each bidder and each person signing on
10 behalf of any bidder certifies, and in the case of a joint bid each
11 party thereto certifies as to its own organization, under penalty of
12 perjury, that to the best of knowledge and belief:

13 (1) The prices in this bid have been arrived at independently without
14 collusion, consultation, communication, or agreement, for the purpose of
15 restricting competition, as to any matter relating to such prices with
16 any other bidder or with any competitor;

17 (2) Unless otherwise required by law, the prices which have been quot-
18 ed in this bid have not been knowingly disclosed by the bidder and will
19 not knowingly be disclosed by the bidder prior to opening, directly or
20 indirectly, to any other bidder or to any competitor; and

21 (3) No attempt has been made or will be made by the bidder to induce
22 any other person, partnership or corporation to submit or not to submit
23 a bid for the purpose of restricting competition. "

24 (a-1) Notwithstanding the foregoing, the statement of non-collusion
25 may be submitted electronically in accordance with the provisions of
26 subdivision one of section one hundred three of the general municipal
27 law.

28 (b) A bid shall not be considered for award nor shall any award be
29 made where (a) (1) (2) and (3) above have not been complied with;
30 provided however, that if in any case the bidder cannot make the forego-
31 ing certification, the bidder shall so state and shall furnish with the
32 bid a signed statement which sets forth in detail the reasons therefor.
33 Where (a) (1) (2) and (3) above have not been complied with, the bid
34 shall not be considered for award nor shall any award be made unless the
35 head of the purchasing unit of the political subdivision, public depart-
36 ment, agency or official thereof to which the bid is made, or his desig-
37 nee, determines that such disclosure was not made for the purpose of
38 restricting competition.

39 The fact that a bidder (a) has published price lists, rates, or
40 tariffs covering items being procured, (b) has informed prospective
41 customers of proposed or pending publication of new or revised price
42 lists for such items, or (c) has sold the same items to other customers
43 at the same prices being bid, does not constitute, without more, a
44 disclosure within the meaning of subparagraph one (a).

45 2. Any bid hereafter made to any political subdivision of the state or
46 any public department, agency or official thereof by a corporate bidder
47 for work or services performed or to be performed or goods sold or to be
48 sold, where competitive bidding is required by statute, rule, regu-
49 lation, or local law, and where such bid contains the certification
50 referred to in subdivision one of this section, shall be deemed to have
51 been authorized by the board of directors of the bidder, and such
52 authorization shall be deemed to include the signing and submission of
53 the bid and the inclusion therein of the certificate as to non-collusion
54 as the act and deed of the corporation.

55 § 5. Section 103 of the general municipal law is amended by adding
56 three new subdivisions 1-b, 1-c and 13 to read as follows:

1 1-b. When the officer, board or agency of any political subdivision or
2 of any district therein charged with the awarding of contracts under
3 this section determines that it is in the best interest of the political
4 subdivision or district therein, they may award contracts for services
5 on the basis of best value as defined in section one hundred sixty-three
6 of the state finance law to responsive and responsible offerers.
7 Notwithstanding any other provision of this section, a contract for
8 services may be awarded on the basis of best value provided that the
9 contracting process and award shall comply with the guidelines estab-
10 lished under section one hundred sixty-three of the state finance law by
11 the state procurement council. Any procurement made under this subdivi-
12 sion shall be approved by the governing body of the purchasing political
13 subdivision or district therein.

14 1-c. A political subdivision or any district therein shall have the
15 option of purchasing information technology and telecommunications hard-
16 ware, software and professional services through cooperative purchasing
17 permissible pursuant to federal general services administration informa-
18 tion technology schedule seventy or any successor schedule. A political
19 subdivision or any district therein that purchases through general
20 services administration schedule seventy, information technology and
21 consolidated schedule contracts shall comply with federal schedule
22 ordering procedures as provided in federal acquisition regulation
23 8.405-1 or 8.405-2 or successor regulations, whichever is applicable.
24 Adherence to such procedures shall constitute compliance with the
25 competitive bidding requirements under this section.

26 13. Notwithstanding the provisions of subdivision one of this section
27 and in addition to the provisions of subdivision three of this section
28 and section one hundred four of this article, any officer, board or
29 agency of a political subdivision or of any district therein authorized
30 to make purchases of materials, equipment and supplies may make such
31 purchases as may be required by such political subdivision or any
32 district therein through the use of a contract let by any other state or
33 political subdivision if such contract was let in accordance with
34 competitive bidding requirements that are consistent with this section
35 and with the intent of extending its use to certain other governmental
36 entities. Prior to making such a purchase, the governing board of the
37 political subdivision or district making the purchase shall determine,
38 upon review of any necessary documentation and, as appropriate, upon
39 advice of its counsel, that the requirements of this paragraph have been
40 met, and shall certify, by resolution, that such purchase is permitted
41 under the procurement policies and procedures of the political subdivi-
42 sion or district, adopted pursuant to section one hundred four-b of this
43 article.

44 § 6. Section 104 of the general municipal law, as amended by chapter
45 137 of the laws of 2008, is amended to read as follows:

46 § 104. Purchase through office of general services; certain federal
47 contracts. 1. Notwithstanding the provisions of section one hundred
48 three of this article or of any other general, special or local law, any
49 officer, board or agency of a political subdivision, of a district ther-
50 ein, of a fire company or of a voluntary ambulance service authorized to
51 make purchases of materials, equipment, food products, or supplies, or
52 services available pursuant to sections one hundred sixty-one and one
53 hundred sixty-seven of the state finance law, may make such purchases,
54 except of printed material, through the office of general services
55 subject to such rules as may be established from time to time pursuant
56 to sections one hundred sixty-three and one hundred sixty-seven of the

1 state finance law [or through the general services administration pursu-
2 ant to section 1555 of the federal acquisition streamlining act of 1994,
3 P.L. 103-355]; provided that any such purchase shall exceed five hundred
4 dollars and that the political subdivision, district, fire company or
5 voluntary ambulance service for which such officer, board or agency acts
6 shall accept sole responsibility for any payment due the vendor. All
7 purchases shall be subject to audit and inspection by the political
8 subdivision, district, fire company or voluntary ambulance service for
9 which made. No officer, board or agency of a political subdivision, or a
10 district therein, of a fire company or of a voluntary ambulance service
11 shall make any purchase through such office when bids have been received
12 for such purchase by such officer, board or agency, unless such purchase
13 may be made upon the same terms, conditions and specifications at a
14 lower price through such office. Two or more fire companies or voluntary
15 ambulance services may join in making purchases pursuant to this
16 section, and for the purposes of this section such groups shall be
17 deemed "fire companies or voluntary ambulance services."

18 2. Notwithstanding the provisions of section one hundred three of this
19 article or of any other general, special or local law, any officer,
20 board or agency of a political subdivision, or of a district therein,
21 may make purchases from federal general service administration supply
22 schedules pursuant to section 211 of the federal e-government act of
23 2002, P.L. 107-347, and pursuant to section 1122 of the national defense
24 authorization act for fiscal year 1994, P.L. 103-160, or any successor
25 schedules in accordance with procedures established pursuant thereto.
26 Prior to making such purchases the officer, board or agency shall
27 consider whether such purchases will result in cost savings after all
28 factors, including charges for service, material, and delivery, have
29 been considered.

30 § 7. Subdivision 2 of section 103 of the general municipal law, as
31 amended by section 5 of part X of chapter 62 of the laws of 2003, is
32 amended to read as follows:

33 2. Advertisement for bids shall be published in the official newspaper
34 or newspapers, if any, or otherwise in a newspaper or newspapers desig-
35 nated for such purpose, or in the statewide procurement opportunities
36 newsletter. Such advertisement shall contain a statement of the time
37 when and place where all bids received pursuant to such notice will be
38 publicly opened and read, and the designation of the receiving device if
39 the political subdivision or district has authorized the receipt of bids
40 in an electronic format. Such board or agency may by resolution desig-
41 nate any officer or employee to open the bids at the time and place
42 specified in the notice. Such designee shall make a record of such bids
43 in such form and detail as the board or agency shall prescribe and pres-
44 ent the same at the next regular or special meeting of such board or
45 agency. All bids received shall be publicly opened and read at the time
46 and place so specified. At least five days shall elapse between the
47 first publication of such advertisement and the date so specified for
48 the opening and reading of bids.

49 § 8. Subdivision 2 of section 103 of the general municipal law, as
50 amended by chapter 296 of the laws of 1958, is amended to read as
51 follows:

52 2. Advertisement for bids shall be published in the official newspaper
53 or newspapers, if any, or otherwise in a newspaper or newspapers desig-
54 nated for such purpose, or in the statewide procurement opportunities
55 newsletter. Such advertisement shall contain a statement of the time
56 when and place where all bids received pursuant to such notice will be

1 publicly opened and read. Such board or agency may by resolution desig-
2 nate any officer or employee to open the bids at the time and place
3 specified in the notice. Such designee shall make a record of such bids
4 in such form and detail as the board or agency shall prescribe and pres-
5 ent the same at the next regular or special meeting of such board or
6 agency. All bids received shall be publicly opened and read at the time
7 and place so specified. At least five days shall elapse between the
8 first publication of such advertisement and the date so specified for
9 the opening and reading of bids.

10 § 9. Subdivision 4 of section 142 of the economic development law, as
11 amended by chapter 137 of the laws of 2008, is amended to read as
12 follows:

13 4. The commissioner may publish in the procurement opportunities news-
14 letter (a) notices of procurement opportunities originating from poli-
15 tical subdivisions of the state or business enterprises, and (b) notices
16 from government or potential government contractors seeking subcontrac-
17 tors and suppliers, in such form and manner as the commissioner shall
18 determine. The commissioner may charge a fee for the publication of such
19 notices of procurement opportunities based upon the amounts estimated to
20 be necessary to defray the expenses of preparing, publishing, marketing
21 and distributing such additional notices of procurement opportunities.
22 Notwithstanding the provisions of any other general, special or local
23 law to the contrary, the publication requirements shall be deemed suffi-
24 cient for any agency or political subdivision of the state with publica-
25 tion of such notices of procurement opportunities or other solicitations
26 in the procurement opportunities newsletter.

27 § 10. Subdivision 7 of section 163 of the state finance law, as sepa-
28 rately amended by sections 12 and 20 of chapter 137 of the laws of 2008,
29 is amended to read as follows:

30 7. Method of procurement. Consistent with the requirements of subdivi-
31 sions three and four of this section, state agencies shall select among
32 permissible methods of procurement including, but not limited to, an
33 invitation for bid, request for proposals or other means of solicitation
34 pursuant to guidelines issued by the state procurement council. State
35 agencies may accept bids electronically including submission of the
36 statement of non-collusion required by section one hundred thirty-nine-d
37 of the state finance law and may[, for technology contracts only,]
38 require electronic submission as the sole method for the submission of
39 bids for the solicitation, provided that the agency has made a determi-
40 nation, which shall be documented in the procurement record, that such
41 method affords a fair and equal opportunity for offerers to submit
42 responsive offers. Except where otherwise provided by law, procurements
43 shall be competitive, and state agencies shall conduct formal compet-
44 itive procurements to the maximum extent practicable. State agencies
45 shall document the determination of the method of procurement and the
46 basis of award in the procurement record. Where the basis for award is
47 the best value offer, the state agency shall document, in the procure-
48 ment record and in advance of the initial receipt of offers, the deter-
49 mination of the evaluation criteria, which whenever possible, shall be
50 quantifiable, and the process to be used in the determination of best
51 value and the manner in which the evaluation process and selection shall
52 be conducted.

53 § 11. Subdivision 1 of section 139-d of the state finance law is
54 amended by adding a new paragraph (a-1) to read as follows:

55 (a-1) Notwithstanding the foregoing, the statement of non-collusion
56 may be submitted electronically in accordance with the provisions of

1 subdivision seven of section one hundred sixty-three of the state
2 finance law.

3 § 12. Section 20 of the public buildings law, as amended by chapter
4 640 of the laws of 1989, is amended to read as follows:

5 § 20. Work done by special order. The commissioner of general
6 services shall determine when minor work of construction, recon-
7 struction, alteration or repair of any state building may be done by
8 special order. Special orders for such work shall be short-form
9 contracts approved by the attorney general and by the comptroller. No
10 work shall be done by special order in an amount in excess of [fifty]
11 one hundred thousand dollars and a bond shall not be required for
12 special orders. No work shall be done by special order unless the
13 commissioner has presented to the comptroller evidence that he has made
14 a diligent effort to obtain competition sufficient to protect the inter-
15 ests of the state prior to selecting the contractor to perform the work.
16 Notwithstanding the provisions of subdivision two of section eight of
17 this chapter, work done by special order under this section may be
18 advertised solely through the regular public notification service of the
19 office of general services. At least five days shall elapse between the
20 first publication of such public notice and the date so specified for
21 the public opening of bids. All payments on special orders shall be
22 made on the certificate of the commissioner of general services and
23 audited and approved by the state comptroller. All special orders shall
24 contain a clause that the special order shall only be deemed executory
25 to the extent of the moneys available and no liability shall be incurred
26 by the state beyond the moneys available for the purpose.

27 § 13. This act shall take effect immediately and shall apply to any
28 contract let or awarded on or after such date; provided, however, that:

29 1. the amendments to subdivision 1 of section 103 of the general
30 municipal law made by section one of this act shall not affect the expi-
31 ration and reversion of such subdivision as provided in subdivision (a)
32 of section 41 of part X of chapter 62 of the laws of 2003, as amended,
33 when upon such date the provisions of section two of this act shall take
34 effect; and

35 2. the amendments to section 103-d of the general municipal law made
36 by section four of this act shall expire and be deemed repealed on the
37 same date and in the same manner as section 4 of part X of chapter 62 of
38 the laws of 2003, as provided in subdivision (a) of section 41 of part X
39 of chapter 62 of the laws of 2003, as amended; and

40 3. the amendments to subdivision 2 of section 103 of the general
41 municipal law made by section seven of this act shall not affect the
42 expiration and reversion of such subdivision as provided in subdivision
43 (a) of section 41 of part X of chapter 62 of the laws of 2003, as
44 amended, when upon such date the provisions of section eight of this act
45 shall take effect; and

46 4. the amendments to subdivision 7 of section 163 of the state finance
47 law made by section ten of this act shall not affect the repeal of such
48 subdivision and shall be deemed repealed therewith; and

49 5. the amendments to section 139-d of the state finance law made by
50 section eleven of this act shall expire and be deemed repealed on the
51 same date and in the same manner as section 33 of chapter 83 of the laws
52 of 1995, as provided in subdivision 5 of section 362 of chapter 83 of
53 the laws of 1995, as amended.

54

PART GG

1 Section 1. Section 214 of the town law, as amended by chapter 344 of
2 the laws of 2005, is amended to read as follows:

3 § 214. Oaths, undertakings and compensation of commissioners. Each
4 commissioner, before entering upon the duties of his office, shall take
5 the constitutional oath of office and execute to the town and file with
6 the town clerk an official undertaking in such sum and with such sure-
7 ties as the town board may direct. The town board at any time may
8 require any such commissioners to file a new official undertaking for
9 such sum and with such sureties as the board shall approve. [Such]
10 Notwithstanding any provision of any general, special or local law,
11 ordinance, resolution, rule or regulation to the contrary, such commis-
12 sioners [may be paid such an amount as the town board may designate, but
13 not to exceed the sum of one hundred dollars per day each for each day
14 actually and necessarily spent in the service of the district. Such
15 compensation shall be deemed an expense of maintaining the district]
16 shall not receive any compensation of any kind, including but not limit-
17 ed to wages, salaries, gratuities, vehicles assigned to them, insurance,
18 annuities or retirement plans, or any other perquisite or fringe bene-
19 fit, but shall be reimbursed for the actual and necessary expenses
20 incurred by them in the performance of their duties.

21 § 2. The town law is amended by adding a new section 198-b to read as
22 follows:

23 § 198-b. Powers of town boards with respect to certain sanitary,
24 refuse and garbage districts. 1. Applicability. This section shall apply
25 to sanitary districts, refuse and garbage districts, or any similar town
26 improvement districts that provide sanitary, refuse, or garbage
27 services.

28 2. Powers of town boards in such districts. Notwithstanding any other
29 provision of law to the contrary, in such districts all powers and
30 duties with respect to the districts, including the powers and duties of
31 improvement district commissioners as provided for in section two
32 hundred fifteen of this chapter or in any other general, special, or
33 local law, and excepting those powers provided for in subdivisions three
34 and four of this section, shall reside with the board of the town in
35 which such district is located.

36 3. Powers of district commissioners in such districts. In such
37 districts that have district commissioners, the commissioners shall
38 retain the power and duties to:

39 (a) Elect officers of the board as currently provided for in subdivi-
40 sion one of section two hundred fifteen of this chapter;

41 (b) Give notice of annual election as currently provided for in subdivi-
42 vision three of section two hundred fifteen of this chapter; and

43 (c) Provide for a nominating process and the filling of vacancies as
44 currently provided for in subdivisions twenty and twenty-one of section
45 two hundred fifteen of this chapter.

46 4. Level of service. In such districts that have district commission-
47 ers, the commissioners may also hold a referendum on whether the level
48 of service provided by the town shall be increased or decreased. Prior
49 to the referendum, the town shall provide cost estimates for such
50 increase or such decrease in services that are to be considered in such
51 referendum.

52 5. Transfer of function. Employees of the district who are transferred
53 to the town shall be transferred pursuant to the civil service law.

54 § 3. The opening paragraph of section 215 of the town law is amended
55 to read as follows:

1 Subject to law and the provisions of this chapter, the commissioners
2 of every improvement district shall constitute and be known as the board
3 of commissioners of such improvement district. Such board of commission-
4 ers, except when restricted by section one hundred ninety-eight-b of
5 this chapter:

6 § 4. The town law is amended by adding a new section 217 to read as
7 follows:

8 § 217. Abolition of offices of commissioners. 1. Resolution. The town
9 board of any town may and within thirty days after the date of filing
10 with the town clerk of a petition meeting the requirements of subdivi-
11 sion two of this section shall adopt a resolution calling a public hear-
12 ing upon the abolition of the offices of commissioners in any district
13 wholly located in such town, and the transfer to the town board of all
14 the rights, powers and duties of such commissioners.

15 2. Petition to initiate. a. The electors of a town improvement
16 district may petition to abolish the offices of commissioners by filing
17 an original petition, containing not less than the number of signatures
18 provided for in paragraph b of this subdivision and in the form provided
19 for in paragraph c of this subdivision, with the clerk of the town in
20 which the improvement district is located. Accompanying the filed peti-
21 tion shall be a cover sheet containing the name, address and telephone
22 number of an individual who signed the petition and who will serve as a
23 contact person.

24 b. The petition shall contain the signatures of at least ten percent
25 of the number of electors or five thousand electors, whichever is less,
26 in the improvement district; provided, however, that where the improve-
27 ment district contains five hundred or fewer electors, the petition
28 shall contain the signatures of at least twenty percent of the number of
29 electors. No signature on a petition is valid unless it is an original
30 signature of an elector.

31 c. A petition for the abolition of the offices of commissioners shall
32 substantially comply with, and be circulated in, the following form:

33 PETITION FOR THE ABOLITION OF THE OFFICES OF COMMISSIONERS

34 We, the undersigned, electors and legal voters of (insert name of
35 district), in the town of (insert name of town in which the district is
36 located), New York, qualified to vote at the next general or special
37 election, respectfully petition that there be submitted to the electors
38 of (insert name of district), for their approval or rejection at a
39 referendum held for that purpose, a proposal to abolish the offices of
40 commissioners of (insert name of district).

41 In witness whereof, we have signed our names on the dates indicated next
42 to our signatures.

	<u>Date</u>	<u>Name - print name under signature</u>	<u>Home Addresses</u>
43			
44	1. _____	_____	_____
45	2. _____	_____	_____
46	3. _____	_____	_____

47 (On the bottom of each page of the petition, after all of the numbered
48 signatures, insert a signed statement of a witness who is a duly quali-
49 fied voter of the state of New York. Such a statement shall be accepted
50 for all purposes as the equivalent of an affidavit, and if it contains a
51 material false statement, shall subject the person signing it to the
52 same penalties as if he or she has been duly sworn. The form of such
53 statement shall be substantially as follows:

54 I, (insert name of witness), state that I am a duly qualified voter of
55 the State of New York. Each of the persons that have signed this peti-

1 tion sheet containing (insert number) signatures, have signed their
 2 names in my presence on the dates indicated above and identified them-
 3 selves to be the same person who signed the sheet. I understand that
 4 this statement will be accepted for all purposes as the equivalent of an
 5 affidavit, and if it contains a materially false statement, shall
 6 subject me to the penalties of perjury.

7 _____
 8 Date Signature of Witness)

9 (In lieu of the signed statement of a witness who is a duly qualified
 10 voter of the state of New York, the following statement signed by a
 11 notary public or a commissioner of deeds shall be accepted:

12 On the date above indicated before me personally came each of the elec-
 13 tors and legal voters whose signatures appear on this petition sheet
 14 containing (insert number) signatures, who signed the petition in my
 15 presence and who, being by me duly sworn, each for himself or herself,
 16 identified himself or herself as the one and same person who signed the
 17 petition and that the foregoing information they provided was true.

18 _____
 19 Date Notary Public or Commissioner of Deeds)

20 d. An alteration or correction of information appearing on a
 21 petition's signature line, other than an uninitialed signature and date,
 22 shall not invalidate such signature.

23 e. In matters of form, this subdivision shall be given a liberal
 24 construction, and precise compliance is not required.

25 f. Within ten days of the filing of the petition, the clerk with whom
 26 the petition was filed shall make a final determination regarding the
 27 sufficiency of the signatures on the petition and provide timely written
 28 notice of such determination to the contact person named in the cover
 29 sheet accompanying the petition. The contact person or any individual
 30 who signed the petition may seek judicial review of such determination
 31 in a proceeding pursuant to article seventy-eight of the civil practice
 32 law and rules.

33 3. Notice. The town clerk shall give notice of such hearing by the
 34 publication of a notice in at least one but not more than two newspapers
 35 designated pursuant to subdivision eleven of section sixty-four of this
 36 chapter. Such notice shall specify the time when and the place where
 37 such hearing will be held and shall specifically state that the offices
 38 of commissioners are proposed to be abolished. The first publication of
 39 such notice shall be at least ten days prior to the time fixed for such
 40 public hearing.

41 4. Hearing. The town board shall meet at the time and place specified
 42 in such notice and hear all persons interested in the subject matter
 43 thereof concerning the same. a. If the town board adopted the resol-
 44 ution calling the public hearing without a petition to initiate being
 45 filed with the town clerk pursuant to subdivision two of this section,
 46 and if the town board shall determine upon the evidence given thereat
 47 that it is in the public interest to abolish the offices of commission-
 48 ers, the board may adopt a resolution subject to a permissive referen-
 49 dum, so abolishing the offices of commissioners.

50 b. If the town board adopted the resolution calling the public hearing
 51 because a petition to initiate was filed with the town clerk pursuant to
 52 subdivision two of this section, the town board shall adopt a resolution
 53 abolishing the offices of commissioners and shall adopt a resolution to

1 hold a special election upon the proposition as if a petition had been
2 filed pursuant to subdivision six of this section.

3 5. Notice of adoption of resolution. Within ten days after the
4 adoption by the town board of a resolution abolishing the offices of
5 commissioners in any district, the town clerk shall give notice thereof
6 at the expense of the district, by the publication of a notice in at
7 least one but not more than two newspapers designated pursuant to subdi-
8 vision eleven of section sixty-four of this chapter. In addition, the
9 town clerk shall post or cause to be posted on the bulletin board in his
10 or her office a copy of such notice. In the event that the town main-
11 tains a website, such information may also be provided on the website.
12 Such notice shall set forth the date of adoption of the resolution and
13 contain an abstract of such resolution and shall specify that the
14 offices of commissioners shall be abolished subject to permissive or
15 mandatory (as applicable) referendum.

16 6. Petition. The resolution of the town board abolishing the offices
17 of commissioners shall not take effect until forty-five days after its
18 adoption; nor until approved by the affirmative vote of a majority of
19 the qualified electors of such district voting upon such proposition, if
20 within forty-five days after its adoption, there be filed with the town
21 clerk a petition circulated, signed and authenticated in substantial
22 compliance with the provisions of subdivision two of this section, that
23 contains the signatures of at least twenty-five percent of the number of
24 electors or fifteen thousand electors, whichever is less, in the town
25 improvement district protesting against such resolution and requesting
26 that it be submitted to the qualified electors of the district affected,
27 for their approval or disapproval. The town clerk shall cause to be
28 prepared and have available for distribution proper forms for the peti-
29 tion and shall distribute a supply to any person requesting the same.

30 7. Notice of election. If such a petition shall be filed with the town
31 clerk, the town board shall adopt a resolution specifying a date not
32 less than twenty nor more than thirty days thereafter for the holding of
33 a special election, fixing the hours of opening and closing of the
34 polls, designating the voting place and setting forth, in full, the
35 proposition to be voted upon. The town board shall designate a voting
36 place and not less than two or more than four persons to act as election
37 inspectors and ballot clerks. Each of such persons shall be a qualified
38 elector of such district and such election inspectors and ballot clerks
39 shall receive for their services an amount to be fixed by the town board
40 but not to exceed ten dollars each. The polls shall remain open from six
41 o'clock in the evening until nine o'clock in the evening and such addi-
42 tional consecutive hours prior thereto as the town board may determine.

43 8. Election. The voting upon such proposition shall be by ballot and
44 the town clerk shall cause such ballots to be prepared. No person shall
45 be entitled to vote upon any such proposition unless he or she has the
46 following qualifications: a. is an elector of the town, and b. is a
47 resident of such district.

48 9. Canvass. Upon the closing of the polls at any such election, the
49 election inspectors and ballot clerks shall immediately canvass the
50 ballots cast and shall complete such canvass without adjournment. As
51 soon as possible after completion, they shall file with the town clerk a
52 certificate setting forth the holding of such election, the number of
53 votes cast, the number of votes cast for and against such proposition,
54 together with the name and address of every person voting at such
55 election.

1 10. Adoption. A proposition for the abolition of the offices of
2 commissioners shall require for its adoption the affirmative vote of a
3 majority of the electors voting thereon. If any proposition so submitted
4 shall not be adopted, the town board shall not adopt a similar resol-
5 ution abolishing the offices of commissioners within one year from the
6 date of the original resolution.

7 11. Expense. The expense of conducting any such election, including
8 the publication of notices, the printing of ballots, the compensation of
9 election inspectors and ballot clerks and all other expense occasioned
10 by the election shall be a charge against the district affected.

11 12. Abolition of offices of commissioners. Whenever any resolution
12 shall become effective pursuant to this section abolishing the offices
13 of commissioners in any district and transferring to the town board all
14 the powers and duties thereof, the offices of commissioners existing in
15 any affected district shall be abolished as of the thirty-first day of
16 December next succeeding, provided, however, that if any such resolution
17 be adopted subsequent to the first day of October in any year, the
18 offices of commissioners shall be abolished on the thirty-first day of
19 December of the next succeeding calendar year. When such offices of
20 commissioners shall be abolished, the commissioners of such district
21 shall: a. deliver to the town clerk within ten days all the records,
22 books and papers of such commissioners, b. deliver to the supervisor all
23 funds, c. deliver to the town board all other property in their
24 possession or under their control and d. make complete and proper
25 accounting therefor to the town board. All powers previously exercised
26 by such commissioners whose offices are so abolished shall thereafter be
27 vested in and exercised by the town board.

28 § 5. This act shall take effect immediately; provided, however, that
29 sections one, two and three of this act shall take effect January 1,
30 2011.

31 PART HH

32 Section 1. Subdivision 3 of section 66-a of the public officers law is
33 REPEALED and a new subdivision 3 is added to read as follows:

34 3. Notwithstanding the provisions of section twenty-three hundred
35 seven of the civil practice law and rules, this chapter, or any other
36 law to the contrary, any county, city, town or village, upon adoption of
37 a local law, is hereby authorized to require the police department or
38 force of such county, city, town or village to charge fees for the
39 search for accident reports, certified copies thereof, photographs and
40 contact sheets at rates not to exceed the rates authorized for the divi-
41 sion of state police pursuant to subdivision two of this section;
42 provided, however, that no fee shall be charged for a photocopy of an
43 accident report. The fees for investigative reports shall be the same as
44 those for accident reports. Any county whose police department charges
45 any of the fees authorized by this subdivision prior to the effective
46 date of this subdivision may, however, continue such fees at the rate in
47 effect at such time or may, upon adoption of a local law, increase such
48 fees to the same rate authorized by this subdivision.

49 § 2. Paragraph d of subdivision 1 of section 10 of the general munici-
50 pal law, as amended by chapter 623 of the laws of 1998, is amended to
51 read as follows:

52 d. "Bank" shall mean a bank as defined by the banking law or a
53 national banking association located and authorized to do business in
54 New York; a credit union as defined by the banking law located and

1 authorized to do business in New York which has its principal office in
2 a location described in paragraph (a) of subdivision thirty-seven of
3 section four hundred fifty-four of the banking law, or a branch office
4 in a location described in paragraph (b) of subdivision thirty-seven of
5 section four hundred fifty-four of the banking law; or a savings bank as
6 defined by the banking law, a savings and loan association as defined by
7 the banking law or a federal savings association located and authorized
8 to do business in New York which has its principal office in a location
9 described in paragraph (a) of subdivision two of section two hundred
10 thirty-seven of the banking law, or a branch office in a location
11 described in paragraph (b) of subdivision two of section two hundred
12 thirty-seven of the banking law.

13 § 3. Section 454 of the banking law is amended by adding a new subdi-
14 vision 37 to read as follows:

15 37. (a) To accept deposits for credit to a local government, as
16 defined in paragraph a of subdivision one of section ten of the general
17 municipal law, at its principal office where such credit union maintains
18 its principal office within the jurisdiction of such local government.

19 (b) To accept deposits for credit to a local government, as defined in
20 paragraph a of subdivision one of section ten of the general municipal
21 law, at its branch office where such credit union maintains a branch
22 office within the jurisdiction of such local government.

23 § 4. The banking law is amended by adding a new section 454-a to read
24 as follows:

25 § 454-a. Deposits of public money with credit unions; security. A
26 credit union may accept deposits of public money subject to the limita-
27 tions provided in subdivision thirty-seven of section four hundred
28 fifty-four of this article. Such credit union shall pledge assets or
29 furnish other security satisfactory in form and amount to the depositor,
30 for the repayment of monies held in the name of such depositor, when
31 required to be secured by applicable law, decree or regulation.

32 § 5. Subdivision 2 of section 237 of the banking law, as amended by
33 chapter 360 of the laws of 1984, is amended to read as follows:

34 2. [No savings bank shall accept any deposit for credit to any munici-
35 pal corporation.] (a) A savings bank which maintains its principal
36 office within a local government, as defined in paragraph a of subdivi-
37 sion one of section ten of the general municipal law, may accept depos-
38 its at such principal office for credit to such local government.

39 (b) A savings bank which maintains a branch office within a local
40 government, as defined in paragraph a of subdivision one of section ten
41 of the general municipal law, may accept deposits at such branch office
42 for credit to such local government.

43 § 6. Section 234 of the banking law is amended by adding a new subdi-
44 vision 26 to read as follows:

45 26. Pursuant to subdivision two of section two hundred thirty-seven of
46 this article, to pledge assets or furnish other security satisfactory in
47 form and amount to the depositor, for the repayment of monies held in
48 the name of such depositor, when required to be secured by applicable
49 law, decree or regulation and to exercise the powers contained in
50 section ninety-six-b of this chapter.

51 § 7. Section 383 of the banking law is amended by adding a new subdi-
52 vision 17 to read as follows:

53 17. Pursuant to subdivision two of section two hundred thirty-seven of
54 this chapter, to pledge assets or furnish other security satisfactory in
55 form and amount to the depositor, for the repayment of monies held in
56 the name of such depositor, when required to be secured by applicable

1 law, decree or regulation and to exercise the powers contained in
2 section ninety-six-b of this chapter.

3 § 8. Subdivision 4 of section 209-b of the general municipal law, as
4 amended by chapter 718 of the laws of 1958, is amended and a new subdi-
5 vision 6 is added to read as follows:

6 4. Fees and charges [~~prohibited~~] authorized. Emergency and general
7 ambulance service, including emergency medical service, authorized
8 pursuant to this section [shall] may be furnished without cost to the
9 person served; provided, however, the authorities having control of a
10 fire department or fire company, except in cities of one million or
11 more, who have authorized such fire department or fire company to
12 provide such service or services, may establish fees and charges for
13 services rendered. Such authorities may formulate rules and regulations
14 for the collection of such fees and charges. The acceptance by any
15 fireman of any personal remuneration or gratuity, directly or indirect-
16 ly, from a person served shall be a ground for [his] expulsion or
17 suspension as a member of the fire department or fire company.

18 6. The term "emergency medical service" as used in this section means
19 initial emergency medical assistance including, but not limited to, the
20 treatment of trauma, burns, respiratory, circulatory and obstetrical
21 emergencies.

22 § 9. The general municipal law is amended by adding a new section
23 207-r to read as follows:

24 § 207-r. Police protection at special events. A municipality may adopt
25 a local law to provide that the person or persons responsible for either
26 operating, conducting, promoting, or sponsoring any special event, exhi-
27 bition, or contest to be held in the municipality at which a price for
28 admission or attendance is charged or is to be charged shall pay the
29 costs incurred by the municipality as a result of providing additional
30 police personnel, if any, beyond the normal number of officers who would
31 have otherwise been on duty. The local law shall identify the type or
32 types of special events, exhibitions, or contests for which an activ-
33 ity's operator, conductor, promoter, or sponsor may be charged for addi-
34 tional police personnel that is either requested by the operator,
35 conductor, promoter, or sponsor or determined to be necessary by the
36 municipality. The local law may also provide that: (a) the operator,
37 conductor, promoter, or sponsor of the activity shall complete such
38 forms or applications providing the information deemed necessary by the
39 municipality to determine whether any additional police personnel should
40 be scheduled for the event; (b) the local law shall not apply to any
41 corporation formed under the not-for-profit corporation law; and (c) the
42 operator, conductor, promoter, or sponsor of the activity shall pay all
43 or a portion of the estimated cost of additional police protection prior
44 to the commencement of the event.

45 § 10. Section 20-b of the general city law, as amended by chapter 310
46 of the laws of 1962, the opening paragraph as amended by chapter 287 of
47 the laws of 1979, is amended to read as follows:

48 § 20-b. Cities authorized to impose taxes on utilities. 1. Notwith-
49 standing any other provisions of law to the contrary, any city of this
50 state, acting through its local legislative body, is hereby authorized
51 and empowered to adopt and amend local laws imposing in any such city a
52 tax such as was imposed by section one hundred eighty-six-a of the tax
53 law, in effect on January first, nineteen hundred fifty-nine, except
54 that the rate thereof shall not exceed [one] three per centum of gross
55 income or of gross operating income, as the case may be, and may make
56 provision for the collection thereof by the chief fiscal officer of such

1 city; provided, however, [that the rate of such tax imposed by the
2 cities of Rochester, Buffalo and Yonkers shall not exceed three per
3 centum of gross income or gross operating income, as the case may be;
4 and provided further] that nothing herein contained shall be construed
5 so as to prevent any city from adopting local laws exempting from such
6 tax [omnibus corporations] common carriers subject to the supervision of
7 the [state department of public service] commissioner of transportation
8 under article [three-a] five of the [public service] transportation law.
9 A tax imposed pursuant to this section shall have application only with-
10 in the territorial limits of any such city, and shall be in addition to
11 any and all other taxes. This section shall not authorize the imposition
12 of a tax on any transaction originating or consummated outside of the
13 territorial limits of any such city, notwithstanding that some act be
14 necessarily performed with respect to such transaction within such
15 limits.

16 2. Revenues resulting from the imposition of taxes authorized by this
17 section heretofore or hereafter imposed shall be paid into the treasury
18 of the city imposing the same, and shall be credited to and deposited in
19 the general fund of such city.

20 3. All of the provisions of section one hundred eighty-six-a of the
21 tax law, so far as the same are or can be made applicable, with such
22 limitations as are set forth in this section, and such modifications as
23 may be necessary in order to adapt such taxes to local conditions shall
24 apply to the taxes authorized by this section.

25 4. Any final determination of the amount of any tax payable hereunder
26 shall be reviewable for error, illegality or unconstitutionality or any
27 other reason whatsoever by a proceeding under article seventy-eight of
28 the civil practice law and rules if application therefor is made to the
29 supreme court within thirty days after the giving of the notice of such
30 final determination, provided, however, that any such proceeding under
31 article seventy-eight of the civil practice law and rules shall not be
32 instituted unless the amount of any tax sought to be reviewed, with such
33 interest and penalties thereon as may be provided for by local law or
34 regulation, shall be first deposited and an undertaking filed, in such
35 amount and with such sureties as a justice of the supreme court shall
36 approve to the effect that if such proceeding be dismissed or the tax
37 confirmed the petitioner will pay all costs and charges which may accrue
38 in the prosecution of such proceeding.

