

# 2009 Retirement Legislation

New York State Office of the State Comptroller

**Thomas P. DiNapoli**

New York State and Local Retirement System



Employees' Retirement System

Police and Fire Retirement System



## A MESSAGE FROM COMPTROLLER THOMAS P. DINAPOLI

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Every year, the Legislature passes new laws that affect the New York State and Local Retirement System (NYSLRS) and other State public retirement systems.

This publication covers retirement and retirement-related legislation enacted or vetoed during the 2009 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers, members, retirees and beneficiaries. Section III covers legislation affecting the other New York State public retirement systems.

I hope you find this 2009 Retirement Legislation publication to be a useful reference.

Sincerely,

A handwritten signature in black ink that reads "Tom DiNapoli". The signature is written in a cursive, flowing style.

Thomas P. DiNapoli  
State Comptroller

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# CHAPTER TITLES

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## Section I Legislation Affecting the New York State and Local Retirement System

Chapter No.	Page	Description
30	3	Extends certain provisions of chapter 729 of 1994 relating to health insurance benefits and contributions of retired employees of school districts until 2010 [S.2342/A.4628]
56	4	Enacts into law major components of legislation necessary to implement the public protection and general government budget for the 2009-2010 SFY [A.156-B/S.56-B]
69	138	Provides for the compensation payable to certain members of the division of state police and professional, scientific and technical service employees [S.5503/A.8254]
70	157	Relates to compensation and benefits of certain members of the state police; appropriation [S.5504/A.8255]
72	169	Establishes automatic orders in matrimonial actions which remain in full force and effect during the pendency of the action, unless terminated, modified or amended by further order of the court upon motion of either of the parties or upon written agreement between the parties duly executed and acknowledged [A.2574/S.2970]
79	171	Extends the right of public employees and public employers to negotiate for retirement benefits not requiring approval by act of the legislature; extends certain temporary benefits and supplementation programs until July 1, 2011 [S.2312/A.5808]
114	175	Authorizes the county of Rockland to amortize the cost of the targeted county retirement program [A.6565/S.2806]
146	176	Authorizes and empowers the county of Nassau to amortize the cost of payments to employees upon separation of service from the county [A.7685/S.4033]
213	177	Relates to compensation, benefits, terms of employment of certain members of the security supervisors unit employed by department of correctional services; repealer (NYSCOPBA) [A.8954/S.5965]
214	189	Relates to the compensation and benefits of certain state correctional officers; repealer; appropriation (Council 82) [A.8955/S.5966]
231	199	Authorizes to retroactively appoint and set seniority dates of certain employees for Schuyler, Steuben, Chemung, Tioga and Allegany counties [A.7864/S.3399]
305	202	Increases the salary used in the computation of the special accidental death benefit in cases where the date of death was before 2009; applies to surviving spouse and child benefits of certain police and fire personnel [A.4905-A/S.2343-A]

## CHAPTER TITLES

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Chapter No.	Page	Description
390	207	Authorizes members of the PFRS in a 20 year plan, with prior transferred ERS credit, to transfer such credit and receive retroactive membership in the ERS [A.7993/S.5541]
393	209	Authorizes the city of Elmira to offer an optional twenty year retirement plan to certain police officers [A.8019-A/S.5304-A]
397	211	Implements a provision in a collective bargaining agreement between the state university construction fund and an employee organization relating to unused sick leave and retirement service credit [A.8228/S.5632]
404	213	Authorizes Steven Roy to file for retroactive membership in the optional twenty year retirement plan of the PFRS pursuant to section 384-d of the RSSL [A.8588/S.5654]
423	215	Relates to the past service costs associated with the membership of certain Haverstraw police officers in an optional twenty year retirement plan [A.2234/S.1001]
425	216	Authorizes the city of Oneonta, in the county of Otsego, to offer an optional twenty year retirement plan and additional pension benefits to fire chief Robert S. Barnes [A.3078-A/S.867-A]
431	218	Authorizes the village of Cambridge, in Washington county, to offer an optional 25 year retirement plan to police officers George G. Bell, Harold P. Spiezio III and Stephen E. Griffin, Jr [A.4811/S.1800]
434	220	Authorizes the village of Scarsdale to offer an optional twenty year retirement plan to police officer Matther Miraglia; the village must file a resolution with the state comptroller on or before December 31st [A.6153-A/S.3631-A]
437	222	Authorizes the village of Ilion, in the county of Herkimer, to offer an optional twenty year retirement plan to police officer Louis P. Romano [A.6731/S.2903]
438	224	Extends the date for certain filing requirements for the reopening of the optional 20 year retirement plan in the city of Oneida [A.6732/S.2961]
442	226	Authorizes Shannon Brett and James De Filippis to obtain service credit for service as deputies in the county of Orleans [A.7711-A/S.4522-A]
445	228	Authorizes the village of East Hampton, county of Suffolk, to offer an optional twenty year retirement plan to certain police officers [A.7858/S.4972]
455	230	Authorizes the village of Port Dickinson, in the county of Broome, to offer an optional twenty year retirement plan to chief of police Sean D. Crouse and police officer Paul Buttacovoli, Jr [A.8286/S.5490]
466	232	Authorizes the village of Monroe, in the county of Orange, to offer an optional 20 year retirement plan to police officer Anthony T. Amatetti [A.8600/S.5602]

## CHAPTER TITLES

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Chapter No.	Page	Description
504	234	Provides retirement benefits for new entrants to certain public retirement systems; makes the coordinated-escalator retirement plan and coordinated retirement plan permanent; extends the expiration of public arbitration of disputes between public employers and employee organizations (Tier 5) [A.40026/S.66026 in Extraordinary Session]

### Section II

#### Vetoed Legislation Affecting the New York State and Local Retirement System

Veto No.	Page	Description
5	263	Extends the Tier II provisions to all police officers and firefighters who join a public retirement system on or after July 1, 2009 and prior to July 1, 2011 [S.1409/A.3426]
50	266	Authorizes Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo [A.5328/S.2232]

### Section III

#### Legislation Affecting Other New York Public Retirement Systems

Chapter No.	Page	Description
41	273	Relates to transfers of a pension reserve; requires the transfer of reserves for former members of the NYCTRS who transferred to the NYSTRS and meet the eligibility requirements of section 522 of the education law; makes provisions retroactive to October 26, 2004 [S.3202/A.5151]
211	276	Relates to rate of regular interest used in the actuarial valuation of liabilities for calculating contributions to the NYC employees' retirement system [A.8933/S.5918]
220	280	Authorizes the retirement board of the NYS teachers' retirement system to promulgate rules and regulations allowing for mandated distribution of unclaimed funds in the amount of \$1,000 or less [S.3512/A.2826]
461	281	Removes limitations pertaining to emergency medical technicians or advanced emergency medical technicians NYC [A.8371/S.5557]

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## Senate Bills

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# 2009

## SECTION I

Legislation Affecting the  
New York State and Local Retirement System



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STATE OF NEW YORK

2342

2009-2010 Regular Sessions

IN SENATE

February 18, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend chapter 729 of the laws of 1994 relating to affecting the health insurance benefits and contributions of retired employees of school districts and certain boards, in relation to the effectiveness of such provisions

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

1 Section 1. Section 1 of chapter 729 of the laws of 1994 relating to  
2 affecting the health insurance benefits and contributions of retired  
3 employees of school districts and certain boards, as amended by chapter  
4 43 of the laws of 2008, is amended to read as follows:

5 Section 1. From on and after June 30, 1994 until May 15, [~~2009~~] 2010,  
6 a school district, board of cooperative educational services, vocational  
7 education and extension board or a school district as enumerated in  
8 section 1 of chapter 566 of the laws of 1967, as amended, shall be  
9 prohibited from diminishing the health insurance benefits provided to  
10 retirees and their dependents or the contributions such board or  
11 district makes for such health insurance coverage below the level of  
12 such benefits or contributions made on behalf of such retirees and their  
13 dependents by such district or board unless a corresponding diminution  
14 of benefits or contributions is effected from the present level during  
15 this period by such district or board from the corresponding group of  
16 active employees for such retirees.

17 § 2. This act shall take effect May 15, 2009; provided, however, if  
18 this act shall become a law after such date it shall take effect imme-  
19 diately and shall be deemed to have been in full force and effect on and  
20 after May 15, 2009.

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

LBD04075-01-9

## STATE OF NEW YORK

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S. 56--B

A. 156--B

### SENATE - ASSEMBLY

(Prefiled)

January 7, 2009

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

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

AN ACT to amend the state finance law, in relation to expanding the use of funds deposited in the criminal justice improvement account (Part A); to amend the tax law, in relation to imposing a state public safety communications surcharge, and clarifying the distribution of revenue from the surcharge; and to repeal section 309 of the county law relating to the state wireless communications service surcharge (Part B); Intentionally omitted (Part C); Intentionally omitted (Part D); to amend the executive law, in relation to crime victims compensation to sexual assault survivors (Part E); Intentionally omitted (Part F); to amend the executive law, in relation to imposing fees for the certification and certification renewal of security guard instructors and training schools (Part G); to amend the correction law, in relation to limiting the closings of certain correctional facilities, providing for the custody by the department of correctional services of inmates serving definite sentences and providing for custody of federal prisoners; requiring the closing of certain correctional facilities; and providing for the repeal of certain provisions upon expiration thereof (Part H); Intentionally omitted (Part I); to amend the executive law and the penal law, in relation to the eligibility criteria for medical parole (Part J); to amend the correction law, in relation to authorizing the sale of food products to charitable organizations (Part K); to amend the correction law, in relation to expanding eligibility for the shock incarceration program and to permitting time credit allowances

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

LBD12370-03-9

for certain inmates (Part L); to amend the executive law and the correction law, in relation to eliminating reimbursement to localities for housing technical parole violators and state ready inmates except in situations where the department of correctional services is unable to provide a general confinement bed within ten business days of notification; and to repeal certain provisions of such laws relating thereto (Part M); to amend the executive law, in relation to supporting the use of graduated sanctions for parole violators and allowing parole board members to use a risk and needs assessment instrument in making their release determinations (Part N); to amend the criminal procedure law, in relation to permitting a term of interim probation to be credited against a subsequent sentence of probation (Part O); Intentionally omitted (Part P); to amend the correction law and the executive law, in relation to providing that the state commission of correction is not mandated to have oversight over facilities accredited with the American Correctional Association; to amend the correction law, in relation to providing county jails with options to reduce their operating costs; and to repeal certain provisions of the correction law relating thereto (Part Q); to amend the executive law, in relation to increasing the fee paid by nuclear power generating plant operators in support of state and local radiological emergency preparedness requirements; and to repeal certain provisions of such law relating thereto (Part R); Intentionally omitted (Part S); to amend the insurance law, in relation to the motor vehicle law enforcement fee; to amend the state finance law, in relation to the motor vehicle theft and insurance fund and the state police motor vehicle law enforcement account; to amend the executive law, in relation to making permanent the applicability of the plan of operation and grant award process of the motor vehicle theft and insurance fraud prevention demonstration program; to amend chapter 62 of the laws of 2003, amending the insurance law and other laws relating to motor vehicle law enforcement fees, to amend chapter 56 of the laws of 2004, amending the insurance law and the state finance law relating to motor vehicle law enforcement fees and chapter 57 of the laws of 2000, amending the state finance law relating to a report on automobile theft prevention activities of the state police, in relation to making certain provisions permanent; to repeal certain provisions of the insurance law, relating to providing funding to the motor vehicle theft and insurance fraud and prevention fund; and to repeal subdivision (bbb) of section 427 of chapter 55 of the laws of 1992 amending the tax law generally and enacting the omnibus revenue act of 1992 relating to taxes, surcharges, fees and funding, relating to making the motor vehicle theft and insurance fraud prevention fund permanent (Part T); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to extending the expiration of such chapter; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of

such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof; and to repeal subdivision (r) of section 427 of chapter 55 of the laws of 1992 amending the tax law and other laws relating to

taxes (Part U); Intentionally omitted (Part V); Intentionally omitted (Part W); Intentionally omitted (Part X); Intentionally omitted (Part Y); Intentionally omitted (Part Z); Intentionally omitted (Part AA); Intentionally omitted (Part BB); Intentionally omitted (Part CC); Intentionally omitted (Part DD); Intentionally omitted (Part EE); Intentionally omitted (Part FF); to amend the state finance law, in relation to aid and incentives for municipalities (Part GG); Intentionally omitted (Part HH); to amend chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, in relation to the effective date of such chapter (Part II); to amend the real property law and the state finance law, in relation to when conveyances of real property are not to be recorded and the fees associated with such conveyances and where such fees shall be deposited (Part JJ); to amend the state finance law, in relation to state assistance to cities and municipalities where a video lottery gaming facility is located (Part KK); Intentionally omitted (Part LL); Intentionally omitted (Part MM); Intentionally omitted (Part NN); Intentionally omitted (Part OO); to provide for the administration of certain funds and accounts related to the 2009-2010 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend 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 the effectiveness of certain provisions thereof; to amend chapter 60 of the laws of 1993, amending the public authorities law and other laws relating to the bonding authority of the environmental facilities corporation, and the state finance law, in relation to the rainy day reserve fund; to amend the state finance law, in relation to temporary loans of money or other financial resources to the general fund; to amend chapter 57 of the laws of 2007, relating to the provision of funding of certain community projects; and to amend chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding of certain community projects, in relation to reducing funding therefor; to direct the comptroller to transfer and deposit certain moneys; to amend the public authorities law, in relation to including drug courts within the courthouse facilities eligible for funding from the dormitory authority and urban development corporation; to amend the New York state medical care facilities finance agency act, in relation to increasing the bonding limits of such agency for mental health facilities; to amend the state finance law, in relation to variable rate bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority and the New York state environmental facilities corporation; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds by the urban development corporation; to amend the state finance law, in relation to issuance of certificates of participation; to amend chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth improvement fund, in relation to issuance of debt by the urban development corporation; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to economic development

initiatives and the state's right to require redemption of bonds; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to reducing funding therefor; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the private housing finance law and the public authorities law, in relation to the state's right to require redemption of bonds; to amend the state finance law, in relation to state-supported debt; to repeal certain provisions of chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding for certain community projects, relating to increasing such funding, relating to transfers of moneys for such projects; to amend the state finance law, in relation to mental health service facilities financing and providing for the repeal of certain provisions upon the expiration thereof (Part PP); to amend the workers' compensation law, in relation to disability payments (Part QQ); to amend chapter 152 of the laws of 2001 amending the military law relating to military funds of the organized militia, in relation to extending the effectiveness of such provisions (Part RR); to amend the correction law, the executive law and the penal law, in relation to release and supervision of persons serving a definite sentence (Part SS); to amend the vehicle and traffic law, in relation to court appearances and warrants of arrest (Part TT); to amend the correction law, in relation to a pilot project for filing medical assistance applications for inmates prior to their release; and providing for the repeal of such provisions upon the expiration thereof (Part UU); to amend the education law, in relation to loan forgiveness for indigent legal services attorney (Part VV); to amend the alcoholic beverage control law, in relation to requiring the state liquor authority to improve its information technology (Part WW); to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions; and to amend the legislative law, in relation to members serving in special capacity (Part XX); to require public authorities receiving funding under the American recovery and reinvestment act of 2009 to submit expenditure plans (Part YY); to direct the chief administrator of the courts to promulgate rules relating to caseloads for attorneys representing indigent clients in criminal matters in cities of one million or more (Part ZZ); and to amend the criminal procedure law and the penal law, in relation to sentences of imprisonment; to amend the criminal procedure law, in relation to establishing the judicial diversion program for certain felony offenders; to amend the penal law and the criminal procedure law, in relation to operating as a major trafficker; to amend the penal law, in relation to criminal sale of a controlled substance to a child; to amend the criminal procedure law, in relation to interim probation supervision; to amend the penal law, in relation to shock incarceration participation; to amend the mental hygiene law, in relation to directing the office of alcoholism and substance abuse services to monitor the care and treatment of certain inmates; to amend the judiciary law, in relation to the diversion of cases; to amend the correction law, in relation to judicially sentenced shock incarceration inmates; and to amend the executive law, in relation to parole; and to repeal certain provisions of the criminal procedure law relating thereto (Part AAA)

**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 2009-2010  
3 state fiscal year. Each component is wholly contained within a Part  
4 identified as Parts A through AAA. The effective date for each partic-  
5 ular provision contained within such Part is set forth in the last  
6 section of such Part. Any provision in any section contained within a  
7 Part, including the effective date of the Part, which makes a refer-  
8 ence to a section "of this act", when used in connection with that particu-  
9 lar component, shall be deemed to mean and refer to the corresponding  
10 section of the Part in which it is found. Section three of this act sets  
11 forth the general effective date of this act.

12 PART A

13 Section 1. Subdivision 3 of section 97-bb of the state finance law, as  
14 added by chapter 309 of the laws of 1996, is amended to read as follows:

15 3. Monies of the criminal justice improvement account, following  
16 appropriation by the legislature and allocation by the director of the  
17 budget shall be made available for local assistance services and  
18 expenses of programs to provide services to crime victims and witnesses,  
19 **including operations of the crime victims board**, and for payments to  
20 victims in accordance with the federal crime control act of 1984, as  
21 administered pursuant to article twenty-two of the executive law.

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, 2009.

24 PART B

25 Section 1. Section 309 of the county law is REPEALED.

26 § 2. Subdivision 8 of section 186-e of the tax law, as added by chap-  
27 ter 2 of the laws of 1995, is amended to read as follows:

28 8. Enhanced emergency telephone system surcharge fee **and public safety**  
29 **communications surcharge**. Notwithstanding any other provision contained  
30 in this chapter or any other law, any surcharge collected or any admin-  
31 istrative fee retained by any provider of telecommunication services  
32 acting as collection agent for a municipality pursuant to the provisions  
33 of article six of the county law [~~shall~~] **or acting as a collection agent**  
34 **for the state pursuant to the provisions of section one hundred eighty-**  
35 **six-f of this article will** not be considered as, nor included in the  
36 determination of gross receipts of the provider.

37 § 3. The tax law is amended by adding a new section 186-f to read as  
38 follows:

39 **§ 186-f. Public safety communications surcharge. 1. Definitions. As**  
40 **used in this section, where not otherwise specifically defined and**  
41 **unless a different meaning is clearly required:**

42 **(a) "Place of primary use" has the same meaning as that term is**  
43 **defined in paragraph twenty-six of subdivision (b) of section eleven**  
44 **hundred one of this chapter.**

45 **(b) "Wireless communications customer" means mobile telecommunications**  
46 **customer as defined in subparagraph (i) of paragraph twenty-seven of**  
47 **subdivision (b) of section eleven hundred one of this chapter, who**  
48 **contracts for or is the end user of wireless communications service.**

1 (c) "Wireless communications device" means any equipment used to  
2 access a wireless communications service.

3 (d) "Wireless communications service" means all commercial mobile  
4 services, as that term is defined in section 332(d) of title 47 of the  
5 United States Code, as amended from time to time, including, but not  
6 limited to, all broadband personal communications services, wireless  
7 radio telephone services, geographic area specialized and enhanced  
8 specialized mobile radio services, and incumbent-wide area specialized  
9 mobile radio licensees, which offer real time, two-way voice or data  
10 service that is interconnected with the public switched telephone  
11 network or otherwise provides access to emergency communications  
12 services.

13 (e) "Wireless communications service supplier" means a home service  
14 provider as defined in subparagraph (ii) of paragraph twenty-seven of  
15 subdivision (b) of section eleven hundred one of this chapter, provided  
16 that the home service provider provides wireless communications service  
17 and has one or more wireless communications customers in New York state.

18 2. Public safety communications surcharge. (a) A surcharge on wireless  
19 communications service provided to a wireless communications customer  
20 with a place of primary use in this state is imposed at the rate of one  
21 dollar and twenty cents per month on each wireless communications device  
22 in service during any part of each month. The surcharge must be  
23 reflected and made payable on bills rendered to the wireless communi-  
24 cations customer for wireless communication service.

25 (b) Each wireless communications service supplier providing wireless  
26 communications service in New York state must act as a collection agent  
27 for the state for the collection of the surcharge. The wireless communi-  
28 cations service supplier has no legal obligation to enforce the  
29 collection of the surcharge from its customers. However, each wireless  
30 communications service supplier must collect and retain the name and  
31 address of any wireless communications customer with a place of primary  
32 use in this state that refuses or fails to pay the surcharge, as well as  
33 the cumulative amount of the surcharge remaining unpaid, and must  
34 provide this information to the commissioner at the time and according  
35 to the procedures the commissioner may provide. The surcharge must be  
36 reported and paid to the commissioner on a quarterly basis on or before  
37 the fifteenth day of the month following each quarterly period ending on  
38 the last day of February, May, August and November, respectively. The  
39 payments must be accompanied by a return in the form and containing the  
40 information the commissioner may prescribe.

41 (c) The surcharge must be added as a separate line item to bills  
42 furnished by a wireless communications service supplier to its custom-  
43 ers, and must be identified as the "public safety communications  
44 surcharge". Each wireless communications customer who is subject to the  
45 provisions of this section remains liable to the state for the surcharge  
46 due under this section until it has been paid to the state, except that  
47 payment to a wireless communications service supplier is sufficient to  
48 relieve the customer from further liability for the surcharge.

49 (d) Each wireless communications service supplier is entitled to  
50 retain, as an administrative fee, an amount equal to two percent of  
51 fifty-eight and three-tenths percent of the total collections of the  
52 surcharge imposed by this section, provided that the supplier files any  
53 required return and remits the surcharge due to the commissioner on or  
54 before its due date.

55 3. Applicability of article twenty-seven. For purposes of article  
56 twenty-seven of this chapter as applied to this section by section two

1 hundred seven-b of this article, the term "taxpayer" in article twenty-  
2 seven refers to a wireless communications service supplier subject to  
3 this section or a wireless communications customer subject to this  
4 section, as the case may be, and the term "tax" in article twenty-seven  
5 refers to the surcharge imposed by this section.

6 4. Exemptions. The state of New York and any of its agencies, instru-  
7 mentalities and political subdivisions are exempt from the surcharge  
8 imposed by this section.

9 5. Deposits of surcharge monies collected and received. Notwithstand-  
10 ing any provision of law to the contrary, all surcharge monies collected  
11 and received by the commissioner under this section must be deposited  
12 daily to the credit of the comptroller with those responsible banks,  
13 banking houses or trust companies the comptroller may designate. Those  
14 deposits must be kept separate and apart from all other monies in the  
15 possession of the comptroller. The comptroller must require adequate  
16 security from all such depositories. Of the total revenue collected or  
17 received under this section, the comptroller must retain in the comp-  
18 troller's hands an amount determined by the commissioner to be necessary  
19 for refunds under this section, out of which the comptroller will pay  
20 any refunds to which taxpayers are entitled under the provisions of this  
21 section. The comptroller, after reserving the amount to pay refunds,  
22 must, on or before the tenth day of each month, pay all surcharge monies  
23 collected and received under this section and remaining to the comp-  
24 troller's credit as follows:

25 (a) forty-one and seven-tenths of the revenues collected and received  
26 under this section into the state general fund; and

27 (b) after deducting the amount paid under paragraph (a) of this subdivi-  
28 vision and the amount retained by wireless communications suppliers  
29 pursuant to paragraph (d) of subdivision two of this section, the  
30 balance of the revenues collected under this section into the New York  
31 state wireless telephone emergency service account of the miscellaneous  
32 special revenue fund, created pursuant to section ninety-seven-qq of the  
33 state finance law.

34 6. Distribution. The monies collected from the surcharge imposed by  
35 this section must be distributed to include the following:

36 (a) The sum of twenty-five million five hundred thousand dollars must  
37 be allocated to the state police pursuant to appropriation by the legis-  
38 lature annually;

39 (b) The sum of one million five hundred thousand dollars must be  
40 deposited into the New York state emergency services revolving loan fund  
41 annually;

42 (c) To fund costs associated with the design, construction, and opera-  
43 tion of the statewide wireless network annually pursuant to appropri-  
44 ation by the legislature;

45 (d) Not less than the sum of ten million dollars annually must be  
46 disbursed pursuant to article six-A of the county law and appropriated  
47 by the legislature; and

48 (e) To provide the costs of debt service for bonds and notes issued to  
49 finance expedited deployment funding pursuant to the provisions of  
50 section three hundred thirty-three of the county law and section sixteen  
51 hundred eighty-nine-h of the public authorities law.

52 § 4. This act shall take effect on the first day of the quarterly  
53 period, as described in paragraph (b) of subdivision 2 of section 186-f  
54 of the tax law, as added by section three of this act, next commencing  
55 at least 120 days after this act becomes a law.

1 PART C

2 Intentionally omitted.

3 PART D

4 Intentionally omitted.

5 PART E

6 Section 1. Subdivision 13 of section 631 of the executive law, as  
7 added by chapter 264 of the laws of 2003, is amended to read as follows:

8 13. Notwithstanding any other provision of law, rule, or regulation to  
9 the contrary, when any New York state accredited hospital, accredited  
10 sexual assault examiner program, or licensed health care provider  
11 furnishes services to any sexual assault survivor, including but not  
12 limited to a health care forensic examination in accordance with the sex  
13 offense evidence collection protocol and standards established by the  
14 department of health, such hospital, sexual assault examiner program, or  
15 licensed healthcare provider shall provide such services to the person  
16 without charge and shall bill the board directly. The board, in consul-  
17 tation with the department of health, shall define the specific services  
18 to be covered by the sexual assault forensic exam reimbursement fee,  
19 which must include at a minimum forensic examiner services, hospital or  
20 healthcare facility services related to the exam, and related laboratory  
21 tests and pharmaceuticals. Follow-up HIV post-exposure prophylaxis costs  
22 shall continue to be reimbursed according to established board proce-  
23 dure. The board, in consultation with the department of health, shall  
24 also generate the necessary regulations and forms for the direct  
25 reimbursement procedure. The rate for reimbursement shall be the amount  
26 of itemized charges not exceeding eight hundred dollars, to be reviewed  
27 and adjusted annually by the board in consultation with the department  
28 of health. The hospital, sexual assault examiner program, or licensed  
29 health care provider must accept this fee as payment in full for these  
30 specified services. No additional billing of the survivor for said  
31 services is permissible. A sexual assault survivor may voluntarily  
32 assign any private insurance benefits to which she or he is entitled for  
33 the healthcare forensic examination, in which case the hospital or  
34 healthcare provider may not charge the board. A hospital, sexual assault  
35 examiner program or licensed health care provider shall, at the time of  
36 the initial visit, request assignment of any private health insurance  
37 benefits to which the sexual assault survivor is entitled on a form  
38 prescribed by the board; provided, however, such sexual assault survivor  
39 shall be advised orally and in writing that he or she may decline to  
40 provide such information regarding private health insurance benefits if  
41 he or she believes that the provision of such information would substan-  
42 tially interfere with his or her personal privacy or safety and in such  
43 event, the sexual assault forensic exam fee shall be paid by the board.  
44 Such sexual assault survivor shall also be advised that providing such  
45 information may provide additional resources to pay for services to  
46 other sexual assault victims. If he or she declines to provide such  
47 health insurance information, he or she shall indicate such decision on  
48 the form provided by the hospital, sexual assault examiner program or  
49 licensed health care provider, which form shall be prescribed by the  
50 board.

1 § 2. This act shall take effect immediately, and shall apply to all  
2 exams conducted on and after such date.

3 PART F

4 Intentionally omitted.

5 PART G

6 Section 1. Subdivision 8-b of section 837 of the executive law, as  
7 amended by chapter 309 of the laws of 1996, is amended to read as  
8 follows:

9 8-b. Notwithstanding any other provision of law to the contrary,  
10 charge a fee for the provision of agency materials and publications,  
11 conferences, criminal history record reviews, legal services, the  
12 provision of services to analyze or prepare data that is not prepared in  
13 the ordinary course of business, the provision of information in a  
14 computerized format, the application for approval and renewal of securi-  
15 ty guard training schools and the certification and renewal certifi-  
16 cation of security guard instructors, the service and repair of municipi-  
17 pal law enforcement agency equipment and collect reimbursement and other  
18 moneys. Such fees shall be reasonably related to the actual costs  
19 incurred, including the costs of salaries, computer time, shipping and  
20 handling, as appropriate. The comptroller is hereby authorized to  
21 deposit such fees into the general fund effective August thirty-first,  
22 nineteen hundred ninety-six.

23 § 2. This act shall take effect immediately.

24 PART H

25 Section 1. Section 79-a of the correction law, as amended by section 2  
26 of part D of chapter 63 of the laws of 2005, is amended to read as  
27 follows:

28 § 79-a. Closure of correctional facilities; notice. Before the closure  
29 of any correctional facility, [~~which for purposes of this section shall~~  
30 ~~include a correctional facility annex, or any special housing unit~~  
31 ~~established to confine inmates in accordance with the provisions of~~  
32 ~~subdivision six of section one hundred thirty-seven of this chapter~~],  
33 for reasons other than those set forth in paragraph (a) of subdivision  
34 eight of section forty-five of this chapter, the commissioner shall take  
35 the following actions:

36 1. confer with the department of civil service, the governor's office  
37 of employee relations and any other appropriate state agencies to devel-  
38 op strategies which attempt to minimize the impact of the closure on the  
39 state work force;

40 2. consult with the department of economic development and any other  
41 appropriate state agencies to develop strategies which attempt to mini-  
42 mize the impact of such closures on the local and regional economies;  
43 and

44 3. provide notice by certified mail to (i) all local governments of  
45 any political subdivision in which the correctional facility is located,  
46 (ii) all employee labor organizations operating within, or representing  
47 employees of, the correctional facility, and (iii) managerial and confi-  
48 dential employees employed within the correctional facility at least  
49 twelve months prior to any such closure.

1 § 2. Paragraph (a) of subdivision 3 of section 70 of the correction  
 2 law, as amended by section 2 of part D of chapter 63 of the laws of  
 3 2005, is amended to read as follows:

4 (a) The commissioner may continue to maintain, as a correctional  
 5 facility, any institution operated by the department prior to May  
 6 eighth, nineteen hundred seventy, and may add to or close any such  
 7 place, and may establish and maintain new correctional facilities, in  
 8 accordance with the needs of the department and provided expenditures  
 9 for such purposes are within amounts made available therefor by appro-  
 10 priation; provided, however, that before the closure of any correctional  
 11 facility, [~~correctional facility annex, or any special housing unit~~  
 12 ~~established to confine inmates in accordance with the provisions of~~  
 13 ~~subdivision six of section one hundred thirty-seven of this chapter,~~]  
 14 for reasons other than those set forth in paragraph (a) of subdivision  
 15 eight of section forty-five of this chapter, the provisions of section  
 16 seventy-nine-a of this article shall be adhered to.

17 § 3. Notwithstanding the requirements of sections 79-a and 79-b of the  
 18 correction law, or any other inconsistent provision of law, the commis-  
 19 sioner of the department of correctional services may close Camp  
 20 Gabriels, Camp Pharsalia and Camp Mt. McGregor any time on or after July  
 21 1, 2009, and prior to March 31, 2010. By October 1, 2009, such commis-  
 22 sioner shall provide a report for an adaptive reuse plan for each of the  
 23 above named facilities, in a manner consistent with section 79-b of the  
 24 correction law.

25 § 4. Paragraph (b) of subdivision 8 of section 45 of the correction  
 26 law, as amended by section 2 of part D of chapter 63 of the laws of  
 27 2005, is amended to read as follows:

28 (b) Before a correctional facility as defined in subdivision four of  
 29 section two of this chapter, [~~correctional facility annex, or any~~  
 30 ~~special housing unit established to confine inmates in accordance with~~  
 31 ~~the provisions of subdivision six of section one hundred thirty-seven of~~  
 32 ~~this chapter,~~] may be closed for a reason other than those set forth in  
 33 paragraph (a) of this subdivision, the provisions of section seventy-  
 34 nine-a of this chapter shall be adhered to.

35 § 5. Section 91 of the correction law, as added by chapter 478 of the  
 36 laws of 1970, is amended to read as follows:

37 § 91. Agreements for custody of definite sentence inmates. 1. The  
 38 [~~state~~] commissioner [~~of correction~~] may enter into an agreement with  
 39 any county or with the city of New York to provide for custody by the  
 40 [~~state~~] department [~~of correction~~] of persons who receive definite  
 41 sentences of imprisonment with terms in excess of ninety days who other-  
 42 wise would serve such sentences in the jail, workhouse, penitentiary or  
 43 other local correctional institution maintained by such locality;  
 44 provided, however, that a person committed to the custody of the depart-  
 45 ment pursuant to an agreement established by this section, except a  
 46 person committed pursuant to an agreement with the city of New York,  
 47 shall be delivered to a reception center designated by the commissioner  
 48 for an initial processing period which shall be no longer than seven  
 49 days, and thereafter, shall be transferred to a general confinement  
 50 correctional facility located in the same county or in a county adjacent  
 51 to the county where such person would otherwise be committed to a local  
 52 correctional facility. In the event, however, that exigent circumstances  
 53 related to health, safety or security arise which require the immediate  
 54 transfer of an inmate to a different facility not within the county or  
 55 adjacent county, then the department shall, as soon thereafter as prac-

1 licable, arrange for such inmate to be returned to the jurisdiction of  
 2 the county from which he or she was committed.

3 2. Any such agreement, except one that is made with the city of New  
 4 York, may be made with the sheriff, warden, superintendent, local  
 5 commissioner of correction or other person in charge of such county  
 6 institution and shall be subject to the approval of the chief executive  
 7 officer of the county. An agreement made with the city of New York may  
 8 be made with the commissioner of correction of that city and shall be  
 9 subject to the approval of the mayor.

10 3. An agreement made under this section shall ~~not~~ require the local-  
 11 ity to pay the cost of treatment, maintenance and custody furnished by  
 12 the ~~state~~ department ~~of correction~~, and the costs incurred under  
 13 subdivision two or three of section one hundred twenty-five of this  
 14 chapter relating to the provision of clothing, money and transportation  
 15 upon release or discharge of inmates delivered to the department pursu-  
 16 ant to the agreement, and shall contain at least the following  
 17 provisions:

18 (a) A provision specifying the minimum length of the term of imprison-  
 19 ment of persons who may be received by the ~~state~~ department ~~of~~  
 20 ~~correction~~ under the agreement, which may be any term in excess of  
 21 ninety days agreed to by the parties and which need not be the same in  
 22 each agreement;

23 (b) A provision that no charge will be made to the state or to the  
 24 ~~state~~ department ~~of correction~~ or to any of its institutions during  
 25 the pendency of such agreement for delivery of inmates to the ~~state~~  
 26 department ~~of correction~~ by officers of the locality, and that the  
 27 provisions of section six hundred two of this chapter or of any similar  
 28 law shall not apply for delivery of inmates during such time;

29 ~~[A provision that no charge shall be made to or shall be payable~~  
 30 ~~by the state during the pendency of such agreement for the expense of~~  
 31 ~~maintaining parole violators pursuant to section two hundred sixteen of~~  
 32 ~~this chapter, for the expense of maintaining coram nobis prisoners~~  
 33 ~~pursuant to section six hundred one-b of this chapter, for the expense~~  
 34 ~~of maintaining felony prisoners pursuant to section six hundred one-c of~~  
 35 ~~this chapter, or for the expense of maintaining alternative local refor-~~  
 36 ~~matory inmates pursuant to section eight hundred thirty five in insti-~~  
 37 ~~tutions maintained by the locality;~~

38 ~~(d) A provision, approved by the state comptroller, for reimbursement~~  
 39 ~~of the state department of correction by the locality for expenses~~  
 40 ~~incurred under subdivision two or three of section one hundred twenty-~~  
 41 ~~five of this chapter relating to clothing, money and transportation~~  
 42 ~~furnished upon release or discharge of inmates delivered to the state~~  
 43 ~~department of correction pursuant to the agreement;~~

44 ~~(e)]~~ Designation of the correctional facility or facilities to which  
 45 persons under sentences covered by the agreement are to be delivered;

46 ~~[-(f)]~~ (d) A provision requiring the department to provide transitional  
 47 services upon the release of persons committed to the custody of the  
 48 department pursuant to an agreement established by this section;

49 (e) Any other provision the ~~state~~ commissioner ~~of correction~~ may  
 50 deem necessary or appropriate; and

51 ~~[-(g)]~~ (f) A provision giving either party the right to cancel the  
 52 agreement by giving the other party notice in writing, with cancellation  
 53 to become effective on such date as may be specified in such notice.

54 4. Notwithstanding any other provision of law, the commissioner shall  
 55 be authorized to grant, withhold, cause to be forfeited, or cancel time

1 allowances as provided in and in compliance with section eight hundred  
2 four of this chapter.

3 5. A copy of such agreement shall be filed with the secretary of state  
4 and with the clerk of each court having jurisdiction to impose sentences  
5 covered by the agreement in the county or city to which it applies.

6 § 6. Section 92 of the correction law, as added by chapter 478 of the  
7 laws of 1970, is amended to read as follows:

8 § 92. Effect of agreement for custody of definite sentence inmates.

9 1. After a copy of an agreement made under section ninety-one of this  
10 article is filed with the secretary of state, all commitments under  
11 sentences covered by the agreement by courts in the county or city to  
12 which it applies shall be deemed to be to the custody of the [state]  
13 department [~~of correction~~] and shall be so construed and interpreted  
14 irrespective of the institution or agency to which the commitments are  
15 made.

16 2. Any inmate who is serving a term of imprisonment covered by the  
17 agreement imposed prior to the filing of such agreement, and any inmate  
18 who is under consecutive definite sentences of imprisonment with an  
19 aggregate term of the length covered by the agreement, irrespective of  
20 whether one or more of such sentences was imposed prior to the filing of  
21 the agreement, may be transferred to the care of the [state] department  
22 [~~of correction~~] upon request of the head of the county or city institu-  
23 tion and approval of the [state] commissioner [~~of correction~~].

24 3. Inmates who are deemed committed to the custody of the [state]  
25 department [~~of correction~~] under subdivision one of this section, or who  
26 may be transferred to the care of the [state] department [~~of correction~~]  
27 under subdivision two of this section, shall be dealt with in all  
28 respects in the same manner as inmates committed to the custody of the  
29 [state] department [~~of correction~~].

30 4. In the event any such agreement is cancelled, inmates delivered to  
31 the [state] department [~~of correction~~] prior to the date of cancellation  
32 shall continue to serve their sentences in the custody of such depart-  
33 ment and the provisions of such agreement shall continue to apply with  
34 respect to such inmates. A copy of the notice of cancellation shall be  
35 filed with the secretary of state and with the clerks of courts in the  
36 manner provided in subdivision four of section ninety-one of this arti-  
37 cle, and no inmates shall be delivered to the custody of the [state]  
38 department [~~of correction~~] under such agreement after the date on which  
39 such cancellation becomes effective.

40 § 7. Section 612 of the correction law is amended to read as follows:

41 § 612. United States prisoners. 1. A sheriff must receive into his or  
42 her jail and keep a prisoner, committed to the same, by virtue of civil  
43 process issued by a court of record, instituted under the authority of  
44 the United States, until he or she is discharged by the due course of  
45 the laws of the United States, in the same manner as if he was committed  
46 by virtue of a mandate in a civil action, issued from a court of the  
47 state. A sheriff or jailer, to whose jail a civil prisoner is committed,  
48 as prescribed herein, is answerable for his or her safe keeping in the  
49 courts of the United States, according to the laws thereof.

50 2. The commissioner may enter into an agreement to provide for custody  
51 by the department of persons who are being detained by virtue of an  
52 order issued by a court of the United States. An agreement made under  
53 this section shall require the United States to pay the cost of treat-  
54 ment, maintenance and custody furnished by the department.

1 § 8. This act shall take effect immediately; provided, however that  
 2 sections five and six of this act shall expire and be deemed repealed  
 3 September 1, 2011.

4 PART I

5 Intentionally omitted.

6 PART J

7 Section 1. The section heading and paragraph (a) of subdivision 1 of  
 8 section 259-r of the executive law, the section heading as added by  
 9 chapter 55 of the laws of 1992 and paragraph (a) of subdivision 1 as  
 10 amended by chapter 3 of the laws of 1995, are amended to read as  
 11 follows:

12 Release on medical parole for terminally ill inmates.

13 (a) The board shall have the power to release on medical parole any  
 14 inmate serving an indeterminate or determinate sentence of imprisonment  
 15 who, pursuant to subdivision two of this section, has been certified to  
 16 be suffering from a terminal condition, disease or syndrome and to be so  
 17 debilitated or incapacitated as to create a reasonable probability that  
 18 he or she is physically or cognitively incapable of presenting any  
 19 danger to society, provided, however, that no inmate serving a sentence  
 20 imposed upon a conviction for murder in the first degree or an attempt  
 21 or conspiracy to commit murder in the first degree shall be eligible for  
 22 such release, and provided further that no inmate serving a sentence  
 23 imposed upon a conviction for any of the following offenses shall be  
 24 eligible for such release unless in the case of an indeterminate  
 25 sentence he or she has served at least one-half of the minimum period of  
 26 the sentence and in the case of a determinate sentence he or she has  
 27 served at least one-half of his or her sentence: [~~murder in the first~~  
 28 ~~degree,~~] murder in the second degree, manslaughter in the first degree,  
 29 any offense defined in article one hundred thirty of the penal law or an  
 30 attempt to commit any of these offenses.

31 § 2. Paragraph (a) of subdivision 1 of section 259-r of the executive  
 32 law, as added by chapter 55 of the laws of 1992, is amended to read as  
 33 follows:

34 (a) The board shall have the power to release on medical parole any  
 35 inmate serving an indeterminate or determinate sentence of imprisonment  
 36 who, pursuant to subdivision two of this section, has been certified to  
 37 be suffering from a terminal condition, disease or syndrome and to be so  
 38 debilitated or incapacitated as to create a reasonable probability that  
 39 he or she is physically or cognitively incapable of presenting any  
 40 danger to society, provided, however, that no inmate serving a sentence  
 41 imposed upon a conviction for murder in the first degree or an attempt  
 42 or conspiracy to commit murder in the first degree shall be eligible for  
 43 such release, and provided further that no inmate serving a sentence  
 44 imposed upon a conviction for any of the following offenses shall be  
 45 eligible for such release unless in the case of an indeterminate  
 46 sentence he or she has served at least one-half of the minimum period of  
 47 the sentence and in the case of a determinate sentence he or she has  
 48 served at least one-half of his or her sentence: [~~murder in the first~~  
 49 ~~degree,~~] murder in the second degree, manslaughter in the first degree,  
 50 any offense defined in article one hundred thirty of the penal law or an  
 51 attempt to commit any of these offenses.

1 § 3. Paragraph (b) of subdivision 1 of section 259-r of the executive  
2 law, as added by chapter 55 of the laws of 1992, is amended to read as  
3 follows:

4 (b) Such release shall be granted only after the board considers  
5 whether, in light of the inmate's medical condition, there is a reason-  
6 able probability that the inmate, if released, will live and remain at  
7 liberty without violating the law, and that such release is not incom-  
8 patible with the welfare of society and will not so deprecate the seri-  
9 ousness of the crime as to undermine respect for the law, and shall be  
10 subject to the limits and conditions specified in subdivision four of  
11 this section. [~~Such~~] **Except as set forth in paragraph (a) of this subdi-**  
12 **vision, such** release may be granted at any time during the term of an  
13 inmate's sentence, notwithstanding any other provision of law.

14 § 4. Subdivision 2 of section 259-r of the executive law, as amended  
15 by chapter 503 of the laws of 1994, is amended to read as follows:

16 2. (a) The commissioner of correctional services, on the commissioner's  
17 own initiative or at the request of an inmate, **or an inmate's**  
18 **spouse, relative or attorney,** may, in the exercise of the commissioner's  
19 discretion, direct that **an investigation be undertaken to determine**  
20 **whether** a diagnosis **should** be made of an inmate who appears to be  
21 suffering from a terminal condition, disease or syndrome. Any such  
22 medical diagnosis shall be made by a physician licensed to practice  
23 medicine in this state pursuant to section sixty-five hundred twenty-  
24 four of the education law. Such physician shall either be employed by  
25 the department of correctional services, shall render professional  
26 services at the request of the department of correctional services, or  
27 shall be employed by a hospital or medical facility used by the depart-  
28 ment of correctional services for the medical treatment of inmates. The  
29 diagnosis shall be reported to the commissioner of correctional services  
30 and shall include but shall not be limited to a description of the  
31 terminal condition, disease or syndrome suffered by the inmate, a prog-  
32 nosis concerning the likelihood that the inmate will not recover from  
33 such terminal condition, disease or syndrome, a description of the  
34 inmate's physical **or cognitive** incapacity which shall include a predic-  
35 tion respecting the likely duration of the incapacity, and a statement  
36 by the physician of whether the inmate is so debilitated or incapaciti-  
37 ated as to be severely restricted in his or her ability to self-ambu-  
38 late [~~and to care for him or herself~~] **or to perform significant normal**  
39 **activities of daily living. This report also shall include a recommenda-**  
40 **tion of the type and level of services and treatment the inmate would**  
41 **require if granted medical parole and a recommendation for the types of**  
42 **settings in which the services and treatment should be given.**

43 (b) The commissioner, or the commissioner's designee, shall review the  
44 diagnosis and may certify that the inmate is suffering from such termi-  
45 nal condition, disease or syndrome and that the inmate is so debilitated  
46 or incapacitated as to create a reasonable probability that he or she is  
47 physically **or cognitively** incapable of presenting any danger to society.  
48 If the commissioner does not so certify then the inmate shall not be  
49 referred to the board of parole for consideration for release on medical  
50 parole. If the commissioner does so certify, then the commissioner  
51 shall, **within seven working days of receipt of such diagnosis,** refer the  
52 inmate to the board of parole for consideration for release on medical  
53 parole. However, no such referral of an inmate to the board of parole  
54 shall be made unless the inmate has been examined by a physician and  
55 diagnosed as having a terminal condition, disease or syndrome as previ-

1 ously described herein at some time subsequent to such inmate's admis-  
 2 sion to a facility operated by the department of correctional services.

3 (c) When the commissioner refers an inmate to the board, the commis-  
 4 sioner shall provide an appropriate medical discharge plan jointly  
 5 established by the department of correctional services and the division  
 6 of parole. The department of correctional services and the division of  
 7 parole are authorized to request assistance from the department of  
 8 health and from the county in which the inmate resided and committed his  
 9 or her crime, which shall provide assistance with respect to the devel-  
 10 opment and implementation of a discharge plan, including potential  
 11 placements of a releasee. The department of correctional services, the  
 12 division of parole and the department of health shall jointly develop  
 13 standards for the medical discharge plan that are appropriately adapted  
 14 to the criminal justice setting, based on standards established by the  
 15 department of health for hospital medical discharge planning. The board  
 16 may ~~[reject all or part of the discharge plan submitted by the depart-~~  
 17 ~~ment of correctional services, and may]~~ postpone its decision pending  
 18 ~~[submission of a new]~~ completion of an adequate discharge plan, or may  
 19 deny release based on inadequacy of the discharge plan. ~~[The department~~  
 20 ~~of correctional services and the division of parole shall jointly devel-~~  
 21 ~~op standards for the medical discharge plan that are appropriately~~  
 22 ~~adapted to the criminal justice setting, based on standards established~~  
 23 ~~by the department of health for hospital medical discharge planning.]~~

24 § 5. Subdivision 4 of section 259-r of the executive law, as added by  
 25 chapter 55 of the laws of 1992, paragraphs (a) and (d) as amended by  
 26 chapter 503 of the laws of 1994, is amended to read as follows:

27 4. (a) Medical parole granted pursuant to this section shall be for a  
 28 period of six months.

29 (b) The board shall require as a condition of release on medical  
 30 parole that the releasee agree to remain under the care of a physician  
 31 while on medical parole and in a hospital established pursuant to arti-  
 32 cle twenty-eight of the public health law, a hospice established pursu-  
 33 ant to article forty of the public health law or any other placement  
 34 that can provide appropriate medical care as specified in the medical  
 35 discharge plan required by subdivision two of this section. The medical  
 36 discharge plan shall state that the availability of the placement has  
 37 been confirmed, and by whom. Notwithstanding any other provision of  
 38 law, when an inmate who qualifies for release under this section is  
 39 cognitively incapable of signing the requisite documentation to effectuate  
 40 the medical discharge plan and, after a diligent search no person  
 41 has been identified who could otherwise be appointed as the inmate's  
 42 guardian by a court of competent jurisdiction, then, solely for the  
 43 purpose of implementing the medical discharge plan, the facility health  
 44 services director at the facility where the inmate is currently incar-  
 45 cerated shall be lawfully empowered to act as the inmate's guardian for  
 46 the purpose of effectuating the medical discharge.

47 (c) ~~[The]~~ Where appropriate, the board shall require as a condition of  
 48 release that medical parolees be supervised on intensive caseloads at  
 49 reduced supervision ratios ~~[similar to the caseloads for parolees~~  
 50 ~~released pursuant to the shock incarceration program established by~~  
 51 ~~article twenty-six-A of the correction law].~~

52 (d) The board shall require as a condition of release on medical  
 53 parole that the releasee undergo periodic medical examinations and a  
 54 medical examination at least one month prior to the expiration of the  
 55 period of medical parole and, for the purposes of making a decision  
 56 pursuant to paragraph (e) of this subdivision, that the releasee provide

1 the board with a report, prepared by the treating physician, of the  
2 results of such examination. Such report shall specifically state wheth-  
3 er or not the parolee continues to suffer from a terminal condition,  
4 disease, or syndrome, and to be so debilitated or incapacitated as to be  
5 severely restricted in his or her ability to self-ambulate [~~and to care~~  
6 ~~for him or herself~~] or to perform significant normal activities of daily  
7 living.

8 (e) Prior to the expiration of the period of medical parole the board  
9 shall review the medical examination report required by paragraph (d) of  
10 this subdivision and may again grant medical parole pursuant to this  
11 section; provided, however, that the provisions of paragraph (c) of  
12 subdivision one and subdivision two of this section shall not apply.

13 (f) If the updated medical report presented to the board states that a  
14 parolee released pursuant to this section is no longer so debilitated or  
15 incapacitated as to create a reasonable probability that he or she is  
16 physically or cognitively incapable of presenting any danger to society  
17 or if the releasee fails to submit the updated medical report then the  
18 board may not make a new grant of medical parole pursuant to paragraph  
19 (e) of this subdivision. Where the board has not granted medical parole  
20 pursuant to such paragraph (e) the board shall promptly conduct through  
21 one of its members, or cause to be conducted by a hearing officer desig-  
22 nated by the board, a hearing to determine whether the releasee is  
23 suffering from a terminal condition, disease or syndrome and is so  
24 debilitated or incapacitated as to create a reasonable probability that  
25 he or she is physically or cognitively incapable of presenting any  
26 danger to society and does not present a danger to society. If the board  
27 makes such a determination then it may make a new grant of medical  
28 parole pursuant to the standards of paragraph (b) of subdivision one of  
29 this section. At the hearing, the releasee shall have the right to  
30 representation by counsel, including the right, if the releasee is  
31 financially unable to retain counsel, to have the appropriate court  
32 assign counsel in accordance with the county or city plan for represen-  
33 tation placed in operation pursuant to article eighteen-B of the county  
34 law.

35 (g) The hearing and determination provided for by paragraph (f) of  
36 this subdivision shall be concluded within the [~~four~~] six month period  
37 of medical parole. If the board does not renew the grant of medical  
38 parole, it shall order that the releasee be returned immediately to the  
39 custody of the department of correctional services.

40 (h) In addition to the procedures set forth in paragraph (f) of this  
41 subdivision, medical parole may be revoked at any time upon any of the  
42 grounds specified in paragraph (a) of subdivision three of section two  
43 hundred fifty-nine-i of this article, and in accordance with the proce-  
44 dures specified in subdivision three of section two hundred fifty-nine-i  
45 of this article.

46 (i) A releasee who is on medical parole and who becomes eligible for  
47 parole pursuant to the provisions of subdivision two of section two  
48 hundred fifty-nine-i of this article shall be eligible for parole  
49 consideration pursuant to such subdivision.

50 § 6. The executive law is amended by adding a new section 259-s to  
51 read as follows:

52 § 259-s. Release on medical parole for inmates suffering significant  
53 debilitating illnesses. 1. (a) The board shall have the power to  
54 release on medical parole any inmate serving an indeterminate or deter-  
55 minate sentence of imprisonment who, pursuant to subdivision two of this  
56 section, has been certified to be suffering from a significant and

1 permanent non-terminal condition, disease or syndrome that has rendered  
2 the inmate so physically or cognitively debilitated or incapacitated as  
3 to create a reasonable probability that he or she does not present any  
4 danger to society, provided, however, that no inmate serving a sentence  
5 imposed upon a conviction for murder in the first degree or an attempt  
6 or conspiracy to commit murder in the first degree shall be eligible for  
7 such release, and provided further that no inmate serving a sentence  
8 imposed upon a conviction for any of the following offenses shall be  
9 eligible for such release unless in the case of an indeterminate  
10 sentence he or she has served at least one-half of the minimum period of  
11 the sentence and in the case of a determinate sentence he or she has  
12 served at least one-half of his or her sentence: murder in the second  
13 degree, manslaughter in the first degree, any offense defined in article  
14 one hundred thirty of the penal law or an attempt to commit any of these  
15 offenses.

16 (b) Such release shall be granted only after the board considers  
17 whether, in light of the inmate's medical condition, there is a reason-  
18 able probability that the inmate, if released, will live and remain at  
19 liberty without violating the law, and that such release is not incom-  
20 patible with the welfare of society and will not so deprecate the seri-  
21 ousness of the crime as to undermine respect for the law, and shall be  
22 subject to the limits and conditions specified in subdivision four of  
23 this section. In making this determination, the board shall consider:  
24 (i) the nature and seriousness of the inmate's crime; (ii) the inmate's  
25 prior criminal record; (iii) the inmate's disciplinary, behavioral and  
26 rehabilitative record during the term of his or her incarceration; (iv)  
27 the amount of time the inmate must serve before becoming eligible for  
28 release pursuant to section two hundred fifty-nine-i of this article;  
29 (v) the current age of the inmate and his or her age at the time of the  
30 crime; (vi) the recommendations of the sentencing court, the district  
31 attorney and the victim or the victim's representative; (vii) the nature  
32 of the inmate's medical condition, disease or syndrome and the extent of  
33 medical treatment or care that the inmate will require as a result of  
34 that condition, disease or syndrome; and (viii) any other relevant  
35 factor. Except as set forth in paragraph (a) of this subdivision, such  
36 release may be granted at any time during the term of an inmate's  
37 sentence, notwithstanding any other provision of law.

38 (c) The board shall afford notice to the sentencing court, the  
39 district attorney, the attorney for the inmate and, where necessary  
40 pursuant to subdivision two of section two hundred fifty-nine-i of this  
41 article, the crime victim, that the inmate is being considered for  
42 release pursuant to this section and the parties receiving notice shall  
43 have thirty days to comment on the release of the inmate. Release on  
44 medical parole shall not be granted until the expiration of the comment  
45 period provided for in this paragraph.

46 2. (a) The commissioner of correctional services, on the commission-  
47 er's own initiative or at the request of an inmate, or an inmate's  
48 spouse, relative or attorney, may, in the exercise of the commissioner's  
49 discretion, direct that an investigation be undertaken to determine  
50 whether a diagnosis should be made of an inmate who appears to be  
51 suffering from a significant and permanent non-terminal and incapacitat-  
52 ing condition, disease or syndrome. Any such medical diagnosis shall be  
53 made by a physician licensed to practice medicine in this state pursuant  
54 to section sixty-five hundred twenty-four of the education law. Such  
55 physician shall either be employed by the department of correctional  
56 services, shall render professional services at the request of the

1 department of correctional services, or shall be employed by a hospital  
2 or medical facility used by the department of correctional services for  
3 the medical treatment of inmates. The diagnosis shall be reported to the  
4 commissioner of correctional services and shall include but shall not be  
5 limited to a description of the condition, disease or syndrome suffered  
6 by the inmate, a prognosis concerning the likelihood that the inmate  
7 will not recover from such condition, disease or syndrome, a description  
8 of the inmate's physical or cognitive incapacity which shall include a  
9 prediction respecting the likely duration of the incapacity, and a  
10 statement by the physician of whether the inmate is so debilitated or  
11 incapacitated as to be severely restricted in his or her ability to  
12 self-ambulate or to perform significant normal activities of daily  
13 living. This report also shall include a recommendation of the type and  
14 level of services and treatment the inmate would require if granted  
15 medical parole and a recommendation for the types of settings in which  
16 the services and treatment should be given.

17 (b) The commissioner, or the commissioner's designee, shall review the  
18 diagnosis and may certify that the inmate is suffering from such condi-  
19 tion, disease or syndrome and that the inmate is so debilitated or inca-  
20 pacitated as to create a reasonable probability that he or she is phys-  
21 ically or cognitively incapable of presenting any danger to society. If  
22 the commissioner does not so certify then the inmate shall not be  
23 referred to the board of parole for consideration for release on medical  
24 parole. If the commissioner does so certify, then the commissioner  
25 shall, within seven working days of receipt of such diagnosis, refer the  
26 inmate to the board of parole for consideration for release on medical  
27 parole. However, no such referral of an inmate to the board of parole  
28 shall be made unless the inmate has been examined by a physician and  
29 diagnosed as having a condition, disease or syndrome as previously  
30 described herein at some time subsequent to such inmate's admission to a  
31 facility operated by the department of correctional services.

32 (c) When the commissioner refers an inmate to the board, the commis-  
33 sioner shall provide an appropriate medical discharge plan jointly  
34 established by the department of correctional services and the division  
35 of parole. The department of correctional services and the division of  
36 parole are authorized to request assistance from the department of  
37 health and from the county in which the inmate resided and committed his  
38 or her crime, which shall provide assistance with respect to the devel-  
39 opment and implementation of a discharge plan, including potential  
40 placements of a releasee. The department of correctional services, the  
41 division of parole and the department of health shall jointly develop  
42 standards for the medical discharge plan that are appropriately adapted  
43 to the criminal justice setting, based on standards established by the  
44 department of health for hospital medical discharge planning. The board  
45 may postpone its decision pending completion of an adequate discharge  
46 plan, or may deny release based on inadequacy of the discharge plan.

47 3. Any certification by the commissioner or the commissioner's desig-  
48 nee pursuant to this section shall be deemed a judicial function and  
49 shall not be reviewable if done in accordance with law.

50 4. (a) Medical parole granted pursuant to this section shall be for a  
51 period of six months.

52 (b) The board shall require as a condition of release on medical  
53 parole that the releasee agree to remain under the care of a physician  
54 while on medical parole and in a hospital established pursuant to arti-  
55 cle twenty-eight of the public health law, a hospice established pursu-  
56 ant to article forty of the public health law or any other placement,

1 including a residence with family or others, that can provide appropri-  
2 ate medical care as specified in the medical discharge plan required by  
3 subdivision two of this section. The medical discharge plan shall state  
4 that the availability of the placement has been confirmed, and by whom.  
5 Notwithstanding any other provision of law, when an inmate who qualifies  
6 for release under this section is cognitively incapable of signing the  
7 requisite documentation to effectuate the medical discharge plan and,  
8 after a diligent search no person has been identified who could other-  
9 wise be appointed as the inmate's guardian by a court of competent  
10 jurisdiction, then, solely for the purpose of implementing the medical  
11 discharge plan, the facility health services director at the facility  
12 where the inmate is currently incarcerated shall be lawfully empowered  
13 to act as the inmate's guardian for the purpose of effectuating the  
14 medical discharge.

