

**Amendments to Senate S2605-A; Assembly A3005-A
(PPGG Article VII Bill)**

Part C, relating to enhanced penalties for multiple violations of mobile phone and texting prohibitions under the vehicle and traffic law, is amended to:

- Increase the time period, from 18 months to five years, in which repeat violations of the cell phone use and texting while driving prohibitions are counted in the imposition of escalating penalties. These provisions will be consistent with recent federal regulations intended to promote highway safety.

Part G, in relation to providing a long-term stable pension contribution option to local governments and school districts, is amended to:

- Clarify that a participating municipal employer may only elect the stable contribution option in the 2013-14 fiscal year.
- Clarify that a participating educational employer may only elect the stable contribution option in the fiscal year commencing on July 1, 2013 for the pension bill that is paid in the fall of 2014.
- Include a board of cooperative educational services and public benefit corporation that operates a public general hospital located in Westchester, Erie or Nassau County under the definition of a participating municipal employer.
- Include a board of cooperative educational services under the definition of a participating educational employer.

Part M, relating to loan authorizations, cash transfer authorizations, and the repeal of certain sections of law, is amended to:

- Make a technical amendment to accompany the permanent law creation of the New York State Gaming Commission account, to add transfer authority of \$1,000,000 from any of the state lottery fund administration accounts, the miscellaneous special revenue fund, regulation of racing account (21912), the miscellaneous special revenue fund, bell jar collection account (22003), or the miscellaneous special revenue fund, regulation of Indian gaming account (22046), to the miscellaneous special revenue fund, New York state gaming commission account.
- Remove section 18 which authorizes a public benefit corporation to make voluntary contributions to the State General Fund.
- Add new section 18 to insert transfer authorization from the general fund to the miscellaneous special revenue fund, tribal state compact revenue account (22196). Such funds may be advanced to a municipality located with the county of Cattaraugus hosting a gaming facility pursuant to the requirements of appropriation contained in chapter 53 of the laws of 2012. Any such advance shall reduce the amount otherwise due to such municipality by an equivalent amount,

and upon receipt of any funds in the tribal state compact revenue account pursuant to a tribal state compact, such funds shall first be used to reimburse any transfer from the general fund pursuant to this section.

- Make a technical amendment to section 56 to clarify that the proposed Sales Tax Revenue Bond Tax Fund would receive sales tax receipts equal to a two percent rate of taxation on and after the date on which LGAC's bonds have been met, excluding the payment obligations required by section 3238-a of the public authorities law.

Part T, in relation to state aid on certain state leased or state-owned land, is added to:

- Increase scheduled payments in lieu of taxes (PILOTs) pursuant to section 19-a of the public lands law to the City of Albany by \$7.85 million in 2013-14.
- Decrease scheduled PILOTs pursuant to section 19-a of the public lands law by a commensurate amount to the City of Albany in 2031-32.

Part U, relating to a pilot program for indigent legal services for counsel at arraignment, is added to:

- Create a pilot program to encourage counties to develop innovative solutions for providing counsel to indigent defendants at their arraignments. In some counties, indigent persons accused of a crime are sometimes arraigned before a court without the benefit of legal representation that is mandated under the New York State Constitution, as found by the Court of Appeals in Hurrell-Harring v. New York, 15 N.Y.3d 8 (2010). To address such circumstances, while also not creating excessive delays in arraignment that could result in longer detention in local jails, county plans may include proposals that are inconsistent with current laws restricting the venue where arraignments must occur and the use of videoconferencing. Such legal requirements would be temporarily suspended upon approval of the county plan. The participants in the pilot program would agree to track and report on the benefits of their approaches, so that successful models could be expanded statewide. The program would be administered by the Office of Court Administration, under the direction of a three-person committee comprised of a representative of the Governor, the Judiciary, and the Office of Indigent Legal Services. The Executive Budget includes a \$3 million appropriation for this purpose.

Part V, relating to emergency alerts, is added to:

- Provide immunity from liability to mobile carriers who issue emergency messages on behalf of the State. Under the NY-TEXT initiative, mass text messages warning of emergencies and impending disasters would be sent to all wireless phones in a chosen geographic area. Based on the experience in another state, liability protection is necessary to ensure that vendors will be willing to provide such services in New York.