39 5. Where any tax imposed hereunder shall have been erroneously, ille-
40 gally or unconstitutionally collected and application for the refund
41 thereof duly made to the proper fiscal officer or officers, and such
42 officer or officers shall have made a determination denying such refund,
43 such determination shall be reviewable by a proceeding under article
44 seventy-eight of the civil practice law and rules, provided, however,
45 that such proceeding is instituted within thirty days after the giving
46 of the notice of such denial, that a final determination of tax due was
47 not previously made, and that an undertaking is filed with the proper
48 fiscal officer or officers in such amount and with such sureties as a
49 justice of the supreme court shall approve to the effect that if such
50 proceeding be dismissed or the tax confirmed, the petitioner will pay
51 all costs and charges which may accrue in the prosecution of such
52 proceeding.

53 § 11. Subdivision 1 of section 5-530 of the village law is amended to
54 read as follows:

55 1. Notwithstanding any other provisions of law to the contrary, any
56 village is hereby authorized and empowered to adopt and amend local laws

1 imposing in any such village a tax such as was imposed by section one
2 hundred eighty-six-a of the tax law, in effect on January first, nine-
3 teen hundred fifty-nine, except that the rate thereof shall not exceed
4 [one] three per centum of gross income or of gross operating income, as
5 the case may be, and may make provision for the collection thereof by
6 the chief fiscal officer of such village; provided, however, that noth-
7 ing herein contained shall be construed so as to prevent any village
8 from adopting local laws exempting from such tax [omnibus corporations]
9 common carriers subject to the supervision of the [state department of
10 public service] commissioner of transportation under article [three-a]
11 five of the [public service] transportation law. A tax imposed pursuant
12 to this section shall have application only within the territorial
13 limits of any such village, and shall be in addition to any and all
14 other taxes. This section shall not authorize the imposition of a tax on
15 any transaction originating or consummated outside of the territorial
16 limits of any such village, notwithstanding that some act be necessarily
17 performed with respect to such transaction within such limits.

18 § 12. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2010; provided,
20 however, that:

21 (a) sections two through seven of this act shall take effect on the
22 ninetieth day after this act shall have become a law;

23 (b) section eight of this act shall take effect on the thirtieth day
24 after this act shall have become a law; and

25 (c) section nine of this act shall take effect on the one hundred
26 eightieth day after this act shall have become a law.

27

PART II

28 Section 1. Section 2799-uu of the public authorities law, as renum-
29 bered by section 1 of part A-3 of chapter 58 of the laws of 2006, is
30 renumbered section 2799-vv and a new section 2799-uu is added to read as
31 follows:

32 § 2799-uu. Federal subsidy bonds of the authority. Notwithstanding
33 any inconsistent provision of law, including but not limited to subdivi-
34 sion three of section twenty-seven hundred ninety-nine-gg of this title,
35 the authority is hereby authorized to issue federal subsidy bonds, notes
36 or other obligations subject to section 54F of the internal revenue code
37 of 1986, as amended, without regard to the limitations on sinking fund
38 bonds imposed by the local finance law, as amended from time to time, so
39 long as such bonds are amortized through stated maturities, mandatory
40 redemption, contributions to an invested sinking fund or any combination
41 thereof providing, with other bonds of the same issue, if any, for
42 substantially level or declining debt service as defined in section
43 21.00 of the local finance law, as amended from time to time. Bonds
44 issued pursuant to this section shall have a maximum maturity of up to
45 twenty years.

46 § 2. This act shall take effect immediately.

47

PART JJ

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

52 1. Tuition reimbursement fund (050):

- 1 a. Tuition reimbursement account (01).
- 2 b. Proprietary vocational school supervision account (02).
- 3 2. Local government records management improvement fund (052):
- 4 a. Local government records management account (01).
- 5 3. Dedicated highway and bridge trust fund (072):
- 6 a. Highway and bridge capital account (01).
- 7 4. State University Residence Hall Rehabilitation Fund (074).
- 8 5. State parks infrastructure trust fund (076):
- 9 a. State parks infrastructure account (01).
- 10 6. Clean water/clean air implementation fund (079).
- 11 7. State lottery fund (160):
- 12 a. Education - New (03).
- 13 b. VLT - Sound basic education fund (06).
- 14 8. Medicaid management information system escrow fund (179).
- 15 9. Federal operating grants fund (290) federal capital grants fund
- 16 (291).
- 17 10. Sewage treatment program management and administration fund (300).
- 18 11. Environmental conservation special revenue fund (301):
- 19 a. Hazardous bulk storage account (F7).
- 20 b. Utility environmental regulation account (H4).
- 21 c. Low level radioactive waste siting account (K5).
- 22 d. Recreation account (K6).
- 23 e. Conservationist magazine account (S4).
- 24 f. Environmental regulatory account (S5).
- 25 g. Natural resource account (S6).
- 26 h. Mined land reclamation program account (XB).
- 27 i. Federal grants indirect cost recovery account (IC).
- 28 12. Environmental protection and oil spill compensation fund (303).
- 29 13. Hazardous waste remedial fund (312):
- 30 a. Site investigation and construction account (01).
- 31 b. Hazardous waste remedial clean up account (06).
- 32 14. Mass transportation operating assistance fund (313):
- 33 a. Public transportation systems account (01).
- 34 b. Metropolitan mass transportation (02).
- 35 15. Clean air fund (314):
- 36 a. Operating permit program account (01).
- 37 b. Mobile source account (02).
- 38 16. Centralized services fund (323).
- 39 17. State exposition special fund (325).
- 40 18. Agency enterprise fund (331):
- 41 a. OGS convention center account (55).
- 42 19. Agencies internal service fund (334):
- 43 a. Archives records management account (02).
- 44 b. Federal single audit account (05).
- 45 c. Civil service law: sec 11 admin account (09).
- 46 d. Civil service EHS occupational health program account (10).
- 47 e. Banking services account (12).
- 48 f. Cultural resources survey account (14).
- 49 g. Neighborhood work project (17).
- 50 h. Automation & printing chargeback account (18).
- 51 i. OFT NYT account (20).
- 52 j. Data center account (23).
- 53 k. Human service telecom account (24).
- 54 l. Centralized Technology services account (30).
- 55 m. OMRDD copy center account (26).
- 56 n. Intrusion detection account (27).



- 1 o. Domestic violence grant account (28).
- 2 p. Learning management system account.
- 3 20. Miscellaneous special revenue fund (339):
- 4 a. Statewide planning and research cooperative system account (03).
- 5 b. OMRDD provider of service account (05).
- 6 c. New York state thruway authority account (08).
- 7 d. Mental hygiene patient income account (13).
- 8 e. Financial control board account (15).
- 9 f. Regulation of racing account (16).
- 10 g. New York metropolitan transportation council account (17).
- 11 h. Quality of care account (20).
- 12 i. Cyber upgrade account (25).
- 13 j. Certificate of need account (26).
- 14 k. Hospital and nursing home management account (44).
- 15 l. State university dormitory income reimbursable account (47).
- 16 m. Energy research account (60).
- 17 n. Criminal justice improvement account (62).
- 18 o. Fingerprint identification and technology account (68).
- 19 p. Environmental laboratory reference fee account (81).
- 20 q. Clinical laboratory reference system assessment account (90).
- 21 r. Public employment relations board account (93).
- 22 s. Radiological health protection account (95).
- 23 t. Teacher certification account (A4).
- 24 u. Banking department account (A5).
- 25 v. Cable television account (A6).
- 26 w. Indirect cost recovery account (AH).
- 27 x. High school equivalency program account (AI).
- 28 y. Rail safety inspection account (AQ).
- 29 z. Child support revenue account (AX).
- 30 aa. Multi-agency training account (AY).
- 31 bb. Critical infrastructure account (B3).
- 32 cc. Insurance department account (B6).
- 33 dd. Bell jar collection account (BJ).
- 34 ee. Industry and utility service account (BK).
- 35 ff. Real property disposition account (BP).
- 36 gg. Parking account (BQ).
- 37 hh. Asbestos safety training program account (BW).
- 38 ii. Improvement of real property tax administration account (BZ).
- 39 jj. Public service account (C3).
- 40 kk. Batavia school for the blind account (D9).
- 41 ll. Investment services account (DC).
- 42 mm. Surplus property account (DE).
- 43 nn. OMRDD day services account (DH).
- 44 oo. Financial oversight account (DI).
- 45 pp. Regulation of indian gaming account (DT).
- 46 qq. Special conservation activities account (CU).
- 47 rr. Interest assessment account (DZ).
- 48 ss. Office of the professions account (E3).
- 49 tt. Rome school for the deaf account (E6).
- 50 uu. Seized assets account (E8).
- 51 vv. Administrative adjudication account (E9).
- 52 ww. Federal salary sharing account (EC).
- 53 xx. Cultural education account (EN).
- 54 yy. Examination and miscellaneous revenue account (ER).
- 55 zz. Transportation regulation account (F1).
- 56 aaa. Local services account (G3).

1 bbb. Electronic benefit transfer and common benefit identification
2 card account (GD).
3 ccc. Housing special revenue account (H2).
4 ddd. Department of motor vehicles compulsory insurance account (H7).
5 eee. Housing Indirect cost recovery (HI).
6 fff. Housing credit agency application fee account (J5).
7 ggg. EPIC premium account (J6).
8 hhh. Federal gasoline and diesel fuel excise tax account (L6).
9 iii. OTDA earned revenue account (L7).
10 jjj. Low income housing credit monitoring fee account (NG).
11 kkk. Procurement opportunities newsletter account (P4).
12 lll. Corporation administration account (P6).
13 mmm. Montrose veteran's home account (Q6).
14 nnn. Excelsior capital corporation reimbursement account (R1).
15 ooo. Motor fuel quality account (R4).
16 ppp. Deferred compensation administration account (R7).
17 qqq. Rent revenue other account (RR).
18 rrr. Batavia medicaid income account (S1).
19 sss. Rent revenue account (S8).
20 ttt. Tax revenue arrearage account (TR).
21 uuu. Solid waste management account (W3).
22 vvv. Occupational health clinics account (W4).
23 www. Capacity contracting (XU).
24 xxx. Point insurance reduction program account.
25 yyy. Internet point insurance reduction program account.
26 zzz. Mental hygiene program fund account (10).
27 aaaa. Third party debt collection account.
28 21. State university income fund (345):
29 a. State university general income offset account (11).
30 22. State police and motor vehicle law enforcement fund (354):
31 a. State police motor vehicle law enforcement account (02).
32 23. Youth facilities improvement fund (357):
33 a. Youth facilities improvement account (01).
34 24. Highway safety program fund (362):
35 a. Highway safety program account (01).
36 25. Drinking water program management and administration fund (366):
37 a. EFC drinking water program account (01).
38 b. DOH drinking water program account (02).
39 26. New York city county clerks offset fund (368):
40 a. NYCCC operating offset account (01).
41 27. Housing assistance fund (374).
42 28. Housing program fund (376).
43 29. Department of transportation - engineering services fund (380):
44 a. Highway facility purpose account (01).
45 30. Miscellaneous capital projects fund (387):
46 a. Clean air capital account (08).
47 b. New York racing account.
48 31. Mental hygiene facilities capital improvement fund (389).
49 32. Joint labor/management administration fund (394):
50 a. Joint labor/management administration fund (01).
51 33. Audit and control revolving fund (395):
52 a. Executive direction internal audit account (04).
53 34. Health insurance internal service fund (396):
54 a. Health insurance internal service account (00).
55 b. Civil service employee benefits div admin (01).
56 35. Correctional industries revolving fund (397).

1 36. Correctional facilities capital improvement fund (399).

2 37. HCRA resources fund (061):

3 a. EPIC premium account (J6).

4 b. Maternal and child HIV services account (LC).

5 c. Hospital based grants program account (AF).

6 d. Child health plus program account (29).

7 § 1-a. The state comptroller is hereby authorized and directed to loan
8 money in accordance with the provisions set forth in subdivision 5 of
9 section 4 of the state finance law to any account within the following
10 federal funds, provided the comptroller has made a determination that
11 sufficient federal grant award authority is available to reimburse such
12 loans:

13 1. Federal USDA-food nutrition services fund (261).

14 2. Federal health and human services fund (265).

15 3. Federal education grants fund (267).

16 4. Federal block grant fund (269).

17 5. Federal operating grants fund (290).

18 6. Federal capital projects fund (291).

19 7. Federal unemployment insurance administration fund (480).

20 8. Federal unemployment insurance occupational training fund (484).

21 9. Federal employment and training grants (486).

22 § 2. Notwithstanding any law to the contrary, and in accordance with
23 section 4 of the state finance law, the comptroller is hereby authorized
24 and directed to transfer, upon request of the director of the budget, on
25 or before March 31, 2011, up to the unencumbered balance or the follow-
26 ing amounts:

27 Economic Development and Public Authorities:

28 1. \$100,000 from the miscellaneous special revenue fund (339) under-
29 ground facilities safety training account (US), to the general fund.

30 2. An amount up to the unencumbered balance from the miscellaneous
31 special revenue fund (339), business and licensing services account
32 (AG), to the general fund.

33 3. \$14,810,000 from the miscellaneous special revenue fund (339), code
34 enforcement account (07), to the general fund.

35 Education:

36 1. \$2,281,000,000 from the general fund to the state lottery fund
37 (160), education account (03), as reimbursement for disbursements made
38 from such fund for supplemental aid to education pursuant to section
39 92-c of the state finance law that are in excess of the amounts deposit-
40 ed in such fund for such purposes pursuant to section 1612 of the tax
41 law.

42 2. \$562,000,000 from the general fund to the state lottery fund (160),
43 VLT education account (06), as reimbursement for disbursements made from
44 such fund for supplemental aid to education pursuant to section 92-c of
45 the state finance law that are in excess of the amounts deposited in
46 such fund for such purposes pursuant to section 1612 of the tax law.

47 3. Moneys from the state lottery fund (160) up to an amount deposited
48 in such fund pursuant to section 1612 of the tax law in excess of the
49 current year appropriation for supplemental aid to education pursuant to
50 section 92-c of the state finance law.

51 4. \$300,000 from the local government records management improvement
52 fund (052) to the archives partnership trust fund (024).

53 5. \$700,000 from the general fund to the miscellaneous special revenue
54 fund (339), Batavia school for the blind account (D9).

55 6. \$400,000 from the general fund to the miscellaneous special revenue
56 fund (339), Rome school for the deaf account (E6).

1 7. \$1,500,000 from the general fund for the private schools for the
2 blind and deaf may be transferred to the department of health miscella-
3 neous special revenue fund (339), quality assurance and audit revenue
4 activities account (GB). Notwithstanding any other law, rule or regu-
5 lation to the contrary, funds shall be available for transfer to the
6 department of health miscellaneous special revenue fund (339), quality
7 assurance and audit revenue activities account (GB), upon the approval
8 by the director of the budget of a staffing and expenditure plan devel-
9 oped by the department of health in consultation with the state educa-
10 tion department.

11 8. \$55,000,000 from the state university dormitory income fund (330)
12 to the state university residence hall rehabilitation fund (074).

13 9. \$315,000,000 from the state university dormitory income fund (330)
14 to the miscellaneous special revenue fund (339), state university dormi-
15 tory income reimbursable account (47).

16 10. \$1,000,000 from the miscellaneous special revenue fund (339),
17 cultural education account (EN), to the miscellaneous special revenue
18 fund (339), summer school of the arts account (38).

19 11. \$24,000,000 from any of the state education department special
20 revenue and internal service funds to the miscellaneous special revenue
21 fund (339), indirect cost recovery account (AH).

22 12. \$8,318,000 from the general fund to the state university income
23 fund (345), state university income offset account (11), for the state's
24 share of repayment of the STIP loan.

25 Environmental Affairs:

26 1. \$500,000 from the department of transportation's federal capital
27 projects fund (291) to the office of parks and recreation federal oper-
28 ating grants fund (290), miscellaneous operating grants account.

29 2. \$5,000,000 from the general fund to the hazardous waste remedial
30 fund (312), hazardous waste remediation oversight and assistance account
31 (00).

32 3. \$1,000,000 from the special revenue fund (339), snowmobile account
33 (41), to the general fund.

34 4. \$16,000,000 from any of the department of environmental conserva-
35 tion's special revenue federal funds to the special revenue fund (301)
36 federal grant indirect cost recovery account.

37 5. \$2,000,000 from any of the office of parks, recreation and historic
38 preservation special revenue federal funds to the special revenue fund
39 (339) federal grant indirect cost recovery account.

40 6. \$1,000,000 from any of the office of parks, recreation and historic
41 preservation special revenue federal funds to the special revenue fund
42 (339) federal grant indirect cost recovery account (Z1).

43 7. \$1,000,000 from any of the office of parks, recreation and historic
44 preservation special revenue federal funds to the special revenue fund
45 (339), I love NY water account (39).

46 8. \$105,000 from the state exposition special fund (325), state fair
47 receipts account (01), to the general fund.

48 Family Assistance:

49 1. \$10,000,000 from any of the office of children and family services,
50 office of temporary and disability assistance, or department of health
51 special revenue federal funds and the general fund, in accordance with
52 agreements with social services districts, to the miscellaneous special
53 revenue fund (339), office of human resources development state match
54 account (2C).

55 2. \$3,000,000 from any of the office of children and family services
56 or office of temporary and disability assistance special revenue federal

- 1 funds to the miscellaneous special revenue fund (339), family preserva-
2 tion and support services and family violence services account (GC).
- 3 3. \$6,000,000 from any of the office of children and family services
4 special revenue federal funds to the general fund for title IV-E
5 reimbursement of youth facility costs.
- 6 4. \$28,000,000 from any of the office of children and family services,
7 office of temporary and disability assistance, or department of health
8 special revenue federal funds and any other miscellaneous revenues
9 generated from the operation of office of children and family services
10 programs to the miscellaneous special revenue fund (339), office of
11 children and family services income account (AR).
- 12 5. \$10,000,000 from any of the office of children and family services
13 or office of temporary and disability assistance special revenue funds
14 or the general fund to the miscellaneous special revenue fund (339),
15 connections account (WK).
- 16 6. \$41,000,000 from any of the office of temporary and disability
17 assistance accounts within the federal health and human services fund
18 (265) to the general fund.
- 19 7. \$8,300,000 from any of the office of temporary and disability
20 assistance accounts within the federal health and human services fund
21 (265) to the miscellaneous special revenue fund (339), client notices
22 account (EG).
- 23 8. \$100,728,000 from any of the office of temporary and disability
24 assistance, department of health or office of children and family
25 services special revenue funds to the miscellaneous special revenue fund
26 (339), office of temporary and disability assistance earned revenue
27 account (L7).
- 28 9. \$2,500,000 from any of the office of temporary and disability
29 assistance or office of children and family services special revenue
30 federal funds to the miscellaneous special revenue fund (339), office of
31 temporary and disability assistance program account (AL).
- 32 10. \$50,000,000 from any of the office of children and family
33 services, office of temporary and disability assistance, department of
34 labor, and department of health special revenue federal funds to the
35 office of children and family services miscellaneous special revenue
36 fund (339), multi-agency training contract account (AY).
- 37 11. \$24,170,000 from the office of temporary and disability assistance
38 federal health and human services fund (265) to the miscellaneous
39 special revenue fund (339), child support revenue account (AX).
- 40 12. \$6,300,000 from any of the office of children and family services,
41 office of temporary and disability assistance, department of labor, or
42 department of health special revenue funds to the office of temporary
43 and disability assistance miscellaneous special revenue fund (339),
44 multi-agency systems development account (MD).
- 45 13. \$10,073,000 from any of the office of temporary and disability
46 assistance special revenue federal funds, to the miscellaneous special
47 revenue fund (339), OTDA training contract account (48).
- 48 14. \$161,300,000 from the miscellaneous special revenue fund (339),
49 youth facility per Diem account (YF), to the general fund.
- 50 15. \$10,000,000 from any of the office of temporary and disability
51 assistance special revenue federal funds, to the miscellaneous special
52 revenue fund (339), electronic benefit transfer and common benefit iden-
53 tification card account (GD).
- 54 16. \$1,381,800 from the general fund to the combined gifts, grants and
55 bequests fund (020), WB Hoyt Memorial account (78).



1 17. \$7,000,000 from any of the office of temporary and disability
2 assistance accounts within the federal health and human services fund
3 (265), to the general fund.

4 General Government:

5 1. \$1,545,000 from the miscellaneous special revenue fund (339), exam-
6 ination and miscellaneous revenue account (ER) to the general fund.

7 2. \$12,500,000 from the general fund to the health insurance revolving
8 fund (396).

9 3. \$192,400,000 from the health insurance reserve receipts fund (167)
10 to the general fund.

11 4. \$150,000 from the general fund to the not-for-profit revolving loan
12 fund (055).

13 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
14 general fund.

15 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
16 property disposition account (BP), to the general fund.

17 7. \$3,000,000 from the miscellaneous special revenue fund (339),
18 surplus property account (DE), to the general fund.

19 8. \$22,335,000 from the general fund to the miscellaneous special
20 revenue fund (339), alcoholic beverage control account (DB).

21 9. \$2,000,000 from the miscellaneous special revenue fund (339),
22 federal liability account (FL), to the general fund.

23 10. \$23,000,000 from the miscellaneous special revenue fund (339),
24 revenue arrearage account (CR), to the general fund.

25 11. \$1,826,000 from the miscellaneous special revenue fund (339)
26 revenue arrearage account (CR), to the miscellaneous special revenue
27 fund (339) authority budget office account.

28 12. \$60,000,000 from any account within the special revenue federal
29 funds receiving money pursuant to federal Medicare Part D legislation to
30 the general fund.

31 13. \$11,000,000 from the general fund to the miscellaneous special
32 revenue fund (339), statewide financial system account (FM).

33 14. \$1,000,000 from the miscellaneous special revenue fund (339),
34 parking services account (BQ), to the general debt service fund (311),
35 general debt service account.

36 15. \$2,000,000 from the miscellaneous special revenue fund (339),
37 procurement account (CH), to the general fund.

38 16. \$10,000,000 from the centralized services fund (323), OGS building
39 administration account (ZY), to the general fund.

40 Health:

41 1. \$1,500,000 from any of the department of health accounts within the
42 federal health and human services fund (265) to the miscellaneous
43 special revenue fund (339), quality assurance and audit revenue activ-
44 ities account (GB).

45 2. \$139,560,000 from any of the department of health accounts within
46 the federal health and human services fund (265) to the miscellaneous
47 special revenue fund (339), quality of care account (20).

48 3. \$1,000,000 from the general fund to the combined gifts, grants and
49 bequests fund (020), breast cancer research and education account (BD),
50 an amount equal to the monies collected and deposited into that account
51 in the previous fiscal year.

52 4. \$2,464,000 from any of the department of health accounts within the
53 federal health and human services fund (265) to the department of health
54 miscellaneous special revenue fund (339), statewide planning and
55 research cooperation system (SPARCS) program account (03).



1 5. \$250,000 from the general fund to the combined gifts, grants and
2 bequests fund (020), prostate cancer research, detection, and education
3 account (PR), an amount equal to the moneys collected and deposited into
4 that account in the previous fiscal year.

5 6. \$500,000 from the general fund to the combined gifts, grants and
6 bequests fund (020), Alzheimer's disease research and assistance account
7 (AA), an amount equal to the moneys collected and deposited into that
8 account in the previous fiscal year.

9 7. \$1,000,000 from the miscellaneous special revenue fund (339),
10 administration account (AP), to the general fund.

11 8. \$600,000,000 from any of the department of health accounts within
12 the federal health and human services fund (265) to the miscellaneous
13 special revenue fund (339), federal state health reform partnership
14 account (FS).

15 9. \$70,000,000 from the general fund to the miscellaneous special
16 revenue fund (339) empire state stem cell trust fund account (SR).

17 10. \$1,250,000 from the miscellaneous New York state agency fund
18 (169), medical assistance account to the department of health miscella-
19 neous special revenue fund (339), third party health insurance account
20 (35).

21 11. \$3,700,000 from the miscellaneous New York state agency fund
22 (169), medical assistance account to the office of medicaid inspector
23 general miscellaneous special revenue fund (339), recoveries and revenue
24 account (C9).

25 Labor:

26 1. \$700,000 from the labor standards miscellaneous special revenue
27 fund (339), fee and penalty account (30), to the child performer
28 protection fund (025), child performer protection account (CP).

29 2. \$8,000,000 from the labor standards miscellaneous special revenue
30 fund (339), fee and penalty account (30), to the general fund.

31 3. \$10,500,000 from the unemployment insurance interest and penalty
32 special revenue fund (482), unemployment insurance special interest and
33 penalty account (01), to the general fund.

34 4. \$2,700,000 from the labor standards miscellaneous special revenue
35 fund (339), public work enforcement account (BA), to the general fund.

36 5. \$1,500,000 from the training and education program on occupational
37 safety and health fund (305), occupational safety and health inspection
38 account (02), to the general fund.

39 Mental Hygiene:

40 1. \$5,000,000 from the miscellaneous special revenue fund (339),
41 mental hygiene patient income account (13), to the miscellaneous special
42 revenue fund (339), federal salary sharing account (EC).

43 2. \$240,000,000 from the miscellaneous special revenue fund (339),
44 mental hygiene patient income account (13) to the miscellaneous special
45 revenue fund (339), provider of service accounts (05).

46 3. \$190,000,000 from the miscellaneous special revenue fund (339),
47 mental hygiene program fund account (10) to the miscellaneous special
48 revenue fund (339), provider of service account (05).

49 4. \$150,000,000 from the general fund to the miscellaneous special
50 revenue fund (339), mental hygiene patient income account (13).

51 5. \$150,000,000 from the general fund to the miscellaneous special
52 revenue fund (339), mental hygiene program fund account (10).

53 6. \$300,000,000 from the miscellaneous special revenue fund (339),
54 mental hygiene program fund account (10) to the general fund.

55 7. \$150,000,000 from the miscellaneous special revenue fund (339),
56 mental hygiene patient income account (13) to the general fund.

1 8. \$750,000 from the federal operating grants fund (290), to the
2 general fund.

3 Public Protection:

4 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
5 gency management account (61), to the general fund.

6 2. \$3,300,000 from the general fund to the miscellaneous special
7 revenue fund (339), recruitment incentive account (U2).

8 3. \$14,000,000 from the general fund to the correctional industries
9 revolving fund (397), correctional industries internal service account
10 (00).

11 4. \$25,500,000 from the miscellaneous special revenue fund (339),
12 statewide public safety communications account (LZ), to the miscella-
13 neous special revenue fund (339), seized assets account (E8).

14 5. \$1,500,000 from the miscellaneous special revenue fund (339),
15 statewide public safety communications account (LZ), to the combined
16 gifts, grants and bequests fund (020), New York state emergency services
17 revolving loan account (AU).

18 6. \$8,677,000 from the miscellaneous special revenue fund (339),
19 statewide public safety communications account (LZ), to the general debt
20 service fund (311), revenue bond tax account (02).

21 7. \$10,000,000 from federal miscellaneous operating grants fund (290),
22 DMNA damage account (71), to the general fund.

23 8. \$16,000,000 from the general fund to the miscellaneous special
24 revenue fund (339), crimes against revenue program account (CA).

25 9. \$2,000,000 from the general fund to the Attica state employee
26 victims' fund (013).

27 10. \$20,000,000 from any office of homeland security account within
28 the federal miscellaneous operating grants fund (290), receiving money
29 through the homeland security grants program, to the general fund.

30 11. \$11,500,000 from the federal miscellaneous operating grants fund
31 (290) world trade center account, to the general fund.

32 12. \$13,000,000 from the miscellaneous special revenue fund (339)
33 criminal justice improvement account (62) to the general fund.

34 13. \$2,800,000 from the general fund to the miscellaneous special
35 revenue fund (390) indigent legal services fund (01).

36 14. \$1,500,000 from the agency enterprise fund (331) farm program
37 account (FM), to the general fund.

38 15. \$20,000,000 from the miscellaneous special revenue fund (339),
39 statewide public safety communications account (LZ), to the general
40 fund.

41 Transportation:

42 1. \$17,672,000 from the federal miscellaneous operating grants fund
43 (290) to the special revenue fund (339), tri-state federal regional
44 planning account (17).

45 2. \$20,147,000 from the federal capital projects fund (291) to the
46 special revenue fund (339), tri-state federal regional planning accounts
47 (17).

48 3. \$14,881,000 from the miscellaneous special revenue fund (339),
49 compulsory insurance account (H7), to the general fund.

50 4. \$20,000,000 from the suburban transportation fund (327) to the mass
51 transportation operating assistance fund (313), additional mass trans-
52 portation fund account (06).

53 5. \$19,000,000 from the general fund to the mass transportation oper-
54 ating assistance fund (313) public transportation systems accounts (01).

55 6. \$16,721,000 from the mass transportation operating assistance fund
56 (313) metropolitan mass transit operating assistance account (02), to



1 the mass transportation operating assistance fund (313) public transpor-
2 tation systems operating assistance account (01).

3 7. \$763,079,000 from the general fund to the dedicated highway and
4 bridge trust fund (072).

5 8. \$803,000 from the miscellaneous special revenue fund (339), surplus
6 property account (42), to the general fund.

7 9. \$5,000,000 from the miscellaneous special revenue fund (339), acci-
8 dent damage account (G7), to the dedicated highway and bridge trust fund
9 (072).

10 10. \$600,000 from the miscellaneous special revenue fund (339), inter-
11 net point insurance reduction program account (IC), to the general fund.

12 Miscellaneous:

13 1. \$75,000,000 from the general fund to any funds or accounts for the
14 purpose of reimbursing certain outstanding accounts receivable balances.

15 2. \$250,000,000 from the general fund to the debt reduction reserve
16 fund (064).

17 3. \$23,300,000 from the general fund to the miscellaneous special
18 revenue fund (339), improvement of real property tax administrative
19 account (BZ).

20 § 3. Notwithstanding any law to the contrary, and in accordance with
21 section 4 of the state finance law, the comptroller is hereby authorized
22 and directed to transfer, on or before March 31, 2011:

23 1. Upon request of the commissioner of environmental conservation, up
24 to \$10,733,000 from revenues credited to any of the department of envi-
25 ronmental conservation special revenue funds, including \$3,135,800 from
26 the environmental protection and oil spill compensation fund (303), and
27 \$1,739,600 from the conservation fund (302), to the environmental
28 conservation special revenue fund (301), indirect charges account (BJ).

29 2. Upon request of the commissioner of agriculture and markets, up to
30 \$3,000,000 from any special revenue fund or enterprise fund within the
31 department of agriculture and markets to the miscellaneous special
32 revenue fund (339) administrative costs account, to pay appropriate
33 administrative expenses.

34 3. Upon request of the commissioner of agriculture and markets, up to
35 \$2,000,000 from the state exposition special fund (325), state fair
36 receipts account (01) to the miscellaneous capital projects fund (387),
37 state fair capital improvement account (13).

38 4. Upon request of the commissioner of the division of housing and
39 community renewal, up to \$2,911,000 from revenues credited to any divi-
40 sion of housing and community renewal miscellaneous special revenue fund
41 (339) to the agency cost recovery account (HI).

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

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

53 § 5. On or before March 31, 2011, the comptroller is authorized and
54 directed to transfer the unencumbered balance from the family benefit
55 fund (329) to the general fund.

1 § 6. On or before March 31, 2011, the comptroller is hereby authorized
2 and directed to deposit earnings that would otherwise accrue to the
3 general fund that are attributable to the operation of section 98-a of
4 the state finance law, to the agencies internal service fund (334),
5 banking services account (12), for the purpose of meeting direct
6 payments from such account.

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

13 § 8. Notwithstanding any law to the contrary, and in accordance with
14 section 4 of the state finance law, the comptroller is hereby authorized
15 and directed to transfer monies, upon request of the director of the
16 budget, on or before March 31, 2011, from and to any of the following
17 accounts: the miscellaneous special revenue fund (339), patient income
18 account (13), the miscellaneous special revenue fund (339), mental
19 hygiene program fund account or the general fund in any combination, the
20 aggregate of which shall not exceed \$350 million.

21 § 9. Notwithstanding any law to the contrary, and in accordance with
22 section 4 of the state finance law, the comptroller is hereby authorized
23 and directed to transfer, at the request of the director of the budget,
24 up to \$500 million from the unencumbered balance of any special revenue
25 fund or account, or combination of funds and accounts, to the general
26 fund. The amounts transferred pursuant to this authorization shall be in
27 addition to any other transfers expressly authorized in the 2010-11
28 budget. Transfers from federal funds, debt service funds, capital
29 projects funds, or the community projects fund are not permitted pursu-
30 ant to this authorization. The director of the budget shall notify both
31 houses of the legislature in writing prior to initiating transfers
32 pursuant to this authorization.

33 § 10. Notwithstanding any law to the contrary, and in accordance with
34 section 4 of the state finance law, the comptroller is hereby authorized
35 and directed to transfer, at the request of the director of the budget,
36 up to \$75 million from the unencumbered balance of any non-general fund
37 or account, or combination of funds and accounts, to the general fund.
38 The amounts transferred pursuant to this authorization shall be equal to
39 those savings achieved in such non-general funds as a result of the five
40 day salary deferral authorized with the 2010-11 budget and are in addi-
41 tion to any other transfers expressly authorized. Transfers from feder-
42 al funds are not permitted pursuant to this authorization. The director
43 of the budget shall notify both houses of the legislature in writing
44 prior to initiating transfers pursuant to this authorization.

45 § 11. Notwithstanding any provision of law to the contrary, the power
46 authority of the state of New York, as deemed feasible and advisable by
47 its trustees, is authorized and directed to make a contribution to the
48 state treasury to the credit of the general fund in the amount of
49 \$65,000,000 for the fiscal year commencing April 1, 2010, the proceeds
50 of which will be utilized for economic development, energy efficiency or
51 energy cost mitigation purposes. The power authority of the state of New
52 York will transfer not less than \$40,000,000 by June 1, 2010, and will
53 transfer the remainder, up to \$25,000,000, by January 31, 2011.

54 § 12. Section 44 of the private housing finance law is amended by
55 adding a new subdivision 32 to read as follows:

1 32. To transfer funds in an amount to be agreed upon, at the request
2 of the director of the division of the budget, to the state treasury for
3 deposit to the general fund as an expense of the agency. Such transfer
4 shall be made in such amounts and at such times as specified in an
5 agreement or agreements executed between the agency and the director of
6 the budget with copies to be provided to the chairman of the assembly
7 ways and means committee and the chairman of the senate finance commit-
8 tee.

9 § 13. Intentionally omitted.

10 § 14. Intentionally omitted.

11 § 15. Subdivision 5 of section 97-rrr of the state finance law, as
12 amended by section 13 of part PP of chapter 56 of the laws of 2009, is
13 amended to read as follows:

14 5. Notwithstanding the provisions of section one hundred
15 seventy-one-a of the tax law, as separately amended by chapters four
16 hundred eighty-one and four hundred eighty-four of the laws of nineteen
17 hundred eighty-one, or any other provisions of law to the contrary,
18 during the fiscal year beginning April first, two thousand [nine] ten,
19 the state comptroller is hereby authorized and directed to deposit to
20 the fund created pursuant to this section from amounts collected pursu-
21 ant to article twenty-two of the tax law and pursuant to a schedule
22 submitted by the director of the budget, up to [\$3,524,450,000]
23 \$3,215,000,000, as may be certified in such schedule as necessary to
24 meet the purposes of such fund for the fiscal year beginning April
25 first, two thousand [nine] ten.

26 § 16. Subdivision 6 of section 4 of the state finance law, as amended
27 by section 15 of part RR of chapter 57 of the laws of 2008, is amended
28 to read as follows:

29 6. Notwithstanding any law to the contrary, at the beginning of the
30 state fiscal year, the state comptroller is hereby authorized and
31 directed to receive for deposit to the credit of a fund and/or an
32 account such monies as are identified by the director of the budget as
33 having been intended for such deposit to support disbursements from such
34 fund and/or account made in pursuance of an appropriation by law. As
35 soon as practicable upon enactment of the budget, the director of the
36 budget shall, but not less than three days following preliminary
37 submission to the chairpersons of the senate finance committee and the
38 assembly ways and means committee, file with the state comptroller an
39 identification of specific monies to be so deposited. Any subsequent
40 change regarding the monies to be so deposited shall be filed by the
41 director of the budget, as soon as practicable, but not less than three
42 days following preliminary submission to the chairpersons of the senate
43 finance committee and the assembly ways and means committee.

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

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

50 § 17. Subdivision 4 of section 40 of the state finance law, as amended
51 by section 16 of part RR of chapter 57 of the laws of 2008, is amended
52 to read as follows:

53 4. Every appropriation made from a fund or account to a department or
54 agency shall be available for the payment of prior years' liabilities in
55 such fund or account for fringe benefits, indirect costs, and telecommu-
56 nications expenses and expenses for other centralized services fund

1 programs without limit. Every appropriation shall also be available for
2 the payment of prior years' liabilities other than those indicated
3 above, but only to the extent of one-half of one percent of the total
4 amount appropriated to a department or agency in such fund or account.

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

7 § 18. The comptroller is authorized and directed to deposit to the
8 general fund-state purposes account reimbursements from moneys appropri-
9 ated or reappropriated to the correctional facilities capital improve-
10 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall
11 be available for spending from appropriations made to the department of
12 correctional services in the general fund-state purposes account by a
13 chapter of the laws of 2009 for costs associated with the administration
14 and security of capital projects and for other costs which are attribut-
15 able, according to a plan, to such capital projects.