15 (c) Where appropriate, the board shall require as a condition of  
16 release that medical parolees be supervised on intensive caseloads at  
17 reduced supervision ratios.

18 (d) The board shall require as a condition of release on medical  
19 parole that the releasee undergo periodic medical examinations and a  
20 medical examination at least one month prior to the expiration of the  
21 period of medical parole and, for the purposes of making a decision  
22 pursuant to paragraph (e) of this subdivision, that the releasee provide  
23 the board with a report, prepared by the treating physician, of the  
24 results of such examination. Such report shall specifically state wheth-  
25 er or not the parolee continues to suffer from a significant and perma-  
26 nent non-terminal and debilitating condition, disease, or syndrome, and  
27 to be so debilitated or incapacitated as to be severely restricted in  
28 his or her ability to self-ambulate or to perform significant normal  
29 activities of daily living.

30 (e) Prior to the expiration of the period of medical parole the board  
31 shall review the medical examination report required by paragraph (d) of  
32 this subdivision and may again grant medical parole pursuant to this  
33 section; provided, however, that the provisions of paragraph (c) of  
34 subdivision one and subdivision two of this section shall not apply.

35 (f) If the updated medical report presented to the board states that a  
36 parolee released pursuant to this section is no longer so debilitated or  
37 incapacitated as to create a reasonable probability that he or she is  
38 physically or cognitively incapable of presenting any danger to society  
39 or if the releasee fails to submit the updated medical report then the  
40 board may not make a new grant of medical parole pursuant to paragraph  
41 (e) of this subdivision. Where the board has not granted medical parole  
42 pursuant to such paragraph (e) the board shall promptly conduct through  
43 one of its members, or cause to be conducted by a hearing officer desig-  
44 ated by the board, a hearing to determine whether the releasee is  
45 suffering from a significant and permanent non-terminal and incapacitat-  
46 ing condition, disease or syndrome and is so debilitated or incapaci-  
47 tated as to create a reasonable probability that he or she is physically  
48 or cognitively incapable of presenting any danger to society and does  
49 not present a danger to society. If the board makes such a determination  
50 then it may make a new grant of medical parole pursuant to the standards  
51 of paragraph (b) of subdivision one of this section. At the hearing, the  
52 releasee shall have the right to representation by counsel, including  
53 the right, if the releasee is financially unable to retain counsel, to  
54 have the appropriate court assign counsel in accordance with the county  
55 or city plan for representation placed in operation pursuant to article  
56 eighteen-B of the county law.

1 (g) The hearing and determination provided for by paragraph (f) of  
2 this subdivision shall be concluded within the six month period of  
3 medical parole. If the board does not renew the grant of medical parole,  
4 it shall order that the releasee be returned immediately to the custody  
5 of the department of correctional services.

6 (h) In addition to the procedures set forth in paragraph (f) of this  
7 subdivision, medical parole may be revoked at any time upon any of the  
8 grounds specified in paragraph (a) of subdivision three of section two  
9 hundred fifty-nine-i of this article, and in accordance with the proce-  
10 dures specified in subdivision three of section two hundred fifty-nine-i  
11 of this article.

12 (i) A releasee who is on medical parole and who becomes eligible for  
13 parole pursuant to the provisions of subdivision two of section two  
14 hundred fifty-nine-i of this article shall be eligible for parole  
15 consideration pursuant to such subdivision.

16 5. A denial of release on medical parole or expiration of medical  
17 parole in accordance with the provisions of paragraph (f) of subdivision  
18 four of this section shall not preclude the inmate from reapplying for  
19 medical parole or otherwise affect an inmate's eligibility for any other  
20 form of release provided for by law.

21 6. To the extent that any provision of this section requires disclo-  
22 sure of medical information for the purpose of processing an application  
23 or making a decision, regarding release on medical parole or renewal of  
24 medical parole, or for the purpose of appropriately supervising a person  
25 released on medical parole, and that such disclosure would otherwise be  
26 prohibited by article twenty-seven-F of the public health law, the  
27 provisions of this section shall be controlling.

28 7. The commissioner of correctional services and the chair of the  
29 board of parole shall be authorized to promulgate rules and regulations  
30 for their respective agencies to implement the provisions of this  
31 section.

32 8. Any decision made by the board pursuant to this section may be  
33 appealed pursuant to subdivision four of section two hundred  
34 fifty-nine-i of this article.

35 9. The chair of the board shall report annually to the governor, the  
36 temporary president of the senate and the speaker of the assembly, the  
37 chairpersons of the assembly and senate codes committees, the chair-  
38 person of the senate crime and corrections committee, and the chair-  
39 person of the assembly corrections committee the number of inmates who  
40 have applied for medical parole under this section; the number who have  
41 been granted medical parole; the nature of the illness of the appli-  
42 cants, the counties to which they have been released and the nature of  
43 the placement pursuant to the medical discharge plan; the categories of  
44 reasons for denial for those who have been denied; the number of releas-  
45 ees who have been granted an additional period or periods of medical  
46 parole and the number of such grants; the number of releasees on medical  
47 parole who have been returned to the custody of the department of  
48 correctional services and the reasons for return.

49 § 7. Subparagraph (v) of paragraph (a) of subdivision 1 of section  
50 70.40 of the penal law, as amended by chapter 3 of the laws of 1995, is  
51 amended to read as follows:

52 (v) Notwithstanding any other subparagraph of this paragraph, a person  
53 may be paroled from the institution in which he is confined at any time  
54 on medical parole pursuant to section two hundred fifty-nine-r **or**  
55 **section two hundred fifty-nine-s** of the executive law or for deportation  
56 pursuant to paragraph (d) of subdivision two of section two hundred

1 fifty-nine-i of the executive law or after the successful completion of  
 2 a shock incarceration program pursuant to article twenty-six-A of the  
 3 correction law.

4 § 8. Subdivision 1 of section 259-c of the executive law, as amended  
 5 by chapter 3 of the laws of 1995, is amended to read as follows:

6 1. have the power and duty of determining which inmates serving an  
 7 indeterminate or determinate sentence of imprisonment may be released on  
 8 parole, or on medical parole pursuant to section two hundred  
 9 fifty-nine-r or section two hundred fifty-nine-s of this article, and  
 10 when and under what conditions;

11 § 9. This act shall take effect immediately; provided that:

12 (a) the amendments to paragraph (a) of subdivision 1 of section 259-r  
 13 of the executive law made by section one of this act shall be subject to  
 14 the expiration and reversion of such paragraph pursuant to chapter 3 of  
 15 the laws of 1995, as amended, when upon such date the provisions of  
 16 section two of this act shall take effect;

17 (b) the amendments to the section heading, paragraph (a) of subdivi-  
 18 sion 1, paragraph (b) of subdivision 1, subdivision 2 and subdivision 4  
 19 of section 259-r of the executive law made by sections one, two, three,  
 20 four and five, respectively, of this act shall not affect the expiration  
 21 of such section and shall be deemed to expire therewith; and

22 (c) the amendments to subparagraph (v) of paragraph (a) of subdivision  
 23 1 of section 70.40 of the penal law and the amendments to subdivision 1  
 24 of section 259-c of the executive law made by sections seven and eight,  
 25 respectively, of this act shall not affect the expiration of such para-  
 26 graph and subdivision and shall be deemed to expire therewith.

27

## PART K

28 Section 1. Subdivision 5 of section 177 of the correction law is  
 29 renumbered subdivision 6 and a new subdivision 5 is added to read as  
 30 follows:

31 5. The commissioner shall be authorized to enter into agreements to  
 32 sell food and drink products made at the food production center of the  
 33 department to food kitchens, homeless shelters and other eleemosynary  
 34 organizations funded in whole or in part by federal, state or local  
 35 funds and to counties for governmental purposes. All proceeds from such  
 36 sales shall be deposited into an account which shall only be used for  
 37 the continued operation of the food production center. The charge for  
 38 these products, included in the agreements between the commissioner and  
 39 these eleemosynary organizations, shall not exceed the costs associated  
 40 with the production and transportation of the products for sale. The  
 41 commissioner may, in his or her discretion, and by whatever means he or  
 42 she deems appropriate, notify such organizations of the availability of  
 43 such products for sale.

44 § 2. This act shall take effect immediately.

45

## PART L

46 Section 1. Subdivision 1 of section 865 of the correction law, as  
 47 amended by chapter 738 of the laws of 2004, is amended to read as  
 48 follows:

49 1. "Eligible inmate" means a person sentenced to an indeterminate term  
 50 of imprisonment who will become eligible for release on parole within  
 51 three years or sentenced to a determinate term of imprisonment who will  
 52 become eligible for conditional release within three years, who has not

1 reached the age of [~~forty~~] fifty years, who has not previously been  
 2 convicted of a felony upon which an indeterminate or determinate term of  
 3 imprisonment was imposed and who was between the ages of sixteen and  
 4 [~~forty~~] fifty years at the time of commission of the crime upon which  
 5 his or her present sentence was based except, however, an eligible  
 6 inmate shall not include a person sentenced [~~to a determinate sentence~~  
 7 ~~of three and one-half years or more~~] as a second felony drug offender  
 8 pursuant to subdivision [~~three~~] four of section 70.70 of the penal law  
 9 for a conviction of a class B felony offense defined in article two  
 10 hundred twenty of the penal law. Notwithstanding the foregoing, no  
 11 person who is convicted of any of the following crimes shall be deemed  
 12 eligible to participate in this program: (a) a violent felony offense as  
 13 defined in article seventy of the penal law, (b) an A-I felony offense,  
 14 (c) [~~manslaughter in the second degree, vehicular manslaughter in the~~  
 15 ~~second degree, vehicular manslaughter in the first degree, and criminal-~~  
 16 ~~ly negligent~~] any homicide offense as defined in article one hundred  
 17 twenty-five of the penal law, (d) [~~rape in the second degree, rape in~~  
 18 ~~the third degree, criminal sexual act in the second degree, criminal~~  
 19 ~~sexual act in the third degree, attempted sexual abuse in the first~~  
 20 ~~degree, attempted rape in the second degree and attempted criminal sexu-~~  
 21 ~~al act in the second degree~~] any felony sex offense as defined in [~~arti-~~  
 22 ~~cles one hundred ten and~~] article one hundred thirty of the penal law  
 23 and (e) any escape or absconding offense as defined in article two  
 24 hundred five of the penal law.

25 § 2. Subdivision 2 of section 865 of the correction law, as added by  
 26 chapter 261 of the laws of 1987, is amended to read as follows:

27 2. "Shock incarceration program" means a program pursuant to which  
 28 eligible inmates are selected [~~directly at reception centers~~] to partic-  
 29 ipate in the program and serve a period of six months in a shock incar-  
 30 ceration facility, which shall provide rigorous physical activity,  
 31 intensive regimentation and discipline and rehabilitation therapy and  
 32 programming. Such inmates may be selected either: (i) at a reception  
 33 center; or (ii) at a general confinement facility when the otherwise  
 34 eligible inmate then becomes eligible for release on parole within three  
 35 years in the case of an indeterminate term of imprisonment, or then  
 36 becomes eligible for conditional release within three years in the case  
 37 of a determinate term of imprisonment.

38 § 3. Subdivision 2 of section 866 of the correction law, as added by  
 39 chapter 261 of the laws of 1987, is amended to read as follows:

40 2. [~~For each reception center the~~] The commissioner shall appoint or  
 41 cause to be appointed a shock incarceration selection committee at one  
 42 or more designated correctional facilities, which shall meet on a regu-  
 43 larly scheduled basis to review all eligible inmates transferred to such  
 44 facility for screening and all applications for the shock incarceration  
 45 program.

46 § 4. The correction law is amended by adding a new section 803-b to  
 47 read as follows:

48 § 803-b. Limited credit time allowances for inmates serving indetermi-  
 49 nate or determinate sentences imposed for specified offenses. 1. Defi-  
 50 nitions. As used in this section the following terms shall have the  
 51 following meanings:

52 (a) "eligible offender" means a person under the custody of the  
 53 department or confined in a facility in the department of mental  
 54 hygiene, other than a person who is subject to a sentence imposed for  
 55 murder in the first degree as defined in section 125.27 of the penal  
 56 law, an offense defined in article one hundred thirty of such law, or an

1 attempt or a conspiracy to commit any such offense, who is otherwise  
2 subject to:

3 (i) an indeterminate sentence imposed for any class A-I felony offense  
4 other than criminal possession of a controlled substance in the first  
5 degree as defined in section 220.21 of the penal law or criminal sale of  
6 a controlled substance in the first degree as defined in section 220.43  
7 of such law or an attempt or a conspiracy to commit such controlled  
8 substance offense; or

9 (ii) an indeterminate or determinate sentence imposed for an offense  
10 listed in subdivision one of section 70.02 of the penal law; or

11 (iii) an indeterminate or determinate sentence imposed for an offense  
12 defined in article one hundred twenty-five of the penal law.

13 (b) "limited credit time benefit" means:

14 (i) in the case of an eligible offender who is subject to an indeter-  
15 minate sentence with a maximum term of life imprisonment, such offender  
16 shall be eligible for release six months before the completion of the  
17 controlling minimum period of imprisonment as defined by subdivision one  
18 of section 70.40 of the penal law; or

19 (ii) (A) in the case of an eligible offender who is not subject to an  
20 indeterminate sentence with a maximum term of life imprisonment, such  
21 offender shall be eligible for conditional release six months earlier  
22 than as provided by paragraph (b) of subdivision one of section 70.40 of  
23 the penal law, provided that the department determines such offender has  
24 earned the full amount of good time authorized by section eight hundred  
25 three of this article; the withholding of any good behavior time credit  
26 by the department shall render an inmate ineligible for the credit  
27 defined herein;

28 (B) in the event the limited credit time benefit defined herein causes  
29 such conditional release date to precede the parole eligibility date as  
30 calculated pursuant to subdivision one of section 70.40 of the penal  
31 law, a limited credit time benefit shall also be applied to the parole  
32 eligibility date, but only to the extent necessary to cause such parole  
33 eligibility date to be the same date as the conditional release date;

34 (C) an inmate shall not be eligible for the credit defined herein if  
35 he or she is returned to the department pursuant to a revocation of  
36 presumptive release, parole, conditional release, or post-release super-  
37 vision and has not been sentenced to an additional indeterminate or  
38 determinate term of imprisonment.

39 (iii) Regardless of the number of sentences to which an eligible  
40 offender is subject, the limited credit time benefit authorized pursuant  
41 to this section shall be limited to a single six-month credit applied to  
42 such person's parole eligibility date pursuant to subparagraph (i) of  
43 this paragraph or to such person's conditional release date pursuant to  
44 subparagraph (ii) of this paragraph. Except as provided in clause (B) of  
45 subparagraph (ii) of this paragraph, the limited credit time benefit  
46 authorized pursuant to this section shall not be applied to an eligible  
47 offender's parole eligibility date and conditional release date.

48 (c) "significant programmatic accomplishment" means that the inmate:

49 (i) participates in no less than two years of college programming; or

50 (ii) obtains a masters of professional studies degree; or

51 (iii) successfully participates as an inmate program associate for no  
52 less than two years; or

53 (iv) receives a certification from the state department of labor for  
54 his or her successful participation in an apprenticeship program; or

55 (v) successfully works as an inmate hospice aid for a period of no  
56 less than two years.

1 (d) "serious disciplinary infraction" or "overall poor institutional  
 2 record" shall be defined in regulations promulgated by the commissioner  
 3 and need not be the same as the regulations promulgated for the meaning  
 4 of serious disciplinary infraction pursuant to paragraph (d) of subdivi-  
 5 sion one of section eight hundred three of this article.

6 (e) "disqualifying judicial determination" means a judicial determi-  
 7 nation that the person, while an inmate, commenced or continued a civil  
 8 action or proceeding or claim that was found to be frivolous as defined  
 9 in subdivision (c) of section eight thousand three hundred three-a of  
 10 the civil practice law and rules, or an order of a federal court pursu-  
 11 ant to rule 11 of the federal rules of civil procedure imposing sanc-  
 12 tions in an action commenced by a person while an inmate against a state  
 13 agency, officer or employee.

14 2. Every eligible offender under the custody of the department or  
 15 confined in a facility in the department of mental hygiene may earn a  
 16 limited credit time allowance if such offender successfully participates  
 17 in the work and treatment program assigned pursuant to section eight  
 18 hundred five of this article and:

19 (a) successfully completes one or more significant programmatic accom-  
 20 plishments; and

21 (b) has not committed a serious disciplinary infraction or maintained  
 22 an overall negative institutional record as defined in rules and regu-  
 23 lations promulgated by the commissioner; and

24 (c) has not received a disqualifying judicial determination.

25 3. No person shall have the right to demand or require the credit  
 26 authorized by this section. The commissioner may revoke at any time such  
 27 credit for any disciplinary infraction committed by the inmate or for  
 28 any failure to continue to participate successfully in any assigned work  
 29 and treatment program after the certificate of earned eligibility has  
 30 been awarded. Any action by the commissioner pursuant to this section  
 31 shall be deemed a judicial function and shall not be reviewable if done  
 32 in accordance with law.

33 § 5. This act shall take effect immediately.

34 PART M

35 Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of  
 36 section 259-i of the executive law is REPEALED and subparagraphs (iii)  
 37 and (iv) are renumbered subparagraphs (ii) and (iii).

38 § 2. Section 601-c of the correction law is REPEALED and a new section  
 39 601-c is added to read as follows:

40 § 601-c. Felony prisoners; reimbursement for costs. Notwithstanding  
 41 any other provision of law, in any case where a person has been  
 42 convicted of a felony and a sentence has been pronounced which requires  
 43 that he or she be committed to the custody of the commissioner, if such  
 44 person has not been accepted for custody by the commissioner within ten  
 45 business days of receipt of a written notification by the department  
 46 from the appropriate local official that he or she is prepared to trans-  
 47 port such person to the facility designated by the department, provided  
 48 that there has been compliance with subdivision (a) of section six  
 49 hundred one of this article, and provided further that such person is  
 50 not in need of immediate medical care requiring the availability of a  
 51 hospital or infirmary bed, then the expense of maintaining such person  
 52 shall be paid by the state at the rate of one hundred dollars per day  
 53 per capita, or the actual per day per capita cost as certified by the

1 appropriate local official, whichever is less, beginning with the first  
 2 day of receipt of written notification by the department.

3 § 3. This act shall take effect immediately and shall be deemed to  
 4 have been in full force and effect on and after April 1, 2009.

5 PART N

6 Section 1. Section 259-a of the executive law is amended by adding a  
 7 new subdivision 4-a to read as follows:

8 4-a. To facilitate the supervision of all inmates released on parole  
 9 or conditional release, or to post-release supervision, the chairman of  
 10 the state board of parole shall consider the implementation of a program  
 11 of graduated sanctions, including but not limited to the utilization of  
 12 a risk and needs assessment instrument that would be administered to all  
 13 inmates eligible for parole supervision. Such a program would include  
 14 various components including approaches that concentrate supervision on  
 15 new releases, alternatives to incarceration for technical parole viola-  
 16 tors and the use of enhanced technologies.

17 § 2. Subdivision 4 of section 259-c of the executive law, as added by  
 18 chapter 904 of the laws of 1977, is amended to read as follows:

19 4. establish written guidelines for its use in making parole decisions  
 20 as required by law, including the fixing of minimum periods of imprison-  
 21 ment or ranges thereof for different categories of offenders. Such writ-  
 22 ten guidelines may consider the use of a risk and needs assessment  
 23 instrument to assist members of the state board of parole in determining  
 24 which inmates may be released to parole supervision;

25 § 3. Subdivision 16 of section 296 of the executive law, as amended by  
 26 chapter 639 of the laws of 2007, is amended to read as follows:

27 16. It shall be an unlawful discriminatory practice, unless specif-  
 28 ically required or permitted by statute, for any person, agency, bureau,  
 29 corporation or association, including the state and any political subdivi-  
 30 sion thereof, to make any inquiry about, whether in any form of appli-  
 31 cation or otherwise, or to act upon adversely to the individual  
 32 involved, any arrest or criminal accusation of such individual not then  
 33 pending against that individual which was followed by a termination of  
 34 that criminal action or proceeding in favor of such individual, as  
 35 defined in subdivision two of section 160.50 of the criminal procedure  
 36 law, or by a youthful offender adjudication, as defined in subdivision  
 37 one of section 720.35 of the criminal procedure law, or by a conviction  
 38 for a violation sealed pursuant to section 160.55 of the criminal proce-  
 39 dure law in connection with the licensing, employment or providing of  
 40 credit or insurance to such individual; provided, [~~however, that the~~]  
 41 further, no person shall be required to divulge information pertaining  
 42 to any arrest or criminal accusation of such individual not then pending  
 43 against that individual which was followed by a termination of that  
 44 criminal action or proceeding in favor of such individual, as defined in  
 45 subdivision two of section 160.50 of the criminal procedure law, or by a  
 46 youthful offender adjudication, as defined in subdivision one of section  
 47 720.35 of the criminal procedure law, or by a conviction for a violation  
 48 sealed pursuant to section 160.55 of the criminal procedure law. The  
 49 provisions [~~hereof~~] of this subdivision shall not apply to the licensing  
 50 activities of governmental bodies in relation to the regulation of guns,  
 51 firearms and other deadly weapons or in relation to an application for  
 52 employment as a police officer or peace officer as those terms are  
 53 defined in subdivisions thirty-three and thirty-four of section 1.20 of  
 54 the criminal procedure law; provided further that the provisions of this

1 subdivision shall not apply to an application for employment or member-  
2 ship in any law enforcement agency with respect to any arrest or crimi-  
3 nal accusation which was followed by a youthful offender adjudication,  
4 as defined in subdivision one of section 720.35 of the criminal proce-  
5 dure law, or by a conviction for a violation sealed pursuant to section  
6 160.55 of the criminal procedure law.

7 § 4. This act shall take effect immediately and shall be deemed to  
8 have been in full force and effect on and after March 1, 2009.

9

## PART O

10 Section 1. Subdivision 6 of section 390.30 of the criminal procedure  
11 law, as amended by chapter 216 of the laws of 1999, is amended to read  
12 as follows:

13 6. Interim probation supervision. **(a)** In any case where the court  
14 determines that a defendant is eligible for a sentence of probation, the  
15 court, after consultation with the prosecutor and upon the consent of  
16 the defendant, may adjourn the sentencing to a specified date and order  
17 that the defendant be placed on interim probation supervision. In no  
18 event may the sentencing be adjourned for a period exceeding one year  
19 from the date the conviction is entered. When ordering that the defend-  
20 ant be placed on interim probation supervision, the court shall impose  
21 all of the conditions relating to supervision specified in subdivision  
22 three of section 65.10 of the penal law and the court may impose any or  
23 all of the conditions relating to conduct and rehabilitation specified  
24 in subdivisions two, four [~~and~~], five and five-a of section 65.10 of  
25 such law[~~; provided, however, that the~~]. The defendant must receive a  
26 written copy of any such conditions at the time he or she is placed on  
27 interim probation supervision. The defendant's record of compliance with  
28 such conditions, as well as any other relevant information, shall be  
29 included in the presentence report, or updated presentence report,  
30 prepared pursuant to this section, and the court must consider such  
31 record and information when pronouncing sentence. If a defendant satis-  
32 factorily completes a term of interim probation supervision, he or she  
33 shall receive credit for the time served under the period of interim  
34 probation supervision toward any probation sentence that is subsequently  
35 imposed in that case.

36 (b) In its discretion, the supervising probation department may  
37 utilize the provisions of sections 410.20, 410.30, 410.40, 410.50,  
38 410.60 and 410.92 of this title, where applicable.

39 § 2. This act shall take effect on the sixtieth day after it shall  
40 become a law, provided, however, that a defendant serving a sentence of  
41 probation supervision on the effective date of this act shall have his  
42 or her probation sentence credited with any period of interim probation  
43 supervision that he or she satisfactorily completed prior to the imposi-  
44 tion of that probation sentence.

45

## PART P

46 Intentionally omitted.

47

## PART Q

48 Section 1. Subdivision 3 of section 45 of the correction law, as added  
49 by chapter 865 of the laws of 1975, is amended to read as follows:

1     3. [Visit] Except in circumstances involving health, safety or alleged  
2 violations of established standards of the commission, visit, and  
3 inspect correctional facilities consistent with a schedule determined by  
4 the chairman of the commission, taking into consideration available  
5 resources, workload and staffing, and appraise the management of such  
6 correctional facilities with specific attention to matters such as safe-  
7 ty, security, health of inmates, sanitary conditions, rehabilitative  
8 programs, disturbance and fire prevention and control preparedness, and  
9 adherence to laws and regulations governing the rights of inmates.

10     § 2. Subdivisions 9 and 9-a of section 45 of the correction law are  
11 REPEALED.

12     § 3. Subdivision 11 of section 45 of the correction law is REPEALED.

13     § 4. Section 837-a of the executive law is amended by adding a new  
14 subdivision 9 to read as follows:

15     9. In consultation with the state commission of correction and the  
16 municipal police training council, establish and maintain basic and  
17 other correctional training programs for such personnel employed by  
18 correctional facilities as the commissioner shall deem necessary. Such  
19 basic correctional training program shall be satisfactorily completed by  
20 such personnel prior to their undertaking their duties or within one  
21 year following the date of their appointment or at such times as the  
22 commissioner may prescribe. Provided, however, the commissioner may,  
23 after consultation with the state commission of correction, exempt from  
24 such requirement personnel employed by any correctional facility which,  
25 in the opinion of the commissioner, maintains a basic correctional  
26 training program of a standard equal to or higher than that established  
27 and maintained by the division; or revoke in whole or in part such  
28 exemption, if in his or her opinion the standards of the basic correc-  
29 tional training program maintained by such facility are lower than those  
30 established pursuant to this article.

31     § 5. Subdivision 3 of section 840 of the executive law, as amended by  
32 chapter 155 of the laws of 2008, is amended and a new subdivision 2-a is  
33 added to read as follows:

34     2-a. The council, in consultation with the state commission of  
35 correction, shall promulgate rules and regulations with respect to:

36     (a) The approval, or revocation thereof, of basic and other correc-  
37 tional training programs administered by municipalities;

38     (b) Minimum courses of study, attendance requirements, and equipment  
39 and facilities to be required at approved basic and other correctional  
40 training programs;

41     (c) Minimum qualifications for instructors at approved basic and other  
42 correctional training programs; and

43     (d) The requirements of a minimum basic correctional training program  
44 required by subdivision nine of section eight hundred thirty-seven-a of  
45 this article.

46     3. The council shall, in addition: (a) Consult with, advise and make  
47 recommendations to the commissioner with respect to the exercise of his  
48 or her functions, powers and duties as set forth in section eight  
49 hundred forty-one of this article;

50     (b) Recommend studies, surveys and reports to be made by the commis-  
51 sioner regarding the carrying out of the objectives and purposes of this  
52 section;

53     (c) Visit and inspect any police training school and correctional  
54 training programs approved by the commissioner or for which application  
55 for such approval has been made;

1 (d) Make recommendations, from time to time, to the commissioner, the  
2 governor and the legislature, regarding the carrying out of the purposes  
3 of this section;

4 (e) Perform such other acts as may be necessary or appropriate to  
5 carry out the functions of the council;

6 (f) Develop, maintain and disseminate, in consultation with the state  
7 office for the prevention of domestic violence, written policies and  
8 procedures consistent with article eight of the family court act and  
9 applicable provisions of the criminal procedure and domestic relations  
10 laws, regarding the investigation of and intervention by new and veteran  
11 police officers in incidents of family offenses. Such policies and  
12 procedures shall make provisions for education and training in the  
13 interpretation and enforcement of New York's family offense laws,  
14 including but not limited to:

15 (1) intake and recording of victim statements, on a standardized  
16 "domestic violence incident report form" promulgated by the division of  
17 criminal justice services in consultation with the superintendent of  
18 state police, representatives of local police forces and the state  
19 office for the prevention of domestic violence, and the investigation  
20 thereof so as to ascertain whether a crime has been committed against  
21 the victim by a member of the victim's family or household as such terms  
22 are defined in section eight hundred twelve of the family court act and  
23 section 530.11 of the criminal procedure law; and

24 (2) the need for immediate intervention in family offenses including  
25 the arrest and detention of alleged offenders, pursuant to subdivision  
26 four of section 140.10 of the criminal procedure law, and notifying  
27 victims of their rights, including but not limited to immediately  
28 providing the victim with the written notice required in subdivision six  
29 of section 530.11 of the criminal procedure law and subdivision five of  
30 section eight hundred twelve of the family court act; ~~and~~

31 (g) Develop, maintain and disseminate, in consultation with the state  
32 division of human rights and the state civil service department, written  
33 policies and procedures to enhance police and correctional officer  
34 recruitment efforts and to increase police and correctional officer  
35 awareness of racial, ethnic, religious and gender differences, and other  
36 diversity issues, in communities served by such police[-] and in correc-  
37 tional facilities; and

38 (h) Consult with the state commission of correction regarding correc-  
39 tional training programs.

40 § 6. Section 841 of the executive law, as amended by chapter 843 of  
41 the laws of 1980, subdivision 3 as amended by chapter 551 of the laws of  
42 2001, subdivision 9 as added by chapter 847 of the laws of 1986, is  
43 amended to read as follows:

44 § 841. Functions, powers and duties of the commissioner with respect  
45 to the council. In addition to the functions, powers and duties other-  
46 wise provided by this article, the commissioner shall, with the general  
47 advice of the council, and, in the case of subdivisions one, two and  
48 three of this section, only in accordance with rules and regulations  
49 promulgated by the governor pursuant to section eight hundred forty-two  
50 of this article:

51 1. Approve police training schools administered by municipalities and  
52 issue certificates of approval to such schools, and revoke such approval  
53 or certificate;

54 1-a. Approve correctional training programs administered by munici-  
55 palities and issue certificates of approval to such programs, and revoke  
56 such approval or certificate;

1 2. Certify, as qualified, instructors at approved police training  
2 schools and issue appropriate certificates to such instructors;

3 **2-a. Certify, as qualified, instructors at approved correctional**  
4 **training programs and issue appropriate certificates to such instruc-**  
5 **tors;**

6 3. Certify police officers and peace officers who have satisfactorily  
7 completed basic training programs and issue certificates to such police  
8 officers and peace officers, including the issuance of equivalency  
9 certificates for basic training certificates issued to peace officers,  
10 where such officers received a certificate for successful completion of  
11 a basic training for police officers program or an approved course for  
12 state university of New York public safety officers during a period in  
13 which such peace officer was not employed as a police officer, upon  
14 demonstration of adequate equivalent training, the completion of super-  
15 vised field training, requisite job-related law enforcement experience  
16 as determined by the commissioner, and if deemed necessary, the success-  
17 ful completion of relevant police officer training courses pursuant to  
18 section two hundred nine-q of the general municipal law;

19 **3-a. Certify correction officers who have satisfactorily completed**  
20 **basic correctional training programs and issue certificates to such**  
21 **correction officers;**

22 4. Cause studies and surveys to be made relating to the establishment,  
23 operation and approval of municipal police training schools **and correc-**  
24 **tional training programs;**

25 5. Consult with and cooperate with municipal police training schools  
26 **and correctional training programs** for the development of advanced  
27 in-service training programs for police officers [**and**], peace officers,  
28 **and correction officers** and issue appropriate certificates to police  
29 officers [**and**], peace officers, **and correction officers**, attesting to  
30 their satisfactory completion of such advanced training programs;

31 6. Consult with and cooperate with universities, colleges and insti-  
32 tutes in the state for the development of specialized courses of study  
33 for police officers [**and**], peace officers, **and correction officers** in  
34 police science [**and**], police administration, **and criminal justice;**

35 7. Consult with and cooperate with other departments and agencies of  
36 the state concerned with police officer and peace officer training;

37 **7-a. Consult with and cooperate with the state commission of**  
38 **correction and other departments and agencies of the state concerned**  
39 **with correction officer training;**

40 8. Report to the council at each regular meeting of the council and at  
41 such other times as may be appropriate[~~-~~]; **and**

42 9. Prepare, update and distribute to appropriate law enforcement offi-  
43 cials the form and content of the written notice required to be given to  
44 victims of family offenses pursuant to subdivision five of section eight  
45 hundred twelve of the family court act and subdivision six of section  
46 530.11 of the criminal procedure law.

47 § 7. Subdivisions 6 and 10 of section 45 of the correction law, as  
48 added by chapter 865 of the laws of 1975, are amended to read as  
49 follows:

50 6. Promulgate rules and regulations establishing minimum standards for  
51 **the review of the construction or improvement of correctional facilities**  
52 **and** the care, custody, correction, treatment, supervision, discipline,  
53 and other correctional programs for all persons confined in correctional  
54 facilities. Such rules and regulations shall be forwarded to the gover-  
55 nor, the temporary president of the senate and the speaker of the assem-

1 bly no later than January first, nineteen hundred seventy-six and annu-  
2 ally thereafter.

3 10. Approve or reject plans and specifications for the construction or  
4 improvement of correctional facilities that directly affect the health  
5 of inmates and staff, safety, or security.

6 § 8. Subdivision 2 of section 504 of the correction law, as amended by  
7 chapter 506 of the laws of 1982, is amended to read as follows:

8 2. Where the jail in a county becomes unfit or unsafe for the confine-  
9 ment of some or all of the inmates due to an inmate disturbance [~~or a~~  
10 ~~natural disaster including but not limited to flood, earthquake, hurri-~~  
11 ~~cane, landslide or fire,~~] or other extraordinary circumstances, includ-  
12 ing but not limited to a natural disaster, unanticipated deficiencies in  
13 the structural integrity of a facility or the inability to provide one  
14 or more inmates with essential services such as medical care, upon the  
15 request of the municipal official as defined in subdivision four of  
16 section forty of this chapter and no other suitable place within the  
17 county nor the jail of any other county is immediately available to  
18 house some or all of the inmates, the commissioner of correctional  
19 services [~~is hereby authorized and empowered to~~] may, in his or her sole  
20 discretion, make available, upon such terms and conditions as he may  
21 deem appropriate, all or any part of a state correctional institution  
22 for the confinement of some or all of such inmates as an adjunct to the  
23 county jail for a period not to exceed thirty days. However, if the  
24 county jail remains unfit or unsafe for the confinement of some or all  
25 of such inmates beyond thirty days, the state commission of correction,  
26 with the consent of the commissioner of correctional services, may  
27 extend the availability of a state correctional institution for one or  
28 more additional thirty day periods. The state commission of correction  
29 shall promulgate rules and regulations governing the temporary transfer  
30 of inmates to state correctional institutions from county jails includ-  
31 ing but not limited to provisions for confinement of such inmates in the  
32 nearest correctional facility, to the maximum extent practicable, taking  
33 into account necessary security. The commissioner of correctional  
34 services may, in his or her sole discretion, based on standards promul-  
35 gated by the department, determine whether a county shall reimburse the  
36 state for any or all of the actual costs of confinement as approved by  
37 the director of the division of the budget. On or before the expiration  
38 of each thirty day period, the state commission of correction must make  
39 an appropriate designation pursuant to subdivision one if the county  
40 jail remains unfit or unsafe for the confinement of some or all of the  
41 inmates and consent to the continued availability of a state correction-  
42 al institution as required for herein. The superintendence, management  
43 and control of a state correctional institution or part thereof made  
44 available pursuant hereto and the inmates housed therein shall be as  
45 directed by the commissioner of correctional services.

46 § 9. This act shall take effect immediately; provided, however, that  
47 sections two, four, five and six of this act shall take effect on the  
48 one hundred eightieth day after it shall have become a law.

49

#### PART R

50 Section 1. Paragraph (b) of subdivision 2 of section 29-c of the exec-  
51 utive law, as amended by chapter 169 of the laws of 1994, is amended to  
52 read as follows:

53 (b) The amount of such fee shall be [~~determined annually by the~~  
54 ~~commission taking into account the costs of such responsibilities not~~

1 ~~otherwise provided for and unexpended amounts of previous fees paid by~~  
 2 ~~any such licensee. In no event shall an annual fee for any facility~~  
 3 ~~exceed five hundred fifty thousand] one million dollars. Such fee, which~~  
 4 shall be payable to the commission on or before ~~April] December~~ first,  
 5 shall be expended or distributed only by appropriation.

6 § 2. Subdivision 4 of section 29-c of the executive law is REPEALED.

7 § 3. This act shall take effect immediately and shall be deemed to  
 8 have been in full force and effect on and after April 1, 2009, provided,  
 9 however, this act shall not affect obligations or amounts with respect  
 10 to fees payable on or before April 1, 2009.

11 PART S

12 Intentionally omitted.

13 PART T

14 Section 1. Subsection (b) of section 9110 of the insurance law, as  
 15 amended by section 1 of part Q of chapter 62 of the laws of 2003, is  
 16 amended to read as follows:

17 (b) The annual fee is hereby imposed at the rate of ~~[five dollars]~~ ten  
 18 dollars per insured motor vehicle registered pursuant to the provisions  
 19 of paragraph ~~[(b)]~~ b of subdivision one of section four hundred one of  
 20 the vehicle and traffic law. Provided, however, that such fee shall be  
 21 reduced by fifty percent per insured motor vehicle registered pursuant  
 22 to the provisions of paragraph b of subdivision one of section four  
 23 hundred one of the vehicle and traffic law where a policy issued in the  
 24 state or for delivery in the state for motor vehicle liability insurance  
 25 coverage is for a term of six months or less. Such fee will be paid  
 26 monthly by insurance companies to the superintendent on or before the  
 27 fifteenth of the month next succeeding the month in which such  
 28 collections are received.

29 § 2. Subsection (e) of section 9110 of the insurance law, as amended  
 30 by section 1 of part A of chapter 56 of the laws of 2004, is amended to  
 31 read as follows:

32 (e) All moneys received by the superintendent which are collected from  
 33 policyholders of insurance on ~~[passenger]~~ motor vehicles ~~[subject to the~~  
 34 ~~provisions of paragraph a of subdivision six of section four hundred one~~  
 35 ~~of the vehicle and traffic law]~~ shall be paid ~~[to the state police motor~~  
 36 ~~vehicle law enforcement account established pursuant to section ninety-~~  
 37 ~~seven-mm of the state finance law]~~ by the tenth day of the month follow-  
 38 ing receipt of such collections~~[- By the end of each fiscal year, any~~  
 39 ~~moneys paid to the state police motor vehicle law enforcement account~~  
 40 ~~established pursuant to section ninety-seven-mm of the state finance law~~  
 41 ~~which exceed sixty million four hundred thousand dollars shall be paid~~  
 42 ~~to the motor vehicle theft and insurance fraud prevention fund estab-~~  
 43 ~~lished pursuant to section eighty-nine-d of the state finance law.] in~~  
 44 the following manner:

45 (1) Each fiscal year, the first four million seven hundred thousand  
 46 dollars shall be paid to the motor vehicle theft and insurance fraud  
 47 prevention fund established pursuant to section eighty-nine-d of the  
 48 state finance law.

49 (2) All remaining moneys shall be paid to the state police motor vehi-  
 50 cle law enforcement account established pursuant to section ninety-sev-  
 51 en-mm of the state finance law.

52 § 3. Subsection (f) of section 9110 of the insurance law is REPEALED.

1 § 4. Subdivision 2 of section 89-d of the state finance law, as  
2 amended by chapter 170 of the laws of 1994, is amended to read as  
3 follows:

4 2. Such fund shall consist of all moneys received by the state pursu-  
5 ant to subsection ~~[(f)]~~ (b) of section nine thousand one hundred ten of  
6 the insurance law ~~[including any moneys received by the state]~~ that are  
7 transferred to the fund pursuant to paragraph one of subsection (e) of  
8 section nine thousand one hundred ten of the insurance law ~~[that are~~  
9 ~~transferred to the fund]~~ and all other grants, bequests or other moneys  
10 appropriated, credited or transferred thereto from any other fund or  
11 source pursuant to law.

12 § 5. Subdivisions 2 and 3 of section 97-mm of the state finance law,  
13 as amended by section 2 of part A of chapter 56 of the laws of 2004, are  
14 amended to read as follows:

15 2. The state police motor vehicle law enforcement account shall  
16 consist of all moneys received by the state pursuant to subsection ~~[(e)]~~  
17 (b) of section nine thousand one hundred ten of the insurance law ~~[and~~  
18 ~~any moneys received by the state pursuant to subsection (f) of section~~  
19 ~~nine thousand one hundred ten of the insurance law]~~ that are transferred  
20 to the account pursuant to paragraph two of subsection (e) of section  
21 nine thousand one hundred ten of the insurance law and all other grants,  
22 bequests or other moneys credited, appropriated, or transferred thereto  
23 from any other fund or source.

24 3. Nine million one hundred thousand dollars annually of the state  
25 police motor vehicle law enforcement account, following appropriation by  
26 the legislature and allocation by the director of the budget, shall be  
27 made available for the state operation expenses of the division of state  
28 police including but not limited to the costs of activities relating to  
29 the detection, prosecution or reduction of automobile theft and related  
30 purposes. ~~[Fifty-one million three hundred thousand dollars]~~ All other  
31 funds of the state police motor vehicle law enforcement account, follow-  
32 ing appropriation by the legislature and allocation by the director of  
33 the budget, shall be made available for the state operation expenses of  
34 the division of state police including but not limited to the costs of  
35 activities relating to highway safety and public security.

36 § 6. Section 7 of part Q of chapter 62 of the laws of 2003, amending  
37 the insurance law and other laws relating to motor vehicle law enforce-  
38 ment fees, as amended by section 1 of part M of chapter 56 of the laws  
39 of 2008, is amended to read as follows:

40 § 7. This act shall take effect immediately, provided that sections  
41 one, two and three of this act shall take effect June 1, 2003; ~~[and~~  
42 ~~provided further that the amendments made to subsection (b) of section~~  
43 ~~9110 of the insurance law made by section one of this act shall expire~~  
44 ~~and be deemed repealed on July 1, 2009 and the provisions of such~~  
45 ~~subsection shall be read as such provisions existed on the date imme-~~  
46 ~~diately preceding the effective date of this act,]~~ and provided further  
47 that the amendments made to subsection (e) of section 9110 of the insur-  
48 ance law made by section two of this act and the amendments made to  
49 subdivision 3 of section 97-mm of the state finance law made by section  
50 three of this act shall expire and be deemed repealed on March 31, 2004  
51 and the provisions of such subsection and such subdivision shall be read  
52 as such provisions existed on the date immediately preceding the effec-  
53 tive date of this act.

54 § 7. Section 3 of part A of chapter 56 of the laws of 2004, amending  
55 the insurance law and the state finance law relating to motor vehicle

1 law enforcement fees, as amended by section 2 of part M of chapter 56 of  
2 the laws of 2008, is amended to read as follows:

3 § 3. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after April 1, 2004[+  
5 ~~provided, however, that the amendments made to subsections (e) and (f)~~  
6 ~~of section 9110 of the insurance law made by section one of this act~~  
7 ~~shall expire and be deemed repealed on March 31, 2009, and provided~~  
8 ~~further that the amendments made to subdivisions 2 and 3 of section~~  
9 ~~97-mm of the state finance law made by section two of this act shall~~  
10 ~~expire and be deemed repealed on March 31, 2009].~~

11 § 8. Subdivision (bbb) of section 427 of chapter 55 of the laws of  
12 1992, amending the tax law generally and enacting the omnibus revenue  
13 act of 1992 relating to taxes, surcharges, fees and funding, is  
14 REPEALED.

15 § 9. Paragraphs (b) and (d) of subdivision 2 and subdivision 3 of  
16 section 846-m of the executive law, as amended by section 4 of part M of  
17 chapter 56 of the laws of 2008, are amended to read as follows:

18 (b) Activities eligible for funding include, but are not limited to,  
19 the following: prosecution and adjudication services; law enforcement  
20 services; neighborhood or community based programs designed to reduce  
21 the incidence of motor vehicle theft and motor vehicle insurance fraud;  
22 educational programs designed to inform owners of motor vehicles  
23 concerning activities designed to prevent the incidence of theft of  
24 motor vehicles and fraudulent claims practices; and programs designed to  
25 examine, evaluate and make recommendations relating to the efficacy of  
26 motor vehicle theft prevention devices or methods including, but not  
27 limited to, passive tracking devices designed to identify the location  
28 of a motor vehicle at any given point in time and window glass etching  
29 with vehicle identification numbers or any other unique identifying  
30 symbol including decal programs such as New York city's operation combat  
31 auto theft (C.A.T.). Funds provided under this program shall be used to  
32 augment, and not to supplant, the provider agency's current funding, if  
33 any, for motor vehicle theft and insurance fraud detection, prevention,  
34 or reduction activities[~~, and shall only be used to fund pilot programs~~  
35 ~~of a specified duration not to extend beyond July first, two thousand~~  
36 ~~nine].~~

37 (d) The state comptroller shall conduct an audit of all moneys  
38 received and expended by the fund as well as all other funds expended  
39 from any other source for the purposes of this program, and shall submit  
40 a written report detailing such audit to the governor and legislature on  
41 or before March first[~~, two thousand nine.~~

42 ~~3. This article shall expire on July first, two thousand nine] of each  
43 year.~~

44 § 10. Section 9 of part T of chapter 57 of the laws of 2000, amending  
45 the state finance law relating to a report on automobile theft  
46 prevention activities of the state police, as amended by section 5 of  
47 part M of chapter 56 of the laws of 2008, is amended to read as follows:

48 § 9. This act shall take effect immediately provided, however, that  
49 the amendments to sections 846-j, 846-k, 846-l and 846-m of the execu-  
50 tive law made by this act shall not affect the expiration of such  
51 sections and shall be deemed to expire therewith[~~; provided, further,~~  
52 ~~however, that the provisions of subdivision 4 of section 97-mm of the~~  
53 ~~state finance law, as added by section eight of this act, shall expire~~  
54 ~~and be deemed repealed on July 1, 2009].~~

55 § 11. The article heading of article 36-A of the executive law, as  
56 added by chapter 170 of the laws of 1994, is amended to read as follows:

1 NEW YORK MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION  
2 ~~[DEMONSTRATION]~~ PROGRAM

3 § 12. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after March 1, 2009, provided,  
5 however, that section one of this act shall take effect June 1, 2009.

6 PART U

7 Section 1. Section 2 of chapter 887 of the laws of 1983, amending the  
8 correction law relating to the psychological testing of candidates, as  
9 amended by section 1 of part C of chapter 56 of the laws of 2007, is  
10 amended to read as follows:

11 § 2. This act shall take effect on the one hundred eightieth day after  
12 it shall have become a law and shall remain in effect until September 1,  
13 ~~[2009]~~ 2011.

14 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-  
15 tive law and the criminal procedure law relating to expanding the  
16 geographic area of employment of certain police officers, as amended by  
17 section 2 of part C of chapter 56 of the laws of 2007, is amended to  
18 read as follows:

19 § 3. This act shall take effect on the first day of November next  
20 succeeding the date on which it shall have become a law, and shall  
21 remain in effect until the first day of September, ~~[2009]~~ 2011, when it  
22 shall expire and be deemed repealed.

23 § 3. Section 3 of chapter 886 of the laws of 1972, amending the  
24 correction law and the penal law relating to prisoner furloughs in  
25 certain cases and the crime of absconding therefrom, as amended by  
26 section 3 of part C of chapter 56 of the laws of 2007, is amended to  
27 read as follows:

28 § 3. This act shall take effect 60 days after it shall have become a  
29 law and shall remain in effect until September 1, ~~[2009]~~ 2011.

30 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters  
31 50, 53 and 54 of the laws of 1987, the correction law, the penal law and  
32 other chapters and laws relating to correctional facilities, as amended  
33 by section 4 of part C of chapter 56 of the laws of 2007, is amended to  
34 read as follows:

35 § 20. This act shall take effect immediately except that section thir-  
36 teen of this act shall expire and be of no further force or effect on  
37 and after September 1, ~~[2009]~~ 2011 and shall not apply to persons  
38 committed to the custody of the department after such date, and provided  
39 further that the commissioner of correctional services shall report each  
40 January first and July first during such time as the earned eligibility  
41 program is in effect, to the chairmen of the senate crime victims, crime  
42 and correction committee, the senate codes committee, the assembly  
43 correction committee, and the assembly codes committee, the standards in  
44 effect for earned eligibility during the prior six-month period, the  
45 number of inmates subject to the provisions of earned eligibility, the  
46 number who actually received certificates of earned eligibility during  
47 that period of time, the number of inmates with certificates who are  
48 granted parole upon their first consideration for parole, the number  
49 with certificates who are denied parole upon their first consideration,  
50 and the number of individuals granted and denied parole who did not have  
51 earned eligibility certificates.

52 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,  
53 amending the tax law and other laws relating to taxes, surcharges, fees

1 and funding, as amended by section 5 of part C of chapter 56 of the laws  
2 of 2007, is amended to read as follows:

3 (q) the provisions of section two hundred eighty-four of this act  
4 shall remain in effect until September 1, [~~2009~~] 2011 and be applicable  
5 to all persons entering the program on or before August 31, [~~2009~~] 2011.

6 § 6. Section 10 of chapter 339 of the laws of 1972, amending the  
7 correction law and the penal law relating to inmate work release,  
8 furlough and leave, as amended by section 6 of part C of chapter 56 of  
9 the laws of 2007, is amended to read as follows:

10 § 10. This act shall take effect 30 days after it shall have become a  
11 law and shall remain in effect until September 1, [~~2009~~] 2011, and  
12 provided further that the commissioner of correctional services shall  
13 report each January first, and July first, to the chairman of the senate  
14 crime victims, crime and correction committee, the senate codes commit-  
15 tee, the assembly correction committee, and the assembly codes commit-  
16 tee, the number of eligible inmates in each facility under the custody  
17 and control of the commissioner who have applied for participation in  
18 any program offered under the provisions of work release, furlough, or  
19 leave, and the number of such inmates who have been approved for partic-  
20 ipation.

21 § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994  
22 relating to certain provisions which impact upon expenditure of certain  
23 appropriations made by chapter 50 of the laws of 1994 enacting the state  
24 operations budget, as amended by section 7 of part C of chapter 56 of  
25 the laws of 2007, is amended to read as follows:

26 (c) sections forty-one and forty-two of this act shall expire Septem-  
27 ber 1, [~~2009~~] 2011; provided, that the provisions of section forty-two  
28 of this act shall apply to inmates entering the work release program on  
29 or after such effective date; and

30 § 8. Section 5 of chapter 554 of the laws of 1986, amending the  
31 correction law and the penal law relating to providing for community  
32 treatment facilities and establishing the crime of absconding from the  
33 community treatment facility, as amended by section 8 of part C of chap-  
34 ter 56 of the laws of 2007, is amended to read as follows:

35 § 5. This act shall take effect immediately and shall remain in full  
36 force and effect until September 1, [~~2009~~] 2011, and provided further  
37 that the commissioner of correctional services shall report each January  
38 first and July first during such time as this legislation is in effect,  
39 to the chairmen of the senate crime victims, crime and correction  
40 committee, the senate codes committee, the assembly correction commit-  
41 tee, and the assembly codes committee, the number of individuals who are  
42 released to community treatment facilities during the previous six-month  
43 period, including the total number for each date at each facility who  
44 are not residing within the facility, but who are required to report to  
45 the facility on a daily or less frequent basis.

46 § 9. Subdivision h of section 74 of chapter 3 of the laws of 1995,  
47 amending the correction law and other laws relating to the incarceration  
48 fee, as amended by section 9 of part C of chapter 56 of the laws of  
49 2007, is amended to read as follows:

50 h. Section fifty-two of this act shall be deemed to have been in full  
51 force and effect on and after April 1, 1995; provided, however, that the  
52 provisions of section 189 of the correction law, as amended by section  
53 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,  
54 as amended by section fifty-six of this act, and section fifty-seven of  
55 this act shall expire September 1, [~~2009~~] 2011, when upon such date the  
56 amendments to the correction law and penal law made by sections fifty-

1 five and fifty-six of this act shall revert to and be read as if the  
2 provisions of this act had not been enacted; provided, however, that  
3 sections sixty-two, sixty-three and sixty-four of this act shall be  
4 deemed to have been in full force and effect on and after March 1, 1995  
5 and shall be deemed repealed April 1, 1996 and upon such date the  
6 provisions of subsection (e) of section 9110 of the insurance law and  
7 subdivision 2 of section 89-d of the state finance law shall revert to  
8 and be read as set out in law on the date immediately preceding the  
9 effective date of sections sixty-two and sixty-three of this act;

10 § 10. Subdivision (z) of section 427 of chapter 55 of the laws of  
11 1992, amending the tax law and other laws relating to taxes, surcharges,  
12 fees and funding, as amended by section 10 of part C of chapter 56 of  
13 the laws of 2007, is amended to read as follows:

14 (z) the provisions of section three hundred eighty-one of this act  
15 shall apply to all persons supervised by the division of parole on or  
16 after the effective date of this act, provided however, that subdivision  
17 9 of section 259-a of the executive law, as added by section three  
18 hundred eighty-one of this act, shall expire on September 1, [~~2009~~  
19 2011;

20 § 11. Subdivision (aa) of section 427 of chapter 55 of the laws of  
21 1992, amending the tax law and other laws relating to taxes, surcharges,  
22 fees and funding, as amended by section 11 of part C of chapter 56 of  
23 the laws of 2007, is amended to read as follows:

24 (aa) the provisions of sections three hundred eighty-two, three  
25 hundred eighty-three and three hundred eighty-four of this act shall  
26 expire on September 1, [~~2009~~ 2011;

27 § 12. Section 12 of chapter 907 of the laws of 1984, amending the  
28 correction law, the New York city criminal court act and the executive  
29 law relating to prison and jail housing and alternatives to detention  
30 and incarceration programs, as amended by section 12 of part C of chap-  
31 ter 56 of the laws of 2007, is amended to read as follows:

32 § 12. This act shall take effect immediately, except that the  
33 provisions of sections one through ten of this act shall remain in full  
34 force and effect until September 1, [~~2009~~ 2011 on which date those  
35 provisions shall be deemed to be repealed.

36 § 13. Subdivision (p) of section 406 of chapter 166 of the laws of  
37 1991, amending the tax law and other laws relating to taxes, as amended  
38 by section 13 of part C of chapter 56 of the laws of 2007, is amended to  
39 read as follows:

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

1 hundred seventy-five and three hundred seventy-six of this act shall  
2 remain in effect until September 1, [~~2009~~] 2011, at which time they  
3 shall be deemed repealed; provided, however, that the mandatory  
4 surcharge provided in section three hundred seventy-four of this act  
5 shall apply to parking violations occurring on or after said effective  
6 date; and provided further that the amendments made to section 235 of  
7 the vehicle and traffic law by section three hundred seventy-two of this  
8 act, the amendments made to section 1809 of the vehicle and traffic law  
9 by sections three hundred thirty-seven and three hundred thirty-eight of  
10 this act and the amendments made to section 215-a of the labor law by  
11 section three hundred seventy-five of this act shall expire on September  
12 1, [~~2009~~] 2011 and upon such date the provisions of such subdivisions  
13 and sections shall revert to and be read as if the provisions of this  
14 act had not been enacted; the amendments to subdivisions 2 and 3 of  
15 section 400.05 of the penal law made by sections three hundred seventy-  
16 seven and three hundred seventy-eight of this act shall expire on July  
17 1, 1992 and upon such date the provisions of such subdivisions shall  
18 revert and shall be read as if the provisions of this act had not been  
19 enacted; the state board of law examiners shall take such action as is  
20 necessary to assure that all applicants for examination for admission to  
21 practice as an attorney and counsellor at law shall pay the increased  
22 examination fee provided for by the amendment made to section 465 of the  
23 judiciary law by section three hundred eighty of this act for any exam-  
24 ination given on or after the effective date of this act notwithstanding  
25 that an applicant for such examination may have prepaid a lesser fee for  
26 such examination as required by the provisions of such section 465 as of  
27 the date prior to the effective date of this act; the provisions of  
28 section 306-a of the civil practice law and rules as added by section  
29 three hundred eighty-one of this act shall apply to all actions pending  
30 on or commenced on or after September 1, 1991, provided, however, that  
31 for the purposes of this section service of such summons made prior to  
32 such date shall be deemed to have been completed on September 1, 1991;  
33 the provisions of section three hundred eighty-three of this act shall  
34 apply to all money deposited in connection with a cash bail or a  
35 partially secured bail bond on or after such effective date; and the  
36 provisions of sections three hundred eighty-four and three hundred  
37 eighty-five of this act shall apply only to jury service commenced  
38 during a judicial term beginning on or after the effective date of this  
39 act; provided, however, that nothing contained herein shall be deemed to  
40 affect the application, qualification, expiration or repeal of any  
41 provision of law amended by any section of this act and such provisions  
42 shall be applied or qualified or shall expire or be deemed repealed in  
43 the same manner, to the same extent and on the same date as the case may  
44 be as otherwise provided by law;

45 § 14. Subdivision 8 of section 1809 of the vehicle and traffic law, as  
46 amended by section 14 of part C of chapter 56 of the laws of 2007, is  
47 amended to read as follows:

48 8. The provisions of this section shall only apply to offenses commit-  
49 ted on or before September first, two thousand [~~nine~~] eleven.

50 § 15. Section 6 of chapter 713 of the laws of 1988, amending the vehi-  
51 cle and traffic law relating to the ignition interlock device program,  
52 as amended by section 16 of part C of chapter 56 of the laws of 2007, is  
53 amended to read as follows:

54 § 6. This act shall take effect on the first day of April next  
55 succeeding the date on which it shall have become a law; provided,  
56 however, that effective immediately, the addition, amendment or repeal

1 of any rule or regulation necessary for the implementation of the fore-  
2 going sections of this act on their effective date is authorized and  
3 directed to be made and completed on or before such effective date and  
4 shall remain in full force and effect until the first day of September,  
5 [~~2009~~ 2011] when upon such date the provisions of this act shall be  
6 deemed repealed.

7 § 16. Paragraph a of subdivision 6 of section 76 of chapter 435 of the  
8 laws of 1997, amending the military law and other laws relating to vari-  
9 ous provisions, as amended by section 17 of part C of chapter 56 of the  
10 laws of 2007, is amended to read as follows:

11 a. sections forty-three through forty-five of this act shall expire  
12 and be deemed repealed on September 1, [~~2009~~ 2011];

13 § 17. Section 4 of part D of chapter 412 of the laws of 1999, amending  
14 the civil practice law and rules and the court of claims act relating to  
15 prisoner litigation reform, as amended by section 18 of part C of chap-  
16 ter 56 of the laws of 2007, is amended to read as follows:

17 § 4. This act shall take effect 120 days after it shall have become a  
18 law and shall remain in full force and effect until September 1, [~~2009~~]  
19 2011, when upon such date it shall expire.

20 § 18. Subdivision 2 of section 59 of chapter 222 of the laws of 1994,  
21 constituting the family protection and domestic violence intervention  
22 act of 1994, as amended by section 19 of part C of chapter 56 of the  
23 laws of 2007, is amended to read as follows:

24 2. Subdivision 4 of section 140.10 of the criminal procedure law as  
25 added by section thirty-two of this act shall take effect January 1,  
26 1996 and shall expire and be deemed repealed on September 1, [~~2009~~]  
27 2011.