16 § 19. Notwithstanding any other law, rule, or regulation to the
17 contrary, the comptroller is hereby authorized and directed to deposit,
18 to the credit of the capital projects fund, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation for \$43,383,000 authorized by chapter
21 55 of the laws of 2000 to the department of environmental conservation
22 for payment of a portion of the state's match for federal capitalization
23 grants for the water pollution control revolving loan fund, to reimburse
24 spending from various appropriations for certain projects related to the
25 New York city watershed, reimbursement from the proceeds of notes and
26 bonds issued by the urban development corporation for capital appropri-
27 ation for \$15,000,000 authorized by chapter 55 of the laws of 2000 to
28 the urban development corporation for payment of costs related to a
29 sports facility in the city of Rochester, reimbursement from the
30 proceeds of notes and bonds issued by the urban development corporation
31 of the state of New York for a capital appropriation for \$50,000,000
32 authorized by chapter 55 of the laws of 2000 to the urban development
33 corporation for payment of costs related to economic development
34 projects in the downtown Buffalo, the Buffalo inner harbor area, or
35 surrounding environs, reimbursement from proceeds of notes and bonds
36 issued by the dormitory authority of the state of New York for a capital
37 appropriation for \$225,000,000 authorized by chapter 55 of the laws of
38 2000 to all state agencies for payment of costs related to the strategic
39 investment program, reimbursement from the proceeds of notes and bonds
40 issued by the dormitory authority of the state of New York for a capital
41 appropriation for \$50,000,000 authorized by chapter 53 of the laws of
42 2000 to the state education department for payment of capital
43 construction grants to school districts pursuant to the rebuilding
44 schools to uphold education program, for reimbursement from the proceeds
45 of notes and bonds issued by the dormitory authority of the state of New
46 York for a capital appropriation for \$15,000,000 authorized by chapter
47 53 of the laws of 2000 to the office of children and family services for
48 payment of costs related to the child care facilities development
49 program, and for reimbursement from the proceeds of notes and bonds
50 issued by the dormitory authority of the state of New York for a capital
51 appropriation for \$10,000,000 authorized by chapter 55 of the laws of
52 2000 to the office of science, technology and academic research for
53 payment of costs related to biomedical research and/or manufacturing
54 facilities.

55 § 20. Notwithstanding any other law, rule, or regulation to the
56 contrary, the comptroller is hereby authorized and directed to deposit

1 to the credit of the capital projects fund, reimbursement from the
2 proceeds of notes or bonds issued by the environmental facilities corpo-
3 ration for a capital appropriation for \$29,772,000 authorized by chapter
4 54 of the laws of 2001 to the department of environmental conservation
5 for payment of a portion of the state's match for federal capitalization
6 grants for the water pollution control revolving loan fund.

7 § 21. Notwithstanding any other law, rule, or regulation to the
8 contrary, the comptroller is hereby authorized and directed to deposit,
9 to the credit of the capital projects fund, reimbursement from the
10 proceeds of notes or bonds issued by the environmental facilities corpo-
11 ration for a capital appropriation for \$29,365,000 authorized by chapter
12 54 of the laws of 2002 to the department of environmental conservation
13 for payment of a portion of the state's match for federal capitalization
14 grants for the water pollution control revolving loan fund, reimburse-
15 ment from the proceeds of notes and bonds issued by the urban develop-
16 ment corporation or other financing source for a capital appropriation
17 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the
18 office of general services for payment of capital construction costs for
19 the Alfred E. Smith office building located in the city of Albany,
20 reimbursement from the proceeds of notes and bonds issued by the urban
21 development corporation or other financing source for capital appropri-
22 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
23 the office of general services for payment of capital construction costs
24 for the Elk street parking garage building located in the city of Alba-
25 ny, reimbursement from the proceeds of notes or bonds issued by the
26 urban development corporation for disbursements of up to \$12,000,000
27 from any capital appropriation or reappropriation authorized by chapter
28 50 of the laws of 2002 to the office of general services for various
29 purposes, reimbursement from the proceeds of notes or bonds issued by
30 the urban development corporation for a capital appropriation of
31 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy
32 research and development authority for the Western New York Nuclear
33 Service Center at West Valley, reimbursement from the proceeds of notes
34 or bonds issued by the urban development corporation for a capital
35 appropriation of \$14,300,000 authorized by chapter 55 of the laws of
36 2002 to the urban development corporation to finance a portion of the
37 jobs now program, reimbursement from the proceeds of notes or bonds
38 issued by the dormitory authority for disbursements of up to \$20,800,000
39 from any capital appropriation or reappropriation authorized by chapter
40 51 of the laws of 2002 to the judiciary for courthouse improvements,
41 reimbursement from the proceeds of notes or bonds issued by the urban
42 development corporation for disbursements of up to \$15,000,000 from
43 appropriations or reappropriations authorized by chapter 50 of the laws
44 of 2002 to any agency for costs related to homeland security, and
45 reimbursement from the proceeds of notes or bonds issued by the environ-
46 mental facilities corporation for a capital appropriation of \$10,000,000
47 authorized by chapter 54 of the laws of 2002 to the department of envi-
48 ronmental conservation for Onondaga lake.

49 § 22. Notwithstanding any other law, rule, or regulation to the
50 contrary, the comptroller is hereby authorized and directed to deposit
51 to the credit of the capital projects fund, reimbursement from the
52 proceeds of notes or bonds issued by the environmental facilities corpo-
53 ration for a capital appropriation of \$30,174,000 authorized by chapter
54 55 of the laws of 2003 to the department of environmental conservation
55 for payment of a portion of the state's match for federal capitalization
56 grants for the water pollution control revolving loan fund, reimburse-

1 ment from the proceeds of notes or bonds issued by the urban development
2 corporation or other financing source for a capital appropriation of
3 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
4 of general services for payment of capital construction costs for the 51
5 Elk street parking garage building located in the city of Albany,
6 reimbursement from the proceeds of notes or bonds issued by the urban
7 development corporation for disbursements of up to \$10,000,000 from any
8 capital appropriation or reappropriation authorized by chapter 50 of the
9 laws of 2003 to the office of general services for various purposes,
10 reimbursement from the proceeds of notes or bonds issued by the environ-
11 mental facilities corporation for a capital appropriation of \$13,250,000
12 authorized by chapter 55 of the laws of 2003 to the energy research and
13 development authority for the Western New York Nuclear Service Center at
14 West Valley, reimbursement from the proceeds of notes or bonds issued by
15 the dormitory authority for disbursements of up to \$16,400,000 from any
16 capital appropriation or reappropriation authorized by chapter 51 of the
17 laws of 2003 to the judiciary for courthouse improvements, reimbursement
18 from the proceeds of notes or bonds issued by the urban development
19 corporation for disbursements of up to \$10,000,000 from appropriations
20 or reappropriations authorized by chapter 50 of the laws of 2003 to any
21 agency for costs related to homeland security, reimbursement from the
22 proceeds of notes or bonds issued by the environmental facilities corpo-
23 ration for a capital appropriation of \$10,000,000 authorized by chapter
24 55 of the laws of 2003 to the department of environmental conservation
25 for Onondaga lake, reimbursement from the proceeds of notes or bonds
26 issued by the environmental facilities corporation for disbursements of
27 up to \$11,000,000 from any capital appropriations or reappropriations
28 authorized by chapter 55 of the laws of 2003 to the department of envi-
29 ronmental conservation for environmental purposes, and reimbursement
30 from the proceeds of notes or bonds issued by the dormitory authority
31 for disbursements of up to \$100,000,000 from a capital appropriation
32 authorized by chapter 50 of the laws of 2003 to the department of state
33 for enhanced 911 wireless service.

34 § 23. Notwithstanding any other law, rule, or regulation to the
35 contrary, the comptroller is hereby authorized and directed to deposit
36 to the credit of the capital projects fund, reimbursement from the
37 proceeds of notes or bonds issued by the environmental facilities corpo-
38 ration for a capital appropriation for \$28,893,000 authorized by chapter
39 55 of the laws of 2004 to the department of environmental conservation
40 for payment of a portion of the state's match for federal capitalization
41 grants for the water pollution control revolving loan fund, reimburse-
42 ment from the proceeds of notes or bonds issued by the urban development
43 corporation for disbursements of up to \$10,000,000 from any capital
44 appropriation or reappropriation authorized by chapter 50 of the laws of
45 2004 to the office of general services for various purposes, reimburse-
46 ment from the proceeds of notes or bonds issued by the environmental
47 facilities corporation for a capital appropriation of \$11,350,000
48 authorized by chapter 55 of the laws of 2004 to the energy research and
49 development authority for the Western New York Nuclear Service Center at
50 West Valley, reimbursement from the proceeds of notes or bonds issued by
51 the environmental facilities corporation, for a capital appropriation of
52 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
53 ment of environmental conservation for Onondaga lake, reimbursement from
54 the proceeds of notes or bonds issued by the environmental facilities
55 corporation for disbursements of up to \$11,000,000 from any capital
56 appropriations or reappropriations authorized by chapter 55 of the laws



1 of 2004 to the department of environmental conservation for environ-
2 mental purposes, reimbursement from the proceeds of notes or bonds
3 issued by the dormitory authority for a capital appropriation of
4 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
5 tion department for capital transition grants for transportation,
6 reimbursement from the proceeds of notes or bonds issued by the dormito-
7 ry authority for a capital appropriation of \$250,000,000 authorized by
8 chapter 55 of the laws of 2004 for payment of costs related to economic
9 development projects, reimbursement from the proceeds of bonds or notes
10 issued by the urban development corporation for a capital appropriation
11 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
12 by chapter 108 of the laws of 2006, for payment of costs related to the
13 H. H. Richardson complex and the Darwin Martin House, and reimbursement
14 from the proceeds of notes or bonds issued by the dormitory authority
15 for a capital appropriation of \$350,000,000 authorized by chapter 3 of
16 the laws of 2004 for the New York state economic development program.

17 § 24. Notwithstanding any other law, rule, or regulation to the
18 contrary, the comptroller is hereby authorized and directed to deposit
19 to the credit of the capital projects fund, reimbursement from the
20 proceeds of notes or bonds issued by the environmental facilities corpo-
21 ration for a capital appropriation of \$29,602,000 authorized by chapter
22 55 of the laws of 2005 to the department of environmental conservation
23 for payment of a portion of the state's match for federal capitalization
24 grants for the water pollution control revolving loan fund, reimburse-
25 ment from the proceeds of notes or bonds issued by the urban development
26 corporation for disbursements of up to \$10,000,000 from any capital
27 appropriation or reappropriation authorized by chapter 50 of the laws of
28 2005 to the office of general services for various purposes, reimburse-
29 ment from the proceeds of notes or bonds issued by the environmental
30 facilities corporation for a capital appropriation of \$11,350,000
31 authorized by chapter 55 of the laws of 2005 to the energy research and
32 development authority for the Western New York Nuclear Service Center at
33 West Valley, reimbursement from the proceeds of notes or bonds issued by
34 the environmental facilities corporation for a capital appropriation of
35 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
36 ment of environmental conservation for Onondaga lake, reimbursement from
37 the proceeds of notes or bonds issued by the environmental facilities
38 corporation for disbursements of up to \$11,000,000 from any capital
39 appropriations or reappropriations authorized by chapter 55 of the laws
40 of 2005 to the department of environmental conservation for environ-
41 mental purposes, reimbursement from the proceeds of notes or bonds
42 issued by the urban development corporation for a capital appropriation
43 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
44 Javits center, reimbursement from the proceeds of notes or bonds issued
45 by the dormitory authority for a capital appropriation of \$90,000,000
46 authorized by chapter 62 of the laws of 2005 for regional development,
47 reimbursement from the proceeds of notes or bonds issued by the dormito-
48 ry authority for a capital appropriation of \$250,000,000 authorized by
49 chapter 62 of the laws of 2005 for technology and development,
50 reimbursement from the proceeds of notes or bonds issued by the urban
51 development corporation for a capital appropriation of \$75,000,000
52 authorized by chapter 162 of the laws of 2005 for the New York state
53 economic development program, reimbursement from the proceeds of notes
54 or bonds issued by the urban development corporation for a capital
55 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
56 2005 for the higher education facilities capital matching grants



1 program, reimbursement from the proceeds of notes or bonds issued by the
2 dormitory authority or other financing source for a capital appropri-
3 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
4 office of general services for payment of capital construction costs for
5 the Elk street parking garage building located in the city of Albany,
6 reimbursement from the proceeds of notes or bonds issued by the urban
7 development corporation for a capital appropriation of \$15,000,000
8 authorized by chapter 53 of the laws of 2005 to the state education
9 department for payment of capital construction costs for public broad-
10 casting facilities, reimbursement from the proceeds of notes or bonds
11 issued by the urban development corporation for a capital appropriation
12 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
13 sion of state police for public protection facilities, and reimbursement
14 from the proceeds of notes or bonds issued by the urban development
15 corporation for capital disbursements of up to \$3,000,000 from any capi-
16 tal appropriation or reappropriation authorized by chapter 50 of the
17 laws of 2005 to the division of military and naval affairs for various
18 purposes.

19 § 25. Notwithstanding any other law, rule, or regulation to the
20 contrary, the comptroller is hereby authorized and directed to deposit
21 to the credit of the capital projects fund, reimbursement from the
22 proceeds of notes or bonds issued by the environmental facilities corpo-
23 ration for a capital appropriation for \$29,600,000 authorized by chapter
24 55 of the laws of 2006 to the department of environmental conservation
25 for payment of a portion of the state's match for federal capitalization
26 grants for the water pollution control revolving loan fund, reimburse-
27 ment from the proceeds of notes or bonds issued by the urban development
28 corporation for disbursements of up to \$20,000,000 from any capital
29 appropriation or reappropriation authorized by chapter 50 of the laws of
30 2006 to the office of general services for various purposes, reimburse-
31 ment from the proceeds of notes or bonds issued by the environmental
32 facilities corporation for a capital appropriation of \$14,000,000
33 authorized by chapter 55 of the laws of 2006 to the energy research and
34 development authority for the Western New York Nuclear Service Center at
35 West Valley, reimbursement from the proceeds of notes or bonds issued by
36 the environmental facilities corporation for a capital appropriation of
37 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
38 ment of environmental conservation for Onondaga lake, reimbursement from
39 the proceeds of notes or bonds issued by the environmental facilities
40 corporation for disbursements of up to \$12,000,000 from any capital
41 appropriations or reappropriations authorized by chapter 55 of the laws
42 of 2006 to the department of environmental conservation for environ-
43 mental purposes, reimbursement from the proceeds of notes or bonds
44 issued by the urban development corporation for capital disbursements of
45 up to \$3,000,000 from any capital appropriation or reappropriation
46 authorized by chapter 50 of the laws of 2006 to the division of military
47 and naval affairs for various purposes, reimbursement from the proceeds
48 of notes or bonds issued by the urban development corporation for
49 disbursements of up to \$12,400,000 from any capital appropriation or
50 reappropriation authorized by chapter 50 of the laws of 2006 to the
51 division of state police for public protection facilities, reimbursement
52 from the proceeds of notes or bonds issued by the urban development
53 corporation for a capital appropriation of \$117,000,000 authorized by
54 chapter 50 of the laws of 2006 to all state departments and agencies for
55 the purchase of equipment, reimbursement from the proceeds of notes or
56 bonds issued by the dormitory authority or the urban development corpo-



1 ration for all or a portion of capital appropriations of \$603,050,000
2 authorized by chapter 108 of the laws of 2006 to the urban development
3 corporation for economic development/other projects, reimbursement from
4 the proceeds of notes or bonds issued by the urban development corpo-
5 ration for a capital appropriation of \$269,500,000 authorized by chapter
6 108 of the laws of 2006 to the dormitory authority or the urban develop-
7 ment corporation for economic development projects, reimbursement from
8 the proceeds of notes or bonds issued by the dormitory authority or the
9 urban development corporation for a capital appropriation of
10 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
11 development corporation for university development projects, reimburse-
12 ment from the proceeds of notes or bonds issued by the dormitory author-
13 ity or for a capital appropriation of \$143,000,000 authorized by chapter
14 108 of the laws of 2006 to the urban development corporation for
15 cultural facilities projects, reimbursement from the proceeds of notes
16 or bonds issued by the dormitory authority or the urban development
17 corporation for capital appropriations totaling \$60,000,000 authorized
18 by chapter 108 of the laws of 2006 to the urban development corporation
19 for energy/environmental projects, reimbursement from the proceeds of
20 notes or bonds issued by the dormitory authority or the urban develop-
21 ment corporation for a capital appropriation of \$20,000,000 authorized
22 by chapter 108 of the laws of 2006 to the urban development corporation
23 for a competitive solicitation for construction of a pilot cellulosic
24 ethanol refinery, reimbursement from the proceeds of notes or bonds
25 issued by the urban development corporation for a capital appropriation
26 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
27 development corporation for services and expenses related to infrastruc-
28 ture for a new stadium in Queens county, and reimbursement from the
29 proceeds of notes or bonds issued by the urban development corporation
30 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
31 the laws of 2006 to the urban development corporation for services and
32 expenses related to infrastructure improvements to construct a new park-
33 ing facility at a new stadium in Bronx county, reimbursement from the
34 proceeds of notes and bonds issued by the environmental facilities
35 corporation for a capital appropriation of \$5,000,000 authorized by
36 chapter 55 of the laws of 2006 to the environmental facilities corpo-
37 ration for payment for the pipeline for jobs program, reimbursement from
38 the proceeds of notes or bonds issued by the dormitory authority for
39 capital disbursements of up to \$14,000,000 from any capital appropri-
40 ation or reappropriation authorized by chapter 53 of the laws of 2006
41 for the library construction purpose, reimbursement from the proceeds of
42 notes or bonds issued by the urban development corporation or the dormi-
43 tory authority for an appropriation of \$2,000,000 authorized by chapter
44 53 of the laws of 2006 for a Cornell equine drug testing laboratory,
45 reimbursement from the proceeds of notes or bonds issued by the urban
46 development corporation or the dormitory authority for an appropriation
47 of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns
48 of Bristol and Canandaigua public water systems, reimbursement from the
49 proceeds of notes or bonds issued by the urban development corporation
50 or the dormitory authority for an appropriation of \$5,500,000 authorized
51 by chapter 53 of the laws of 2006 for Belleayre mountain ski center,
52 reimbursement from the proceeds of notes or bonds issued by the urban
53 development corporation or the dormitory authority for an appropriation
54 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town
55 of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement
56 from the proceeds of notes or bonds issued by the urban development



1 corporation or the dormitory authority for an appropriation of
2 \$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of
3 New York umbilical cord bank, reimbursement from the proceeds of notes
4 or bonds issued by the urban development corporation or the dormitory
5 authority for an appropriation of \$5,500,000 authorized by chapter 53 of
6 the laws of 2006 for an Old Gore mountain ski bowl connection,
7 reimbursement from the proceeds of notes or bonds issued by the urban
8 development corporation or the dormitory authority for an appropriation
9 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredo-
10 nia vineyard laboratory, reimbursement from the proceeds of notes or
11 bonds issued by the urban development corporation or the dormitory
12 authority for an appropriation of \$99,500,000 authorized by chapter 108
13 of the laws of 2006 to the office for technology for payment of capital
14 construction costs for a consolidated data center, reimbursement from
15 the proceeds of notes or bonds issued by the dormitory authority or the
16 urban development corporation for an appropriation of \$40,000,000
17 authorized by chapter 108 of the laws of 2006 for a food testing labora-
18 tory, reimbursement from the proceeds of notes or bonds issued by the
19 New York state thruway authority for an appropriation of \$22,000,000
20 authorized by chapter 108 of the laws of 2006 to the department of
21 transportation for high speed rail, reimbursement from the proceeds of
22 notes or bonds issued by the urban development corporation for capital
23 disbursements of up to \$500,000,000 from an appropriation authorized by
24 chapter 108 of the laws of 2006 to the urban development corporation for
25 development of a semiconductor manufacturing facility, reimbursement
26 from the proceeds of notes or bonds issued by the urban development
27 corporation of up to \$150,000,000 from an appropriation authorized by
28 chapter 108 of the laws of 2006 to the urban development corporation for
29 research and development activities of a semiconductor manufacturer, and
30 reimbursement from the proceeds of notes or bonds issued by the urban
31 development corporation for capital disbursements of up to \$300,000,000
32 from an appropriation to the urban development corporation authorized by
33 chapter 108 of the laws of 2006 for community revitalization projects.

34 § 26. Notwithstanding any other law, rule, or regulation to the
35 contrary, the comptroller is hereby authorized and directed to deposit
36 to the credit of the capital projects fund, reimbursement from the
37 proceeds of notes or bonds issued by the environmental facilities corpo-
38 ration for a capital appropriation of \$29,600,000 authorized by chapter
39 55 of the laws of 2007 to the department of environmental conservation
40 for payment of a portion of the state's match for federal capitalization
41 grants for the water pollution control revolving loan fund, reimburse-
42 ment from the proceeds of notes or bonds issued by the urban development
43 corporation for disbursements of up to \$20,000,000 from any capital
44 appropriation or reappropriation authorized by chapter 50 of the laws of
45 2007 to the office of general services for various purposes, reimburse-
46 ment from the proceeds of notes or bonds issued by the environmental
47 facilities corporation for a capital appropriation of \$13,500,000
48 authorized by chapter 55 of the laws of 2007 to the energy research and
49 development authority for the Western New York Nuclear Service Center at
50 West Valley, reimbursement from the proceeds of notes or bonds issued by
51 the environmental facilities corporation for a capital appropriation of
52 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
53 ment of environmental conservation for Onondaga lake, reimbursement from
54 the proceeds of notes or bonds issued by the environmental facilities
55 corporation for disbursements of up to \$12,000,000 from any capital
56 appropriations or reappropriations authorized by chapter 55 of the laws



1 of 2007 to the department of environmental conservation for environ-
2 mental purposes, reimbursement from the proceeds of notes or bonds
3 issued by the urban development corporation for capital disbursements of
4 up to \$3,000,000 from any capital appropriation or reappropriation
5 authorized by chapter 50 of the laws of 2007 to the division of military
6 and naval affairs for various purposes, reimbursement from the proceeds
7 of notes or bonds issued by the urban development corporation for
8 disbursements from a capital appropriation of \$50,000,000 authorized by
9 chapter 50 of the laws of 2007 to the division of state police for
10 construction of a Troop G facility, reimbursement from the proceeds of
11 notes or bonds issued by the urban development corporation for disburse-
12 ments from a capital appropriation of \$6,000,000 authorized by chapter
13 50 of the laws of 2007 to the division of state police for construction
14 of evidence storage facilities, reimbursement from the proceeds of notes
15 or bonds issued by the urban development corporation for capital appro-
16 priations totaling \$77,900,000 authorized by chapter 51 of the laws of
17 2007 to the judiciary for court training facilities and courthouse
18 improvement projects, reimbursement from the proceeds of notes or bonds
19 issued by the urban development corporation for a capital appropriation
20 of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state
21 departments and agencies for the purchase of equipment, reimbursement
22 from the proceeds of notes or bonds issued by the dormitory authority
23 for capital disbursements of up to \$14,000,000 from any capital appro-
24 priation or reappropriation authorized by chapter 53 of the laws of 2007
25 for library construction, reimbursement from the proceeds of notes or
26 bonds issued by the dormitory authority for capital disbursements of up
27 to \$60,000,000 from any capital appropriation or reappropriation author-
28 ized by chapter 53 of the laws of 2007 for cultural education storage
29 facilities, reimbursement from the proceeds of notes or bonds issued by
30 the urban development corporation for capital disbursements of up to
31 \$15,000,000 from any capital appropriation or reappropriation authorized
32 by chapter 55 of the laws of 2007 for the Roosevelt Island Operating
33 Corporation aerial tramway, reimbursement from the proceeds of notes or
34 bonds issued by the urban development corporation for capital disburse-
35 ments of up to \$20,000,000 from any capital appropriation or reappropri-
36 ation authorized by chapter 55 of the laws of 2007 for Governor's
37 Island, reimbursement from the proceeds of notes or bonds issued by the
38 urban development corporation for capital disbursements of up to
39 \$7,500,000 from any capital appropriation or reappropriation authorized
40 by chapter 55 of the laws of 2007 for Harriman research and technology
41 park, reimbursement from the proceeds of notes or bonds issued by the
42 urban development corporation for capital disbursements of up to
43 \$7,950,000 from any capital appropriation or reappropriation authorized
44 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement
45 from the proceeds of notes or bonds issued by the urban development
46 corporation for capital disbursements of up to \$1,300,000 from appropri-
47 ations authorized by chapter 50 of the laws of 2007 made to the office
48 of general services for legislative office building hearing rooms.

49 § 27. Notwithstanding any other law, rule, or regulation to the
50 contrary, the comptroller is hereby authorized and directed to deposit
51 to the credit of the capital projects fund, reimbursement from the
52 proceeds of notes or bonds issued by the environmental facilities corpo-
53 ration for a capital appropriation of \$29,600,000 authorized by chapter
54 55 of the laws of 2008 to the department of environmental conservation
55 for payment of a portion of the state's match for federal capitalization
56 grants for the water pollution control revolving loan fund, reimburse-



1 ment from the proceeds of notes or bonds issued by the urban development
2 corporation for a capital appropriation of \$141,000,000 authorized by
3 chapter 50 of the laws of 2008 to all state departments and agencies for
4 the purchase of equipment or systems development, reimbursement from the
5 proceeds of notes or bonds issued by the urban development corporation
6 for disbursements of up to \$45,500,000 from any capital appropriation or
7 reappropriation authorized by chapter 50 of the laws of 2008 to the
8 office of general services for various purposes, reimbursement from the
9 proceeds of notes or bonds issued by the environmental facilities corpo-
10 ration for a capital appropriation of \$13,500,000 authorized by chapter
11 55 of the laws of 2008 to the energy research and development authority
12 for the Western New York Nuclear Service Center at West Valley,
13 reimbursement from the proceeds of notes or bonds issued by the environ-
14 mental facilities corporation for a capital appropriation of \$10,000,000
15 authorized by chapter 55 of the laws of 2008 to the department of envi-
16 ronmental conservation for Onondaga lake, reimbursement from the
17 proceeds of notes or bonds issued by the environmental facilities corpo-
18 ration for disbursements of up to \$12,000,000 from any capital appropri-
19 ations or reappropriations authorized by chapter 55 of the laws of 2008
20 to the department of environmental conservation for environmental
21 purposes, reimbursement from the proceeds of notes or bonds issued by
22 the urban development corporation for capital disbursements of up to
23 \$3,000,000 from any capital appropriation or reappropriation authorized
24 by chapter 50 of the laws of 2008 to the division of military and naval
25 affairs for various purposes, reimbursement from the proceeds of notes
26 or bonds issued by the urban development corporation for a capital
27 appropriation of \$11,000,000 authorized by chapter 50 of the laws of
28 2008 to the office for technology for the costs of development of inter-
29 im data center facilities, reimbursement from the proceeds of notes or
30 bonds issued by the urban development corporation for a capital appro-
31 priation of \$10,000,000 authorized by chapter 50 of the laws of 2008 to
32 the office for technology for activities related to broadband service,
33 reimbursement from the proceeds of notes or bonds issued by the urban
34 development corporation for a capital appropriation of \$6,000,000
35 authorized by chapter 50 of the laws of 2008 to the division of state
36 police for rehabilitation of facilities, reimbursement from the proceeds
37 of notes or bonds issued by the Dormitory Authority of the State of New
38 York or other financing source for a capital appropriation authorized by
39 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
40 ment for library construction, reimbursement from the proceeds of notes
41 or bonds issued by the Dormitory Authority of the State of New York or
42 other financing source for a capital appropriation authorized by chapter
43 53 of the laws of 2008 of \$15,000,000 to the education department for
44 museum renewal projects, reimbursement from the proceeds of notes or
45 bonds issued by the urban development corporation for capital appropri-
46 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
47 urban development corporation for services and expenses related to the
48 investment opportunity fund, reimbursement from the proceeds of notes or
49 bonds issued by the urban development corporation for capital appropri-
50 ation of \$30,000,000 authorized by chapter 53 of the laws of 2008 to the
51 urban development corporation for services and expenses related to arts
52 and cultural projects, reimbursement from the proceeds of bonds or notes
53 issued by the urban development corporation for a capital appropriation
54 of \$35,000,000 authorized by chapter 53 of the laws of 2008 for economic
55 and community development projects, reimbursement from the proceeds of
56 bonds or notes issued by the urban development corporation for a capital



1 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
2 2008 for New York city waterfront development projects, reimbursement
3 from the proceeds of bonds or notes issued by the urban development
4 corporation for a capital appropriation of \$45,000,000 authorized by
5 chapter 53 of the laws of 2008 for Luther Forest infrastructure
6 projects, reimbursement from the proceeds of notes or bonds issued by
7 the urban development corporation for capital appropriation of
8 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
9 development corporation for services and expenses related to downstate
10 regional projects, reimbursement from the proceeds of notes or bonds
11 issued by the urban development corporation for capital appropriation of
12 \$145,000,000 authorized by chapter 53 of the laws of 2008 to the urban
13 development corporation for services and expenses related to upstate
14 city-by-city projects, reimbursement from the proceeds of notes or bonds
15 issued by the urban development corporation for capital appropriation of
16 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
17 development corporation for services and expenses related to the down-
18 state revitalization projects, reimbursement from the proceeds of notes
19 or bonds issued by the urban development corporation for capital appro-
20 priation of \$120,000,000 authorized by chapter 53 of the laws of 2008 to
21 the urban development corporation for services and expenses related to
22 the upstate regional blueprint fund, reimbursement from the proceeds of
23 notes or bonds issued by the urban development corporation for capital
24 appropriation of \$40,000,000 authorized by chapter 53 of the laws of
25 2008 to the urban development corporation for services and expenses
26 related to the upstate agricultural economic development fund,
27 reimbursement from the proceeds of notes or bonds issued by the urban
28 development corporation for capital appropriation of \$350,000,000
29 authorized by chapter 53 of the laws of 2008 to the urban development
30 corporation for services and expenses related to the New York state
31 capital assistance program, reimbursement from the proceeds of notes or
32 bonds issued by the urban development corporation for capital appropri-
33 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
34 the urban development corporation for services and expenses related to
35 the New York state economic development assistance program, and
36 reimbursement from the proceeds of notes or bonds issued by the urban
37 development corporation for capital appropriation of \$20,000,000 author-
38 ized by chapter 55 of the laws of 2008 to the urban development corpo-
39 ration for services and expenses related to the empire state economic
40 development fund.

41 § 28. Notwithstanding any other law, rule, or regulation to the
42 contrary, the comptroller is hereby authorized and directed to deposit
43 to the credit of the capital projects fund, reimbursement from the
44 proceeds of notes or bonds issued by the environmental facilities corpo-
45 ration for a capital appropriation of \$29,600,000 authorized by chapter
46 55 of the laws of 2009 to the department of environmental conservation
47 for payment of a portion of the state's match for federal capitalization
48 grants for the water pollution control revolving loan fund, reimburse-
49 ment from the proceeds of notes or bonds issued by the urban development
50 corporation for a capital appropriation of \$129,800,000 authorized by
51 chapter 50 of the laws of 2009 to all state departments and agencies for
52 the purchase of equipment or systems development, reimbursement from the
53 proceeds of notes or bonds issued by the urban development corporation
54 for disbursements of up to \$24,000,000 from any capital appropriation or
55 reappropriation authorized by chapter 50 of the laws of 2009 to the
56 office of general services for various purposes, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-
2 ration for a capital appropriation of \$13,500,000 authorized by chapter
3 55 of the laws of 2009 to the energy research and development authority
4 for the Western New York Nuclear Service Center at West Valley,
5 reimbursement from the proceeds of notes or bonds issued by the environ-
6 mental facilities corporation for a capital appropriation of \$10,000,000
7 authorized by chapter 55 of the laws of 2009 to the department of envi-
8 ronmental conservation for Onondaga lake, reimbursement from the
9 proceeds of notes or bonds issued by the environmental facilities corpo-
10 ration for disbursements of up to \$12,000,000 from any capital appropri-
11 ations or reappropriations authorized by chapter 55 of the laws of 2009
12 to the department of environmental conservation for environmental
13 purposes, reimbursement from the proceeds of notes or bonds issued by
14 the urban development corporation for capital disbursements of up to
15 \$3,000,000 from any capital appropriation or reappropriation authorized
16 by chapter 50 of the laws of 2009 to the division of military and naval
17 affairs for various purposes, reimbursement from the proceeds of notes
18 or bonds issued by the urban development corporation for a capital
19 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
20 to the division of state police for rehabilitation of facilities,
21 reimbursement from the proceeds of notes or bonds issued by the Dormito-
22 ry Authority of the State of New York or other financing source for a
23 capital appropriation authorized by chapter 53 of the laws of 2009 of
24 \$14,000,000 to the State Education Department for library construction,
25 reimbursement from the proceeds of notes or bonds issued by the Dormito-
26 ry Authority of the State of New York or other financing source for a
27 capital appropriation of \$4,000,000 to the State Education Department
28 for rehabilitation associated with the St. Regis Mohawk elementary
29 school authorized by chapter 53 of the laws of 2009 and reimbursement
30 from the proceeds of notes or bonds issued by the urban development
31 corporation for capital appropriation of \$25,000,000 authorized by chap-
32 ter 55 of the laws of 2009 to the urban development corporation for
33 services and expenses related to the empire state economic development
34 fund.

35 § 29. Notwithstanding any other law, rule, or regulation to the
36 contrary, the comptroller is hereby authorized and directed to deposit
37 to the credit of the capital projects fund, reimbursement from the
38 proceeds of notes or bonds issued by the environmental facilities corpo-
39 ration for a capital appropriation of \$29,600,000 authorized by a chap-
40 ter of the laws of 2010 to the department of environmental conservation
41 for payment of a portion of the state's match for federal capitalization
42 grants for the water pollution control revolving loan fund, reimburse-
43 ment from the proceeds of notes or bonds issued by the urban development
44 corporation for a capital appropriation of \$187,285,000 authorized by a
45 chapter of the laws of 2010 to all state departments and agencies for
46 the purchase of equipment or systems development, reimbursement from the
47 proceeds of notes or bonds issued by the urban development corporation
48 for disbursements of up to \$26,950,000 from any capital appropriation or
49 reappropriation authorized by a chapter of the laws of 2010 to the
50 office of general services for various purposes, reimbursement from the
51 proceeds of notes or bonds issued by the environmental facilities corpo-
52 ration for a capital appropriation of \$19,247,000 authorized by a chap-
53 ter of the laws of 2010 to the energy research and development authority
54 for the Western New York Nuclear Service Center at West Valley,
55 reimbursement from the proceeds of notes or bonds issued by the environ-
56 mental facilities corporation for a capital appropriation of \$5,000,000

1 authorized by a chapter of the laws of 2010 to the department of envi-
2 ronmental conservation for Onondaga lake, reimbursement from the
3 proceeds of notes or bonds issued by the environmental facilities corpo-
4 ration for disbursements of up to \$12,000,000 from any capital appropri-
5 ations or reappropriations authorized by a chapter of the laws of 2010
6 to the department of environmental conservation for environmental
7 purposes, reimbursement from the proceeds of notes or bonds issued by
8 the urban development corporation for capital disbursements of up to
9 \$3,000,000 from any capital appropriation or reappropriation authorized
10 by a chapter of the laws of 2010 to the division of military and naval
11 affairs for various purposes, reimbursement from the proceeds of notes
12 or bonds issued by the urban development corporation for a capital
13 appropriation of \$6,000,000 authorized by a chapter of the laws of 2010
14 to the division of state police for rehabilitation of facilities,
15 reimbursement from the proceeds of notes or bonds issued by the Dormito-
16 ry Authority of the State of New York or other financing source for a
17 capital appropriation of \$14,000,000 authorized by a chapter of the laws
18 of 2010 to the State Education Department for library construction and
19 reimbursement from the proceeds of notes or bonds issued by the Dormito-
20 ry Authority of the State of New York or other financing source for a
21 capital appropriation of \$42,000,000 for the State preparedness and
22 training center.

23 § 30. Notwithstanding any other law, rule, or regulation to the
24 contrary, the comptroller is hereby authorized and directed to deposit
25 to the credit of the capital projects fund, reimbursement from the
26 proceeds of notes or bonds issued by the dormitory authority and urban
27 development corporation for disbursements of up to \$8,000,000 from an
28 appropriation authorized by chapter 50 of the laws of 2009 for drug
29 courts.

30 § 31. Notwithstanding any other law, rule, or regulation to the
31 contrary, the comptroller is hereby authorized and directed to deposit
32 to the credit of the city university special revenue fund (377),
33 reimbursement from the proceeds of notes or bonds issued by the Dormito-
34 ry Authority of the State of New York for capital disbursements of up to
35 \$20,000,000 from any appropriation or reappropriation authorized by
36 chapter 53 of the laws of 2009 to the city university of New York for
37 various purposes.

38 § 32. Notwithstanding any other law, rule, or regulation to the
39 contrary, the state comptroller is hereby authorized and directed to use
40 any balance remaining in the mental health services fund debt service
41 appropriation, after payment by the state comptroller of all obligations
42 required pursuant to any lease, sublease, or other financing arrangement
43 between the dormitory authority of the state of New York as successor to
44 the New York state medical care facilities finance agency, and the
45 facilities development corporation pursuant to chapter 83 of the laws of
46 1995 and the department of mental hygiene for the purpose of making
47 payments to the dormitory authority of the state of New York for the
48 amount of the earnings for the investment of monies deposited in the
49 mental health services fund that such agency determines will or may have
50 to be rebated to the federal government pursuant to the provisions of
51 the internal revenue code of 1986, as amended, in order to enable such
52 agency to maintain the exemption from federal income taxation on the
53 interest paid to the holders of such agency's mental services facilities
54 improvement revenue bonds. On or before June 30, 2010, such agency shall
55 certify to the state comptroller its determination of the amounts
56 received in the mental health services fund as a result of the invest-

1 ment of monies deposited therein that will or may have to be rebated to
2 the federal government pursuant to the provisions of the internal reven-
3 ue code of 1986, as amended.

4 § 33. (1) Notwithstanding any other law, rule, or regulation to the
5 contrary, the state comptroller shall at the commencement of each month
6 certify to the director of the budget, the commissioner of environmental
7 conservation, the chair of the senate finance committee, and the chair
8 of the assembly ways and means committee the amounts disbursed from all
9 appropriations for hazardous waste site remediation disbursements for
10 the month preceding such certification.

11 (2) Notwithstanding any law to the contrary, prior to the issuance by
12 the comptroller of bonds authorized pursuant to subdivision a of section
13 4 of the environmental quality bond act of nineteen hundred eighty-six,
14 as enacted by chapter 511 of the laws of 1986, disbursements from all
15 appropriations for that purpose shall first be reimbursed from moneys
16 credited to the hazardous waste remedial fund, site investigation and
17 construction account, to the extent moneys are available in such
18 account. For purposes of determining moneys available in such account,
19 the commissioner of environmental conservation shall certify to the
20 comptroller the amounts required for administration of the hazardous
21 waste remedial program.

22 (3) The comptroller is hereby authorized and directed to transfer any
23 balance above the amounts certified by the commissioner of environmental
24 conservation to reimburse disbursements pursuant to all appropriations
25 from such site investigation and construction account; provided, howev-
26 er, that if such transfers are determined by the comptroller to be
27 insufficient to assure that interest paid to holders of state obli-
28 gations issued for hazardous waste purposes pursuant to the environ-
29 mental quality bond act of nineteen hundred eighty-six, as enacted by
30 chapter 511 of the laws of 1986, is exempt from federal income taxation,
31 the comptroller is hereby authorized and directed to transfer, from such
32 site investigation and construction account to the general fund, the
33 amount necessary to redeem bonds in an amount necessary to assure the
34 continuation of such tax exempt status. Prior to the making of any such
35 transfers, the comptroller shall notify the director of the budget of
36 the amount of such transfers.

37 § 34. Intentionally omitted.

38 § 35. Subdivision 4 of section 72 of the state finance law, as sepa-
39 rately amended by chapters 405 and 957 of the laws of 1981, is amended
40 to read as follows:

41 4. (a) Any balance of moneys in any debt service fund in excess of
42 both the debt principal and interest payments required to be made from
43 such fund during the current fiscal year, or during future fiscal years,
44 and any reserve requirement established by statute or by a relevant bond
45 covenant, shall be transferred to the general fund.

46 (b) On or before the beginning of each quarter, the director of the
47 budget may certify to the state comptroller the estimated amount of
48 monies that shall be reserved in the general debt service fund for the
49 payment of debt service and related expenses payable by such fund during
50 each month of the state fiscal year, excluding payments due from the
51 revenue bond tax fund. Such certificate may be periodically updated, as
52 necessary. Notwithstanding any provision of law to the contrary, the
53 state comptroller shall reserve in the general debt service fund the
54 amount of monies identified on such certificate as necessary for the
55 payment of debt service and related expenses during the current or next

1 succeeding quarter of the state fiscal year. Such monies reserved shall
2 not be available for any other purpose.

3 § 36. Subdivision 8 of section 68-b of the state finance law, as
4 amended by section 50 of part PP of chapter 56 of the laws of 2009, is
5 amended to read as follows:

6 8. Revenue bonds may only be issued for authorized purposes, as
7 defined in section sixty-eight-a of this article. Notwithstanding the
8 foregoing, the dormitory authority of the state of New York and the
9 urban development corporation may issue revenue bonds for any authorized
10 purpose of any other such authorized issuer through March thirty-first,
11 two thousand [ten] fifteen. The authorized issuers shall not issue any
12 revenue bonds in an amount in excess of statutory authorizations for
13 such authorized purposes. Authorizations for such authorized purposes
14 shall be reduced in an amount equal to the amount of revenue bonds
15 issued for such authorized purposes under this article. Such reduction
16 shall not be made in relation to revenue bonds issued to fund reserve
17 funds, if any, and costs of issuance, if these items are not counted
18 under existing authorizations, nor shall revenue bonds issued to refund
19 bonds issued under existing authorizations reduce the amount of such
20 authorizations.

21 § 37. Section 51 of part RR of chapter 57 of the laws of 2008 provid-
22 ing for the administration of certain funds and accounts related to the
23 2008-2009 budget, as amended by section 13-a of part PP of chapter 56 of
24 the laws of 2009, is amended to read as follows:

25 § 51. This act shall take effect immediately and shall be deemed to
26 have been in full force and effect on and after April 1, 2008; provided,
27 however, that the amendments to subdivision 6 of section 4 and subdivi-
28 sion 4 of section 40 of the state finance law made by sections fifteen
29 and sixteen of this act shall expire on the same date such subdivisions
30 expire; and provided, further, however, that section thirty-four of this
31 act shall take effect on the same date as the reversion of section 69-c
32 of the state finance law as provided in section 58 of part T of chapter
33 57 of the laws of 2007, [as amended; provided, further that such amend-
34 ments shall expire and be deemed repealed March 31, 2010;] and provided,
35 further, however, that sections one, three, four, and eighteen through
36 twenty-seven of this act shall expire March 31, 2009 when upon such date
37 the provisions of such sections shall be deemed repealed; and provided
38 further that section fourteen of this act shall expire March 31, [2010]
39 2011 when upon such date the provisions of such section shall be deemed
40 repealed.

41 § 38. Subdivision 2 of section 68-a of the state finance law, as
42 amended by section 56-a of part PP of chapter 56 of the laws of 2009, is
43 amended to read as follows:

44 2. "Authorized purpose" for purposes of this article and section nine-
45 ty-two-z of this chapter shall mean any purposes for which state-sup-
46 ported debt, as defined by section sixty-seven-a of this chapter, may or
47 has been issued except debt for which the state is constitutionally
48 obligated thereunder to pay debt service and related expenses, and
49 except (a) as authorized in paragraph (b) of subdivision one of section
50 three hundred eighty-five of the public authorities law, (b) as author-
51 ized for the department of health of the state of New York facilities as
52 specified in paragraph a of subdivision two of section sixteen hundred
53 eighty of the public authorities law, (c) state university of New York
54 dormitory facilities as specified in subdivision eight of section
55 sixteen hundred seventy-eight of the public authorities law, and (d) as
56 authorized for mental health services facilities by section nine-a of

1 section one of chapter three hundred ninety-two of the laws of nineteen
2 hundred seventy-three constituting the New York state medical care
3 facilities financing act. Notwithstanding the provisions of clause (d)
4 of this subdivision, for the period April first, two thousand nine
5 through March thirty-first, two thousand [ten] eleven, mental health
6 services facilities, as authorized by section nine-a of section one of
7 chapter three hundred ninety-two of the laws of nineteen hundred seven-
8 ty-three constituting the New York state medical care facilities financ-
9 ing act, shall constitute an authorized purpose.

10 § 39. Paragraph a of subdivision 4 of section 57 of the state finance
11 law, as amended by chapter 437 of the laws of 2004, is amended to read
12 as follows:

13 a. Such bonds shall be sold at par, at par plus a premium [not to
14 exceed five percent in the case of refunding bonds or five-tenths of one
15 percent in the case of all other bonds], or at a discount to the bidder
16 offering the lowest interest cost to the state, taking into consider-
17 ation any premium or discount and, in the case of refunding bonds, the
18 bona fide initial public offering price, not less than four nor more
19 than fifteen days, Sundays excepted, after a notice of such sale has
20 been published at least once in a definitive trade publication of the
21 municipal bond industry published on each business day in the state of
22 New York which is generally available to participants in the municipal
23 bond industry, which notice shall state the terms of the sale. The
24 comptroller may not change the terms of the sale unless notice of such
25 change is sent via a definitive trade wire service of the municipal bond
26 industry which, in general, makes available information regarding activ-
27 ity and sales of municipal bonds and is generally available to partic-
28 ipants in the municipal bond industry, at least one [day] hour prior to
29 the [date] time of the sale as set forth in the original notice of sale.
30 In so changing the terms or conditions of a sale the comptroller may
31 send notice by such wire service that the sale will be delayed by up to
32 thirty days, provided that wire notice of the new sale date will be
33 given at least one business day prior to the new time when bids will be
34 accepted. In such event, no new notice of sale shall be required to be
35 published. Notwithstanding the provisions of section three hundred five
36 of the state technology law or any other law, if the notice of sale
37 contains a provision that bids will only be accepted electronically in
38 the manner provided in such notice of sale, the comptroller shall not be
39 required to accept non-electronic bids in any form. Advertisements shall
40 contain a provision to the effect that the state comptroller, in his or
41 her discretion, may reject any or all bids made in pursuance of such
42 advertisements, and in the event of such rejection, the state comp-
43 troller is authorized to negotiate a private sale or readvertise for
44 bids in the form and manner above described as many times as, in his or
45 her judgment, may be necessary to effect a satisfactory sale. Notwith-
46 standing the foregoing provisions of this paragraph, whenever in the
47 judgment of the comptroller the interests of the state will be served
48 thereby, he or she may sell state bonds at private sale at par, at par
49 plus a premium [not to exceed five percent in the case of refunding
50 bonds or five-tenths of one percent in the case of all other bonds], or
51 at a discount. The comptroller shall promulgate regulations governing
52 the terms and conditions of any such private sales, which regulations
53 shall include a provision that he or she give notice to the governor,
54 the temporary president of the senate, and the speaker of the assembly,
55 of his or her intention to conduct a private sale of obligations pursu-

1 ant to this section not less than five days prior to such sale or the
2 execution of any binding agreement to effect such sale.

3 § 40. Paragraph (a) of subdivision 4 of section 60 of the state
4 finance law, as amended by chapter 437 of the laws of 2004, is amended
5 to read as follows:

6 (a) Such bonds shall be sold at par, at par plus a premium [not to
7 exceed five percent in the case of refunding bonds or five-tenths of one
8 percent in the case of all other bonds], or at a discount to the bidder
9 offering the lowest interest cost to the state, taking into consider-
10 ation any premium or discount and, in the case of refunding bonds, the
11 bona fide initial public offering price, not less than four nor more
12 than fifteen days, Sundays excepted, after a notice of such sale has
13 been published at least once in a definitive trade publication of the
14 municipal bond industry published on each business day in the state of
15 New York which is generally available to participants in the municipal
16 bond industry, which notice shall state the terms of the sale. The
17 comptroller may not change the terms of the sale unless notice of such
18 change is sent via a definitive trade wire service of the municipal bond
19 industry which, in general, makes available information regarding activ-
20 ity and sales of municipal bonds and is generally available to partic-
21 ipants in the municipal bond industry, at least one [day] hour prior to
22 the [date] time of the sale as set forth in the original notice of sale.
23 In so changing the terms or conditions of a sale the comptroller may
24 send notice by such wire service that the sale will be delayed by up to
25 thirty days, provided that wire notice of the new sale date will be
26 given at least one business day prior to the new time when bids will be
27 accepted. In such event, no new notice of sale shall be required to be
28 published. Notwithstanding the provisions of section three hundred five
29 of the state technology law or any other law, if the notice of sale
30 contains a provision that bids will only be accepted electronically in
31 the manner provided in such notice of sale, the comptroller shall not be
32 required to accept non-electronic bids in any form. Advertisements shall
33 contain a provision to the effect that the state comptroller, in his or
34 her discretion, may reject any or all bids made in pursuance of such
35 advertisements, and in the event of such rejection, the state comp-
36 troller is authorized to negotiate a private sale or readvertise for
37 bids in the form and manner above described as many times as, in his or
38 her judgment, may be necessary to effect a satisfactory sale. Notwith-
39 standing the foregoing provisions of this subdivision, whenever in the
40 judgment of the comptroller the interests of the state will be served
41 thereby, he or she may sell state bonds at private sale at par, at par
42 plus a premium [not to exceed five percent in the case of refunding
43 bonds or five-tenths of one percent in the case of all other bonds], or
44 at a discount. The comptroller shall promulgate regulations governing
45 the terms and conditions of any such private sales, which regulations
46 shall include a provision that he or she give notice to the governor,
47 the temporary president of the senate, and the speaker of the assembly
48 of his or her intention to conduct a private sale of obligations pursu-
49 ant to this section not less than five days prior to such sale or the
50 execution of any binding agreement to effect such sale.

51 § 41. The state finance law is amended by adding a new section 73 to
52 read as follows:

53 § 73. Federal interest subsidy payments. Notwithstanding any other
54 provision of law to the contrary, the comptroller shall deposit any
55 federal interest subsidy payments received by the state for state-sup-
56 ported debt issued as build America bonds, as authorized pursuant to the

1 American Recovery and Reinvestment Act of 2009, as amended or pursuant
2 to any successor authorization, to each respective debt service fund
3 which relates to such bonds.

4 § 42. Subdivision 2 of section 1680-m of the public authorities law,
5 as added by section 39 of part T of chapter 57 of the laws of 2007, is
6 amended to read as follows:

7 2. Notwithstanding any other provision of law to the contrary, in
8 order to assist the authority and the urban development corporation in
9 undertaking the financing [of] for construction [of a collections stor-
10 age facility for the state museum, the state library and the state
11 archives] and rehabilitation associated with the cultural education
12 facilities and the St. Regis Mohawk elementary school, the director of
13 the budget is hereby authorized to enter into one or more service
14 contracts with the authority and the urban development corporation, none
15 of which shall exceed thirty years in duration, upon such terms and
16 conditions as the director of the budget and the authority and the urban
17 development corporation agree, so as to annually provide to the authori-
18 ty and the urban development corporation, in the aggregate, a sum not to
19 exceed the principal, interest, and related expenses required for such
20 bonds and notes. Any service contract entered into pursuant to this
21 section shall provide that the obligation of the state to pay the amount
22 therein provided shall not constitute a debt of the state within the
23 meaning of any constitutional or statutory provision and shall be deemed
24 executory only to the extent of monies available and that no liability
25 shall be incurred by the state beyond the monies available for such
26 purpose, subject to annual appropriation by the legislature. Any such
27 contract or any payments made or to be made thereunder may be assigned
28 and pledged by the authority and the urban development corporation as
29 security for its bonds and notes, as authorized by this section.

30 § 43. Subdivision 4 of section 1689-i of the public authorities law,
31 as added by chapter 60 of the laws of 2006, is amended to read as
32 follows:

33 4. [(a)] To obtain funds for the purposes of this section, the author-
34 ity shall have power from time to time, in accordance with a schedule
35 certified to the authority by the commissioner of education identifying
36 eligible library construction projects approved for the payment of aid
37 apportionments pursuant to section two hundred seventy-three-a of the
38 education law, to issue negotiable bonds or notes of the authority.
39 Unless the context shall clearly indicate otherwise, whenever the words
40 "bond" or "bonds" are used in this section, such words shall include a
41 note or notes of the authority.

42 [(b) The dormitory authority shall not issue any bonds or notes in an
43 amount in excess of fourteen million dollars for the purposes of this
44 section.]

45 § 44. Subdivision 5 of section 3234 of the public authorities law, as
46 amended by section 54 of part K of chapter 81 of the laws of 2002, is
47 amended to read as follows:

48 5. A majority of the whole number of directors then in office shall
49 constitute a quorum for the transaction of any business or the exercise
50 of any power of the corporation. Except as otherwise specified in this
51 title, for the transaction of any business or the exercise of any power
52 of the corporation, the corporation shall have power to act by a majori-
53 ty of the directors present at any meeting at which a quorum is in
54 attendance; provided that one or more directors may participate in a
55 meeting by means of conference telephone or similar communications
56 equipment allowing all directors participating in the meeting to hear

1 each other at the same time and participation by such means shall
2 constitute presence in person at a meeting. A [unanimous] majority vote
3 of all directors then in office shall be required for approval of a
4 resolution authorizing the issuance of bonds or notes or any supple-
5 mental or amendatory resolution and such majority vote must include the
6 favorable votes of the director of the budget and the comptroller. The
7 corporation may delegate to one or more of its directors, or officers,
8 agents and employees, such powers and duties as the directors may deem
9 proper. Five days notice shall be given to each director and nonvoting
10 representative prior to any meeting of the corporation.

11 § 45. Subdivisions 6 and 8 of section 1689-i of the public authori-
12 ties law, as added by section 4 of part I of chapter 61 of the laws of
13 2006, are amended to read as follows:

14 6. The commissioner of education shall certify, from time to time, to
15 the dormitory authority, the comptroller, the director of the division
16 of the budget, the chair of the senate finance committee and the chair
17 of the assembly ways and means committee each school district for which
18 he or she has determined an aid apportionment for authority financing of
19 an EXCEL project pursuant to subdivision fourteen of section thirty-six
20 hundred forty-one of the education law. Such certification, which shall
21 be made within thirty days after such determination or as soon thereaft-
22 er as is practicable, shall identify the amount of aid apportionment
23 which has been approved for such school district and shall estimate the
24 date or dates when such project will be undertaken [to assist the
25 authority in establishing a schedule for financing such project. The
26 commissioner of education shall notify the authority if there is a
27 change in such date].

28 8. To obtain funds for the purposes of this section, the authority
29 shall have power from time to time, [in accordance with a certification
30 to the authority by the commissioner of education pursuant to subdivi-
31 sion six of this section,] to issue negotiable bonds or notes of the
32 authority. Unless the context shall clearly indicate otherwise, whenev-
33 er the words "bond" or "bonds" are used in this section, such words
34 shall include a note or notes of the authority.

35 § 46. The state finance law is amended by adding a new section 67-d to
36 read as follows:

37 § 67-d. State-supported bond authorizations. 1. Subject to the
38 provisions of article five-B of this chapter, and notwithstanding any
39 other provision of law to the contrary, one or more authorized issuers
40 of state-supported debt are hereby authorized to issue bonds and notes
41 in such amounts necessary to finance the programmatic purposes as speci-
42 fied in this section. The bond authorizations set forth in this section
43 shall be further limited to an amount inclusive of any state-supported
44 debt issued for such purposes prior to April first, two thousand ten,
45 but exclusive of bonds and notes issued to fund any reserve fund or
46 funds, premium and discount, costs of issuance, and any other related
47 amounts necessary to effectuate the issuance of such bonds or notes. In
48 addition, the director of the budget shall annually report on the
49 amounts authorized for such purposes, as they relate to capital appro-
50 priations authorized to be bond financed in the enacted budget.

51 (a) Authorized issuers of state-supported debt for education purposes
52 are authorized to issue bonds or notes in such amounts necessary to
53 finance project costs in a total amount not to exceed twenty-one billion
54 seven hundred eighty-nine million eight hundred forty-one thousand
55 dollars (\$21,789,841,000) including:

56 (i) State University of New York ("SUNY") Education Facilities



- 1 (ii) State University of New York Housing Facilities
2 (iii) State University of New York Upstate Community Colleges
3 (iv) City of New York ("CUNY") Facilities
4 (v) State Education Department
5 (vi) Library for the Blind
6 (vii) State University of New York Athletic Facilities
7 (viii) RESCUE
8 (ix) University Facilities (Jobs 2000)
9 (x) School District Capital Outlay Grants
10 (xi) Judicial Training Institute
11 (xii) Transportation Transition Grants
12 (xiii) Public Broadcasting Facilities
13 (xiv) Higher Education Capital Matching Grants
14 (xv) Expanding our Children's Education and Learning (EXCEL)
15 (xvi) Library Facilities
16 (xvii) Cultural Education Storage Facilities
17 (b) Authorized issuers of state-supported debt for environmental
18 purposes are authorized to issue bonds or notes in such amounts neces-
19 sary to finance project costs in a total amount not to exceed the amount
20 of two billion nine hundred seventy-five million eight hundred ninety-
21 seven thousand dollars (\$2,975,897,000), including:
22 (i) Environmental Infrastructure Projects
23 (ii) Hazardous Waste Remediation
24 (iii) Riverbank State Park
25 (iv) Water Pollution Control
26 (v) State Park Infrastructure
27 (vi) Pipeline for Jobs (Jobs 2000)
28 (vii) Western New York Nuclear Service Center (West Valley)
29 (viii) Long Island Pine Barrens Preserve
30 (ix) Pilgrim Sewage Plant
31 (c) Authorized issuers of state-supported debt for state facilities
32 purposes are authorized to issue bonds or notes in such amounts neces-
33 sary to finance project costs in a total amount not to exceed a total
34 amount of eight billion nine hundred forty-seven million six hundred
35 fifty-six thousand dollars (\$8,947,656,000), including:
36 (i) Empire State Plaza
37 (ii) State Capital Projects
38 (iii) Division of State Police Facilities
39 (iv) Division of Military and Naval Affairs
40 (v) Alfred E. Smith Building
41 (vi) Elk Street Parking Garage
42 (vii) Improvements to State office buildings and other facilities
43 (viii) Judiciary Improvements
44 (ix) Office of State Comptroller State Buildings
45 (x) Albany Parking Garage (East Parking Garage)
46 (xi) State office buildings and other facilities
47 (xii) Equipment Acquisition
48 (xiii) Correctional Facilities
49 (xiv) Homeland Security and Training Facilities
50 (xv) Youth Facilities
51 (xvi) E-911 Program
52 (xvii) Office for Technology Facilities
53 (xviii) Food Laboratory
54 (xix) Courthouse Improvements
55 (xx) New York Racing Association (NYRA) Land Acquisition and Video
56 Lottery Terminal Construction



1 (d) Authorized issuers of state-supported debt for economic develop-
2 ment purposes are authorized to issue bonds or notes in such amounts
3 necessary to finance project costs in a total amount not to exceed a
4 total amount of ten billion six hundred ninety-seven million two hundred
5 forty-eight thousand dollars (\$10,697,248,000), including:

6 (i) Housing Programs

7 (ii) Javits Convention Center

8 (iii) Community Enhancement Facilities

9 (iv) Science and Technology Center (Syracuse)

10 (v) Super Computer Center (Cornell)

11 (vi) The Center for Telecommunications (Columbia)

12 (vii) Higher Education Applied Technology (HEAT) Program

13 (viii) Industrial Innovation (City of Troy/RPI Refunding)

14 (ix) The Center for Advance Materials Processing (Clarkson)

15 (x) The Center for Electro-Optic Imaging (Rochester)

16 (xi) The Center for Neural Science (NYU)

17 (xii) Incubator Facilities (Alfred)

18 (xiii) Onondaga Convention Center

19 (xiv) Sports Facilities

20 (xv) Child Care Facilities

21 (xvi) Bio-Tech Facilities

22 (xvii) Strategic Investment Program (SIP)

23 (xviii) Regional Economic Development

24 (xix) New York State Economic Development

25 (xx) Regional Economic Development 2004

26 (xxi) High Technology and Development

27 (xxii) Regional Economic Development/SPUR

28 (xxiii) Buffalo Inner Harbor

29 (xxiv) Jobs Now Program

30 (xxv) Economic Development 2006

31 (xxvi) Javits Convention Center Expansion(2006)

32 (xxvii) Queens Stadium

33 (xxviii) Bronx Stadium

34 (xxix) New York State Economic Development Stadium Parking

35 (xxx) State Modernization Projects

36 (xxxii) International Computer Chip Research and Development Center

37 (xxxii) 2008 and 2009 Economic Development Initiatives

38 (xxxiii) H.H. Richardson Complex & Darwin Martin House

39 (e) Authorized issuers of state-supported debt for health and mental
40 hygiene purposes are authorized to issue bonds or notes in such amounts
41 necessary to finance project costs in a total amount not to exceed a
42 total amount of eight billion four hundred sixty-four million two
43 hundred sixty-eight thousand dollars (\$8,464,268,000), including:

44 (i) Department of Health Facilities

45 (ii) Mental Health Services Facilities

46 (iii) HEAL NY Capital Program

47 (f) Authorized issuers of state-supported debt for transportation
48 purposes are authorized to issue bonds or notes in such amounts neces-
49 sary to finance project costs in a total amount not to exceed a total
50 amount of twenty-four billion eight hundred forty million four hundred
51 thirty-four thousand dollars (\$24,840,434,000), including:

52 (i) Albany County Airport

53 (ii) Consolidated Highway Improvement Program (CHIPs)

54 (iii) Dedicated Highway and Bridge Trust Fund

55 (iv) High Speed Rail Projects

1 (v) Metropolitan Transportation Authority Transit and Commuter
2 Projects

3 (g) The local government assistance corporation is authorized to issue
4 bonds or notes in such amounts necessary to finance project costs in a
5 total amount not to exceed a total amount of four billion seven hundred
6 million dollars (\$4,700,000,000).

7 2. Notwithstanding any other provision of law to the contrary, in
8 order to assist the issuers of state-supported debt not otherwise
9 secured by a dedication of specific revenues, the director of budget is
10 authorized to enter into one or more service contracts or other agree-
11 ments, none of which shall exceed thirty years in duration, with the
12 issuers of such state-supported debt, upon such terms and conditions as
13 the director of the budget and the issuers shall agree.

14 (a) Any service contract or other agreements entered into pursuant to
15 this subdivision or any payments made or to be made thereunder may be
16 assigned and pledged by the issuer as security for its bonds, notes, or
17 other obligations.

18 (b) Any such service contract or other agreements shall provide that
19 the obligation of the director of the budget or of the state to fund or
20 to pay the amounts therein provided for shall not constitute a debt of
21 the state within the meaning of any constitutional or statutory
22 provision and shall be deemed executory only to the extent moneys are
23 available and that no liability shall be incurred by the state beyond
24 the moneys available for such purpose, and that such obligation is
25 subject to annual appropriation by the legislature. Except for the
26 purpose of complying with the internal revenue code, any interest income
27 earned on bond proceeds shall only be used to pay debt service on such
28 bonds.

29 (c) Any service contract or other agreements entered into pursuant to
30 this subdivision shall provide for state commitments to provide annually
31 to the issuer a sum or sums, upon such terms and conditions as shall be
32 deemed appropriate by the director of the budget and the authorized
33 issuer, to fund the principal, interest, and other related expenses
34 required for any bonds, notes, or other obligations.

35 3. In addition to the debt authorizations specified in subdivision one
36 of this section, the issuers of state-supported debt may also issue
37 bonds and notes to refund or otherwise repay previously issued state-
38 supported debt. The aggregate amount of indebtedness evidenced by bonds
39 and notes of the authorized issuer hereinafter issued pursuant to this
40 paragraph, including as may have been previously authorized in law,
41 shall exclude the amount of such indebtedness represented by such bonds
42 or notes issued to refund or otherwise repay bonds or notes; provided
43 that the amount so excluded under this paragraph may exceed the princi-
44 pal amount of such bonds or notes that were refunded or otherwise repaid
45 only if the present value of the aggregate debt service on the refunding
46 bonds or notes shall not have at the time of their issuance exceeded the
47 present value of the aggregate debt service of the bonds or notes they
48 were issued to refund or repay, such present value in each case being
49 calculated by using the effective interest rate of the refunding or
50 repayment bonds or notes, which shall be that rate arrived at by doubl-
51 ing the semi-annual interest rate (compounded semi-annually) necessary
52 to discount the debt service payments on the refunding or repayment
53 bonds or notes from the payment date thereof to the date of issue of the
54 refunding or repayment bonds or notes and to the price bid therefor, or
55 to the proceeds received by the authorized issuer from the sale thereof
56 or as such present value is otherwise determined in law.



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

4 (c) Subject to the provisions of chapter fifty-nine of the laws of two
5 thousand, the dormitory authority shall not issue any bonds for state
6 university educational facilities purposes if the principal amount of
7 bonds to be issued when added to the aggregate principal amount of bonds
8 issued by the dormitory authority on and after July first, nineteen
9 hundred eighty-eight for state university educational facilities will
10 exceed ten billion eighty-nine million dollars; provided, however, that
11 bonds issued or to be issued shall be excluded from such limitation if:

12 (1) such bonds are issued to refund state university construction bonds
13 and state university construction notes previously issued by the housing
14 finance agency; or (2) such bonds are issued to refund bonds of the
15 authority or other obligations issued for state university educational
16 facilities purposes and the present value of the aggregate debt service
17 on the refunding bonds does not exceed the present value of the aggre-
18 gate debt service on the bonds refunded thereby; provided, further that
19 upon certification by the director of the budget that the issuance of
20 refunding bonds or other obligations issued between April first, nine-
21 teen hundred ninety-two and March thirty-first, nineteen hundred nine-
22 ty-three will generate long term economic benefits to the state, as
23 assessed on a present value basis, such issuance will be deemed to have
24 met the present value test noted above. For purposes of this subdivi-
25 sion, the present value of the aggregate debt service of the refunding
26 bonds and the aggregate debt service of the bonds refunded, shall be
27 calculated by utilizing the true interest cost of the refunding bonds,
28 which shall be that rate arrived at by doubling the semi-annual interest
29 rate (compounded semi-annually) necessary to discount the debt service
30 payments on the refunding bonds from the payment dates thereof to the
31 date of issue of the refunding bonds to the purchase price of the
32 refunding bonds, including interest accrued thereon prior to the issu-
33 ance thereof. The maturity of such bonds, other than bonds issued to
34 refund outstanding bonds, shall not exceed the weighted average economic
35 life, as certified by the state university construction fund, of the
36 facilities in connection with which the bonds are issued, and in any
37 case not later than the earlier of thirty years or the expiration of the
38 term of any lease, sublease or other agreement relating thereto;
39 provided that no note, including renewals thereof, shall mature later
40 than five years after the date of issuance of such note. The legislature
41 reserves the right to amend or repeal such limit, and the state of New
42 York, the dormitory authority, the state university of New York, and the
43 state university construction fund are prohibited from covenanting or
44 making any other agreements with or for the benefit of bondholders which
45 might in any way affect such right. Notwithstanding the provisions of
46 this paragraph, on and after April first, two thousand ten, the amount
47 of state-supported debt, as such term is defined in subdivision one of
48 section sixty-seven-a of the state finance law, authorized to be issued
49 shall not exceed the amount set forth in, and shall be issued in accord-
50 ance with, the provisions of section sixty-seven-d of the state finance
51 law providing therefor.

52 § 48. Paragraph j of subdivision 2 of section 1680 of the public
53 authorities law, as amended by section 37 of part PP of chapter 56 of
54 the laws of 2009, is amended to read as follows:

55 j. Subject to the provisions of chapter fifty-nine of the laws of two
56 thousand, the maximum amount of bonds and notes to be issued after March

1 thirty-first, two thousand two for a housing unit for the use of
2 students at a state-operated institution or statutory or contract
3 college under the jurisdiction of the state university of New York shall
4 be one billion two hundred thirty million dollars. Such amount shall be
5 exclusive of bonds and notes issued to fund any reserve fund or funds,
6 costs of issuance, and to refund any outstanding bonds and notes relat-
7 ing to a housing unit under the jurisdiction of the state university of
8 New York. Notwithstanding the provisions of this paragraph, on and after
9 April first, two thousand ten, the amount of state-supported debt, as
10 such term is defined in subdivision one of section sixty-seven-a of the
11 state finance law, authorized to be issued shall not exceed the amount
12 set forth in, and shall be issued in accordance with, the provisions of
13 section sixty-seven-d of the state finance law providing therefor.

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

17 10-a. Subject to the provisions of chapter fifty-nine of the laws of
18 two thousand, but notwithstanding any other provision of the law to the
19 contrary, the maximum amount of bonds and notes to be issued after March
20 thirty-first, two thousand two, on behalf of the state, in relation to
21 any locally sponsored community college, shall be five hundred thirty-
22 six million dollars. Such amount shall be exclusive of bonds and notes
23 issued to fund any reserve fund or funds, costs of issuance and to
24 refund any outstanding bonds and notes, issued on behalf of the state,
25 relating to a locally sponsored community college. Notwithstanding the
26 provisions of this subdivision, on and after April first, two thousand
27 ten, the amount of state-supported debt, as such term is defined in
28 subdivision one of section sixty-seven-a of the state finance law,
29 authorized to be issued shall not exceed the amount set forth in, and
30 shall be issued in accordance with, the provisions of section sixty-sev-
31 en-d of the state finance law providing therefor.

32 § 50. Paragraph (c) of subdivision 14 of section 1680 of the public
33 authorities law, as amended by section 39 of part PP of chapter 56 of
34 the laws of 2009, is amended to read as follows:

35 (c) Subject to the provisions of chapter fifty-nine of the laws of two
36 thousand, (i) the dormitory authority shall not deliver a series of
37 bonds for city university community college facilities, except to refund
38 or to be substituted for or in lieu of other bonds in relation to city
39 university community college facilities pursuant to a resolution of the
40 dormitory authority adopted before July first, nineteen hundred eighty-
41 five or any resolution supplemental thereto, if the principal amount of
42 bonds so to be issued when added to all principal amounts of bonds
43 previously issued by the dormitory authority for city university commu-
44 nity college facilities, except to refund or to be substituted in lieu
45 of other bonds in relation to city university community college facili-
46 ties will exceed the sum of four hundred twenty-five million dollars and
47 (ii) the dormitory authority shall not deliver a series of bonds issued
48 for city university facilities, including community college facilities,
49 pursuant to a resolution of the dormitory authority adopted on or after
50 July first, nineteen hundred eighty-five, except to refund or to be
51 substituted for or in lieu of other bonds in relation to city university
52 facilities and except for bonds issued pursuant to a resolution supple-
53 mental to a resolution of the dormitory authority adopted prior to July
54 first, nineteen hundred eighty-five, if the principal amount of bonds so
55 to be issued when added to the principal amount of bonds previously
56 issued pursuant to any such resolution, except bonds issued to refund or

1 to be substituted for or in lieu of other bonds in relation to city
2 university facilities, will exceed six billion eight hundred forty-three
3 million two hundred thousand dollars. The legislature reserves the
4 right to amend or repeal such limit, and the state of New York, the
5 dormitory authority, the city university, and the fund are prohibited
6 from covenanting or making any other agreements with or for the benefit
7 of bondholders which might in any way affect such right. Notwithstanding
8 the provisions of this paragraph, on and after April first, two thousand
9 ten, the amount of state-supported debt, as such term is defined in
10 subdivision one of section sixty-seven-a of the state finance law,
11 authorized to be issued shall not exceed the amount set forth in, and
12 shall be issued in accordance with, the provisions of section sixty-sev-
13 en-d of the state finance law providing therefor.

14 § 51. Paragraph d of subdivision 19 of section 1680 of the public
15 authorities law, as added by chapter 349 of the laws of 1988, is amended
16 to read as follows:

17 d. Any service contract or contracts for projects entered into pursu-
18 ant to this subdivision shall provide for state commitments to provide
19 annually to the dormitory authority a sum or sums, upon such terms and
20 conditions as shall be deemed appropriate by the director of the budget,
21 to fund, or to fund the debt service requirements of any bonds or notes,
22 including bonds issued to fund any required debt service reserve
23 requirement for bonds, of the dormitory authority issued to fund such
24 projects having a cost not in excess of sixteen million dollars;
25 provided that notwithstanding the provisions of this paragraph, on and
26 after April first, two thousand ten, the amount of state-supported debt,
27 as such term is defined in subdivision one of section sixty-seven-a of
28 the state finance law, authorized to be issued shall not exceed the
29 amount set forth in, and shall be issued in accordance with, the
30 provisions of section sixty-seven-d of the state finance law providing
31 therefor; and

32 § 52. Subdivision 8 of section 1680-e of the public authorities law,
33 as added by chapter 177 of the laws of 1991, is amended to read as
34 follows:

35 8. The authority shall not issue its bonds to finance the design,
36 construction, reconstruction, rehabilitation, improvement, furnishing
37 and equipping of a state university athletic facility in an aggregate
38 principal amount greater than twenty-two million dollars; provided,
39 however, that, in addition to such bonds, the authority may issue an
40 aggregate principal amount of bonds sufficient to fund any reserve funds
41 established in connection therewith to pay the costs incurred in
42 connection with the issuance of any of such bonds and the cost of the
43 management of the design and construction of the state university
44 athletic facility. Notwithstanding the provisions of this subdivision,
45 on and after April first, two thousand ten, the amount of state-support-
46 ed debt, as such term is defined in subdivision one of section sixty-
47 seven-a of the state finance law, authorized to be issued shall not
48 exceed the amount set forth in, and shall be issued in accordance with,
49 the provisions of section sixty-seven-d of the state finance law provid-
50 ing therefor.