28 § 19. Section 5 of chapter 505 of the laws of 1985, amending the crim-  
29 inal procedure law relating to the use of closed-circuit television and  
30 other protective measures for certain child witnesses, as amended by  
31 section 21 of part C of chapter 56 of the laws of 2007, is amended to  
32 read as follows:

33 § 5. This act shall take effect immediately and shall apply to all  
34 criminal actions and proceedings commenced prior to the effective date  
35 of this act but still pending on such date as well as all criminal  
36 actions and proceedings commenced on or after such effective date and  
37 its provisions shall expire on September 1, [~~2009~~ 2011], when upon such  
38 date the provisions of this act shall be deemed repealed.

39 § 20. Section 3 of chapter 688 of the laws of 2003, amending the exec-  
40 utive law relating to enacting the interstate compact for adult offender  
41 supervision, as amended by section 27 of part C of chapter 56 of the  
42 laws of 2007, is amended to read as follows:

43 § 3. This act shall take effect immediately, except that section one  
44 of this act shall take effect on the first of January next succeeding  
45 the date on which it shall have become a law, and shall remain in effect  
46 until the first of September, [~~2009~~ 2011], upon which date this act  
47 shall be deemed repealed and have no further force and effect; provided  
48 that section one of this act shall only take effect with respect to any  
49 compacting state which has enacted an interstate compact entitled  
50 "Interstate compact for adult offender supervision" and having an iden-  
51 tical effect to that added by section one of this act and provided  
52 further that with respect to any such compacting state, upon the effec-  
53 tive date of section one of this act, section 259-m of the executive law  
54 is hereby deemed REPEALED and section 259-mm of the executive law, as  
55 added by section one of this act, shall take effect; and provided  
56 further that with respect to any state which has not enacted an inter-

1 state compact entitled "Interstate compact for adult offender super-  
 2 vision" and having an identical effect to that added by section one of  
 3 this act, section 259-m of the executive law shall take effect and the  
 4 provisions of section one of this act, with respect to any such state,  
 5 shall have no force or effect until such time as such state shall adopt  
 6 an interstate compact entitled "Interstate compact for adult offender  
 7 supervision" and having an identical effect to that added by section one  
 8 of this act in which case, with respect to such state, effective imme-  
 9 diately, section 259-m of the executive law is deemed repealed and  
 10 section 259-mm of the executive law, as added by section one of this  
 11 act, shall take effect.

12 § 21. Subdivision d of section 74 of chapter 3 of the laws of 1995,  
 13 enacting the sentencing reform act of 1995, as amended by section 20 of  
 14 part D of chapter 56 of the laws of 2005, is amended to read as follows:

15 d. Sections one-a through twenty, twenty-four through twenty-eight,  
 16 thirty through thirty-nine, forty-two[ ~~forty-three~~] and forty-four of  
 17 this act shall be deemed repealed on September 1, [~~2009~~] 2011;

18 § 22. Subdivision (r) of section 427 of chapter 55 of the laws of  
 19 1992, amending the tax law and other laws relating to taxes, surcharges,  
 20 fees and funding, is REPEALED.

21 § 23. Section 2 of chapter 689 of the laws of 1993 amending the crimi-  
 22 nal procedure law relating to electronic court appearance in certain  
 23 counties, as amended by chapter 34 of the laws of 2006, is amended to  
 24 read as follows:

25 § 2. This act shall take effect immediately, except that the  
 26 provisions of this act shall be deemed to have been in full force and  
 27 effect since July 1, 1992 and the provisions of this act shall expire  
 28 September 1, [~~2009~~] 2011 when upon such date the provisions of this act  
 29 shall be deemed repealed.

30 § 24. This act shall take effect immediately.

31 PART V

32 Intentionally omitted.

33 PART W

34 Intentionally omitted.

35 PART X

36 Intentionally omitted.

37 PART Y

38 Intentionally omitted.

39 PART Z

40 Intentionally omitted.

41 PART AA

42 Intentionally omitted.

43 PART BB

1 Intentionally omitted.

2 PART CC

3 Intentionally omitted.

4 PART DD

5 Intentionally omitted.

6 PART EE

7 Intentionally omitted.

8 PART FF

9 Intentionally omitted.

10 PART GG

11 Section 1. Paragraph d of subdivision 10 of section 54 of the state  
12 finance law, as added by section 1 of part F of chapter 56 of the laws  
13 of 2007, is amended to read as follows:

14 d. Additional annual apportionments. Within amounts appropriated in  
15 the state fiscal year commencing April first, two thousand seven and in  
16 [~~each state fiscal year thereafter through and including~~] the state  
17 fiscal year commencing April first, two thousand [~~ten~~] eight, munici-  
18 palities shall receive additional aid apportioned as follows:

19 (i) Any municipality with an average full valuation per capita equal  
20 to or less than the average full valuation per capita for municipalities  
21 that is a city, a town with a population greater than fifteen thousand,  
22 or a village with a population greater than ten thousand, shall be  
23 eligible to receive an additional annual apportionment equal to:

24 (1) nine percent of such municipality's base level grant if the muni-  
25 cipality meets all of the fiscal distress indicators in paragraph c of  
26 this subdivision,

27 (2) seven percent of such municipality's base level grant if the muni-  
28 cipality meets any three of the fiscal distress indicators in paragraph  
29 c of this subdivision, or

30 (3) five percent of such municipality's base level grant if the muni-  
31 cipality meets at least one but no more than two of the fiscal distress  
32 indicators in paragraph c of this subdivision.

33 (ii) Any municipality with an average full valuation per capita equal  
34 to or less than the average full valuation per capita for municipalities  
35 that is a town with a population of fifteen thousand or less or a  
36 village with a population of ten thousand or less which meets one or  
37 more of the fiscal distress indicators in subparagraphs (i), (ii) and  
38 (iii) of paragraph c of this subdivision shall be eligible to receive an  
39 additional annual apportionment equal to five percent of such muni-  
40 cipality's base level grant.

41 (iii) Any municipality that does not qualify for an additional annual  
42 apportionment pursuant to subparagraphs (i) and (ii) of this paragraph  
43 shall be eligible to receive an additional annual apportionment equal to  
44 three percent of such municipality's base level grant.

1 § 2. Paragraph e of subdivision 10 of section 54 of the state finance  
2 law, as amended by section 3 of part O of chapter 56 of the laws of  
3 2008, is amended to read as follows:

4 e. Per capita adjustment. Within amounts appropriated in the state  
5 fiscal year commencing April first, two thousand seven and in [~~each~~  
6 ~~state fiscal year thereafter through and including~~] the state fiscal  
7 year commencing April first, two thousand [~~ten~~] eight, additional aid  
8 shall be apportioned as follows:

9 (i) For the purposes of subparagraphs (ii), (iii), (iv) and (v) of  
10 this paragraph, the threshold percentage shall be seventy-five percent  
11 in the state fiscal year commencing April first, two thousand seven[+] ]  
12 and eighty percent in the state fiscal year commencing April first, two  
13 thousand eight[~~+, eighty-five percent in the state fiscal year commencing~~  
14 ~~April first, two thousand nine, and ninety percent in the state fiscal~~  
15 ~~year commencing April first, two thousand ten~~].

16 (ii) A municipality with an average full valuation per capita equal to  
17 or less than the average full valuation per capita for municipalities  
18 that is a city with a population greater than or equal to one hundred  
19 twenty-five thousand and receives per capita state aid less than or  
20 equal to the threshold percentage of the average for cities with a popu-  
21 lation greater than or equal to one hundred twenty-five thousand shall  
22 be eligible to receive additional aid of four and one-half percent of  
23 such city's base level grant, subject to the availability of funds.

24 (iii) A municipality with an average full valuation per capita equal  
25 to or less than the average full valuation per capita for municipalities  
26 that is a city with a population less than one hundred twenty-five thou-  
27 sand, meets one or more of the fiscal distress indicators, and receives  
28 per capita state aid less than or equal to the threshold percentage of  
29 the average for cities with a population less than one hundred twenty-  
30 five thousand that meet one or more of the fiscal distress indicators,  
31 shall be eligible to receive additional aid of four and one-half percent  
32 of such city's base level grant, subject to the availability of funds.

33 (iv) A municipality with an average full valuation per capita equal to  
34 or less than the average full valuation per capita for municipalities  
35 that is a town with a population greater than fifteen thousand, meets  
36 one or more of the fiscal distress indicators, and receives per capita  
37 state aid less than or equal to the threshold percentage of the average  
38 for towns with a population greater than fifteen thousand that meet one  
39 or more of the fiscal distress indicators, shall be eligible to receive  
40 additional aid of four and one-half percent of such town's base level  
41 grant, subject to the availability of funds.

42 (v) A municipality with an average full valuation per capita equal to  
43 or less than the average full valuation per capita for municipalities  
44 that is a village with a population greater than ten thousand, meets one  
45 or more of the fiscal distress indicators, and receives per capita state  
46 aid less than or equal to the threshold percentage of the average for  
47 villages with a population greater than ten thousand that meet one or  
48 more of the fiscal distress indicators, shall be eligible to receive  
49 additional aid of four and one-half percent of such village's base level  
50 grant, subject to the availability of funds.

51 (vi) If sufficient funds are not available for additional aid in the  
52 amount authorized pursuant to subparagraphs (ii), (iii), (iv) and (v) of  
53 this paragraph, additional aid shall be apportioned to each municipality  
54 eligible for such aid based on the municipality's pro rata share of  
55 available funds.

1 § 3. Subparagraph (ii) of paragraph g of subdivision 10 of section 54  
 2 of the state finance law, as amended by section 4 of part O of chapter  
 3 56 of the laws of 2008, is amended to read as follows:

4 (ii) As a condition of receiving [~~an additional annual apportionment~~  
 5 ~~pursuant to paragraph d of this subdivision]~~ a base level grant pursuant  
 6 to paragraph b of this subdivision, each municipality that is a city,  
 7 other than a city subject to a control period under a state imposed  
 8 fiscal stability authority or a city subject to the requirements of  
 9 subparagraph (i) of this paragraph and each municipality that is a  
 10 village that [~~will receive an additional annual apportionment pursuant~~  
 11 ~~to clause one of subparagraph (i) of paragraph d of this subdivision]~~,  
 12 meets all four fiscal distress indicators in paragraph c of this subdivi-  
 13 vision shall develop a multi-year financial plan that includes: project-  
 14 ed employment levels, projected annual expenditures for personal  
 15 service, fringe benefits, non-personal services and debt service; appro-  
 16 priate reserve fund amounts; estimated annual revenues including  
 17 projected property tax rates, the value of the taxable real property and  
 18 resulting tax levy, annual growth in sales tax and non-property tax  
 19 revenues, and the proposed use of one-time revenue sources. Such multi-  
 20 year financial plan shall consist of, at a minimum, four fiscal years  
 21 including the municipality's most recently completed fiscal year, its  
 22 current fiscal year adopted budget and the subsequent two fiscal years.  
 23 On or before March thirty-first, two thousand eight and on or before  
 24 March thirty-first in each year thereafter through and including two  
 25 thousand eleven, the chief elected official of such municipality shall  
 26 submit written certification to the director of the budget that such  
 27 municipality has complied with the requirements of this subparagraph.

28 § 4. Paragraph j of subdivision 10 of section 54 of the state finance  
 29 law, as amended by section 1 of part KK of chapter 57 of the laws of  
 30 2008, is amended to read as follows:

31 j. Special aid and incentives for municipalities to the city of New  
 32 York. In the state fiscal year commencing April first, two thousand  
 33 seven a city with a population of one million or more shall receive  
 34 twenty million dollars on or before December fifteenth. In the state  
 35 fiscal year commencing April first, two thousand eight, a city with a  
 36 population of one million or more shall receive two hundred forty-five  
 37 million nine hundred forty-four thousand eight hundred thirty-four  
 38 dollars payable on or before December fifteenth. In the state fiscal  
 39 year commencing April first, two thousand nine, [~~a city with a popu-~~  
 40 ~~lation of one million or more shall receive eighty-one million nine~~  
 41 ~~hundred forty-four thousand eight hundred thirty-four dollars payable on~~  
 42 ~~or before June thirtieth and shall receive an additional two hundred~~  
 43 ~~forty-five million nine hundred forty-four thousand eight hundred thir-~~  
 44 ~~ty-four dollars payable on or before December fifteenth. In the state~~  
 45 ~~fiscal year commencing April first, two thousand ten,~~] and in each state  
 46 fiscal year thereafter, a city with a population of one million or more  
 47 shall receive three hundred twenty-seven million eight hundred eighty-  
 48 nine thousand six hundred sixty-eight dollars payable on or before  
 49 December fifteenth. Special aid and incentives for municipalities to the  
 50 city of New York shall be apportioned and paid as required as follows:

51 (i) Any amounts required to be paid to the city university  
 52 construction fund pursuant to the city university construction fund act;  
 53 (ii) Any amounts required to be paid to the New York city housing  
 54 development corporation pursuant to the New York city housing develop-  
 55 ment corporation act;

1 (iii) Five hundred thousand dollars to the chief fiscal officer of the  
2 city of New York for payment to the trustees of the police pension fund  
3 of such city;

4 (iv) Eighty million dollars to the special account for the municipal  
5 assistance corporation for the city of New York in the municipal assist-  
6 ance tax fund created pursuant to section ninety-two-d of this chapter  
7 to the extent that such amount has been included by the municipal  
8 assistance corporation for the city of New York in any computation for  
9 the issuance of bonds on a parity with outstanding bonds pursuant to a  
10 contract with the holders of such bonds prior to the issuance of any  
11 other bonds secured by payments from the municipal assistance corpo-  
12 ration for the city of New York in the municipal assistance state aid  
13 fund created pursuant to section ninety-two-e of this chapter;

14 (v) The balance of the special account for the municipal assistance  
15 corporation for the city of New York in the municipal assistance state  
16 aid fund created pursuant to section ninety-two-e of this chapter;

17 (vi) Any amounts to be refunded to the general fund of the state of  
18 New York pursuant to the annual appropriation enacted for the municipal  
19 assistance state aid fund;

20 (vii) To the state of New York municipal bond bank agency to the  
21 extent provided by section twenty-four hundred thirty-six of the public  
22 authorities law; and

23 (viii) To the transit construction fund to the extent provided by  
24 section twelve hundred twenty-five-i of the public authorities law, and  
25 thereafter to the city of New York.

26 Notwithstanding any other law to the contrary, the amount paid to any  
27 city with a population of one million or more on or before December  
28 fifteenth shall be for an entitlement period ending the immediately  
29 preceding June thirtieth.

30 § 5. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10  
31 of section 54 of the state finance law, as amended by section 1 of part  
32 O of chapter 56 of the laws of 2008, is amended to read as follows:

33 (2) for the state fiscal year commencing April first, two thousand  
34 eight and in each state fiscal year thereafter, the base level grant  
35 received in the immediately preceding state fiscal year pursuant to  
36 paragraph b of this subdivision plus any additional apportionments  
37 received in such year pursuant to paragraph d of this subdivision and  
38 any per capita adjustments received in such year pursuant to paragraph e  
39 of this subdivision plus any additional aid received in such year pursu-  
40 ant to ~~subparagraph (i) or subparagraph (iii) of~~ paragraph p of this  
41 subdivision.

42 § 6. Paragraph p of subdivision 10 of section 54 of the state finance  
43 law, as added by section 8 of part O of chapter 56 of the laws of 2008,  
44 is amended to read as follows:

45 p. Local government efficiency grant program municipal merger incen-  
46 tives. For the purposes of this paragraph, "municipalities" shall mean  
47 cities with a population less than one million, towns and villages.  
48 Within the annual amounts appropriated therefor, surviving municipi-  
49 palities following a merger, consolidation or dissolution occurring on  
50 or after the state fiscal year commencing April first, two thousand  
51 seven may be awarded ~~[one of the following as selected by the governing~~  
52 ~~body of the merged, consolidated or surviving, in the case of a dissol-~~  
53 ~~ution, municipality: (i) Additional aid in the state fiscal year follow-~~  
54 ~~ing such merger, consolidation or dissolution equal to twenty-five~~  
55 ~~percent of the combined base level grants received, pursuant to para-~~  
56 ~~graph b of this subdivision, by the municipalities that were party to~~

1 such merger, consolidation or dissolution in the state fiscal year in  
2 which such merger, consolidation or dissolution took effect. In  
3 instances where only a portion of a city, town or village is party to a  
4 consolidation, merger or dissolution, the additional aid payable to the  
5 resulting successor government shall be based on only a pro rata share  
6 of the base level grant received by such city, town or village. Such pro  
7 rata share shall be calculated by multiplying the base level grant of  
8 such city, town or village in the state fiscal year in which such merg-  
9 er, consolidation or dissolution took effect by the ratio of the most  
10 recent federal decennial census population of the portion consolidated,  
11 merged or dissolved as compared to the total two thousand federal decen-  
12 nial census population of the city, town or village party to such  
13 consolidation, merger or dissolution. In no case shall a municipality's  
14 additional aid pursuant to this subparagraph exceed one million dollars.  
15 Such additional aid shall be apportioned and paid to the chief fiscal  
16 officer of each merged, consolidated or surviving, in the case of a  
17 village dissolution, municipality on audit and warrant of the state  
18 comptroller out of moneys appropriated by the legislature for such  
19 purpose to the credit of the local assistance fund in the general fund  
20 of the state treasury in the same "on or before month and day" manner as  
21 the municipality's base level grant is paid pursuant to subparagraph (i)  
22 of paragraph i of this subdivision. Any municipality receiving a merger  
23 incentive award pursuant to this subparagraph shall use such aid only  
24 for general municipal purposes. Such additional aid shall in subsequent  
25 state fiscal years be considered prior year aid for the purposes of  
26 determining such merged, consolidated or surviving municipality's base  
27 level grant pursuant to paragraph b of this subdivision.

28 (ii) Two hundred fifty thousand dollars in the first state fiscal year  
29 following such merger, consolidation or dissolution, reduced in equal  
30 parts in each of the subsequent four state fiscal years; provided,  
31 however, that in no case shall such first state fiscal year award exceed  
32 twenty five percent of the combined property tax levy of the merged or  
33 consolidated municipalities in the local fiscal year prior to the local  
34 fiscal year in which such merger or consolidation took effect; provided,  
35 further, that in the case of a village dissolution, such first state  
36 fiscal year award shall not exceed twenty five percent of the combined  
37 property tax levy of the village and surviving town in the local fiscal  
38 year prior to the local fiscal year in which such dissolution took  
39 effect. Such award shall be used for transitional purposes and long-term  
40 savings and efficiencies. In the event a village dissolves into more  
41 than one town, the surviving towns shall receive a pro rata portion of  
42 the additional aid based on relative population. Such additional aid  
43 shall be apportioned and paid to the chief fiscal officer of each  
44 merged, consolidated or surviving, in the case of a dissolution, munic-  
45 ipality on audit and warrant of the state comptroller out of moneys  
46 appropriated by the legislature for such purpose to the credit of the  
47 local assistance fund in the general fund of the state treasury in the  
48 same "on or before month and day" manner as the municipality's base  
49 level grant is paid pursuant to subparagraph (i) of paragraph i of this  
50 subdivision.

51 ~~(iii) Additional]~~ additional aid in the state fiscal year following  
52 such merger, consolidation or dissolution equal to fifteen percent of  
53 the combined amount of real property taxes levied by all of the munic-  
54 ipalities participating in the merger, consolidation or dissolution in  
55 the local fiscal year prior to the local fiscal year in which such merg-  
56 er, consolidation or dissolution took effect. [~~In instances where only a~~

1 ~~portion of a city, town or village is party to a consolidation, merger~~  
 2 ~~or dissolution, the additional annual aid payable to the resulting~~  
 3 ~~successor government shall be based on only a pro rata share of the~~  
 4 ~~total real property taxes levied by such city, town or village. Such pro~~  
 5 ~~rata share shall be calculated by multiplying the total real property~~  
 6 ~~tax levy of such city, town or village in the local fiscal year prior to~~  
 7 ~~the local fiscal year in which such merger, consolidation or dissolution~~  
 8 ~~took effect by the ratio of the most recent federal decennial census~~  
 9 ~~population of the portion consolidated, merged or dissolved as compared~~  
 10 ~~to the total two thousand federal decennial census population of the~~  
 11 ~~city, town or village party to such consolidation, merger or dissol-~~  
 12 ~~ution.] In instances of the dissolution of a village located in more~~  
 13 ~~than one town, such additional aid shall equal the sum of fifteen~~  
 14 ~~percent of the real property taxes levied by such village in the village~~  
 15 ~~fiscal year prior to the village fiscal year in which such dissolution~~  
 16 ~~took effect plus fifteen percent of the average amount of real property~~  
 17 ~~taxes levied by the towns in which the village was located in the town~~  
 18 ~~fiscal year prior to the town fiscal year in which such dissolution took~~  
 19 ~~effect, and shall be divided among such towns based on the percentage of~~  
 20 ~~such village's population that resided in each such town as of the most~~  
 21 ~~recent federal decennial census.~~ Such additional aid shall be appor-  
 22 tioned and paid to the chief fiscal officer of each consolidated or  
 23 merged municipality on audit and warrant of the state comptroller out of  
 24 moneys appropriated by the legislature for such purpose to the credit of  
 25 the local assistance fund in the general fund of the state treasury in  
 26 the same "on or before month and day" manner as the municipality's base  
 27 level grant is paid pursuant to subparagraph (i) of paragraph i of this  
 28 subdivision. Any municipality receiving a merger incentive award pursu-  
 29 ant to this [~~subparagraph~~] paragraph shall use such aid only for general  
 30 municipal purposes. In no case shall [~~a municipality's annual~~] the addi-  
 31 tional aid pursuant to this [~~subparagraph~~] paragraph exceed one million  
 32 dollars. Such additional aid shall in subsequent state fiscal years be  
 33 considered prior year aid for the purposes of determining such merged,  
 34 consolidated or surviving municipality's base level grant pursuant to  
 35 paragraph b of this subdivision.

36 § 7. Clause 1 of subparagraph (i) of paragraph o of subdivision 10 of  
 37 section 54 of the state finance law, as added by section 7 of part 0 of  
 38 chapter 56 of the laws of 2008, is amended to read as follows:

39 (1) For the purposes of this paragraph, "municipality" shall mean  
 40 counties, cities, towns, villages, special improvement districts, fire  
 41 districts, [~~library districts~~] public libraries, association libraries,  
 42 water authorities, sewer authorities, regional planning and development  
 43 boards, school districts, and boards of cooperative educational  
 44 services; provided, however, that for the purposes of this definition, a  
 45 board of cooperative educational services shall be considered a muni-  
 46 cipality only in instances where such board of cooperative educational  
 47 services advances a joint application on behalf of school districts and  
 48 other municipalities within the board of cooperative educational  
 49 services region; provided, however, that any agreements with a board of  
 50 cooperative educational services: shall not generate additional state  
 51 aid; shall be deemed not to be a part of the program, capital and admin-  
 52 istrative budgets of the board of cooperative educational services for  
 53 the purposes of computing charges upon component school districts pursu-  
 54 ant to subparagraph seven of paragraph b of subdivision four of section  
 55 nineteen hundred fifty and subdivision one of section nineteen hundred  
 56 fifty and subdivision one of section nineteen hundred fifty-one of the

1 education law; and shall be deemed to be a cooperative municipal service  
 2 for purposes of subparagraph two of paragraph d of subdivision four of  
 3 section nineteen hundred fifty of the education law.

4 § 8. Notwithstanding any other law to the contrary, for the state  
 5 fiscal year beginning April 1, 2010, and in each state fiscal year ther-  
 6 eafter, fifteen million dollars of aid and incentives for municipalities  
 7 otherwise due and payable to the city of Yonkers on or before March 31  
 8 shall be paid on or before June 30 in such fiscal year upon written  
 9 request by the chief elected official of such city to the director of  
 10 the budget, provided such request is made no later than April 1, 2010.

11 § 9. This act shall take effect immediately; and shall be deemed to  
 12 have been in full force and effect on and after April 1, 2009.

13 PART HH

14 Intentionally omitted.

15 PART II

16 Section 1. Section 2 of chapter 540 of the laws of 1992, amending the  
 17 real property tax law relating to oil and gas charges, as amended by  
 18 chapter 140 of the laws of 2006, is amended to read as follows:

19 § 2. This act shall take effect immediately and shall be deemed to  
 20 have been in full force and effect on and after April 1, 1992; provided,  
 21 however that any charges imposed by section 593 of the real property tax  
 22 law as added by section one of this act shall first be due for values  
 23 for assessment rolls with tentative completion dates after July 1, 1992,  
 24 and provided further, that this act shall remain in full force and  
 25 effect until March 31, ~~2009~~ 2012, at which time section 593 of the  
 26 real property tax law as added by section one of this act shall be  
 27 repealed.

28 § 2. This act shall take effect immediately and shall be deemed to  
 29 have been in full force and effect on and after April 1, 2009.

30 PART JJ

31 Section 1. Subdivision 3 of section 333 of the real property law, as  
 32 separately amended by section 2 of part B of chapter 57 and chapter 521  
 33 of the laws of 2004, is amended to read as follows:

34 3. The recording officer of every county and the city of New York  
 35 shall impose a fee of one hundred sixty-five dollars, or in the case of  
 36 a transfer involving qualifying residential or farm property as defined  
 37 by paragraph iv of subdivision one-e of this section, a fee of seventy-  
 38 five dollars, for every real property transfer reporting form submitted  
 39 for recording as required under subdivision one-e of this section. In  
 40 the city of New York, the recording officer shall impose a fee of fifty  
 41 dollars for each real property transfer tax form filed in accordance  
 42 with chapter twenty-one of title eleven of the administrative code of  
 43 the city of New York, except where a real property transfer reporting  
 44 form is also submitted for recording for the transfer as required under  
 45 subdivision one-e of this section. The recording officer shall deduct  
 46 nine dollars from such fee and remit the remainder of the revenue  
 47 collected to the state office of real property services every month for  
 48 deposit ~~[in the improvement of real property tax administration account~~  
 49 ~~established pursuant to section ninety seven 11 of the state finance~~

1 ~~law]~~ into the general fund. The amount duly deducted by the recording  
2 officer shall be retained by the county or by the city of New York.

3 § 2. Subdivision 3 of section 333 of the real property law, as amended  
4 by section one of this act, is amended to read as follows:

5 3. The recording officer of every county and the city of New York  
6 shall impose a fee of [~~one hundred sixty-five~~] two hundred fifty  
7 dollars, or in the case of a transfer involving qualifying residential  
8 or farm property as defined by paragraph iv of subdivision one-e of this  
9 section, a fee of [~~seventy-five~~] one hundred twenty-five dollars, for  
10 every real property transfer reporting form submitted for recording as  
11 required under subdivision one-e of this section. In the city of New  
12 York, the recording officer shall impose a fee of [~~fifty~~] one hundred  
13 dollars for each real property transfer tax form filed in accordance  
14 with chapter twenty-one of title eleven of the administrative code of  
15 the city of New York, except where a real property transfer reporting  
16 form is also submitted for recording for the transfer as required under  
17 subdivision one-e of this section. The recording officer shall deduct  
18 nine dollars from such fee and remit the remainder of the revenue  
19 collected to the state office of real property services every month for  
20 deposit into the general fund. The amount duly deducted by the record-  
21 ing officer shall be retained by the county or by the city of New York.

22 § 3. Subdivisions 2 and 3 of section 97-11 of the state finance law,  
23 as amended by section 2 of part C-2 of chapter 62 of the laws of 2003,  
24 are amended to read as follows:

25 2. [~~All revenue received by the state office of real property services~~  
26 ~~from the state share of a recording fee pertaining to the transfer of~~  
27 ~~real property shall be deposited to the credit of the improvement of~~  
28 ~~real property tax administration account.~~

29 3.] Moneys within the improvement of real property tax administration  
30 account, upon appropriation by the legislature, shall be available to  
31 the state office of real property services for all services and expenses  
32 of the state office which relate to activities including, but not limit-  
33 ed to, preparation and certification of state equalization rates, the  
34 administration of state technical and financial assistance to local  
35 governments, review and certification of adjusted base proportions for  
36 special assessing units and approved assessing units pursuant to arti-  
37 cles eighteen and nineteen of the real property tax law, the determi-  
38 nation of class equalization rates for portions within special assessing  
39 units and approved assessing units pursuant to article twelve of the  
40 real property tax law, continuance of the market value survey cycle,  
41 maintenance of effort in the production of agricultural lands value  
42 assessments, advisory appraisals, and assessor training and certifi-  
43 cation.

44 § 4. This act shall take effect immediately; provided, however that  
45 section two of this act shall take effect June 1, 2009 and shall be  
46 applicable to conveyances submitted for recording on and after such  
47 date.

48

## PART KK

49 Section 1. Section 54-1 of the state finance law, as amended by  
50 section 1 of part R of chapter 57 of the laws of 2007, is amended to  
51 read as follows:

52 § 54-1. State assistance to eligible cities and eligible munici-  
53 palities in which a video lottery gaming facility is located. 1. Defi-  
54 nitions. When used in this section, unless otherwise expressly stated:

1 a. "Eligible city" shall mean [~~(i) for the fiscal year commencing~~  
 2 ~~April first, two thousand seven~~] a city with a population equal to or  
 3 greater than one hundred twenty-five thousand and less than one million  
 4 in which a video lottery gaming facility is located and operating as of  
 5 January first, two thousand nine pursuant to section sixteen hundred  
 6 seventeen-a of the tax law [~~and (ii) for the fiscal year commencing~~  
 7 ~~April first, two thousand eight and for each state fiscal year thereaft-~~  
 8 ~~er, shall mean a city with a population equal to or greater than one~~  
 9 ~~hundred twenty-five thousand in which a video lottery gaming facility is~~  
 10 ~~located pursuant to section sixteen hundred seventeen-a of the tax law].~~

11 b. "Eligible municipality" shall mean (i) for the fiscal years  
 12 commencing April first, two thousand seven and April first, two thousand  
 13 eight a county, city, town or village in which a video lottery gaming  
 14 facility is located pursuant to section sixteen hundred seventeen-a of  
 15 the tax law that is not located in a city with a population equal to or  
 16 greater than one hundred twenty-five thousand and (ii) for the fiscal  
 17 year commencing April first, two thousand nine and for each state fiscal  
 18 year thereafter, shall mean a county, city, town or village in which a  
 19 video lottery gaming facility is located and operating as of January  
 20 first, two thousand nine pursuant to section sixteen hundred seventeen-a  
 21 of the tax law that is not located in a city with a population equal to  
 22 or greater than one hundred twenty-five thousand and which is located in  
 23 a county that has a poverty rate equal to or greater than fifty percent  
 24 of the New York state poverty rate.

25 c. "Estimated net machine income" shall mean the estimated full annual  
 26 value of total revenue wagered after payout for prizes for games known  
 27 as "video lottery gaming" as authorized under article thirty-four of the  
 28 tax law during the state fiscal year in which state aid payments are  
 29 made pursuant to subdivision two of this section.

30 d. "Population" shall mean population based on the most recent federal  
 31 decennial census.

32 e. "Poverty rate" shall mean the percentage of individuals living  
 33 below the poverty level, as reported in the most recent federal decenni-  
 34 al census.

35 2. Within amounts appropriated therefor, [~~beginning in the state~~  
 36 ~~fiscal year commencing April first, two thousand seven, and in each~~  
 37 ~~state fiscal year thereafter,~~] an eligible city and an eligible munici-  
 38 pality shall receive a state aid payment as follows:

39 a. An eligible city shall receive: (i) for the state fiscal years  
 40 commencing April first, two thousand seven and April first, two thousand  
 41 eight, a state aid payment equal to three and one-half percent of the  
 42 "estimated net machine income" generated by a video lottery gaming  
 43 facility located in such eligible city. Such state aid payment shall not  
 44 exceed twenty million dollars per eligible city; and (ii) for the state  
 45 fiscal year commencing April first, two thousand nine and for each state  
 46 fiscal year thereafter, an amount equal to the state aid payment  
 47 received in the state fiscal year commencing April first, two thousand  
 48 eight.

49 b. Eligible municipalities shall receive: (i) for the state fiscal  
 50 years commencing April first, two thousand seven and April first, two  
 51 thousand eight, a share of three and one-half percent of the "estimated  
 52 net machine income" generated by a video lottery gaming facility located  
 53 within such eligible municipality as follows: [~~(i)~~] (1) twenty-five  
 54 percent shall be apportioned and paid to the county; and [~~(ii)~~] (2)  
 55 seventy-five percent shall be apportioned and paid on a pro rata basis  
 56 to eligible municipalities, other than the county, based upon the popu-

1 lation of such eligible municipalities. Such state aid payment shall not  
 2 exceed twenty-five percent of an eligible municipality's total expendi-  
 3 tures as reported in the statistical report of the comptroller in the  
 4 preceding state fiscal year pursuant to section thirty-seven of the  
 5 general municipal law; and (ii) for the state fiscal year commencing  
 6 April first, two thousand nine and for each state fiscal year thereaft-  
 7 er: (1) for an eligible municipality which is located in a county that  
 8 has a poverty rate equal to or greater than seventy-five percent of the  
 9 New York state poverty rate, an amount equal to the state aid payment  
 10 received in the state fiscal year commencing April first, two thousand  
 11 eight; and (2) for an eligible municipality which is located in a county  
 12 that has a poverty rate less than seventy-five percent of the New York  
 13 state poverty rate, an amount equal to fifty percent of the state aid  
 14 payment received in the state fiscal year commencing April first, two  
 15 thousand eight.

16 3. a. State aid payments made to an eligible city pursuant to para-  
 17 graph a of subdivision two of this section shall be used to increase  
 18 support for public schools in such city.

19 b. State aid payments made to an eligible municipality pursuant to  
 20 paragraph b of subdivision two of this section shall be used by such  
 21 eligible municipality to: (i) defray local costs associated with a video  
 22 lottery gaming facility, or (ii) minimize or reduce real property taxes.

23 4. ~~a. On or before June first of each state fiscal year, beginning in~~  
 24 ~~the state fiscal year commencing April first, two thousand seven, at the~~  
 25 ~~request of the director of the division of the budget, the director of~~  
 26 ~~the division of the lottery shall transmit a schedule of payments~~  
 27 ~~required pursuant to this section to the director of the division of the~~  
 28 ~~budget. In determining such schedule of payments, the director of the~~  
 29 ~~division of the lottery shall include a reconciliation of the state aid~~  
 30 ~~paid in the preceding fiscal year. Such reconciliation shall adjust for~~  
 31 ~~the difference between the state aid paid in the preceding fiscal year~~  
 32 ~~and what the state aid payment would have been if the actual full annual~~  
 33 ~~value of net machine income had been used in the calculation of state~~  
 34 ~~aid. Such reconciliation shall be subject to the maximum amounts identi-~~  
 35 ~~fied in subdivision two of this section for the year being reconciled.~~

36 b. ~~Notwithstanding any other provision of law to the contrary, in the~~  
 37 ~~event any eligible city or eligible municipality receives any payment~~  
 38 ~~under subdivision two of this section that has been recommended to be~~  
 39 ~~reconciled by the director of the division of the lottery as set forth~~  
 40 ~~in this subdivision, and the amounts payable pursuant to subdivision two~~  
 41 ~~of this section are insufficient to support such reconciliation, the~~  
 42 ~~comptroller shall deduct from any moneys payable to such eligible city~~  
 43 ~~or eligible municipality the amount required for such reconciliation~~  
 44 ~~upon receipt of a certification of the reconciliation amount from the~~  
 45 ~~director of the division of the lottery.~~

46 5.] Payments of state aid pursuant to this section shall be made on or  
 47 before June thirtieth of each state fiscal year to the chief fiscal  
 48 officer of each eligible city and each eligible municipality on audit  
 49 and warrant of the state comptroller out of moneys appropriated by the  
 50 legislature for such purpose to the credit of the local assistance fund  
 51 in the general fund of the state treasury.

52 § 2. This act shall take effect immediately and shall be deemed to  
 53 have been in full force and effect on and after April 1, 2009.

1 Intentionally omitted.

2 PART MM

3 Intentionally omitted.

4 PART NN

5 Intentionally omitted.

6 PART OO

7 Intentionally omitted.

8 PART PP

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

- 13 1. Tuition reimbursement fund (050):
  - 14 a. Tuition reimbursement account (01).
  - 15 b. Proprietary vocational school supervision account (02).
- 16 2. Local government records management improvement fund (052):
  - 17 a. Local government records management account (01).
- 18 3. Dedicated highway and bridge trust fund (072):
  - 19 a. Highway and bridge capital account (01).
- 20 4. State University Residence Hall Rehabilitation Fund (074).
- 21 5. State parks infrastructure trust fund (076):
  - 22 a. State parks infrastructure account (01).
- 23 6. Clean water/clean air implementation fund (079).
- 24 7. State lottery fund (160):
  - 25 a. Education - New (03).
  - 26 b. VLT - Admin (05).
  - 27 c. VLT - Sound basic education fund (06).
- 28 8. Medicaid management information system escrow fund (179).
- 29 9. Federal operating grants fund (290) federal capital grants fund  
30 (291).
- 31 10. Sewage treatment program management and administration fund (300).
- 32 11. Environmental conservation special revenue fund (301):
  - 33 a. Hazardous bulk storage account (F7).
  - 34 b. Utility environmental regulation account (H4).
  - 35 c. Low level radioactive waste siting account (K5).
  - 36 d. Recreation account (K6).
  - 37 e. Conservationist magazine account (S4).
  - 38 f. Environmental regulatory account (S5).
  - 39 g. Natural resource account (S6).
  - 40 h. Mined land reclamation program account (XB).
  - 41 i. Federal grants indirect cost recovery account (IC).
- 42 12. Environmental protection and oil spill compensation fund (303).
- 43 13. Hazardous waste remedial fund (312):
  - 44 a. Site investigation and construction account (01).
  - 45 b. Hazardous waste remedial clean up account (06).
- 46 14. Mass transportation operating assistance fund (313):
  - 47 a. Public transportation systems account (01).
  - 48 b. Metropolitan mass transportation (02).

- 1 15. Clean air fund (314):
  - 2 a. Operating permit program account (01).
  - 3 b. Mobile source account (02).
- 4 16. Centralized services fund (323).
- 5 17. State exposition special fund (325).
- 6 18. Agency enterprise fund (331):
  - 7 a. OGS convention center account (55).
- 8 19. Agencies internal service fund (334):
  - 9 a. Archives records management account (02).
  - 10 b. Federal single audit account (05).
  - 11 c. Quick copy center account (07).
  - 12 d. Civil service law: sec 11 admin account (09).
  - 13 e. Civil service EHS occupational health program account (10).
  - 14 f. Banking services account (12).
  - 15 g. Cultural resources survey account (14).
  - 16 h. Neighborhood work project (17).
  - 17 i. Automation & printing chargeback account (18).
  - 18 j. OFT NYT account (20).
  - 19 k. Data center account (23).
  - 20 l. Human service telecom account (24).
  - 21 m. Centralized Technology services account (30).
  - 22 n. OMRDD copy center account (26).
  - 23 o. Intrusion detection account (27).
  - 24 p. Domestic violence grant account (28).
- 25 20. Miscellaneous special revenue fund (339):
  - 26 a. Statewide planning and research cooperative system account (03).
  - 27 b. OMRDD provider of service account (05).
  - 28 c. New York state thruway authority account (08).
  - 29 d. Mental hygiene patient income account (13).
  - 30 e. Financial control board account (15).
  - 31 f. Regulation of racing account (16).
  - 32 g. New York metropolitan transportation council account (17).
  - 33 h. Quality of care account (20).
  - 34 i. Cyber upgrade account (25).
  - 35 j. Certificate of need account (26).
  - 36 k. Hospital and nursing home management account (44).
  - 37 l. State university dormitory income reimbursable account (47).
  - 38 m. Training, management and evaluation (50).
  - 39 n. Energy research account (60).
  - 40 o. Criminal justice improvement account (62).
  - 41 p. Fingerprint identification and technology account (68).
  - 42 q. Environmental laboratory reference fee account (81).
  - 43 r. Clinical laboratory reference system assessment account (90).
  - 44 s. Public employment relations board account (93).
  - 45 t. Radiological health protection account (95).
  - 46 u. Teacher certification account (A4).
  - 47 v. Banking department account (A5).
  - 48 w. Cable television account (A6).
  - 49 x. Indirect cost recovery account (AH).
  - 50 y. High school equivalency program account (AI).
  - 51 z. Rail safety inspection account (AQ).
  - 52 aa. Child support revenue account (AX).
  - 53 bb. Multi-agency training account (AY).
  - 54 cc. Critical infrastructure account (B3).
  - 55 dd. Insurance department account (B6).
  - 56 ee. Bell jar collection account (BJ).

1 ff. Industry and utility service account (BK).  
2 gg. Real property disposition account (BP).  
3 hh. Parking account (BQ).  
4 ii. Asbestos safety training program account (BW).  
5 jj. Improvement of real property tax administration account (BZ).  
6 kk. Public service account (C3).  
7 ll. Plant industry account (CZ).  
8 mm. Batavia school for the blind account (D9).  
9 nn. Investment services account (DC).  
10 oo. Surplus property account (DE).  
11 pp. OMRDD day services account (DH).  
12 qq. Financial oversight account (DI).  
13 rr. Regulation of indian gaming account (DT).  
14 ss. Special conservation activities account (CU).  
15 tt. Interest assessment account (DZ).  
16 uu. Office of the professions account (E3).  
17 vv. Rome school for the deaf account (E6).  
18 ww. Seized assets account (E8).  
19 xx. Administrative adjudication account (E9).  
20 yy. Client notices system (EG).  
21 zz. Federal salary sharing account (EC).  
22 aaa. Cultural education account (EN).  
23 bbb. Examination and miscellaneous revenue account (ER).  
24 ccc. Transportation regulation account (F1).  
25 ddd. Local services account (G3).  
26 eee. Electronic benefit transfer and common benefit identification  
27 card account (GD).  
28 fff. Housing special revenue account (H2).  
29 ggg. Department of motor vehicles compulsory insurance account (H7).  
30 hhh. Housing Indirect cost recovery (HI).  
31 iii. Housing credit agency application fee account (J5).  
32 jjj. EPIC premium account (J6).  
33 kkk. Federal gasoline and diesel fuel excise tax account (L6).  
34 lll. OTDA earned revenue account (L7).  
35 mmm. Medical assistance disability account (LF).  
36 nnn. Low income housing credit monitoring fee account (NG).  
37 ooo. Procurement opportunities newsletter account (P4).  
38 ppp. Corporation administration account (P6).  
39 qqq. Montrose veteran's home account (Q6).  
40 rrr. Excelsior capital corporation reimbursement account (R1).  
41 sss. Motor fuel quality account (R4).  
42 ttt. Weights and measures account (R5).  
43 uuu. Deferred compensation administration account (R7).  
44 vvv. Rent revenue other account (RR).  
45 www. Batavia medicaid income account (S1).  
46 xxx. Rent revenue account (S8).  
47 yyy. Tax revenue arrearage account (TR).  
48 zzz. Solid waste management account (W3).  
49 aaaa. Occupational health clinics account (W4).  
50 bbbb. Capacity contracting (XU).  
51 cccc. Point insurance reduction program account.  
52 dddd. Internet point insurance reduction program account.  
53 eeee. Mental hygiene program fund account (10).  
54 21. State university income fund (345):  
55 a. State university general income offset account (11).  
56 22. State police and motor vehicle law enforcement fund (354):

- 1 a. State police motor vehicle law enforcement account (02).  
2 23. Youth facilities improvement fund (357):  
3 a. Youth facilities improvement account (01).  
4 24. Highway safety program fund (362):  
5 a. Highway safety program account (01).  
6 25. Drinking water program management and administration fund (366):  
7 a. EFC drinking water program account (01).  
8 b. DOH drinking water program account (02).  
9 26. New York city county clerks offset fund (368):  
10 a. NYCCC operating offset account (01).  
11 27. Housing assistance fund (374).  
12 28. Housing program fund (376).  
13 29. Department of transportation - engineering services fund (380):  
14 a. Highway facility purpose account (01).  
15 30. Miscellaneous capital projects fund (387):  
16 a. Clean air capital account (08).  
17 b. New York racing account.  
18 31. Mental hygiene facilities capital improvement fund (389).  
19 32. Joint labor/management administration fund (394):  
20 a. Joint labor/management administration fund (01).  
21 33. Audit and control revolving fund (395):  
22 a. Executive direction internal audit account (04).  
23 34. Health insurance internal service fund (396):  
24 a. Health insurance internal service account (00).  
25 b. Civil service employee benefits div admin (01).  
26 35. Correctional industries revolving fund (397).  
27 36. Correctional facilities capital improvement fund (399).  
28 37. Industrial exhibit authority fund (450).  
29 38. Federal unemployment insurance administration fund (480):  
30 a. UI administration (01).  
31 39. Federal unemployment insurance occupational training fund (484):  
32 a. Federal unemployment insurance occupational training (00).  
33 b. Disaster relief grants (01).  
34 40. Federal employment and training grants (486):  
35 a. DOL workforce investment act (09).  
36 41. HCRA resources fund (061):  
37 a. EPIC premium account (J6).  
38 b. Maternal and child HIV services account (LC).  
39 c. Hospital based grants program account (AF).  
40 d. Child health plus program account (29).  
41 § 1-a. The state comptroller is hereby authorized and directed to loan  
42 money in accordance with the provisions set forth in subdivision 5 of  
43 section 4 of the state finance law to any account within the following  
44 federal funds, provided the comptroller has made a determination that  
45 sufficient federal grant award authority is available to reimburse such  
46 loans:  
47 1. Federal USDA-food nutrition services fund (261).  
48 2. Federal health and human services fund (265).  
49 3. Federal education grants fund (267).  
50 4. Federal block grant fund (269).  
51 5. Federal operating grants fund (290).  
52 6. Federal capital projects fund (291).  
53 § 2. Notwithstanding any law to the contrary, and in accordance with  
54 section 4 of the state finance law, the comptroller is hereby authorized  
55 and directed to transfer, upon request of the director of the budget, on

1 or before March 31, 2010, up to the unencumbered balance or the follow-  
2 ing amounts:

3 Economic Development and Public Authorities:

4 1. \$300,000 from the miscellaneous special revenue fund (339) under-  
5 ground facilities safety training account (US), to the general fund.

6 2. An amount up to the unencumbered balance from the miscellaneous  
7 special revenue fund (339), business and licensing services account (AG),  
8 to the general fund.

9 3. \$14,260,000 from the miscellaneous special revenue fund (339), code  
10 enforcement account (07), to the general fund.

11 4. \$15,000,000 from the miscellaneous special revenue fund (339),  
12 insurance department account (B6), to the general fund.

13 5. \$8,000,000 from the miscellaneous special revenue fund (339), bank-  
14 ing department account (A5), to the general fund.

15 6. \$177,700,000 from the miscellaneous special revenue fund (339),  
16 insurance department account (B6), to the health care reform fund (061),  
17 HCRA undistributed account (99).

18 Education:

19 1. \$2,279,000,000 from the general fund to the state lottery fund  
20 (160), education account (03), as reimbursement for disbursements made  
21 from such fund for supplemental aid to education pursuant to section  
22 92-c of the state finance law that are in excess of the amounts deposit-  
23 ed in such fund for such purposes pursuant to section 1612 of the tax  
24 law.

25 2. \$478,000,000 from the general fund to the state lottery fund (160),  
26 VLT education account (06), as reimbursement for disbursements made from  
27 such fund for supplemental aid to education pursuant to section 92-c of  
28 the state finance law that are in excess of the amounts deposited in  
29 such fund for such purposes pursuant to section 1612 of the tax law.

30 3. Moneys from the state lottery fund (160) up to an amount deposited  
31 in such fund pursuant to section 1612 of the tax law in excess of the  
32 current year appropriation for supplemental aid to education pursuant to  
33 section 92-c of the state finance law.

34 4. \$300,000 from the local government records management improvement  
35 fund (052) to the archives partnership trust fund (024).

36 5. \$700,000 from the general fund to the miscellaneous special revenue  
37 fund (339), Batavia school for the blind account (D9).

38 6. \$400,000 from the general fund to the miscellaneous special revenue  
39 fund (339), Rome school for the deaf account (E6).

40 7. \$1,500,000 from the general fund for the private schools for the  
41 blind and deaf may be transferred to the department of health miscella-  
42 neous special revenue fund (339), quality assurance and audit revenue  
43 activities account (GB). Notwithstanding any other law, rule or regu-  
44 lation to the contrary, funds shall be available for transfer to the  
45 department of health miscellaneous special revenue fund (339), quality  
46 assurance and audit revenue activities account (GB), upon the approval  
47 by the director of the budget of a staffing and expenditure plan devel-  
48 oped by the department of health in consultation with the state educa-  
49 tion department.

50 8. \$40,000,000 from the state university dormitory income fund (330)  
51 to the state university residence hall rehabilitation fund (074).

52 9. \$315,000,000 from the state university dormitory income fund (330)  
53 to the miscellaneous special revenue fund (339), state university dormi-  
54 tory income reimbursable account (47).

55 10. \$500,000 from the miscellaneous special revenue fund (339), volun-  
56 teer recruitment service scholarships account (VR) to the general fund.

- 1 11. \$1,000,000 from the miscellaneous special revenue fund (339),  
2 cultural education account (EN), to the miscellaneous special revenue  
3 fund (339), summer school of the arts account (38).
- 4 12. \$22,000,000 from the state university income fund (345), state  
5 university general income fund reimbursable account (10), to the general  
6 fund.
- 7 13. \$24,000,000 from any of the state education department special  
8 revenue and internal service funds to the miscellaneous special revenue  
9 fund (339), indirect cost recovery account (AH).
- 10 14. \$8,318,000 from the general fund to the state university income  
11 fund (345), state university income offset account (11), for the states  
12 share of repayment of the STIP loan.
- 13 15. \$75,000,000 from the state university income fund (345), state  
14 university general income fund reimbursable account (10), to the state  
15 university income fund (345), supplemental operating fund account.
- 16 Environmental Affairs:
- 17 1. \$500,000 from the department of transportation's federal capital  
18 projects fund (291) to the office of parks and recreation federal oper-  
19 ating grants fund (290), miscellaneous operating grants account.
- 20 2. \$5,000,000 from the general fund to the hazardous waste remedial  
21 fund (312), hazardous waste remediation oversight and assistance account  
22 (00).
- 23 3. \$95,000,000 from resources made available through the use of bond  
24 financing for activities in the environmental protection fund (078),  
25 environmental protection transfer account (01), to the general fund.
- 26 4. \$5,000,000 from the general fund to the state parks infrastructure  
27 fund (076), state infrastructure account (01).
- 28 5. \$16,000,000 from any of the department of environmental conserva-  
29 tion's special revenue federal funds to the special revenue fund (301)  
30 federal grant indirect cost recovery account.
- 31 6. \$2,000,000 from any of the office of parks, recreation, and histor-  
32 ical preservation special revenue federal funds to the special revenue  
33 fund (339) federal grant indirect cost recovery account.
- 34 7. \$1,000,000 from any of the office of parks, recreation and historic  
35 preservation special revenue federal funds to the special revenue fund  
36 (339) federal grant indirect cost recovery account (Z1).
- 37 8. \$1,000,000 from any of the office of parks, recreation and historic  
38 preservation special revenue federal funds to the special revenue fund  
39 (339), I love NY water account (39).
- 40 9. \$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), patron services account (T2).
- 43 10. \$500 from the Hudson river valley greenway fund (056), greenway  
44 communities council account (01), to the general fund.
- 45 11. \$44 from the Hudson river valley greenway fund (056), greenway  
46 heritage conservancy account (02), to the general fund.
- 47 12. \$3,000,000 from the hazardous waste remedial fund (312) site  
48 investigation and construction account (01), to the general fund.
- 49 13. \$20,000,000 from the hazardous waste remedial fund (312) oversight  
50 and assistance account (05), to the general fund.
- 51 14. \$1,700,000 from the environmental conservation special revenue  
52 fund (301) mined land reclamation account (XB), to the general fund.
- 53 Family Assistance:
- 54 1. \$10,000,000 from any of the office of children and family services,  
55 office of temporary and disability assistance, or department of health  
56 special revenue federal funds and the general fund, in accordance with

- 1 agreements with social services districts, to the miscellaneous special  
2 revenue fund (339), office of human resources development state match  
3 account (2C).
- 4 2. \$3,000,000 from any of the office of children and family services  
5 or office of temporary and disability assistance special revenue federal  
6 funds to the miscellaneous special revenue fund (339), family preserva-  
7 tion and support services and family violence services account (GC).
- 8 3. \$6,000,000 from any of the office of children and family services  
9 special revenue federal funds to the general fund for title IV-E  
10 reimbursement of youth facility costs.
- 11 4. \$28,000,000 from any of the office of children and family services,  
12 office of temporary and disability assistance, or department of health  
13 special revenue federal funds and any other miscellaneous revenues  
14 generated from the operation of office of children and family services  
15 programs to the miscellaneous special revenue fund (339), office of  
16 children and family services income account (AR).
- 17 5. \$10,000,000 from any of the office of children and family services  
18 or office of temporary and disability assistance special revenue funds  
19 or the general fund to the miscellaneous special revenue fund (339),  
20 connections account (WK).
- 21 6. \$41,000,000 from any of the office of temporary and disability  
22 assistance accounts within the federal health and human services fund  
23 (265) to the general fund.
- 24 7. \$7,300,000 from the federal health and human services fund (265) to  
25 the miscellaneous special revenue fund (339), ODD earned revenue account  
26 (AD).
- 27 8. \$8,300,000 from any of the office of temporary and disability  
28 assistance accounts within the federal health and human services fund  
29 (265) to the miscellaneous special revenue fund (339), client notices  
30 account (EG).
- 31 9. \$81,886,000 from any of the office of temporary and disability  
32 assistance, department of health or office of children and family  
33 services special revenue funds to the miscellaneous special revenue fund  
34 (339), office of temporary and disability assistance earned revenue  
35 account (L7).
- 36 10. \$4,309,000 from the federal block grant fund (269) or the federal  
37 health and human services fund (265) to the miscellaneous special reven-  
38 ue fund (339), home energy assistance earned revenue account (QA).
- 39 11. \$7,500,000 from any of the office of temporary and disability  
40 assistance or office of children and family services special revenue  
41 federal funds to the miscellaneous special revenue fund (339), office of  
42 temporary and disability assistance program account (AL).
- 43 12. \$50,000,000 from any of the office of children and family  
44 services, office of temporary and disability assistance, department of  
45 labor, and department of health special revenue federal funds to the  
46 office of children and family services miscellaneous special revenue  
47 fund (339), multi-agency training contract account (AY).
- 48 13. \$30,000,000 from the office of temporary and disability assistance  
49 federal health and human services fund (265) to the miscellaneous  
50 special revenue fund (339), child support revenue account (AX).
- 51 14. \$6,300,000 from any of the office of children and family services,  
52 office of temporary and disability assistance, department of labor, or  
53 department of health special revenue funds to the office of temporary  
54 and disability assistance miscellaneous special revenue fund (339),  
55 multi-agency systems development account (MD).

- 1 15. \$2,322,000 from any of the office of temporary and disability  
2 assistance special revenue federal funds, in accordance with agreements  
3 with social services districts, to the miscellaneous special revenue  
4 fund (339), OTDA office of human resources development state match  
5 account (49).
- 6 16. \$10,731,000 from any of the office of temporary and disability  
7 assistance special revenue federal funds, to the miscellaneous special  
8 revenue fund (339), OTDA training contract account (48).
- 9 17. \$97,000 from the employment training fund (341), JTPA youth  
10 employment account (04), to the general fund.
- 11 18. \$147,000 from the employment training fund (341), JTPA youth  
12 employment account (01), to the general fund.
- 13 19. \$6,000,000 from the miscellaneous special revenue fund (339),  
14 adult shelter sanction account (GA), to the general fund.
- 15 20. \$203,000,000 from the miscellaneous special revenue fund (339),  
16 youth facility per Diem account (YF), to the general fund.
- 17 21. \$10,000,000 from the miscellaneous special revenue fund (339),  
18 office of temporary and disability assistance earned revenue account  
19 (L7), to the general fund.
- 20 22. \$1,381,800 from the general fund to the children and family trust  
21 fund (020).
- 22 23. \$13,000 from the agency enterprise fund (331) training materials  
23 account (07), to the general fund.
- 24 24. \$7,000,000 from any of the office of temporary and disability  
25 assistance accounts within the federal health and human services fund  
26 (265), to the general fund.
- 27 25. \$1,300,000 from any of the office of temporary and disability  
28 assistance and department of health special revenue federal funds to the  
29 miscellaneous special revenue fund (339), welfare inspector general  
30 administrative reimbursement account (WW).
- 31 26. \$1,000,000 from any of the office of children and family services  
32 or office of temporary and disability assistance special revenue federal  
33 funds and any other miscellaneous revenues generated from the operation  
34 of office of children and family services programs to the miscellaneous  
35 special revenue fund (339), office of children and family services  
36 program account (L4).
- 37 General Government:
- 38 1. \$1,545,000 from the miscellaneous special revenue fund (339), exam-  
39 ination and miscellaneous revenue account (ER) to the general fund.
- 40 2. \$12,500,000 from the general fund to the health insurance revolving  
41 fund (396).
- 42 3. \$192,400,000 from the health insurance reserve receipts fund (167)  
43 to the general fund.
- 44 4. \$150,000 from the general fund to the not-for-profit revolving loan  
45 fund (055).
- 46 5. \$150,000 from the not-for-profit revolving loan fund (055) to the  
47 general fund.
- 48 6. \$11,000,000 from the miscellaneous special revenue fund (339), real  
49 property disposition account (BP), to the general fund.
- 50 7. \$3,000,000 from the miscellaneous special revenue fund (339),  
51 surplus property account (DE), to the general fund.
- 52 8. \$21,480,000 from the general fund to the miscellaneous special  
53 revenue fund (339), alcoholic beverage control account (DB).
- 54 9. \$2,000,000 from the miscellaneous special revenue fund (339),  
55 federal liability account (FL), to the general fund.

- 1 10. \$10,000,000 from centralized services fund (323), OGS building  
2 administration account (ZY), to the general fund.
- 3 11. \$16,580,000 from the miscellaneous special revenue fund (339),  
4 revenue arrearage account (CR), to the general fund.
- 5 12. \$1,326,000 from the miscellaneous special revenue fund (339)  
6 revenue arrearage account (CR), to the miscellaneous special revenue  
7 fund (339) authority budget office account.
- 8 13. \$1,000,000 from the miscellaneous special revenue fund (339),  
9 parking services account (BQ), to the general debt service fund (311),  
10 general debt service account.
- 11 14. Intentionally omitted.
- 12 15. \$60,000,000 from any account within the special revenue federal  
13 funds receiving money pursuant to federal Medicare Part D legislation to  
14 the general fund.
- 15 Health:
- 16 1. \$1,500,000 from any of the department of health accounts within the  
17 federal health and human services fund (265) to the miscellaneous  
18 special revenue fund (339), quality assurance and audit revenue activ-  
19 ities account (GB).
- 20 2. \$139,560,000 from any of the department of health accounts within  
21 the federal health and human services fund (265) to the miscellaneous  
22 special revenue fund (339), quality of care account (20).
- 23 3. \$1,000,000 from the general fund to the combined gifts, grants and  
24 bequests fund (020), breast cancer research and education account (BD),  
25 an amount equal to the monies collected and deposited into that account  
26 in the previous fiscal year.
- 27 4. \$2,464,000 from any of the department of health accounts within the  
28 federal health and human services fund (265) to the department of health  
29 miscellaneous special revenue fund (339), statewide planning and  
30 research cooperation system (SPARCS) program account (03).
- 31 5. \$250,000 from the general fund to the combined gifts, grants and  
32 bequests fund (020), prostate cancer research, detection, and education  
33 account (PR), an amount equal to the moneys collected and deposited into  
34 that account in the previous fiscal year.
- 35 6. \$500,000 from the general fund to the combined gifts, grants and  
36 bequests fund (020), Alzheimer's disease research and assistance account  
37 (AA), an amount equal to the moneys collected and deposited into that  
38 account in the previous fiscal year.
- 39 7. \$1,000,000 from the miscellaneous special revenue fund (339),  
40 administration account (AP), to the general fund.
- 41 8. \$600,000,000 from any of the department of health accounts within  
42 the federal health and human services fund (265) to the miscellaneous  
43 special revenue fund (339), federal state health reform partnership  
44 account (FS).
- 45 9. \$85,000,000 from the general fund to the miscellaneous special  
46 revenue fund (339) empire state stem cell trust fund account (SR).
- 47 10. \$1,250,000 from the miscellaneous new york state agency fund  
48 (169), medical assistance account to the department of health miscella-  
49 neous special revenue fund (339), third party health insurance account  
50 (35).
- 51 11. \$3,700,000 from the miscellaneous new york state agency fund  
52 (169), medical assistance account to the office of medicaid inspector  
53 general miscellaneous special revenue fund (339), recoveries and revenue  
54 account (C9).
- 55 Labor:

- 1 1. \$700,000 from the labor standards miscellaneous special revenue  
2 fund (339), fee and penalty account (30), to the child performer  
3 protection fund (025), child performer protection account (CP).
- 4 2. \$9,000,000 from the labor standards miscellaneous special revenue  
5 fund (339), fee and penalty account (30), to the general fund.
- 6 3. \$9,000,000 from the occupational safety and health special revenue  
7 fund (305), occupational safety and health training and education  
8 account (01), to the general fund.
- 9 4. \$5,000,000 from the unemployment insurance interest and penalty  
10 special revenue fund (482), unemployment insurance special interest and  
11 penalty account (01), to the general fund.
- 12 Mental Hygiene:
- 13 1. \$5,000,000 from the miscellaneous special revenue fund (339),  
14 mental hygiene patient income account (13), to the miscellaneous special  
15 revenue fund (339), federal salary sharing account (EC).
- 16 2. \$10,000,000 from the miscellaneous special revenue fund (339),  
17 mental hygiene patient income account (13), to the miscellaneous special  
18 revenue fund (339), federal salary sharing account (EC).
- 19 3. \$190,000,000 from the miscellaneous special revenue fund (339),  
20 mental hygiene patient income account (13) to the miscellaneous special  
21 revenue fund (339), provider of service accounts (05).
- 22 4. \$144,000,000 from the miscellaneous special revenue fund (339),  
23 mental hygiene program fund account (10) to the miscellaneous special  
24 revenue fund (339), provider of service account (05).
- 25 5. \$150,000,000 from the general fund to the miscellaneous special  
26 revenue fund (339), mental hygiene patient income account (13).
- 27 6. \$150,000,000 from the general fund to the miscellaneous special  
28 revenue fund (339), mental hygiene program fund account (10).
- 29 7. \$3,600,000 from the miscellaneous special revenue fund (332),  
30 Intermediate Care Facility (ICF)/Home and Community Based Services  
31 (HCBS) loan account (05), to the general fund.
- 32 8. \$197,400,000 from the miscellaneous special revenue fund (339),  
33 mental hygiene program fund account (10) to the general fund.
- 34 9. \$24,200,000 from the miscellaneous special revenue fund (339),  
35 mental hygiene patient income account (13) to the general fund.
- 36 Public Protection:
- 37 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-  
38 gency management account (61), to the general fund.
- 39 2. \$3,300,000 from the general fund to the miscellaneous special  
40 revenue fund (339), recruitment incentive account (U2).
- 41 3. \$14,000,000 from the general fund to the correctional industries  
42 revolving fund (397), correctional industries internal service account  
43 (00).
- 44 4. \$25,500,000 from the miscellaneous special revenue fund (339),  
45 statewide public safety communications account (LZ), to the miscella-  
46 neous special revenue fund (339), seized assets account (E8).
- 47 5. \$1,500,000 from the miscellaneous special revenue fund (339),  
48 statewide public safety communications account (LZ), to the combined  
49 gifts, grants and bequests fund (020), New York state emergency services  
50 revolving loan account (AU).
- 51 6. \$10,000,000 from the miscellaneous special revenue fund (339),  
52 statewide public safety communications account (LZ), to the miscella-  
53 neous special revenue fund (339), local wireless public safety answering  
54 point account (LW).

- 1 7. \$23,559,000 from the miscellaneous special revenue fund (339),  
2 statewide public safety communications account (LZ), to the general debt  
3 service fund (311), revenue bond tax account (02).
- 4 8. \$10,000,000 from federal miscellaneous operating grants fund (290),  
5 DMNA damage account (71), to the general fund.
- 6 9. \$6,000,000 from the general fund to the miscellaneous special  
7 revenue fund (339), crimes against revenue program account (CA).
- 8 10. \$2,000,000 from the general fund to the Attica state employee  
9 victims' fund (013).
- 10 11. \$20,000,000 from any office of homeland security account within  
11 the federal miscellaneous operating grants fund (290), receiving money  
12 through the homeland security grants program, to the general fund.
- 13 12. \$11,500,000 from the federal miscellaneous operating grants fund  
14 (290) world trade center account, to the general fund.
- 15 13. \$4,800,000 from the federal miscellaneous operating grants fund  
16 (290) world trade center account, to the miscellaneous special revenue  
17 fund (339) New York alert account.
- 18 14. \$100,000,000 from the miscellaneous special revenue fund (339),  
19 statewide public safety communications account (LZ), to the state capi-  
20 tal projects fund (002).
- 21 15. \$9,946,000 from the miscellaneous special revenue fund (339) crim-  
22 inal justice improvement account (62) to the general fund.
- 23 16. \$7,200,000 from the miscellaneous special revenue fund (390) indi-  
24 gent legal services fund (01), to the general fund.
- 25 17. \$600,000 from the agency enterprise fund (331) farm program  
26 account (FM), to the general fund.
- 27 Transportation:
- 28 1. \$17,672,000 from the federal miscellaneous operating grants fund  
29 (290) to the special revenue fund (339), tri-state federal regional  
30 planning account (17).
- 31 2. \$20,147,000 from the federal capital projects fund (291) to the  
32 special revenue fund (339), tri-state federal regional planning accounts  
33 (17).
- 34 3. \$12,300,000 from the miscellaneous special revenue fund (339),  
35 compulsory insurance account (H7), to the general fund.
- 36 4. \$20,000,000 from the suburban transportation fund (327) to the mass  
37 transportation operating assistance fund (313), additional mass trans-  
38 portation fund account (06).
- 39 5. \$14,183,000 from the general fund to the mass transportation oper-  
40 ating assistance fund (313) public transportation systems accounts (01).
- 41 6. \$16,721,000 from the mass transportation operating assistance fund  
42 (313) metropolitan mass transit operating assistance account (02), to  
43 the mass transportation operating assistance fund (313) public transpor-  
44 tation systems operating assistance account (01).
- 45 7. \$478,234,000 from the general fund to the dedicated highway and  
46 bridge trust fund (072).
- 47 Miscellaneous:
- 48 1. \$75,000,000 from the general fund to any funds or accounts for the  
49 purpose of reimbursing certain outstanding accounts receivable balances.
- 50 2. \$250,000,000 from the general fund to the debt reduction reserve  
51 fund (064).
- 52 3. \$23,300,000 from the general fund to the miscellaneous special  
53 revenue fund (339), improvement of real property tax administrative  
54 account (BZ).

1 § 3. Notwithstanding any law to the contrary, and in accordance with  
2 section 4 of the state finance law, the comptroller is hereby authorized  
3 and directed to transfer, on or before March 31, 2010:

4 1. Upon request of the commissioner of environmental conservation, up  
5 to \$10,463,500 from revenues credited to any of the department of envi-  
6 ronmental conservation special revenue funds, including \$3,068,300 from  
7 the environmental protection and oil spill compensation fund (303), and  
8 \$1,723,000 from the conservation fund (302), to the environmental  
9 conservation special revenue fund (301), indirect charges account (BJ).

10 2. Upon request of the commissioner of agriculture and markets, up to  
11 \$3,000,000 from any special revenue fund or enterprise fund within the  
12 department of agriculture and markets to the miscellaneous special  
13 revenue fund (339) administrative costs account, to pay appropriate  
14 administrative expenses.

15 3. Upon request of the commissioner of agriculture and markets, up to  
16 \$2,000,000 from the state exposition special fund (325), state fair  
17 receipts account (01), or the industrial exhibit authority fund (450),  
18 industrial exhibit authority account (01), to the miscellaneous capital  
19 projects fund (387), state fair capital improvement account (13).

20 4. Upon request of the commissioner of the division of housing and  
21 community renewal, up to \$2,911,000 from revenues credited to any divi-  
22 sion of housing and community renewal miscellaneous special revenue fund  
23 (339) to the agency cost recovery account (HI).

24 5. Upon request of the commissioner of health up to \$15,000,000 from  
25 revenues credited to any of the department of health's special revenue  
26 funds, to the miscellaneous special revenue fund (339), administration  
27 account (AP).

28 6. Upon request of the director of the budget, up to \$20,000,000 from  
29 the miscellaneous special revenue fund (339), statewide public safety  
30 communications account (LZ), to the general fund.

31 § 4. Notwithstanding section 2815 of the public health law or any  
32 other contrary provision of law, upon the direction of the director of  
33 the budget and the commissioner of health, the dormitory authority of  
34 the state of New York is directed to transfer seven million dollars  
35 annually from funds available and uncommitted in the New York state  
36 health care restructuring pool to the health care reform act (HCRA)  
37 resources fund - HCRA resources account.

38 § 5. Notwithstanding any law to the contrary, the state university  
39 chancellor or his designee is authorized and directed to transfer esti-  
40 mated tuition revenue balances from the state university collection fund  
41 (344) to the state university fund (345), state university revenue  
42 offset account (12) on or before March 31, 2010.

43 § 6. Notwithstanding any law to the contrary, and in accordance with  
44 section 4 of the state finance law, the comptroller is hereby authorized  
45 and directed to transfer, upon request of the state university chancel-  
46 lor or his designee, up to \$40,000,000 from the state university income  
47 fund (345), state university hospitals income reimbursable account (22)  
48 under hospital income reimbursable for services and expenses of hospital  
49 operations and capital expenditures at the state university hospitals,  
50 and the state university income fund (345) Long Island veterans' home  
51 account (09) to the state university capital projects fund (384) on or  
52 before June 30, 2010.

53 § 7. Notwithstanding any law to the contrary, and in accordance with  
54 section 4 of the state finance law, the comptroller is hereby authorized  
55 and directed to transfer, upon request of the director of the budget, up  
56 to \$128,700,000 from the general fund to the state university income

1 fund (345), state university hospitals income reimbursable account (22)  
2 during the period July 1, 2009 through June 30, 2010 to reflect ongoing  
3 state subsidy of SUNY hospitals and to pay costs attributable to the  
4 SUNY hospitals' state agency status.

5 § 8. Notwithstanding any law to the contrary, and in accordance with  
6 section 4 of the state finance law, the comptroller, after consultation  
7 with the state university chancellor or his or her designee, is hereby  
8 authorized and directed to transfer moneys, in the first instance, from  
9 the state university collection fund (344), Stony Brook hospital  
10 collection account (07), Brooklyn hospital collection account (08), and  
11 Syracuse hospital collection account (09) to the state university income  
12 fund (345), state university hospitals income reimbursable account (22)  
13 in the event insufficient funds are available in the state university  
14 income fund (345), state university hospitals income reimbursable  
15 account (22) to transfer moneys, in amounts sufficient to permit the  
16 full transfer of moneys authorized for transfer, to the general debt  
17 service fund (311) for payment of debt service related to the SUNY  
18 hospitals. Notwithstanding any law to the contrary, the comptroller is  
19 also hereby authorized and directed, after consultation with the state  
20 university chancellor or his or her designee, to transfer moneys from  
21 the state university income fund (345) to the state university income  
22 fund (345), state university hospitals income reimbursable account (22)  
23 in the event insufficient funds are available in the state university  
24 income fund (345), state university hospitals income reimbursable  
25 account (22) to pay hospital operating costs or to transfer moneys, in  
26 amounts sufficient to permit the full transfer of moneys authorized for  
27 transfer, to the general debt service fund (311) for payment of debt  
28 service related to the SUNY hospitals on or before March 31, 2010.

29 § 9. On or before March 31, 2010, the comptroller is authorized and  
30 directed to transfer the unencumbered balance from the family benefit  
31 fund (329) to the general fund.

32 § 10. On or before March 31, 2010, the comptroller is hereby author-  
33 ized and directed to deposit earnings that would otherwise accrue to the  
34 general fund that are attributable to the operation of section 98-a of  
35 the state finance law, to the agencies internal service fund (334),  
36 banking services account (12), for the purpose of meeting direct  
37 payments from such account.

38 § 11. Notwithstanding any law to the contrary, and in accordance with  
39 section 4 of the state finance law, the comptroller is hereby authorized  
40 and directed to transfer monies, upon request of the director of the  
41 budget, on or before March 31, 2010, from and to any of the following  
42 accounts: the miscellaneous special revenue fund (339), patient income  
43 account (13), the miscellaneous special revenue fund (339), mental  
44 hygiene program fund account or the general fund in any combination, the  
45 aggregate of which shall not exceed \$200 million.

46 § 12. Notwithstanding any law to the contrary, and in accordance with  
47 section 4 of the state finance law, the comptroller is hereby authorized  
48 and directed to transfer, at the request of the director of the budget,  
49 up to \$200 million from the unencumbered balance of any special revenue  
50 fund or account, or combination of funds and accounts, to the general  
51 fund. The amounts transferred pursuant to this authorization shall be in  
52 addition to any other transfers expressly authorized in the 2009-10  
53 budget. Transfers from federal funds, debt service funds, capital  
54 projects funds, or the community projects fund are not permitted pursu-  
55 ant to this authorization. The director of the budget shall notify both

1 houses of the legislature in writing prior to initiating transfers  
2 pursuant to this authorization.

3 § 13. Subdivision 5 of section 97-rrr of the state finance law, as  
4 amended by section 14 of part RR of chapter 57 of the laws of 2008, is  
5 amended to read as follows:

6 5. Notwithstanding the provisions of section one hundred seventy-one-a  
7 of the tax law, as separately amended by chapters four hundred eighty-  
8 one and four hundred eighty-four of the laws of nineteen hundred eight-  
9 y-one, or any other provisions of law to the contrary, during the fiscal  
10 year beginning April first, two thousand [~~eight~~] nine, the state comp-  
11 troller is hereby authorized and directed to deposit to the fund created  
12 pursuant to this section from amounts collected pursuant to article  
13 twenty-two of the tax law and pursuant to a schedule submitted by the  
14 director of the budget, up to [~~\$4,970,000,000~~] \$3,524,450,000, as may be  
15 certified in such schedule as necessary to meet the purposes of such  
16 fund for the fiscal year beginning April first, two thousand [~~eight~~]  
17 nine.

18 § 13-a. Section 51 of part RR of chapter 57 of the laws of 2008  
19 providing for the administration of certain funds and accounts related  
20 to the 2008-2009 budget, is amended to read as follows:

21 § 51. This act shall take effect immediately and shall be deemed to  
22 have been in full force and effect on and after April 1, 2008; provided,  
23 however, that the amendments to subdivision 6 of section 4 and subdivi-  
24 sion 4 of section 40 of the state finance law made by sections fifteen  
25 and sixteen of this act shall expire on the same date such subdivisions  
26 expire; and provided, further, however, that section thirty-four of this  
27 act shall take effect on the same date as the reversion of section 69-c  
28 of the state finance law as provided in section 58 of part T of chapter  
29 57 of the laws of 2007, as amended; provided, further that such amend-  
30 ments shall expire and be deemed repealed March 31, 2010; and provided,  
31 further, however, that sections one, three, four, [~~fourteen~~] and eigh-  
32 teen through twenty-seven of this act shall expire March 31, 2009 when  
33 upon such date the provisions of such sections shall be deemed repealed;  
34 and provided further that section fourteen of this act shall expire  
35 March 31, 2010 when upon such date the provisions of such section shall  
36 be deemed repealed.

37 § 14. Section 41 of chapter 60 of the laws of 1993, amending the  
38 public authorities law and other laws relating to the bonding authority  
39 of the environmental facilities corporation is amended by adding a new  
40 subdivision 4 to read as follows:

41 4. Moneys in the contingency reserve fund may be temporarily loaned to  
42 the general fund during any fiscal year in anticipation of the receipt  
43 of revenues from taxes, fees and other sources required to be paid into  
44 the general fund during such fiscal year. Moneys so temporarily loaned  
45 shall be repaid in cash during the same fiscal year.

46 § 15. Section 92-cc of the state finance law is amended by adding a  
47 new subdivision 5 to read as follows:

48 5. Moneys in the rainy day reserve fund may be temporarily loaned to  
49 the general fund during any fiscal year in anticipation of the receipt  
50 of revenues from taxes, fees and other sources required to be paid into  
51 the general fund during such fiscal year. Moneys so temporarily loaned  
52 shall be repaid in cash during the same fiscal year.

53 § 16. Subdivision 5 of section 4 of the state finance law, as amended  
54 by chapter 524 of the laws of 2008, is amended to read as follows:

55 5. No money or other financial resources shall be transferred or  
56 temporarily loaned from one fund to another without specific statutory

1 authorization for such transfer or temporary loan, except that [~~the~~  
 2 money or other financial resources of a fund may be temporarily loaned  
 3 to the general fund during the state fiscal year provided that such loan  
 4 shall be repaid in full no later than (a) four months after it was made  
 5 or (b) by the end of the same fiscal year in which it was made, whichev-  
 6 er period is shorter, so that an accurate accounting and reporting of  
 7 the balance of financial resources in each fund may be made. The comp-  
 8 troller is hereby authorized to temporarily loan money from the general  
 9 fund or any other fund to the fund/accounts that are authorized to  
 10 receive a loan. Such loans shall be limited to the amounts immediately  
 11 required to meet disbursements, made in pursuance of an appropriation by  
 12 law and authorized by a certificate of approval issued by the director  
 13 of the budget with copies thereof filed with the comptroller and the  
 14 chair of the senate finance committee and the chair of the assembly ways  
 15 and means committee. The director of the budget shall not issue such a  
 16 certificate unless he or she shall have determined that the amounts to  
 17 be so loaned are receivable on account. When making loans, the comp-  
 18 troller shall establish appropriate accounts and if the loan is not  
 19 repaid by the end of the month, provide on or before the fifteenth day  
 20 of the following month to the director of the budget, the chair of the  
 21 senate finance committee and the chair of the assembly ways and means  
 22 committee, an accurate accounting and report of the financial resources  
 23 of each such fund at the end of such month. Within ten days of the  
 24 receipt of such accounting and reporting, the director of the budget  
 25 shall provide the comptroller and the chair of the senate finance  
 26 committee and the chair of the assembly ways and means committee an  
 27 expected schedule of repayment by fund and by source for each outstand-  
 28 ing loan. Repayment shall be made by the comptroller from the first cash  
 29 receipt of this fund.

30 § 17. Section 3 of part MM of chapter 59 of the laws of 2008, amending  
 31 chapter 57 of the laws of 2007, providing funding for certain community  
 32 projects, relating to increasing such funding, is REPEALED.

33 § 18. Subdivision (b) of section 1 of part P of chapter 57 of the laws  
 34 of 2007, relating to the provision of funding of certain community  
 35 projects, as amended by section 1 of part MM of chapter 59 of the laws  
 36 of 2008, is amended to read as follows:

37 (b) [~~One hundred twenty five~~] Sixty-two million five hundred thousand  
 38 dollars [~~(\$125,000,000)~~] (\$62,500,000) for the period April 1, 2009  
 39 through March 31, 2010, as follows: sixty-two million five hundred  
 40 thousand dollars (\$62,500,000) to account AA[~~;~~ ~~and sixty-two million~~  
 41 ~~five hundred thousand dollars (\$62,500,000) to account CC~~]. Such [~~trans-~~  
 42 ~~fers~~] transfer shall be made in accordance with section 99-d of the  
 43 state finance law, as added by chapter 474 of the laws of 1996, as  
 44 amended.

45 § 19. Subdivision (a) of section 2 of part MM of chapter 59 of the  
 46 laws of 2008, amending chapter 57 of the laws of 2007, providing funding  
 47 of certain community projects, is amended to read as follows:

48 (a) [~~Seventy~~] Thirty million [~~six hundred thousand~~] dollars  
 49 [~~(\$70,600,000)~~] (\$30,000,000) for the period April 1, 2009 through March  
 50 31, 2010, as follows: thirty million dollars (\$30,000,000) to account  
 51 AA[~~;~~ ~~thirty million dollars (\$30,000,000) to account CC; and ten million~~  
 52 ~~six hundred thousand dollars (\$10,600,000) to account CG~~]. Such [~~trans-~~  
 53 ~~fers~~] transfer shall be made in accordance with section 99-d of the  
 54 state finance law, as added by chapter 474 of the laws of 1996, as  
 55 amended.

1 § 19-a. In accordance with section 4 of the state finance law, the  
2 comptroller is hereby authorized and directed to transfer from the  
3 general fund -- state purposes account to the community projects fund  
4 the following amounts:

5 (a) Eighty-five million dollars (\$85,000,000) for the period April 1,  
6 2010 through March 31, 2011, as follows: forty-two million five hundred  
7 thousand dollars (\$42,500,000) to account BB; and forty-two million five  
8 hundred thousand dollars (\$42,500,000) to account CC. Such transfers  
9 shall be made in accordance with section 99-d of the state finance law,  
10 as added by chapter 474 of the laws of 1996, as amended.

11 (b) Eighty-five million dollars (\$85,000,000) for the period April 1,  
12 2011 through March 31, 2012, as follows: forty-two million five hundred  
13 thousand dollars (\$42,500,000) to account BB; and forty-two million five  
14 hundred thousand dollars (\$42,500,000) to account CC. Such transfers  
15 shall be made in accordance with section 99-d of the state finance law,  
16 as added by chapter 474 of the laws of 1996, as amended.

17 § 19-b. Notwithstanding the provisions of subdivisions (a) and (b) of  
18 section nineteen-a of this act, if, during the period April 1, 2009  
19 through March 31, 2010, an account has insufficient funds to make timely  
20 payments upon presentment of proper vouchers therefor, the comptroller  
21 is authorized and directed to transfer, upon the joint request of the  
22 director of the budget, the secretary of the senate finance committee  
23 and the secretary of the assembly ways and means committee, to such  
24 account monies that are otherwise authorized for transfer during the  
25 period April 1, 2010 through March 31, 2011, provided, however that the  
26 monies transferred to any account shall not exceed the total authorized  
27 for such account in subdivision (a) of section nineteen-a of this act.  
28 The comptroller shall provide the director of the budget, the chair of  
29 the senate finance committee, and the chair of the assembly ways and  
30 means committee with an accurate accounting and report of any transfers  
31 that occur pursuant to this section on or before the fifteenth day of  
32 the following month in which such transfers occur.

33 § 20. The comptroller is authorized and directed to deposit to the  
34 general fund-state purposes account reimbursements from moneys appropri-  
35 ated or reappropriated to the correctional facilities capital improve-  
36 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall  
37 be available for spending from appropriations made to the department of  
38 correctional services in the general fund-state purposes account by a  
39 chapter of the laws of 2009 for costs associated with the administration  
40 and security of capital projects and for other costs which are attribut-  
41 able, according to a plan, to such capital projects.

42 § 21. Notwithstanding any other law, rule, or regulation to the  
43 contrary, the comptroller is hereby authorized and directed to deposit,  
44 to the credit of the capital projects fund, reimbursement from the  
45 proceeds of notes and bonds issued by the environmental facilities  
46 corporation for a capital appropriation for \$22,404,000 authorized by  
47 chapter 55 of the laws of 1999 to the department of environmental  
48 conservation for payment of a portion of the state's match for federal  
49 capitalization grants for the water pollution control revolving loan  
50 fund, reimbursements for spending from various appropriations for  
51 projects related to the New York city watershed, reimbursement from the  
52 proceeds of notes and bonds issued by the environmental facilities  
53 corporation for a capital appropriation for \$22,500,000 authorized by  
54 chapter 55 of the laws of 1999 to the environmental facilities corpo-  
55 ration for payment for the jobs two thousand pipeline for jobs program,  
56 reimbursement from the proceeds of notes and bonds issued by the dormi-

1 tory authority of the state of New York for a capital appropriation for  
2 \$47,500,000 authorized by chapter 55 of the laws of 1999 to the office  
3 of science, technology and academic research for payment for the jobs  
4 two thousand capital facilities program, reimbursement from the proceeds  
5 of notes and bonds issued by the dormitory authority of the state of New  
6 York for a capital appropriation for \$145,000,000 authorized by chapter  
7 53 of the laws of 1999 to the state education department for payment of  
8 capital construction grants to school districts pursuant to the rebuild-  
9 ing schools to uphold education program, and reimbursement from the  
10 proceeds of notes and bonds issued by the urban development corporation  
11 for a capital appropriation for \$25,000,000 authorized by chapter 55 of  
12 the laws of 1999 to all state agencies for payment of costs related to  
13 economic development, land acquisition, and heritage trail projects.

14 § 22. Notwithstanding any other law, rule, or regulation to the  
15 contrary, the comptroller is hereby authorized and directed to deposit,  
16 to the credit of the capital projects fund, reimbursement from the  
17 proceeds of notes or bonds issued by the environmental facilities corpo-  
18 ration for a capital appropriation for \$43,383,000 authorized by chapter  
19 55 of the laws of 2000 to the department of environmental conservation  
20 for payment of a portion of the state's match for federal capitalization  
21 grants for the water pollution control revolving loan fund, to reimburse  
22 spending from various appropriations for certain projects related to the  
23 New York city watershed, reimbursement from the proceeds of notes and  
24 bonds issued by the urban development corporation for capital appropri-  
25 ation for \$15,000,000 authorized by chapter 55 of the laws of 2000 to  
26 the urban development corporation for payment of costs related to a  
27 sports facility in the city of Rochester, reimbursement from the  
28 proceeds of notes and bonds issued by the urban development corporation  
29 of the state of New York for a capital appropriation for \$50,000,000  
30 authorized by chapter 55 of the laws of 2000 to the urban development  
31 corporation for payment of costs related to economic development  
32 projects in the downtown Buffalo, the Buffalo inner harbor area, or  
33 surrounding environs, reimbursement from proceeds of notes and bonds  
34 issued by the dormitory authority of the state of New York for a capital  
35 appropriation for \$225,000,000 authorized by chapter 55 of the laws of  
36 2000 to all state agencies for payment of costs related to the strategic  
37 investment program, reimbursement from the proceeds of notes and bonds  
38 issued by the dormitory authority of the state of New York for a capital  
39 appropriation for \$50,000,000 authorized by chapter 53 of the laws of  
40 2000 to the state education department for payment of capital  
41 construction grants to school districts pursuant to the rebuilding  
42 schools to uphold education program, for reimbursement from the proceeds  
43 of notes and bonds issued by the dormitory authority of the state of New  
44 York for a capital appropriation for \$15,000,000 authorized by chapter  
45 53 of the laws of 2000 to the office of children and family services for  
46 payment of costs related to the child care facilities development  
47 program, and for reimbursement from the proceeds of notes and bonds  
48 issued by the dormitory authority of the state of New York for a capital  
49 appropriation for \$10,000,000 authorized by chapter 55 of the laws of  
50 2000 to the office of science, technology and academic research for  
51 payment of costs related to biomedical research and/or manufacturing  
52 facilities.

53 § 23. Notwithstanding any other law, rule, or regulation to the  
54 contrary, the comptroller is hereby authorized and directed to deposit  
55 to the credit of the capital projects fund, reimbursement from the  
56 proceeds of notes or bonds issued by the environmental facilities corpo-

1 ration for a capital appropriation for \$29,772,000 authorized by chapter  
2 54 of the laws of 2001 to the department of environmental conservation  
3 for payment of a portion of the state's match for federal capitalization  
4 grants for the water pollution control revolving loan fund.

5 § 24. Notwithstanding any other law, rule, or regulation to the  
6 contrary, the comptroller is hereby authorized and directed to deposit,  
7 to the credit of the capital projects fund, reimbursement from the  
8 proceeds of notes or bonds issued by the environmental facilities corpo-  
9 ration for a capital appropriation for \$29,365,000 authorized by chapter  
10 54 of the laws of 2002 to the department of environmental conservation  
11 for payment of a portion of the state's match for federal capitalization  
12 grants for the water pollution control revolving loan fund, reimburse-  
13 ment from the proceeds of notes and bonds issued by the urban develop-  
14 ment corporation or other financing source for a capital appropriation  
15 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the  
16 office of general services for payment of capital construction costs for  
17 the Alfred E. Smith office building located in the city of Albany,  
18 reimbursement from the proceeds of notes and bonds issued by the urban  
19 development corporation or other financing source for capital appropri-  
20 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to  
21 the office of general services for payment of capital construction costs  
22 for the Elk street parking garage building located in the city of Alba-  
23 ny, reimbursement from the proceeds of notes or bonds issued by the  
24 urban development corporation for disbursements of up to \$12,000,000  
25 from any capital appropriation or reappropriation authorized by chapter  
26 50 of the laws of 2002 to the office of general services for various  
27 purposes, reimbursement from the proceeds of notes or bonds issued by  
28 the urban development corporation for a capital appropriation of  
29 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy  
30 research and development authority for the Western New York Nuclear  
31 Service Center at West Valley, reimbursement from the proceeds of notes  
32 or bonds issued by the urban development corporation for a capital  
33 appropriation of \$14,300,000 authorized by chapter 55 of the laws of  
34 2002 to the urban development corporation to finance a portion of the  
35 jobs now program, reimbursement from the proceeds of notes or bonds  
36 issued by the dormitory authority for disbursements of up to \$20,800,000  
37 from any capital appropriation or reappropriation authorized by chapter  
38 51 of the laws of 2002 to the judiciary for courthouse improvements,  
39 reimbursement from the proceeds of notes or bonds issued by the urban  
40 development corporation for disbursements of up to \$15,000,000 from  
41 appropriations or reappropriations authorized by chapter 50 of the laws  
42 of 2002 to any agency for costs related to homeland security, and  
43 reimbursement from the proceeds of notes or bonds issued by the environ-  
44 mental facilities corporation for a capital appropriation of \$10,000,000  
45 authorized by chapter 54 of the laws of 2002 to the department of envi-  
46 ronmental conservation for Onondaga lake.

47 § 25. Notwithstanding any other law, rule, or regulation to the  
48 contrary, the comptroller is hereby authorized and directed to deposit  
49 to the credit of the capital projects fund, reimbursement from the  
50 proceeds of notes or bonds issued by the environmental facilities corpo-  
51 ration for a capital appropriation of \$30,174,000 authorized by chapter  
52 55 of the laws of 2003 to the department of environmental conservation  
53 for payment of a portion of the state's match for federal capitalization  
54 grants for the water pollution control revolving loan fund, reimburse-  
55 ment from the proceeds of notes or bonds issued by the urban development  
56 corporation or other financing source for a capital appropriation of

1 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office  
2 50 of general services for payment of capital construction costs for the  
3 51 Elk street parking garage building located in the city of Albany,  
4 reimbursement from the proceeds of notes or bonds issued by the urban  
5 development corporation for disbursements of up to \$10,000,000 from any  
6 capital appropriation or reappropriation authorized by chapter 50 of the  
7 laws of 2003 to the office of general services for various purposes,  
8 reimbursement from the proceeds of notes or bonds issued by the environ-  
9 mental facilities corporation for a capital appropriation of \$13,250,000  
10 authorized by chapter 55 of the laws of 2003 to the energy research and  
11 development authority for the Western New York Nuclear Service Center at  
12 West Valley, reimbursement from the proceeds of notes or bonds issued by  
13 the dormitory authority for disbursements of up to \$16,400,000 from any  
14 capital appropriation or reappropriation authorized by chapter 51 of the  
15 laws of 2003 to the judiciary for courthouse improvements, reimbursement  
16 from the proceeds of notes or bonds issued by the urban development  
17 corporation for disbursements of up to \$10,000,000 from appropriations  
18 or reappropriations authorized by chapter 50 of the laws of 2003 to any  
19 agency for costs related to homeland security, reimbursement from the  
20 proceeds of notes or bonds issued by the environmental facilities corpo-  
21 ration for a capital appropriation of \$10,000,000 authorized by chapter  
22 55 of the laws of 2003 to the department of environmental conservation  
23 for Onondaga lake, reimbursement from the proceeds of notes or bonds  
24 issued by the environmental facilities corporation for disbursements of  
25 up to \$11,000,000 from any capital appropriations or reappropriations  
26 authorized by chapter 55 of the laws of 2003 to the department of envi-  
27 ronmental conservation for environmental purposes, and reimbursement  
28 from the proceeds of notes or bonds issued by the dormitory authority  
29 for disbursements of up to \$100,000,000 from a capital appropriation  
30 authorized by chapter 50 of the laws of 2003 to the department of state  
31 for enhanced 911 wireless service.

32 § 26. Notwithstanding any other law, rule, or regulation to the  
33 contrary, the comptroller is hereby authorized and directed to deposit  
34 to the credit of the capital projects fund, reimbursement from the  
35 proceeds of notes or bonds issued by the environmental facilities corpo-  
36 ration for a capital appropriation for \$28,893,000 authorized by chapter  
37 55 of the laws of 2004 to the department of environmental conservation  
38 for payment of a portion of the state's match for federal capitalization  
39 grants for the water pollution control revolving loan fund, reimburse-  
40 ment from the proceeds of notes or bonds issued by reimbursement from  
41 the proceeds of notes or bonds issued by the urban development corpo-  
42 ration for disbursements of up to \$10,000,000 from any capital appropri-  
43 ation or reappropriation authorized by chapter 50 of the laws of 2004 to  
44 the office of general services for various purposes, reimbursement from  
45 the proceeds of notes or bonds issued by the environmental facilities  
46 corporation for a capital appropriation of \$11,350,000 authorized by  
47 chapter 55 of the laws of 2004 to the energy research and development  
48 authority for the Western New York Nuclear Service Center at West  
49 Valley, reimbursement from the proceeds of notes or bonds issued by the  
50 environmental facilities corporation, for a capital appropriation of  
51 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-  
52 ment of environmental conservation for Onondaga lake, reimbursement from  
53 the proceeds of notes or bonds issued by the environmental facilities  
54 corporation for disbursements of up to \$11,000,000 from any capital  
55 appropriations or reappropriations authorized by chapter 55 of the laws  
56 of 2004 to the department of environmental conservation for environ-

1 mental purposes, reimbursement from the proceeds of notes or bonds  
2 issued by the dormitory authority for a capital appropriation of  
3 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-  
4 tion department for capital transition grants for transportation,  
5 reimbursement from the proceeds of notes or bonds issued by the dormito-  
6 ry authority for a capital appropriation of \$250,000,000 authorized by  
7 chapter 55 of the laws of 2004 for payment of costs related to economic  
8 development projects, reimbursement from the proceeds of bonds or notes  
9 issued by the urban development corporation for a capital appropriation  
10 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended  
11 by chapter 108 of the laws of 2006, for payment of costs related to the  
12 H. H. Richardson complex and the Darwin Martin House, and reimbursement  
13 from the proceeds of notes or bonds issued by the dormitory authority  
14 for a capital appropriation of \$350,000,000 authorized by chapter 3 of  
15 the laws of 2004 for the New York state economic development program.

16 § 27. 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 \$29,602,000 authorized by chapter  
21 55 of the laws of 2005 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, reimburse-  
24 ment from the proceeds of notes or bonds issued by the urban development  
25 corporation for disbursements of up to \$10,000,000 from any capital  
26 appropriation or reappropriation authorized by chapter 50 of the laws of  
27 2005 to the office of general services for various purposes, reimburse-  
28 ment from the proceeds of notes or bonds issued by the environmental  
29 facilities corporation for a capital appropriation of \$11,350,000  
30 authorized by chapter 55 of the laws of 2005 to the energy research and  
31 development authority for the Western New York Nuclear Service Center at  
32 West Valley, reimbursement from the proceeds of notes or bonds issued by  
33 the environmental facilities corporation for a capital appropriation of  
34 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-  
35 ment of environmental conservation for Onondaga lake, reimbursement from  
36 the proceeds of notes or bonds issued by the environmental facilities  
37 corporation for disbursements of up to \$11,000,000 from any capital  
38 appropriations or reappropriations authorized by chapter 55 of the laws  
39 of 2005 to the department of environmental conservation for environ-  
40 mental purposes, reimbursement from the proceeds of notes or bonds  
41 issued by the urban development corporation for a capital appropriation  
42 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the  
43 Javits center, reimbursement from the proceeds of notes or bonds issued  
44 by the dormitory authority for a capital appropriation of \$90,000,000  
45 authorized by chapter 62 of the laws of 2005 for regional development,  
46 reimbursement from the proceeds of notes or bonds issued by the dormito-  
47 ry authority for a capital appropriation of \$250,000,000 authorized by  
48 chapter 62 of the laws of 2005 for technology and development,  
49 reimbursement from the proceeds of notes or bonds issued by the urban  
50 development corporation for a capital appropriation of \$75,000,000  
51 authorized by chapter 162 of the laws of 2005 for the New York state  
52 economic development program, reimbursement from the proceeds of notes  
53 or bonds issued by the urban development corporation for a capital  
54 appropriation of \$150,000,000 authorized by chapter 62 of the laws of  
55 2005 for the higher education facilities capital matching grants  
56 program, reimbursement from the proceeds of notes or bonds issued by the

1 dormitory authority or other financing source for a capital appropri-  
2 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the  
3 office of general services for payment of capital construction costs for  
4 the Elk street parking garage building located in the city of Albany,  
5 reimbursement from the proceeds of notes or bonds issued by the urban  
6 development corporation for a capital appropriation of \$15,000,000  
7 authorized by chapter 53 of the laws of 2005 to the state education  
8 department for payment of capital construction costs for public broad-  
9 casting facilities, reimbursement from the proceeds of notes or bonds  
10 issued by the urban development corporation for a capital appropriation  
11 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-  
12 sion of state police for public protection facilities, and reimbursement  
13 from the proceeds of notes or bonds issued by the urban development  
14 corporation for capital disbursements of up to \$3,000,000 from any capi-  
15 tal appropriation or reappropriation authorized by chapter 50 of the  
16 laws of 2005 to the division of military and naval affairs for various  
17 purposes.

18 § 28. Notwithstanding any other law, rule, or regulation to the  
19 contrary, the comptroller is hereby authorized and directed to deposit  
20 to the credit of the capital projects fund, reimbursement from the  
21 proceeds of notes or bonds issued by the environmental facilities corpo-  
22 ration for a capital appropriation for \$29,600,000 authorized by chapter  
23 55 of the laws of 2006 to the department of environmental conservation  
24 for payment of a portion of the state's match for federal capitalization  
25 grants for the water pollution control revolving loan fund, reimburse-  
26 ment from the proceeds of notes or bonds issued by the urban development  
27 corporation for disbursements of up to \$20,000,000 from any capital  
28 appropriation or reappropriation authorized by chapter 50 of the laws of  
29 2006 to the office of general services for various purposes, reimburse-  
30 ment from the proceeds of notes or bonds issued by the environmental  
31 facilities corporation for a capital appropriation of \$14,000,000  
32 authorized by chapter 55 of the laws of 2006 to the energy research and  
33 development authority for the Western New York Nuclear Service Center at  
34 West Valley, reimbursement from the proceeds of notes or bonds issued by  
35 the environmental facilities corporation for a capital appropriation of  
36 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-  
37 ment of environmental conservation for Onondaga lake, reimbursement from  
38 the proceeds of notes or bonds issued by the environmental facilities  
39 corporation for disbursements of up to \$12,000,000 from any capital  
40 appropriations or reappropriations authorized by chapter 55 of the laws  
41 of 2006 to the department of environmental conservation for environ-  
42 mental purposes, reimbursement from the proceeds of notes or bonds  
43 issued by the urban development corporation for capital disbursements of  
44 up to \$3,000,000 from any capital appropriation or reappropriation  
45 authorized by chapter 50 of the laws of 2006 to the division of military  
46 and naval affairs for various purposes, reimbursement from the proceeds  
47 of notes or bonds issued by the urban development corporation for  
48 disbursements of up to \$12,400,000 from any capital appropriation or  
49 reappropriation authorized by chapter 50 of the laws of 2006 to the  
50 division of state police for public protection facilities, reimbursement  
51 from the proceeds of notes or bonds issued by the urban development  
52 corporation for a capital appropriation of \$117,000,000 authorized by  
53 chapter 50 of the laws of 2006 to all state departments and agencies for  
54 the purchase of equipment, reimbursement from the proceeds of notes or  
55 bonds issued by the dormitory authority or the urban development corpo-  
56 ration for all or a portion of capital appropriations of \$603,050,000

1 authorized by chapter 108 of the laws of 2006 to the urban development  
2 corporation for economic development/other projects, reimbursement from  
3 the proceeds of notes or bonds issued by the urban development corpo-  
4 ration for a capital appropriation of \$269,500,000 authorized by chapter  
5 108 of the laws of 2006 to the dormitory authority or the urban develop-  
6 ment corporation for economic development projects, reimbursement from  
7 the proceeds of notes or bonds issued by the dormitory authority or the  
8 urban development corporation for a capital appropriation of  
9 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban  
10 development corporation for university development projects, reimburse-  
11 ment from the proceeds of notes or bonds issued by the dormitory author-  
12 ity or for a capital appropriation of \$143,000,000 authorized by chapter  
13 108 of the laws of 2006 to the urban development corporation for  
14 cultural facilities projects, reimbursement from the proceeds of notes  
15 or bonds issued by the dormitory authority or the urban development  
16 corporation for capital appropriations totaling \$60,000,000 authorized  
17 by chapter 108 of the laws of 2006 to the urban development corporation  
18 for energy/environmental projects, reimbursement from the proceeds of  
19 notes or bonds issued by the dormitory authority or the urban develop-  
20 ment corporation for a capital appropriation of \$20,000,000 authorized  
21 by chapter 108 of the laws of 2006 to the urban development corporation  
22 for a competitive solicitation for construction of a pilot cellulosic  
23 ethanol refinery, reimbursement from the proceeds of notes or bonds  
24 issued by the urban development corporation for a capital appropriation  
25 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban  
26 development corporation for services and expenses related to infrastruc-  
27 ture for a new stadium in Queens county, and reimbursement from the  
28 proceeds of notes or bonds issued by the urban development corporation  
29 for a capital appropriation of \$74,700,000 authorized by chapter 55 of  
30 the laws of 2006 to the urban development corporation for services and  
31 expenses related to infrastructure improvements to construct a new park-  
32 ing facility at a new stadium in Bronx county, reimbursement from the  
33 proceeds of notes and bonds issued by the environmental facilities  
34 corporation for a capital appropriation for \$5,000,000 authorized by  
35 chapter 55 of the laws of 2006 to the environmental facilities corpo-  
36 ration for payment for the pipeline for jobs program, reimbursement from  
37 the proceeds of notes or bonds issued by the dormitory authority for  
38 capital disbursements of up to \$14,000,000 from any capital appropri-  
39 ation or reappropriation authorized by chapter 53 of the laws of 2006  
40 for the library construction purpose, reimbursement from the proceeds of  
41 notes or bonds issued by the urban development corporation or the dormi-  
42 tory authority for an appropriation of \$2,000,000 authorized by chapter  
43 53 of the laws of 2006 for a Cornell equine drug testing laboratory,  
44 reimbursement from the proceeds of notes or bonds issued by the urban  
45 development corporation or the dormitory authority for an appropriation  
46 of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns  
47 of Bristol and Canandaigua public water systems, reimbursement from the  
48 proceeds of notes or bonds issued by the urban development corporation  
49 or the dormitory authority for an appropriation of \$5,500,000 authorized  
50 by chapter 53 of the laws of 2006 for Belleayre mountain ski center,  
51 reimbursement from the proceeds of notes or bonds issued by the urban  
52 development corporation or the dormitory authority for an appropriation  
53 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town  
54 of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement  
55 from the proceeds of notes or bonds issued by the urban development  
56 corporation or the dormitory authority for an appropriation of

1 \$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of  
2 New York umbilical cord bank, reimbursement from the proceeds of notes  
3 or bonds issued by the urban development corporation or the dormitory  
4 authority for an appropriation of \$5,500,000 authorized by chapter 53 of  
5 the laws of 2006 for an Old Gore mountain ski bowl connection,  
6 reimbursement from the proceeds of notes or bonds issued by the urban  
7 development corporation or the dormitory authority for an appropriation  
8 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredo-  
9 nia vineyard laboratory, reimbursement from the proceeds of notes or  
10 bonds issued by the urban development corporation or the dormitory  
11 authority for an appropriation of \$99,500,000 authorized by chapter 108  
12 of the laws of 2006 to the office for technology for payment of capital  
13 construction costs for a consolidated data center, reimbursement from  
14 the proceeds of notes or bonds issued by the dormitory authority or the  
15 urban development corporation for an appropriation of \$40,000,000  
16 authorized by chapter 108 of the laws of 2006 for a food testing labora-  
17 tory, reimbursement from the proceeds of notes or bonds issued by the  
18 New York state thruway authority for an appropriation of \$22,000,000  
19 authorized by chapter 108 of the laws of 2006 to the department of  
20 transportation for high speed rail, reimbursement from the proceeds of  
21 notes or bonds issued by the urban development corporation for capital  
22 disbursements of up to \$500,000,000 from an appropriation authorized by  
23 chapter 108 of the laws of 2006 to the urban development corporation for  
24 development of a semiconductor manufacturing facility, reimbursement  
25 from the proceeds of notes or bonds issued by the urban development  
26 corporation of up to \$150,000,000 from an appropriation authorized by  
27 chapter 108 of the laws of 2006 to the urban development corporation for  
28 research and development activities of a semiconductor manufacturer, and  
29 reimbursement from the proceeds of notes or bonds issued by the urban  
30 development corporation for capital disbursements of up to \$300,000,000  
31 from an appropriation to the urban development corporation authorized by  
32 chapter 108 of the laws of 2006 for community revitalization projects.

33 § 29. Notwithstanding any other law, rule, or regulation to the  
34 contrary, the comptroller is hereby authorized and directed to deposit  
35 to the credit of the capital projects fund, reimbursement from the  
36 proceeds of notes or bonds issued by the environmental facilities corpo-  
37 ration for a capital appropriation for \$29,600,000 authorized by chapter  
38 55 of the laws of 2007 to the department of environmental conservation  
39 for payment of a portion of the state's match for federal capitalization  
40 grants for the water pollution control revolving loan fund, reimburse-  
41 ment from the proceeds of notes or bonds issued by the urban development  
42 corporation for disbursements of up to \$20,000,000 from any capital  
43 appropriation or reappropriation authorized by chapter 50 of the laws of  
44 2007 to the office of general services for various purposes, reimburse-  
45 ment from the proceeds of notes or bonds issued by the environmental  
46 facilities corporation for a capital appropriation of \$13,500,000  
47 authorized by chapter 55 of the laws of 2007 to the energy research and  
48 development authority for the Western New York Nuclear Service Center at  
49 West Valley, reimbursement from the proceeds of notes or bonds issued by  
50 the environmental facilities corporation for a capital appropriation of  
51 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-  
52 ment of environmental conservation for Onondaga lake, reimbursement from  
53 the proceeds of notes or bonds issued by the environmental facilities  
54 corporation for disbursements of up to \$12,000,000 from any capital  
55 appropriations or reappropriations authorized by chapter 55 of the laws  
56 of 2007 to the department of environmental conservation for environ-

1 mental purposes, reimbursement from the proceeds of notes or bonds  
2 issued by the urban development corporation for capital disbursements of  
3 up to \$3,000,000 from any capital appropriation or reappropriation  
4 authorized by chapter 50 of the laws of 2007 to the division of military  
5 and naval affairs for various purposes, reimbursement from the proceeds  
6 of notes or bonds issued by the urban development corporation for  
7 disbursements from a capital appropriation of \$50,000,000 authorized by  
8 chapter 50 of the laws of 2007 to the division of state police for  
9 construction of a Troop G facility, reimbursement from the proceeds of  
10 notes or bonds issued by the urban development corporation for disburse-  
11 ments from a capital appropriation of \$6,000,000 authorized by chapter  
12 50 of the laws of 2007 to the division of state police for construction  
13 of evidence storage facilities, reimbursement from the proceeds of notes  
14 or bonds issued by the urban development corporation for capital appro-  
15 priations totaling \$77,900,000 authorized by chapter 51 of the laws of  
16 2007 to the judiciary for court training facilities and courthouse  
17 improvement projects, reimbursement from the proceeds of notes or bonds  
18 issued by the urban development corporation for a capital appropriation  
19 of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state  
20 departments and agencies for the purchase of equipment, reimbursement  
21 from the proceeds of notes or bonds issued by the dormitory authority  
22 for capital disbursements of up to \$14,000,000 from any capital appro-  
23 priation or reappropriation authorized by chapter 53 of the laws of 2007  
24 for library construction, reimbursement from the proceeds of notes or  
25 bonds issued by the dormitory authority for capital disbursements of up  
26 to \$60,000,000 from any capital appropriation or reappropriation author-  
27 ized by chapter 53 of the laws of 2007 for cultural education storage  
28 facilities, reimbursement from the proceeds of notes or bonds issued by  
29 the urban development corporation for capital disbursements of up to  
30 \$15,000,000 from any capital appropriation or reappropriation authorized  
31 by chapter 55 of the laws of 2007 for the Roosevelt Island Operating  
32 Corporation aerial tramway, reimbursement from the proceeds of notes or  
33 bonds issued by the urban development corporation for capital disburse-  
34 ments of up to \$20,000,000 from any capital appropriation or reappropri-  
35 ation authorized by chapter 55 of the laws of 2007 for Governor's  
36 Island, reimbursement from the proceeds of notes or bonds issued by the  
37 urban development corporation for capital disbursements of up to  
38 \$7,500,000 from any capital appropriation or reappropriation authorized  
39 by chapter 55 of the laws of 2007 for Harriman research and technology  
40 park, reimbursement from the proceeds of notes or bonds issued by the  
41 urban development corporation for capital disbursements of up to  
42 \$7,950,000 from any capital appropriation or reappropriation authorized  
43 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement  
44 from the proceeds of notes or bonds issued by the urban development  
45 corporation for capital disbursements of up to \$1,300,000 from appropri-  
46 ations authorized by chapter 50 of the laws of 2007 made to the office  
47 of general services for legislative office building hearing rooms.

48 § 30. Notwithstanding any other law, rule, or regulation to the  
49 contrary, the comptroller is hereby authorized and directed to deposit  
50 to the credit of the capital projects fund, reimbursement from the  
51 proceeds of notes or bonds issued by the environmental facilities corpo-  
52 ration for a capital appropriation for \$29,600,000 authorized by chapter  
53 55 of the laws of 2008 to the department of environmental conservation  
54 for payment of a portion of the state's match for federal capitalization  
55 grants for the water pollution control revolving loan fund, reimburse-  
56 ment from the proceeds of notes or bonds issued by the urban development

1 corporation for a capital appropriation of \$141,000,000 authorized by  
2 chapter 50 of the laws of 2008 to all state departments and agencies for  
3 the purchase of equipment or systems development, reimbursement from the  
4 proceeds of notes or bonds issued by the urban development corporation  
5 for disbursements of up to \$45,500,000 from any capital appropriation or  
6 reappropriation authorized by chapter 50 of the laws of 2008 to the  
7 office of general services for various purposes, reimbursement from the  
8 proceeds of notes or bonds issued by the environmental facilities corpo-  
9 ration for a capital appropriation of \$13,500,000 authorized by chapter  
10 55 of the laws of 2008 to the energy research and development authority  
11 for the Western New York Nuclear Service Center at West Valley,  
12 reimbursement from the proceeds of notes or bonds issued by the environ-  
13 mental facilities corporation for a capital appropriation of \$10,000,000  
14 authorized by chapter 55 of the laws of 2008 to the department of envi-  
15 ronmental conservation for Onondaga lake, reimbursement from the  
16 proceeds of notes or bonds issued by the environmental facilities corpo-  
17 ration for disbursements of up to \$12,000,000 from any capital appropri-  
18 ations or reappropriations authorized by chapter 55 of the laws of 2008  
19 to the department of environmental conservation for environmental  
20 purposes, reimbursement from the proceeds of notes or bonds issued by  
21 the urban development corporation for capital disbursements of up to  
22 \$3,000,000 from any capital appropriation or reappropriation authorized  
23 by chapter 50 of the laws of 2008 to the division of military and naval  
24 affairs for various purposes, reimbursement from the proceeds of notes  
25 or bonds issued by the urban development corporation for a capital  
26 appropriation of \$11,000,000 authorized by chapter 50 of the laws of  
27 2008 to the office for technology for the costs of development of inter-  
28 im data center facilities, reimbursement from the proceeds of notes or  
29 bonds issued by the urban development corporation for a capital appro-  
30 priation of \$10,000,000 authorized by chapter 50 of the laws of 2008 to  
31 the office for technology for activities related to broadband service,  
32 reimbursement from the proceeds of notes or bonds issued by the urban  
33 development corporation for a capital appropriation of \$6,000,000  
34 authorized by chapter 50 of the laws of 2008 to the division of state  
35 police for rehabilitation of facilities, reimbursement from the proceeds  
36 and notes or bonds issued by the Dormitory Authority of the State of New  
37 York or other financing source for a capital appropriation authorized by  
38 chapter 55 of the laws of 2008 for \$14,000,000 to the education depart-  
39 ment for library construction, reimbursement from the proceeds and notes  
40 or bonds issued by the Dormitory Authority of the State of New York or  
41 other financing source for a capital appropriation authorized by chapter  
42 55 of the laws of 2008 for \$12,585,000 to the education department for  
43 state records center expansion, reimbursement from the proceeds and  
44 notes or bonds issued by the Dormitory Authority of the State of New  
45 York or other financing source for a capital appropriation authorized by  
46 chapter 55 of the laws of 2008 for \$15,000,000 to the education depart-  
47 ment for museum renewal project, reimbursement from the proceeds of  
48 notes or bonds issued by the urban development corporation for capital  
49 appropriation of \$50,000,000 authorized by chapter 53 of the laws of  
50 2008 to the urban development corporation for services and expenses  
51 related to the investment opportunity fund, reimbursement from the  
52 proceeds of notes or bonds issued by the urban development corporation  
53 for capital appropriation of \$30,000,000 authorized by chapter 53 of the  
54 laws of 2008 to the urban development corporation for services and  
55 expenses related to arts and cultural projects, reimbursement from the  
56 proceeds of bonds or notes issued by the urban development corporation

1 for a capital appropriation of \$35,000,000 authorized by chapter 53 of  
2 the laws of 2008 for economic and community development projects,  
3 reimbursement from the proceeds of bonds or notes issued by the urban  
4 development corporation for a capital appropriation of \$30,000,000  
5 authorized by chapter 53 of the laws of 2008 for New York City water-  
6 front development projects, reimbursement from the proceeds of bonds or  
7 notes issued by the urban development corporation for a capital appro-  
8 priation of \$45,000,000 authorized by chapter 53 of the laws of 2008 for  
9 luther forest infrastructure projects, reimbursement from the proceeds  
10 of notes or bonds issued by the urban development corporation for capi-  
11 tal appropriation of \$35,000,000 authorized by chapter 53 of the laws of  
12 2008 to the urban development corporation for services and expenses  
13 related to downstate regional projects, reimbursement from the proceeds  
14 of notes or bonds issued by the urban development corporation for capi-  
15 tal appropriation of \$145,000,000 authorized by chapter 53 of the laws  
16 of 2008 to the urban development corporation for services and expenses  
17 related to upstate city-by-city projects, reimbursement from the  
18 proceeds of notes or bonds issued by the urban development corporation  
19 for capital appropriation of \$35,000,000 authorized by chapter 53 of the  
20 laws of 2008 to the urban development corporation for services and  
21 expenses related to the downstate revitalization projects, reimbursement  
22 from the proceeds of notes or bonds issued by the urban development  
23 corporation for capital appropriation of \$120,000,000 authorized by  
24 chapter 53 of the laws of 2008 to the urban development corporation for  
25 services and expenses related to the upstate regional blueprint fund,  
26 reimbursement from the proceeds of notes or bonds issued by the urban  
27 development corporation for capital appropriation of \$40,000,000 author-  
28 ized by chapter 53 of the laws of 2008 to the urban development corpo-  
29 ration for services and expenses related to the upstate agricultural  
30 economic development fund, reimbursement from the proceeds of notes or  
31 bonds issued by the urban development corporation for capital appropri-  
32 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to  
33 the urban development corporation for services and expenses related to  
34 the New York state capital assistance program, reimbursement from the  
35 proceeds of notes or bonds issued by the urban development corporation  
36 for capital appropriation of \$350,000,000 authorized by chapter 53 of  
37 the laws of 2008 to the urban development corporation for services and  
38 expenses related to the New York state economic development assistance  
39 program, and reimbursement from the proceeds of notes or bonds issued by  
40 the urban development corporation for capital appropriation of  
41 \$20,000,000 authorized by chapter 55 of the laws of 2008 to the urban  
42 development corporation for services and expenses related to the empire  
43 state economic development fund.