51 § 53. Paragraph (b) of subdivision 4 of section 1689-a of the public
52 authorities law, as amended by section 43 of part H of chapter 56 of the
53 laws of 2000, is amended to read as follows:

54 (b) The dormitory authority shall not issue any bonds or notes in an
55 amount in excess of one hundred ninety-five million dollars for the
56 purposes of this section, excluding a principal amount of bonds or notes

1 issued to fund one or more debt service reserve funds, to pay for the
2 costs of issuance of such bonds, and bonds or notes issued to refund or
3 otherwise repay such bonds, and bonds or notes previously issued. Except
4 for the purposes of complying with the internal revenue code, any inter-
5 est income earned on bond proceeds shall only be used to pay debt
6 service on such bonds or notes.

7 In computing for the purposes of this paragraph, the aggregate amount
8 of indebtedness evidenced by bonds and notes of the dormitory authority
9 issued pursuant to this section, there shall be excluded the amount of
10 such indebtedness represented by such bonds or notes issued to refund or
11 otherwise repay bonds or notes, provided that the amount so excluded
12 under this clause may exceed the principal amount of such bonds or notes
13 that were issued to refund or otherwise repay only if the present value
14 of the aggregate debt service on the refunding or repayment bonds or
15 notes shall not have at the time of their issuance exceeded the present
16 value of the aggregate debt service of the bonds or notes they were
17 issued to refund or repay, such present value in each case being calcu-
18 lated by using the effective interest rate of the refunding or repayment
19 bonds or notes, which shall be that rate arrived at by doubling the
20 semi-annual interest rate (compounded semi-annually) necessary to
21 discount the debt service payments on the refunding or repayment bonds
22 or notes from the payment date thereof to the date of issue of the
23 refunding or repayment bonds or notes and to the price bid therefor, or
24 to the proceeds received by the dormitory authority from the sale there-
25 of, in each case including estimated accrued interest. Notwithstanding
26 the provisions of this paragraph, on and after April first, two thousand
27 ten, the amount of state-supported debt, as such term is defined in
28 subdivision one of section sixty-seven-a of the state finance law,
29 authorized to be issued shall not exceed the amount set forth in, and
30 shall be issued in accordance with, the provisions of section sixty-sev-
31 en-d of the state finance law providing therefor.

32 § 54. Paragraph (b) of subdivision 3 of section 1689-c of the public
33 authorities law, as added by chapter 624 of the laws of 1999, is amended
34 to read as follows:

35 (b) The authority shall not issue any bonds or notes in an amount in
36 excess of forty-seven million five hundred thousand dollars for the
37 purposes of this subdivision, excluding a principal amount of bonds or
38 notes issued to fund one or more debt service reserve funds, to pay for
39 the costs of issuance of such bonds, and bonds or notes issued to refund
40 or otherwise repay such bonds, and bonds or notes previously issued.
41 Except for the purposes of complying with the internal revenue code, any
42 interest income earned on bond proceeds shall only be used to pay debt
43 service on such bonds or notes.

44 In computing for the purposes of this subdivision, the aggregate
45 amount of indebtedness evidenced by bonds and notes of the authority
46 issued pursuant to this subdivision, there shall be excluded the amount
47 of such indebtedness represented by such bonds or notes issued to refund
48 or otherwise repay bonds or notes, provided that the amount so excluded
49 under this paragraph may exceed the principal amount of such bonds or
50 notes that were issued to refund or otherwise repay only if the present
51 value of the aggregate debt service on the refunding or repayment bonds
52 or notes shall not have at the time of their issuance exceeded the pres-
53 ent value of the aggregate debt service of the bonds or notes they were
54 issued to refund or repay, such present value in each case being calcu-
55 lated by using the effective interest rate of the refunding or repayment
56 bonds or notes, which shall be that rate arrived at by doubling the

1 semi-annual interest rate (compounded semi-annually) necessary to
2 discount the debt service payments on the refunding or repayment bonds
3 or notes from the payment date thereof to the date of issue of the
4 refunding or repayment bonds or notes and to the price bid therefor, or
5 to the proceeds received by the dormitory authority from the sale there-
6 of, in each case including estimated accrued interest. Notwithstanding
7 the provisions of this paragraph, on and after April first, two thousand
8 ten, the amount of state-supported debt, as such term is defined in
9 subdivision one of section sixty-seven-a of the state finance law,
10 authorized to be issued shall not exceed the amount set forth in, and
11 shall be issued in accordance with, the provisions of section sixty-sev-
12 en-d of the state finance law providing therefor.

13 § 55. Paragraph (b) of subdivision 4 of section 1689-f of the public
14 authorities law, as added by section 64 of part H of chapter 83 of the
15 laws of 2002, is amended to read as follows:

16 (b) The dormitory authority shall not issue any bonds or notes in an
17 amount in excess of one hundred forty million dollars for the purposes
18 of this section, plus a principal amount of bonds or notes:

- 19 (1) to fund any debt service reserve fund, and
20 (2) to provide for the payment of fees and other charges and expenses,
21 including underwriters' discount, related to the issuance of such bonds
22 or notes, or related to the provision of any applicable bond or note
23 facilities.

24 In computing for the purposes of this paragraph, the aggregate amount
25 of indebtedness evidenced by bonds and notes of the dormitory authority
26 issued pursuant to this title, there shall be excluded the amount of
27 such indebtedness represented by such bonds or notes issued to refund or
28 otherwise repay bonds or notes, provided that the amount so excluded
29 under the clause may exceed the principal amount of such bonds or notes
30 that were issued to refund or otherwise repay only if the present value
31 of the aggregate debt service on the refunding or repayment bonds or
32 notes shall not have at the time of their issuance exceeded the present
33 value of the aggregate debt service of the bonds or notes they were
34 issued to refund or repay, such present value in each case being calcu-
35 lated by using the effective interest rate of the refunding or repayment
36 bonds or notes, which shall be that rate arrived at by doubling the
37 semi-annual interest rate (compounded semi-annually) necessary to
38 discount the debt service payments on the refunding or repayment bonds
39 or notes from the payment date thereof to the date of issue of the
40 refunding or repayment bonds or notes from the payment date thereof to
41 the date of issue of the refunding or repayment bonds or notes and to
42 the price bid therefor, or to the proceeds received by the dormitory
43 authority from the sale thereof, in each case including estimated
44 accrued interest. Notwithstanding the provisions of this paragraph, on
45 and after April first, two thousand ten, the amount of state-supported
46 debt, as such term is defined in subdivision one of section sixty-sev-
47 en-a of the state finance law, authorized to be issued shall not exceed
48 the amount set forth in, and shall be issued in accordance with, the
49 provisions of section sixty-seven-d of the state finance law providing
50 therefor.

51 § 56. Subdivision 2 of section 219-a of the judiciary law, as amended
52 by section 27 of part K of chapter 81 of the laws of 2002, is amended to
53 read as follows:

54 2. The chief administrator of the courts may enter into an agreement
55 jointly with the dormitory authority and with any other person, firm,
56 association, corporation or agency pursuant to which facilities for such

1 institute shall be constructed or otherwise provided and thereafter
2 maintained. The maximum amount of bonds that may be issued for such
3 institute is sixteen million one hundred five thousand dollars, exclu-
4 sive of bonds issued to fund any reserve fund or funds, pay costs of
5 issuance and refund bonds. Expenses of the unified court system in
6 relation to this agreement shall be paid out of funds appropriated from
7 the court facilities incentive aid fund to the judiciary for that
8 purpose. Notwithstanding the provisions of this subdivision, on and
9 after April first, two thousand ten, the amount of state-supported debt,
10 as such term is defined in subdivision one of section sixty-seven-a of
11 the state finance law, authorized to be issued shall not exceed the
12 amount set forth in, and shall be issued in accordance with, the
13 provisions of section sixty-seven-d of the state finance law providing
14 therefor.

15 § 57. Subdivision (a) of section 61 of part C of chapter 57 of the
16 laws of 2004, amending the education law and other laws relating to the
17 calculation and payment of state aid to school districts and boards of
18 cooperative educational services, is amended to read as follows:

19 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
20 notwithstanding any provisions of law to the contrary, one or more
21 authorized issuers as defined by section 68-a of the state finance law
22 are hereby authorized to issue bonds or notes in one or more series in
23 an aggregate principal amount not to exceed \$80,000,000, excluding bonds
24 issued to finance one or more debt service reserve funds, to pay costs
25 of issuance of such bonds, and bonds or notes issued to refund or other-
26 wise repay such bonds or notes previously issued, for the purpose of
27 financing transportation capital expense transition grants base year
28 approved expenses for transportation capital, debt service and leases;
29 and to reimburse the state general fund for disbursements made therefor.
30 Such bonds and notes of such authorized issuer shall not be a debt of
31 the state, and the state shall not be liable thereon, nor shall they be
32 payable out of any funds other than those appropriated by the state to
33 such authorized issuer for debt service and related expenses pursuant to
34 any service contract executed pursuant to subdivision (b) of this
35 section and such bonds and notes shall contain on the face thereof a
36 statement to such effect. Except for purposes of complying with the
37 internal revenue code, any interest income earned on bond proceeds shall
38 only be used to pay debt service on such bonds. Notwithstanding the
39 provisions of this subdivision, on and after April first, two thousand
40 ten, the amount of state-supported debt, as such term is defined in
41 subdivision one of section sixty-seven-a of the state finance law,
42 authorized to be issued shall not exceed the amount set forth in, and
43 shall be issued in accordance with, the provisions of section sixty-sev-
44 en-d of the state finance law providing therefor.

45 § 58. Paragraph a of subdivision 5 of section 236-a of the education
46 law, as added by section 1 of part P of chapter 57 of the laws of 2005,
47 is amended to read as follows:

48 a. Subject to the provisions of chapter fifty-nine of the laws of two
49 thousand, but notwithstanding any provisions of law to the contrary, one
50 or more authorized issuers as defined by section sixty-eight-a of the
51 state finance law are hereby authorized to issue bonds or notes in one
52 or more series in an aggregate principal amount not to exceed fifteen
53 million dollars, excluding bonds issued to finance one or more debt
54 service reserve funds, to pay costs of issuance of such bonds, and bonds
55 or notes issued to refund or otherwise repay such bonds or notes previ-
56 ously issued, for the purpose of financing approved capital improvement

1 project grants for public broadcasting stations in New York state; and
2 to reimburse the state general fund for disbursements made therefor.
3 Such bonds and notes of such authorized issuer shall not be a debt of
4 the state, and the state shall not be liable thereon, nor shall they be
5 payable out of any funds other than those appropriated by the state to
6 such authorized issuer for debt service and related expenses pursuant to
7 any service contract executed pursuant to paragraph b of this subdivi-
8 sion and such bonds and notes shall contain on the face thereof a state-
9 ment to such effect. Except for purposes of complying with the internal
10 revenue code, any interest income earned on bond proceeds shall only be
11 used to pay debt service on such bonds. Notwithstanding the provisions
12 of this paragraph, on and after April first, two thousand ten, the
13 amount of state-supported debt, as such term is defined in subdivision
14 one of section sixty-seven-a of the state finance law, authorized to be
15 issued shall not exceed the amount set forth in, and shall be issued in
16 accordance with, the provisions of section sixty-seven-d of the state
17 finance law providing therefor.

18 § 58-a. Section 2 of part P of chapter 57 of the laws of 2005, amend-
19 ing the education law relating to establishing a program of capital
20 financing for public broadcasting stations, as amended by chapter 167 of
21 the laws of 2009, is amended to read as follows:

22 § 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2005, and shall
24 expire March 31, [2010] 2011 when upon such date the provisions of this
25 act shall be deemed repealed.

26 § 59. Clause (B) of subparagraph (iii) of paragraph (j) of subdivision
27 4 of section 1 of part U of chapter 57 of the laws of 2005, amending the
28 labor law and other laws relating to implementing the state fiscal plan
29 for the 2005-2006 state fiscal year, as added by section 1 of part D of
30 chapter 63 of the laws of 2005, is amended to read as follows:

31 (B) The dormitory authority shall not issue any bonds or notes in an
32 amount in excess of 150 million dollars for the purposes of this
33 section; excluding bonds or notes issued to fund one or more debt
34 service reserve funds, to pay costs of issuance of such bonds, and bonds
35 or notes issued to refund or otherwise repay such bonds or notes previ-
36 ously issued. Except for purposes of complying with the internal revenue
37 code, any interest on bond proceeds shall only be used to pay debt
38 service on such bonds. Notwithstanding the provisions of this clause, on
39 and after April first, two thousand ten, the amount of state-supported
40 debt, as such term is defined in subdivision one of section sixty-sev-
41 en-a of the state finance law, authorized to be issued shall not exceed
42 the amount set forth in, and shall be issued in accordance with, the
43 provisions of section sixty-seven-d of the state finance law providing
44 therefor.

45 § 60. Clause (B) of subparagraph (iii) of paragraph (j) of subdivision
46 4 of section 1680-j of the public authorities law, as added by section 1
47 of part MM of chapter 59 of the laws of 2004, is amended to read as
48 follows:

49 (B) The dormitory authority shall not issue any bonds or notes in an
50 amount in excess of three hundred fifty million dollars for the purposes
51 of this section; excluding bonds or notes issued to fund one or more
52 debt service reserve funds, to pay costs of issuance of such bonds, and
53 bonds or notes issued to refund or otherwise repay such bonds or notes
54 previously issued. Except for purposes of complying with the internal
55 revenue code, any interest on bond proceeds shall only be used to pay
56 debt service on such bonds. Notwithstanding the provisions of this

1 clause, on and after April first, two thousand ten, the amount of state-
2 supported debt, as such term is defined in subdivision one of section
3 sixty-seven-a of the state finance law, authorized to be issued shall
4 not exceed the amount set forth in, and shall be issued in accordance
5 with, the provisions of section sixty-seven-d of the state finance law
6 providing therefor.

7 § 61. Paragraph a of subdivision 14 of section 3641 of the education
8 law, as added by section 2 of part I of chapter 61 of the laws of 2006,
9 is amended to read as follows:

10 a. Establishment of the EXCEL program. There is hereby established the
11 expanding our children's education and learning (EXCEL) program to
12 provide project financing or assistance in the form of grants to eligi-
13 ble school districts, in addition to, or in lieu of, the apportionments
14 made pursuant to subdivisions six, six-a, six-b, six-c, [six-d,] six-e,
15 six-f and paragraph c of subdivision fourteen of section thirty-six
16 hundred two of this article, and subdivisions ten and twelve of this
17 section, for the costs of EXCEL school facility projects. An apportion-
18 ment for any such project shall initially be available in the state
19 fiscal year commencing April first, two thousand six. Notwithstanding
20 any provision of law to the contrary, the dormitory authority of the
21 state of New York shall be authorized to issue bonds or notes in an
22 aggregate amount not to exceed two billion six hundred million dollars
23 for purposes of the EXCEL program. Notwithstanding the provisions of
24 this paragraph, on and after April first, two thousand ten, the amount
25 of state-supported debt, as such term is defined in subdivision one of
26 section sixty-seven-a of the state finance law, authorized to be issued
27 shall not exceed the amount set forth in, and shall be issued in accord-
28 ance with, the provisions of section sixty-seven-d of the state finance
29 law providing therefor.

30 § 62. Subdivision 9 of section 1689-i of the public authorities law,
31 as added by section 4 of part I of chapter 61 of the laws of 2006, is
32 amended to read as follows:

33 9. The dormitory authority shall not issue any bonds or notes in an
34 amount in excess of two billion six hundred million dollars for the
35 purposes of this section, excluding a principal amount of bonds or notes
36 issued to fund one or more debt service reserve funds, to pay for the
37 costs of issuance of such bonds, and bonds or notes issued to refund or
38 otherwise repay such bonds, and bonds or notes previously issued. Except
39 for the purposes of complying with the internal revenue code, any inter-
40 est income earned on bond proceeds shall only be used to pay debt
41 service on such bonds or notes. Notwithstanding the provisions of this
42 subdivision, on and after April first, two thousand ten, the amount of
43 state-supported debt, as such term is defined in subdivision one of
44 section sixty-seven-a of the state finance law, authorized to be issued
45 shall not exceed the amount set forth in, and shall be issued in accord-
46 ance with, the provisions of section sixty-seven-d of the state finance
47 law providing therefor.

48 § 63. Subdivision 1 of section 1689-i of the public authorities law,
49 as amended by section 40 of part PP of chapter 56 of the laws of 2009,
50 is amended to read as follows:

51 1. The dormitory authority is authorized to issue bonds, at the
52 request of the commissioner of education, to finance eligible library
53 construction projects pursuant to section two hundred seventy-three-a of
54 the education law, in amounts certified by such commissioner not to
55 exceed a total principal amount of fifty-six million dollars. Notwith-
56 standing the provisions of this subdivision, on and after April first,

1 two thousand ten, the amount of state-supported debt, as such term is
2 defined in subdivision one of section sixty-seven-a of the state finance
3 law, authorized to be issued shall not exceed the amount set forth in,
4 and shall be issued in accordance with, the provisions of section sixty-
5 seven-d of the state finance law providing therefor.

6 § 64. Subdivision 1 of section 1680-m of the public authorities law,
7 as amended by section 41 of part PP of chapter 56 of the laws of 2009,
8 is amended to read as follows:

9 1. Notwithstanding the provisions of any other law to the contrary,
10 the authority and the urban development corporation are hereby author-
11 ized to issue bonds or notes in one or more series for the purpose of
12 funding project costs for construction and rehabilitation associated
13 with the cultural education facilities and the St. Regis Mohawk elemen-
14 tary school. The aggregate principal amount of bonds authorized to be
15 issued pursuant to this section shall not exceed ninety-one million five
16 hundred eighty-five thousand dollars, excluding bonds issued to fund one
17 or more debt service reserve funds, to pay costs of issuance of such
18 bonds, and bonds or notes issued to refund or otherwise repay such bonds
19 or notes previously issued. Such bonds and notes of the authority and
20 the urban development corporation shall not be a debt of the state, and
21 the state shall not be liable thereon, nor shall they be payable out of
22 any funds other than those appropriated by the state to the authority
23 for principal, interest, and related expenses pursuant to a service
24 contract and such bonds and notes shall contain on the face thereof a
25 statement to such effect. Except for purposes of complying with the
26 internal revenue code, any interest income earned on bond proceeds shall
27 only be used to pay debt service on such bonds. Notwithstanding the
28 provisions of this subdivision, on and after April first, two thousand
29 ten, the amount of state-supported debt, as such term is defined in
30 subdivision one of section sixty-seven-a of the state finance law,
31 authorized to be issued shall not exceed the amount set forth in, and
32 shall be issued in accordance with, the provisions of section sixty-sev-
33 en-d of the state finance law providing therefor.

34 § 65. Subdivision 3 of section 1285-p of the public authorities law,
35 as amended by section 42 of part PP of chapter 56 of the laws of 2009,
36 is amended to read as follows:

37 3. The maximum amount of bonds that may be issued for the purpose of
38 financing environmental infrastructure projects authorized by this
39 section shall be eight hundred sixty-seven million five hundred thousand
40 dollars, exclusive of bonds issued to fund any debt service reserve
41 funds, pay costs of issuance of such bonds, and bonds or notes issued to
42 refund or otherwise repay bonds or notes previously issued. Such bonds
43 and notes of the corporation shall not be a debt of the state, and the
44 state shall not be liable thereon, nor shall they be payable out of any
45 funds other than those appropriated by the state to the corporation for
46 debt service and related expenses pursuant to any service contracts
47 executed pursuant to subdivision one of this section, and such bonds and
48 notes shall contain on the face thereof a statement to such effect.
49 Notwithstanding the provisions of this subdivision, on and after April
50 first, two thousand ten, the amount of state-supported debt, as such
51 term is defined in subdivision one of section sixty-seven-a of the state
52 finance law, authorized to be issued shall not exceed the amount set
53 forth in, and shall be issued in accordance with, the provisions of
54 section sixty-seven-d of the state finance law providing therefor.

1 § 66. Subdivision 3 of section 1285-q of the public authorities law,
2 as added by section 6 of part I of chapter 1 of the laws of 2003, is
3 amended to read as follows:

4 3. The maximum amount of bonds that may be issued for the purpose of
5 financing hazardous waste site remediation projects authorized by this
6 section shall not exceed one billion two hundred million dollars and
7 shall not exceed one hundred twenty million dollars for appropriations
8 enacted for any state fiscal year, provided that the bonds not issued
9 for such appropriations may be issued pursuant to reappropriation in
10 subsequent fiscal years. No bonds shall be issued for the repayment of
11 any new appropriation enacted after March thirty-first, two thousand
12 thirteen for hazardous waste site remediation projects authorized by
13 this section. Amounts authorized to be issued by this section shall be
14 exclusive of bonds issued to fund any debt service reserve funds, pay
15 costs of issuance of such bonds, and bonds or notes issued to refund or
16 otherwise repay bonds or notes previously issued. Such bonds and notes
17 of the corporation shall not be a debt of the state, and the state shall
18 not be liable thereon, nor shall they be payable out of any funds other
19 than those appropriated by this state to the corporation for debt
20 service and related expenses pursuant to any service contracts executed
21 pursuant to subdivision one of this section, and such bonds and notes
22 shall contain on the face thereof a statement to such effect. Notwith-
23 standing the provisions of this subdivision, on and after April first,
24 two thousand ten, the amount of state-supported debt, as such term is
25 defined in subdivision one of section sixty-seven-a of the state finance
26 law, authorized to be issued shall not exceed the amount set forth in,
27 and shall be issued in accordance with, the provisions of section
28 sixty-seven-d of the state finance law providing therefor.

29 § 67. Paragraph (a) of subdivision 1 of section 1290 of the public
30 authorities law, as amended by chapter 366 of the laws of 2004, is
31 amended to read as follows:

32 (a) The corporation shall have power and is hereby authorized from
33 time to time to issue its negotiable or non-negotiable bonds and notes
34 in conformity with applicable provisions of the uniform commercial code
35 in such principal amount, as, in the opinion of the corporation, shall
36 be necessary to provide sufficient funds for achieving its purposes,
37 including the acquisition and construction, operation and maintenance of
38 sewage treatment works, sewage collecting systems, solid waste disposal
39 facilities, storm water collecting systems, water management facilities,
40 air pollution control facilities, the removal, disposal and remediation
41 of petroleum storage tanks and the remediation of the sites thereof and
42 any other project or projects authorized pursuant to the provisions of
43 this title, and paying the cost thereof; the making of loans to persons
44 and, for purposes of sections twelve hundred eighty-five-j, twelve
45 hundred eighty-five-m and twelve hundred eighty-five-o of this title
46 only, to any municipality or recipient for such purposes; the making of
47 loans, providing of financing or extension of credit to or on behalf of
48 beginning farmers for purposes of section twelve hundred eighty-five-r
49 of this title only; the financing of the design, acquisition,
50 construction, improvement and installation of all or any portion of
51 Riverbank Park, provided however, that any such bonds or notes issued to
52 finance Riverbank Park shall only be issued in such principal amount as
53 shall be necessary to provide sufficient funds for the repayment of
54 amounts disbursed pursuant to appropriations or reappropriations under
55 chapter fifty-four of the laws of nineteen hundred ninety-one including
56 any subsequent reappropriation of the unexpended balance of such appro-

1 priations or reappropriations for the purpose of Riverbank Park, plus an
2 amount sufficient to fund any debt service reserve fund established by
3 the corporation for the purpose of Riverbank Park and to provide for the
4 payment of fees and other charges and expenses of the corporation in
5 connection with such bonds and notes, which principal amount shall
6 constitute the statutory ceiling on the amount of bonds and notes that
7 can be issued for such purpose; the financing of all or any portion of
8 any state park infrastructure project or reimbursement of the state for
9 expenditures relating thereto, plus an amount to provide for the payment
10 of fees and other charges and expenses of the corporation in connection
11 with such bonds and notes; the provision of funds to the state for any
12 amounts contributed or to be contributed to the water pollution control
13 revolving fund, the pipeline for jobs fund or the drinking water revolv-
14 ing fund provided, however, that any such bonds or notes issued to
15 provide funds to the water pollution control revolving fund, the pipe-
16 line for jobs fund or the drinking water revolving fund shall only be
17 issued in such principal amount as shall be necessary to provide suffi-
18 cient funds for the repayment of amounts disbursed pursuant to any
19 appropriation or reappropriation enacted for the pipeline for jobs fund
20 or for the payment of the state match for federal capitalization grants
21 for the water pollution control revolving fund or the drinking water
22 revolving fund, plus an amount sufficient to fund any debt service
23 reserve fund and to provide for fees, charges and other costs of issu-
24 ance, which principal amount shall constitute the statutory ceiling on
25 the amount of bonds and notes that can be issued for such purpose; the
26 financing of any environmental infrastructure projects authorized by
27 section twelve hundred eighty-five-p of this title; the purchase of
28 municipal bonds and notes, and bonds and notes of a state agency, the
29 payment of the cost of any project, the payment of interest on bonds and
30 notes of the corporation, the establishment of reserves to secure such
31 bonds and notes; the provision of working capital and all other expendi-
32 tures of the corporation incident to and necessary or convenient to
33 carry out its purposes and powers[;]. Notwithstanding the provisions of
34 this paragraph, on and after April first, two thousand ten, the amount
35 of state-supported debt, as such term is defined in subdivision one of
36 section sixty-seven-a of the state finance law, authorized to be issued
37 shall not exceed the amount set forth in, and shall be issued in accord-
38 ance with, the provisions of section sixty-seven-d of the state finance
39 law providing therefor.

40 § 68. Subdivision 1 of section 1285-1 of the public authorities law,
41 as added by chapter 55 of the laws of 1992, is amended to read as
42 follows:

43 1. Notwithstanding the provisions of any general or special law to the
44 contrary, the office of parks, recreation and historic preservation or
45 the division of the budget, with the approval of the director of the
46 budget, and the corporation are each hereby authorized to enter into a
47 contract or contracts providing for the financing of the design, acqui-
48 sition, construction, improvement and installation of all or any portion
49 of any state park infrastructure project or reimbursement to the state
50 for costs incurred in connection with a state park infrastructure
51 project for and on behalf of the state; and the corporation and the
52 office of parks, recreation and historic preservation or the division of
53 the budget, with the approval of the director of the budget, may enter
54 into a contract, lease, easement, license or other instrument pursuant
55 to which the corporation shall make all or any portion of any state park
56 infrastructure project available to such state agency. Any such contract

1 or contracts, lease, easement, license or other instrument shall be upon
2 such terms and conditions as the corporation and the state shall deter-
3 mine to be reasonable, including, but not limited to, the payment of or
4 reimbursement to the corporation for (a) all costs of the corporation in
5 financing all or any portion of any state park infrastructure project,
6 and any claims arising therefrom, (b) all fees and other charges of, and
7 all expenses incurred by, the corporation in connection with the issu-
8 ance and administration of any bonds or notes issued by the corporation
9 for such purpose, and (c) amounts sufficient to pay all principal,
10 premium, if any, and interest on such bonds or notes. Such payment or
11 reimbursement may be made annually or otherwise, may be in fixed amounts
12 or based on any factors or other matters, or may be made in any other
13 manner, as such contract or contracts, lease, easement, license or other
14 instrument shall provide. Provided, however, that the net proceeds of
15 any such bonds or notes issued shall not exceed sixteen million dollars,
16 not including issuance costs, capitalized interest and debt service
17 reserve funds. Notwithstanding the provisions of this subdivision, on
18 and after April first, two thousand ten, the amount of state-supported
19 debt, as such term is defined in subdivision one of section sixty-sev-
20 en-a of the state finance law, authorized to be issued shall not exceed
21 the amount set forth in, and shall be issued in accordance with, the
22 provisions of section sixty-seven-d of the state finance law providing
23 therefor.

24 § 69. Subparagraph (i) of paragraph (b) of subdivision 6 of section
25 1854 of the public authorities law, as amended by section 27 of part B
26 of chapter 57 of the laws of 1998, is amended to read as follows:

27 (i) Notwithstanding the provisions of any general or special law to
28 the contrary, the director of the budget and the chair of the authority
29 are each authorized to enter into one or more service contracts, and to
30 amend or supplement any existing service contract, with respect to
31 programs, projects, and activities of the authority pursuant to this
32 subdivision, upon such terms as the director of the budget and the chair
33 of the authority may agree, including, but not limited to, provisions
34 relating to the respective obligations of the state and the authority
35 with respect to administration, management, maintenance, and use of the
36 real property at the Western New York Nuclear Service Center held by the
37 authority, design, construction, modification, operation, and mainte-
38 nance of facilities thereon, and implementation of programs, projects,
39 or activities to improve or correct conditions thereon, including, but
40 not limited to, the West Valley demonstration project, and provisions
41 providing for the payment of (A) all fees and charges of, and expenses
42 and other non-asset costs of financing incurred by, the authority in
43 connection with the issuance and administration of special obligation
44 bonds or notes to pay for or reimburse the state with respect to such
45 actions, and (B) all debt service payments on such bonds and notes.
46 Provided, however, that the aggregate net proceeds of any such bonds or
47 notes issued, excluding any bonds or notes issued for the purpose of
48 refunding other bonds and notes issued under this subdivision, shall not
49 exceed the aggregate of amounts appropriated for such actions in the
50 state fiscal year ending March thirty-one, nineteen hundred ninety-three
51 and any state fiscal year thereafter up to and including the state
52 fiscal year ending March thirty-first, nineteen hundred ninety-nine, not
53 including amounts to be applied to the payment of all fees and other
54 charges of, and expenses and other non-asset costs of financing incurred
55 by, the authority in connection with the issuance and administration of
56 such bonds and notes; and, capitalized interest and debt service reserve

1 funds established for such bonds or notes and the acquisition of insur-
2 ance, letters of credit or other credit enhancement or liquidity facili-
3 ties obtained in connection with such bonds or notes. Notwithstanding
4 the provisions of this subparagraph, on and after April first, two thou-
5 sand ten, the amount of state-supported debt, as such term is defined in
6 subdivision one of section sixty-seven-a of the state finance law,
7 authorized to be issued shall not exceed the amount set forth in, and
8 shall be issued in accordance with, the provisions of section sixty-sev-
9 en-d of the state finance law providing therefor.

10 § 70. Subdivision (a) of section 93 of chapter 83 of the laws of 1995,
11 amending the state finance law and other laws relating to state
12 finances, as amended by chapter 309 of the laws of 1996, is amended to
13 read as follows:

14 (a) Notwithstanding the provisions of section 18 of the New York state
15 urban development corporation act, the urban development corporation is
16 hereby authorized to issue bonds or notes in an aggregate principal
17 amount not to exceed \$15,000,000 excluding bonds issued to fund a debt
18 service reserve fund, to pay costs of issuance of such bonds, and bonds
19 or notes issued to refund or otherwise repay such bonds or notes previ-
20 ously issued, for the purpose of the Long Island pine barrens land
21 acquisition as authorized by chapter 54 of the laws of 1995 and all
22 subsequent reappropriations of the appropriation made pursuant to chap-
23 ter 54 of the laws of 1995 for the purpose of the Long Island pine
24 barrens land acquisition, and to reimburse the state capital projects
25 fund for disbursements made therefor. Such bonds and notes of the
26 corporation shall not be a debt of the state, and the state shall not be
27 liable thereon, nor shall they be payable out of any funds other than
28 those appropriated by the state to the corporation for debt service and
29 related expenses pursuant to the service contract and such bonds and
30 notes shall contain on the face thereof a statement to such effect.
31 Notwithstanding the provisions of this subdivision, on and after April
32 first, two thousand ten, the amount of state-supported debt, as such
33 term is defined in subdivision one of section sixty-seven-a of the state
34 finance law, authorized to be issued shall not exceed the amount set
35 forth in, and shall be issued in accordance with, the provisions of
36 section sixty-seven-d of the state finance law providing therefor.

37 § 71. Paragraph (e) of subdivision 1 of section 1290 of the public
38 authorities law, as added by section 29 of part K of chapter 81 of the
39 laws of 2002, is amended to read as follows:

40 (e) Notwithstanding any other law to the contrary, the corporation
41 shall not issue any notes or bonds on behalf of any state department or
42 agency to fund the removal, disposal and remediation of petroleum stor-
43 age tanks and the remediation of the sites thereof or on behalf of the
44 office of mental health to finance the pilgrim state sewage treatment
45 project, after the thirty-first day of March, nineteen hundred ninety-
46 six. This limitation shall not apply to bonds and notes issued to refund
47 bonds issued for such purposes. Notwithstanding the provisions of this
48 paragraph, on and after April first, two thousand ten, the amount of
49 state-supported debt, as such term is defined in subdivision one of
50 section sixty-seven-a of the state finance law, authorized to be issued
51 shall not exceed the amount set forth in, and shall be issued in accord-
52 ance with, the provisions of section sixty-seven-d of the state finance
53 law providing therefor.

54 § 72. Subdivision 1 of section 2 of chapter 7 of the laws of 1989,
55 authorizing the New York state urban development corporation to assist

1 the state in restructuring certain payment requirements is amended to
2 read as follows:

3 (1) Notwithstanding the provisions of section 18 of the UDC act, the
4 corporation is hereby authorized, as a civic project of the corporation,
5 to issue bonds and notes in an aggregate original principal amount not
6 to exceed one hundred thirty-three million dollars (\$133,000,000), and
7 to make available the proceeds received from the sale of such bonds and
8 notes to the New York state office of general services, for the purposes
9 of financing the acquisition of interests in state office facilities as
10 further authorized by this act. Bonds issued or to be issued for such
11 purposes shall be excluded from the foregoing limitation as to the
12 aggregate original principal amount if such bonds are issued to refund
13 bonds issued for such purposes and the present value of the aggregate
14 debt service on the refunding bonds does not exceed the present value of
15 the aggregate debt service on the bonds refunded thereby. For purposes
16 hereof, the present value of the aggregate debt service of the refunding
17 bonds and the aggregate debt service of the bonds refunded, shall be
18 calculated by utilizing the true interest cost of the refunding bonds,
19 which shall be that rate arrived at by doubling the semi-annual interest
20 rate (compounded semi-annually) necessary to discount the debt service
21 payments on the refunding bonds from the payment dates thereof to the
22 date of issue of the refunding bonds to the purchase price of the
23 refunding bonds including interest accrued thereon prior to the issuance
24 thereof. Notwithstanding the provisions of this subdivision, on and
25 after April first, two thousand ten, the amount of state-supported debt,
26 as such term is defined in subdivision one of section sixty-seven-a of
27 the state finance law, authorized to be issued shall not exceed the
28 amount set forth in, and shall be issued in accordance with, the
29 provisions of section sixty-seven-d of the state finance law providing
30 therefor.

31 § 73. Subdivision 1 of section 342 of chapter 190 of the laws of 1990
32 amending the tax law relating to certain taxes, fees and other imposi-
33 tions, is amended to read as follows:

34 (1) Notwithstanding the provisions of section 18 of the UDC act, the
35 corporation is hereby authorized to issue bonds, notes or other obli-
36 gations in an aggregate principal amount not to exceed two hundred
37 million dollars, plus a principal amount of bonds, notes or other obli-
38 gations (a) to fund any related debt service reserve fund, or other
39 reserve funds as may be needed, (b) to provide capitalized interest, and
40 (c) to provide fees and other charges and expenses, including underwrit-
41 ers' discount, related to the issuance of such bonds, notes or other
42 obligations and the maintenance of such reserves, all as determined by
43 the corporation, excluding bonds, notes or other obligations issued to
44 refund or otherwise repay bonds, notes or other obligations theretofore
45 issued for such purposes. In computing the total principal amount of
46 bonds, notes or other obligations that may at any time be issued for any
47 purpose under this section, the amount of the outstanding bonds, notes
48 or other obligations that constitutes interest under the United States
49 Internal Revenue Code of 1986, as amended to the effective date of this
50 section, shall be excluded. The corporation is further authorized to
51 apply the proceeds received from the sale of such bonds, notes or other
52 obligations (except for any portion of such proceeds allocated to the
53 payment of costs of issuance, the funding of a debt service reserve fund
54 or other reserves as may be needed, or the paying of capitalized inter-
55 est) to purchases of interests from the state pursuant to sections three
56 hundred thirty-nine through three hundred forty-seven of this act.

1 Notwithstanding the provisions of this subdivision, on and after April
2 first, two thousand ten, the amount of state-supported debt, as such
3 term is defined in subdivision one of section sixty-seven-a of the state
4 finance law, authorized to be issued shall not exceed the amount set
5 forth in, and shall be issued in accordance with, the provisions of
6 section sixty-seven-d of the state finance law providing therefor.

7 § 74. Subdivision (a) of section 27 of part Y of chapter 61 of the
8 laws of 2005, providing for the administration of certain funds and
9 accounts related to the 2005-2006 budget, as amended by section 43 of
10 part PP of chapter 56 of the laws of 2009, is amended to read as
11 follows:

12 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
13 notwithstanding any provisions of law to the contrary, the urban devel-
14 opment corporation is hereby authorized to issue bonds or notes in one
15 or more series in an aggregate principal amount not to exceed
16 \$114,100,000, excluding bonds issued to finance one or more debt service
17 reserve funds, to pay costs of issuance of such bonds, and bonds or
18 notes issued to refund or otherwise repay such bonds or notes previously
19 issued, for the purpose of financing capital projects for division of
20 state police facilities, debt service and leases; and to reimburse the
21 state general fund for disbursements made therefor. Such bonds and notes
22 of such authorized issuer shall not be a debt of the state, and the
23 state shall not be liable thereon, nor shall they be payable out of any
24 funds other than those appropriated by the state to such authorized
25 issuer for debt service and related expenses pursuant to any service
26 contract executed pursuant to subdivision (b) of this section and such
27 bonds and notes shall contain on the face thereof a statement to such
28 effect. Except for purposes of complying with the internal revenue code,
29 any interest income earned on bond proceeds shall only be used to pay
30 debt service on such bonds. Notwithstanding the provisions of this
31 subdivision, on and after April first, two thousand ten, the amount of
32 state-supported debt, as such term is defined in subdivision one of
33 section sixty-seven-a of the state finance law, authorized to be issued
34 shall not exceed the amount set forth in, and shall be issued in accord-
35 ance with, the provisions of section sixty-seven-d of the state finance
36 law providing therefor.

37 § 75. Subdivision (a) of section 28 of part Y of chapter 61 of the
38 laws of 2005 providing for the administration of certain funds and
39 accounts related to the 2005-2006 budget, is amended to read as follows:

40 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
41 notwithstanding any provisions of law to the contrary, one or more
42 authorized issuers as defined by section 68-a of the state finance law
43 are hereby authorized to issue bonds or notes in one or more series in
44 an aggregate principal amount not to exceed \$15,000,000, excluding bonds
45 issued to finance one or more debt service reserve funds, to pay costs
46 of issuance of such bonds, and bonds or notes issued to refund or other-
47 wise repay such bonds or notes previously issued, for the purpose of
48 financing capital projects for public protection facilities in the Divi-
49 sion of Military and Naval Affairs, debt service and leases; and to
50 reimburse the state general fund for disbursements made therefor. Such
51 bonds and notes of such authorized issuer shall not be a debt of the
52 state, and the state shall not be liable thereon, nor shall they be
53 payable out of any funds other than those appropriated by the state to
54 such authorized issuer for debt service and related expenses pursuant to
55 any service contract executed pursuant to subdivision (b) of this
56 section and such bonds and notes shall contain on the face thereof a

1 statement to such effect. Except for purposes of complying with the
2 internal revenue code, any interest income earned on bond proceeds shall
3 only be used to pay debt service on such bonds. Notwithstanding the
4 provisions of this subdivision, on and after April first, two thousand
5 ten, the amount of state-supported debt, as such term is defined in
6 subdivision one of section sixty-seven-a of the state finance law,
7 authorized to be issued shall not exceed the amount set forth in, and
8 shall be issued in accordance with, the provisions of section sixty-sev-
9 en-d of the state finance law providing therefor.

10 § 76. Subdivision (a) of section 34 of part K of chapter 81 of the
11 laws of 2002 relating to the financing of certain buildings located in
12 the city of Albany, as amended by section 21 of part P-2 of chapter 62
13 of the laws of 2003, is amended to read as follows:

14 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
15 notwithstanding the provisions of section 18 of the New York state urban
16 development corporation act, the urban development corporation is hereby
17 authorized to issue bonds or notes in one or more series in an aggregate
18 principal amount not to exceed \$89,000,000, excluding bonds issued to
19 fund one or more debt service reserve funds, to pay costs of issuance of
20 such bonds, and bonds or notes issued to refund or otherwise repay such
21 bonds or notes previously issued, for the purpose of financing the
22 Alfred E. Smith office building located in the city of Albany, including
23 the reimbursement of any disbursements made from the state capital
24 projects fund. Such bonds and notes of the corporation shall not be a
25 debt of the state, and the state shall not be liable thereon, nor shall
26 they be payable out of any funds other than those appropriated by the
27 state to the corporation for debt service and related expenses pursuant
28 to any service contracts executed pursuant to subdivision (b) of this
29 section and such bonds and notes shall contain on the face of thereof a
30 statement to such effect. Except for purposes of complying with the
31 internal revenue code, any interest income earned on bond proceeds shall
32 only be used to pay debt service on such bonds. Notwithstanding the
33 provisions of this subdivision, on and after April first, two thousand
34 ten, the amount of state-supported debt, as such term is defined in
35 subdivision one of section sixty-seven-a of the state finance law,
36 authorized to be issued shall not exceed the amount set forth in, and
37 shall be issued in accordance with, the provisions of section sixty-sev-
38 en-d of the state finance law providing therefor.

39 § 77. Subdivision (a) of section 35 of part Y of chapter 61 of the
40 laws of 2005 providing for the administration of certain funds and
41 accounts related to the 2005-2006 budget, is amended to read as follows:

42 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
43 notwithstanding the provisions of section 18 of the New York state urban
44 development corporation act, the urban development corporation is hereby
45 authorized to issue bonds or notes in one or more series in an aggregate
46 principal amount not to exceed \$25,000,000, excluding bonds issued to
47 fund one or more debt service reserve funds, to pay costs of issuance of
48 such bonds, and bonds or notes issued to refund or otherwise repay such
49 bonds or notes previously issued, for the purpose of financing the Elk
50 street parking garage building located in the city of Albany, including
51 the reimbursement of any disbursements made from the state capital
52 projects fund. Such bonds and notes of the corporation shall not be a
53 debt of the state, and the state shall not be liable thereon, nor shall
54 they be payable out of any funds other than those appropriated by the
55 state to the corporation for debt service and related expenses pursuant
56 to any service contracts executed pursuant to subdivision (b) of this

1 section and such bonds and notes shall contain on the face thereof a
2 statement to such effect. Except for purposes of complying with the
3 internal revenue code, any interest income earned on bond proceeds shall
4 only be used to pay debt service on such bonds. Notwithstanding the
5 provisions of this subdivision, on and after April first, two thousand
6 ten, the amount of state-supported debt, as such term is defined in
7 subdivision one of section sixty-seven-a of the state finance law,
8 authorized to be issued shall not exceed the amount set forth in, and
9 shall be issued in accordance with, the provisions of section sixty-sev-
10 en-d of the state finance law providing therefor.

11 § 78. Subdivision (a) of section 48 of part K of chapter 81 of the
12 laws of 2002, providing for the administration of certain funds and
13 accounts related to the 2002-2003 budget, as amended by section 44 of
14 part PP of chapter 56 of the laws of 2009, is amended to read as
15 follows:

16 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
17 notwithstanding the provisions of section 18 of the urban development
18 corporation act, the corporation is hereby authorized to issue bonds or
19 notes in one or more series in an aggregate principal amount not to
20 exceed \$25,000,000 excluding bonds issued to fund one or more debt
21 service reserve funds, to pay costs of issuance of such bonds, and bonds
22 or notes issued to refund or otherwise repay such bonds or notes previ-
23 ously issued, for the purpose of financing capital costs related to
24 homeland security for the division of state police, the division of
25 military and naval affairs, and any other state agency, including the
26 reimbursement of any disbursements made from the state capital projects
27 fund, and is hereby authorized to issue bonds or notes in one or more
28 series in an aggregate principal amount not to exceed \$155,800,000,
29 excluding bonds issued to fund one or more debt service reserve funds,
30 to pay costs of issuance of such bonds, and bonds or notes issued to
31 refund or otherwise repay such bonds or notes previously issued, for the
32 purpose of financing improvements to State office buildings and other
33 facilities located statewide, including the reimbursement of any
34 disbursements made from the state capital projects fund. Such bonds and
35 notes of the corporation shall not be a debt of the state, and the state
36 shall not be liable thereon, nor shall they be payable out of any funds
37 other than those appropriated by the state to the corporation for debt
38 service and related expenses pursuant to any service contracts executed
39 pursuant to subdivision (b) of this section, and such bonds and notes
40 shall contain on the face thereof a statement to such effect.

41 Except for purposes of complying with the internal revenue code, any
42 interest income earned on bond proceeds shall only be used to pay debt
43 service on such bonds. Notwithstanding the provisions of this subdivi-
44 sion, on and after April first, two thousand ten, the amount of state-
45 supported debt, as such term is defined in subdivision one of section
46 sixty-seven-a of the state finance law, authorized to be issued shall
47 not exceed the amount set forth in, and shall be issued in accordance
48 with, the provisions of section sixty-seven-d of the state finance law
49 providing therefor.

50 § 79. Paragraph (b) of subdivision 3 of section 1680-i of the public
51 authorities law, as amended by section 25 of part P-2 of chapter 62 of
52 the laws of 2003, is amended to read as follows:

53 (b) The dormitory authority shall not issue any bonds or notes in an
54 amount in excess of thirty-seven million six hundred thousand dollars
55 for the purposes of this section; excluding bonds or notes issued to
56 fund one or more debt service reserve funds, to pay costs of issuance of

1 such bonds, and bonds or notes issued to refund or otherwise repay such
2 bonds or notes previously issued. Except for purposes of complying with
3 the internal revenue code, any interest on bond proceeds shall only be
4 used to pay debt service on such bonds. Notwithstanding the provisions
5 of this paragraph, on and after April first, two thousand ten, the
6 amount of state-supported debt, as such term is defined in subdivision
7 one of section sixty-seven-a of the state finance law, authorized to be
8 issued shall not exceed the amount set forth in, and shall be issued in
9 accordance with, the provisions of section sixty-seven-d of the state
10 finance law providing therefor.

11 § 80. Paragraph (a) of subdivision 36 of section 1680 of the public
12 authorities law, as added by chapter 5 of the laws of 1998, is amended
13 to read as follows:

14 (a) The dormitory authority is empowered and authorized to enter into
15 a lease, sublease, lease purchase, or other agreement with the office of
16 general services of the state of New York pursuant to which one or more
17 facilities are to be acquired, designed, constructed, reconstructed,
18 rehabilitated, improved or otherwise made available for the provision of
19 parking facilities for the state of New York in the city of Albany, New
20 York and pursuant to which such facilities are to be furnished or
21 equipped and in furtherance of such authorization, the commissioner of
22 general services is hereby empowered to grant or convey to the dormitory
23 authority, such lands as may be necessary for such purposes upon such
24 terms and conditions as the commissioner of general services may fix and
25 determine provided, however, that any contract or lease for
26 construction, reconstruction or rehabilitation authorized by this subdi-
27 vision shall be governed by article eight of the labor law. Such lease,
28 sublease, lease purchase, or other agreement may provide for the payment
29 of annual rentals and other payments by the state of New York on behalf
30 of the departments or agencies having occupancy or use thereof to the
31 dormitory authority from appropriations as provided in paragraph (c) of
32 this subdivision and may contain such other terms and conditions as may
33 be agreed upon by the parties thereto, including but not limited to,
34 provisions relating to the maintenance and operation of the facilities,
35 the establishment of reserve funds, indemnities and the disposition of a
36 facility or the interest of the dormitory authority therein, if any,
37 prior to or upon termination or expiration of such lease, sublease,
38 lease purchase or other agreement. Such lease, sublease, lease purchase,
39 or other agreement shall be subject to the approval of the director of
40 the budget. Notwithstanding the provisions of this paragraph, on and
41 after April first, two thousand ten, the amount of state-supported debt,
42 as such term is defined in subdivision one of section sixty-seven-a of
43 the state finance law, authorized to be issued shall not exceed the
44 amount set forth in, and shall be issued in accordance with, the
45 provisions of section sixty-seven-d of the state finance law providing
46 therefor.

47 § 81. Paragraph (a) of subdivision 35 of section 1680 of the public
48 authorities law, as added by chapter 5 of the laws of 1998, is amended
49 to read as follows:

50 (a) The dormitory authority is empowered and authorized to enter into
51 a lease, sublease, lease purchase, or other agreement with the office of
52 general services of the state of New York on behalf of the department of
53 audit and control of the state of New York pursuant to which one or more
54 facilities are to be designed, acquired, constructed, reconstructed,
55 rehabilitated, improved or otherwise provided for the department of
56 audit and control of the state of New York, the New York state and local

1 employees' retirement system and the New York state and local police and
2 fire retirement system and pursuant to which such facilities are to be
3 furnished or equipped provided, however, that any contract or lease for
4 construction, reconstruction or rehabilitation authorized by this subdivi-
5 sion shall be governed by article eight of the labor law. Such lease,
6 sublease, lease purchase, or other agreement may provide for the payment
7 of annual rentals and other payments by the department of audit and
8 control of the state of New York to the dormitory authority from appro-
9 priations as provided in paragraph (c) of this subdivision or from
10 payments made pursuant to any lease, sublease, lease purchase, or other
11 agreement authorized pursuant to paragraph (f) of this subdivision and
12 contain such other terms and conditions as may be agreed upon by the
13 parties thereto, including but not limited to, provisions relating to
14 the maintenance and operation of the facilities, the establishment of
15 reserve funds, indemnities and the disposition of a facility or the
16 interest of the dormitory authority therein, if any, prior to or upon
17 termination or expiration of such lease, sublease or other agreement.
18 Such lease, sublease, lease purchase, or other agreement shall be
19 subject to the approval of the director of the budget. Notwithstanding
20 the provisions of this paragraph, on and after April first, two thousand
21 ten, the amount of state-supported debt, as such term is defined in
22 subdivision one of section sixty-seven-a of the state finance law,
23 authorized to be issued shall not exceed the amount set forth in, and
24 shall be issued in accordance with, the provisions of section sixty-sev-
25 en-d of the state finance law providing therefor.

26 § 82. Subdivision 1 of section 1680-n of the public authorities law,
27 as added by section 46 of part T of chapter 57 of the laws of 2007, is
28 amended to read as follows:

29 1. Notwithstanding the provisions of any other law to the contrary,
30 the authority and the urban development corporation are hereby author-
31 ized to issue bonds or notes in one or more series for the purpose of
32 funding project costs for the acquisition of state buildings and other
33 facilities. The aggregate principal amount of bonds authorized to be
34 issued pursuant to this section shall not exceed one hundred forty
35 million dollars, excluding bonds issued to fund one or more debt service
36 reserve funds, to pay costs of issuance of such bonds, and bonds or
37 notes issued to refund or otherwise repay such bonds or notes previously
38 issued. Such bonds and notes of the authority and the urban development
39 corporation shall not be a debt of the state, and the state shall not be
40 liable thereon, nor shall they be payable out of any funds other than
41 those appropriated by the state to the authority and the urban develop-
42 ment corporation for principal, interest, and related expenses pursuant
43 to a service contract and such bonds and notes shall contain on the face
44 thereof a statement to such effect. Except for purposes of complying
45 with the internal revenue code, any interest income earned on bond
46 proceeds shall only be used to pay debt service on such bonds. Notwith-
47 standing the provisions of this subdivision, on and after April first,
48 two thousand ten, the amount of state-supported debt, as such term is
49 defined in subdivision one of section sixty-seven-a of the state finance
50 law, authorized to be issued shall not exceed the amount set forth in,
51 and shall be issued in accordance with, the provisions of section
52 sixty-seven-d of the state finance law providing therefor.

53 § 83. Subdivision 4 of section 66-b of the state finance law, as
54 amended by section 45 of part PP of chapter 56 of the laws of 2009, is
55 amended to read as follows:

1 4. Subject to the provisions of chapter fifty-nine of the laws of two
2 thousand, but notwithstanding any other provisions of law to the contra-
3 ry, the maximum amount of certificates of participation or similar
4 instruments representing periodic payments due from the state of New
5 York, issued on behalf of state departments and agencies, the city
6 university of New York and any other state entity otherwise specified
7 after March thirty-first, two thousand three shall be five hundred
8 sixty-four million dollars. Such amount shall be exclusive of certif-
9 icates of participation or similar instruments issued to fund a reserve
10 fund or funds, costs of issuance and to refund outstanding certificates
11 of participation. Notwithstanding the provisions of this subdivision,
12 on and after April first, two thousand ten, the amount of state-support-
13 ed debt, as such term is defined in subdivision one of section sixty-
14 seven-a of the state finance law, authorized to be issued shall not
15 exceed the amount set forth in, and shall be issued in accordance with,
16 the provisions of section sixty-seven-d of the state finance law provid-
17 ing therefor.

18 § 84. Subdivision 1 of section 1680-k of the public authorities law,
19 as added by section 5 of part J-1 of chapter 109 of the laws of 2006, is
20 amended to read as follows:

21 1. Subject to the provisions of chapter fifty-nine of the laws of two
22 thousand, but notwithstanding any provisions of law to the contrary, the
23 dormitory authority is hereby authorized to issue bonds or notes in one
24 or more series in an aggregate principal amount not to exceed forty
25 million dollars excluding bonds issued to finance one or more debt
26 service reserve funds, to pay costs of issuance of such bonds, and bonds
27 or notes issued to refund or otherwise repay such bonds or notes previ-
28 ously issued, for the purpose of financing the construction of the New
29 York state agriculture and markets food laboratory. Eligible project
30 costs may include, but not be limited to the cost of design, financing,
31 site investigations, site acquisition and preparation, demolition,
32 construction, rehabilitation, acquisition of machinery and equipment,
33 and infrastructure improvements. Such bonds and notes of such authorized
34 issuers shall not be a debt of the state, and the state shall not be
35 liable thereon, nor shall they be payable out of any funds other than
36 those appropriated by the state to such authorized issuers for debt
37 service and related expenses pursuant to any service contract executed
38 pursuant to subdivision two of this section and such bonds and notes
39 shall contain on the face thereof a statement to such effect. Except for
40 purposes of complying with the internal revenue code, any interest
41 income earned on bond proceeds shall only be used to pay debt service on
42 such bonds. Notwithstanding the provisions of this subdivision, on and
43 after April first, two thousand ten, the amount of state-supported debt,
44 as such term is defined in subdivision one of section sixty-seven-a of
45 the state finance law, authorized to be issued shall not exceed the
46 amount set forth in, and shall be issued in accordance with, the
47 provisions of section sixty-seven-d of the state finance law providing
48 therefor.

49 § 85. Subdivision (a) of section 32 of chapter 60 of the laws of 2006,
50 relating to providing for administration of certain funds and accounts
51 related to the 2006-2007 budget, as amended by section 45 of part RR of
52 chapter 57 of the laws of 2008, is amended to read as follows:

53 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
54 notwithstanding any provisions of law to the contrary, one or more
55 authorized issuers as defined by section 68-a of the state finance law
56 are hereby authorized to issue bonds or notes in one or more series in

1 an aggregate principal amount not to exceed \$120,500,000, excluding
2 bonds issued to finance one or more debt service reserve funds, to pay
3 costs of issuance of such bonds, and bonds or notes issued to refund or
4 otherwise repay such bonds or notes previously issued, for the purpose
5 of financing capital projects for office for technology facilities, debt
6 service and leases; and to reimburse the state general fund for
7 disbursements made therefor. Such bonds and notes of such authorized
8 issuer shall not be a debt of the state, and the state shall not be
9 liable thereon, nor shall they be payable out of any funds other than
10 those appropriated by the state to such authorized issuer for debt
11 service and related expenses pursuant to any service contract executed
12 pursuant to subdivision (b) of this section and such bonds and notes
13 shall contain on the face thereof a statement to such effect. Except for
14 purposes of complying with the internal revenue code, any interest
15 income earned on bond proceeds shall only be used to pay debt service on
16 such bonds. Notwithstanding the provisions of this subdivision, on and
17 after April first, two thousand ten, the amount of state-supported debt,
18 as such term is defined in subdivision one of section sixty-seven-a of
19 the state finance law, authorized to be issued shall not exceed the
20 amount set forth in, and shall be issued in accordance with, the
21 provisions of section sixty-seven-d of the state finance law providing
22 therefor.

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

26 § 1680-o. Courthouse improvements and training facilities. 1.
27 Notwithstanding the provisions of any other law to the contrary, the
28 authority and the urban development corporation are hereby authorized to
29 issue bonds or notes in one or more series for the purpose of funding
30 project costs for eligible courthouse improvements, drug courts, and
31 training facilities. The aggregate principal amount of bonds authorized
32 to be issued pursuant to this section shall not exceed eighty-five
33 million nine hundred thousand dollars, excluding bonds issued to fund
34 one or more debt service reserve funds, to pay costs of issuance of such
35 bonds, and bonds or notes issued to refund or otherwise repay such bonds
36 or notes previously issued. Such bonds and notes of the authority and
37 the urban development corporation shall not be a debt of the state, and
38 the state shall not be liable thereon, nor shall they be payable out of
39 any funds other than those appropriated by the state to the authority
40 and the urban development corporation for principal, interest, and
41 related expenses pursuant to a service contract and such bonds and notes
42 shall contain on the face thereof a statement to such effect. Except for
43 purposes of complying with the internal revenue code, any interest
44 income earned on bond proceeds shall only be used to pay debt service on
45 such bonds. Notwithstanding the provisions of this section, on and
46 after April first, two thousand ten, the amount of state-supported debt,
47 as such term is defined in subdivision one of section sixty-seven-a of
48 the state finance law, authorized to be issued shall not exceed the
49 amount set forth in, and shall be issued in accordance with, the
50 provisions of section sixty-seven-d of the state finance law providing
51 therefor.

52 § 87. Subdivision 1 of section 16 of part D of chapter 389 of the laws
53 of 1997, providing for the financing of the correctional facilities
54 improvement fund and the youth facility improvement fund, as amended by
55 section 46 of part PP of chapter 56 of the laws of 2009, is amended to
56 read as follows:

1 1. Subject to the provisions of chapter 59 of the laws of 2000, but
2 notwithstanding the provisions of section 18 of section 1 of chapter 174
3 of the laws of 1968, the New York state urban development corporation is
4 hereby authorized to issue bonds, notes and other obligations in an
5 aggregate principal amount not to exceed five billion eight hundred
6 thirty-seven million eight hundred thousand dollars \$5,837,800,000, and
7 shall include all bonds, notes and other obligations issued pursuant to
8 chapter 56 of the laws of 1983, as amended or supplemented. The proceeds
9 of such bonds, notes or other obligations shall be paid to the state,
10 for deposit in the correctional facilities capital improvement fund to
11 pay for all or any portion of the amount or amounts paid by the state
12 from appropriations or reappropriations made to the department of
13 correctional services from the correctional facilities capital improve-
14 ment fund for capital projects. The aggregate amount of bonds, notes or
15 other obligations authorized to be issued pursuant to this section shall
16 exclude bonds, notes or other obligations issued to refund or otherwise
17 repay bonds, notes or other obligations theretofore issued, the proceeds
18 of which were paid to the state for all or a portion of the amounts
19 expended by the state from appropriations or reappropriations made to
20 the department of correctional services; provided, however, that upon
21 any such refunding or repayment the total aggregate principal amount of
22 outstanding bonds, notes or other obligations may be greater than five
23 billion eight hundred thirty-seven million eight hundred thousand
24 dollars \$5,837,800,000, only if the present value of the aggregate debt
25 service of the refunding or repayment bonds, notes or other obligations
26 to be issued shall not exceed the present value of the aggregate debt
27 service of the bonds, notes or other obligations so to be refunded or
28 repaid. For the purposes hereof, the present value of the aggregate debt
29 service of the refunding or repayment bonds, notes or other obligations
30 and of the aggregate debt service of the bonds, notes or other obli-
31 gations so refunded or repaid, shall be calculated by utilizing the
32 effective interest rate of the refunding or repayment bonds, notes or
33 other obligations, which shall be that rate arrived at by doubling the
34 semi-annual interest rate (compounded semi-annually) necessary to
35 discount the debt service payments on the refunding or repayment bonds,
36 notes or other obligations from the payment dates thereof to the date of
37 issue of the refunding or repayment bonds, notes or other obligations
38 and to the price bid including estimated accrued interest or proceeds
39 received by the corporation including estimated accrued interest from
40 the sale thereof. Notwithstanding the provisions of this subdivision,
41 on and after April first, two thousand ten, the amount of state-support-
42 ed debt, as such term is defined in subdivision one of section sixty-
43 seven-a of the state finance law, authorized to be issued shall not
44 exceed the amount set forth in, and shall be issued in accordance with,
45 the provisions of section sixty-seven-d of the state finance law provid-
46 ing therefor.

47 § 88. Subdivision (a) of section 48 of part K of chapter 81 of the
48 laws of 2002, relating to the financing of certain buildings located in
49 the city of Albany, as amended by section 44 of part PP of chapter 56 of
50 the laws of 2009, is amended to read as follows:

51 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
52 notwithstanding the provisions of section 18 of the urban development
53 corporation act, the corporation is hereby authorized to issue bonds or
54 notes in one or more series in an aggregate principal amount not to
55 exceed \$25,000,000 excluding bonds issued to fund one or more debt
56 service reserve funds, to pay costs of issuance of such bonds, and bonds

1 or notes issued to refund or otherwise repay such bonds or notes previ-
2 ously issued, for the purpose of financing capital costs related to
3 homeland security for the division of state police, the division of
4 military and naval affairs, and any other state agency, including the
5 reimbursement of any disbursements made from the state capital projects
6 fund, and is hereby authorized to issue bonds or notes in one or more
7 series in an aggregate principal amount not to exceed \$155,800,000,
8 excluding bonds issued to fund one or more debt service reserve funds,
9 to pay costs of issuance of such bonds, and bonds or notes issued to
10 refund or otherwise repay such bonds or notes previously issued, for the
11 purpose of financing improvements to State office buildings and other
12 facilities located statewide, including the reimbursement of any
13 disbursements made from the state capital projects fund. Such bonds and
14 notes of the corporation shall not be a debt of the state, and the state
15 shall not be liable thereon, nor shall they be payable out of any funds
16 other than those appropriated by the state to the corporation for debt
17 service and related expenses pursuant to any service contracts executed
18 pursuant to subdivision (b) of this section, and such bonds and notes
19 shall contain on the face thereof a statement to such effect.

20 Except for purposes of complying with the internal revenue code, any
21 interest income earned on bond proceeds shall only be used to pay debt
22 service on such bonds. Notwithstanding the provisions of this subdivi-
23 sion, on and after April first, two thousand ten, the amount of state-
24 supported debt, as such term is defined in subdivision one of section
25 sixty-seven-a of the state finance law, authorized to be issued shall
26 not exceed the amount set forth in, and shall be issued in accordance
27 with, the provisions of section sixty-seven-d of the state finance law
28 providing therefor.

29 § 89. Subdivision 1 of section 17 of part D of chapter 389 of the laws
30 of 1997, providing for the financing of the correctional facilities
31 improvement fund and the youth facility improvement fund, as amended by
32 section 20 of part P-2 of chapter 62 of the laws of 2003, is amended to
33 read as follows:

34 1. Subject to the provisions of chapter 59 of the laws of 2000, but
35 notwithstanding the provisions of section 18 of section 1 of chapter 174
36 of the laws of 1968, the New York state urban development corporation is
37 hereby authorized to issue bonds, notes and other obligations in an
38 aggregate principal amount not to exceed three hundred twenty-eight
39 million five hundred fifteen thousand dollars (\$328,515,000), which
40 authorization increases the aggregate principal amount of bonds, notes
41 and other obligations authorized by section 40 of chapter 309 of the
42 laws of 1996, and shall include all bonds, notes and other obligations
43 issued pursuant to chapter 211 of the laws of 1990, as amended or
44 supplemented. The proceeds of such bonds, notes or other obligations
45 shall be paid to the state, for deposit in the youth facilities improve-
46 ment fund, to pay for all or any portion of the amount or amounts paid
47 by the state from appropriations or reappropriations made to the office
48 of children and family services from the youth facilities improvement
49 fund for capital projects. The aggregate amount of bonds, notes and
50 other obligations authorized to be issued pursuant to this section shall
51 exclude bonds, notes or other obligations issued to refund or otherwise
52 repay bonds, notes or other obligations theretofore issued, the proceeds
53 of which were paid to the state for all or a portion of the amounts
54 expended by the state from appropriations or reappropriations made to
55 the office of children and family services; provided, however, that upon
56 any such refunding or repayment the total aggregate principal amount of

1 outstanding bonds, notes or other obligations may be greater than three
2 hundred twenty-eight million five hundred fifteen thousand dollars
3 (\$328,515,000), only if the present value of the aggregate debt service
4 of the refunding or repayment bonds, notes or other obligations to be
5 issued shall not exceed the present value of the aggregate debt service
6 of the bonds, notes or other obligations so to be refunded or repaid.
7 For the purposes hereof, the present value of the aggregate debt service
8 of the refunding or repayment bonds, notes or other obligations and of
9 the aggregate debt service of the bonds, notes or other obligations so
10 refunded or repaid, shall be calculated by utilizing the effective
11 interest rate of the refunding or repayment bonds, notes or other obli-
12 gations, which shall be that rate arrived at by doubling the semi-annual
13 interest rate (compounded semi-annually) necessary to discount the debt
14 service payments on the refunding or repayment bonds, notes or other
15 obligations from the payment dates thereof to the date of issue of the
16 refunding or repayment bonds, notes or other obligations and to the
17 price bid including estimated accrued interest or proceeds received by
18 the corporation including estimated accrued interest from the sale ther-
19 eof. Notwithstanding the provisions of this subdivision, on and after
20 April first, two thousand ten, the amount of state-supported debt, as
21 such term is defined in subdivision one of section sixty-seven-a of the
22 state finance law, authorized to be issued shall not exceed the amount
23 set forth in, and shall be issued in accordance with, the provisions of
24 section sixty-seven-d of the state finance law providing therefor.

25 § 90. Subdivision 3 of section 1689-h of the public authorities law,
26 as added by section 5 of part Y of chapter 62 of the laws of 2003, is
27 amended to read as follows:

28 3. To obtain funds for the purposes of this subdivision, the authority
29 is hereby authorized to issue bonds or notes in an amount not to exceed
30 one hundred million dollars excluding bonds issued to fund one or more
31 debt service reserve funds, to pay costs of issuance of such bonds, and
32 bonds or notes issued to refund or otherwise repay such bonds or notes
33 previously issued, for payment of the costs of expedited deployment
34 funding in accordance with the provisions of section three hundred thir-
35 ty-three of the county law. Notwithstanding the provisions of this
36 subdivision, on and after April first, two thousand ten, the amount of
37 state-supported debt, as such term is defined in subdivision one of
38 section sixty-seven-a of the state finance law, authorized to be issued
39 shall not exceed the amount set forth in, and shall be issued in accord-
40 ance with, the provisions of section sixty-seven-d of the state finance
41 law providing therefor.

42 § 91. Subdivisions (a) and (b) of section 103 of chapter 18 of the
43 laws of 2008, amending the racing, pari-mutuel wagering and breeding law
44 and other laws relating to racing corporations and associations, are
45 amended to read as follows:

46 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
47 notwithstanding any other provisions of law to the contrary, the urban
48 development corporation is hereby authorized to issue bonds or notes in
49 one or more series in an aggregate principal amount not to exceed
50 \$105,000,000, excluding bonds or notes issued to finance one or more
51 debt service reserve funds, to pay costs of issuance of such bonds or
52 notes and bonds or notes issued to refund or otherwise repay such bonds
53 or notes previously issued, for the purpose of financing the acquisition
54 of clear title to the Aqueduct, Belmont and Saratoga racetracks and
55 related real property through a payment or payments by the state pursu-
56 ant to an order of the United States bankruptcy court for the southern

1 district of New York approving a plan of reorganization of the New York
2 racing association. Eligible project costs may include, but not be
3 limited to the cost of site acquisition, costs relating to clearance of
4 title, professional fees and costs of issuance. Notwithstanding the
5 provisions of this subdivision, on and after April first, two thousand
6 ten, the amount of state-supported debt, as such term is defined in
7 subdivision one of section sixty-seven-a of the state finance law,
8 authorized to be issued shall not exceed the amount set forth in, and
9 shall be issued in accordance with, the provisions of section sixty-sev-
10 en-d of the state finance law providing therefor.

11 (b) Subject to the provisions of chapter 59 of the laws of 2000, but
12 notwithstanding any other provisions of law to the contrary, the urban
13 development corporation is hereby authorized to issue bonds or notes in
14 one or more series in an aggregate principal amount not to exceed
15 \$250,000,000, excluding bonds or notes issued to finance one or more
16 debt service reserve funds, to pay costs of issuance of such bonds or
17 notes and bonds or notes issued to refund or otherwise repay such bonds
18 or notes previously issued, for the purpose of financing the design,
19 acquisition, construction and equipment of such structures as may be
20 necessary to properly house video lottery terminal gaming at Aqueduct
21 racetrack. Eligible project costs may include, but not be limited to,
22 the cost of property acquisition, studies, appraisals, surveys, testing,
23 environmental impact statements, infrastructure, facility design,
24 construction and equipment, costs of leasing space, professional fees
25 and costs of issuance. Notwithstanding the provisions of this subdivi-
26 sion, on and after April first, two thousand ten, the amount of state-
27 supported debt, as such term is defined in subdivision one of section
28 sixty-seven-a of the state finance law, authorized to be issued shall
29 not exceed the amount set forth in, and shall be issued in accordance
30 with, the provisions of section sixty-seven-d of the state finance law
31 providing therefor.

32 § 92. Subdivision 2 of section 553-b of the public authorities law is
33 amended by adding a new paragraph (c) to read as follows:

34 (c) Notwithstanding the provisions of this subdivision, on and after
35 April first, two thousand ten, the amount of state-supported debt, as
36 such term is defined in subdivision one of section sixty-seven-a of the
37 state finance law, authorized to be issued shall not exceed the amount
38 set forth in, and shall be issued in accordance with, the provisions of
39 section sixty-seven-d of the state finance law providing therefor.

40 § 93. Section 21-e of chapter 432 of the laws of 1997, amending the
41 state finance law and other laws relating to the transportation, econom-
42 ic development and environmental conservation budget, is amended to read
43 as follows:

44 § 21-e. Notwithstanding the provisions of any other law to the
45 contrary, the authority is hereby authorized to issue bonds or notes in
46 one or more series for the purpose of funding project costs or making
47 grants, loans or combinations thereof for community enhancement facili-
48 ties projects. The aggregate principal amount of bonds authorized to be
49 issued pursuant to this section shall not exceed four hundred twenty-
50 five million dollars total for all issuing authorities, excluding bonds
51 issued to fund one or more debt service reserve funds, to pay costs of
52 issuance of such bonds, and bonds or notes issued to refund or otherwise
53 repay such bonds or notes previously issued. Such bonds and notes of the
54 authority shall not be a debt of the state, and the state shall not be
55 liable thereon, nor shall they be payable out of any funds other than
56 those appropriated by the state to the authority for debt service and

1 related expenses pursuant to a service contract and such bonds and notes
2 shall contain on the face thereof a statement to such effect. Except
3 for purposes of complying with the internal revenue code, any interest
4 income earned on bond proceeds shall only be used to pay debt service on
5 such bonds. Notwithstanding the provisions of this section, on and
6 after April first, two thousand ten, the amount of state-supported debt,
7 as such term is defined in subdivision one of section sixty-seven-a of
8 the state finance law, authorized to be issued shall not exceed the
9 amount set forth in, and shall be issued in accordance with, the
10 provisions of section sixty-seven-d of the state finance law providing
11 therefor.

12 § 94. Subdivision (c) of section 7 of chapter 796 of the laws of 1992,
13 providing for enhancements to the center for science and technology on
14 the campus of Syracuse University and the Cornell super computer center
15 on the campus of Cornell University, is amended to read as follows:

16 (c) The aggregate amount of the monies granted by the corporation to
17 the university shall not exceed six million five hundred thousand
18 dollars (\$6,500,000). Notwithstanding the provisions of this subdivi-
19 sion, on and after April first, two thousand ten, the amount of state-
20 supported debt, as such term is defined in subdivision one of section
21 sixty-seven-a of the state finance law, authorized to be issued shall
22 not exceed the amount set forth in, and shall be issued in accordance
23 with, the provisions of section sixty-seven-d of the state finance law
24 providing therefor.

25 § 95. Subdivision (c) of section 13 of chapter 796 of the laws of
26 1992, providing for enhancements to the center for science and technolo-
27 gy on the campus of Syracuse University and the Cornell super computer
28 center on the campus of Cornell University, is amended to read as
29 follows:

30 (c) The aggregate principal amount of moneys granted by the corpo-
31 ration to the university shall be twelve million three hundred thousand
32 dollars (\$12,300,000). Notwithstanding the provisions of this subdivi-
33 sion, on and after April first, two thousand ten, the amount of state-
34 supported debt, as such term is defined in subdivision one of section
35 sixty-seven-a of the state finance law, authorized to be issued shall
36 not exceed the amount set forth in, and shall be issued in accordance
37 with, the provisions of section sixty-seven-d of the state finance law
38 providing therefor.

39 § 96. Section 4 of chapter 684 of the laws of 1986, relating to
40 providing for the construction of the center for computers, microelec-
41 tronics and telecommunications on the campus of Columbia University in
42 the city of New York, as amended by chapter 796 of the laws of 1992, is
43 amended to read as follows:

44 § 4. Notwithstanding any general, special or local law, the corpo-
45 ration is hereby authorized to lend or otherwise disburse to the univer-
46 sity proceeds received from the sale of the bonds and notes of the
47 corporation in connection with the development of the center as provided
48 herein, provided, that bonds issued for the purposes of this act and any
49 renewals thereof shall mature not less than twenty years nor more than
50 forty years after the date of issuance thereof or not less than twenty
51 years nor more than forty years after the original issuance date of any
52 note sold in anticipation of the issuance of any such bond, provided
53 that the loan shall be secured by a first mortgage lien on the center,
54 and provided further that bonds of an issue, proceeds from which were
55 disbursed not as a loan, shall not be subject to subdivision (d) of
56 section 15 of this chapter. Notwithstanding the provisions of this

1 section, on and after April first, two thousand ten, the amount of
 2 state-supported debt, as such term is defined in subdivision one of
 3 section sixty-seven-a of the state finance law, authorized to be issued
 4 shall not exceed the amount set forth in, and shall be issued in accord-
 5 ance with, the provisions of section sixty-seven-d of the state finance
 6 law providing therefor.