44 § 31. Notwithstanding any other law, rule, or regulation to the  
45 contrary, the comptroller is hereby authorized and directed to deposit  
46 to the credit of the capital projects fund, reimbursement from the  
47 proceeds of notes or bonds issued by the environmental facilities corpo-  
48 ration for a capital appropriation for \$29,600,000 authorized by a chap-  
49 ter of the laws of 2009 to the department of environmental conservation  
50 for payment of a portion of the state's match for federal capitalization  
51 grants for the water pollution control revolving loan fund, reimburse-  
52 ment from the proceeds of notes or bonds issued by the urban development  
53 corporation for a capital appropriation of \$129,800,000 authorized by a  
54 chapter of the laws of 2009 to all state departments and agencies for  
55 the purchase of equipment or systems development, reimbursement from the  
56 proceeds of notes or bonds issued by the urban development corporation

1 for disbursements of up to \$24,000,000 from any capital appropriation or  
2 reappropriation authorized by a chapter of the laws of 2009 to the  
3 office of general services for various purposes, reimbursement from the  
4 proceeds of notes or bonds issued by the environmental facilities corpo-  
5 ration for a capital appropriation of \$13,500,000 authorized by a chap-  
6 ter of the laws of 2009 to the energy research and development authority  
7 for the Western New York Nuclear Service Center at West Valley,  
8 reimbursement from the proceeds of notes or bonds issued by the environ-  
9 mental facilities corporation for a capital appropriation of \$10,000,000  
10 authorized by a chapter of the laws of 2009 to the department of envi-  
11 ronmental conservation for Onondaga lake, reimbursement from the  
12 proceeds of notes or bonds issued by the environmental facilities corpo-  
13 ration for disbursements of up to \$12,000,000 from any capital appropri-  
14 ations or reappropriations authorized by a chapter of the laws of 2009  
15 to the department of environmental conservation for environmental  
16 purposes, reimbursement from the proceeds of notes or bonds issued by  
17 the urban development corporation for capital disbursements of up to  
18 \$3,000,000 from any capital appropriation or reappropriation authorized  
19 by a chapter of the laws of 2009 to the division of military and naval  
20 affairs for various purposes, reimbursement from the proceeds of notes  
21 or bonds issued by the urban development corporation for a capital  
22 appropriation of \$6,000,000 authorized by a chapter of the laws of 2009  
23 to the division of state police for rehabilitation of facilities,  
24 reimbursement from the proceeds and notes or bonds issued by the Dormi-  
25 tory Authority of the State of New York or other financing source for a  
26 capital appropriation for \$14,000,000 to the State Education Department  
27 for library construction, reimbursement from the proceeds and notes or  
28 bonds issued by the Dormitory Authority of the State of New York or  
29 other financing source for a capital appropriation for \$4,000,000 to the  
30 State Education Department for rehabilitation associated with the St.  
31 Regis Mohawk elementary school authorized by a chapter of the laws of  
32 2009 and reimbursement from the proceeds of notes or bonds issued by the  
33 urban development corporation for capital appropriation of \$25,000,000  
34 authorized by a chapter of the laws of 2009 to the urban development  
35 corporation for services and expenses related to the empire state  
36 economic development fund.

37 § 31-a. Notwithstanding any other law, rule, or regulation to the  
38 contrary, the comptroller is hereby authorized and directed to deposit  
39 to the credit of the capital projects fund, reimbursement from the  
40 proceeds of notes or bonds issued by the dormitory authority and urban  
41 development corporation for disbursements of up to \$8,000,000 from an  
42 appropriation authorized by a chapter of the laws of 2009 for drug  
43 courts.

44 § 32. Notwithstanding any other law, rule, or regulation to the  
45 contrary, the comptroller is hereby authorized and directed to deposit  
46 to the credit of the city university special revenue fund (377),  
47 reimbursement from the proceeds of notes or bonds issued by the Dormito-  
48 ry Authority of the State of New York for capital disbursements of up to  
49 \$20,000,000 from any appropriation or reappropriation authorized by a  
50 chapter of the laws of 2009 to the city university of New York for vari-  
51 ous purposes.

52 § 33. Notwithstanding any other law, rule, or regulation to the  
53 contrary, the state comptroller is hereby authorized and directed to use  
54 any balance remaining in the mental health services fund debt service  
55 appropriation, after payment by the state comptroller of all obligations  
56 required pursuant to any lease, sublease, or other financing arrangement

1 between the dormitory authority of the state of New York as successor to  
2 the New York state medical care facilities finance agency, and the  
3 facilities development corporation pursuant to chapter 83 of the laws of  
4 1995 and the department of mental hygiene for the purpose of making  
5 payments to the dormitory authority of the state of New York for the  
6 amount of the earnings for the investment of monies deposited in the  
7 mental health services fund that such agency determines will or may have  
8 to be rebated to the federal government pursuant to the provisions of  
9 the internal revenue code of 1986, as amended, in order to enable such  
10 agency to maintain the exemption from federal income taxation on the  
11 interest paid to the holders of such agency's mental services facilities  
12 improvement revenue bonds. On or before June 30, 2010, such agency shall  
13 certify to the state comptroller its determination of the amounts  
14 received in the mental health services fund as a result of the invest-  
15 ment of monies deposited therein that will or may have to be rebated to  
16 the federal government pursuant to the provisions of the internal reven-  
17 ue code of 1986, as amended.

18 § 34. (1) Notwithstanding any other law, rule, or regulation to the  
19 contrary, the state comptroller shall at the commencement of each month  
20 certify to the director of the budget, the commissioner of environmental  
21 conservation, the chair of the senate finance committee, and the chair  
22 of the assembly ways and means committee the amounts disbursed from all  
23 appropriations for hazardous waste site remediation disbursements for  
24 the month preceding such certification.

25 (2) Notwithstanding any law to the contrary, prior to the issuance by  
26 the comptroller of bonds authorized pursuant to subdivision a of section  
27 4 of the environmental quality bond act of nineteen hundred eighty-six,  
28 as enacted by chapter 511 of the laws of 1986, disbursements from all  
29 appropriations for that purpose shall first be reimbursed from moneys  
30 credited to the hazardous waste remedial fund, site investigation and  
31 construction account, to the extent moneys are available in such  
32 account. For purposes of determining moneys available in such account,  
33 the commissioner of environmental conservation shall certify to the  
34 comptroller the amounts required for administration of the hazardous  
35 waste remedial program.

36 (3) The comptroller is hereby authorized and directed to transfer any  
37 balance above the amounts certified by the commissioner of environmental  
38 conservation to reimburse disbursements pursuant to all appropriations  
39 from such site investigation and construction account; provided, howev-  
40 er, that if such transfers are determined by the comptroller to be  
41 insufficient to assure that interest paid to holders of state obli-  
42 gations issued for hazardous waste purposes pursuant to the environ-  
43 mental quality bond act of nineteen hundred eighty-six, as enacted by  
44 chapter 511 of the laws of 1986, is exempt from federal income taxation,  
45 the comptroller is hereby authorized and directed to transfer, from such  
46 site investigation and construction account to the general fund, the  
47 amount necessary to redeem bonds in an amount necessary to assure the  
48 continuation of such tax exempt status. Prior to the making of any such  
49 transfers, the comptroller shall notify the director of the budget of  
50 the amount of such transfers.

51 § 35. Section 69-c of the state finance law, as amended by section 34  
52 of part RR of chapter 57 of the laws of 2008, is amended to read as  
53 follows:

54 § 69-c. Variable rate bonds. Notwithstanding any other provision of  
55 law to the contrary, any State-supported debt may be issued as variable  
56 rate bonds.

1 Notwithstanding any other provision of law to the contrary, for  
2 purposes of calculating the present value of debt service and calculat-  
3 ing savings in connection with the issuance of refunding indebtedness,  
4 (i) the effective interest rate and debt service payable on variable  
5 rate bonds in connection with which, and to the extent that, an author-  
6 ized issuer has entered into an interest rate exchange or similar agree-  
7 ment pursuant to which the authorized issuer makes payments based on a  
8 fixed rate and receives payments based on a variable rate that is  
9 reasonably expected by such authorized issuer to be equivalent over time  
10 to the variable rate paid on the related variable rate bonds, shall be  
11 calculated assuming that the rate of interest on such variable rate  
12 bonds is the fixed rate payable by the authorized issuer on such inter-  
13 est rate exchange or similar agreement for the scheduled term of such  
14 agreement; (ii) the effective interest rate and debt service on variable  
15 rate bonds in connection with which, and to the extent that, an author-  
16 ized issuer has not entered into such an interest rate exchange or simi-  
17 lar agreement shall be calculated assuming that interest on such vari-  
18 able interest rate bonds is payable at a rate or rates reasonably  
19 assumed by the authorized issuer; (iii) the effective interest rate and  
20 debt service on any bonds subject to optional or mandatory tender shall  
21 be a rate or rates reasonably assumed by the authorized issuer; ~~and~~  
22 (iv) any variable rate bonds that are converted or refunded to a fixed  
23 rate, whether or not financed on an interim basis with bond anticipation  
24 notes, shall be assumed to generate a present value savings; and (v)  
25 otherwise, the effective interest rate and debt service on any bonds  
26 shall be calculated at a rate or rates reasonably assumed by the author-  
27 ized issuer. Notwithstanding any other provision of law to the contrary,  
28 for calculating the present value of debt service and calculating  
29 savings in connection with the issuance of refunding indebtedness, the  
30 refunding of variable rate debt instruments with new variable rate debt  
31 instruments shall be excluded from any such requirements, if effectuated  
32 for sound business purposes.

33 § 36. Paragraph (c) of subdivision 19 of section 1680 of the public  
34 authorities law, as amended by section 35 of part RR of chapter 57 of  
35 the laws of 2008, is amended to read as follows:

36 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
37 thousand, the dormitory authority shall not issue any bonds for state  
38 university educational facilities purposes if the principal amount of  
39 bonds to be issued when added to the aggregate principal amount of bonds  
40 issued by the dormitory authority on and after July first, nineteen  
41 hundred eighty-eight for state university educational facilities will  
42 exceed ~~[eight]~~ ten billion ~~[five hundred eighty-three]~~ eighty-nine  
43 million dollars; provided, however, that bonds issued or to be issued  
44 shall be excluded from such limitation if: (1) such bonds are issued to  
45 refund state university construction bonds and state university  
46 construction notes previously issued by the housing finance agency; or  
47 (2) such bonds are issued to refund bonds of the authority or other  
48 obligations issued for state university educational facilities purposes  
49 and the present value of the aggregate debt service on the refunding  
50 bonds does not exceed the present value of the aggregate debt service on  
51 the bonds refunded thereby; provided, further that upon certification by  
52 the director of the budget that the issuance of refunding bonds or other  
53 obligations issued between April first, nineteen hundred ninety-two and  
54 March thirty-first, nineteen hundred ninety-three will generate long  
55 term economic benefits to the state, as assessed on a present value  
56 basis, such issuance will be deemed to have met the present value test

1 noted above. For purposes of this subdivision, the present value of the  
2 aggregate debt service of the refunding bonds and the aggregate debt  
3 service of the bonds refunded, shall be calculated by utilizing the true  
4 interest cost of the refunding bonds, which shall be that rate arrived  
5 at by doubling the semi-annual interest rate (compounded semi-annually)  
6 necessary to discount the debt service payments on the refunding bonds  
7 from the payment dates thereof to the date of issue of the refunding  
8 bonds to the purchase price of the refunding bonds, including interest  
9 accrued thereon prior to the issuance thereof. The maturity of such  
10 bonds, other than bonds issued to refund outstanding bonds, shall not  
11 exceed the weighted average economic life, as certified by the state  
12 university construction fund, of the facilities in connection with which  
13 the bonds are issued, and in any case not later than the earlier of  
14 thirty years or the expiration of the term of any lease, sublease or  
15 other agreement relating thereto; provided that no note, including  
16 renewals thereof, shall mature later than five years after the date of  
17 issuance of such note. The legislature reserves the right to amend or  
18 repeal such limit, and the state of New York, the dormitory authority,  
19 the state university of New York, and the state university construction  
20 fund are prohibited from covenanting or making any other agreements with  
21 or for the benefit of bondholders which might in any way affect such  
22 right.

23 § 37. Paragraph j of subdivision 2 of section 1680 of the public  
24 authorities law, as amended by section 36 of part RR of chapter 57 of  
25 the laws of 2008, is amended to read as follows:

26 j. Subject to the provisions of chapter fifty-nine of the laws of two  
27 thousand, the maximum amount of bonds and notes to be issued after March  
28 thirty-first, two thousand two for a housing unit for the use of  
29 students at a state-operated institution or statutory or contract  
30 college under the jurisdiction of the state university of New York shall  
31 be one billion ~~[one]~~ two hundred ~~[fifty]~~ thirty million dollars. Such  
32 amount shall be exclusive of bonds and notes issued to fund any reserve  
33 fund or funds, costs of issuance, and to refund any outstanding bonds  
34 and notes relating to a housing unit under the jurisdiction of the state  
35 university of New York.

36 § 38. Subdivision 10-a of section 1680 of the public authorities law,  
37 as amended by section 37 of part RR of chapter 57 of the laws of 2008,  
38 is amended to read as follows:

39 10-a. Subject to the provisions of chapter fifty-nine of the laws of  
40 two thousand, but notwithstanding any other provision of the law to the  
41 contrary, the maximum amount of bonds and notes to be issued after March  
42 thirty-first, two thousand two, on behalf of the state, in relation to  
43 any locally sponsored community college, shall be ~~[four]~~ five hundred  
44 ~~[sixty-six]~~ thirty-six million dollars. Such amount shall be exclusive  
45 of bonds and notes issued to fund any reserve fund or funds, costs of  
46 issuance and to refund any outstanding bonds and notes, issued on behalf  
47 of the state, relating to a locally sponsored community college.

48 § 39. Paragraph (c) of subdivision 14 of section 1680 of the public  
49 authorities law, as amended by section 38 of part RR of chapter 57 of  
50 the laws of 2008, is amended to read as follows:

51 (c) Subject to the provisions of chapter fifty-nine of the laws of two  
52 thousand, (i) the dormitory authority shall not deliver a series of  
53 bonds for city university community college facilities, except to refund  
54 or to be substituted for or in lieu of other bonds in relation to city  
55 university community college facilities pursuant to a resolution of the  
56 dormitory authority adopted before July first, nineteen hundred eighty-

1 five or any resolution supplemental thereto, if the principal amount of  
2 bonds so to be issued when added to all principal amounts of bonds  
3 previously issued by the dormitory authority for city university commu-  
4 nity college facilities, except to refund or to be substituted in lieu  
5 of other bonds in relation to city university community college facili-  
6 ties will exceed the sum of four hundred twenty-five million dollars and  
7 (ii) the dormitory authority shall not deliver a series of bonds issued  
8 for city university facilities, including community college facilities,  
9 pursuant to a resolution of the dormitory authority adopted on or after  
10 July first, nineteen hundred eighty-five, except to refund or to be  
11 substituted for or in lieu of other bonds in relation to city university  
12 facilities and except for bonds issued pursuant to a resolution supple-  
13 mental to a resolution of the dormitory authority adopted prior to July  
14 first, nineteen hundred eighty-five, if the principal amount of bonds so  
15 to be issued when added to the principal amount of bonds previously  
16 issued pursuant to any such resolution, except bonds issued to refund or  
17 to be substituted for or in lieu of other bonds in relation to city  
18 university facilities, will exceed six billion [~~one~~] eight hundred  
19 [~~eighteen~~] forty-three million two hundred thousand dollars. The legis-  
20 lature reserves the right to amend or repeal such limit, and the state  
21 of New York, the dormitory authority, the city university, and the fund  
22 are prohibited from covenanting or making any other agreements with or  
23 for the benefit of bondholders which might in any way affect such right.

24 § 40. Subdivision 1 of section 1689-i of the public authorities law,  
25 as amended by section 39 of part RR of chapter 57 of the laws of 2008,  
26 is amended to read as follows:

27 1. The dormitory authority is authorized to issue bonds, at the  
28 request of the commissioner of education, to finance eligible library  
29 construction projects pursuant to section two hundred seventy-three-a of  
30 the education law, in amounts certified by such commissioner not to  
31 exceed a total principal amount of [~~forty-two~~] fifty-six million  
32 dollars.

33 § 41. Subdivision 1 of section 1680-m of the public authorities law,  
34 as amended by section 40 of part RR of chapter 57 of the laws of 2008,  
35 is amended to read as follows:

36 1. Notwithstanding the provisions of any other law to the contrary,  
37 the authority and the urban development corporation are hereby author-  
38 ized to issue bonds or notes in one or more series for the purpose of  
39 funding project costs for construction and rehabilitation associated  
40 with the cultural education facilities and the St. Regis Mohawk elemen-  
41 tary school. The aggregate principal amount of bonds authorized to be  
42 issued pursuant to this section shall not exceed [~~eighty-seven~~] ninety-  
43 one million five hundred eighty-five thousand dollars, excluding bonds  
44 issued to fund one or more debt service reserve funds, to pay costs of  
45 issuance of such bonds, and bonds or notes issued to refund or otherwise  
46 repay such bonds or notes previously issued. Such bonds and notes of the  
47 authority and the urban development corporation shall not be a debt of  
48 the state, and the state shall not be liable thereon, nor shall they be  
49 payable out of any funds other than those appropriated by the state to  
50 the authority for principal, interest, and related expenses pursuant to  
51 a service contract and such bonds and notes shall contain on the face  
52 thereof a statement to such effect. Except for purposes of complying  
53 with the internal revenue code, any interest income earned on bond  
54 proceeds shall only be used to pay debt service on such bonds.

1 § 42. Subdivision 3 of section 1285-p of the public authorities law,  
2 as amended by section 41 of part RR of chapter 57 of the laws of 2008,  
3 is amended to read as follows:

4 3. The maximum amount of bonds that may be issued for the purpose of  
5 financing environmental infrastructure projects authorized by this  
6 section shall be [~~six~~ eight hundred [~~ninety-eight~~ sixty-seven  
7 five hundred thousand dollars, exclusive of bonds issued to fund any  
8 debt service reserve funds, pay costs of issuance of such bonds, and  
9 bonds or notes issued to refund or otherwise repay bonds or notes previ-  
10 ously issued. Such bonds and notes of the corporation shall not be a  
11 debt of the state, and the state shall not be liable thereon, nor shall  
12 they be payable out of any funds other than those appropriated by the  
13 state to the corporation for debt service and related expenses pursuant  
14 to any service contracts executed pursuant to subdivision one of this  
15 section, and such bonds and notes shall contain on the face thereof a  
16 statement to such effect.

17 § 43. Subdivision (a) of section 27 of part Y of chapter 61 of the  
18 laws of 2005, providing for the administration of certain funds and  
19 accounts related to the 2005-2006 budget, as amended by section 42 of  
20 part RR of chapter 57 of the laws of 2008, is amended to read as  
21 follows:

22 (a) Subject to the provisions of chapter 59 of the laws of 2000, but  
23 notwithstanding any provisions of law to the contrary, the urban devel-  
24 opment corporation is hereby authorized to issue bonds or notes in one  
25 or more series in an aggregate principal amount not to exceed  
26 [~~\$108,100,000~~ \$114,100,000, excluding bonds issued to finance one or  
27 more debt service reserve funds, to pay costs of issuance of such bonds,  
28 and bonds or notes issued to refund or otherwise repay such bonds or  
29 notes previously issued, for the purpose of financing capital projects  
30 for division of state police facilities, debt service and leases; and to  
31 reimburse the state general fund for disbursements made therefor. Such  
32 bonds and notes of such authorized issuer shall not be a debt of the  
33 state, and the state shall not be liable thereon, nor shall they be  
34 payable out of any funds other than those appropriated by the state to  
35 such authorized issuer for debt service and related expenses pursuant to  
36 any service contract executed pursuant to subdivision (b) of this  
37 section and such bonds and notes shall contain on the face thereof a  
38 statement to such effect. Except for purposes of complying with the  
39 internal revenue code, any interest income earned on bond proceeds shall  
40 only be used to pay debt service on such bonds.

41 § 44. Subdivision (a) of section 48 of part K of chapter 81 of the  
42 laws of 2002, providing for the administration of certain funds and  
43 accounts related to the 2002-2003 budget, as amended by section 43 of  
44 part RR of chapter 57 of the laws of 2008, is amended to read as  
45 follows:

46 (a) Subject to the provisions of chapter 59 of the laws of 2000[7] but  
47 notwithstanding the provisions of section 18 of the urban development  
48 corporation act, the corporation is hereby authorized to issue bonds or  
49 notes in one or more series in an aggregate principal amount not to  
50 exceed \$25,000,000 excluding bonds issued to fund one or more debt  
51 service reserve funds, to pay costs of issuance of such bonds, and bonds  
52 or notes issued to refund or otherwise repay such bonds or notes previ-  
53 ously issued, for the purpose of financing capital costs related to  
54 homeland security for the division of state police, the division of  
55 military and naval affairs, and any other state agency, including the  
56 reimbursement of any disbursements made from the state capital projects

1 fund, and is hereby authorized to issue bonds or notes in one or more  
 2 series in an aggregate principal amount not to exceed [~~\$128,800,000~~]  
 3 \$155,800,000, excluding bonds issued to fund one or more debt service  
 4 reserve funds, to pay costs of issuance of such bonds, and bonds or  
 5 notes issued to refund or otherwise repay such bonds or notes previously  
 6 issued, for the purpose of financing improvements to State office build-  
 7 ings and other facilities located statewide, including the reimbursement  
 8 of any disbursements made from the state capital projects fund. Such  
 9 bonds and notes of the corporation shall not be a debt of the state, and  
 10 the state shall not be liable thereon, nor shall they be payable out of  
 11 any funds other than those appropriated by the state to the corporation  
 12 for debt service and related expenses pursuant to any service contracts  
 13 executed pursuant to subdivision (b) of this section, and such bonds and  
 14 notes shall contain on the face thereof a statement to such effect.

15 Except for purposes of complying with the internal revenue code, any  
 16 interest income earned on bond proceeds shall only be used to pay debt  
 17 service on such bonds.

18 § 45. Subdivision 4 of section 66-b of the state finance law, as  
 19 amended by section 44 of part RR of chapter 57 of the laws of 2008, is  
 20 amended to read as follows:

21 4. Subject to the provisions of chapter fifty-nine of the laws of two  
 22 thousand, but notwithstanding any other provisions of law to the contra-  
 23 ry, the maximum amount of certificates of participation or similar  
 24 instruments representing periodic payments due from the state of New  
 25 York, issued on behalf of state departments and agencies, the city  
 26 university of New York and any other state entity otherwise specified  
 27 after March thirty-first, two thousand three shall be [~~four~~] five  
 28 hundred [~~thirty-four~~] sixty-four million dollars. Such amount shall be  
 29 exclusive of certificates of participation or similar instruments issued  
 30 to fund a reserve fund or funds, costs of issuance and to refund  
 31 outstanding certificates of participation.

32 § 46. Subdivision 1 of section 16 of part D of chapter 389 of the laws  
 33 of 1997, providing for the financing of the correctional facilities  
 34 improvement fund and the youth facility improvement fund, as amended by  
 35 section 46 of part RR of chapter 57 of the laws of 2008, is amended to  
 36 read as follows:

37 1. Subject to the provisions of chapter 59 of the laws of 2000, but  
 38 notwithstanding the provisions of section 18 of section 1 of chapter 174  
 39 of the laws of 1968, the New York state urban development corporation is  
 40 hereby authorized to issue bonds, notes and other obligations in an  
 41 aggregate principal amount not to exceed five billion [~~five~~] eight  
 42 hundred [~~eleven~~] thirty-seven million [~~four~~] eight hundred thousand  
 43 dollars [~~\$5,511,400,000~~] \$5,837,800,000, and shall include all bonds,  
 44 notes and other obligations issued pursuant to chapter 56 of the laws of  
 45 1983, as amended or supplemented. The proceeds of such bonds, notes or  
 46 other obligations shall be paid to the state, for deposit in the correc-  
 47 tional facilities capital improvement fund to pay for all or any portion  
 48 of the amount or amounts paid by the state from appropriations or reap-  
 49 propriations made to the department of correctional services from the  
 50 correctional facilities capital improvement fund for capital projects.  
 51 The aggregate amount of bonds, notes or other obligations authorized to  
 52 be issued pursuant to this section shall exclude bonds, notes or other  
 53 obligations issued to refund or otherwise repay bonds, notes or other  
 54 obligations theretofore issued, the proceeds of which were paid to the  
 55 state for all or a portion of the amounts expended by the state from  
 56 appropriations or reappropriations made to the department of correction-

1 al services; provided, however, that upon any such refunding or repay-  
 2 ment the total aggregate principal amount of outstanding bonds, notes or  
 3 other obligations may be greater than five billion [~~five~~ eight hundred  
 4 [~~eleven~~ thirty-seven million [~~four~~ eight hundred thousand dollars  
 5 [~~\$5,511,400,000~~ \$5,837,800,000, only if the present value of the aggre-  
 6 gate debt service of the refunding or repayment bonds, notes or other  
 7 obligations to be issued shall not exceed the present value of the  
 8 aggregate debt service of the bonds, notes or other obligations so to be  
 9 refunded or repaid. For the purposes hereof, the present value of the  
 10 aggregate debt service of the refunding or repayment bonds, notes or  
 11 other obligations and of the aggregate debt service of the bonds, notes  
 12 or other obligations so refunded or repaid, shall be calculated by  
 13 utilizing the effective interest rate of the refunding or repayment  
 14 bonds, notes or other obligations, which shall be that rate arrived at  
 15 by doubling the semi-annual interest rate (compounded semi-annually)  
 16 necessary to discount the debt service payments on the refunding or  
 17 repayment bonds, notes or other obligations from the payment dates ther-  
 18 eof to the date of issue of the refunding or repayment bonds, notes or  
 19 other obligations and to the price bid including estimated accrued  
 20 interest or proceeds received by the corporation including estimated  
 21 accrued interest from the sale thereof.

22 § 47. Paragraph (a) of subdivision 2 of section 47-e of the private  
 23 housing finance law, as amended by section 2 of part B of chapter 2 of  
 24 the laws of 2009, is amended to read as follows:

25 (a) Subject to the provisions of chapter fifty-nine of the laws of two  
 26 thousand, in order to enhance and encourage the promotion of housing  
 27 programs and thereby achieve the stated purposes and objectives of such  
 28 housing programs, the agency shall have the power and is hereby author-  
 29 ized from time to time to issue negotiable housing program bonds and  
 30 notes in such principal amount as shall be necessary to provide suffi-  
 31 cient funds for the repayment of amounts disbursed (and not previously  
 32 reimbursed) pursuant to law or any prior year making capital appropri-  
 33 ations or reappropriations for the purposes of the housing program;  
 34 provided, however, that the agency may issue such bonds and notes in an  
 35 aggregate principal amount not exceeding two billion [~~three~~ four  
 36 hundred [~~twenty-two~~ twenty-eight million [~~nine~~ one hundred forty-one  
 37 thousand dollars, plus a principal amount of bonds issued to fund the  
 38 debt service reserve fund in accordance with the debt service reserve  
 39 fund requirement established by the agency and to fund any other  
 40 reserves that the agency reasonably deems necessary for the security or  
 41 marketability of such bonds and to provide for the payment of fees and  
 42 other charges and expenses, including underwriters' discount, trustee  
 43 and rating agency fees, bond insurance, credit enhancement and liquidity  
 44 enhancement related to the issuance of such bonds and notes. No reserve  
 45 fund securing the housing program bonds shall be entitled or eligible to  
 46 receive state funds apportioned or appropriated to maintain or restore  
 47 such reserve fund at or to a particular level, except to the extent of  
 48 any deficiency resulting directly or indirectly from a failure of the  
 49 state to appropriate or pay the agreed amount under any of the contracts  
 50 provided for in subdivision four of this section.

51 § 48. The section heading and subdivision 1 of section 43 of section 1  
 52 of chapter 174 of the laws of 1968, constituting the New York state  
 53 urban development corporation act, as added by section 48 of part RR of  
 54 chapter 57 of the laws of 2008, are amended to read as follows:

55 2008 and 2009 Economic development initiatives. 1. Notwithstanding the  
 56 provisions of any other law to the contrary, the dormitory authority and

1 the corporation are hereby authorized to issue bonds or notes in one or  
 2 more series for the purpose of funding project costs for various econom-  
 3 ic development and regional initiatives, the upstate regional blueprint  
 4 fund, the downstate revitalization fund, the upstate agricultural  
 5 economic fund, the New York state capital assistance program, the New  
 6 York state economic development assistance program and other state costs  
 7 associated with such projects. The aggregate principal amount of bonds  
 8 authorized to be issued pursuant to this section shall not exceed one  
 9 billion [~~two~~ three hundred [~~eighty-five~~ ten million dollars, excluding  
 10 bonds issued to fund one or more debt service reserve funds, to pay  
 11 costs of issuance of such bonds, and bonds or notes issued to refund or  
 12 otherwise repay such bonds or notes previously issued. Such bonds and  
 13 notes of the dormitory authority and the corporation shall not be a debt  
 14 of the state, and the state shall not be liable thereon, nor shall they  
 15 be payable out of any funds other than those appropriated by the state  
 16 to the dormitory authority and the corporation for principal, interest,  
 17 and related expenses pursuant to a service contract and such bonds and  
 18 notes shall contain on the face thereof a statement to such effect.  
 19 Except for purposes of complying with the internal revenue code, any  
 20 interest income earned on bond proceeds shall only be used to pay debt  
 21 service on such bonds.

22 § 49. Subdivision (b) of section 11 of chapter 329 of the laws of  
 23 1991, amending the state finance law and other laws relating to the  
 24 establishment of the dedicated highway and bridge trust fund, as amended  
 25 by section 50 of part RR of chapter 57 of the laws of 2008, is amended  
 26 to read as follows:

27 (b) Any service contract or contracts for projects authorized pursuant  
 28 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section  
 29 14-k of the transportation law, and entered into pursuant to subdivision  
 30 (a) of this section, shall provide for state commitments to provide  
 31 annually to the thruway authority a sum or sums, upon such terms and  
 32 conditions as shall be deemed appropriate by the director of the budget,  
 33 to fund, or fund the debt service requirements of any bonds or any obli-  
 34 gations of the thruway authority issued to fund such projects having a  
 35 cost not in excess of [~~\$5,806,200,000~~] \$5,860,800,000 cumulatively by  
 36 the end of fiscal year 2009-10.

37 § 49-a. (a) The New York state urban development corporation and the  
 38 dormitory authority of the state of New York are hereby authorized to  
 39 issue bonds or notes in one or more series in an aggregate principal  
 40 amount not to exceed \$83,500,000 excluding bonds issued to finance one  
 41 or more debt service reserve funds, to pay costs of issuance of such  
 42 bonds, and bonds or notes issued to refund or otherwise repay such bonds  
 43 or notes previously issued, for the purpose of financing project costs  
 44 of the H. H. Richardson Complex and Darwin Martin House pursuant to an  
 45 appropriation contained in a chapter of the laws of 2006. Such bonds and  
 46 notes of the corporation or the dormitory authority shall not be a debt  
 47 of the state, and the state shall not be liable thereon, nor shall they  
 48 be payable out of any funds other than those appropriated by the state  
 49 to the corporation or the dormitory authority for debt service and  
 50 related expenses pursuant to any service contract executed pursuant to  
 51 subdivision (b) of this section and such bonds and notes shall contain  
 52 on the face thereof a statement to such effect. Except for purposes of  
 53 complying with the internal revenue code, any interest income earned on  
 54 bond proceeds shall only be used to pay debt service on such bonds. All  
 55 of the provisions of the New York state urban development corporation  
 56 act and the dormitory authority act relating to bonds and notes which

1 are not inconsistent with the provisions of this section shall apply to  
2 obligations authorized by this section, including but not limited to the  
3 power to establish adequate reserves therefor and to issue renewal notes  
4 or refunding bonds thereof. The issuance of any bonds or notes hereunder  
5 shall further be subject to the approval of the director of the division  
6 of the budget.

7 (b) Notwithstanding any other law, rule or regulation to the contrary,  
8 in order to assist the corporation and the dormitory authority in under-  
9 taking the administration and financing of the H. H. Richardson Complex  
10 and Darwin Martin House pursuant to an appropriation contained in a  
11 chapter of the laws of 2006, the director of the budget is hereby  
12 authorized to enter into one or more service contracts with the corpo-  
13 ration and the dormitory authority, none of which shall exceed more than  
14 30 years in duration, upon such terms and conditions as the director of  
15 the budget and the corporation and the dormitory authority shall agree,  
16 so as to annually provide to the corporation and the dormitory authori-  
17 ty, in the aggregate, a sum not to exceed the annual debt service  
18 payments and related expenses required for the bonds and notes issued  
19 pursuant to this section. Any service contract entered into pursuant to  
20 this subdivision shall provide that the obligation of the state to pay  
21 the amount therein provided shall not constitute a debt of the state  
22 within the meaning of any constitutional or statutory provision and  
23 shall be deemed executory only to the extent of monies available and  
24 that no liability shall be incurred by the state beyond the monies  
25 available for such purposes, subject to annual appropriation by the  
26 legislature. Any such contract or any payments made or to be made there-  
27 under may be assigned or pledged by the corporation and the dormitory  
28 authority as security for its bonds and notes, as authorized by this  
29 section.

30 § 49-b. Section 1680-o of the public authorities law, as added by  
31 section 44 of part T of chapter 57 of the laws of 2007, is amended to  
32 read as follows:

33 § 1680-o. Courthouse improvements and training facilities. 1.  
34 Notwithstanding the provisions of any other law to the contrary, the  
35 authority and the urban development corporation are hereby authorized to  
36 issue bonds or notes in one or more series for the purpose of funding  
37 project costs for eligible courthouse improvements, drug courts, and  
38 training facilities. The aggregate principal amount of bonds authorized  
39 to be issued pursuant to this section shall not exceed [~~seventy-seven~~  
40 eighty-five] million nine hundred thousand dollars, excluding bonds  
41 issued to fund one or more debt service reserve funds, to pay costs of  
42 issuance of such bonds, and bonds or notes issued to refund or otherwise  
43 repay such bonds or notes previously issued. Such bonds and notes of the  
44 authority and the urban development corporation shall not be a debt of  
45 the state, and the state shall not be liable thereon, nor shall they be  
46 payable out of any funds other than those appropriated by the state to  
47 the authority and the urban development corporation for principal,  
48 interest, and related expenses pursuant to a service contract and such  
49 bonds and notes shall contain on the face thereof a statement to such  
50 effect. Except for purposes of complying with the internal revenue code,  
51 any interest income earned on bond proceeds shall only be used to pay  
52 debt service on such bonds.

53 2. Notwithstanding any other provision of law to the contrary, in  
54 order to assist the authority and the urban development corporation in  
55 undertaking the financing of eligible courthouse improvements, drug  
56 courts, and training facilities, the director of the budget is hereby

1 authorized to enter into one or more service contracts with the authori-  
 2 ty and the urban development corporation, none of which shall exceed  
 3 thirty years in duration, upon such terms and conditions as the director  
 4 of the budget and the authority and the urban development corporation  
 5 agree, so as to annually provide to the authority and the urban develop-  
 6 ment corporation, in the aggregate, a sum not to exceed the principal,  
 7 interest, and related expenses required for such bonds and notes. Any  
 8 service contract entered into pursuant to this section shall provide  
 9 that the obligation of the state to pay the amount therein provided  
 10 shall not constitute a debt of the state within the meaning of any  
 11 constitutional or statutory provision and shall be deemed executory only  
 12 to the extent of monies available and that no liability shall be  
 13 incurred by the state beyond the monies available for such purpose,  
 14 subject to annual appropriation by the legislature. Any such contract or  
 15 any payments made or to be made thereunder may be assigned and pledged  
 16 by the authority and the urban development corporation as security for  
 17 its bonds and notes, as authorized by this section.

18 § 49-c. Paragraph b of subdivision 2 of section 9-a of section 1 of  
 19 chapter 392 of the laws of 1973, constituting the New York state medical  
 20 care facilities finance agency act, as amended by section 49 of part RR  
 21 of chapter 57 of the laws of 2008, is amended to read as follows:

22 b. The agency shall have power and is hereby authorized from time to  
 23 time to issue negotiable bonds and notes in conformity with applicable  
 24 provisions of the uniform commercial code in such principal amount as,  
 25 in the opinion of the agency, shall be necessary, after taking into  
 26 account other moneys which may be available for the purpose, to provide  
 27 sufficient funds to the facilities development corporation, or any  
 28 successor agency, for the financing or refinancing of or for the design,  
 29 construction, acquisition, reconstruction, rehabilitation or improvement  
 30 of mental health services facilities pursuant to paragraph a of this  
 31 subdivision, the payment of interest on mental health services improve-  
 32 ment bonds and mental health services improvement notes issued for such  
 33 purposes, the establishment of reserves to secure such bonds and notes,  
 34 the cost or premium of bond insurance or the costs of any financial  
 35 mechanisms which may be used to reduce the debt service that would be  
 36 payable by the agency on its mental health services facilities improve-  
 37 ment bonds and notes and all other expenditures of the agency incident  
 38 to and necessary or convenient to providing the facilities development  
 39 corporation, or any successor agency, with funds for the financing or  
 40 refinancing of or for any such design, construction, acquisition, recon-  
 41 struction, rehabilitation or improvement and for the refunding of mental  
 42 hygiene improvement bonds issued pursuant to section 47-b of the private  
 43 housing finance law; provided, however, that the agency shall not issue  
 44 mental health services facilities improvement bonds and mental health  
 45 services facilities improvement notes in an aggregate principal amount  
 46 exceeding seven billion three hundred ~~[fifty-six]~~ sixty-six million  
 47 ~~[four]~~ six hundred thousand dollars, excluding mental health services  
 48 facilities improvement bonds and mental health services facilities  
 49 improvement notes issued to refund outstanding mental health services  
 50 facilities improvement bonds and mental health services facilities  
 51 improvement notes; provided, however, that upon any such refunding or  
 52 repayment of mental health services facilities improvement bonds and/or  
 53 mental health services facilities improvement notes the total aggregate  
 54 principal amount of outstanding mental health services facilities  
 55 improvement bonds and mental health facilities improvement notes may be  
 56 greater than ~~[five]~~ seven billion ~~[eight]~~ three hundred ~~[fifty-seven]~~

1 sixty-six million six hundred thousand dollars only if, except as here-  
2 inafter provided with respect to mental health services facilities bonds  
3 and mental health services facilities notes issued to refund mental  
4 hygiene improvement bonds authorized to be issued pursuant to the  
5 provisions of section 47-b of the private housing finance law, the pres-  
6 ent value of the aggregate debt service of the refunding or repayment  
7 bonds to be issued shall not exceed the present value of the aggregate  
8 debt service of the bonds to be refunded or repaid. For purposes hereof,  
9 the present values of the aggregate debt service of the refunding or  
10 repayment bonds, notes or other obligations and of the aggregate debt  
11 service of the bonds, notes or other obligations so refunded or repaid,  
12 shall be calculated by utilizing the effective interest rate of the  
13 refunding or repayment bonds, notes or other obligations, which shall be  
14 that rate arrived at by doubling the semi-annual interest rate  
15 (compounded semi-annually) necessary to discount the debt service  
16 payments on the refunding or repayment bonds, notes or other obligations  
17 from the payment dates thereof to the date of issue of the refunding or  
18 repayment bonds, notes or other obligations and to the price bid includ-  
19 ing estimated accrued interest or proceeds received by the authority  
20 including estimated accrued interest from the sale thereof. Such bonds,  
21 other than bonds issued to refund outstanding bonds, shall be scheduled  
22 to mature over a term not to exceed the average useful life, as certi-  
23 fied by the facilities development corporation, of the projects for  
24 which the bonds are issued, and in any case shall not exceed thirty  
25 years and the maximum maturity of notes or any renewals thereof shall  
26 not exceed five years from the date of the original issue of such notes.  
27 Notwithstanding the provisions of this section, the agency shall have  
28 the power and is hereby authorized to issue mental health services  
29 facilities improvement bonds and/or mental health services facilities  
30 improvement notes to refund outstanding mental hygiene improvement bonds  
31 authorized to be issued pursuant to the provisions of section 47-b of  
32 the private housing finance law and the amount of bonds issued or  
33 outstanding for such purposes shall not be included for purposes of  
34 determining the amount of bonds issued pursuant to this section. The  
35 director of the budget shall allocate the aggregate principal authorized  
36 to be issued by the agency among the office of mental health, office of  
37 mental retardation and developmental disabilities, and the office of  
38 alcoholism and substance abuse services, in consultation with their  
39 respective commissioners to finance bondable appropriations previously  
40 approved by the legislature.

41 § 50. Subdivision 8 of section 68-b of the state finance law, as added  
42 by section 2 of part I of chapter 383 of the laws of 2001, is amended to  
43 read as follows:

44 8. Revenue bonds may only be issued for authorized purposes, as  
45 defined in section sixty-eight-a of this article. Notwithstanding the  
46 foregoing, [~~any authorized issuer~~] the dormitory authority of the state  
47 of New York and the urban development corporation may issue revenue  
48 bonds [~~in place of (a) housing program bonds or notes as authorized by~~  
49 ~~section forty-seven-e of the private housing finance law, (b) bonds to~~  
50 ~~finance the state match for federal capitalization grants for the~~  
51 ~~purpose of any state revolving fund as authorized by paragraph (a) of~~  
52 ~~subdivision one of section twelve hundred ninety of the public authori-~~  
53 ~~ties law and (c) certificates of participation as authorized by article~~  
54 ~~five-a of this chapter] for any authorized purpose of any other such  
55 authorized issuer through March thirty-first, two thousand ten. The  
56 authorized issuers shall not issue any revenue bonds in an amount in~~

1 excess of statutory authorizations for such authorized purposes.  
2 Authorizations for such authorized purposes shall be reduced in an  
3 amount equal to the amount of revenue bonds issued for such authorized  
4 purposes under this article. Such reduction shall not be made in  
5 relation to revenue bonds issued to fund reserve funds, if any, and  
6 costs of issuance, if these items are not counted under existing author-  
7 izations, nor shall revenue bonds issued to refund bonds issued under  
8 existing authorizations reduce the amount of such authorizations.

9 § 51. For purposes of sections twenty-one through thirty-one of this  
10 act, the comptroller is also hereby authorized and directed to deposit  
11 to the credit of any capital projects fund, reimbursement from the  
12 proceeds of bonds and notes issued by any authorized issuer, as defined  
13 by section 68-a of the state finance law, in the amounts and for the  
14 purposes listed in such sections.

15 § 52. Section 49 of the private housing finance law is amended to read  
16 as follows:

17 § 49. State's right to require redemption of bonds. Notwithstanding  
18 and in addition to any provisions for the redemption of bonds which may  
19 be contained in any contract with the holders of the bonds, the state  
20 may, upon furnishing sufficient funds therefor, require the agency to  
21 redeem, prior to maturity, as a whole, any issue of bonds on any inter-  
22 est payment date not less than twenty years after the date of the bonds  
23 of such issue at one hundred five per centum of their face value and  
24 accrued interest or at such lower redemption price as may be provided in  
25 the bonds in case of the redemption thereof as a whole on the redemption  
26 date. Notice of such redemption shall be published in at least two news-  
27 papers publishing and circulating respectively in the cities of Albany  
28 and New York at least twice, the first publication to be at least thirty  
29 days before the date of redemption. **The provisions of this section**  
30 **relating to the state's right to require redemption of bonds, shall not**  
31 **apply to state-supported debt, as defined in section sixty-seven-a of**  
32 **the state finance law, issued by the agency. Such agency bonds shall**  
33 **remain subject to redemption pursuant to any contract with the holders**  
34 **of such bonds.**

35 § 53. Section 25 of section 1 of chapter 174 of the laws of 1968,  
36 constituting the New York state urban development corporation act, is  
37 amended to read as follows:

38 § 25. State's right to require redemption of bonds. Notwithstanding  
39 and in addition to any provisions for the redemption of bonds which may  
40 be contained in any contract with the holders of the bonds, the state  
41 may, upon furnishing sufficient funds therefor, require the corporation  
42 to redeem, prior to maturity, as a whole, any issue of bonds on any  
43 interest payment date not less than twenty years after the date of the  
44 bonds of such issue at one hundred five per centum of their face value  
45 and accrued interest or at such lower redemption price as may be  
46 provided in the bonds in case of the redemption thereof as a whole on  
47 the redemption date. Notice of such redemption shall be published at  
48 least twice in at least two newspapers publishing and circulating  
49 respectively in the cities of Albany and New York, the first publication  
50 to be at least thirty days before the date of redemption. **The provisions**  
51 **of this section relating to the state's right to require redemption of**  
52 **bonds shall not apply to state-supported debt, as defined by section**  
53 **67-a of the state finance law, issued by the corporation. Such corpo-**  
54 **ration bonds shall remain subject to redemption pursuant to any contract**  
55 **with the holders of such bonds.**

1 § 54. Section 367 of the public authorities law, as amended by chapter  
2 244 of the laws of 1953, is amended to read as follows:

3 § 367. State's right to require redemption of bonds. Notwithstanding  
4 and in addition to any provisions for the redemption of bonds which may  
5 be contained in any contract with the holders of the bonds, the state  
6 may, upon furnishing sufficient funds therefor, require the authority to  
7 redeem, prior to maturity, as a whole, any issue of bonds on any inter-  
8 est payment date not less than fifteen years after the date of the bonds  
9 of such issue at one hundred four per centum of their face value and  
10 accrued interest or at such lower redemption price as may be provided in  
11 the bonds in case of the redemption thereof as a whole on the redemption  
12 date. Notice of such redemption shall be published in at least two news-  
13 papers published and circulating respectively in the cities of Albany  
14 and New York at least twice, the first publication to be at least thirty  
15 days before the date of redemption. The provisions of this section  
16 relating to the state's right to require redemption of bonds, shall not  
17 apply to state-supported debt, as defined by section sixty-seven-a of  
18 the state finance law, issued by the authority. Such authority bonds  
19 shall remain subject to redemption pursuant to any contract with the  
20 holders of such bonds.

21 § 55. Section 1293 of the public authorities law, as amended by chap-  
22 ter 744 of the laws of 1970, is amended to read as follows:

23 § 1293. Right of state to require redemption of bonds. Notwithstanding  
24 and in addition to any provisions for the redemption of bonds which may  
25 be contained in any contract with the holders of the bonds, the state  
26 may, upon furnishing sufficient funds therefor, require the corporation  
27 to redeem, prior to maturity, as a whole, any issue of bonds on any  
28 interest payment date not less than twenty years after the date of the  
29 bonds of such issue at one hundred five per centum of their face value  
30 and accrued interest or at such lower redemption price as may be  
31 provided in the bonds in case of the redemption thereof as a whole on  
32 the redemption date. Notice of such redemption shall be published in at  
33 least two newspapers publishing and circulating respectively in the  
34 cities of Albany and New York at least twice, the first publication to  
35 be at least thirty days before the date of redemption. The provisions  
36 of this section relating to the state's right to require redemption of  
37 bonds shall not apply to state-supported debt, as defined by section  
38 sixty-seven-a of the state finance law, issued by the corporation. Such  
39 corporation bonds shall remain subject to redemption pursuant to any  
40 contract with the holders of such bonds.

41 § 56. Section 92-dd of the state finance law is amended by adding a  
42 new subdivision (j) to read as follows:

43 (j) The state comptroller shall transfer from the HCRA resources fund  
44 to the general debt service fund, revenue bond tax fund (311.02) amounts  
45 equal to the debt service paid for bonds, notes, or other obligations  
46 issued to finance the HEAL NY capital grant program authorized pursuant  
47 to section sixteen hundred eighty-j of the public authorities law.

48 § 56-a. Subdivision 2 of section 68-a of the state finance law, as  
49 added by section 2 of part I of chapter 383 of the laws of 2001, is  
50 amended to read as follows:

51 2. "Authorized purpose" for purposes of this article and section nine-  
52 ty-two-z of this chapter shall mean any purposes for which state-sup-  
53 ported debt, as defined by section sixty-seven-a of this chapter, may or  
54 has been issued except debt for which the state is constitutionally  
55 obligated thereunder to pay debt service and related expenses, and  
56 except (a) as authorized in paragraph (b) of subdivision one of section

1 three hundred eighty-five of the public authorities law, (b) as author-  
2 ized for the department of health of the state of New York facilities as  
3 specified in paragraph a of subdivision two of section sixteen hundred  
4 eighty of the public authorities law, (c) state university of New York  
5 dormitory facilities as specified in subdivision eight of section  
6 sixteen hundred seventy-eight of the public authorities law, and (d) as  
7 authorized for mental health services facilities by section nine-a of  
8 section one of chapter three hundred ninety-two of the laws of nineteen  
9 hundred seventy-three constituting the New York state medical care  
10 facilities financing act. Notwithstanding the provisions of clause (d)  
11 of this subdivision, for the period April first, two thousand nine  
12 through March thirty-first, two thousand ten, mental health services  
13 facilities, as authorized by section nine-a of section one of chapter  
14 three hundred ninety-two of the laws of nineteen hundred seventy-three  
15 constituting the New York state medical care facilities financing act,  
16 shall constitute an authorized purpose.

17 § 56-b. Section 97-f of the state finance law is amended by adding a  
18 new subdivision 8 to read as follows:

19 8. In addition to the amounts required to be maintained on deposit in  
20 the mental health services fund pursuant to subdivision five of this  
21 section, the fund shall maintain on deposit an amount equal to the debt  
22 service and other cash requirements on mental health services facilities  
23 bonds issued by the dormitory authority pursuant to section  
24 sixty-eight-b of this chapter. The amount required to be maintained in  
25 such fund shall be (i) twenty percent of the amount of the next payment  
26 coming due relating to mental health services facilities bonds issued by  
27 an authorized issuer multiplied by the number of months from the date of  
28 the last such payment with respect to payments required to be made semi-  
29 annually, plus (ii) those amounts specified in any financing agreement  
30 between the issuer and the state, acting through the director of the  
31 budget, with respect to payments required to be made other than semi-an-  
32 nually, including for variable rate bonds, interest rate exchange or  
33 similar agreements or other financing arrangements permitted by law.  
34 Prior to making any such payment, the comptroller shall make and deliver  
35 to the director of the budget and the chairmen of the facilities devel-  
36 opment corporation and the New York state medical care facilities  
37 finance agency, a certificate stating the aggregate amount to be main-  
38 tained on deposit in the mental health services fund to comply in full  
39 with the provisions of this subdivision.

40 No later than five days prior to the payment to be made by the state  
41 comptroller on such mental health services facilities bonds pursuant to  
42 section ninety-two-z of this article, the amount of such payment shall  
43 be transferred by the state comptroller from the mental health services  
44 fund to the revenue bond tax fund established by section ninety-two-z of  
45 this article. The accumulation of moneys pursuant to this subdivision  
46 and subsequent transfer to the revenue bond tax fund shall be subordi-  
47 nate in all respects to payments to be made to the New York state  
48 medical care facilities finance agency and to any pledge or assignment  
49 pursuant to subdivision six of this section.

50 § 57. This act shall take effect immediately and shall be deemed to  
51 have been in full force and effect on and after April 1, 2009; provided,  
52 however, that sections one, two, three, four, twelve and twenty-one  
53 through thirty-one of this act shall expire March 31, 2010, when, upon  
54 such date, the provisions of such sections shall be deemed repealed;  
55 provided, however that the amendments to subdivision 5 of section 97-rrr  
56 of the state finance law made by section thirteen of this act shall not

1 affect the expiration and reversion of such subdivision and shall expire  
 2 and be deemed repealed therewith; and provided, further that amendments  
 3 to section 69-c of the state finance law, made by section thirty-five of  
 4 this act, shall not affect the expiration and reversion of such section  
 5 and shall expire therewith.

6

## PART QQ

7 Section 1. Subparagraph 4 of paragraph (h) of subdivision 8 of section  
 8 15 of the workers' compensation law, as amended by chapter 139 of the  
 9 laws of 2008, is amended to read as follows:

10 (4) As soon as practicable after May first in the year nineteen  
 11 hundred fifty-eight, and annually thereafter as soon as practicable  
 12 after January first in each succeeding year, the chair of the board  
 13 shall assess upon and collect from all self-insurers, except group self-  
 14 insurers, the state insurance fund, all insurance carriers and group  
 15 self-insurers, (A) a sum equal to one hundred fifty per centum of the  
 16 total disbursements made from the special disability fund during the  
 17 preceding calendar year (not including any disbursements made on account  
 18 of anticipated liabilities or waiver agreements funded by bond proceeds  
 19 and related earnings), less the amount of the net assets in such fund as  
 20 of December thirty-first of said preceding calendar year, and (B) a sum  
 21 sufficient to cover debt service, and associated costs (the "debt  
 22 service assessment") to be paid during the calendar year by the dormito-  
 23 ry authority, as calculated in accordance with subparagraph five of this  
 24 paragraph. Such assessments shall be allocated to (i) self-insurers  
 25 except group self-insurers and the state insurance fund based upon the  
 26 proportion that the total compensation payments made by all self-insur-  
 27 ers except group self-insurers and the state insurance fund bore to the  
 28 total compensation payments made by all self-insurers except group self-  
 29 insurers, the state insurance fund, all insurance carriers and group  
 30 self-insurers, (ii) insurance carriers based upon the proportion that  
 31 the total compensation payments made by all insurance carriers bore to  
 32 the total compensation payments by all self-insurers except group self-  
 33 insurers, the state insurance fund and all insurance carriers and group  
 34 self-insurers during the fiscal year which ended within said preceding  
 35 calendar year, and (iii) group self-insurers based upon the proportion  
 36 that the total compensation payments made by all group self-insurers  
 37 bore to the total compensation payments made by all self-insurers, the  
 38 state insurance fund and all insurance carriers during the fiscal year  
 39 which ended within said preceding calendar year. Insurance carriers and  
 40 self-insurers shall be liable for all such assessments regardless of the  
 41 date on which they came into existence, or whether they have made any  
 42 claim for reimbursement from the special disability fund. The portion of  
 43 such sum allocated to self-insurers except group self-insurers and the  
 44 state insurance fund that shall be collected from each self-insurer  
 45 except a group self-insurer and the state insurance fund shall be a sum  
 46 equal to the proportion of the amount which the total compensation  
 47 payments of each such self-insurer except a group self-insurer or the  
 48 state insurance fund bore to the total compensation payments made by all  
 49 self-insurers except group self-insurers and the state insurance fund  
 50 during the fiscal year which ended within said preceding calendar year.  
 51 The portion of such sum allocated to insurance carriers that shall be  
 52 collected from each insurance carrier shall be a sum equal to that  
 53 proportion of the amount which the total [~~premiums written~~] standard  
 54 premium by each such insurance carrier bore to the total [~~written premi-~~

1 ~~ums]~~ standard premium reported by all insurance carriers during the  
2 [~~fiscal]~~ calendar year which ended within said preceding [~~calendar]~~  
3 fiscal year. The portion of such sum allocated to group self-insurers  
4 that shall be collected from each group self-insurer shall be a sum  
5 equal to that proportion of the amount which the pure premium calcu-  
6 lation for each such group self-insurer bore to the total pure premium  
7 calculation for all group self-insurers for the calendar year which  
8 ended within the preceding state fiscal year. The payments from the debt  
9 service assessment, unless otherwise set forth in the special disability  
10 fund financing agreement, are hereby pledged therefor and shall be  
11 deemed the first monies received on account of assessments in each year.  
12 For the purposes of this paragraph, [~~"direct premiums written" means~~  
13 ~~gross premiums, including policy and membership fees, less return premi-~~  
14 ~~ums and premiums on policies not taken]~~ "standard premium" shall mean  
15 the premium as defined for the purposes of this assessment by the super-  
16 intendent of insurance, in consultation with the chair of the board and  
17 the workers' compensation rating board. For purposes of this paragraph  
18 "pure premium calculation" means the New York state annual payroll as of  
19 December thirty-first of the preceding year by class code for each  
20 employer member of a group self-insurer multiplied by the applicable  
21 loss cost for each class code as determined by the workers' compensation  
22 rating board in effect on December thirty-first of the preceding year,  
23 and for a group or individual self-insurer who has ceased to self-insure  
24 shall be based on payroll at the time the group or individual self-in-  
25 surer ceased to self-insure reduced by a factor reflecting the reduction  
26 in the group or individual self-insurer's self-insurance liabilities  
27 since ceasing to self-insure. An employer who has ceased to be a self-  
28 insurer or a group that ceases to be licensed as a group self-insurer  
29 shall continue to be liable for any assessments into said fund on  
30 account of any compensation payments made by him or her on his or her  
31 account during such fiscal year, and the security fund, created under  
32 the provisions of section one hundred seven of this chapter, shall, in  
33 the event of the insolvency of any insurance company, be liable for any  
34 assessments that would have been made against such company except for  
35 its insolvency. No assessment shall be payable from the aggregate trust  
36 fund, created under the provisions of section twenty-seven of this arti-  
37 cle, but such fund shall continue to be liable for all compensation that  
38 shall be payable under any award or order of the board, the commuted  
39 value of which has been paid into such fund. Such assessments when  
40 collected shall be deposited with the commissioner of taxation and  
41 finance for the benefit of such fund. Unless otherwise provided, such  
42 assessments, shall not constitute an element of loss for the purpose of  
43 establishing rates for compensation insurance but shall for the purpose  
44 of collection be treated as separate costs by carriers. All insurance  
45 carriers and the state insurance fund, shall collect such assessments,  
46 from their policyholders through a surcharge based on premiums in  
47 accordance with rules set forth by the superintendent of insurance in  
48 consultation with the New York workers' compensation rating board[~~, as~~  
49 ~~approved by the superintendent of insurance]~~ and the chair of the board.  
50 Such surcharge shall be considered as part of premium for purposes  
51 prescribed by law including, but not limited to, computing premium tax,  
52 reporting to the superintendent of insurance pursuant to section nine-  
53 ty-nine of this chapter and section three hundred seven of the insurance  
54 law, determining the limitation of expenditures for the administration  
55 of the state insurance fund pursuant to section eighty-eight of this  
56 chapter and the cancellation by an insurance carrier, including the

1 state insurance fund, of a policy for non-payment of premium. The  
2 provisions of this paragraph shall not apply with respect to policies  
3 containing coverage pursuant to subsection (j) of section three thousand  
4 four hundred twenty of the insurance law relating to every policy  
5 providing comprehensive personal liability insurance on a one, two,  
6 three or four family owner-occupied dwelling. The state insurance fund  
7 shall, notify its insureds that such assessments, shall be, for the  
8 purpose of recoupment, treated as separate costs, respectively for the  
9 purpose of premiums billed on or after October first, nineteen hundred  
10 ninety-four.

11 For the purposes of this paragraph, except as otherwise provided: the  
12 term "insurance carrier" shall include only stock corporations, mutual  
13 corporations and reciprocal insurers authorized to transact the business  
14 of workers' compensation insurance in this state; the term "self-insur-  
15 er" shall include any employer or group of employers permitted to pay  
16 compensation directly under the provisions of subdivision three, three-a  
17 or four of section fifty of this chapter[+].

18 **The board is hereby authorized to issue credits or refunds as neces-**  
19 **sary, in the case of overpayments made to the fund. An insurance carrier**  
20 **that knowingly underreports premiums for the purposes of this section**  
21 **shall be guilty of a class E felony.**

22 § 2. Paragraph (b) of subdivision 2 of section 151 of the workers'  
23 compensation law, as amended by chapter 6 of the laws of 2007, the open-  
24 ing paragraph as amended by chapter 139 of the laws of 2008, is amended  
25 to read as follows:

26 (b) An itemized statement of the expenses so ascertained shall be open  
27 to public inspection in the office of the board for thirty days after  
28 notice to the state insurance fund, all insurance carriers and all self-  
29 insurers including group self-insurers affected thereby, before the  
30 board shall make an assessment for such expenses. The chair shall assess  
31 upon and collect a proportion of such expenses as hereinafter provided  
32 from each insurance carrier, the state insurance fund and each self-in-  
33 surer including group self-insurers. The assessment for such expenses  
34 shall be allocated to (i) self-insurers except group self-insurers and  
35 the state insurance fund based upon the proportion that the total  
36 compensation payments made by all self-insurers except group self-insur-  
37 ers and the state insurance fund in such year bore to the total compen-  
38 sation payments made by all self-insurers except group self-insurers,  
39 the state insurance fund, all insurance carriers and group self-insurers  
40 and (ii) insurance carriers based upon the proportion that the total  
41 compensation payments made by all insurance carriers in such year bore  
42 to the total compensation payments by all self-insurers, the state  
43 insurance fund and all insurance carriers [~~during the fiscal year which~~  
44 ~~ended within said preceding calendar year~~], and (iii) group self-insur-  
45 ers based upon the proportion that the total compensation payments made  
46 by all group self-insurers in such year bore to the total compensation  
47 payments made by all self-insurers, the state insurance fund and all  
48 insurance carriers [~~during the fiscal year which ended within said~~  
49 ~~preceding calendar year~~]. The portion of the assessment for such  
50 expenses allocated to self-insurers except group self-insurers and the  
51 state insurance fund that shall be collected from each self-insurer  
52 except group self-insurers and the state insurance fund shall be a sum  
53 equal to the proportion of the amount which the total compensation  
54 payments of each such self-insurer except a group self-insurer or the  
55 state insurance fund in such year bore to the total compensation  
56 payments made by all self-insurers except group self-insurers and the

1 state insurance fund. The portion of the assessment for such expenses  
2 allocated to insurance carriers that shall be collected from each such  
3 insurance carrier shall be a sum equal to that proportion of the amount  
4 which the total [~~premiums written~~] standard premium by each such insur-  
5 ance carrier [~~in such year~~] bore to the total [~~written premiums~~] stand-  
6 ard premium reported by all insurance carriers for the calendar year  
7 which ended with the state fiscal year. The portion of such sum allo-  
8 cated to group self-insurers that shall be collected from each group  
9 self-insurer shall be a sum equal to that proportion of the amount which  
10 the pure premium calculation for each such group self-insurer bore to  
11 the total pure premium calculation for all group self-insurers for the  
12 calendar year which ended within the [~~preceding~~] state fiscal year. The  
13 amounts so secured shall be used for the payment of the expenses of  
14 administering this chapter. Pure premium for assessments against indi-  
15 vidual and group self-insurers who ceased to self-insure shall be based  
16 on payroll at the time the individual or group self-insurer has ceased  
17 to self-insure, reduced by a factor reflecting the reduction in the  
18 group or individual self-insurer's self-insurance liabilities since  
19 ceasing to self-insure.

20 For purposes of this paragraph, [~~"direct premiums written" means gross~~  
21 ~~premiums, including policy and membership fees, less return premiums and~~  
22 ~~premiums on policies not taken~~] "standard premium" shall mean the premi-  
23 um as defined for the purposes of this assessment by the superintendent  
24 of insurance, in consultation with the chair of the board and the work-  
25 ers' compensation rating board. For purposes of this paragraph "pure  
26 premium calculation" means the New York state annual payroll as of  
27 December thirty-first of the preceding year by class code for each  
28 employer member of a group self-insurer multiplied by the applicable  
29 rate for each class code as determined by the workers' compensation  
30 rating board in effect on December thirty-first of the preceding year.  
31 The amounts so secured shall be used for the payment of the expenses of  
32 administering this chapter.

33 For the purposes of this paragraph, the term "insurance carrier" shall  
34 include only stock corporations, mutual corporations and reciprocal  
35 insurers authorized to transact the business of workers' compensation  
36 insurance in this state and the term "self-insurer" shall include any  
37 employer or group of employers permitted to pay compensation directly  
38 under the provisions of subdivision three, three-a or four of section  
39 fifty of this chapter.

40 § 3. (a) For purposes of this section, "insurance carrier," and "work-  
41 ers' compensation rating board" shall have the meaning set forth in  
42 section 2 of the workers' compensation law, and "affected insurance  
43 carrier" shall mean any insurance carrier or affiliated group of insur-  
44 ance carriers that has, prior to the effective date of this section: (1)  
45 paid to the workers' compensation board for any year an amount directed  
46 by the workers' compensation board under subdivision 8 of section 15,  
47 subdivision 3 of section 25-a or section 151 of the workers' compen-  
48 sation law that was less than the amount collected from its insured  
49 employers in that year, in accordance with a calculation provided by the  
50 workers' compensation rating board, (2) has identified and held any  
51 funds collected but not paid to the workers' compensation board, as  
52 measurable and available, as of January 1, 2009.

53 (b) Any affected insurance carrier shall notify the chair of the work-  
54 ers' compensation board, within thirty days of the effective date of  
55 this subdivision, of the amount of funds it has held as measurable and  
56 available under subdivision (a) of this section. The chair of the work-

1 ers' compensation board may, at any time within one hundred twenty days  
2 of the effective date of this subdivision, or at any time thereafter if  
3 the insurance carrier has not provided the notification required by this  
4 section, direct an affected insurance carrier to pay such funds to the  
5 board within thirty days if they are attributable to assessments in  
6 fiscal year 2007 or before, and as soon as practicable thereafter if  
7 they are attributable to subsequent assessments. Such funds shall be  
8 credited to the workers' compensation account and shall be reserved in  
9 the first instance for expenditure pursuant to a multi-year plan,  
10 prepared by the chair, to improve the quality, timeliness and fairness  
11 of services performed by the board, including any services funded by  
12 assessments under the workers' compensation law. Such plan must be  
13 approved by the director of the budget, and expenditures pursuant to  
14 such plan may equal up to ten percent of the 2008-09 appropriations made  
15 to the workers' compensation board, excluding contingency appropri-  
16 ations. As a part of such plan, the chair of the workers' compensation  
17 board may recommend suballocations of the funds credited to the workers'  
18 compensation account under this subdivision to the department of labor  
19 for any other purposes funded by assessments made under the workers'  
20 compensation law, or for the implementation of chapter 6 of the laws of  
21 2007, including for implementation of section 134 and subdivision 1 of  
22 section 35 of the workers' compensation law. Such suballocations shall  
23 be included within the total allowable expenditures under the plan and  
24 must also be approved by the director of the budget. Any amounts avail-  
25 able in any fiscal year after deducting amounts reflecting expenditures  
26 to be made by the workers' compensation board for that fiscal year under  
27 the plan provided for by this section shall be transferred by the comp-  
28 troller to the general fund, at the request of the director of the budg-  
29 et.

30 (c) Any affected insurance carrier that makes payments to the workers'  
31 compensation board in accordance with this section shall not be subject  
32 to any civil or criminal liability for damages arising out of the  
33 collection or maintenance of any funds so paid, that were collected  
34 under subdivision 8 of section 15, subdivision 3 of section 25-a or  
35 section 151 of the workers' compensation law.

36 (d) Except for the immunity of an affected insurance carrier pursuant  
37 to subdivision (c) of this section, this section does not confer any  
38 immunity or create a cause of action or provide a defense.

39 § 4. This act shall take effect immediately, provided that sections  
40 one and two of this act shall take effect on January 1, 2010.

41

## PART RR

42 Section 1. Section 3 of part C of chapter 152 of the laws of 2001  
43 amending the military law relating to military funds of the organized  
44 militia, as amended by section 1 of part B of chapter 56 of the laws of  
45 2007, is amended to read as follows:

46 § 3. This act shall take effect on the same date as the reversion of  
47 subdivision 5 of section 183 and subdivision 1 of section 221 of the  
48 military law as provided by section 76 of chapter 435 of the laws of  
49 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-  
50 standing this act shall be deemed to have been in full force and effect  
51 on and after July 31, 2005 and shall remain in full force and effect  
52 until July 31, [~~2009~~] 2011 when upon such date this act shall expire.

53 § 2. This act shall take effect immediately.

1

## PART SS

2 Section 1. The correction law is amended by adding a new article 12 to  
3 read as follows:

4

ARTICLE 12

5

LOCAL CONDITIONAL RELEASE COMMISSION

6

Section 270. Definitions.

7

271. Local conditional release commission; organization.

8

272. Local conditional release commission; function, powers and  
9 duties.

10

273. Conditional release; procedures for application and deter-  
11 minations.

12

274. Conditional release; procedures for violation, delinquency,  
13 warrants and revocation.

14

275. Transfer of custody and supervision of conditional releas-  
15 ee.

16

276. Regulations and report.

17

§ 270. Definitions. As used in this article, the following terms have  
18 the following meanings:

19

1. "Commission" means the local conditional release commission.

20

2. "County" means each county in the state, except a county within the  
21 city of New York.

22

3. "County executive" means the county commissioner, county manager,  
23 county director or county president.

24

4. "Division" means the division of probation and correctional alter-  
25 natives.

26

§ 271. Local conditional release commission; organization. 1. Every  
27 county, and the city of New York, may adopt a local law establishing a  
28 local conditional release commission. Such commission shall be appointed  
29 by the county executive, upon the advice and consent of the county  
30 legislature, or in the case of the city of New York, such commission  
31 shall be appointed by the mayor, upon the advice and consent of the city  
32 council. Each such commission shall consist of at least five members.  
33 Each member of the commission shall have graduated from an accredited  
34 four year college or university and shall have had at least five years  
35 of experience in the field of criminology, administration of criminal  
36 justice, law enforcement, probation, parole, law, social work, social  
37 science, psychology, psychiatry or corrections.

38

2. The term of office of each member of such commission shall be for  
39 four years; provided, however, that any member chosen to fill a vacancy  
40 occurring otherwise than by expiration of term shall be appointed for  
41 the remainder of the unexpired term of the member whom the person is to  
42 succeed. Vacancies caused by expiration of term or otherwise shall be  
43 filled in the same manner as original appointments.

44

3. No member of the commission shall serve as a representative of any  
45 political party on an executive committee or other governing body there-  
46 of, as an executive officer or employee of any political committee,  
47 organization or association, nor be a judge or justice, a sheriff or  
48 district attorney.

49

4. Any member may be removed by the county executive, or the mayor in  
50 the case of the city of New York, for cause, after notice and an oppor-  
51 tunity to be heard.

52

5. The director of the local probation department, or such director's  
53 designee, shall serve as an ex-officio, non-voting member of the commis-  
54 sion.

1 6. The local probation department shall assign staff support to the  
2 commission.

3 § 272. Local conditional release commission; function, powers and  
4 duties. The commission shall:

5 1. have the power and duty of determining which persons sentenced  
6 within the county, or the city of New York, and serving a definite  
7 sentence of imprisonment and eligible for conditional release pursuant  
8 to subdivision two of section 70.40 of the penal law may be released on  
9 conditional release and when and under what conditions in accordance  
10 with section two hundred seventy-three of this article;

11 2. have the power to determine, as each inmate applies for conditional  
12 release, the need for supplemental investigation of the background of  
13 such inmate and cause such investigation as may be necessary to be made  
14 as soon as practicable. The commission may require that the probation  
15 department located in the jurisdiction of the commission conduct such  
16 supplemental investigation. The results of such investigation together  
17 with all other information compiled by the local correctional facility  
18 and the complete criminal record and family court record of such inmate  
19 shall be readily available when the conditional release of such inmate  
20 is being considered. Such information shall include a complete statement  
21 of the crime for which the inmate has been sentenced, the circumstances  
22 of such crime, all presentence memoranda, the nature of the sentence,  
23 the court in which such inmate was sentenced, the name of the judge and  
24 district attorney and copies of such probation reports as may have been  
25 made as well as reports as to the inmate's social, physical, mental and  
26 psychiatric condition and history;

27 3. have the legal custody of persons conditionally released and placed  
28 under the supervision of the local probation department for a period of  
29 one year, or until returned to the custody of the local correctional  
30 facility located in the jurisdiction of the commission, as the case may  
31 be;

32 4. have the power to revoke the conditional release of any person in  
33 the legal custody of the commission and to issue declarations of delin-  
34 quency and authorize the issuance of a warrant for the retaking of such  
35 person, as provided for in section two hundred seventy-four of this  
36 article;

37 5. for the purpose of any investigation necessary in the performance  
38 of its duties, have the power to issue subpoenas, to compel the attend-  
39 ance of witnesses and the production of books, papers, and other docu-  
40 ments pertinent to the subject of its inquiry. The minutes of all  
41 commission meetings must be recorded and such records shall be retained  
42 according to applicable standards;

43 6. have the power to authorize any members thereof to administer oaths  
44 and take the testimony of persons under oath;

45 7. notify, in writing, the initial sentencing court, the district  
46 attorney and defense counsel within five business days of receipt of an  
47 application for a local conditional release filed under this article and  
48 provide a fifteen day period for comment on such application. Comments  
49 submitted under this subdivision shall be provided to the commission and  
50 all parties;

51 8. notify in writing the appropriate local probation department prior  
52 to release of a conditionally released person of such department's  
53 responsibilities to supervise such person;

54 Such notice shall include the name and residence of the person, the  
55 date of release, the conditions of release, and all necessary records  
56 maintained on such person to aid the local probation department in the

1 performance of its responsibilities pursuant to subdivision six of  
2 section two hundred fifty-six of the executive law;

3 9. have the power to transfer the legal custody of persons condi-  
4 tionally released in accordance with the provisions of section two  
5 hundred seventy-five of this article;

6 10. present an annual report to the county legislature, or in the case  
7 of the city of New York, to the city council, of its findings and  
8 actions on submitted applications.

9 § 273. Conditional release; procedures for application and determi-  
10 nations. 1. Any inmate who is eligible for conditional release by a  
11 commission pursuant to subdivision two of section 70.40 of the penal law  
12 and who has served a minimum period of sixty days in a local correction-  
13 al facility may apply for conditional release. Eligibility criteria  
14 shall be limited to inmates:

15 (a) who have not been previously convicted and who do not stand  
16 convicted of any crime which would make such inmate ineligible for the  
17 receipt of merit time pursuant to section eight hundred three of this  
18 chapter, any crime pursuant to article two hundred thirty-five of the  
19 penal law when the victim of such offense was under the age of eighteen  
20 at the time of the offense, or any crime which the commission determines  
21 constituted a crime of domestic violence;

22 (b) having jail records which make them eligible for a reduction of  
23 sentence under section eight hundred four of this chapter;

24 (c) having verified community ties in one of the following areas:  
25 employment, permanent residence and family.

26 Application shall be made in writing, on forms prescribed by the divi-  
27 sion, to the commission in the county where the sentence was imposed.

28 2. The commission shall review and make a determination on each appli-  
29 cation within thirty days of receipt of such application. No determi-  
30 nation granting or denying such application shall be valid unless made  
31 by a majority vote of at least three commission members present. No  
32 release shall be granted unless there is a reasonable probability that,  
33 if such inmate is released, he or she shall live and remain at liberty  
34 without violating the law, and that his or her release is not incompat-  
35 ible with the welfare of society and shall not so deprecate the serious-  
36 ness of his or her crime as to undermine respect for law.

37 3. If conditional release is granted, the commission shall set the  
38 conditions for release of the person in accordance with rules and regu-  
39 lations promulgated by the division. Such person shall be given a copy  
40 of the conditions of release. Such conditions shall, where appropriate,  
41 include a requirement that the person comply with any restitution order  
42 previously imposed by a court of competent jurisdiction that applies to  
43 the person.

44 4. No person who has been granted conditional release shall be  
45 released until such person has served a minimum period of incarceration  
46 of ninety days, in accordance with subdivision two of section 70.40 of  
47 the penal law, and unless such person has agreed in writing to the  
48 conditions set by the commission. Such agreement shall state in plain,  
49 easily understandable language the consequences of a violation of one or  
50 more of the conditions of release.

51 5. Persons who have been granted conditional release by the commission  
52 established pursuant to this article shall, while on conditional  
53 release, be in the legal custody of the commission for a period of one  
54 year, or until returned to the custody of the local correctional facili-  
55 ty located in the jurisdiction of the commission, as the case may be.  
56 The probation department located in the jurisdiction of the commission

1 has the duty of supervising the person during the period of such condi-  
2 tional release. The commission shall impose a minimum of four super-  
3 vision contacts per month while the person is on conditional release,  
4 unless the commission determines that fewer contacts are appropriate in  
5 any individual case.

6 6. If conditional release is not granted, the commission shall inform  
7 the person in writing of the factors and reasons for such denial of  
8 conditional release within fifteen days of the decision. Such reasons  
9 shall be given in detail and not in conclusory terms. Inmates denied  
10 conditional release are eligible to reapply sixty days after the date of  
11 the denial.

12 § 274. Conditional release; procedures for violation, delinquency,  
13 warrants and revocation. 1. If at any time during the period of condi-  
14 tional release, the commission, or any member thereof, has reasonable  
15 cause to believe that a person who has been conditionally released has  
16 lapsed into criminal ways or company, or has violated one or more condi-  
17 tions of conditional release, the commission or such member may declare  
18 such person delinquent and issue a written declaration of delinquency.  
19 Upon such declaration, such commission or such member may issue a  
20 warrant for the retaking and temporary detention of such person.

21 2. A warrant issued pursuant to this section shall constitute suffi-  
22 cient authority to the chief administrative officer of any local correc-  
23 tional facility to whom it is delivered to hold in temporary detention  
24 the person named therein.

25 3. A warrant issued pursuant to this section may be executed by any  
26 probation officer or any officer authorized to serve criminal process or  
27 any peace officer, who is acting pursuant to his or her special duties,  
28 or any police officer. Any such officer to whom such warrant shall be  
29 delivered is authorized and required to execute such warrant by taking  
30 such person and having him or her detained as provided for in this  
31 section.

32 4. The alleged violator shall, within five days of the execution of  
33 the warrant, be given written notice of the time, place and purpose of  
34 the hearing. The notice shall state what conditions of conditional  
35 release are alleged to have been violated and in what manner and shall  
36 inform the alleged violator of his or her right to counsel as provided  
37 for in subdivision seven of this section.

38 5. The alleged conditional release violator shall appear before the  
39 commission within twenty days of the execution of the warrant. At the  
40 time of such appearance the commission shall ask the alleged violator  
41 whether he or she wishes to make any statement with respect to the  
42 violation. If the alleged violator makes a statement, the commission may  
43 accept it and base a decision thereon. If the commission does not accept  
44 it, or if the alleged violator does not make a statement, the commission  
45 shall proceed with the hearing.

46 6. The commission may receive any relevant evidence. The alleged  
47 violator may cross examine witnesses and may present evidence on his or  
48 her own behalf.

49 7. The alleged violator is entitled to counsel at all stages of any  
50 proceeding under this section and the commission shall advise him or her  
51 of such right upon delivering to the alleged violator written notice,  
52 required pursuant to subdivision four of this section.

53 8. At the conclusion of the hearing, the commission shall issue a  
54 finding. If the commission is not satisfied that there is a preponder-  
55 ance of evidence in support of the violation, the commission shall  
56 dismiss the violation, cancel delinquency and restore the person to

1 supervision. If the commission is satisfied that there is a preponder-  
2 ance of evidence that the alleged violator violated one or more condi-  
3 tions of conditional release in an important respect, the commission  
4 shall so find.

5 9. Upon a finding in support of the violation, the commission may  
6 revoke the conditional release, or continue or modify the conditions of  
7 such conditional release. Where the commission revokes a person's condi-  
8 tional release, such person shall be committed to the custody of the  
9 chief administrative officer of the local correctional facility to serve  
10 the time remaining on his or her sentence, in accordance with subdivi-  
11 sion three of section 70.40 of the penal law. Where the commission modi-  
12 fies the conditions of the conditional release, the commission shall  
13 inform the person, in writing, of such modified conditions.

14 10. Any actions by the commission pursuant to this article shall be  
15 deemed a judicial function and shall not be reviewable if done in  
16 accordance with law.

17 § 275. Transfer of custody and supervision of conditional releasee. 1.  
18 If a person who has been granted conditional release pursuant to this  
19 article resides or desires to reside in a place other than the one  
20 located within the jurisdiction of the commission which has legal custo-  
21 dy of such person, such commission, or any member thereof, may designate  
22 any other commission established pursuant to this article, or the parole  
23 board, to assume custody of such person and may so transfer custody upon  
24 the consent of such other commission or the parole board.

25 2. Where custody of a person who has been granted conditional release  
26 pursuant to this article is transferred pursuant to subdivision one of  
27 this section, upon designation and prior to transfer, the commission  
28 making the designation shall notify the commission which has been desig-  
29 nated to receive custody of such transfer or the parole board. The  
30 commission making the designation shall immediately forward its entire  
31 case record regarding such person to the receiving commission or the  
32 parole board. The commission to which legal custody has been trans-  
33 ferred, or the parole board, shall assume the same powers and duties  
34 exercised by the designating commission and shall have the sole custody  
35 of such person.

36 3. The commission making the designation shall, upon designation and  
37 prior to transfer, notify the local probation department located in the  
38 jurisdiction of the receiving commission of the duties of supervision  
39 and conditions of release of such person. Upon such notification, such  
40 probation department shall assume responsibilities of supervision. The  
41 commission making the designation shall immediately forward its entire  
42 case record regarding such person to such probation department.

43 § 276. Regulations and report. The division shall promulgate regu-  
44 lations in conformance with the provisions of this article which ensure  
45 that local conditional release commissions operate in accordance with  
46 the requirements provided in this article. The division shall report  
47 annually to the speaker of the assembly and to the temporary president  
48 of the senate concerning the operations of local conditional release  
49 commissions.

50 § 2. The executive law is amended by adding a new section 257-b to  
51 read as follows:

52 § 257-b. Conditional releasees; duties of supervision. 1. It shall be  
53 the duty of every probation officer to furnish each person who has been  
54 ordered to his or her supervision pursuant to subdivision two of section  
55 70.40 of the penal law, with a statement of the conditions of release  
56 and to instruct such person with regard thereto; to keep informed

1 concerning such person's conduct, habits, associates, employments,  
 2 recreation and whereabouts; to contact such person pursuant to rules and  
 3 regulations promulgated by the division; to aid and encourage such  
 4 person by friendly advice and admonition and, by such other measures as  
 5 may seem most suitable, to bring about improvement in such person's  
 6 conduct, condition and general attitude toward society.

7 2. Probation officers shall report to the head of the local probation  
 8 department who shall in turn report in writing to the local conditional  
 9 release commission having custody of such person at least monthly  
 10 concerning the conduct and condition of persons conditionally released  
 11 pursuant to subdivision two of section 70.40 of the penal law; keep  
 12 records of their work as probation officers; keep accurate and complete  
 13 accounts of all money collected from such persons; give receipts there-  
 14 for and make prompt returns thereof at least monthly; aid in securing  
 15 employment; perform such other duties in connection with the supervision  
 16 of such persons as may be required by rules and regulations promulgated  
 17 by the division; and make any other reports to the division as it may  
 18 require.

19 3. If at any time during the period of supervision, a probation offi-  
 20 cer has reasonable cause to believe a person conditionally released  
 21 pursuant to subdivision two of section 70.40 of the penal law has lapsed  
 22 into criminal ways or company, or has violated one or more conditions of  
 23 his or her release, such probation officer shall report such fact to a  
 24 member of the local conditional release commission having custody of  
 25 such person.

26 § 3. Subdivision 4 of section 259-a of the executive law, as separate-  
 27 ly amended by chapter 635 of the laws of 1985 and chapter 1 of the laws  
 28 of 1998, is amended to read as follows:

29 4. [The] In accordance with the provisions of this chapter, the divi-  
 30 sion shall supervise [~~all~~] inmates released on parole or conditional  
 31 release, or to post-release supervision, except that the division may  
 32 consent to the supervision of a released inmate by the United States  
 33 parole commission pursuant to the witness security act of nineteen  
 34 hundred eighty-four.

35 § 4. Subdivision 2 of section 70.40 of the penal law, as amended by  
 36 chapter 467 of the laws of 1979, is amended to read as follows:

37 2. Definite sentence. A person who is serving one or more than one  
 38 definite sentence of imprisonment with a term or aggregate term in  
 39 excess of ninety days, and is eligible for release according to the  
 40 criteria set forth in paragraphs (a), (b) and (c) of subdivision one of  
 41 section two hundred seventy-three of the correction law, may, if he or  
 42 she so requests, be conditionally released from the institution in which  
 43 he or she is confined at any time after service of sixty days of that  
 44 term, exclusive of credits allowed under subdivisions four and six of  
 45 section 70.30. In computing service of sixty days, the credit allowed  
 46 for jail time under subdivision three of section 70.30 shall be calcu-  
 47 lated as time served. Conditional release from such institution shall be  
 48 in the discretion of the parole board, [~~and~~] or a local conditional  
 49 release commission established pursuant to article twelve of the  
 50 correction law, provided, however that where such release is by a local  
 51 conditional release commission, the person must be serving a definite  
 52 sentence with a term in excess of one hundred twenty days and may only  
 53 be released after service of ninety days of such term. In computing  
 54 service of ninety days, the credit allowed for jail time under subdivi-  
 55 sion three of section 70.30 of this article shall be calculated as time  
 56 served. A conditional release granted under this subdivision shall be

1 upon such conditions as may be imposed by ~~[that]~~ the parole board, in  
 2 accordance with the provisions of the executive law, or a local condi-  
 3 tional release commission in accordance with the provisions of the  
 4 correction law.

5 Conditional release shall interrupt service of the sentence or  
 6 sentences and the remaining portion of the term or aggregate term shall  
 7 be held in abeyance. Every person so released shall be under the super-  
 8 vision of the parole board ~~[for a period of one year]~~ or a local  
 9 probation department and in the custody of the local conditional release  
 10 commission in accordance with article twelve of the correction law, for  
 11 a period of one year. The local probation department shall cause  
 12 complete records to be kept of every person released to its supervision  
 13 pursuant to this subdivision. The division of parole may supply to a  
 14 local probation department and the local conditional release commission  
 15 custody information and records maintained on persons under the super-  
 16 vision of such local probation department to aid in the performance of  
 17 its supervision responsibilities. Compliance with the conditions of  
 18 release during the period of supervision shall satisfy the portion of  
 19 the term or aggregate term that has been held in abeyance.

20 § 5. Paragraph (b) of subdivision 3 of section 70.40 of the penal law,  
 21 as separately amended by chapter 1 of the laws of 1998, is amended to  
 22 read as follows:

23 (b) When a person is alleged to have violated the terms of his condi-  
 24 tional release or post-release supervision and has been declared delin-  
 25 quent by the parole board or the local conditional release commission  
 26 having supervision over ~~[him]~~ such person, the declaration of delinquen-  
 27 cy shall interrupt the period of supervision or post-release supervision  
 28 as of the date of the delinquency. For a conditional release, such  
 29 interruption shall continue until the return of the person to the insti-  
 30 tution from which he was released or, if he was released from an insti-  
 31 tution under the jurisdiction of the state department of ~~[correction]~~  
 32 correctional services, to an institution under the jurisdiction of that  
 33 department. Upon such return, the person shall resume service of his  
 34 sentence. For a person released to post-release supervision, the  
 35 provisions of section 70.45 shall apply.

36 § 6. This act shall take effect immediately.

37

## PART TT

38 Section 1. Section 1806 of the vehicle and traffic law, as amended by  
 39 chapter 173 of the laws of 1990, is amended to read as follows:

40 § 1806. Plea of not guilty by a defendant charged with a traffic  
 41 infraction. In addition to appearing personally to enter a plea of not  
 42 guilty to a violation of any provision of the tax law or the transporta-  
 43 tion law regulating traffic, or to a traffic infraction for the  
 44 violation of any of the provisions of the vehicle and traffic law or of  
 45 any local law, ordinance, order, rule or regulation relating to the  
 46 operation of motor vehicles or ~~[motor cycles]~~ motorcycles, a defendant  
 47 may enter a plea of not guilty by mailing to the court of appropriate  
 48 jurisdiction the ticket making the charge and a signed statement indi-  
 49 cating such plea. Such plea must be sent: (a) by registered or certi-  
 50 fied mail, return receipt requested or by first class mail; and (b)  
 51 within forty-eight hours after receiving such ticket. Upon receipt of  
 52 such ticket and statement, the court shall advise the violator of ~~[the~~  
 53 trial] an appearance date by first class mail but no warrant of arrest  
 54 for ~~[his]~~ failure to appear can be issued until the violator is notified

1 of a new [~~trial~~] court appearance date by registered or certified mail,  
2 return receipt requested, and [~~he~~] fails to appear.  
3 § 2. This act shall take effect immediately.

4 PART UU

5 Section 1. Legislative findings. The legislature hereby finds that  
6 inmates face significant health issues and suffer from relatively high  
7 rates of infectious diseases, mental illness, chronic drug and alcohol  
8 addictions, and other conditions such as diabetes, asthma and hyperten-  
9 sion. Research has shown that individuals who are enrolled in Medicaid  
10 upon release from incarceration, and therefore have access to medical  
11 and mental health care and drug treatment, are less likely to be rear-  
12 rested and to engage in unhealthy behaviors. Additionally, multiple  
13 studies have shown that providing adequate medical assistance to persons  
14 returning from incarceration produces considerable fiscal savings by  
15 reducing costs associated with drug use and related crime and fighting  
16 the spread of communicable diseases like HIV and hepatitis.

17 Therefore, the legislature finds that helping to ensure access to  
18 Medicaid benefits for persons immediately upon their release from incar-  
19 ceration is essential to ensure adequate medical care, drug treatment  
20 and mental health services.

21 In 2007, New York law was changed to allow for the suspension rather  
22 than termination of Medicaid eligibility upon incarceration. As a  
23 result, inmates who are enrolled in Medicaid immediately before admis-  
24 sion to the correctional system have their Medicaid benefits suspended  
25 rather than terminated and therefore have access to Medicaid coverage  
26 upon release. It is estimated that twenty to thirty percent of inmates  
27 have Medicaid coverage immediately before their admission to prison.  
28 Nonetheless, many inmates who are not enrolled in Medicaid when they  
29 enter prison will require Medicaid coverage upon release.

30 The legislature finds that the New York department of correctional  
31 services, the department of health, the office of temporary and disabili-  
32 ty assistance and the division of parole should work together to deter-  
33 mine the most efficient way to facilitate Medicaid coverage for eligible  
34 inmates upon release from prison. The legislature finds that these state  
35 agencies are in the best position to determine if correctional, parole  
36 or health staff or an outside entity should be trained to assist inmates  
37 in filing medical assistance applications to help ensure that medical  
38 assistance benefits are available to inmates either upon their release  
39 or as soon thereafter as practicable.

40 The legislature finds that the department of correctional services  
41 should determine which correctional facility is the ideal setting to  
42 institute a pilot project in which inmates released from such a state  
43 correctional facility will have access to Medicaid coverage upon release  
44 from prison. The legislature further finds that in order to expedite the  
45 process and help ensure Medicaid coverage upon release, applications for  
46 medical assistance filed on behalf of inmates being released to a coun-  
47 ty, other than the county in which the correctional facility is located,  
48 should be submitted to and processed by the centralized statewide  
49 enrollment center established through contract with the department of  
50 health.

51 § 2. The correction law is amended by adding a new section 140-a to  
52 read as follows:

53 § 140-a. Pilot project for filing medical assistance applications for  
54 inmates prior to their release. 1. Subject to the availability of an

1 appropriation of no less than two hundred thousand dollars, the commis-  
2 sioner, after consultation with the chairman of the division of parole,  
3 the commissioner of the department of health, and the commissioner of  
4 the office of temporary and disability assistance, shall establish a  
5 pilot program at a designated correctional facility for the purpose of  
6 filing applications for enrollment in the medical assistance program  
7 established under title eleven of article five of the social services  
8 law for eligible inmates prior to their release to the community;  
9 provided, however, that the commissioner shall not establish such pilot  
10 program at the Orleans correctional facility. For purposes of this pilot  
11 program, eligible inmates shall not include any inmates who were receiv-  
12 ing such medical assistance immediately prior to their commitment to the  
13 department and whose medical assistance was thereafter suspended pursu-  
14 ant to the provisions of subdivision one-a of section three hundred  
15 sixty-six of the social services law.

16 2. In determining the facility where the pilot program shall be estab-  
17 lished, the commissioner shall give due consideration to the following  
18 factors, which shall include, but not be limited to: (i) the degree to  
19 which pre-release services and re-entry services are either already  
20 available at such facility or can be made readily available at such  
21 facility; (ii) the proximity of the facility to the communities to which  
22 the eligible inmates will be released; (iii) the availability of commu-  
23 nity linkages which would facilitate the preparation and submission of  
24 such medical assistance applications for eligible inmates; and (iv) the  
25 recommendations of the commissioner of the office of temporary and disa-  
26 bility assistance, the commissioner of the department of health and the  
27 chairman of the division of parole.

28 3. The commissioner may use the appropriation for this pilot program  
29 to establish one or more department positions to perform any responsi-  
30 bilities which may arise in connection with the preparation and  
31 submission of such medical assistance applications. The commissioner may  
32 also use the appropriation to enter into any contract with one or more  
33 outside individuals or entities to provide any services that may be  
34 needed in connection with this pilot program. Further, all or a portion  
35 of the funds appropriated for the pilot program may be transferred to  
36 another state agency in order to establish positions to perform any  
37 responsibilities which may be necessary to operate the pilot program.

38 4. Applications for medical assistance shall be submitted to the  
39 statewide enrollment center established by contract with the department  
40 of health pursuant to subdivision twenty-four of section two hundred six  
41 of the public health law in sufficient time before the anticipated  
42 release, conditional release or discharge of the eligible inmate to  
43 permit the enrollment center to process the application prior to such  
44 inmate's release from the custody; provided, however, that where the  
45 eligible inmate will be released to the same county where the pilot  
46 program is established, the application for medical assistance may be  
47 filed with the local county department of social services.

48 5. Upon receipt of an application filed pursuant to this section, the  
49 centralized statewide enrollment center shall determine the eligibility  
50 of such inmate for enrollment in the medical assistance program estab-  
51 lished under title eleven of article five of the social services law.  
52 Such determination shall be based on whether the inmate, except for his  
53 or her status as an inmate, would be eligible to receive medical assist-  
54 ance. Notwithstanding any inconsistent provision of law, enrollment in  
55 the medical assistance program shall be effective on the date an eligi-  
56 ble inmate is released, conditionally released or discharged from custo-

1 dy in a department facility to the community. The commissioner, the  
2 commissioner of the state department of health and the chairman of the  
3 state division of parole shall determine the process for issuing the  
4 medical assistance identification card so that the applicant will  
5 receive appropriate documentation of his/her eligibility of medical  
6 assistance either upon release or as soon thereafter as practicable.

7 6. After the pilot program becomes operational, the commissioner shall  
8 periodically monitor all indicators related to the preparation and proc-  
9 essing of inmate applications which shall include, but not be limited  
10 to: (i) the degree to which all of the requisite information for an  
11 application can be obtained while the inmate is incarcerated by the  
12 department; (ii) the average processing times to prepare and complete  
13 applications; (iii) the most effective manner for the transmittal of a  
14 completed application for an eligibility determination; (iv) the average  
15 amount of time required before an eligibility determination can be  
16 completed and the necessary medical assistance eligibility card is  
17 provided to the eligible individual; and (v) the identification of  
18 issues and factors which may prevent, impede, or delay the preparation  
19 and submission of applications, which could be ameliorated by modifica-  
20 tions to existing laws, rules and regulations, or policies and proce-  
21 dures.

22 7. After the pilot program has been operational for a period of twelve  
23 months, or sooner if determined to be appropriate by the commissioner, a  
24 report shall be prepared by the commissioner and submitted to the gover-  
25 nor, the temporary president of the senate and the speaker of the assem-  
26 bly on the factors listed in subdivision six of this section. Such  
27 report shall also include any recommendations for additional legislative  
28 enactments that may be needed, or new appropriations that may be  
29 required, to improve, enhance and subsequently expand the program to  
30 other correctional facilities as determined to be appropriate by the  
31 commissioner, with the ultimate goal to assist as many inmates as feasi-  
32 ble to submit applications for medical assistance prior to their release  
33 to the community.

34 8. The division of parole shall assist the department in any manner  
35 necessary to assure that the purposes and objective of this section are  
36 effectively accomplished.

37 9. The commissioner and the commissioner of the department of health  
38 may promulgate rules and regulations necessary for the uniform and time-  
39 ly preparation, submission, acceptance and processing of applications by  
40 eligible inmates prior to their release from custody.

41 § 3. This act shall take effect immediately, provided however that the  
42 provisions of section two of this act shall be implemented upon the  
43 certification by the commissioner of the department of health that the  
44 centralized statewide enrollment center, established through contract  
45 with the department of health pursuant to subdivision 24 of section 206  
46 of the public health law, is able to accept and process medical assist-  
47 ance applications. This act shall remain in effect until April 1, 2012,  
48 when it shall expire and be deemed repealed.

49

## PART VV

50 Section 1. Section 679-e of the education law, as added by section 1  
51 of part H of chapter 56 of the laws of 2007, paragraphs a and d of  
52 subdivision 2 as amended by section 1 of part X of chapter 56 of the  
53 laws of 2008 and paragraph b of subdivision 3 as amended by section 2 of  
54 part X of chapter 56 of the laws of 2008, is amended to read as follows:

1 § 679-e. New York state district attorney and indigent legal services  
2 attorney loan forgiveness program. 1. Purpose. The president shall  
3 grant student loan forgiveness awards for the purpose of increasing the  
4 number of experienced attorneys serving in the position of district  
5 attorney or indigent legal services attorney in the counties of the  
6 state.

7 2. Definitions. a. (i) "Eligible attorney" means an attorney, admitted  
8 to practice law in New York state, who is employed full-time as either a  
9 district attorney, as defined in subparagraph (ii) of this paragraph, or  
10 an indigent legal services attorney, as defined in subparagraph (iii) of  
11 this paragraph, who is [~~employed full time as a district attorney; and~~  
12 ~~who holds a degree from a law school~~] admitted to practice law in this  
13 state for not more than eleven years and who was within the eligible  
14 period as defined in paragraph b of this subdivision during the time for  
15 which such person is seeking a student loan expense grant.

16 (ii) "District attorney" means the district attorney of one of the  
17 counties of the state or an employee of the office of any such district  
18 attorney.

19 (iii) "Indigent legal services attorney" means an attorney who is an  
20 employee of (A) any agency designated by subdivisions one and two of  
21 section seven hundred twenty-two of the county law, who is engaged in  
22 the practice of criminal law on behalf of persons charged with a crime  
23 who are financially unable to obtain counsel; (B) a not-for-profit  
24 corporation that is exempt from the payment of federal income taxes  
25 pursuant to section 501(c)(3) of the internal revenue code and estab-  
26 lished for the purpose of providing legal services that include civil  
27 legal services to persons within New York state who are financially  
28 unable to obtain counsel; or (C) an agency specified in clause (A) of  
29 this subparagraph and/or a corporation specified in clause (B) of this  
30 subparagraph and who provides a combination of the civil and criminal  
31 services specified therein.

32 b. "Eligible period" means the six-year period after completion of the  
33 third year and before the commencement of the tenth year of employment  
34 as [~~a district~~] an eligible attorney. For purposes of this section, all  
35 periods of time during which an admitted attorney was employed as [~~a~~  
36 ~~district~~] an eligible attorney and all periods of time during which a  
37 law school graduate awaiting admission to the New York state bar was  
38 employed by a prosecuting or criminal defense agency as permitted by  
39 section four hundred eighty-four of the judiciary law shall be combined.

40 c. "Student loan expense" means the total loan balance required to be  
41 paid by the eligible attorney on the cumulative total of the attorney's  
42 outstanding student loans covering his or her cost of attendance at an  
43 undergraduate institution and/or law school, at the time of the attor-  
44 ney's first application for reimbursement. Interest paid or due on such  
45 loans shall be considered eligible for reimbursement under this program.  
46 For purposes of this calculation, the amount of the student loan  
47 expenses shall be reduced by any grants, loan forgiveness, or similar  
48 reductions to the attorney's indebtedness that the attorney has received  
49 or shall receive, including, but not limited to, law school loan  
50 forgiveness and public service scholarships.

51 d. "Year of qualified service" means the twelve month period measured  
52 from the anniversary of the attorney's employment as an eligible attor-  
53 ney, or as a law school graduate awaiting admission to the New York  
54 state bar employed by a prosecuting or criminal defense agency as  
55 permitted by section four hundred eighty-four of the judiciary law,  
56 adjusted for any interruption in employment. Any period of temporary

1 leave from service taken by an eligible attorney shall not be considered  
 2 in the calculation of qualified service. However, the period of tempo-  
 3 rary leave shall be considered an interruption in employment and the  
 4 calculation of the time period of qualified service shall recommence  
 5 when the eligible attorney returns to full time service.

6 3. Awards. a. An eligible attorney may apply for reimbursement after  
 7 the completion of each year of qualified service provided however that  
 8 reimbursement to each eligible attorney shall not exceed three thousand  
 9 four hundred dollars, per qualifying year, subject to appropriations  
 10 available therefor. The president may establish: (i) an application  
 11 deadline and (ii) a method of selecting recipients if in any given year  
 12 there are insufficient funds to cover the needs of all the applicants.  
 13 Awards shall be within the amounts appropriated for such purpose and  
 14 based on availability of funds.

15 b. An eligible attorney may apply after the completion of the fourth  
 16 year of qualified service, and annually thereafter after the completion  
 17 of the fifth through ninth year of qualified service, and may seek a  
 18 student loan expense grant for only the previous year of qualified  
 19 service within the time periods prescribed by the president. An eligible  
 20 attorney may receive student loan expense grants for no more than six  
 21 years of qualified service within an eligible period.

22 4. Rules and regulations. The president shall promulgate rules and  
 23 regulations for the administration of this program. The president may  
 24 promulgate rules and regulations to delegate to the entities employing  
 25 the eligible attorneys the responsibility to certify the employment  
 26 status and the student loan balance of the applicants.

27 § 2. This act shall take effect immediately.

28

## PART WW

29 Section 1. Section 17 of the alcoholic beverage control law is amended  
 30 by adding a new subdivision 14 to read as follows:

31 14. For state fiscal year two thousand nine--two thousand ten, the  
 32 authority shall, within amounts appropriated therefore, improve and  
 33 update their information technology in order to meet federal security  
 34 requirements and to assist in the processing of license and/or permit  
 35 applications and renewals.

36 § 2. This act shall take effect immediately.

37

## PART XX

38 Section 1. Section 13 of chapter 141 of the laws of 1994, amending the  
 39 legislative law and the state finance law relating to the operation and  
 40 administration of the legislature, as amended by section 1 of part AA of  
 41 chapter 56 of the laws of 2008, is amended to read as follows:

42 § 13. This act shall take effect immediately and shall be deemed to  
 43 have been in full force and effect as of April 1, 1994, provided that,  
 44 the provisions of section 5-a of the legislative law as amended by  
 45 sections two and two-a of this act shall take effect on January 1, 1995,  
 46 and provided further that, the provisions of article 5-A of the legisla-  
 47 tive law as added by section eight of this act shall expire June 30,  
 48 [~~2009~~] 2010 when upon such date the provisions of such article shall be  
 49 deemed repealed; and provided further that section twelve of this act  
 50 shall be deemed to have been in full force and effect on and after April  
 51 10, 1994.

1 § 2. That portion of subdivision 1 of section 5-a of the legislative  
2 law entitled "SENATORS SERVING IN SPECIAL CAPACITY", as added by chapter  
3 630 of the laws of 1998, is amended to read as follows:

4 SENATORS SERVING IN SPECIAL CAPACITY

5	Chairman of senate finance committee .....	34,000
6	Ranking minority member of senate finance	
7	committee .....	20,500
8	Chairman of senate judiciary committee .....	18,000
9	Ranking minority member of senate judiciary	
10	committee .....	11,000
11	Chairman of senate aging committee .....	12,500
12	Ranking minority member of senate aging committee .....	9,000
13	Chairman of the senate alcoholism and drug abuse	
14	committee .....	12,500
15	Ranking minority member of the senate alcoholism	
16	and drug abuse committee .....	9,000
17	Chairman of senate children and families committee .....	12,500
18	Ranking minority member of senate children and families	
19	committee .....	9,000
20	Chairman of senate codes committee .....	18,000
21	Ranking minority member of senate codes committee .....	11,000
22	Chairman of senate banks committee .....	15,000
23	Ranking minority member of senate banks committee .....	9,500
24	Chairman of senate education committee .....	18,000
25	Ranking minority member of senate education	
26	committee .....	11,000
27	Chairman of senate energy and telecommunications	
28	committee .....	12,500
29	Ranking minority member of senate energy and	
30	telecommunications committee .....	9,000
31	Chairman of senate ethics committee .....	12,500
32	Ranking minority member of senate ethics committee .....	9,000
33	Chairman of senate health committee .....	15,000
34	Ranking minority member of senate health committee .....	9,500
35	Chairman of senate local government committee .....	12,500
36	Ranking minority member of senate local government	
37	committee .....	9,000
38	Chairman of senate labor committee .....	12,500
39	Ranking minority member of senate labor committee .....	9,000
40	Chairman of senate mental health and developmental	
41	disabilities committee .....	12,500
42	Ranking minority member of senate mental health and	
43	developmental disabilities committee .....	9,000
44	Chairman of senate insurance committee .....	12,500
45	Ranking minority member of senate insurance	
46	committee .....	9,000
47	Chairman of senate social services committee .....	12,500
48	Ranking minority member of senate social services	
49	committee .....	9,000
50	Chairman of senate investigations[ <del>7</del> <del>taxation</del> ]	
51	and government operations committee .....	15,000
52	Ranking minority member of senate investigations[ <del>7</del>	
53	<del>taxation</del> ] and government operations committee .....	9,500
54	Chairman of senate corporations, authorities and	

1	commissions committee .....	15,000
2	Ranking minority member of senate corporations,	
3	authorities and commissions committee .....	9,500
4	Chairman of senate transportation committee .....	15,000
5	Ranking minority member of senate transportation	
6	committee .....	9,500
7	Chairman of senate agriculture committee .....	12,500
8	Ranking minority member of senate agriculture	
9	committee .....	9,000
10	Chairman of senate consumer protection committee .....	12,500
11	Ranking minority member of senate consumer protection	
12	committee .....	9,000
13	Chairman of senate cities committee .....	15,000
14	Ranking minority member of senate cities committee .....	9,500
15	Chairman of senate civil service and pensions	
16	committee .....	12,500
17	Ranking minority member of senate civil service and	
18	pensions committee .....	9,000
19	Chairman of senate commerce, economic development	
20	and small business committee .....	12,500
21	Ranking minority member of senate commerce,	
22	economic development and small business committee .....	9,000
23	Chairman of senate environmental conservation	
24	committee .....	12,500
25	Ranking minority member of senate environmental	
26	conservation committee .....	9,000
27	Chairman of senate crime victims, crime and correction	
28	committee .....	12,500
29	Ranking minority member of senate crime victims,	
30	crime and correction committee .....	9,000
31	Chairman of senate elections committee .....	12,500
32	Ranking minority member of senate elections	
33	committee .....	9,000
34	Chairman of senate higher education committee .....	12,500
35	Ranking minority member of senate higher education	
36	committee .....	9,000
37	Chairman of senate housing, construction and community development	
38	committee .....	12,500
39	Ranking minority member of senate housing, construction and	
40	community development committee .....	9,000
41	Chairman of senate [ <del>tourism, recreation and sports development</del> ]	
42	<u>cultural affairs, tourism, parks and recreation</u> committee .....	12,500
43	Ranking minority member of senate [ <del>tourism, recreation and sports</del>	
44	<del>development]</del> <u>cultural affairs, tourism, parks and recreation</u>	
45	committee .....	9,000
46	Chairman of senate veterans, <u>homeland security</u> and military	
47	affairs committee .....	12,500
48	Ranking minority member of senate veterans, <u>homeland security</u>	
49	and military affairs committee .....	9,000
50	Co-chairman of administrative regulations review commission .....	12,500

51 § 3. That portion of subdivision 1 of section 5-a of the legislative  
52 law entitled "ASSEMBLYMEN SERVING IN SPECIAL CAPACITY", as added by  
53 chapter 630 of the laws of 1998, is amended to read as follows:

54 ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

1	Chairman of assembly ways and means committee .....	34,000
2	Ranking minority member of assembly ways and means	
3	committee .....	20,500
4	Chairman of assembly judiciary committee .....	18,000
5	Ranking minority member of assembly judiciary	
6	committee .....	11,000
7	Chairman of assembly codes committee .....	18,000
8	Ranking minority member of assembly codes	
9	committee .....	11,000
10	Chairman of assembly banks committee .....	15,000
11	Ranking minority member of assembly banks committee .....	9,500
12	Chairman of assembly committee on cities .....	15,000
13	Ranking minority member of assembly committee on cities .....	9,500
14	Chairman of assembly education committee .....	18,000
15	Ranking minority member of assembly education committee .....	11,000
16	Chairman of assembly health committee .....	15,000
17	Ranking minority member of assembly health committee .....	9,500
18	Chairman of assembly local governments committee .....	15,000
19	Ranking minority member of assembly local governments	
20	committee .....	9,500
21	Chairman of assembly agriculture committee .....	12,500
22	Ranking minority member of assembly agriculture committee .....	9,000
23	Chairman of assembly economic development, job creation,	
24	commerce and industry committee .....	18,000
25	Ranking minority member of assembly economic development,	
26	job creation, commerce and industry committee .....	11,000
27	Chairman of assembly environmental conservation committee .....	12,500
28	Ranking minority member of assembly environmental	
29	conservation committee .....	9,000
30	Chairman of assembly corporations, authorities	
31	and commissions committee .....	15,000
32	Ranking minority member of assembly corporations,	
33	authorities, and commissions committee .....	9,500
34	Chairman of assembly correction committee .....	12,500
35	Ranking minority member of assembly correction committee .....	9,000
36	Chairman of assembly ethics and guidance committee .....	12,500
37	Ranking minority member of assembly ethics and guidance	
38	committee .....	9,000
39	Chairman of assembly governmental employees committee .....	12,500
40	Ranking minority member of assembly governmental	
41	employees committee .....	9,000
42	Chairman of assembly governmental operations committee .....	12,500
43	Ranking minority member of assembly governmental	
44	operations committee .....	9,000
45	Chairman of assembly housing committee .....	12,500
46	Ranking minority member of assembly housing committee .....	9,000
47	Chairman of assembly insurance committee .....	12,500
48	Ranking minority member of assembly insurance committee .....	9,000
49	Chairman of assembly labor committee .....	14,000
50	Ranking minority member of assembly labor committee .....	9,000
51	Chairman of assembly racing and wagering committee .....	12,500
52	Ranking minority member of assembly racing and wagering	
53	committee .....	9,000
54	Chairman of assembly social services committee .....	12,500
55	Ranking minority member of assembly social services	

1	committee .....	9,000
2	Chairman of assembly small business committee .....	12,500
3	Ranking minority member of assembly small business	
4	committee .....	9,000
5	Chairman of assembly transportation committee .....	15,000
6	Ranking minority member of assembly transportation	
7	committee .....	9,500
8	Chairman of assembly veterans' affairs committee .....	12,500
9	Ranking minority member of assembly veterans' affairs	
10	committee .....	9,000
11	Chairman of assembly aging committee .....	12,500
12	Ranking minority member of assembly aging committee .....	9,000
13	Chairman of the assembly alcoholism and drug abuse	
14	committee .....	12,500
15	Ranking minority member of the assembly	
16	alcoholism and drug abuse committee .....	9,000
17	Chairman of assembly committee on mental health,	
18	mental retardation and developmental disabilities .....	12,500
19	Ranking minority member of assembly committee on mental health,	
20	mental retardation and developmental disabilities .....	9,000
21	Chairman of assembly higher education committee .....	12,500
22	Ranking minority member of assembly higher education	
23	committee .....	9,000
24	Chairman of assembly real property taxation committee .....	12,500
25	Ranking minority member of assembly real property	
26	taxation committee .....	9,000
27	Chairman of assembly election law committee .....	12,500
28	Ranking minority member of assembly election	
29	law committee .....	9,000
30	Chairman of assembly children and families committee .....	12,500
31	Ranking minority member of assembly children	
32	and families committee .....	9,000
33	Chairman of assembly consumer affairs and protection	
34	committee .....	12,500
35	Ranking minority member of assembly consumer affairs and	
36	protection committee .....	9,000
37	Chairman of the assembly energy committee .....	12,500
38	Ranking minority member of assembly energy committee .....	9,000
39	Chairman of assembly tourism, <u>parks</u> , arts and sports development	
40	committee .....	12,500
41	Ranking minority member of assembly tourism, <u>parks</u> , arts and	
42	sports development committee .....	9,000
43	Chairman of assembly oversight, analysis and investigation	
44	committee .....	12,500
45	Ranking minority member of assembly oversight,	
46	analysis and investigation committee .....	9,000
47	Chairman of assembly office of state-federal relations .....	12,500
48	Chairman of majority house operations .....	12,500
49	Chairman of minority house operations .....	9,000
50	Co-chairman of the administrative regulations review	
51	commission .....	12,500
52	§ 4. This act shall take effect immediately, provided however, if this	
53	act takes effect on or after June 30, 2009 this act shall take effect	
54	immediately and shall be deemed to have been in full force and effect on	
55	and after June 30, 2009.	

1

## PART YY

2 Section 1. All state public authorities as defined pursuant to subdi-  
3 vision 1 of section 2 of the public authorities law receiving funding  
4 under the American recovery and reinvestment act of 2009 shall submit a  
5 written expenditure plan to the governor, the speaker of the assembly  
6 and the temporary president of the senate within thirty days of award of  
7 funds. Such expenditure plan shall include: (i) the total amount awarded  
8 to the state public authority, (ii) a description of the program and  
9 federal agency from which the funding was awarded, (iii) a description  
10 of the intended uses of such award, (iv) recipient eligibility require-  
11 ments, and (v) the methodology for the allocation of funding awards for  
12 program applicants. Further, all state public authorities receiving  
13 funding under the American recovery and reinvestment act of 2009 shall  
14 submit copies of reports on the use of funds required pursuant to such  
15 federal act to the governor, the speaker of the assembly and the tempo-  
16 rary president of the senate on the same date as such reports are  
17 submitted to the federal government and shall further make such reports  
18 available on their websites.

19 § 2. This act shall take effect immediately.

20

## PART ZZ

21 Section 1. The chief administrator of the courts shall promulgate  
22 rules regarding compliance with caseload standards for attorneys and law  
23 offices providing representation to indigent clients in criminal matters  
24 pursuant to article 18-B of the county law in cities with a population  
25 of over one million with caseload standards deemed reasonable by the  
26 chief administrator of the courts. Such rules shall provide for a 4-year  
27 phased plan of implementation, beginning on April 1, 2010 and resulting  
28 in ongoing compliance after March 31, 2014. The plan for compliance with  
29 caseload standards shall allow for adjustment each year, and shall  
30 consider, on an ongoing basis, the future projections of caseload, as  
31 well as the number of attorneys available to accept cases. The chief  
32 administrator may request funds necessary to assist in meeting the  
33 prescribed standards as part of the annual budget request of the office  
34 of court administration. However, nothing in this section shall be  
35 deemed to require the legislature to approve such request, nor create a  
36 liability requiring the state to provide the funding necessary to ensure  
37 compliance with the standards set by such rules.

38 § 2. This act shall take effect immediately.

39

## PART AAA

40 Section 1. Subdivision 18 of section 2 of the correction law, as  
41 amended by chapter 738 of the laws of 2004, is amended to read as  
42 follows:

43 18. "Alcohol and substance abuse treatment correctional annex." A  
44 medium security correctional facility consisting of one or more residen-  
45 tial dormitories which provide intensive alcohol and substance abuse  
46 treatment services to inmates who: (i) are otherwise eligible for tempo-  
47 rary release, or (ii) stand convicted of a felony defined in article two  
48 hundred twenty or two hundred twenty-one of the penal law, and are with-  
49 in six months of being an eligible inmate as that term is defined in  
50 subdivision two of section eight hundred fifty-one of this chapter  
51 including such inmates who are participating in such program pursuant to

1 subdivision six of section 60.04 of the penal law. Notwithstanding the  
2 foregoing provisions of this subdivision, any inmate to be enrolled in  
3 this program pursuant to subdivision six of section 60.04 of the penal  
4 law shall be governed by the same rules and regulations promulgated by  
5 the department, including without limitation those rules and regulations  
6 establishing requirements for completion and those rules and regulations  
7 governing discipline and removal from the program. No such period of  
8 court ordered corrections based drug abuse treatment pursuant to this  
9 subdivision shall be required to extend beyond the defendant's condi-  
10 tional release date. Such treatment services may be provided by one or  
11 more outside service providers pursuant to contractual agreements with  
12 both the department and the division of parole, provided, however, that  
13 any such provider shall be required to continue to provide, either  
14 directly or through formal or informal agreement with other providers,  
15 alcohol and substance abuse treatment services to inmates who have  
16 successfully participated in such provider's incarcerative treatment  
17 services and who have been paroled or conditionally released under the  
18 supervision of the division of parole and who are, as a condition of  
19 their parole or conditional release, required to participate in alcohol  
20 or substance abuse treatment. Such incarcerative services shall be  
21 provided in the facility in accordance with minimum standards promulgat-  
22 ed by the department after consultation with the office of alcoholism  
23 and substance abuse services. Such services to parolees shall be  
24 provided in accordance with standards promulgated by the division of  
25 parole after consultation with the office of alcoholism and substance  
26 abuse services. Notwithstanding any other provision of law, any person  
27 who has successfully completed no less than six months of intensive  
28 alcohol and substance abuse treatment services in one of the depart-  
29 ment's eight designated alcohol and substance abuse treatment correc-  
30 tional annexes having a combined total capacity of two thousand five  
31 hundred fifty beds may be transferred to a program operated by or at a  
32 residential treatment facility, provided however, that a person under a  
33 determinate sentence as a second felony drug offender for a class B  
34 felony offense defined in article two hundred twenty of the penal law,  
35 who was sentenced pursuant to section 70.70 of such law, shall not be  
36 eligible to be transferred to a program operated at a residential treat-  
37 ment facility until the time served under imprisonment for his or her  
38 determinate sentence, including any jail time credited pursuant to ~~the~~  
39 ~~provisions of article seventy]~~ **subdivision three of section 70.30** of the  
40 penal law, shall be at least ~~eighteen]~~ **nine** months. The commissioner  
41 shall report annually to the temporary president of the senate and the  
42 speaker of the assembly commencing January first, nineteen hundred nine-  
43 ty-two as to the efficacy of such programs including but not limited to  
44 a comparative analysis of state-operated and private sector provision of  
45 treatment services and recidivism. Such report shall also include the  
46 number of inmates received by the department during the reporting period  
47 who are subject to a sentence which includes enrollment in substance  
48 abuse treatment in accordance with subdivision six of section 60.04 of  
49 the penal law, the number of such inmates who are not placed in such  
50 treatment program and the reasons for such occurrences.

51 § 2. Section 867 of the correction law is amended by adding a new  
52 subdivision 2-a to read as follows:

53 **2-a. Subdivisions one and two of this section shall apply to a judi-**  
54 **cially sentenced shock incarceration inmate only to the extent that the**  
55 **screening committee may determine whether the inmate has a medical or**  
56 **mental health condition that will render the inmate unable to success-**

1 fully complete the shock incarceration program, and the facility in  
2 which the inmate will participate in such program. Notwithstanding  
3 subdivision five of this section, an inmate sentenced to shock incarceration  
4 shall promptly commence participation in the program when such  
5 inmate is an eligible inmate pursuant to subdivision one of section  
6 eight hundred sixty-five of this article.

7 § 3. The criminal procedure law is amended by adding a new section  
8 160.58 to read as follows:

9 § 160.58 Conditional sealing of certain controlled substance, marihuana  
10 or specified offense convictions.

11 1. A defendant convicted of any offense defined in article two hundred  
12 twenty or two hundred twenty-one of the penal law or a specified offense  
13 defined in subdivision five of section 410.91 of this chapter who has  
14 successfully completed a judicial diversion program under article two  
15 hundred sixteen of this chapter, or one of the programs heretofore known  
16 as drug treatment alternative to prison or another judicially sanctioned  
17 drug treatment program of similar duration, requirements and level of  
18 supervision, and has completed the sentence imposed for the offense or  
19 offenses, is eligible to have such offense or offenses sealed pursuant  
20 to this section.