7 § 97. Section 15 of chapter 796 of the laws of 1992, providing for
 8 enhancements to the center for science and technology on the campus of
 9 Syracuse University and the Cornell super computer center on the campus
 10 of Cornell University, is amended to read as follows:

11 § 15. Notwithstanding the provisions of section 18 of the urban devel-
 12 opment corporation act, the corporation is hereby authorized to issue
 13 bonds and notes, in one or more offerings, in an aggregate principal
 14 amount not to exceed twenty-three million eight hundred thousand dollars
 15 (\$23,800,000), excluding costs of issuance including debt service
 16 reserve requirements, and to make the proceeds received from the sale of
 17 such bonds and notes available to Syracuse University, Cornell Universi-
 18 ty and Columbia University in accordance with the provisions of sections
 19 two through seven, sections eight through thirteen, and section fourteen
 20 of this act. Notwithstanding the provisions of this section, on and
 21 after April first, two thousand ten, the amount of state-supported debt,
 22 as such term is defined in subdivision one of section sixty-seven-a of
 23 the state finance law, authorized to be issued shall not exceed the
 24 amount set forth in, and shall be issued in accordance with, the
 25 provisions of section sixty-seven-d of the state finance law providing
 26 therefor.

27 § 98. Section 17 of chapter 796 of the laws of 1992, providing for
 28 enhancements to the center for science and technology on the campus of
 29 Syracuse University and the Cornell super computer center on the campus
 30 of Cornell University, is amended to read as follows:

31 § 17. There is hereby established under the administration and direc-
 32 tion of the Urban Development Corporation the Higher Education Applied
 33 Technology Program. State funding for projects eligible under the Higher
 34 Education Applied Technology program shall be limited to seventy-five
 35 million dollars for the period April 1, 1993 through March 31, 1996 and
 36 made available according to the following schedule:

- 37 1. Long Island University
- 38 Brooklyn Health Technology Center 14,500,000
- 39 2. Rochester Institute of Technology
- 40 Center for Integrated Manufacturing 9,500,000
- 41 3. Fordham University
- 42 New University Library and Regional Education Technology
- 43 Center 9,000,000
- 44 4. Rensselaer Polytechnic Institute
- 45 Center for Polymer Synthesis 4,500,000
- 46 5. State University of New York at Albany
- 47 Center for Environmental Sciences and Technology
- 48 Management 10,000,000
- 49 6. City University of New York
- 50 Applied Science Coordinating Institute at the Graduate
- 51 School and University Center 15,000,000
- 52 7. Marist College
- 53 Small Business Communications Network 1,000,000
- 54 8. Columbia University
- 55 Center for Disease Prevention 10,000,000
- 56 9. State University of New York at Binghamton

1 Incubator Support Laboratory 1,500,000
 2 State funding for such programs during such period shall be limited to
 3 no more than twenty-five million dollars in any fiscal year. Notwith-
 4 standing section 18 of the urban development corporation act, the Urban
 5 Development Corporation is hereby authorized to issue bonds for such
 6 programs in an amount not to exceed seventy-five percent of the total
 7 funds made available in the Higher Education Applied Technology program,
 8 excluding costs of issuance including debt service requirements. At
 9 least twenty-five percent of state funds for such program shall be
 10 subject to appropriations from the capital projects fund. Notwithstand-
 11 ing the provisions of this section, on and after April first, two thou-
 12 sand ten, the amount of state-supported debt, as such term is defined in
 13 subdivision one of section sixty-seven-a of the state finance law,
 14 authorized to be issued shall not exceed the amount set forth in, and
 15 shall be issued in accordance with, the provisions of section sixty-sev-
 16 en-d of the state finance law providing therefor.

17 § 99. Section 18 of section 1 of chapter 174 of the laws of 1968,
 18 constituting the New York state urban development corporation act, as
 19 amended by chapter 839 of the laws of 1987, the schedule as amended by
 20 chapter 214 of the laws of 1990, is amended to read as follows:

21 § 18. Bond authorization. The corporation shall not issue bonds and
 22 notes in an aggregate principal amount exceeding one billion two hundred
 23 ninety-five million dollars, excluding (1) bonds and notes issued to
 24 refund or otherwise repay outstanding bonds and notes of the corporation
 25 or of the New York state project finance agency, (2) notes issued by the
 26 corporation to evidence eligible loans made to the corporation pursuant
 27 to the New York state project finance agency act, and (3) bonds and
 28 notes issued with the approval of the state director of the budget and
 29 the New York state public authorities control board which are secured by
 30 and payable solely out of a specific project, other than a residential
 31 project, undertaken by the corporation subsequent to June first, nine-
 32 teen hundred seventy-seven, and the revenues and receipts derived there-
 33 from, without recourse against other assets of the corporation or
 34 against a debt service reserve fund to which state funds are apportiona-
 35 ble pursuant to subdivision three of section twenty of this act,
 36 provided that the corporation shall not issue bonds or notes pursuant to
 37 this clause (3) if (a) (i) the arrangements under which the project is
 38 undertaken do not provide for annual real property taxes, or payments in
 39 lieu of real property taxes, on the real property included in the
 40 project securing such bonds or notes which together at least equal the
 41 average annual real property taxes which were paid with respect to such
 42 real property for three years prior to the acquisition of such project
 43 or any portion thereof by the corporation or a subsidiary thereof, and
 44 (ii) after a public hearing, the local legislative body of the city,
 45 town or village in which such project is to be located has not consented
 46 to such arrangements, provided, however, that in a city having a popu-
 47 lation of one million or more such consent shall be given by the board
 48 of estimate of such city, or (b) the aggregate principal amount of any
 49 such bonds and notes is less than twice the amount of any moneys appro-
 50 priated by the state and made available by the corporation to the
 51 project securing such bonds and notes, or (c) the aggregate principal
 52 amount of the bonds and notes issued pursuant to this clause (3) will
 53 thereby exceed three hundred seventy-nine million dollars, excluding
 54 bonds and notes issued to refund or otherwise repay outstanding bonds
 55 and notes issued pursuant to this clause (3), provided, however, that
 56 the corporation may provide for a pooled financing arrangement with

1 regard to bonds issued for the purposes of financing the construction of
 2 the Center for Computers, Microelectronics and Telecommunications at
 3 Columbia University, the Center for Science and Technology at Syracuse
 4 University, the Cornell Super Computer Center at Cornell University, the
 5 Onondaga County Convention Center Complex, the Center for Advanced Mate-
 6 rials Processing at Clarkson University, the Center for Electro-Optic
 7 Imaging at University of Rochester, the Center for Neural Science at New
 8 York University, the Alfred University Incubator Facilities in Allegany
 9 County and Steuben County, the Broadway Redevelopment Project, and the
 10 Sematech Semiconductor facility, and, that the aggregate amount of bonds
 11 which may be issued pursuant to this clause (3) shall be increased above
 12 the amounts in the following schedule for the purposes of providing for
 13 the costs of issuance including any debt service reserve requirements
 14 that may be necessary in accordance with the following schedule:

15	Schedule	
16	Project	Amount
17	The Carborundum Company	
18	Niagara Falls.....	4,400,000
19	Hooker Chemicals & Plastics Corporation	
20	Niagara Falls.....	13,500,000
21	Moog, Inc.	
22	Town of Elma.....	8,925,000
23	Sybron Corporation	
24	Rochester.....	6,600,000
25	Refined Syrups & Sugars, Inc.	
26	Yonkers.....	7,500,000
27	Sheraton Hotel	
28	Utica.....	4,300,000
29	Urban Renewal Parcel	
30	Office Building	
31	Utica.....	5,000,000
32	Downtown Retail Center	
33	Binghamton.....	3,000,000
34	American Stock Exchange/Office Facility	
35	New York City.....	-0
36	New Printing Plant	
37	New York City (Bronx).....	16,000,000
38	New Electronics Manufacturing Plant	
39	New York City (Bronx).....	8,000,000
40	Savin Corporation	
41	Binghamton.....	6,000,000
42	Industrial Renewal Project	
43	New York City (Brooklyn).....	2,700,000
44	Manufacturing Plant Expansion	
45	New York City (Bronx).....	15,000,000
46	Shopping Mall	
47	City of Buffalo.....	2,100,000
48	Nettleton Shoe	
49	Syracuse.....	2,200,000
50	Batten Kill Railroad Project	
51	Warren/Washington Counties.....	2,250,000
52	Carrier Corporation	
53	Onondaga County.....	27,000,000
54	Center for Industrial Innovation	
55	City of Troy.....	33,000,000



1	Fordham Plaza	
2	New York City (Bronx).....	10,000,000
3	Freezer Queen Foods, Inc.	
4	Buffalo.....	2,380,000
5	Chelsea Homes Project	
6	Marlboro (Ulster County).....	2,700,000
7	Columbia University	
8	Center for Computers, Microelectronics	
9	and Telecommunications	
10	City of New York.....	36,000,000
11	Syracuse University	
12	Center for Science and Technology	
13	City of Syracuse.....	27,000,000
14	Cornell University	
15	Cornell Super Computer Center	
16	City of Ithaca.....	5,000,000
17	Onondaga County Convention	
18	Center Complex at Syracuse.....	40,000,000
19	Clarkson University	
20	Center for Advance	
21	Materials Processing.....	23,500,000
22	University of Rochester	
23	Center for Elector-Optic Imaging.....	10,000,000
24	New York University	
25	Center for Neural Science.....	5,000,000
26	Alfred University Incubator Facilities in	
27	Allegany County and Steuben County.....	10,000,000
28	Broadway Redevelopment Project	
29	at Schenectady.....	5,500,000
30	Albany International	
31	East Greenbush (Rensselaer County).....	2,500,000
32	Sematech Semi-Conductor Facility	
33	New York State.....	40,000,000
34	Stony Brook Incubator	
35	Project.....	2,305,000
36		-----
37	Total of Schedule.....	\$389,360,000
38		=====

39 The amounts in the above schedule are interchangeable among the
40 projects listed but in no case may be used to fund or initiate any other
41 project. Notwithstanding the provisions of this section, on and after
42 April first, two thousand ten, the amount of state-supported debt, as
43 such term is defined in subdivision one of section sixty-seven-a of the
44 state finance law, authorized to be issued shall not exceed the amount
45 set forth in, and shall be issued in accordance with, the provisions of
46 section sixty-seven-d of the state finance law providing therefor.

47 § 100. Paragraph 6 of subdivision (h) of section 22 of chapter 839 of
48 the laws of 1987, constituting the omnibus economic development act of
49 1987, is amended to read as follows:

50 (6) The aggregate amount of moneys loaned by the corporation to the
51 county in connection with the development of the complex shall not
52 exceed forty million dollars (\$40,000,000). Notwithstanding the
53 provisions of this paragraph, on and after April first, two thousand
54 ten, the amount of state-supported debt, as such term is defined in
55 subdivision one of section sixty-seven-a of the state finance law,

1 authorized to be issued shall not exceed the amount set forth in, and
 2 shall be issued in accordance with, the provisions of section sixty-sev-
 3 en-d of the state finance law providing therefor.

4 § 101. Subdivision (a) of section 12-b of chapter 258 of the laws of
 5 1993, relating to the development of sports facilities, as amended by
 6 section 3 of part M of chapter 61 of the laws of 2000, is amended to
 7 read as follows:

8 (a) Sports facilities bonds. Notwithstanding the provisions of
 9 section 18 of the New York state urban development corporation act and
 10 section 51 of the state finance law, the New York state urban develop-
 11 ment corporation is hereby authorized to issue bonds or notes in one or
 12 more series in an aggregate principal amount not exceeding \$144,936,000,
 13 excluding bonds issued to fund a debt service reserve fund, to pay the
 14 costs of issuance of such bonds, and bonds or notes issued to refund or
 15 otherwise repay such bonds or notes previously issued, for the purpose
 16 of making grants or loans to provide assistance for the construction and
 17 improvement of sports facilities (1) appropriated in chapter 54 of the
 18 laws of 1994, chapter 55 of the laws of 1996 as added by chapter 53 of
 19 the laws of 1996 or a chapter of the laws of 2000, (2) reappropriated in
 20 chapter 54 of the laws of 1995 and all subsequent reappropriations, and
 21 (3) authorized by this chapter, and to reimburse the state capital
 22 projects fund for disbursements made therefor, in accordance with the
 23 following project list:

24 Greater Rochester Outdoor Sports Facility	
25 at High Falls	15,250,000
26 Syracuse McArthur Stadium	16,000,000
27 Buffalo Sabres	25,000,000
28 Auburn	1,715,450
29 Batavia	1,400,000
30 Dutchess Co.	2,500,000
31 Elmira	200,000
32 Jamestown	217,500
33 Oneonta	150,000
34 Utica	400,000
35 Watertown	500,000
36 Broome Co. Hockey Arena	488,150
37 Cooperstown - Baseball Hall of Fame Stadium	125,000
38 Newburgh Football Field	2,000,000
39 Rochester War Memorial	12,590,000
40 Schenectady Tennis Center	500,000
41 Soccer Hall of Fame (Oneonta)	4,500,000
42 Nassau County Natatorium	24,000,000
43 Rich Stadium	8,000,000
44 Suffolk County Baseball Stadium	14,400,000
45 Rochester Rhino's Stadium	15,000,000

46 Such bonds and notes of the corporation shall not be a debt of the
 47 state, and the state shall not be liable thereon, nor shall they be
 48 payable out of any funds other than those appropriated by the state to
 49 the corporation for debt service and related expenses pursuant to the
 50 service contract and such bonds and notes shall contain on the face
 51 thereof a statement to such effect. Notwithstanding the provisions of
 52 this subdivision, on and after April first, two thousand ten, the amount
 53 of state-supported debt, as such term is defined in subdivision one of
 54 section sixty-seven-a of the state finance law, authorized to be issued
 55 shall not exceed the amount set forth in, and shall be issued in accord-

1 ance with, the provisions of section sixty-seven-d of the state finance
2 law providing therefor.

3 § 102. Paragraph (b) of subdivision 5 of section 1680-g of the public
4 authorities law, as amended by section 44 of part H of chapter 56 of the
5 laws of 2000, is amended to read as follows:

6 (b) The dormitory authority shall not issue any bonds or notes in an
7 amount in excess of thirty million dollars for the purposes of this
8 section; excluding bonds or notes issued to fund one or more debt
9 service reserve funds, to pay costs of issuance of such bonds, and bonds
10 or notes issued to refund or otherwise repay such bonds or notes previ-
11 ously issued. Except for purposes of complying with the internal revenue
12 code, any interest on bond proceeds shall only be used to pay debt
13 service on such bonds. Notwithstanding the provisions of this paragraph,
14 on and after April first, two thousand ten, the amount of state-support-
15 ed debt, as such term is defined in subdivision one of section sixty-
16 seven-a of the state finance law, authorized to be issued shall not
17 exceed the amount set forth in, and shall be issued in accordance with,
18 the provisions of section sixty-seven-d of the state finance law provid-
19 ing therefor.

20 § 103. Paragraph (b) of subdivision 3 of section 1689-e of the public
21 authorities law, as added by section 2 of part Q of chapter 61 of the
22 laws of 2000, is amended to read as follows:

23 (b) The authority shall not issue any bonds or notes in an amount in
24 excess of ten million dollars for the purposes of this subdivision,
25 excluding a principal amount of bonds or notes issued to fund one or
26 more debt service reserve funds, to pay for the costs of issuance of
27 such bonds, and bonds or notes issued to refund or otherwise repay such
28 bonds, and bonds or notes previously issued. Except for the purposes of
29 complying with the internal revenue code, any interest income earned on
30 bond proceeds shall only be used to pay debt service on such bonds or
31 notes.

32 In computing for the purposes of this subdivision, the aggregate
33 amount of indebtedness evidenced by bonds and notes of the authority
34 issued pursuant to this subdivision, there shall be excluded the amount
35 of such indebtedness represented by such bonds or notes issued to refund
36 or otherwise repay bonds or notes, provided that the amount so excluded
37 under this paragraph may exceed the principal amount of such bonds or
38 notes that were issued to refund or otherwise repay only if the present
39 value of the aggregate debt service on the refunding or repayment bonds
40 or notes shall not have at the time of their issuance exceeded the pres-
41 ent value of the aggregate debt service of the bonds or notes they were
42 issued to refund or repay, such present value in each case being calcu-
43 lated by using the effective interest rate of the refunding or repayment
44 bonds or notes, which shall be that rate arrived at by doubling the
45 semi-annual interest rate (compounded semi-annually) necessary to
46 discount the debt service payments on the refunding or repayment bonds
47 or notes from the payment date thereof to the date of issue of the
48 refunding or repayment bonds or notes and to the price bid therefor, or
49 to the proceeds received by the dormitory authority from the sale there-
50 of, in each case including estimated accrued interest. Notwithstanding
51 the provisions of this paragraph, on and after April first, two thousand
52 ten, the amount of state-supported debt, as such term is defined in
53 subdivision one of section sixty-seven-a of the state finance law,
54 authorized to be issued shall not exceed the amount set forth in, and
55 shall be issued in accordance with, the provisions of section sixty-sev-
56 en-d of the state finance law providing therefor.

1 § 104. Subdivision (a) of section 1 of part H of chapter 61 of the
2 laws of 2000, authorizing bonds for the strategic investment program, is
3 amended to read as follows:

4 (a) Notwithstanding any provisions of law to the contrary, the New
5 York state urban development corporation, the dormitory authority of the
6 state of New York or the environmental facilities corporation are hereby
7 authorized to issue bonds or notes in one or more series in an aggregate
8 principal amount not to exceed \$225,000,000 excluding bonds issued to
9 finance one or more debt service reserve funds, to pay costs of issuance
10 of such bonds, and bonds or notes issued to refund or otherwise repay
11 such bonds or notes previously issued, for the purpose of making grants,
12 loans or combinations thereof for \$250,000 or more for environmental
13 projects, including the preservation of historically significant places
14 in New York state, and projects to conserve, acquire, develop or improve
15 parklands, parks or public recreation areas; including economic develop-
16 ment projects which will facilitate the creation or retention of jobs or
17 increase business activity within a municipality or region of the state;
18 including higher education projects; projects to establish new or reha-
19 bilitate existing business incubator facilities to accommodate emerging
20 or small high technology companies; and arts or cultural projects; and
21 to reimburse the state capital projects fund for disbursements made
22 therefor. Such bonds and notes of the New York state urban development
23 corporation, the dormitory authority of the state of New York or the
24 environmental facilities corporation shall not be a debt of the state,
25 and the state shall not be liable thereon, nor shall they be payable out
26 of any funds other than those appropriated by the state to the New York
27 state urban development corporation, the dormitory authority of the
28 state of New York or the environmental facilities corporation for debt
29 service and related expenses pursuant to any service contract executed
30 pursuant to subdivision (b) of this section and such bonds and notes
31 shall contain on the face thereof a statement to such effect. Except for
32 purposes of complying with the internal revenue code, any interest
33 income earned on bond proceeds shall only be used to pay debt service on
34 such bonds. Notwithstanding the provisions of this subdivision, on and
35 after April first, two thousand ten, the amount of state-supported debt,
36 as such term is defined in subdivision one of section sixty-seven-a of
37 the state finance law, authorized to be issued shall not exceed the
38 amount set forth in, and shall be issued in accordance with, the
39 provisions of section sixty-seven-d of the state finance law providing
40 therefor.

41 § 105. Subdivision (a) of section 1 of part T of chapter 84 of the
42 laws of 2002, authorizing the New York state urban development corpo-
43 ration and the dormitory authority of the state of New York to issue
44 bonds and notes, is amended to read as follows:

45 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
46 notwithstanding any other provision of law to the contrary, the New York
47 state urban development corporation and the dormitory authority of the
48 state of New York are hereby authorized to issue bonds or notes in one
49 or more series in an aggregate principal amount, subject to the limita-
50 tions contained in section eight of this act, not to exceed
51 \$1,200,000,000 excluding bonds issued to fund one or more debt service
52 reserve funds, to pay costs of issuance of such bonds, and bonds or
53 notes issued to refund or otherwise repay such bonds or notes previously
54 issued, for the purposes of financing project costs authorized under
55 this act. Such bonds and notes of the corporation or the dormitory
56 authority shall not be a debt of the state and the state shall not be

1 liable thereon, nor shall they be payable out of any funds other than
2 those appropriated by the state to the corporation or the authority for
3 debt service and related expenses pursuant to any service contract
4 executed pursuant to subdivision (b) of this section, and such bonds
5 and notes shall contain on the face thereof a statement to such effect.
6 Except for purposes of complying with the internal revenue code, any
7 interest income earned on bond proceeds shall only be used to pay debt
8 service on such bonds. All of the provisions of the New York state urban
9 development corporation act and the dormitory authority act relating to
10 bonds and notes which are not inconsistent with the provisions of this
11 section shall apply to obligations authorized by this section, including
12 but not limited to the power to establish adequate reserves therefore
13 and to issue renewal notes or refunding bonds thereof. The issuance of
14 any bonds or notes hereunder shall further be subject to the approval of
15 the director of the division of the budget. Notwithstanding the
16 provisions of this subdivision, on and after April first, two thousand
17 ten, the amount of state-supported debt, as such term is defined in
18 subdivision one of section sixty-seven-a of the state finance law,
19 authorized to be issued shall not exceed the amount set forth in, and
20 shall be issued in accordance with, the provisions of section sixty-sev-
21 en-d of the state finance law providing therefor.

22 § 106. Subdivision (a) of section 27 of chapter 3 of the laws of 2004,
23 authorizing the New York state urban development corporation and the
24 dormitory authority of the state of New York to issue bonds and notes,
25 is amended to read as follows:

26 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
27 notwithstanding any other provision of law to the contrary, the New York
28 State urban development corporation and the dormitory authority of the
29 state of New York are hereby authorized to issue bonds or notes in one
30 or more series in an aggregate principal amount not to exceed
31 \$350,000,000 excluding bonds issued to finance one or more debt service
32 reserve funds, to pay costs of issuance of such bonds, and bonds or
33 notes issued to refund or otherwise repay such bonds or notes previously
34 issued, for the purpose of financing economic development projects
35 outside cities with a population of one million or more. Such bonds and
36 notes of the corporation or the dormitory authority shall not be a debt
37 of the state, and the state shall not be liable thereon, nor shall they
38 be payable out of any funds other than those appropriated by the state
39 to the corporation or the dormitory authority for debt service and
40 related expenses pursuant to any service contract executed pursuant to
41 subdivision (b) of this section and such bonds and notes shall contain
42 on the face thereof a statement to such effect. Except for purposes of
43 complying with the internal revenue code, any interest income earned on
44 bond proceeds shall only be used to pay debt service on such bonds. All
45 of the provisions of the New York state urban development corporation
46 act and the dormitory authority act relating to bonds and notes which
47 are not inconsistent with the provisions of this section shall apply to
48 obligations authorized by this section, including but not limited to the
49 power to establish adequate reserves therefor and to issue renewal notes
50 or refunding bonds thereof. The issuance of any bonds or notes hereunder
51 shall further be subject to the approval of the director of the division
52 of the budget. Notwithstanding the provisions of this subdivision, on
53 and after April first, two thousand ten, the amount of state-supported
54 debt, as such term is defined in subdivision one of section sixty-sev-
55 en-a of the state finance law, authorized to be issued shall not exceed
56 the amount set forth in, and shall be issued in accordance with, the



1 provisions of section sixty-seven-d of the state finance law providing
2 therefor.

3 § 107. Subdivision (a) of section 1 of part X of chapter 59 of the
4 laws of 2004, authorizing the New York state urban development corpo-
5 ration and the dormitory authority of the state of New York to issue
6 bonds and notes, is amended to read as follows:

7 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
8 notwithstanding any other provision of law to the contrary, the New York
9 State urban development corporation and the dormitory authority of the
10 state of New York are hereby authorized to issue bonds or notes in one
11 or more series in an aggregate principal amount not to exceed
12 \$250,000,000 excluding bonds issued to finance one or more debt service
13 reserve funds, to pay costs of issuance of such bonds, and bonds or
14 notes issued to refund or otherwise repay such bonds or notes previously
15 issued, for the purpose of financing projects cost of the Empire Oppor-
16 tunity Fund; Rebuilding the Empire State Through Opportunities in
17 Regional Economies (RESTORE) New York Program; and the Community Capital
18 Assistance Program authorized pursuant to Part T of chapter 84 of the
19 laws of 2002. Such bonds and notes of the corporation or the dormitory
20 authority shall not be a debt of the state, and the state shall not be
21 liable thereon, nor shall they be payable out of any funds other than
22 those appropriated by the state to the corporation or the dormitory
23 authority for debt service and related expenses pursuant to any service
24 contract executed pursuant to subdivision (b) of this section and such
25 bonds and notes shall contain on the face thereof a statement to such
26 effect. Except for purposes of complying with the internal revenue
27 code, any interest income earned on bond proceeds shall only be used to
28 pay debt service on such bonds. All of the provisions of the New York
29 state urban development corporation act and the dormitory authority act
30 relating to bonds and notes which are not inconsistent with the
31 provisions of this section shall apply to obligations authorized by this
32 section, including but not limited to the power to establish adequate
33 reserves therefor and to issue renewal notes or refunding bonds thereof.
34 The issuance of any bonds or notes hereunder shall further be subject to
35 the approval of the director of the division of the budget. Notwith-
36 standing the provisions of this subdivision, on and after April first,
37 two thousand ten, the amount of state-supported debt, as such term is
38 defined in subdivision one of section sixty-seven-a of the state finance
39 law, authorized to be issued shall not exceed the amount set forth in,
40 and shall be issued in accordance with, the provisions of section
41 sixty-seven-d of the state finance law providing therefor.

42 § 108. Subdivision (a) of section 1 of part T of chapter 59 of the
43 laws of 2005, relating to the urban development corporation bonding
44 authority, as added by section 3 of part C of chapter 63 of the laws of
45 2005, is amended to read as follows:

46 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
47 notwithstanding any provisions of law to the contrary the urban develop-
48 ment corporation or the dormitory authority is hereby authorized to
49 issue bonds or notes in one or more series in an aggregate principal
50 amount not to exceed \$250,000,000 excluding bonds issued to finance one
51 or more debt service reserve funds, to pay costs of issuance of such
52 bonds, and bonds or notes issued to refund or otherwise repay such bonds
53 or notes previously issued, for the purpose of reimbursing the state
54 capital projects fund disbursements made pursuant to appropriations for
55 the New York state high technology and development program, pursuant to
56 a memorandum of understanding to be executed by the governor, the tempo-

1 rary president of the senate, and the speaker of the assembly, and
2 further provided that the proceeds of such bonds or notes are authorized
3 to be utilized to finance grants, loans or combinations thereof pursuant
4 to the New York state high technology and development program, as appro-
5 priated by a chapter of the laws of 2005. Eligible project costs may
6 include, but not be limited to the cost of design, financing, site
7 acquisition and preparation, demolition, construction, rehabilitation,
8 acquisition of machinery and equipment, parking facilities, and infras-
9 tructure. Such bonds and notes of such authorized issuers shall not be a
10 debt of the state, and the state shall not be liable thereon, nor shall
11 they be payable out of any funds other than those appropriated by the
12 state to such authorized issuers for debt service and related expenses
13 pursuant to any service contract executed pursuant to subdivision (b) of
14 this section and such bonds and notes shall contain on the face thereof
15 a statement to such effect. Except for purposes of complying with the
16 internal revenue code, any interest income earned on bond proceeds shall
17 only be used to pay debt service on such bonds. Notwithstanding the
18 provisions of this subdivision, on and after April first, two thousand
19 ten, the amount of state-supported debt, as such term is defined in
20 subdivision one of section sixty-seven-a of the state finance law,
21 authorized to be issued shall not exceed the amount set forth in, and
22 shall be issued in accordance with, the provisions of section sixty-sev-
23 en-d of the state finance law providing therefor.

24 § 109. Subdivision (a) of section 1 of part S of chapter 59 of the
25 laws of 2005, relating to the authority of the urban development corpo-
26 ration and the dormitory authority to issue bonds, as amended by section
27 1 of part C of chapter 63 of the laws of 2005, is amended to read as
28 follows:

29 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
30 notwithstanding any provisions of law to the contrary, the urban devel-
31 opment corporation or the dormitory authority is hereby authorized to
32 issue bonds or notes in one or more series in an aggregate principal
33 amount not to exceed \$90,000,000 excluding bonds issued to finance one
34 or more debt service reserve funds, to pay costs of issuance of such
35 bonds, and bonds or notes issued to refund or otherwise repay such bonds
36 or notes previously issued, for the purpose of reimbursing the state
37 capital projects fund disbursements made pursuant to appropriations for
38 the regional economic development program pursuant to a memorandum of
39 understanding to be executed by the governor, the temporary president of
40 the senate, and the speaker of the assembly. The proceeds of such bonds
41 or notes are authorized to be utilized to finance grants, loans or
42 combinations thereof pursuant to the regional economic development
43 program, as appropriated by a chapter of the laws of 2005. Eligible
44 project costs may include, but not be limited to the cost of design,
45 financing, site investigations, site acquisition and preparation, demo-
46 lition, construction, rehabilitation, acquisition of machinery and
47 equipment, and infrastructure improvements. Such bonds and notes of such
48 authorized issuers shall not be a debt of the state, and the state shall
49 not be liable thereon, nor shall they be payable out of any funds other
50 than those appropriated by the state to such authorized issuers for debt
51 service and related expenses pursuant to any service contract executed
52 pursuant to subdivision (b) of this section and such bonds and notes
53 shall contain on the face thereof a statement to such effect. Except
54 for purposes of complying with the internal revenue code, any interest
55 income earned on bond proceeds shall only be used to pay debt service on
56 such bonds. Notwithstanding the provisions of this subdivision, on and

1 after April first, two thousand ten, the amount of state-supported debt,
2 as such term is defined in subdivision one of section sixty-seven-a of
3 the state finance law, authorized to be issued shall not exceed the
4 amount set forth in, and shall be issued in accordance with, the
5 provisions of section sixty-seven-d of the state finance law providing
6 therefor.

7 § 110. Subdivision (a) of section 1 of part L-1 of chapter 62 of the
8 laws of 2003, authorizing the urban development corporation to issue
9 bonds, is amended to read as follows:

10 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
11 notwithstanding the provisions of section 18 of the New York state urban
12 development corporation act, the urban development corporation is hereby
13 authorized to issue bonds or notes in one or more series in an aggregate
14 principal amount not to exceed \$50,000,000, excluding bonds issued to
15 fund one or more debt service reserve funds, to pay costs of issuance of
16 such bonds, and bonds or notes issued to refund or otherwise repay such
17 bonds or notes previously issued, for the purpose of making grants,
18 loans or combinations thereof for economic development projects which
19 will facilitate the creation or retention of jobs or increase business
20 activity within downtown Buffalo, the Buffalo inner harbor area or
21 surrounding environs; and to reimburse the state capital projects fund
22 for disbursements made therefor. Notwithstanding any other provision of
23 law to the contrary, such project shall be determined pursuant to a
24 memorandum of understanding to be executed by the governor, the tempo-
25 rary president of the senate and the speaker of the assembly. Eligible
26 project(s) shall include, but not be limited to Hauptman-Woodward
27 Medical Research Institute; Buffalo Medical Campus; University of
28 Buffalo - Center of Excellence in Bioinformatics; Roswell Park Cancer
29 Institute Corporation; and other projects relating to historic preserva-
30 tion, Cultural facilities; and transportation projects. Eligible
31 project costs may include, but not be limited to the costs of design,
32 financing, site acquisition and preparation, working capital, demoli-
33 tion, construction, rehabilitation, acquisition of machinery and equip-
34 ment, parking facilities, and infrastructure. Such bonds and notes of
35 the corporation shall not be a debt of the state and the state shall not
36 be liable thereon, nor shall they be payable out of any funds other than
37 those appropriated by the state to the corporation for debt service and
38 related expenses pursuant to any service contract executed pursuant to
39 subdivision (b) of this section, and such bonds and notes shall contain
40 on the face thereof a statement to such effect. Except for purposes of
41 complying with the internal revenue code, any interest income earned on
42 bond proceeds shall only be used to pay debt service on such bonds.
43 Notwithstanding the provisions of this subdivision, on and after April
44 first, two thousand ten, the amount of state-supported debt, as such
45 term is defined in subdivision one of section sixty-seven-a of the state
46 finance law, authorized to be issued shall not exceed the amount set
47 forth in, and shall be issued in accordance with, the provisions of
48 section sixty-seven-d of the state finance law providing therefor.

49 § 111. Subdivision (a) of section 55 of part K of chapter 81 of the
50 laws of 2002 relating to the financing of certain buildings located in
51 the city of Albany, is amended to read as follows:

52 (a) Notwithstanding the provisions of section 18 of the New York state
53 urban development corporation act, the urban development corporation is
54 hereby authorized to issue bonds or notes in one or more series for the
55 purpose of funding project costs or making grants, loans or combinations
56 thereof for the JOBS Now program, pursuant to appropriations contained

1 in a chapter or chapters of the laws of 2002 and section 16-h of the
2 urban development corporation act, or to reimburse the state capital
3 projects fund for disbursements made therefor. The aggregate principal
4 amount of bonds authorized to be issued pursuant to this section shall
5 not exceed fourteen million three hundred thousand dollars, excluding
6 bonds issued to fund one or more debt service reserve funds, to pay
7 costs of issuance of such bonds, and bonds or notes issued to refund or
8 otherwise repay such bonds or notes previously issued. Such bonds and
9 notes of the corporation shall not be a debt of the state, and the state
10 shall not be liable thereon, nor shall they be payable out of any funds
11 other than those appropriated by the state to the corporation for debt
12 service and related expenses pursuant to any service contracts executed
13 pursuant to subdivision (b) of this section and such bonds and notes
14 shall contain on the face thereof a statement to such effect. Except
15 for purposes of complying with the internal revenue code, any interest
16 income earned on bond proceeds shall only be used to pay debt service on
17 such bonds. Notwithstanding the provisions of this subdivision, on and
18 after April first, two thousand ten, the amount of state-supported debt,
19 as such term is defined in subdivision one of section sixty-seven-a of
20 the state finance law, authorized to be issued shall not exceed the
21 amount set forth in, and shall be issued in accordance with, the
22 provisions of section sixty-seven-d of the state finance law providing
23 therefor.

24 § 112. Subdivision (a) of section 1 of part X of chapter 58 of the
25 laws of 2006, authorizing the New York state urban development corpo-
26 ration and the dormitory authority of the state of New York to issue
27 bonds or notes, as amended by section 1 of part J-1 of chapter 109 of
28 the laws of 2006, is amended to read as follows:

29 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
30 notwithstanding any provisions of law to the contrary, the New York
31 State Urban Development Corporation or the Dormitory Authority are here-
32 by authorized to issue bonds or notes in one or more series in an aggre-
33 gate principal amount not to exceed \$2,318,000,000 excluding bonds
34 issued to finance one or more debt service reserve funds, to pay costs
35 of issuance of such bonds, and bonds or notes issued to refund or other-
36 wise repay such bonds or notes previously issued, for the purpose of
37 making grants, loans or combination thereof for economic development
38 projects; university development projects; homeland security projects;
39 environmental projects; public recreation projects; initiatives that
40 promote academic research and development; projects that improve arts
41 and cultural facilities; initiatives, including but not limited to, the
42 development of photovoltaic technologies and other research and develop-
43 ment regarding fuel diversification, energy conservation and energy
44 efficiency in the transportation and energy sector; for a competitive
45 solicitation for construction of a pilot cellulosic ethanol refinery;
46 Ohel Camp for the Disabled; United Way 2-1-1; Cornell University Equine
47 Drug Testing Lab; Pipeline for Jobs; Towns of Bristol and Canandaigua
48 Public Water System; Smithtown/Kings Park Psychiatric Center Rehabili-
49 tation; Belleayre Mountain Ski Center; State of New York Umbilical Cord
50 Blood Bank; Old Gore Mountain Ski Bowl Connection; Brentwood State Park
51 Athletic Complex; Adirondack Community Housing Trust; Ogdensburg Psychi-
52 atric Center; Fredonia Vineyard Laboratory; Renovation of Housing Facil-
53 ities; or to reimburse state capital projects funds for disbursements
54 made for such purposes pursuant to an appropriation contained in a chap-
55 ter of the laws of 2006. Eligible project costs may include, but not be
56 limited to the cost of design, site acquisition and preparation, demoli-

1 tion, construction, rehabilitation, acquisition of machinery and equip-
2 ment, parking facilities, and infrastructure. Such bonds and notes of
3 such authorized issuers shall not be a debt of the state, and the state
4 shall not be liable thereon, nor shall they be payable out of any funds
5 other than those appropriated by the state to such authorized issuers
6 for debt service and related expenses pursuant to any service contract
7 executed pursuant to subdivision (b) of this section and such bonds and
8 notes shall contain on the face thereof a statement to such effect.
9 Except for purposes of complying with the internal revenue code, any
10 interest income earned on bond proceeds shall only be used to pay debt
11 service on such bonds. Notwithstanding the provisions of this subdivi-
12 sion, on and after April first, two thousand ten, the amount of state-
13 supported debt, as such term is defined in subdivision one of section
14 sixty-seven-a of the state finance law, authorized to be issued shall
15 not exceed the amount set forth in, and shall be issued in accordance
16 with, the provisions of section sixty-seven-d of the state finance law
17 providing therefor.

18 § 113. Subdivision 11 of section 5-a of chapter 35 of the laws of
19 1979, relating to appropriating funds to the New York state urban devel-
20 opment corporation, as added by chapter 3 of the laws of 2004, is
21 amended to read as follows:

22 (11) Financing agreements. The development corporation and the state,
23 acting through the director of the budget, are hereby authorized to
24 enter into one or more financing agreements with respect to bonds (other
25 than hotel bonds) on the terms and conditions as the director of budget
26 and the development corporation agree, so as to annually provide to the
27 development corporation, in the aggregate, a sum not to exceed the annu-
28 al debt service payments and related expenses (including without limita-
29 tion financing costs and costs and expenses under ancillary bond facili-
30 ties and development corporation credit support agreements) required for
31 the bonds secured by a financing agreement and subject to the limita-
32 tions of this section. Copies of any such agreements, including any
33 amendments thereto shall be submitted to the state comptroller and the
34 chairs of the assembly committee on ways and means and the senate
35 finance committee. The obligation of the state to fund or to pay the
36 amounts provided for in any financing agreement, as in this section
37 provided and as shall be provided in the financing agreement, shall not
38 constitute a debt of the state within the meaning of any constitutional
39 or statutory provision and shall be deemed executory only to the extent
40 of monies available; no liability shall be incurred by the state beyond
41 the moneys available for such purpose; and such obligation is subject to
42 annual appropriation by the legislature. The amounts paid to the devel-
43 opment corporation pursuant to any such financing agreement shall be
44 used by it solely to pay or provide for debt service payments and
45 related expenses as more particularly set forth in the applicable
46 financing agreement (including rebate to the federal government of
47 certain earnings, if so required). The bonds for which each financing
48 agreement is applicable (a) shall be issued with a final maturity of no
49 more than thirty years, and (b) may be issued in one or more series in
50 an aggregate principal amount not to exceed the sum of \$350,000,000,
51 excluding the amount determined by resolution of the development corpo-
52 ration to be required for refunding the outstanding Jacob K. Javits
53 convention center bonds referred to in subdivision one of this section,
54 and, excluding bonds issued to fund one or more debt service reserve
55 funds and to pay costs of issuance of such bonds, and (c) shall be
56 subject to the provisions of article 5-B of the state finance law. It is

1 hereby determined and found that the development corporation, as a
2 subsidiary of the urban development corporation, is an authorized issuer
3 pursuant to article 5-C of the state finance law and that the bonds
4 secured by a financing agreement, upon issuance in accordance with and
5 subject to the provisions of this section, may be issued pursuant to
6 such article. Notwithstanding the provisions of this subdivision, on
7 and after April first, two thousand ten, the amount of state-supported
8 debt, as such term is defined in subdivision one of section sixty-sev-
9 en-a of the state finance law, authorized to be issued shall not exceed
10 the amount set forth in, and shall be issued in accordance with, the
11 provisions of section sixty-seven-d of the state finance law providing
12 therefor.

13 § 114. Subdivision (a) of section 44 of chapter 161 of the laws of
14 2005, authorizing the urban development corporation to issue bonds, is
15 amended to read as follows:

16 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
17 notwithstanding any provisions of law to the contrary, the urban devel-
18 opment corporation is hereby authorized to issue bonds or notes in one
19 or more series in an aggregate principal amount not to exceed
20 \$74,700,000 excluding bonds issued to finance one or more debt service
21 reserve funds, to pay costs of issuance of such bonds, and bonds or
22 notes issued to refund or otherwise repay such bonds or notes previously
23 issued, for the purpose of financing grants, loans or combinations ther-
24 eof for the infrastructure required to enable the construction of a new
25 stadium in Queens. Eligible project costs may include, but not be limit-
26 ed to the cost of site acquisition, infrastructure, public amenities,
27 environmental remediation if required by unusual site conditions, park-
28 ing, transit improvements, extraordinary pilings costs, or any other
29 item not directly associated with the hard or soft costs of construction
30 (or work directly related to the construction) of the new stadium. No
31 monies shall be used for construction of the new stadium structure,
32 provided, however, an amount no greater than \$4,700,000 shall be avail-
33 able as a capital reserve for the construction of such stadium. Such
34 bonds and notes of such authorized issuer shall not be a debt of the
35 state, and the state shall not be liable thereon, nor shall they be
36 payable out of any funds other than those appropriated by the state to
37 such authorized issuer for debt service and related expenses pursuant to
38 any service contract executed pursuant to subdivision (b) of this
39 section and such bonds and notes shall contain on the face thereof a
40 statement to such effect. Except for purposes of complying with the
41 internal revenue code, any interest income earned on bond proceeds shall
42 only be used to pay debt service on such bonds. Notwithstanding the
43 provisions of this subdivision, on and after April first, two thousand
44 ten, the amount of state-supported debt, as such term is defined in
45 subdivision one of section sixty-seven-a of the state finance law,
46 authorized to be issued shall not exceed the amount set forth in, and
47 shall be issued in accordance with, the provisions of section sixty-sev-
48 en-d of the state finance law providing therefor.

49 § 115. Subdivision (a) of section 45 of chapter 161 of the laws of
50 2005, authorizing the urban development corporation to issue bonds, is
51 amended to read as follows:

52 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
53 notwithstanding any provisions of law to the contrary, the urban devel-
54 opment corporation is hereby authorized to issue bonds or notes in one
55 or more series in an aggregate principal amount not to exceed
56 \$74,700,000 excluding bonds issued to finance one or more debt service

1 reserve funds, to pay costs of issuance of such bonds, and bonds or
2 notes issued to refund or otherwise repay such bonds or notes previously
3 issued, for the purpose of financing grants, loans or combinations ther-
4 eof for the infrastructure required to construct a new parking facility
5 at a new stadium in the Bronx. Eligible project costs may include, but
6 not be limited to the cost of site acquisition, infrastructure, design,
7 and construction of a new parking garage. Provided, however, an amount
8 no greater than \$4,700,000 shall be available as a capital reserve for
9 the construction of such stadium. Such bonds and notes of such author-
10 ized issuer shall not be a debt of the state, and the state shall not be
11 liable thereon, nor shall they be payable out of any funds other than
12 those appropriated by the state to such authorized issuer for debt
13 service and related expenses pursuant to any service contract executed
14 pursuant to subdivision (b) of this section and such bonds and notes
15 shall contain on the face thereof a statement to such effect. Except for
16 purposes of complying with the internal revenue code, any interest
17 income earned on bond proceeds shall only be used to pay debt service on
18 such bonds. Notwithstanding the provisions of this subdivision, on and
19 after April first, two thousand ten, the amount of state-supported debt,
20 as such term is defined in subdivision one of section sixty-seven-a of
21 the state finance law, authorized to be issued shall not exceed the
22 amount set forth in, and shall be issued in accordance with, the
23 provisions of section sixty-seven-d of the state finance law providing
24 therefor.

25 § 116. Subdivision (a) of section 43 of chapter 161 of the laws of
26 2005, authorizing the urban development corporation to issue bonds, is
27 amended to read as follows:

28 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
29 notwithstanding any other provision of law to the contrary, the New York
30 state urban development corporation and the dormitory authority of the
31 state of New York are hereby authorized to issue bonds or notes in one
32 or more series in an aggregate principal amount not to exceed
33 \$75,000,000 excluding bonds issued to finance one or more debt service
34 reserve funds, to pay costs of issuance of such bonds, and bonds or
35 notes issued to refund or otherwise repay such bonds or notes previously
36 issued, for the purpose of financing economic development projects
37 outside cities with a population of one million or more. Such bonds and
38 notes of the corporation or the dormitory authority shall not be a debt
39 of the state, and the state shall not be liable thereon, nor shall they
40 be payable out of any funds other than those appropriated by the state
41 to the corporation or the dormitory authority for debt service and
42 related expenses pursuant to any service contract executed pursuant to
43 subdivision (b) of this section and such bonds and notes shall contain
44 on the face thereof a statement to such effect. Except for purposes of
45 complying with the internal revenue code, any interest income earned on
46 bond proceeds shall only be used to pay debt service on such bonds. All
47 of the provisions of the New York state urban development corporation
48 act and the dormitory authority act relating to bonds and notes which
49 are not inconsistent with the provisions of this section shall apply to
50 obligations authorized by this section, including but not limited to the
51 power to establish adequate reserves [therefore] therefor and to issue
52 renewal notes or refunding bonds thereof. The issuance of any bonds or
53 notes hereunder shall further be subject to the approval of the director
54 of the division of the budget. Notwithstanding the provisions of this
55 subdivision, on and after April first, two thousand ten, the amount of
56 state-supported debt, as such term is defined in subdivision one of

1 section sixty-seven-a of the state finance law, authorized to be issued
2 shall not exceed the amount set forth in, and shall be issued in accord-
3 ance with, the provisions of section sixty-seven-d of the state finance
4 law providing therefor.

5 § 117. Section 42 of section 1 of chapter 174 of the laws of 1968,
6 constituting the New York state urban development corporation act, as
7 added by section 54 of part T of chapter 57 of the laws of 2007, is
8 amended to read as follows:

9 § 42. New York state modernization projects. 1. Notwithstanding the
10 provisions of any other law to the contrary, the dormitory authority and
11 the corporation are hereby authorized to issue bonds or notes in one or
12 more series for the purpose of funding project costs for the Roosevelt
13 Island operating corporation related to the modernization of the aerial
14 tramway, critical maintenance and improvement projects on Governor's
15 Island, redevelopment initiatives at the Harriman research and technolo-
16 gy park and USA Niagara and other state costs associated with such
17 projects. The aggregate principal amount of bonds authorized to be
18 issued pursuant to this section shall not exceed fifty million four
19 hundred fifty thousand dollars, excluding bonds issued to fund one or
20 more debt service reserve funds, to pay costs of issuance of such bonds,
21 and bonds or notes issued to refund or otherwise repay such bonds or
22 notes previously issued. Such bonds and notes of the dormitory authority
23 and the corporation shall not be a debt of the state, and the state
24 shall not be liable thereon, nor shall they be payable out of any funds
25 other than those appropriated by the state to the dormitory authority
26 and the corporation for principal, interest, and related expenses pursu-
27 ant to a service contract and such bonds and notes shall contain on the
28 face thereof a statement to such effect. Except for purposes of comply-
29 ing with the internal revenue code, any interest income earned on bond
30 proceeds shall only be used to pay debt service on such bonds. Notwith-
31 standing the provisions of this section, on and after April first, two
32 thousand ten, the amount of state-supported debt, as such term is
33 defined in subdivision one of section sixty-seven-a of the state finance
34 law, authorized to be issued shall not exceed the amount set forth in,
35 and shall be issued in accordance with, the provisions of section
36 sixty-seven-d of the state finance law providing therefor.

37 § 118. Section 41 of section 1 of chapter 174 of the laws of 1968,
38 constituting the New York state urban development corporation act, as
39 added by chapter 259 of the laws of 2007, is amended to read as follows:

40 § 41. International computer chip research and development center. 1.
41 Notwithstanding the provisions of any other law to the contrary, the
42 urban development corporation is hereby authorized to issue bonds or
43 notes in one or more series for the purpose of funding project costs at
44 the College of Nanoscale Science and Engineering of the University at
45 Albany - State University of New York for the development and/or expan-
46 sion of an international computer chip research and development center,
47 including but not limited to the construction and renovation, purchase
48 and installation of equipment or other state costs associated with the
49 project at the College of Nanoscale Science and Engineering of the
50 University at Albany - State University of New York. The aggregate
51 principal amount of bonds authorized to be issued pursuant to this
52 section shall not exceed three hundred million dollars, excluding bonds
53 issued to fund one or more debt service reserve funds, to pay costs of
54 issuance of such bonds, and bonds or notes issued to refund or otherwise
55 repay such bonds or notes previously issued. Such bonds and notes of the
56 corporation shall not be a debt of the state, and the state shall not be

1 liable thereon, nor shall they be payable out of any funds other than
2 those appropriated by the state to the corporation for principal, inter-
3 est, and related expenses pursuant to a service contract and such bonds
4 and notes shall contain on the face thereof a statement to such effect.
5 Except for purposes of complying with the internal revenue code, any
6 interest income earned on bond proceeds shall only be used to pay debt
7 service on such bonds. Notwithstanding the provisions of this section,
8 on and after April first, two thousand ten, the amount of state-support-
9 ed debt, as such term is defined in subdivision one of section sixty-
10 seven-a of the state finance law, authorized to be issued shall not
11 exceed the amount set forth in, and shall be issued in accordance with,
12 the provisions of section sixty-seven-d of the state finance law provid-
13 ing therefor.

14 § 119. Subdivision 1 of section 43 of section 1 of chapter 174 of the
15 laws of 1968, constituting the New York state urban development corpo-
16 ration act, as amended by section 48 of part PP of chapter 56 of the
17 laws of 2009, is amended to read as follows:

18 1. Notwithstanding the provisions of any other law to the contrary,
19 the dormitory authority and the corporation are hereby authorized to
20 issue bonds or notes in one or more series for the purpose of funding
21 project costs for various economic development and regional initiatives,
22 the upstate regional blueprint fund, the downstate revitalization fund,
23 the upstate agricultural economic fund, the New York state capital
24 assistance program, the New York state economic development assistance
25 program and other state costs associated with such projects. The aggre-
26 gate principal amount of bonds authorized to be issued pursuant to this
27 section shall not exceed one billion three hundred ten million dollars,
28 excluding bonds issued to fund one or more debt service reserve funds,
29 to pay costs of issuance of such bonds, and bonds or notes issued to
30 refund or otherwise repay such bonds or notes previously issued. Such
31 bonds and notes of the dormitory authority and the corporation shall not
32 be a debt of the state, and the state shall not be liable thereon, nor
33 shall they be payable out of any funds other than those appropriated by
34 the state to the dormitory authority and the corporation for principal,
35 interest, and related expenses pursuant to a service contract and such
36 bonds and notes shall contain on the face thereof a statement to such
37 effect. Except for purposes of complying with the internal revenue
38 code, any interest income earned on bond proceeds shall only be used to
39 pay debt service on such bonds. Notwithstanding the provisions of this
40 subdivision, on and after April first, two thousand ten, the amount of
41 state-supported debt, as such term is defined in subdivision one of
42 section sixty-seven-a of the state finance law, authorized to be issued
43 shall not exceed the amount set forth in, and shall be issued in accord-
44 ance with, the provisions of section sixty-seven-d of the state finance
45 law providing therefor.

46 § 120. Subdivision (a) of section 49-a of part PP of chapter 56 of the
47 laws of 2009, authorizing the New York state urban development corpo-
48 ration and the dormitory authority of the state of New York to issue
49 bonds and notes, is amended to read as follows:

50 (a) The New York state urban development corporation and the dormitory
51 authority of the state of New York are hereby authorized to issue bonds
52 or notes in one or more series in an aggregate principal amount not to
53 exceed \$83,500,000 excluding bonds issued to finance one or more debt
54 service reserve funds, to pay costs of issuance of such bonds, and bonds
55 or notes issued to refund or otherwise repay such bonds or notes previ-
56 ously issued, for the purpose of financing project costs of the H. H.

1 Richardson Complex and Darwin Martin House pursuant to an appropriation
2 contained in a chapter of the laws of 2006. Such bonds and notes of the
3 corporation or the dormitory authority shall not be a debt of the state,
4 and the state shall not be liable thereon, nor shall they be payable out
5 of any funds other than those appropriated by the state to the corpo-
6 ration or the dormitory authority for debt service and related expenses
7 pursuant to any service contract executed pursuant to subdivision (b) of
8 this section and such bonds and notes shall contain on the face thereof
9 a statement to such effect. Except for purposes of complying with the
10 internal revenue code, any interest income earned on bond proceeds shall
11 only be used to pay debt service on such bonds. All of the provisions
12 of the New York state urban development corporation act and the dormito-
13 ry authority act relating to bonds and notes which are not inconsistent
14 with the provisions of this section shall apply to obligations author-
15 ized by this section, including but not limited to the power to estab-
16 lish adequate reserves therefor and to issue renewal notes or refunding
17 bonds thereof. The issuance of any bonds or notes hereunder shall
18 further be subject to the approval of the director of the division of
19 the budget. Notwithstanding the provisions of this subdivision, on and
20 after April first, two thousand ten, the amount of state-supported debt,
21 as such term is defined in subdivision one of section sixty-seven-a of
22 the state finance law, authorized to be issued shall not exceed the
23 amount set forth in, and shall be issued in accordance with, the
24 provisions of section sixty-seven-d of the state finance law providing
25 therefor.

26 § 121. Paragraph a of subdivision 2 of section 1680 of the public
27 authorities law, as amended by section 25 of part II of chapter 59 of
28 the laws of 2004, is amended to read as follows:

29 a. The dormitory authority is hereby authorized and empowered upon
30 application of the educational institution concerned to acquire, design,
31 construct, reconstruct, rehabilitate and improve, or otherwise provide
32 and furnish and equip dormitories and attendant facilities for any
33 educational institution, provided that any contract undertaken or
34 financed by the dormitory authority for any construction, recon-
35 struction, rehabilitation or improvement of any building or structure
36 commenced after September first, nineteen hundred seventy-four for the
37 Gananda school district or the Gananda educational facilities corpo-
38 ration, or any agency, board or commission therein, or any official
39 thereof, shall comply with the provisions of section one hundred one of
40 the general municipal law and the specifications for such contract may
41 provide for assignment of responsibility for coordination of any of the
42 contracts for such work to a single responsible and qualified person,
43 firm or corporation; provided, however, that all contracts for
44 construction of buildings on behalf of Queens Hospital Center shall be
45 in conformity with the provisions of section one hundred one of the
46 general municipal law; provided that any contracts for the construction,
47 reconstruction, rehabilitation or improvement of any public work project
48 undertaken by the dormitory authority of any facility for the aged for
49 any political subdivision of the state or any district therein or agen-
50 cy, department, board or commission thereof, or any official thereof,
51 shall comply with the provisions of section one hundred thirty-five of
52 the state finance law; and provided further that any contract undertaken
53 or financed by the dormitory authority for any construction, recon-
54 struction, rehabilitation or improvement of any building commenced after
55 January first, nineteen hundred eighty-nine for the department of health

1 shall comply with the provisions of section one hundred thirty-five of
2 the state finance law.

3 Each educational institution defined in subdivision one of this
4 section, except the department of health of the state of New York,
5 shall, when authorized by an appropriate resolution adopted by its
6 governing board or, when permitted, adopted by an appropriate committee
7 of such governing board, have power: (i) to convey or cause to be
8 conveyed to the authority real property or rights in real property
9 required in connection with the construction and financing of a dormito-
10 ry by the authority for such educational institution; or (ii) to enter
11 into agreements or leases or both with the dormitory authority pursuant
12 to subdivision sixteen of section sixteen hundred seventy-eight of this
13 title and to paragraph e of this subdivision, or both, or, in the case
14 of the department of health of the state of New York, providing that
15 legislation or appropriations which specifies the facilities to be
16 acquired, constructed, reconstructed, rehabilitated or improved for the
17 department of health of the state of New York and the total estimated
18 costs for each such facility, not to exceed four hundred ninety-five
19 million dollars in the aggregate, shall have been approved by the legis-
20 lature, the commissioner of health shall have power: (i) to convey or
21 cause to be conveyed to the authority real property or rights in real
22 property required in connection with the construction and financing of a
23 dormitory by the authority for such educational institution; or (ii) to
24 enter into agreements or leases or both with the dormitory authority
25 pursuant to subdivision sixteen of section sixteen hundred seventy-eight
26 of this title and to paragraph e of this subdivision or both. The educa-
27 tional institution for which such dormitory and attendant facility is
28 intended to be provided shall approve the plans and specifications and
29 location of such dormitory and attendant facility. The dormitory author-
30 ity shall have the same power and authority in respect to such dormito-
31 ries and attendant facilities provided pursuant to this subdivision that
32 it has relative to other dormitories. Notwithstanding the provisions of
33 this paragraph, on and after April first, two thousand ten, the amount
34 of state-supported debt, as such term is defined in subdivision one of
35 section sixty-seven-a of the state finance law, authorized to be issued
36 shall not exceed the amount set forth in, and shall be issued in accord-
37 ance with, the provisions of section sixty-seven-d of the state finance
38 law providing therefor.

39 § 122. Paragraph b of subdivision 2 of section 9-a of section 1 of
40 chapter 392 of the laws of 1973, constituting the New York state medical
41 care facilities finance agency act, as amended by section 49-c of part
42 PP of chapter 56 of the laws of 2009, is amended to read as follows:

43 b. The agency shall have power and is hereby authorized from time to
44 time to issue negotiable bonds and notes in conformity with applicable
45 provisions of the uniform commercial code in such principal amount as,
46 in the opinion of the agency, shall be necessary, after taking into
47 account other moneys which may be available for the purpose, to provide
48 sufficient funds to the facilities development corporation, or any
49 successor agency, for the financing or refinancing of or for the design,
50 construction, acquisition, reconstruction, rehabilitation or improvement
51 of mental health services facilities pursuant to paragraph a of this
52 subdivision, the payment of interest on mental health services improve-
53 ment bonds and mental health services improvement notes issued for such
54 purposes, the establishment of reserves to secure such bonds and notes,
55 the cost or premium of bond insurance or the costs of any financial
56 mechanisms which may be used to reduce the debt service that would be

1 payable by the agency on its mental health services facilities improve-
2 ment bonds and notes and all other expenditures of the agency incident
3 to and necessary or convenient to providing the facilities development
4 corporation, or any successor agency, with funds for the financing or
5 refinancing of or for any such design, construction, acquisition, recon-
6 struction, rehabilitation or improvement and for the refunding of mental
7 hygiene improvement bonds issued pursuant to section 47-b of the private
8 housing finance law; provided, however, that the agency shall not issue
9 mental health services facilities improvement bonds and mental health
10 services facilities improvement notes in an aggregate principal amount
11 exceeding seven billion three hundred sixty-six million six hundred
12 thousand dollars, excluding mental health services facilities improve-
13 ment bonds and mental health services facilities improvement notes
14 issued to refund outstanding mental health services facilities improve-
15 ment bonds and mental health services facilities improvement notes;
16 provided, however, that upon any such refunding or repayment of mental
17 health services facilities improvement bonds and/or mental health
18 services facilities improvement notes the total aggregate principal
19 amount of outstanding mental health services facilities improvement
20 bonds and mental health facilities improvement notes may be greater than
21 seven billion three hundred sixty-six million six hundred thousand
22 dollars only if, except as hereinafter provided with respect to mental
23 health services facilities bonds and mental health services facilities
24 notes issued to refund mental hygiene improvement bonds authorized to be
25 issued pursuant to the provisions of section 47-b of the private housing
26 finance law, the present value of the aggregate debt service of the
27 refunding or repayment bonds to be issued shall not exceed the present
28 value of the aggregate debt service of the bonds to be refunded or
29 repaid. For purposes hereof, the present values of the aggregate debt
30 service of the refunding or repayment bonds, notes or other obligations
31 and of the aggregate debt service of the bonds, notes or other obli-
32 gations so refunded or repaid, shall be calculated by utilizing the
33 effective interest rate of the refunding or repayment bonds, notes or
34 other obligations, which shall be that rate arrived at by doubling the
35 semi-annual interest rate (compounded semi-annually) necessary to
36 discount the debt service payments on the refunding or repayment bonds,
37 notes or other obligations from the payment dates thereof to the date of
38 issue of the refunding or repayment bonds, notes or other obligations
39 and to the price bid including estimated accrued interest or proceeds
40 received by the authority including estimated accrued interest from the
41 sale thereof. Such bonds, other than bonds issued to refund outstanding
42 bonds, shall be scheduled to mature over a term not to exceed the aver-
43 age useful life, as certified by the facilities development corporation,
44 of the projects for which the bonds are issued, and in any case shall
45 not exceed thirty years and the maximum maturity of notes or any
46 renewals thereof shall not exceed five years from the date of the
47 original issue of such notes. Notwithstanding the provisions of this
48 section, the agency shall have the power and is hereby authorized to
49 issue mental health services facilities improvement bonds and/or mental
50 health services facilities improvement notes to refund outstanding
51 mental hygiene improvement bonds authorized to be issued pursuant to the
52 provisions of section 47-b of the private housing finance law and the
53 amount of bonds issued or outstanding for such purposes shall not be
54 included for purposes of determining the amount of bonds issued pursuant
55 to this section. The director of the budget shall allocate the aggregate
56 principal authorized to be issued by the agency among the office of



1 mental health, office of mental retardation and developmental disabili-
2 ties, and the office of alcoholism and substance abuse services, in
3 consultation with their respective commissioners to finance bondable
4 appropriations previously approved by the legislature. Notwithstanding
5 the provisions of this paragraph, on and after April first, two thousand
6 ten, the amount of state-supported debt, as such term is defined in
7 subdivision one of section sixty-seven-a of the state finance law,
8 authorized to be issued shall not exceed the amount set forth in, and
9 shall be issued in accordance with, the provisions of section sixty-sev-
10 en-d of the state finance law providing therefor.

11 § 123. The opening paragraph of section 1680-j of the public authori-
12 ties law, as amended by section 54 of part B of chapter 58 of the laws
13 of 2005, is amended to read as follows:

14 Notwithstanding any other provision of law to the contrary, the dormi-
15 tory authority of the state of New York is hereby authorized to issue
16 bonds or notes in one or more series in an aggregate principal amount
17 not to exceed seven hundred fifty million dollars excluding bonds issued
18 to fund one or more debt service reserve funds, to pay costs of issuance
19 of such bonds, and bonds or notes issued to refund or otherwise repay
20 such bonds or notes previously issued, for the purposes of financing
21 project costs authorized under section twenty-eight hundred eighteen of
22 the public health law. Of such seven hundred fifty million dollars, ten
23 million dollars shall be made available to the community health centers
24 capital program established pursuant to section twenty-eight hundred
25 seventeen of the public health law. Notwithstanding the provisions of
26 this section, on and after April first, two thousand ten, the amount of
27 state-supported debt, as such term is defined in subdivision one of
28 section sixty-seven-a of the state finance law, authorized to be issued
29 shall not exceed the amount set forth in, and shall be issued in accord-
30 ance with, the provisions of section sixty-seven-d of the state finance
31 law providing therefor.

32 § 124. Subdivision (a) of section 66 of chapter 432 of the laws of
33 1997, amending the state finance law and other laws relating to the
34 transportation, economic development and environmental conservation
35 budget, is amended to read as follows:

36 (a) Notwithstanding the provisions of any general or special law to
37 the contrary, the dormitory authority is hereby authorized to issue
38 bonds or notes in an aggregate principal amount not to exceed forty
39 million dollars for the financing of construction, reconstruction,
40 improvement, reconditioning, and preservation of airport or aviation
41 capital projects at Albany county airport and associated roadwork;
42 provided, however, that in addition to such bonds, the authority may
43 issue an aggregate principal amount of bonds sufficient to fund any
44 reserve funds established in connection therewith, to provide capital-
45 ized interest on the bonds or notes, to pay the costs incurred by the
46 authority in connection with the issuance and servicing of any such
47 bonds, and to refund, advance refund or otherwise repay any bonds or
48 notes issued pursuant to this section. Notwithstanding the provisions
49 of this subdivision, on and after April first, two thousand ten, the
50 amount of state-supported debt, as such term is defined in subdivision
51 one of section sixty-seven-a of the state finance law, authorized to be
52 issued shall not exceed the amount set forth in, and shall be issued in
53 accordance with, the provisions of section sixty-seven-d of the state
54 finance law providing therefor.

55 § 125. Subdivision (b) of section 11 of chapter 329 of the laws of
56 1991, amending the state finance law and other laws relating to the

1 establishment of the dedicated highway and bridge trust fund, as amended
2 by section 49 of part PP of chapter 56 of the laws of 2009, is amended
3 to read as follows:

4 (b) Any service contract or contracts for projects authorized pursuant
5 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
6 14-k of the transportation law, and entered into pursuant to subdivision
7 (a) of this section, shall provide for state commitments to provide
8 annually to the thruway authority a sum or sums, upon such terms and
9 conditions as shall be deemed appropriate by the director of the budget,
10 to fund, or fund the debt service requirements of any bonds or any obli-
11 gations of the thruway authority issued to fund such projects having a
12 cost not in excess of \$5,860,800,000 cumulatively by the end of fiscal
13 year 2009-10. Notwithstanding the provisions of this subdivision, on
14 and after April first, two thousand ten, the amount of state-supported
15 debt, as such term is defined in subdivision one of section sixty-sev-
16 en-a of the state finance law, authorized to be issued shall not exceed
17 the amount set forth in, and shall be issued in accordance with, the
18 provisions of section sixty-seven-d of the state finance law providing
19 therefor.

20 § 126. Paragraph (b) of subdivision 1 of section 385 of the public
21 authorities law, as amended by section 1 of part G of chapter 60 of the
22 laws of 2005, is amended to read as follows:

23 (b) The authority is hereby authorized, as additional corporate
24 purposes thereof solely upon the request of the director of the budget:
25 (i) to issue special emergency highway and bridge trust fund bonds and
26 notes for a term not to exceed thirty years and to incur obligations
27 secured by the moneys appropriated from the dedicated highway and bridge
28 trust fund established in section eighty-nine-b of the state finance
29 law; (ii) to make available the proceeds in accordance with instructions
30 provided by the director of the budget from the sale of such special
31 emergency highway and bridge trust fund bonds, notes or other obli-
32 gations, net of all costs to the authority in connection therewith, for
33 the purposes of financing all or a portion of the costs of activities
34 for which moneys in the dedicated highway and bridge trust fund estab-
35 lished in section eighty-nine-b of the state finance law are authorized
36 to be utilized or for the financing of disbursements made by the state
37 for the activities authorized pursuant to section eighty-nine-b of the
38 state finance law; and (iii) to enter into agreements with the commis-
39 sioner of transportation pursuant to section ten-e of the highway law
40 with respect to financing for any activities authorized pursuant to
41 section eighty-nine-b of the state finance law, or agreements with the
42 commissioner of transportation pursuant to sections ten-f and ten-g of
43 the highway law in connection with activities on state highways pursuant
44 to these sections, and (iv) to enter into service contracts, contracts,
45 agreements, deeds and leases with the director of the budget or the
46 commissioner of transportation and project sponsors and others to
47 provide for the financing by the authority of activities authorized
48 pursuant to section eighty-nine-b of the state finance law, and each of
49 the director of the budget and the commissioner of transportation are
50 hereby authorized to enter into service contracts, contracts, agree-
51 ments, deeds and leases with the authority, project sponsors or others
52 to provide for such financing. The authority shall not issue any bonds
53 or notes in an amount in excess of \$16.5 billion, plus a principal
54 amount of bonds or notes: (A) to fund capital reserve funds; (B) to
55 provide capitalized interest; and, (C) to fund other costs of issuance.
56 In computing for the purposes of this subdivision, the aggregate amount

1 of indebtedness evidenced by bonds and notes of the authority issued
2 pursuant to this section, as amended by a chapter of the laws of nine-
3 teen hundred ninety-six, there shall be excluded the amount of bonds or
4 notes issued that would constitute interest under the United States
5 Internal Revenue Code of 1986, as amended, and the amount of indebt-
6 edness issued to refund or otherwise repay bonds or notes. Notwith-
7 standing the provisions of this paragraph, on and after April first, two
8 thousand ten, the amount of state-supported debt, as such term is
9 defined in subdivision one of section sixty-seven-a of the state finance
10 law, authorized to be issued shall not exceed the amount set forth in,
11 and shall be issued in accordance with, the provisions of section
12 sixty-seven-d of the state finance law providing therefor.

13 § 127. Paragraph (a) of subdivision 8 of section 3236 of the public
14 authorities law, as amended by chapter 2 of the laws of 1991, is amended
15 to read as follows:

16 (a) The corporation shall not issue any bonds or notes in an amount in
17 excess of four billion seven hundred million dollars, plus a principal
18 amount of bonds or notes:

19 (i) to fund any capital reserve fund in accordance with the capital
20 reserve fund requirement,

21 (ii) to provide capitalized interest for a period not to exceed six
22 months, and

23 (iii) to provide for the payment of fees and other charges and
24 expenses, including underwriters' discount, related to the issuance of
25 such bonds or notes, or related to the provision of any applicable bond
26 or note facilities. Notwithstanding the provisions of this paragraph,
27 on and after April first, two thousand ten, the amount of state-support-
28 ed debt, as such term is defined in subdivision one of section sixty-
29 seven-a of the state finance law, authorized to be issued shall not
30 exceed the amount set forth in, and shall be issued in accordance with,
31 the provisions of section sixty-seven-d of the state finance law provid-
32 ing therefor.

33 § 128. Paragraph (a) of subdivision 2 of section 47-e of the private
34 housing finance law, as amended by section 47 of part PP of chapter 56
35 of the laws of 2009, is amended to read as follows:

36 (a) Subject to the provisions of chapter fifty-nine of the laws of two
37 thousand, in order to enhance and encourage the promotion of housing
38 programs and thereby achieve the stated purposes and objectives of such
39 housing programs, the agency shall have the power and is hereby author-
40 ized from time to time to issue negotiable housing program bonds and
41 notes in such principal amount as shall be necessary to provide suffi-
42 cient funds for the repayment of amounts disbursed (and not previously
43 reimbursed) pursuant to law or any prior year making capital appropri-
44 ations or reappropriations for the purposes of the housing program;
45 provided, however, that the agency may issue such bonds and notes in an
46 aggregate principal amount not exceeding two billion four hundred twen-
47 ty-eight million one hundred forty-one thousand dollars, plus a princi-
48 pal amount of bonds issued to fund the debt service reserve fund in
49 accordance with the debt service reserve fund requirement established by
50 the agency and to fund any other reserves that the agency reasonably
51 deems necessary for the security or marketability of such bonds and to
52 provide for the payment of fees and other charges and expenses, includ-
53 ing underwriters' discount, trustee and rating agency fees, bond insur-
54 ance, credit enhancement and liquidity enhancement related to the issu-
55 ance of such bonds and notes. No reserve fund securing the housing
56 program bonds shall be entitled or eligible to receive state funds

1 apportioned or appropriated to maintain or restore such reserve fund at
2 or to a particular level, except to the extent of any deficiency result-
3 ing directly or indirectly from a failure of the state to appropriate or
4 pay the agreed amount under any of the contracts provided for in subdi-
5 vision four of this section. Notwithstanding the provisions of this
6 paragraph, on and after April first, two thousand ten, the amount of
7 state-supported debt, as such term is defined in subdivision one of
8 section sixty-seven-a of the state finance law, authorized to be issued
9 shall not exceed the amount set forth in, and shall be issued in accord-
10 ance with, the provisions of section sixty-seven-d of the state finance
11 law providing therefor.

12 § 129. Subdivision (a) of section 2 of part R-1 of chapter 109 of the
13 laws of 2006 relating to dormitory authority bonds, is amended to read
14 as follows:

15 (a) Subject to the provisions of chapter 59 of the laws of 2000, the
16 New York state thruway authority is hereby authorized to issue bonds or
17 notes in one or more series in an aggregate principal amount not to
18 exceed \$22,000,000 excluding bonds issued to fund one or more debt
19 service reserve funds, to pay costs of issuance of such bonds, and bonds
20 or notes issued to refund or otherwise repay such bonds or notes previ-
21 ously issued, for the purpose of financing capital costs related to high
22 speed rail projects for the department of transportation, including the
23 reimbursement of any disbursements made from the state capital projects
24 fund. Such bonds and notes of the authority shall not be a debt of the
25 state, and the state shall not be liable thereon, nor shall they be
26 payable out of any funds other than those appropriated by the state of
27 the authority for debt service and related expenses pursuant to any
28 service contracts executed pursuant to subdivision (b) of this section,
29 and such bonds and notes shall contain on the face thereof a statement
30 to such effect. Except for purposes of complying with the internal
31 revenue code, any interest income earned on bond proceeds shall only be
32 used to pay debt service on such bonds. Notwithstanding the provisions
33 of this paragraph, on and after April first, two thousand ten, the
34 amount of state-supported debt, as such term is defined in subdivision
35 one of section sixty-seven-a of the state finance law, authorized to be
36 issued shall not exceed the amount set forth in, and shall be issued in
37 accordance with, the provisions of section sixty-seven-d of the state
38 finance law providing therefor.

39 § 130. This act shall take effect immediately and shall be deemed to
40 have been in full force and effect on and after April 1, 2010, provided,
41 however, that:

42 (a) section forty-two of this act shall be deemed to have been in full
43 force and effect on and after April 1, 2008;

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

48 (c) the amendments to subdivision 5 of section 97-rrr of the state
49 finance law made by section fifteen of this act shall not affect the
50 expiration of such subdivision and shall be deemed to expire therewith;

51 (d) the amendments to paragraph (a) of subdivision 5 of section 236-a
52 of the education law, made by section fifty-eight of this act, shall not
53 affect the repeal of such section and shall be deemed repealed there-
54 with; and

1 (e) sections thirty-seven and fifty-eight-a of this act shall be
2 deemed to have been in full force and effect on and after March 31,
3 2010.

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

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