21 2. The court that sentenced the defendant to a judicially sanctioned  
22 drug treatment program may on its own motion, or on the defendant's  
23 motion, order that all official records and papers relating to the  
24 arrest, prosecution and conviction which resulted in the defendant's  
25 participation in the judicially sanctioned drug treatment program be  
26 conditionally sealed. In such case, the court may also conditionally  
27 seal the arrest, prosecution and conviction records for no more than  
28 three of the defendant's prior eligible misdemeanors, which for purposes  
29 of this subdivision shall be limited to misdemeanor offenses defined in  
30 article two hundred twenty or two hundred twenty-one of the penal law.  
31 The court may only seal the records of the defendant's arrests, prose-  
32 cutions and convictions when:

33 (a) the sentencing court has requested and received from the division  
34 of criminal justice services or the Federal Bureau of Investigation a  
35 fingerprint based criminal history record of the defendant, including  
36 any sealed or suppressed information. The division of criminal justice  
37 services shall also include a criminal history report, if any, from the  
38 Federal Bureau of Investigation regarding any criminal history informa-  
39 tion that occurred in other jurisdictions. The division is hereby  
40 authorized to receive such information from the Federal Bureau of Inves-  
41 tigation for this purpose. The parties shall be permitted to examine  
42 these records;

43 (b) the defendant or court has identified the misdemeanor conviction  
44 or convictions for which relief may be granted;

45 (c) the court has received documentation that the sentences imposed on  
46 the eligible misdemeanor convictions have been completed, or if no such  
47 documentation is reasonably available, a sworn affidavit that the  
48 sentences imposed on the prior misdemeanors have been completed; and

49 (d) the court has notified the district attorney of each jurisdiction  
50 in which the defendant has been convicted of an offense with respect to  
51 which sealing is sought, and the court or courts of record for such  
52 offenses, that the court is considering sealing the records of the  
53 defendant's eligible misdemeanor convictions. Both the district attorney  
54 and the court shall be given a reasonable opportunity, which shall not  
55 be less than thirty days, in which to comment and submit materials to  
56 aid the court in making such a determination.

1 3. At the request of the defendant or the district attorney of a coun-  
2 ty in which the defendant committed a crime that is the subject of the  
3 sealing application, the court may conduct a hearing to consider and  
4 review any relevant evidence offered by either party that would aid the  
5 court in its decision whether to seal the records of the defendant's  
6 arrests, prosecutions and convictions. In making such a determination,  
7 the court shall consider any relevant factors, including but not limited  
8 to: (i) the circumstances and seriousness of the offense or offenses  
9 that resulted in the conviction or convictions; (ii) the character of  
10 the defendant, including his or her completion of the judicially sanc-  
11 tioned treatment program as described in subdivision one of this  
12 section; (iii) the defendant's criminal history; and (iv) the impact of  
13 sealing the defendant's records upon his or her rehabilitation and his  
14 or her successful and productive reentry and reintegration into society,  
15 and on public safety.

16 4. When a court orders sealing pursuant to this section, all official  
17 records and papers relating to the arrests, prosecutions, and  
18 convictions, including all duplicates and copies thereof, on file with  
19 the division of criminal justice services or any court shall be sealed  
20 and not made available to any person or public or private agency;  
21 provided, however, the division shall retain any fingerprints, palm-  
22 prints and photographs, or digital images of the same.

23 5. When the court orders sealing pursuant to this section, the clerk  
24 of such court shall immediately notify the commissioner of the division  
25 of criminal justice services, and any court that sentenced the defendant  
26 for an offense which has been conditionally sealed, regarding the  
27 records that shall be sealed pursuant to this section.

28 6. Records sealed pursuant to this subdivision shall be made available  
29 to:

30 (a) the defendant or the defendant's designated agent;

31 (b) qualified agencies, as defined in subdivision nine of section  
32 eight hundred thirty-five of the executive law, and federal and state  
33 law enforcement agencies, when acting within the scope of their law  
34 enforcement duties; or

35 (c) any state or local officer or agency with responsibility for the  
36 issuance of licenses to possess guns, when the person has made applica-  
37 tion for such a license; or

38 (d) any prospective employer of a police officer or peace officer as  
39 those terms are defined in subdivisions thirty-three and thirty-four of  
40 section 1.20 of this chapter, in relation to an application for employ-  
41 ment as a police officer or peace officer; provided, however, that every  
42 person who is an applicant for the position of police officer or peace  
43 officer shall be furnished with a copy of all records obtained under  
44 this paragraph and afforded an opportunity to make an explanation there-  
45 to.

46 7. The court shall not seal the defendant's record pursuant to this  
47 section while any charged offense is pending.

48 8. If, subsequent to the sealing of records pursuant to this subdivi-  
49 sion, the person who is the subject of such records is arrested for or  
50 formally charged with any misdemeanor or felony offense, such records  
51 shall be unsealed immediately and remain unsealed; provided, however,  
52 that if such new misdemeanor or felony arrest results in a termination  
53 in favor of the accused as defined in subdivision three of section  
54 160.50 of this article or by conviction for a non criminal offense as  
55 described in section 160.55 of this article, such unsealed records shall  
56 be conditionally sealed pursuant to this section.

1 § 4. The criminal procedure law is amended by adding a new article 216  
2 to read as follows:

3 ARTICLE 216  
4 JUDICIAL DIVERSION PROGRAM FOR CERTAIN FELONY  
5 OFFENDERS

6 Section 216.00 Definitions.

7 216.05 Judicial diversion program; court procedures.

8 § 216.00 Definitions.

9 The following definitions are applicable to this article:

10 1. "Eligible defendant" means any person who stands charged in an  
11 indictment or a superior court information with a class B, C, D or E  
12 felony offense defined in article two hundred twenty or two hundred  
13 twenty-one of the penal law or any other specified offense as defined in  
14 subdivision four of section 410.91 of this chapter, provided, however, a  
15 defendant is not an "eligible defendant" if he or she:

16 (a) within the preceding ten years, excluding any time during which  
17 the offender was incarcerated for any reason between the time of commis-  
18 sion of the previous felony and the time of commission of the present  
19 felony, has previously been convicted of: (i) a violent felony offense  
20 as defined in section 70.02 of the penal law or (ii) any other offense  
21 for which a merit time allowance is not available pursuant to subpara-  
22 graph (ii) of paragraph (d) of subdivision one of section eight hundred  
23 three of the correction law, or (iii) a class A felony offense defined  
24 in article two hundred twenty of the penal law; or

25 (b) has previously been adjudicated a second violent felony offender  
26 pursuant to section 70.04 of the penal law or a persistent violent felo-  
27 ny offender pursuant to section 70.08 of the penal law.

28 A defendant who also stands charged with a violent felony offense as  
29 defined in section 70.02 of the penal law or an offense for which merit  
30 time allowance is not available pursuant to subparagraph (ii) of para-  
31 graph (d) of subdivision one of section eight hundred three of the  
32 correction law for which the court must, upon the defendant's conviction  
33 thereof, sentence the defendant to incarceration in state prison is not  
34 an eligible defendant while such charges are pending. A defendant who  
35 is excluded from the judicial diversion program pursuant to this para-  
36 graph or paragraph (a) or (b) of this subdivision may become an eligible  
37 defendant upon the prosecutor's consent.

38 2. "Alcohol and substance abuse evaluation" means a written assessment  
39 and report by a court-approved entity or licensed health care profes-  
40 sional experienced in the treatment of alcohol and substance abuse, or  
41 by an addiction and substance abuse counselor credentialed by the office  
42 of alcoholism and substance abuse services pursuant to section 19.07 of  
43 the mental hygiene law, which shall include:

44 (a) an evaluation as to whether the defendant has a history of alcohol  
45 or substance abuse or alcohol or substance dependence, as such terms are  
46 defined in the diagnostic and statistical manual of mental disorders,  
47 fourth edition, and a co-occurring mental disorder or mental illness and  
48 the relationship between such abuse or dependence and mental disorder or  
49 mental illness, if any;

50 (b) a recommendation as to whether the defendant's alcohol or  
51 substance abuse or dependence, if any, could be effectively addressed by  
52 judicial diversion in accordance with this article;

53 (c) a recommendation as to the treatment modality, level of care and  
54 length of any proposed treatment to effectively address the defendant's  
55 alcohol or substance abuse or dependence and any co-occurring mental  
56 disorder or illness; and

1 (d) any other information, factor, circumstance, or recommendation  
2 deemed relevant by the assessing entity or specifically requested by the  
3 court.

4 § 216.05 Judicial diversion program; court procedures.

5 1. At any time after the arraignment of an eligible defendant, but  
6 prior to the entry of a plea of guilty or the commencement of trial, the  
7 court at the request of the eligible defendant, may order an alcohol and  
8 substance abuse evaluation. An eligible defendant may decline to partic-  
9 ipate in such an evaluation at any time. The defendant shall provide a  
10 written authorization, in compliance with the requirements of any appli-  
11 cable state or federal laws, rules or regulations authorizing disclosure  
12 of the results of the assessment to the defendant's attorney, the prose-  
13 cutor, the local probation department, the court, authorized court  
14 personnel and other individuals specified in such authorization for the  
15 sole purpose of determining whether the defendant should be offered  
16 judicial diversion for treatment for substance abuse or dependence,  
17 alcohol abuse or dependence and any co-occurring mental disorder or  
18 mental illness.

19 2. Upon receipt of the completed alcohol and substance abuse evalu-  
20 ation report, the court shall provide a copy of the report to the eligi-  
21 ble defendant and the prosecutor.

22 3. (a) Upon receipt of the evaluation report either party may request  
23 a hearing on the issue of whether the eligible defendant should be  
24 offered alcohol or substance abuse treatment pursuant to this article.  
25 At such a proceeding, which shall be held as soon as practicable so as  
26 to facilitate early intervention in the event that the defendant is  
27 found to need alcohol or substance abuse treatment, the court may  
28 consider oral and written arguments, may take testimony from witnesses  
29 offered by either party, and may consider any relevant evidence includ-  
30 ing, but not limited to, evidence that:

31 (i) the defendant had within the preceding ten years (excluding any  
32 time during which the offender was incarcerated for any reason between  
33 the time of the acts that led to the youthful offender adjudication and  
34 the time of commission of the present offense) been adjudicated a youth-  
35 ful offender for: (A) a violent felony offense as defined in section  
36 70.02 of the penal law; or (B) any offense for which a merit time allow-  
37 ance is not available pursuant to subparagraph (ii) of paragraph (d) of  
38 subdivision one of section eight hundred three of the correction law;  
39 and

40 (ii) in the case of a felony offense defined in subdivision four of  
41 section 410.91 of this chapter, any statement of or submitted by the  
42 victim, as defined in paragraph (a) of subdivision two of section 380.50  
43 of this chapter.

44 (b) Upon completion of such a proceeding, the court shall consider and  
45 make findings of fact with respect to whether:

46 (i) the defendant is an eligible defendant as defined in subdivision  
47 one of section 216.00 of this article;

48 (ii) the defendant has a history of alcohol or substance abuse or  
49 dependence;

50 (iii) such alcohol or substance abuse or dependence is a contributing  
51 factor to the defendant's criminal behavior;

52 (iv) the defendant's participation in judicial diversion could effec-  
53 tively address such abuse or dependence; and

54 (v) institutional confinement of the defendant is or may not be neces-  
55 sary for the protection of the public.

1 4. When an authorized court determines, pursuant to paragraph (b) of  
2 subdivision three of this section, that an eligible defendant should be  
3 offered alcohol or substance abuse treatment, or when the parties and  
4 the court agree to an eligible defendant's participation in alcohol or  
5 substance abuse treatment, an eligible defendant may be allowed to  
6 participate in the judicial diversion program offered by this article.  
7 Prior to the court's issuing an order granting judicial diversion, the  
8 eligible defendant shall be required to enter a plea of guilty to the  
9 charge or charges; provided, however, that no such guilty plea shall be  
10 required when:

11 (a) the people and the court consent to the entry of such an order  
12 without a plea of guilty; or

13 (b) based on a finding of exceptional circumstances, the court deter-  
14 mines that a plea of guilty shall not be required. For purposes of this  
15 subdivision, exceptional circumstances exist when, regardless of the  
16 ultimate disposition of the case, the entry of a plea of guilty is like-  
17 ly to result in severe collateral consequences.

18 5. The defendant shall agree on the record or in writing to abide by  
19 the release conditions set by the court, which, shall include: partic-  
20 ipation in a specified period of alcohol or substance abuse treatment at  
21 a specified program or programs identified by the court, which may  
22 include periods of detoxification, residential or outpatient treatment,  
23 or both, as determined after taking into account the views of the health  
24 care professional who conducted the alcohol and substance abuse evalu-  
25 ation and any health care professionals responsible for providing such  
26 treatment or monitoring the defendant's progress in such treatment; and  
27 may include: (i) periodic court appearances, which may include periodic  
28 urinalysis; (ii) a requirement that the defendant refrain from engaging  
29 in criminal behaviors.

30 6. Upon an eligible defendant's agreement to abide by the conditions  
31 set by the court, the court shall issue a securing order providing for  
32 bail or release on the defendant's own recognizance and conditioning any  
33 release upon the agreed upon conditions. The period of alcohol or  
34 substance abuse treatment shall begin as specified by the court and as  
35 soon as practicable after the defendant's release, taking into account  
36 the availability of treatment, so as to facilitate early intervention  
37 with respect to the defendant's abuse or condition and the effectiveness  
38 of the treatment program. In the event that a treatment program is not  
39 immediately available or becomes unavailable during the course of the  
40 defendant's participation in the judicial diversion program, the court  
41 may release the defendant pursuant to the securing order.

42 7. When participating in judicial diversion treatment pursuant to this  
43 article, any resident of this state who is covered under a private  
44 health insurance policy or contract issued for delivery in this state  
45 pursuant to article thirty-two, forty-three or forty-seven of the insur-  
46 ance law or article forty-four of the public health law, or who is  
47 covered by a self-funded plan which provides coverage for the diagnosis  
48 and treatment of chemical abuse and chemical dependence however defined  
49 in such policy; shall first seek reimbursement for such treatment in  
50 accordance with the provisions of such policy or contract.

51 8. During the period of a defendant's participation in the judicial  
52 diversion program, the court shall retain jurisdiction of the defendant.  
53 The court may require the defendant to appear in court at any time to  
54 enable the court to monitor the defendant's progress in alcohol or  
55 substance abuse treatment. The court shall provide notice, reasonable  
56 under the circumstances, to the people, the treatment provider, the

1 defendant and the defendant's counsel whenever it orders or otherwise  
2 requires the appearance of the defendant in court. Failure to appear as  
3 required without reasonable cause therefor shall constitute a violation  
4 of the conditions of the court's agreement with the defendant.

5 9. (a) If at any time during the defendant's participation in the  
6 judicial diversion program, the court has reasonable grounds to believe  
7 that the defendant has violated a release condition or has failed to  
8 appear before the court as requested, the court shall direct the defend-  
9 ant to appear or issue a bench warrant to a police officer or an appro-  
10 priate peace officer directing him or her to take the defendant into  
11 custody and bring the defendant before the court without unnecessary  
12 delay. The provisions of subdivision one of section 530.60 of this chap-  
13 ter relating to revocation of recognizance or bail shall apply to such  
14 proceedings under this subdivision.

15 (b) In determining whether a defendant violated a condition of his or  
16 her release under the judicial diversion program, the court may conduct  
17 a summary hearing consistent with due process and sufficient to satisfy  
18 the court that the defendant has, in fact, violated the condition.

19 (c) If the court determines that the defendant has violated a condi-  
20 tion of his or her release under the judicial diversion program, the  
21 court may modify the conditions thereof, reconsider the order of recog-  
22 nizance or bail pursuant to subdivision two of section 510.30 of this  
23 chapter, or terminate the defendant's participation in the judicial  
24 diversion program; and when applicable proceed with the defendant's  
25 sentencing in accordance with the agreement. Notwithstanding any  
26 provision of law to the contrary, the court may impose any sentence  
27 authorized for the crime of conviction in accordance with the plea  
28 agreement, or any lesser sentence authorized to be imposed on a felony  
29 drug offender pursuant to paragraph (b) or (c) of subdivision two of  
30 section 70.70 of the penal law taking into account the length of time  
31 the defendant spent in residential treatment and how best to continue  
32 treatment while the defendant is serving that sentence. In determining  
33 what action to take for a violation of a release condition, the court  
34 shall consider all relevant circumstances, including the views of the  
35 prosecutor, the defense and the alcohol or substance abuse treatment  
36 provider, and the extent to which persons who ultimately successfully  
37 complete a drug treatment regimen sometimes relapse by not abstaining  
38 from alcohol or substance abuse or by failing to comply fully with all  
39 requirements imposed by a treatment program. The court shall also  
40 consider using a system of graduated and appropriate responses or sanc-  
41 tions designed to address such inappropriate behaviors, protect public  
42 safety and facilitate, where possible, successful completion of the  
43 alcohol or substance abuse treatment program.

44 (d) Nothing in this subdivision shall be construed as preventing a  
45 court from terminating a defendant's participation in the judicial  
46 diversion program for violating a release condition when such a termi-  
47 nation is necessary to preserve public safety. Nor shall anything in  
48 this subdivision be construed as precluding the prosecution of a defend-  
49 ant for the commission of a different offense while participating in the  
50 judicial diversion program.

51 (e) A defendant may at any time advise the court that he or she wishes  
52 to terminate participation in the judicial diversion program, at which  
53 time the court shall proceed with the case and, where applicable, shall  
54 impose sentence in accordance with the plea agreement. Notwithstanding  
55 any provision of law to the contrary, the court may impose any sentence  
56 authorized for the crime of conviction in accordance with the plea

1 agreement, or any lesser sentence authorized to be imposed on a felony  
2 drug offender pursuant to paragraph (b) or (c) of subdivision two of  
3 section 70.70 of the penal law taking into account the length of time  
4 the defendant spent in residential treatment and how best to continue  
5 treatment while the defendant is serving that sentence.

6 10. Upon the court's determination that the defendant has successfully  
7 completed the required period of alcohol or substance abuse treatment  
8 and has otherwise satisfied the conditions required for successful  
9 completion of the judicial diversion program, the court shall comply  
10 with the terms and conditions it set for final disposition when it  
11 accepted the defendant's agreement to participate in the judicial diver-  
12 sion program. Such disposition may include, but is not limited to: (a)  
13 requiring the defendant to undergo a period of interim probation super-  
14 vision and, upon the defendant's successful completion of the interim  
15 probation supervision term, notwithstanding the provision of any other  
16 law, permitting the defendant to withdraw his or her guilty plea and  
17 dismissing the indictment; or (b) requiring the defendant to undergo a  
18 period of interim probation supervision and, upon successful completion  
19 of the interim probation supervision term, notwithstanding the provision  
20 of any other law, permitting the defendant to withdraw his or her guilty  
21 plea, enter a guilty plea to a misdemeanor offense and sentencing the  
22 defendant as promised in the plea agreement, which may include a period  
23 of probation supervision pursuant to section 65.00 of the penal law; or  
24 (c) allowing the defendant to withdraw his or her guilty plea and  
25 dismissing the indictment.

26 11. Nothing in this article shall be construed as restricting or  
27 prohibiting courts or district attorneys from using other lawful proce-  
28 dures or models for placing appropriate persons into alcohol or  
29 substance abuse treatment.

30 § 5. Subdivision 6 of section 390.30 of the criminal procedure law, as  
31 amended by chapter 216 of the laws of 1999, is amended to read as  
32 follows:

33 6. Interim probation supervision. In any case where the court deter-  
34 mines that a defendant is eligible for a sentence of probation, the  
35 court, after consultation with the prosecutor and upon the consent of  
36 the defendant, may adjourn the sentencing to a specified date and order  
37 that the defendant be placed on interim probation supervision. In no  
38 event may the sentencing be adjourned for a period exceeding one year  
39 from the date the conviction is entered, except that upon good cause  
40 shown, the court may, upon the defendant's consent, extend the period  
41 for an additional one year where the defendant has agreed to and is  
42 still participating in a substance abuse treatment program in connection  
43 with a court designated a drug court by the chief administrator of the  
44 courts. When ordering that the defendant be placed on interim probation  
45 supervision, the court shall impose all of the conditions relating to  
46 supervision specified in subdivision three of section 65.10 of the penal  
47 law and may impose any or all of the conditions relating to conduct and  
48 rehabilitation specified in subdivisions two, four and five of section  
49 65.10 of such law; provided, however, that the defendant must receive a  
50 written copy of any such conditions at the time he or she is placed on  
51 interim probation supervision. The defendant's record of compliance with  
52 such conditions, as well as any other relevant information, shall be  
53 included in the presentence report, or updated presentence report,  
54 prepared pursuant to this section, and the court must consider such  
55 record and information when pronouncing sentence.

1 § 6. Subdivision 2 of section 410.91 of the criminal procedure law, as  
2 added by chapter 3 of the laws of 1995, is amended to read as follows:

3 2. A defendant is an "eligible defendant" for purposes of a sentence  
4 of parole supervision when such defendant is a [~~second~~] felony offender  
5 convicted of a specified offense or offenses as defined in subdivision  
6 five of this section, who stands convicted of no other felony offense,  
7 who has not previously been convicted of either a violent felony offense  
8 as defined in section 70.02 of the penal law, a class A felony offense  
9 or a class B felony offense other than a class B felony offense defined  
10 in article two hundred twenty of the penal law, and is not subject to an  
11 undischarged term of imprisonment.

12 § 7. Subdivision 4 of section 410.91 of the criminal procedure law is  
13 REPEALED.

14 § 8. Subdivision 5 of section 410.91 of the criminal procedure law, as  
15 added by chapter 3 of the laws of 1995, is amended to read as follows:

16 5. For the purposes of this section, a "specified offense" is an  
17 offense defined by any of the following provisions of the penal law:  
18 burglary in the third degree as defined in section 140.20, criminal  
19 mischief in the third degree as defined in section 145.05, criminal  
20 mischief in the second degree as defined in section 145.10, grand larceny  
21 in the fourth degree as defined in subdivision one, two, three, four,  
22 five, six, eight, nine or ten of section 155.30, grand larceny in the  
23 third degree as defined in section 155.35 (except where the property  
24 consists of one or more firearms, rifles or shotguns), unauthorized use  
25 of a vehicle in the second degree as defined in section 165.06, criminal  
26 possession of stolen property in the fourth degree as defined in subdivi-  
27 sion one, two, three, five or six of section 165.45, criminal  
28 possession of stolen property in the third degree as defined in section  
29 165.50 (except where the property consists of one or more firearms,  
30 rifles or shotguns), forgery in the second degree as defined in section  
31 170.10, criminal possession of a forged instrument in the second degree  
32 as defined in section 170.25, unlawfully using slugs in the first degree  
33 as defined in section 170.60, or an attempt to commit any of the afore-  
34 mentioned offenses if such attempt constitutes a felony offense; or a  
35 class B felony offense defined in article two hundred twenty where a  
36 sentence is imposed pursuant to paragraph (a) of subdivision two of  
37 section 70.70 of the penal law; or any class C, class D or class E  
38 controlled substance or marijuana felony offense as defined in article  
39 two hundred twenty or two hundred twenty-one.

40 § 9. The criminal procedure law is amended by adding a new section  
41 440.46 to read as follows:

42 § 440.46 Motion for resentencing; certain controlled substance offenders.

43 1. Any person in the custody of the department of correctional  
44 services convicted of a class B felony offense defined in article two  
45 hundred twenty of the penal law which was committed prior to January  
46 thirteenth, two thousand five, who is serving an indeterminate sentence  
47 with a maximum term of more than three years, may, except as provided in  
48 subdivision five of this section, upon notice to the appropriate  
49 district attorney, apply to be resentenced to a determinate sentence in  
50 accordance with sections 60.04 and 70.70 of the penal law in the court  
51 which imposed the sentence.

52 2. As part of any such application, the defendant may also move to be  
53 resentenced to a determinate sentence in accordance with section 70.70  
54 of the penal law for any one or more class C, D, or E felony offenses  
55 defined in article two hundred twenty or two hundred twenty-one of the  
56 penal law, the sentence or sentences for which were imposed by the

1 sentencing court at the same time or were included in the same order of  
2 commitment as such class B felony.

3 3. The provisions of section twenty-three of chapter seven hundred  
4 thirty-eight of the laws of two thousand four shall govern the  
5 proceedings on and determination of a motion brought pursuant to this  
6 section; provided, however that the court's consideration of the insti-  
7 tutional record of confinement of such person shall include but not be  
8 limited to such person's participation in or willingness to participate  
9 in treatment or other programming while incarcerated and such person's  
10 disciplinary history. The fact that a person may have been unable to  
11 participate in treatment or other programming while incarcerated despite  
12 such person's willingness to do so shall not be considered a negative  
13 factor in determining a motion pursuant to this section.

14 4. Subdivision one of section seven hundred seventeen and subdivision  
15 four of section seven hundred twenty-two of the county law, and the  
16 related provisions of article eighteen-A of such law, shall apply to the  
17 preparation of and proceedings on motions pursuant to this section,  
18 including any appeals.

19 5. The provisions of this section shall not apply to any person who is  
20 servng a sentence on a conviction for or has a predicate felony  
21 conviction for an exclusion offense. For purposes of this subdivision,  
22 an "exclusion offense" is:

23 (a) a crime for which the person was previously convicted within the  
24 preceding ten years, excluding any time during which the offender was  
25 incarcerated for any reason between the time of commission of the previ-  
26 ous felony and the time of commission of the present felony, which was:  
27 (i) a violent felony offense as defined in section 70.02 of the penal  
28 law; or (ii) any other offense for which a merit time allowance is not  
29 available pursuant to subparagraph (ii) of paragraph (d) of subdivision  
30 one of section eight hundred three of the correction law; or

31 (b) a second violent felony offense pursuant to section 70.04 of the  
32 penal law or a persistent violent felony offense pursuant to section  
33 70.08 of the penal law for which the person has previously been adjudi-  
34 cated.

35 § 10. Subdivision 1 of section 450.90 of the criminal procedure law,  
36 as amended by chapter 498 of the laws of 2002, is amended to read as  
37 follows:

38 1. Provided that a certificate granting leave to appeal is issued  
39 pursuant to section 460.20, an appeal may, except as provided in subdivi-  
40 sion two, be taken to the court of appeals by either the defendant or  
41 the people from any adverse or partially adverse order of an intermedi-  
42 ate appellate court entered upon an appeal taken to such intermediate  
43 appellate court pursuant to section 450.10, 450.15, or 450.20, or from  
44 an order granting or denying a motion to set aside an order of an inter-  
45 mediate appellate court on the ground of ineffective assistance or  
46 wrongful deprivation of appellate counsel, or by either the defendant or  
47 the people from any adverse or partially adverse order of an intermedi-  
48 ate appellate court entered upon an appeal taken to such intermediate  
49 appellate court from an order entered pursuant to section 440.46 of this  
50 chapter. An order of an intermediate appellate court is adverse to the  
51 party who was the appellant in such court when it affirms the judgment,  
52 sentence or order appealed from, and is adverse to the party who was the  
53 respondent in such court when it reverses the judgment, sentence or  
54 order appealed from. An appellate court order which modifies a judgment  
55 or order appealed from is partially adverse to each party.

1 § 11. Paragraph (c) of subdivision 8 of section 700.05 of the criminal  
2 procedure law, as amended by chapter 394 of the laws of 2005, is amended  
3 to read as follows:

4 (c) Criminal possession of a controlled substance in the seventh  
5 degree as defined in section 220.03 of the penal law, criminal  
6 possession of a controlled substance in the fifth degree as defined in  
7 section 220.06 of the penal law, criminal possession of a controlled  
8 substance in the fourth degree as defined in section 220.09 of the penal  
9 law, criminal possession of a controlled substance in the third degree  
10 as defined in section 220.16 of the penal law, criminal possession of a  
11 controlled substance in the second degree as defined in section 220.18  
12 of the penal law, criminal possession of a controlled substance in the  
13 first degree as defined in section 220.21 of the penal law, criminal  
14 sale of a controlled substance in the fifth degree as defined in section  
15 220.31 of the penal law, criminal sale of a controlled substance in the  
16 fourth degree as defined in section 220.34 of the penal law, criminal  
17 sale of a controlled substance in the third degree as defined in section  
18 220.39 of the penal law, criminal sale of a controlled substance in the  
19 second degree as defined in section 220.41 of the penal law, criminal  
20 sale of a controlled substance in the first degree as defined in section  
21 220.43 of the penal law, criminally possessing a hypodermic instrument  
22 as defined in section 220.45 of the penal law, criminal possession of  
23 methamphetamine manufacturing material in the second degree as defined  
24 in section 220.70 of the penal law, criminal possession of methampheta-  
25 mine manufacturing material in the first degree as defined in section  
26 220.71 of the penal law, criminal possession of precursors of methamphete-  
27 tamine as defined in section 220.72 of the penal law, unlawful manufac-  
28 ture of methamphetamine in the third degree as defined in section 220.73  
29 of the penal law, unlawful manufacture of methamphetamine in the second  
30 degree as defined in section 220.74 of the penal law, unlawful manufac-  
31 ture of methamphetamine in the first degree as defined in section 220.75  
32 of the penal law, unlawful disposal of methamphetamine laboratory mate-  
33 rial as defined in section 220.76 of the penal law, **operating as a major**  
34 **trafficker as defined in section 220.77 of the penal law**, criminal  
35 possession of marihuana in the first degree as defined in section 221.30  
36 of the penal law, criminal sale of marihuana in the first degree as  
37 defined in section 221.55 of the penal law, promoting gambling in the  
38 second degree as defined in section 225.05 of the penal law, promoting  
39 gambling in the first degree as defined in section 225.10 of the penal  
40 law, possession of gambling records in the second degree as defined in  
41 section 225.15 of the penal law, possession of gambling records in the  
42 first degree as defined in section 225.20 of the penal law, and  
43 possession of a gambling device as defined in section 225.30 of the  
44 penal law;

45 § 12. Subparagraph (A) of paragraph (c) of subdivision 2 of section  
46 259-i of the executive law, as separately amended by chapters 40 and 126  
47 of the laws of 1999, is amended to read as follows:

48 (A) Discretionary release on parole shall not be granted merely as a  
49 reward for good conduct or efficient performance of duties while  
50 confined but after considering if there is a reasonable probability  
51 that, if such inmate is released, he will live and remain at liberty  
52 without violating the law, and that his release is not incompatible with  
53 the welfare of society and will not so deprecate the seriousness of his  
54 crime as to undermine respect for law. In making the parole release  
55 decision, the guidelines adopted pursuant to subdivision four of section  
56 two hundred fifty-nine-c of this article shall require that the follow-

1 ing be considered: (i) the institutional record including program goals  
 2 and accomplishments, academic achievements, vocational education, train-  
 3 ing or work assignments, therapy and interpersonal relationships with  
 4 staff and inmates; (ii) performance, if any, as a participant in a  
 5 temporary release program; (iii) release plans including community  
 6 resources, employment, education and training and support services  
 7 available to the inmate; (iv) any deportation order issued by the feder-  
 8 al government against the inmate while in the custody of the department  
 9 of correctional services and any recommendation regarding deportation  
 10 made by the commissioner of the department of correctional services  
 11 pursuant to section one hundred forty-seven of the correction law; ~~and~~  
 12 (v) any statement made to the board by the crime victim or the victim's  
 13 representative, where the crime victim is deceased or is mentally or  
 14 physically incapacitated; and (vi) the length of the determinate  
 15 sentence pursuant to section 70.70 or section 70.71 of the penal law for  
 16 a felony defined in article two hundred twenty or article two hundred  
 17 twenty-one of the penal law. The board shall provide toll free tele-  
 18 phone access for crime victims. In the case of an oral statement made in  
 19 accordance with subdivision one of section 440.50 of the criminal proce-  
 20 dure law, the parole board member shall present a written report of the  
 21 statement to the parole board. A crime victim's representative shall  
 22 mean the crime victim's closest surviving relative, the committee or  
 23 guardian of such person, or the legal representative of any such person.  
 24 Such statement submitted by the victim or victim's representative may  
 25 include information concerning threatening or intimidating conduct  
 26 toward the victim, the victim's representative, or the victim's family,  
 27 made by the person sentenced and occurring after the sentencing. Such  
 28 information may include, but need not be limited to, the threatening or  
 29 intimidating conduct of any other person who or which is directed by the  
 30 person sentenced. Notwithstanding the provisions of this section, in  
 31 making the parole release decision for persons whose minimum period of  
 32 imprisonment was not fixed pursuant to the provisions of subdivision one  
 33 of this section, in addition to the factors listed in this paragraph the  
 34 board shall consider the factors listed in paragraph (a) of subdivision  
 35 one of this section.

37 § 13. The section heading and subdivisions 1, 3 and 4 of section 259-j  
 38 of the executive law, the section heading and subdivisions 1 and 3 as  
 39 separately amended by section 10 of part F and section 1 of part N of  
 40 chapter 62 of the laws of 2003, subdivision 4 as amended by chapter 310  
 41 of the laws of 2008, are amended to read as follows:

42 Merit termination of sentence and discharge from presumptive release,  
 43 parole ~~and~~, conditional release and release to post-release super-  
 44 vision. 1. The division of parole may grant to any person a merit  
 45 termination of sentence from presumptive release, parole ~~or from~~,  
 46 conditional release or release to post-release supervision prior to the  
 47 expiration of the full term or maximum term, provided it is determined  
 48 by the division of parole that such merit termination is in the best  
 49 interests of society, such person is not required to register as a sex  
 50 offender pursuant to article ~~six-e~~ six-C of the correction law, and  
 51 such person is not on presumptive release, parole ~~or~~, conditional  
 52 release or release to post-release supervision from a term of imprison-  
 53 ment imposed for any of the following offenses, or for an attempt to  
 54 commit any of the following offenses:

55 (a) a violent felony offense as defined in section 70.02 of the penal  
 56 law;

- 1 (b) murder in the first degree or murder in the second degree;  
 2 (c) an offense defined in article one hundred thirty of the penal law;  
 3 (d) unlawful imprisonment in the first degree, kidnapping in the first  
 4 degree, or kidnapping in the second degree, in which the victim is less  
 5 than seventeen years old and the offender is not the parent of the  
 6 victim;  
 7 (e) an offense defined in article two hundred thirty of the penal law  
 8 involving the prostitution of a person less than nineteen years old;  
 9 (f) disseminating indecent material to minors in the first degree or  
 10 disseminating indecent material to minors in the second degree;  
 11 (g) incest;  
 12 (h) an offense defined in article two hundred sixty-three of the penal  
 13 law;  
 14 (i) a hate crime as defined in section 485.05 of the penal law; or  
 15 (j) an offense defined in article four hundred ninety of the penal  
 16 law.

17 3. A merit termination of sentence may be granted after two years of  
 18 presumptive release [~~or~~], parole, **conditional release or release to**  
 19 **post-release supervision** to a person serving a sentence for a class A  
 20 felony offense as defined in article two hundred twenty of the penal  
 21 law. A merit termination of sentence may be granted to all other eligi-  
 22 ble persons after one year of presumptive release, parole [~~or~~], condi-  
 23 tional release **or release to post-release supervision**.

24 4. Except where a determinate sentence was imposed for a felony[7]  
 25 **other than a felony defined in article two hundred twenty or article two**  
 26 **hundred twenty-one of the penal law**, if the board of parole is satisfied  
 27 that an absolute discharge from presumptive release, parole [~~or~~], condi-  
 28 tional release **or release to a period of post-release supervision** is in  
 29 the best interests of society, the board may grant such a discharge  
 30 prior to the expiration of the full term or maximum term to any person  
 31 who has been on unrevoked presumptive release, parole [~~or~~], conditional  
 32 release **or release to post-release supervision** for at least three  
 33 consecutive years. A discharge granted under this section shall consti-  
 34 tute a termination of the sentence with respect to which it was granted.  
 35 No such discharge shall be granted unless the board of parole is satis-  
 36 fied that the parolee or releasee, otherwise financially able to comply  
 37 with an order of restitution and the payment of any mandatory surcharge,  
 38 sex offender registration fee or DNA databank fee previously imposed by  
 39 a court of competent jurisdiction, has made a good faith effort to  
 40 comply therewith.

41 § 14. Subdivision 16 of section 296 of the executive law, as amended  
 42 by chapter 639 of the laws of 2007, is amended to read as follows:

43 16. It shall be an unlawful discriminatory practice, unless specif-  
 44 ically required or permitted by statute, for any person, agency, bureau,  
 45 corporation or association, including the state and any political subdi-  
 46 vision thereof, to make any inquiry about, whether in any form of appli-  
 47 cation or otherwise, or to act upon adversely to the individual  
 48 involved, any arrest or criminal accusation of such individual not then  
 49 pending against that individual which was followed by a termination of  
 50 that criminal action or proceeding in favor of such individual, as  
 51 defined in subdivision two of section 160.50 of the criminal procedure  
 52 law, or by a youthful offender adjudication, as defined in subdivision  
 53 one of section 720.35 of the criminal procedure law, or by a conviction  
 54 for a violation sealed pursuant to section 160.55 of the criminal proce-  
 55 dure law **or by a conviction which is sealed pursuant to section 160.58**  
 56 **of the criminal procedure law**, in connection with the licensing, employ-

1 ment or providing of credit or insurance to such individual; provided,  
2 ~~[however, that the]~~ further, that no person shall be required to divulge  
3 information pertaining to any arrest or criminal accusation of such  
4 individual not then pending against that individual which was followed  
5 by a termination of that criminal action or proceeding in favor of such  
6 individual, as defined in subdivision two of section 160.50 of the crim-  
7 inal procedure law, or by a youthful offender adjudication, as defined  
8 in subdivision one of section 720.35 of the criminal procedure law, or  
9 by a conviction for a violation sealed pursuant to section 160.55 of the  
10 criminal procedure law, or by a conviction which is sealed pursuant to  
11 section 160.58 of the criminal procedure law. The provisions [~~hereof~~]  
12 of this subdivision shall not apply to the licensing activities of  
13 governmental bodies in relation to the regulation of guns, firearms and  
14 other deadly weapons or in relation to an application for employment as  
15 a police officer or peace officer as those terms are defined in subdivi-  
16 sions thirty-three and thirty-four of section 1.20 of the criminal  
17 procedure law; provided further that the provisions of this subdivision  
18 shall not apply to an application for employment or membership in any  
19 law enforcement agency with respect to any arrest or criminal accusation  
20 which was followed by a youthful offender adjudication, as defined in  
21 subdivision one of section 720.35 of the criminal procedure law, or by a  
22 conviction for a violation sealed pursuant to section 160.55 of the  
23 criminal procedure law, or by a conviction which is sealed pursuant to  
24 section 160.58 of the criminal procedure law.

25 § 14-a. Subdivision 4 of section 837 of the executive law is amended  
26 by adding a new paragraph (b-1) to read as follows:

27 (b-1) collect data and undertake research, studies and analyses of  
28 judicial diversion programs including but not limited to the judicial  
29 diversion program described in article two hundred sixteen of the crimi-  
30 nal procedure law; and

31 § 15. Subdivision 2 of section 212 of the judiciary law is amended by  
32 adding a new paragraph (r) to read as follows:

33 (r) Ensure that cases eligible for judicial diversion pursuant to  
34 article two hundred sixteen of the criminal procedure law shall be  
35 assigned to court parts in the manner provided by the chief administra-  
36 tor and that, to the extent practicable, such cases are presided over by  
37 judges who, by virtue of the structure, caseload and resources of the  
38 parts and the judges' training, are in the best position to provide  
39 effective supervision over such cases, such as the drug treatment  
40 courts. In compliance with these provisions, the chief administrator  
41 shall give due weight to the need for diverted defendants to make regu-  
42 lar court appearances, and be closely supervised by the court, for the  
43 duration of drug treatment and the pendency of the criminal charge.

44 § 16. Section 19.07 of the mental hygiene law is amended by adding a  
45 new subdivision (h) to read as follows:

46 (h) The office of alcoholism and substance abuse services shall moni-  
47 tor programs providing care and treatment to inmates in correctional  
48 facilities operated by the department of correctional services who have  
49 a history of alcohol or substance abuse or dependence. The office shall  
50 also develop guidelines for the operation of alcohol and substance abuse  
51 treatment programs in such correctional facilities in order to ensure  
52 that such programs sufficiently meet the needs of inmates with a history  
53 of alcohol or substance abuse or dependence and promote the successful  
54 transition to treatment in the community upon release. No later than the  
55 first day of December of each year, the office shall submit a report  
56 regarding the adequacy and effectiveness of alcohol and substance abuse

1 treatment programs operated by the department of correctional services  
2 to the governor, the temporary president of the senate, the speaker of  
3 the assembly, the chairman of the senate committee on crime victims,  
4 crime and correction, and the chairman of the assembly committee on  
5 correction.

6 § 17. Subdivisions 3 and 5 of section 60.04 of the penal law, as added  
7 by chapter 738 of the laws of 2004, are amended to read as follows:

8 3. Class B felonies. Every person convicted of a class B felony must  
9 be sentenced to imprisonment in accordance with the applicable  
10 provisions of section 70.70 of this ~~[title] chapter, [unless such person~~  
11 ~~is convicted of a class B felony and is sentenced to]~~ a definite  
12 sentence of imprisonment with a term of one year or less or probation in  
13 accordance with section 65.00 of this ~~[title] chapter provided, however,~~  
14 a person convicted of criminal sale of a controlled substance to a child  
15 as defined in section 220.48 of this chapter must be sentenced to a  
16 determinate sentence of imprisonment in accordance with the applicable  
17 provisions of section 70.70 of this chapter or to a sentence of  
18 probation in accordance with the opening paragraph of paragraph (b) of  
19 subdivision one of section 65.00 of this chapter.

20 5. Multiple felony offender. Where the court imposes a sentence pursu-  
21 ant to subdivision three of section 70.70 of this chapter upon a second  
22 felony drug offender, as defined in paragraph (b) of subdivision one of  
23 section 70.70 of this ~~[title] chapter,~~ it must sentence such offender to  
24 imprisonment in accordance with the applicable provisions of section  
25 70.70 of this ~~[title] chapter,~~ a definite sentence of imprisonment with  
26 a term of one year or less, or probation in accordance with section  
27 65.00 of this chapter, provided, however, that where the court imposes a  
28 sentence upon a class B second felony drug offender, it must sentence  
29 such offender to a determinate sentence of imprisonment in accordance  
30 with the applicable provisions of section 70.70 of this chapter or to a  
31 sentence of probation in accordance with the opening paragraph of para-  
32 graph (b) of subdivision one of section 65.00 of this chapter. When the  
33 court imposes sentence on a second felony drug offender pursuant to  
34 subdivision four of section 70.70 of this chapter, it must impose a  
35 determinate sentence of imprisonment in accordance with such  
36 subdivision.

37 § 18. Section 60.04 of the penal law is amended by adding a new subdi-  
38 vision 7 to read as follows:

39 7. a. Shock incarceration participation. When the court imposes a  
40 sentence of imprisonment which requires a commitment to the department  
41 of correctional services upon a person who stands convicted of a  
42 controlled substance or marihuana offense, upon motion of the defendant,  
43 the court may issue an order directing that the department of correc-  
44 tional services enroll the defendant in the shock incarceration program  
45 as defined in article twenty-six-A of the correction law, provided that  
46 the defendant is an eligible inmate, as described in subdivision one of  
47 section eight hundred sixty-five of the correction law. Notwithstanding  
48 the foregoing provisions of this subdivision, any defendant to be  
49 enrolled in such program pursuant to this subdivision shall be governed  
50 by the same rules and regulations promulgated by the department of  
51 correctional services, including without limitation those rules and  
52 regulations establishing requirements for completion and such rules and  
53 regulations governing discipline and removal from the program.

54 b. (i) In the event that an inmate designated by court order for  
55 enrollment in the shock incarceration program requires a degree of  
56 medical care or mental health care that cannot be provided at a shock

1 incarceration facility, the department, in writing, shall notify the  
 2 inmate, provide a proposal describing a proposed alternative-to-shock-  
 3 incarceration program, and notify him or her that he or she may object  
 4 in writing to placement in such alternative-to-shock-incarceration  
 5 program. If the inmate objects in writing to placement in such alterna-  
 6 tive-to-shock-incarceration program, the department of correctional  
 7 services shall notify the sentencing court, provide such proposal to the  
 8 court, and arrange for the inmate's prompt appearance before the court.  
 9 The court shall provide the proposal and notice of a court appearance to  
 10 the people, the inmate and the appropriate defense attorney. After  
 11 considering the proposal and any submissions by the parties, and after a  
 12 reasonable opportunity for the people, the inmate and counsel to be  
 13 heard, the court may modify its sentencing order accordingly, notwith-  
 14 standing the provisions of section 430.10 of the criminal procedure law.

15 (ii) An inmate who successfully completes an alternative-to-shock-  
 16 incarceration program within the department of correctional services  
 17 shall be treated in the same manner as a person who has successfully  
 18 completed the shock incarceration program, as set forth in subdivision  
 19 four of section eight hundred sixty-seven of the correction law.

20 § 19. The opening paragraph of paragraph (b) of subdivision 1 of  
 21 section 65.00 of the penal law, as amended by chapter 410 of the laws of  
 22 1979, is amended to read as follows:

23 The court, with the concurrence of either the administrative judge of  
 24 the court or of the judicial district within which the court is situated  
 25 or such administrative judge as the presiding justice of the appropriate  
 26 appellate division shall designate, may sentence a person to a period of  
 27 probation upon conviction of a class A-II felony [~~or a class B felony~~]  
 28 defined in article two hundred twenty, the class B felony defined in  
 29 section 220.48 of this chapter or any other class B felony defined in  
 30 article two hundred twenty of this chapter where the person is a second  
 31 felony drug offender as defined in paragraph (b) of subdivision one of  
 32 section 70.70 of this chapter, if the prosecutor either orally on the  
 33 record or in a writing filed with the indictment recommends that the  
 34 court sentence such person to a period of probation upon the ground that  
 35 such person has or is providing material assistance in the investi-  
 36 gation, apprehension or prosecution of any person for a felony defined  
 37 in article two hundred twenty or the attempt or the conspiracy to commit  
 38 any such felony, and if the court, having regard to the nature and  
 39 circumstances of the crime and to the history, character and condition  
 40 of the defendant is of the opinion that:

41 § 20. Subparagraphs (i) and (ii) of paragraph (a) of subdivision 3 of  
 42 section 65.00 of the penal law, subparagraph (i) as amended by chapter  
 43 264 of the laws of 2003, subparagraph (ii) as amended by chapter 738 of  
 44 the laws of 2004, are amended to read as follows:

45 (i) For a felony, other than a class A-II felony [~~or a class B felony~~]  
 46 defined in article two hundred twenty of this chapter or the class B  
 47 felony defined in section 220.48 of this chapter, or any other class B  
 48 felony defined in article two hundred twenty of this chapter committed  
 49 by a second felony drug offender, or a sexual assault, the period of  
 50 probation shall be five years;

51 (ii) For a class A-II felony [~~controlled substance~~] drug offender as  
 52 defined in paragraph (a) of subdivision one of section 70.71 of this  
 53 [~~chapter or a class B second felony drug offender as defined in para-~~  
 54 ~~graph (b) of subdivision one of section 70.70 of this~~] chapter as  
 55 described in paragraph (b) of subdivision one of this section, or a  
 56 class B felony committed by a second felony drug offender described in

1 paragraph (b) of subdivision one of this section, the period of  
 2 probation shall be life[, ~~and for a class B felony drug offender as~~  
 3 ~~defined in paragraph (a) of subdivision one of section 70.70 of this~~  
 4 ~~chapter, the period of probation shall be twenty-five years] and for a  
 5 class B felony defined in section 220.48 of this chapter, the period of  
 6 probation shall be twenty-five years;~~

7 § 21. Subparagraph (i) of paragraph (a) of subdivision 2 of section  
 8 70.70 of the penal law, as amended by chapter 436 of the laws of 2006,  
 9 is amended to read as follows:

10 (i) for a class B felony, the term shall be at least one year and  
 11 shall not exceed nine years, except that for the class B felony of crim-  
 12 inal sale of a controlled substance in or near school grounds as defined  
 13 in subdivision two of section 220.44 of this chapter or on a school bus  
 14 as defined in subdivision seventeen of section 220.00 of this chapter or  
 15 criminal sale of a controlled substance to a child as defined in section  
 16 220.48 of this chapter, the term shall be at least two years and shall  
 17 not exceed nine years;

18 § 22. Paragraph (b) of subdivision 2 of section 70.70 of the penal  
 19 law, as added by chapter 738 of the laws of 2004, is amended to read as  
 20 follows:

21 (b) Probation. Notwithstanding any other provision of law, the court  
 22 may sentence a defendant convicted of a class B, class C, class D or  
 23 class E felony offense defined in article two hundred twenty or two  
 24 hundred twenty-one of this chapter to probation in accordance with the  
 25 provisions of [~~section~~] sections 60.04 and 65.00 of this chapter.

26 § 23. Paragraph (c) of subdivision 2 and paragraphs (a) and (b) of  
 27 subdivision 3 of section 70.70 of the penal law, as added by chapter 738  
 28 of the laws of 2004, are amended and subdivision 2 is amended by adding  
 29 a new paragraph (d) to read as follows:

30 (c) Alternative definite sentence for class B, class C, class D, and  
 31 class E felonies. If the court, having regard to the nature and circum-  
 32 stances of the crime and to the history and character of the defendant,  
 33 is of the opinion that a sentence of imprisonment is necessary but that  
 34 it would be unduly harsh to impose a determinate sentence upon a person  
 35 convicted of a class C, class D or class E felony offense defined in  
 36 article two hundred twenty or two hundred twenty-one of this chapter, or  
 37 a class B felony defined in article two hundred twenty of this chapter,  
 38 other than the class B felony defined in section 220.48 of this chapter,  
 39 as added by a chapter of the laws of two thousand nine the court may  
 40 impose a definite sentence of imprisonment and fix a term of one year or  
 41 less.

42 (d) The court may direct that a determinate sentence imposed on a  
 43 defendant convicted of a class B felony, other than the class B felony  
 44 defined in section 220.48 of this chapter, pursuant to this subdivision  
 45 be executed as a sentence of parole supervision in accordance with  
 46 section 410.91 of the criminal procedure law.

47 (a) Applicability. This subdivision shall apply to a second felony  
 48 drug offender whose prior felony conviction was not a violent felony.

49 (b) Authorized sentence. Except as provided in [~~paragraph~~] paragraphs

50 (c) [~~or~~], (d) and (e) of this subdivision, when the court has found  
 51 pursuant to the provisions of section 400.21 of the criminal procedure  
 52 law that a defendant is a second felony drug offender who stands  
 53 convicted of a class B, class C, class D or class E felony offense  
 54 defined in article two hundred twenty or two hundred twenty-one of this  
 55 chapter the court shall impose a determinate sentence of imprisonment.  
 56 Such determinate sentence shall include as a part thereof a period of

1 post-release supervision in accordance with section 70.45 of this arti-  
 2 cle. The terms of such determinate sentence shall be imposed by the  
 3 court in whole or half years as follows:

4 (i) for a class B felony, the term shall be at least [~~three and one-~~  
 5 ~~half~~] two years and shall not exceed twelve years;

6 (ii) for a class C felony, the term shall be at least [~~two~~] one and  
 7 one-half years and shall not exceed eight years;

8 (iii) for a class D felony, the term shall be at least one and one-  
 9 half years and shall not exceed four years; and

10 (iv) for a class E felony, the term shall be at least one and one-half  
 11 years and shall not exceed two years.

12 § 24. Paragraph (c) of subdivision 3 of section 70.70 of the penal  
 13 law, as added by chapter 738 of the laws of 2004, is amended to read as  
 14 follows:

15 (c) [~~Lifetime probation~~] Probation. Notwithstanding any other  
 16 provision of law, the court may sentence a [~~defendant~~] second felony  
 17 drug offender convicted of a class B felony [~~defined in article two~~  
 18 ~~hundred twenty of this chapter~~] to lifetime probation in accordance with  
 19 the provisions of section 65.00 of this chapter and may sentence a  
 20 second felony drug offender convicted of a class C, class D or class E  
 21 felony to probation in accordance with the provisions of section 65.00  
 22 of this chapter.

23 § 25. Subdivision 3 of section 70.70 of the penal law is amended by  
 24 adding a new paragraph (e) to read as follows:

25 (e) Alternate definite sentence for class C, class D and class E felo-  
 26 nies. If the court, having regard to the nature and circumstances of the  
 27 crime and to the history and character of the defendant, is of the opin-  
 28 ion that a sentence of imprisonment is necessary but that it would be  
 29 unduly harsh to impose a determinate sentence upon a person convicted of  
 30 a class C, class D or class E felony offense defined in article two  
 31 hundred twenty or two hundred twenty-one of this chapter, the court may  
 32 impose a definite sentence of imprisonment and fix a term of one year or  
 33 less.

34 § 26. Paragraph (a) of subdivision 2 of section 70.71 of the penal  
 35 law, as added by chapter 738 of the laws of 2004, is amended and a new  
 36 subdivision 5 is added to read as follows:

37 (a) Applicability. Except as provided in subdivision three [~~or~~],  
 38 four  
 39 or five of this section, this subdivision shall apply to a person  
 40 convicted of a class A felony as defined in article two hundred twenty  
 41 of this chapter.

41 5. Sentence of imprisonment for operating as a major trafficker.

42 (a) Applicability. This subdivision shall apply to a person convicted  
 43 of the class A-I felony of operating as a major trafficker as defined in  
 44 section 220.77 of this chapter.

45 (b) Authorized sentence. Except as provided in paragraph (c) of this  
 46 subdivision, the court shall impose an indeterminate term of imprison-  
 47 ment for an A-I felony, in accordance with the provisions of section  
 48 70.00 of this article.

49 (c) Alternative determinate sentence. If a defendant stands convicted  
 50 of violating section 220.77 of this chapter, and if the court, having  
 51 regard to the nature and circumstances of the crime and the history and  
 52 character of the defendant, is of the opinion that a sentence of impri-  
 53 sonment is necessary but that it would be unduly harsh to impose the  
 54 indeterminate sentence for a class A-I felony specified under section  
 55 70.00 of this article, the court may instead impose the determinate  
 56 sentence of imprisonment authorized by clause (i) of subparagraph (b) of

1 subdivision two of this section for a class A-I drug felony; in such  
 2 case, the reasons for the court's opinion shall be set forth on the  
 3 record.

4 § 27. Section 220.00 of the penal law is amended by adding three new  
 5 subdivisions 18, 19 and 20 to read as follows:

6 18. "Controlled substance organization" means four or more persons  
 7 sharing a common purpose to engage in conduct that constitutes or  
 8 advances the commission of a felony under this article.

9 19. "Director" means a person who is the principal administrator,  
 10 organizer, or leader of a controlled substance organization or one of  
 11 several principal administrators, organizers, or leaders of a controlled  
 12 substance organization.

13 20. "Profiteer" means a person who: (a) is a director of a controlled  
 14 substance organization; (b) is a member of a controlled substance organ-  
 15 ization and has managerial responsibility over one or more other members  
 16 of that organization; or (c) arranges, devises or plans one or more  
 17 transactions constituting a felony under this article so as to obtain  
 18 profits or expected profits. A person is not a profiteer if he or she is  
 19 acting only as an employee; or if he or she is acting as an accommo-  
 20 dation to a friend or relative; or if he or she is acting only under the  
 21 direction and control of others and exercises no substantial, independ-  
 22 ent role in arranging or directing the transactions in question.

23 § 28. The penal law is amended by adding a new section 220.48 to read  
 24 as follows:

25 § 220.48 Criminal sale of a controlled substance to a child.

26 A person is guilty of criminal sale of a controlled substance to a  
 27 child when, being over twenty-one years old, he or she knowingly and  
 28 unlawfully sells a controlled substance in violation of section 220.34  
 29 or 220.39 of this article to a person less than seventeen years old.

30 Criminal sale of a controlled substance to a child is a class B felo-  
 31 ny.

32 § 29. The penal law is amended by adding a new section 220.77 to read  
 33 as follows:

34 § 220.77 Operating as a major trafficker.

35 A person is guilty of operating as a major trafficker when:

36 1. Such person acts as a director of a controlled substance organiza-  
 37 tion during any period of twelve months or less, during which period  
 38 such controlled substance organization sells one or more controlled  
 39 substances, and the proceeds collected or due from such sale or sales  
 40 have a total aggregate value of seventy-five thousand dollars or more;  
 41 or

42 2. As a profiteer, such person knowingly and unlawfully sells, on one  
 43 or more occasions within six months or less, a narcotic drug, and the  
 44 proceeds collected or due from such sale or sales have a total aggregate  
 45 value of seventy-five thousand dollars or more.

46 3. As a profiteer, such person knowingly and unlawfully possesses, on  
 47 one or more occasions within six months or less, a narcotic drug with  
 48 intent to sell the same, and such narcotic drugs have a total aggregate  
 49 value of seventy-five thousand dollars or more.

50 Operating as a major trafficker is a class A-I felony.

51 § 30. Paragraph (a) of subdivision 1 of section 460.10 of the penal  
 52 law, as separately amended by chapters 312 and 472 of the laws of 2008,  
 53 is amended to read as follows:

54 (a) Any of the felonies set forth in this chapter: sections 120.05,  
 55 120.10 and 120.11 relating to assault; sections 125.10 to 125.27 relat-  
 56 ing to homicide; sections 130.25, 130.30 and 130.35 relating to rape;

1 sections 135.20 and 135.25 relating to kidnapping; section 135.35 relat-  
2 ing to labor trafficking; section 135.65 relating to coercion; sections  
3 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10  
4 and 145.12 relating to criminal mischief; article one hundred fifty  
5 relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating  
6 to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to  
7 health care fraud; article one hundred sixty relating to robbery;  
8 sections 165.45, 165.50, 165.52 and 165.54 relating to criminal  
9 possession of stolen property; sections 165.72 and 165.73 relating to  
10 trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,  
11 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,  
12 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,  
13 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20  
14 and 178.25 relating to criminal diversion of prescription medications  
15 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,  
16 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,  
17 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections  
18 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage  
19 fraud, sections 190.40 and 190.42 relating to criminal usury; section  
20 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relat-  
21 ing to hindering prosecution; sections 210.10, 210.15, and 215.51 relat-  
22 ing to perjury and contempt; section 215.40 relating to tampering with  
23 physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21,  
24 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55 [~~and~~], 220.60 and  
25 220.77 relating to controlled substances; sections 225.10 and 225.20  
26 relating to gambling; sections 230.25, 230.30, and 230.32 relating to  
27 promoting prostitution; section 230.34 relating to sex trafficking;  
28 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;  
29 sections 263.10 and 263.15 relating to promoting a sexual performance by  
30 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the  
31 provisions of section 265.10 which constitute a felony relating to  
32 firearms and other dangerous weapons; and sections 265.14 and 265.16  
33 relating to criminal sale of a firearm; and section 275.10, 275.20,  
34 275.30, or 275.40 relating to unauthorized recordings; and sections  
35 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or  
36 § 31. Paragraphs (a) and (b) of subdivision 7 of section 480.00 of the  
37 penal law, as added by chapter 655 of the laws of 1990, are amended to  
38 read as follows:

39 (a) a conviction of a person for a violation of section 220.18,  
40 220.21, 220.41, [~~or~~] 220.43, or 220.77 of this chapter, or where the  
41 accusatory instrument charges one or more of such offenses, conviction  
42 upon a plea of guilty to any of the felonies for which such plea is  
43 otherwise authorized by law or a conviction of a person for conspiracy  
44 to commit a violation of section 220.18, 220.21, 220.41, [~~or~~] 220.43, or  
45 220.77 of [~~the penal law~~] this chapter, where the controlled substances  
46 which are the object of the conspiracy are located in the real property  
47 which is the subject of the forfeiture action; or

48 (b) three or more violations of any of the felonies defined in section  
49 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43,  
50 220.77, or 221.55 of this chapter, which violations do not constitute a  
51 single criminal offense as defined in subdivision one of section 40.10  
52 of the criminal procedure law, or a single criminal transaction, as  
53 defined in paragraph (a) of subdivision two of section 40.10 of the  
54 criminal procedure law, and at least one of which resulted in a  
55 conviction of such offense, or where the accusatory instrument charges

1 one or more of such felonies, conviction upon a plea of guilty to a  
2 felony for which such plea is otherwise authorized by law; or

3 § 32. Severability. If any clause, sentence, paragraph, section or  
4 part of this act shall be adjudged by any court of competent jurisdic-  
5 tion to be invalid and after exhaustion of all further judicial review,  
6 the judgment shall not affect, impair or invalidate the remainder there-  
7 of, but shall be confined in its operation to the clause, sentence,  
8 paragraph, section or part of this act directly involved in the contro-  
9 versy in which the judgment shall have been rendered.

10 § 33. This act shall take effect immediately; provided however that:

11 (a) section three of this act shall take effect on the sixtieth day  
12 after it shall have become a law;

13 (b) sections four and ten of this act shall take effect six months  
14 after this act shall have become a law;

15 (c) sections eleven, twenty-six, twenty-seven, twenty-eight, twenty-  
16 nine, thirty and thirty-one of this act shall take effect on the first  
17 of November next succeeding the date on which it shall have become a  
18 law;

19 (d) section sixteen of this act shall take effect on the one hundred  
20 twentieth day after it shall have become a law;

21 (e) section nine of this act shall take effect six months after it  
22 shall have become a law, except that the amendments to subdivision 4 of  
23 section 440.46 of the criminal procedure law made by section nine of  
24 this act shall take effect immediately;

25 (f) sections four, five, six, seven, eight, seventeen, nineteen, twen-  
26 ty, twenty-two, twenty-three, twenty-four, and twenty-five of this act  
27 shall apply to offenses committed on or after the date this act shall  
28 have become a law, and shall also apply to offenses committed before  
29 such date provided that sentence upon conviction for such offense has  
30 not been imposed on or before such date; and

31 (g) provided further that the amendments to section 410.91 of the  
32 criminal procedure law made by sections six and eight of this act shall  
33 not affect the repeal of such section and shall be deemed to be repealed  
34 therewith.

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

44 § 3. This act shall take effect immediately provided, however, that  
45 the applicable effective date of Parts A through AAA of this act shall  
46 be as specifically set forth in the last section of such Parts.

## STATE OF NEW YORK

5503

2009-2010 Regular Sessions

### IN SENATE

May 12, 2009

Introduced by Sens. SAVINO, KLEIN, MONSERRATE, ADAMS, DILAN, HUNTLEY, LANZA, ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to the terms and conditions of employment for members of the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police; to amend the executive law, in relation to salary schedules for such members of such units; to amend the state finance law, in relation to the employee benefit fund for members of such units; to amend the civil service law, in relation to salary schedules for members of the collective negotiating unit designated as the professional, scientific and technical services unit; making an appropriation therefor; and to repeal certain provisions of the executive law and the state finance law relating to the salary and benefits payable to members of the collective bargaining units representing troopers, and commissioned and non-commissioned officers of the division of state police

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

1 Section 1. Subdivision 2 of section 215 of the executive law is  
2 REPEALED and a new subdivision 2 is added to read as follows:

3 **2. a. Salary schedules for the titles of trooper, sergeant, technical**  
4 **sergeant, station commander, zone sergeant, first sergeant, staff**  
5 **sergeant, chief technical sergeant, lieutenant, technical lieutenant,**  
6 **lieutenant BCI, captain, captain BCI and major:**

7 **(1) Effective April first, two thousand seven, members of the collec-**  
8 **tive negotiating unit consisting of troopers in the division of state**  
9 **police shall receive a basic annual salary pursuant to the following**  
10 **schedule:**

	<b><u>Orange,</u></b>	<b><u>City of New</u></b>	<b><u>Nassau and</u></b>	<b><u>All Other</u></b>
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EXPLANATION--Matter in **italics** (underscored) is new; matter in brackets [–] is old law to be omitted.

LBD12052-03-9

	<u>Putnam and Dutchess Counties</u>	<u>York, Rockland and Westchester Counties</u>	<u>Suffolk Counties</u>	<u>Locations</u>
1 <u>Trainee 1</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$50,374</u>
2 <u>Trainee 2</u>	<u>\$60,820</u>	<u>\$61,785</u>	<u>\$62,037</u>	<u>\$60,639</u>
3 <u>Step 1</u>	<u>\$64,766</u>	<u>\$65,732</u>	<u>\$65,985</u>	<u>\$64,586</u>
4 <u>Step 2</u>	<u>\$68,710</u>	<u>\$69,675</u>	<u>\$69,929</u>	<u>\$68,530</u>
5 <u>Step 3</u>	<u>\$71,072</u>	<u>\$72,037</u>	<u>\$72,290</u>	<u>\$70,891</u>
6 <u>Step 4</u>	<u>\$73,872</u>	<u>\$74,837</u>	<u>\$75,090</u>	<u>\$73,690</u>
7 <u>Step 5</u>	<u>\$76,983</u>	<u>\$77,948</u>	<u>\$78,201</u>	<u>\$76,803</u>

8 (2) Effective April first, two thousand eight, members of the collec-  
 9 tive negotiating unit consisting of troopers in the division of state  
 10 police shall receive a basic annual salary pursuant to the following  
 11 schedule:

	<u>Orange, Putnam and Dutchess Counties</u>	<u>City of New York, Rockland and Westchester Counties</u>	<u>Nassau and Suffolk Counties</u>	<u>All Other Locations</u>
12 <u>Trainee 1</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$50,374</u>
13 <u>Trainee 2</u>	<u>\$62,645</u>	<u>\$63,639</u>	<u>\$63,898</u>	<u>\$62,458</u>
14 <u>Step 1</u>	<u>\$66,709</u>	<u>\$67,704</u>	<u>\$67,965</u>	<u>\$66,524</u>
15 <u>Step 2</u>	<u>\$70,771</u>	<u>\$71,765</u>	<u>\$72,027</u>	<u>\$70,586</u>
16 <u>Step 3</u>	<u>\$73,204</u>	<u>\$74,198</u>	<u>\$74,459</u>	<u>\$73,018</u>
17 <u>Step 4</u>	<u>\$76,088</u>	<u>\$77,082</u>	<u>\$77,343</u>	<u>\$75,901</u>
18 <u>Step 5</u>	<u>\$79,292</u>	<u>\$80,286</u>	<u>\$80,547</u>	<u>\$79,107</u>

19 (3) Effective April first, two thousand nine, members of the collec-  
 20 tive negotiating unit consisting of troopers in the division of state  
 21 police shall receive a basic annual salary pursuant to the following  
 22 schedule:

	<u>Orange, Putnam and Dutchess Counties</u>	<u>City of New York, Rockland and Westchester Counties</u>	<u>Nassau and Suffolk Counties</u>	<u>All Other Locations</u>
23 <u>Trainee 1</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$50,374</u>
24 <u>Trainee 2</u>	<u>\$64,524</u>	<u>\$65,548</u>	<u>\$65,815</u>	<u>\$64,332</u>
25 <u>Step 1</u>	<u>\$68,710</u>	<u>\$69,735</u>	<u>\$70,004</u>	<u>\$68,520</u>
26 <u>Step 2</u>	<u>\$72,894</u>	<u>\$73,918</u>	<u>\$74,188</u>	<u>\$72,704</u>
27 <u>Step 3</u>	<u>\$75,400</u>	<u>\$76,424</u>	<u>\$76,693</u>	<u>\$75,209</u>
28 <u>Step 4</u>	<u>\$78,371</u>	<u>\$79,394</u>	<u>\$79,663</u>	<u>\$78,178</u>
29 <u>Step 5</u>	<u>\$81,671</u>	<u>\$82,695</u>	<u>\$82,963</u>	<u>\$81,480</u>

30 (4) Effective April first, two thousand ten, members of the collective  
 31 negotiating unit consisting of troopers in the division of state police  
 32 shall receive a basic annual salary pursuant to the following schedule:

	<u>Orange, Putnam and Dutchess Counties</u>	<u>City of New York, Rockland and Westchester Counties</u>	<u>Nassau and Suffolk Counties</u>	<u>All Other Locations</u>
33 <u>Trainee 1</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>Not Applicable</u>	<u>\$50,374</u>
34 <u>Trainee 2</u>	<u>\$67,105</u>	<u>\$68,170</u>	<u>\$68,448</u>	<u>\$66,905</u>
35 <u>Step 1</u>	<u>\$71,458</u>	<u>\$72,524</u>	<u>\$72,804</u>	<u>\$71,261</u>
36 <u>Step 2</u>	<u>\$75,810</u>	<u>\$76,875</u>	<u>\$77,156</u>	<u>\$75,612</u>
37 <u>Step 3</u>	<u>\$78,416</u>	<u>\$79,481</u>	<u>\$79,761</u>	<u>\$78,217</u>
38 <u>Step 4</u>	<u>\$81,506</u>	<u>\$82,570</u>	<u>\$82,850</u>	<u>\$81,305</u>
39 <u>Step 5</u>	<u>\$84,938</u>	<u>\$86,003</u>	<u>\$86,282</u>	<u>\$84,739</u>

40 (5) Effective April first, two thousand seven, members of the collec-  
 41 tive negotiating unit consisting of commissioned and non-commissioned

1 officers in the division of state police shall receive a basic annual  
 2 salary pursuant to the following schedule:

	<u>Orange,</u> <u>Putnam and</u> <u>Dutchess</u> <u>Counties</u>	<u>City of New</u> <u>York, Rockland</u> <u>and Westchester</u> <u>Counties</u>	<u>Nassau and</u> <u>Suffolk</u> <u>Counties</u>	<u>All Other</u> <u>Locations</u>
3				
4				
5				
6				
7	<u>Sergeant and</u>			
8	<u>Technical</u>			
9	<u>Sergeant</u>	<u>\$90,677</u>	<u>\$91,643</u>	<u>\$91,896</u>
10	<u>Station</u>			<u>\$90,498</u>
11	<u>Commander</u>	<u>\$93,607</u>	<u>\$94,574</u>	<u>\$94,826</u>
12	<u>Zone</u>			<u>\$93,428</u>
13	<u>Sergeant</u>	<u>\$95,100</u>	<u>\$96,064</u>	<u>\$96,318</u>
14	<u>First</u>			<u>\$94,921</u>
15	<u>Sergeant,</u>			
16	<u>Staff</u>			
17	<u>Sergeant and</u>			
18	<u>Chief</u>			
19	<u>Technical</u>			
20	<u>Sergeant</u>	<u>\$99,993</u>	<u>\$100,958</u>	<u>\$101,212</u>
21	<u>Lieutenant</u>			<u>\$99,813</u>
22	<u>and</u>			
23	<u>Technical</u>			
24	<u>Lieutenant</u>	<u>\$108,364</u>	<u>\$109,328</u>	<u>\$109,582</u>
25	<u>Lieutenant</u>			<u>\$108,185</u>
26	<u>BCI</u>	<u>\$110,486</u>	<u>\$111,450</u>	<u>\$111,705</u>
27	<u>Captain</u>	<u>\$115,567</u>	<u>\$116,531</u>	<u>\$116,786</u>
28	<u>Captain BCI</u>	<u>\$117,720</u>	<u>\$118,684</u>	<u>\$118,938</u>
29	<u>Major</u>	<u>\$123,141</u>	<u>\$124,105</u>	<u>\$124,359</u>
30				<u>\$122,960</u>

30 (6) Effective April first, two thousand eight, members of the collec-  
 31 tive negotiating unit consisting of commissioned and non-commissioned  
 32 officers in the division of state police shall receive a basic annual  
 33 salary pursuant to the following schedule:

	<u>Orange,</u> <u>Putnam and</u> <u>Dutchess</u> <u>Counties</u>	<u>City of New</u> <u>York, Rockland</u> <u>and Westchester</u> <u>Counties</u>	<u>Nassau and</u> <u>Suffolk</u> <u>Counties</u>	<u>All Other</u> <u>Locations</u>
34				
35				
36				
37				
38	<u>Sergeant and</u>			
39	<u>Technical</u>			
40	<u>Sergeant</u>	<u>\$93,397</u>	<u>\$94,392</u>	<u>\$94,653</u>
41	<u>Station</u>			<u>\$93,213</u>
42	<u>Commander</u>	<u>\$96,415</u>	<u>\$97,411</u>	<u>\$97,671</u>
43	<u>Zone</u>			<u>\$96,231</u>
44	<u>Sergeant</u>	<u>\$97,953</u>	<u>\$98,946</u>	<u>\$99,208</u>
45	<u>First</u>			<u>\$97,769</u>
46	<u>Sergeant,</u>			
47	<u>Staff</u>			
48	<u>Sergeant and</u>			
49	<u>Chief</u>			
50	<u>Technical</u>			
51	<u>Sergeant</u>	<u>\$102,993</u>	<u>\$103,987</u>	<u>\$104,248</u>
52	<u>Lieutenant</u>			<u>\$102,807</u>
53	<u>and</u>			
54	<u>Technical</u>			
55	<u>Lieutenant</u>	<u>\$111,615</u>	<u>\$112,608</u>	<u>\$112,869</u>
56	<u>Lieutenant</u>			<u>\$111,431</u>

1	<u>BCI</u>	<u>\$113,801</u>	<u>\$114,794</u>	<u>\$115,056</u>	<u>\$113,615</u>
2	<u>Captain</u>	<u>\$119,034</u>	<u>\$120,027</u>	<u>\$120,290</u>	<u>\$118,849</u>
3	<u>Captain BCI</u>	<u>\$121,252</u>	<u>\$122,245</u>	<u>\$122,506</u>	<u>\$121,065</u>
4	<u>Major</u>	<u>\$126,835</u>	<u>\$127,828</u>	<u>\$128,090</u>	<u>\$126,649</u>
5	<u>(7) Effective April first, two thousand nine, members of the collec-</u>				
6	<u>tive negotiating unit consisting of commissioned and non-commissioned</u>				
7	<u>officers in the division of state police shall receive a basic annual</u>				
8	<u>salary pursuant to the following schedule:</u>				
9		<u>Orange,</u>	<u>City of New</u>	<u>Nassau and</u>	<u>All Other</u>
10		<u>Putnam and</u>	<u>York, Rockland</u>	<u>Suffolk</u>	<u>Locations</u>
11		<u>Dutchess</u>	<u>and Westchester</u>	<u>Counties</u>	
12		<u>Counties</u>	<u>Counties</u>		
13	<u>Sergeant and</u>				
14	<u>Technical</u>				
15	<u>Sergeant</u>	<u>\$96,199</u>	<u>\$97,224</u>	<u>\$97,493</u>	<u>\$96,009</u>
16	<u>Station</u>				
17	<u>Commander</u>	<u>\$99,307</u>	<u>\$100,333</u>	<u>\$100,601</u>	<u>\$99,118</u>
18	<u>Zone</u>				
19	<u>Sergeant</u>	<u>\$100,892</u>	<u>\$101,914</u>	<u>\$102,184</u>	<u>\$100,702</u>
20	<u>First</u>				
21	<u>Sergeant,</u>				
22	<u>Staff</u>				
23	<u>Sergeant and</u>				
24	<u>Chief</u>				
25	<u>Technical</u>				
26	<u>Sergeant</u>	<u>\$106,083</u>	<u>\$107,107</u>	<u>\$107,375</u>	<u>\$105,891</u>
27	<u>Lieutenant</u>				
28	<u>and</u>				
29	<u>Technical</u>				
30	<u>Lieutenant</u>	<u>\$114,963</u>	<u>\$115,986</u>	<u>\$116,255</u>	<u>\$114,774</u>
31	<u>Lieutenant</u>				
32	<u>BCI</u>	<u>\$117,215</u>	<u>\$118,238</u>	<u>\$118,508</u>	<u>\$117,023</u>
33	<u>Captain</u>	<u>\$122,605</u>	<u>\$123,628</u>	<u>\$123,899</u>	<u>\$122,414</u>
34	<u>Captain BCI</u>	<u>\$124,890</u>	<u>\$125,912</u>	<u>\$126,181</u>	<u>\$124,697</u>
35	<u>Major</u>	<u>\$130,640</u>	<u>\$131,663</u>	<u>\$131,933</u>	<u>\$130,448</u>
36	<u>(8) Effective April first, two thousand ten, members of the collective</u>				
37	<u>negotiating unit consisting of commissioned and non-commissioned offi-</u>				
38	<u>cers in the division of state police shall receive a basic annual salary</u>				
39	<u>pursuant to the following schedule:</u>				
40		<u>Orange,</u>	<u>City of New</u>	<u>Nassau and</u>	<u>All Other</u>
41		<u>Putnam and</u>	<u>York, Rockland</u>	<u>Suffolk</u>	<u>Locations</u>
42		<u>Dutchess</u>	<u>and Westchester</u>	<u>Counties</u>	
43		<u>Counties</u>	<u>Counties</u>		
44	<u>Sergeant and</u>				
45	<u>Technical</u>				
46	<u>Sergeant</u>	<u>\$100,047</u>	<u>\$101,113</u>	<u>\$101,393</u>	<u>\$99,849</u>
47	<u>Station</u>				
48	<u>Commander</u>	<u>\$103,279</u>	<u>\$104,346</u>	<u>\$104,625</u>	<u>\$103,083</u>
49	<u>Zone</u>				
50	<u>Sergeant</u>	<u>\$104,928</u>	<u>\$105,991</u>	<u>\$106,271</u>	<u>\$104,730</u>
51	<u>First</u>				
52	<u>Sergeant,</u>				
53	<u>Staff</u>				
54	<u>Sergeant and</u>				
55	<u>Chief</u>				
56	<u>Technical</u>				

1	<u>Sergeant</u>	<u>\$110,326</u>	<u>\$111,391</u>	<u>\$111,670</u>	<u>\$110,127</u>
2	<u>Lieutenant</u>				
3	<u>and</u>				
4	<u>Technical</u>				
5	<u>Lieutenant</u>	<u>\$119,562</u>	<u>\$120,625</u>	<u>\$120,905</u>	<u>\$119,365</u>
6	<u>Lieutenant</u>				
7	<u>BCI</u>	<u>\$121,904</u>	<u>\$122,968</u>	<u>\$123,248</u>	<u>\$121,704</u>
8	<u>Captain</u>	<u>\$127,509</u>	<u>\$128,573</u>	<u>\$128,855</u>	<u>\$127,311</u>
9	<u>Captain BCI</u>	<u>\$129,886</u>	<u>\$130,948</u>	<u>\$131,228</u>	<u>\$129,685</u>
10	<u>Major</u>	<u>\$135,866</u>	<u>\$136,930</u>	<u>\$137,210</u>	<u>\$135,666</u>

11 b. The salary schedules in subparagraphs one, two, three and four of  
 12 paragraph a of this subdivision shall reflect a five-step progression  
 13 from the entry level, step 1 salary to the highest level, step 5, for  
 14 the position of trooper.

15 c. The salary schedules in paragraph a of this subdivision reflect the  
 16 basic annual salary for employees in those titles listed whose principal  
 17 place of employment, or in the case of a field employee, whose official  
 18 station as determined in accordance with the regulations of the state  
 19 comptroller is located in the locations listed in the salary schedule.  
 20 The salary schedules shall not be applicable to those members in the  
 21 title of Special Trooper.

22 § 2. Paragraph a of subdivision 2 of section 207-b of the state  
 23 finance law is REPEALED and a new paragraph a is added to read as  
 24 follows:

25 a. Where, and to the extent that, the agreements between the state and  
 26 an employee organization entered into pursuant to article fourteen of  
 27 the civil service law so provide on behalf of employees in the collec-  
 28 tive negotiating units consisting of troopers and commissioned and non-  
 29 commissioned officers in the division of state police, established  
 30 pursuant to article fourteen of the civil service law, and upon audit  
 31 and warrant of the state comptroller, the director shall provide for the  
 32 payment of monies to such employee organization for the establishment  
 33 and maintenance of an employee benefit fund established by the employee  
 34 organization for the employees in the negotiating units covered by the  
 35 controlling provisions of such agreements providing for such employee  
 36 benefit fund. Such amounts are to be determined consistent with said  
 37 agreements on the basis of the number of full-time annual salaried  
 38 employees, other than full-time seasonal employees, on the payroll on  
 39 March first, two thousand seven for payments to be made on April first,  
 40 two thousand seven, the number of full-time annual salaried employees,  
 41 other than full-time seasonal employees, on the payroll on March first,  
 42 two thousand eight for payments to be made on April first, two thousand  
 43 eight, the number of full-time annual salaried employees, other than  
 44 full-time seasonal employees, on the payroll on March first, two thou-  
 45 sand nine for payments to be made on April first, two thousand nine and  
 46 the number of full-time annual salaried employees, other than full-time  
 47 seasonal employees, on the payroll on March first, two thousand ten for  
 48 payments to be made on April first, two thousand ten. The amounts, which  
 49 will be determined pursuant to this section, for employees who are paid  
 50 from special or administrative funds, other than the general fund or the  
 51 capital projects fund of the state, will be paid from the appropriations  
 52 as provided by law, in which case the state comptroller will establish  
 53 procedures to ensure repayment from said special or administrative  
 54 funds. The director shall enter into an agreement with the employee  
 55 organization that sets forth the specific terms and conditions for the  
 56 transmittal of monies pursuant to this section.

1 § 3. Subparagraph 4 of paragraph c of subdivision 1 of section 130 of  
 2 the civil service law, as added by chapter 114 of the laws of 2008, is  
 3 amended to read as follows:

4 (4) Effective April first, two thousand ten for officers and employees  
 5 on the administrative payroll and effective March twenty-fifth, two  
 6 thousand ten for officers and employees on the institutional payroll:

		HIRING	JOB	ADVANCE	JR
	SG	RATE	RATE	AMOUNT	ADVANCE
					AMOUNT
10	1	\$21,115	\$27,249	\$877	\$877
11	2	\$21,916	\$28,343	\$919	\$919
12	3	\$22,988	\$29,730	\$964	\$964
13	4	\$24,020	\$31,115	\$1,011	\$1,033
14	5	\$25,158	\$32,602	\$1,064	\$1,064
15	6	\$26,506	\$34,317	\$1,116	\$1,116
16	7	\$27,994	\$36,173	\$1,162	\$1,212
17	8	\$29,535	\$38,089	\$1,203	\$1,339
18	9	\$31,181	\$40,136	\$1,247	\$1,477
19	10	\$32,950	\$42,368	\$1,302	\$1,610
20	11	\$34,838	\$44,762	\$1,387	\$1,608
21	12	\$36,791	\$47,138	\$1,434	\$1,745
22	13	\$38,934	\$49,821	\$1,491	\$1,941
23	14	\$41,170	\$52,552	\$1,594	\$1,824
24	15	\$43,500	\$55,455	\$1,652	\$2,045
25	16	\$45,940	\$58,468	\$1,715	\$2,238
26	17	\$48,518	\$61,763	\$1,797	\$2,466
27	18	\$51,268	\$65,190	\$1,761	\$3,362
28	19	\$54,045	\$68,637	\$1,834	\$3,594
29	20	\$56,813	\$72,076	<del>[\$1,911]</del>	<del>[\$3,804]</del>
30				<u>\$1,910</u>	<u>\$3,803</u>
31	21	\$59,825	\$75,862	\$1,994	\$4,074
32	22	\$63,041	\$79,819	\$2,078	\$4,316
33	23	\$66,375	\$83,954	\$2,164	\$4,599
34	24	\$69,911	\$88,256	\$2,247	\$4,865
35	25	\$73,768	\$92,974	\$2,343	\$5,150
36	26	\$77,654	\$95,718	\$2,438	\$3,438
37	27	\$81,856	\$100,822	\$2,567	\$3,567
38	28	\$86,168	\$105,829	\$2,666	\$3,666
39	29	\$90,684	\$111,064	\$2,769	\$3,769
40	30	\$95,423	\$116,516	\$2,871	\$3,871
41	31	\$100,510	\$122,354	\$2,978	\$3,978
42	32	\$105,853	\$128,400	\$3,079	\$4,079
43	33	\$111,611	\$134,868	\$3,180	\$4,180
44	34	\$117,556	\$141,585	\$3,290	\$4,290
45	35	\$123,651	\$148,421	\$3,396	\$4,396
46	36	\$129,866	\$155,451	\$3,513	<del>[\$4,512]</del>
47					<u>\$4,513</u>
48	37	\$136,681	\$163,033	\$3,622	\$4,622
49	38	\$127,518			

50 § 4. Subdivision 2 of section 216-b of the executive law, as amended  
 51 by chapter 157 of the laws of 2005, paragraph (b) as amended by chapter  
 52 112 of the laws of 2006, is amended to read as follows:

53 2. (a) ~~[Effective March thirty-first, two thousand three, members in~~  
 54 ~~the position of trooper, who on their anniversary date of employment~~  
 55 ~~with the division of state police have attained six or more years of~~

~~such satisfactory service in that position, shall be paid a longevity award of two hundred ninety-five (\$295) dollars for each year of such satisfactory service up to twenty five years. Such payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates. The longevity amounts provided by this subdivision shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not impair any increments or other rights or benefits to which a member may be entitled; provided, however, that longevity awards shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.]~~ (1) Effective April first, two thousand

seven, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$430</u>
<u>11-15</u>	<u>\$480</u>
<u>16-25</u>	<u>\$530</u>

(2) Effective April first, two thousand eight, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$460</u>
<u>11-15</u>	<u>\$510</u>
<u>16-25</u>	<u>\$560</u>

(3) Effective April first, two thousand nine, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$500</u>
<u>11-15</u>	<u>\$550</u>
<u>16-25</u>	<u>\$600</u>

(4) Effective April first, two thousand ten, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$540</u>
<u>11-15</u>	<u>\$590</u>
<u>16-25</u>	<u>\$640</u>

1 (5) Individuals with greater than twenty-five years of service shall  
 2 continue to receive a longevity award at the twenty-five year amount.  
 3 Such payment shall commence in the pay period following such anniversary  
 4 date and shall be annualized and paid over the year-long period between  
 5 anniversary dates.

6 ~~(b) [Effective April first, two thousand six, the longevity schedule~~  
 7 ~~referenced in paragraph (a) of this subdivision shall be replaced for~~  
 8 ~~all members in the position of trooper in the division of state police,~~  
 9 ~~which shall not include those in the title of special trooper. Members~~  
 10 ~~in the position of trooper, other than those in the title of special~~  
 11 ~~trooper, who on their anniversary date of employment with the division~~  
 12 ~~of state police have attained six or more years of such satisfactory~~  
 13 ~~service in the division, shall be paid a longevity award according to~~  
 14 ~~the following schedule for each year of such satisfactory service up to~~  
 15 ~~twenty-five years:~~

<del>Years of Service</del>	<del>Amount per year</del>
<del>6-10</del>	<del>\$400</del>
<del>11-15</del>	<del>\$450</del>
<del>16-25</del>	<del>\$500</del>

20 ~~Individuals with greater than twenty-five years of service shall contin-~~  
 21 ~~ue to receive a longevity award at the twenty five year amount. Such~~  
 22 ~~payment shall commence in the pay period following such anniversary date~~  
 23 ~~and shall be annualized and paid over the year-long period between anni-~~  
 24 ~~versary dates. The longevity amounts provided by this subdivision shall~~  
 25 ~~be in addition to, and shall not be a part of, a member's annual basic~~  
 26 ~~salary, and shall not impair any increments or other rights or benefits~~  
 27 ~~to which a member may be entitled; provided, however, that longevity~~  
 28 ~~awards shall be included as compensation for purposes of computation of~~  
 29 ~~overtime pay and for retirement purposes. The provisions of this para-~~  
 30 ~~graph shall not apply to members in the title of special trooper.~~

31 ~~(c) Members of the unit who are receiving a longevity award under~~  
 32 ~~paragraph (a) of this subdivision shall be eligible to receive an~~  
 33 ~~increased longevity award that corresponds to the schedule in paragraph~~  
 34 ~~(b) of this subdivision on April first, two thousand six. Such member~~  
 35 ~~shall not be required to wait until his or her next anniversary date to~~  
 36 ~~receive an increased longevity award under paragraph (b) of this subdivi-~~  
 37 ~~sion. Additionally, members of the unit who are not eligible to~~  
 38 ~~receive a longevity award under paragraph (a) of this subdivision, but~~  
 39 ~~who on April first, two thousand six, are eligible to receive a longev-~~  
 40 ~~ity award under paragraph (b) of this subdivision, shall receive a~~  
 41 ~~longevity award that corresponds to the schedule in paragraph (b) of~~  
 42 ~~this subdivision on April first, two thousand six. Such member shall not~~  
 43 ~~be required to wait until his or her next anniversary date to begin~~  
 44 ~~receiving a longevity award under paragraph (b) of this subdivision.~~  
 45 ~~Members shall only be entitled to receive a pro-rata share of a full-~~  
 46 ~~year longevity award from the period April first, two thousand six, to~~  
 47 ~~his or her next anniversary date.] The longevity amounts provided by~~  
 48 ~~this subdivision shall be in addition to, and shall not be a part of, a~~  
 49 ~~member's annual basic salary, and shall not impair any increments or~~  
 50 ~~other rights or benefits to which a member may be entitled; provided,~~  
 51 ~~however, that longevity awards shall be included as compensation for~~  
 52 ~~purposes of computation of overtime pay and for retirement purposes. The~~  
 53 ~~provisions of this paragraph shall not apply to members in the title of~~  
 54 ~~special trooper.~~

1 § 5. Subdivision 3 of section 216-b of the executive law, as amended  
2 by chapter 157 of the laws of 2005, paragraph (b) as amended by chapter  
3 112 of the laws of 2006, is amended to read as follows:

4 3. (a) ~~Effective March thirty-first, two thousand three, members in~~  
5 ~~the collective negotiating unit consisting of commissioned and non-com-~~  
6 ~~missioned officers in the division of state police who on their anniver-~~  
7 ~~sary date of employment with the division have attained six or more~~  
8 ~~years of such satisfactory service shall be paid a longevity award in~~  
9 ~~accordance with the following schedule:~~

<u>Years of Service</u>	<u>Amount</u>
<del>6</del>	<del>\$800</del>
<del>7</del>	<del>\$850</del>
<del>8</del>	<del>\$900</del>
<del>9</del>	<del>\$950</del>
<del>10</del>	<del>\$1,000</del>
<del>11</del>	<del>\$1,050</del>
<del>12</del>	<del>\$1,100</del>
<del>13</del>	<del>\$1,150</del>
<del>14</del>	<del>\$1,200</del>
<del>15</del>	<del>\$1,650</del>
<del>16</del>	<del>\$1,700</del>
<del>17</del>	<del>\$1,750</del>
<del>18</del>	<del>\$1,800</del>
<del>19</del>	<del>\$1,850</del>
<del>20</del>	<del>\$2,000</del>
<del>21</del>	<del>\$2,050</del>
<del>22</del>	<del>\$2,100</del>
<del>23</del>	<del>\$2,150</del>
<del>24</del>	<del>\$2,200</del>
<del>25 or greater</del>	<del>\$2,250</del>

31 ~~Such payment shall commence in the pay period following such anniversary~~  
32 ~~date and shall be annualized and paid over the year-long period between~~  
33 ~~anniversary dates.] (1) Effective April first, two thousand seven, all~~  
34 ~~members in the collective negotiating unit consisting of commissioned~~  
35 ~~and non-commissioned officers in the division of state police, who on~~  
36 ~~their anniversary date of employment with the division of state police~~  
37 ~~have attained six or more years of such satisfactory service in the~~  
38 ~~division, shall be paid a longevity award according to the following~~  
39 ~~schedule for each year of such satisfactory service up to twenty-five~~  
40 ~~years:~~

<u>Years of Service</u>	<u>Amount per year</u>
<del>6-10</del>	<del>\$430</del>
<del>11-15</del>	<del>\$480</del>
<del>16-25</del>	<del>\$530</del>

45 (2) ~~Effective April first, two thousand eight, all members in the~~  
46 ~~collective negotiating unit consisting of commissioned and non-commis-~~  
47 ~~sioned officers in the division of state police, who on their anniver-~~  
48 ~~sary date of employment with the division of state police have attained~~  
49 ~~six or more years of such satisfactory service in the division, shall be~~  
50 ~~paid a longevity award according to the following schedule for each year~~  
51 ~~of such satisfactory service up to twenty-five years:~~

<u>Years of Service</u>	<u>Amount per year</u>
<del>6-10</del>	<del>\$460</del>
<del>11-15</del>	<del>\$510</del>
<del>16-25</del>	<del>\$560</del>

1 (3) Effective April first, two thousand nine, all members in the  
 2 collective negotiating unit consisting of commissioned and non-commis-  
 3 sioned officers in the division of state police, who on their anniver-  
 4 sary date of employment with the division of state police have attained  
 5 six or more years of such satisfactory service in the division, shall be  
 6 paid a longevity award according to the following schedule for each year  
 7 of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$500</u>
<u>11-15</u>	<u>\$550</u>
<u>16-25</u>	<u>\$600</u>

12 (4) Effective April first, two thousand ten, all members in the  
 13 collective negotiating unit consisting of commissioned and non-commis-  
 14 sioned officers in the division of state police, who on their anniver-  
 15 sary date of employment with the division of state police have attained  
 16 six or more years of such satisfactory service in the division, shall be  
 17 paid a longevity award according to the following schedule for each year  
 18 of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$540</u>
<u>11-15</u>	<u>\$590</u>
<u>16-25</u>	<u>\$640</u>

23 (5) Individuals with greater than twenty-five years of service shall  
 24 continue to receive a longevity award at the twenty-five year amount.  
 25 Such payment shall commence in the pay period following such anniversary  
 26 date and shall be annualized and paid over the year-long period between  
 27 anniversary dates.

28 ~~(b) [Effective April first, two thousand six, the longevity schedule~~  
 29 ~~referenced in paragraph (a) of this subdivision shall be replaced for~~  
 30 ~~all members in the collective negotiating unit consisting of commis-~~  
 31 ~~sioned and non-commissioned officers in the division of state police,~~  
 32 ~~who on their anniversary date of employment with the division have~~  
 33 ~~attained six or more years of such satisfactory service in the division,~~  
 34 ~~shall be paid a longevity award according to the following schedule for~~  
 35 ~~each year of such satisfactory service up to twenty-five years:~~

<del>Years of Service</del>	<del>Amount per year</del>
<del>6-10</del>	<del>\$400</del>
<del>11-15</del>	<del>\$450</del>
<del>16-25</del>	<del>\$500</del>

40 ~~Individuals with greater than twenty-five years of service shall contin-~~  
 41 ~~ue to receive a longevity award at the twenty five year amount. Such~~  
 42 ~~payment shall commence in the pay period following such anniversary date~~  
 43 ~~and shall be annualized and paid over the year-long period between anni-~~  
 44 ~~versary dates. The longevity amounts provided by this subdivision shall~~  
 45 ~~be in addition to, and shall not be a part of, a member's annual basic~~  
 46 ~~salary, and shall not impair any increments or other rights or benefits~~  
 47 ~~to which a member may be entitled; provided, however, that longevity~~  
 48 ~~awards shall be included as compensation for purposes of computation of~~  
 49 ~~overtime pay and for retirement purposes.~~

50 ~~(c)~~ Eligible members in the collective negotiating unit consisting of  
 51 commissioned and non-commissioned officers in the division of state  
 52 police, who are commissioned officers, effective April first, two thou-  
 53 sand, shall be paid supplemental longevities in addition to the longev-  
 54 ities provided for in paragraph (a) of this subdivision, in accordance  
 55 with the following schedule:

1 After five years following appointment as a commissioned officer -  
2 five hundred dollars

3 After ten years following appointment as a commissioned officer - one  
4 thousand dollars

5 After fifteen years following appointment as a commissioned officer -  
6 one thousand five hundred dollars

7 Such payment shall commence in the pay period following such anniversary  
8 date and shall be annualized and paid over the year-long period between  
9 anniversary dates.

10 ~~[(d)]~~ (c) The longevity amounts provided by this subdivision shall be  
11 in addition to, and shall not be a part of, a member's annual basic  
12 salary, and shall not impair any other rights or benefits to which a  
13 member may be entitled; provided, however, that longevity awards shall  
14 be included as compensation for purposes of computation of overtime pay  
15 and for retirement purposes.

16 ~~[(e) Members of the unit who are receiving a longevity award under  
17 paragraph (a) of this subdivision shall be eligible to receive an  
18 increased longevity award which corresponds to the schedule listed in  
19 paragraph (b) of this subdivision on April first, two thousand six. Such  
20 member shall not be required to wait until his or her next anniversary  
21 date to receive an increased longevity award under paragraph (b) of this  
22 subdivision. Additionally, members of the unit who are not eligible to  
23 receive a longevity award under paragraph (a) of this subdivision, but  
24 who on April first, two thousand six, are eligible to receive a longev-  
25 ity award under paragraph (b) of this subdivision, shall receive a  
26 longevity award that corresponds to the schedule in paragraph (b) of  
27 this subdivision on April first, two thousand six. Such member shall not  
28 be required to wait until his or her next anniversary date to begin  
29 receiving a longevity award under paragraph (b) of this subdivision.  
30 Members shall only be entitled to receive a pro-rata share of a full-  
31 year longevity award from the period April first, two thousand six, to  
32 his or her next anniversary date.]~~

33 § 6. Retroactive lump sum payment. Pursuant to the terms of an agree-  
34 ment negotiated between the state and the employee organization repres-  
35 enting the collective negotiating unit consisting of troopers in the  
36 division of state police, members of such unit at the Trainee 1 step at  
37 any point during the period April 1, 2007 up to and including September  
38 16, 2008 shall receive the equivalent of a three percent increase to the  
39 basic annual salary received at the Trainee 1 rate for the period  
40 between April 1, 2007 and the completion of such employee's service at  
41 the Trainee 1 step. The amounts herein shall be included as compensation  
42 for purposes of computation of overtime pay and for retirement purposes  
43 and shall count as compensation earned during the year or years for  
44 which it is calculated and not as compensation earned wholly in the year  
45 in which the lump sum is paid.

46 § 7. Location compensation. (a) Notwithstanding any other provision of  
47 law to the contrary, pursuant to the terms of the agreements negotiated  
48 between the state and the employee organization representing the collec-  
49 tive negotiating units consisting of troopers and commissioned and non-  
50 commissioned officers in the division of state police, members in these  
51 collective negotiating units whose principal place of employment, or, in  
52 the case of a field employee, whose official station as determined in  
53 accordance with the regulations of the state comptroller, is located in  
54 the county of Monroe and who were on the payroll on March 31, 1985, and  
55 who have received this location compensation continually since then,  
56 shall continue to receive location pay at the rate of two hundred

1 dollars (\$200) per year, provided the member continues to be otherwise  
 2 eligible. Such location pay shall continue to be annualized and paid  
 3 during the regular bi-weekly periods. Such location pay shall be in  
 4 addition to, and shall not be a part of, a member's annual basic salary,  
 5 and shall not affect or impair any increments or other rights or bene-  
 6 fits to which the member may be entitled; provided, however, that  
 7 location pay shall be included as compensation for purposes of computa-  
 8 tion of overtime pay and for retirement purposes.

9 (b) Notwithstanding any other provision of law to the contrary, pursu-  
 10 ant to the terms of the agreements negotiated between the state and the  
 11 employee organization representing the collective negotiating units  
 12 consisting of troopers and commissioned and non-commissioned officers in  
 13 the division of state police, members in these collective negotiating  
 14 units whose principal place of employment, or, in the case of a field  
 15 employee, whose official station as determined in accordance with the  
 16 regulations of the state comptroller, is located in the city of New  
 17 York, or in the county of Rockland, Westchester, Nassau or Suffolk shall  
 18 receive location pay as follows:

19	Effective Date	Amount
20	April 1, 2007	\$1,392
21	April 1, 2008	\$1,434
22	April 1, 2009	\$1,477
23	April 1, 2010	\$1,536

24 Such location pay shall continue to be annualized and paid during regu-  
 25 lar bi-weekly periods. Such location pay shall be in addition to, and  
 26 shall not be a part of, a member's annual basic salary, and shall not  
 27 affect or impair any increments of other rights or benefits to which the  
 28 member may be entitled; provided, however, that the location pay shall  
 29 be included as compensation for purposes of computation of overtime pay  
 30 and for retirement purposes.

31 § 8. Supplemental location compensation. (a) Notwithstanding any other  
 32 provision of law to the contrary, pursuant to the terms of the agree-  
 33 ments negotiated between the state and the employee organization repres-  
 34 enting the collective negotiating units consisting of troopers and  
 35 commissioned and non-commissioned officers in the division of state  
 36 police, members in these collective negotiating units whose principal  
 37 place of employment, or, in the case of a field employee, whose official  
 38 station as determined in accordance with the regulations of the state  
 39 comptroller, is located in the city of New York, or in the county of  
 40 Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk shall  
 41 receive supplemental location pay as follows:

42	Effective April 1, 2007	
43	Orange, Putnam or Dutchess County	\$1,160
44	Rockland or Westchester County or city of	
45	New York	\$1,739
46	Nassau or Suffolk County	\$2,029
47	Effective April 1, 2008	
48	Orange, Putnam or Dutchess County	\$1,195
49	Rockland or Westchester County or city of	
50	New York	\$1,791
51	Nassau or Suffolk County	\$2,090
52	Effective April 1, 2009	
53	Orange, Putnam or Dutchess County	\$1,230
54	Rockland or Westchester County or city of	
55	New York	\$1,845

1	Nassau or Suffolk County	\$2,153
2	Effective April 1, 2010	
3	Orange, Putnam or Dutchess County	\$1,280
4	Rockland or Westchester County or city of	
5	New York	\$1,918
6	Nassau or Suffolk County	\$2,239

7 (b) Such supplemental location pay shall continue to be annualized and  
8 paid during regular bi-weekly periods. Such supplemental location  
9 compensation shall be in addition to, and shall not be a part of, a  
10 member's annual basic salary, and shall not affect or impair any incre-  
11 ments or other rights or benefits to which a member may be entitled;  
12 provided, however, that such compensation shall be included as compen-  
13 sation for purposes of computation of overtime pay and for retirement  
14 purposes.

15 § 9. Expanded duty pay. (a) Notwithstanding any other provision of law  
16 to the contrary, pursuant to the terms of the agreements negotiated  
17 between the state and the employee organization representing the collec-  
18 tive negotiating units consisting of troopers and commissioned and non-  
19 commissioned officers in the division of state police, effective April  
20 1, 2007, members in the collective negotiating units described above  
21 shall receive expanded duty pay in the amount of three thousand eight  
22 hundred fifty-two dollars (\$3,852). Effective April 1, 2008 this amount  
23 shall be increased to five thousand fifty-two dollars (\$5,052). Effec-  
24 tive April 1, 2009, this amount shall be increased to six thousand two  
25 hundred fifty-two dollars (\$6,252). Effective April 1, 2010, this amount  
26 shall be increased to seven thousand four hundred fifty-two dollars  
27 (\$7,452).

28 (b) Such expanded duty pay shall continue to be annualized and paid  
29 during regular bi-weekly periods. Such additional compensation as  
30 provided in this section shall be in addition to, and shall not be part  
31 of, the member's annual basic salary, and shall not affect or impair any  
32 rights or benefits to which the member may be entitled; provided, howev-  
33 er, that such additional compensation shall be included as compensation  
34 for purposes of computation of overtime pay and as compensation for  
35 retirement. No expanded duty pay shall be paid to any member while at  
36 the Trainee 1 step or to any member in the title of Special Trooper.

37 § 10. Hazardous duty pay. (a) Notwithstanding any other provision of  
38 law to the contrary, pursuant to the terms of the agreements negotiated  
39 between the state and the employee organization representing the collec-  
40 tive negotiating units consisting of troopers and commissioned and non-  
41 commissioned officers in the division of state police, effective April  
42 1, 2010, members in the collective negotiating units described above  
43 shall receive hazardous duty pay in the amount of twelve hundred dollars  
44 (\$1,200) annually.

45 (b) Such hazardous duty pay shall be payable to those unit members on  
46 the payroll on November first of each year during the pay period that  
47 includes December first. Such additional compensation as provided in  
48 this section shall be in addition to, and shall not be part of, the  
49 member's annual basic salary, and shall not affect or impair any rights  
50 or benefits to which the member may be entitled; provided, however, that  
51 such additional compensation shall be included as compensation for  
52 purposes of computation of overtime pay and as compensation for retire-  
53 ment.

54 § 11. Command pay. (a) Notwithstanding any provision of law to the  
55 contrary, pursuant to the terms of an agreement negotiated between the  
56 state and the employee organization representing the collective negoti-

1 ating unit consisting of commissioned and non-commissioned officers in  
2 the division of state police, in recognition that commissioned and non-  
3 commissioned officers in the division of state police assume higher  
4 level responsibilities, such commissioned and non-commissioned officers  
5 shall receive command pay in the amount of two hundred eighty-nine  
6 dollars (\$289) effective April 1, 2007. Effective April 1, 2008, such  
7 command pay shall be increased to two hundred ninety-eight dollars  
8 (\$298). Effective April 1, 2009, such command pay shall be increased to  
9 three hundred seven dollars (\$307). Effective April 1, 2010, such  
10 command pay shall be increased to three hundred nineteen dollars (\$319).

11 (b) Such payment shall be annualized and paid during the regular  
12 bi-weekly periods and shall be in addition to, and not part of, the  
13 member's annual basic salary, and shall not affect or impair any rights  
14 or benefits to which the member may be entitled; provided, however, such  
15 payments shall be included as compensation for retirement purposes.  
16 Command pay shall be included for overtime calculations for non-commis-  
17 sioned officers.

18 § 12. Physical fitness program. (a) Pursuant to the terms of the  
19 agreements negotiated between the state and the employee organization  
20 representing the collective negotiating units consisting of troopers and  
21 commissioned and non-commissioned officers in the division of state  
22 police, and the terms of the interest arbitration awards made pursuant  
23 to subdivision 4 of section 209 of the civil service law binding the  
24 executive branch of the state of New York and the employee organization  
25 representing such units, effective April 1, 2001 a joint labor-manage-  
26 ment committee shall be continued for the purpose of evaluating the  
27 assessment, study, and testing for the fitness of members of these  
28 units.

29 (b) Effective March 31, 2003, members in the collective negotiating  
30 units described in this section shall continue to receive an annual  
31 fitness bonus if they satisfy the fitness requirements developed by the  
32 division of state police during a fiscal year. The committee shall  
33 determine the amount of such fitness bonus and such awards shall be paid  
34 on or about December first of each fiscal year.

35 (c) The amounts received pursuant to this section shall be paid in  
36 addition to, and shall not be a part of, the member's annual basic sala-  
37 ry, and shall not affect or impair any increments or other rights or  
38 benefits to which the employee may be entitled; provided, however, that  
39 any amounts shall be included as compensation for overtime and retire-  
40 ment purposes.

41 (d) The division of state police and the employee organization repres-  
42 enting the collective negotiating units consisting of troopers and  
43 commissioned and non-commissioned officers in the division of state  
44 police may agree to expend the funds appropriated on an annual basis for  
45 the physical fitness program for a mutually agreeable alternate purpose.

46 § 13. Health benefits committees. (a) Pursuant to the terms of an  
47 agreement negotiated between the state and the employee organization  
48 representing the collective negotiating unit consisting of troopers in  
49 the division of state police, during the period April 1, 2007 through  
50 March 31, 2011, there shall continue to be a committee on health bene-  
51 fits funded in the amount of \$12,500 per fiscal year in the above cited  
52 period. One-half of this amount in each year shall be made available to  
53 the state and one-half shall be made available to the employee organiza-  
54 tion representing such unit.

55 (b) Pursuant to the terms of an agreement negotiated between the state  
56 and the employee organization representing the collective negotiating

1 unit consisting of commissioned and non-commissioned officers in the  
2 division of state police, during the period April 1, 2007 through March  
3 31, 2011, there shall continue to be a committee on health benefits  
4 funded in the amount of \$5,000 per fiscal year in the above cited peri-  
5 od. One-half of this amount in each year shall be made available to the  
6 state and one-half shall be made available to the employee organization  
7 representing such unit.

8 § 14. Professional development and training funds. (a) Pursuant to the  
9 terms of an agreement negotiated between the state and the employee  
10 organization representing the collective negotiating unit consisting of  
11 troopers in the division of state police, during the period April 1,  
12 2007 to March 31, 2011, there shall continue to be a professional devel-  
13 opment and quality of working life committee funded in the amount of  
14 \$92,400 per fiscal year in the above cited period, from which the  
15 tuition reimbursement program, the master's program and the employee  
16 assistance program shall be supported.

17 (b) Pursuant to the terms of an agreement negotiated between the state  
18 and the employee organization representing the collective negotiating  
19 unit consisting of commissioned and non-commissioned officers in the  
20 division of state police, during the period April 1, 2007 to March 31,  
21 2011, there shall continue to be a professional development and quality  
22 of working life committee funded in the amount of \$92,400 per fiscal  
23 year in the above cited period, from which the tuition reimbursement  
24 program, the master's program and the employee assistance program shall  
25 be supported.

26 § 15. Recognized degree pay. Notwithstanding any provision of law to  
27 the contrary, pursuant to the terms of the agreements negotiated between  
28 the state and the employee organization representing the collective  
29 negotiating units consisting of troopers and commissioned and non-com-  
30 missioned officers in the division of state police, or the terms of the  
31 interest arbitration awards made pursuant to subdivision 4 of section  
32 209 of the civil service law binding the executive branch of the state  
33 of New York and the employee organization representing such units,  
34 effective March 31, 2003, the lump sum payments for degrees, as  
35 contained in sections 4 and 5 of chapter 244 of the laws of 2002, shall  
36 continue.

37 § 16. Member in charge of satellite station compensation. Members of  
38 the collective negotiating unit consisting of troopers in the division  
39 of state police who are designated "members in charge" of a satellite  
40 station shall continue to receive four hundred thirty-five dollars  
41 (\$435) per year. Such payment for the "member in charge" designation  
42 shall commence upon such designation and shall be prorated based upon  
43 the duration of the designation.

44 § 17. Short swings. (a) Notwithstanding any provision of law to the  
45 contrary, pursuant to the terms of the agreements negotiated between the  
46 state and the employee organization representing the collective negoti-  
47 ating units consisting of troopers and commissioned and non-commissioned  
48 officers in the division of state police, or the terms of the interest  
49 arbitration awards made pursuant to subdivision 4 of section 209 of the  
50 civil service law binding the executive branch of the state of New York  
51 and the employee organization representing such units, effective March  
52 31, 2003, members of these units who are required to work short swings  
53 shall continue to receive compensation of thirty dollars (\$30) for each  
54 short swing they are required to work and actually work. There shall be  
55 no short swing compensation where the short swing is worked at the  
56 request of, or for the convenience of the member, as determined by the

1 division of state police. The definition of short swing shall be a tour  
2 of duty commencing between the hours of five a.m. and nine a.m. (B line)  
3 followed by a tour of duty commencing between nine p.m. and one a.m. (A  
4 line) on consecutive days, or, a tour of duty commencing between the  
5 hours of one p.m. and five p.m. (C line) followed by a tour of duty  
6 commencing between the hours of five a.m. and nine a.m. (B line) on  
7 consecutive days. Such additional compensation shall not be payable if  
8 such member's hours of work continue from the conclusion of the former  
9 shift to the commencement of the latter shift without interruption.

10 (b) The additional compensation payable pursuant to this section shall  
11 be in addition to, and shall not be a part of, the member's annual basic  
12 salary, and shall not affect or impair any rights or benefits to which  
13 the member may be entitled; provided, however, that any compensation  
14 payable pursuant to this section shall be included as compensation for  
15 the purposes of computation of overtime pay and for retirement purposes.  
16 The director of the budget may adopt such regulations as may be deemed  
17 necessary to carry out the provisions of this section.

18 § 18. Unused sick leave at retirement. Effective March 31, 2003, the  
19 lump sum payment for unused sick leave at retirement as provided in  
20 section 9 of chapter 9 of the laws of 2001 and as provided in section 9  
21 of chapter 10 of the laws of 2001 shall continue.

22 § 19. Overtime meal allowance. Notwithstanding any other provision of  
23 law to the contrary, pursuant to the terms of the agreements negotiated  
24 between the state and the employee organization representing the collec-  
25 tive negotiating units consisting of troopers and commissioned and non-  
26 commissioned officers in the division of state police, or the terms of  
27 the interest arbitration awards made pursuant to subdivision 4 of  
28 section 209 of the civil service law binding the executive branch of the  
29 state of New York and the employee organization representing such units,  
30 the overtime meal allowance for unit members shall continue at the rates  
31 in effect as of March 31, 2007.

32 § 20. The salary increases and benefit modifications provided for by  
33 this act for state employees in the collective negotiating units desig-  
34 nated as the unit consisting of troopers in the division of state police  
35 and the unit consisting of commissioned and non-commissioned officers in  
36 the division of state police established pursuant to article 14 of the  
37 civil service law shall not be implemented until the director of employ-  
38 ee relations shall have delivered to the director of the budget and the  
39 comptroller a letter certifying that there is in effect with respect to  
40 each such negotiating unit a collective negotiating agreement which  
41 provides for such increases and modifications and which is fully  
42 executed in writing with the state pursuant to article 14 of the civil  
43 service law, and ratified pursuant to the ratification procedure of the  
44 employee organization certified pursuant to article 14 of the civil  
45 service law to represent each such collective negotiating unit.

46 § 21. Payment and publication of grievance arbitration settlements and  
47 awards. Notwithstanding any provision of law to the contrary, the  
48 appropriations contained in this act shall be available to the state for  
49 the payment and publication of grievance arbitration settlements and  
50 awards pursuant to article 15 of the collective negotiating agreement  
51 between the state and the employee organization representing the collec-  
52 tive negotiating units consisting of troopers and commissioned and non-  
53 commissioned officers in the division of state police.

54 § 22. Date of entitlement to salary increase. Notwithstanding the  
55 provisions of this act or of any other provision of law to the contrary,  
56 the increase of salary or compensation of any member of the collective

1 negotiating units consisting of troopers and commissioned and non-com-  
2 missioned officers in the division of state police provided by this act  
3 shall be added to the salary of such member at the beginning of that  
4 payroll period the first day of which is nearest to the effective date  
5 of such increase as provided in this act, or at the beginning of the  
6 earlier of two payroll periods the first days of which are nearest but  
7 equally near to the effective date of such increase as provided in this  
8 act; provided, however, that, for the purposes of determining the salary  
9 of such officer or employee upon reclassification, reallocation,  
10 appointment, promotion, transfer, demotion, reinstatement, or other  
11 change of status, such salary increase shall be deemed to be effective  
12 on the date thereof as prescribed by this act, with payment thereof  
13 pursuant to this section on a date prior thereto, instead of on such  
14 effective date, and shall not operate to confer any additional salary  
15 rights of benefits on such officer or employee. Payment of such salary  
16 increase may be deferred pursuant to section twenty-three of this act.

17 § 23. Deferred payment of salary increase. Notwithstanding the  
18 provisions of any other section of this act or of any other provision of  
19 law to the contrary, pending payment pursuant to this act of the basic  
20 annual salaries of incumbents of positions subject to this act, such  
21 incumbents shall receive, as partial compensation for services rendered,  
22 the rate of compensation otherwise payable in their respective posi-  
23 tions. An incumbent holding a position subject to this act at any time  
24 during the period from April 1, 2007 until the time when basic annual  
25 salaries are first paid pursuant to this act for such services in excess  
26 of the compensation actually received therefor, shall be entitled to a  
27 lump sum payment for the difference between the salary to which such  
28 incumbent is entitled for such service and the compensation actually  
29 received therefor. Such lump sum payment shall be made as soon as prac-  
30 ticable. Any amount payable in such lump sum paid represents compen-  
31 sation earned in each of the year or years for which it is calculated  
32 pursuant to this act and not as compensation earned wholly in the year  
33 during which the lump sum is paid.

34 § 24. Use of appropriations. Notwithstanding any provision of the  
35 state finance law or any other provision of law to the contrary, the  
36 state comptroller is authorized to pay any amounts required by the fore-  
37 going provisions of this act. To the extent that existing appropriations  
38 available to any state department or agency in any fund are insufficient  
39 to accomplish the purposes set forth in this section, the director of  
40 the budget is authorized to allocate to the various departments and  
41 agencies, from any appropriations available in any fund, the amounts  
42 necessary to make such payments. Any appropriations or other funds  
43 available to any state department or agency for personal service or for  
44 other related employee benefits during the fiscal year commencing April  
45 1, 2009 shall be available for the payment of any liabilities or obli-  
46 gations incurred pursuant to the foregoing provisions of this act,  
47 whether occurring prior to or during the state fiscal year commencing  
48 April 1, 2009 or during the state fiscal year commencing April 1, 2010.

49 § 25. Appropriations. Notwithstanding any provision of the state  
50 finance law or any other provision of law to the contrary, the several  
51 amounts as hereinafter set forth in this section are hereby appropriated  
52 from the funds so designated for use by any state department or agency  
53 for the fiscal year beginning April 1, 2009 to supplement appropriations  
54 from each respective fund available for personal service, other than  
55 personal service and fringe benefits, and to carry out the provisions of  
56 this act. The monies hereby appropriated are available for payment of

1 any liabilities or obligations incurred prior to or during the State  
 2 fiscal year commencing April 1, 2009 in addition to liabilities or obli-  
 3 gations associated with the state fiscal year commencing April 1, 2010.  
 4 For this purpose, these appropriations shall remain in full force and  
 5 effect for the payment of liabilities incurred on or before April 1,  
 6 2010. No money shall be available for expenditure from this appropri-  
 7 ation until a certification of approval has been issued by the director  
 8 of the budget and a copy of such certificate or any amendment thereto  
 9 has been filed with the state comptroller, the chairperson of the senate  
 10 finance committee, and the chairperson of the assembly ways and means  
 11 committee.

12 ALL STATE DEPARTMENTS AND AGENCIES  
 13 Special Pay Bills

14 General Fund - State Purposes Account

15 PERSONAL SERVICE

16 Personal Service - Regular.....\$52,345,000  
 17 Overtime.....\$6,091,000  
 18 Other compensation, including but not limit-  
 19 ed to expanded duty pay, command pay,  
 20 location compensation and supplemental  
 21 location compensation.....\$23,156,000  
 22 Supervisory Re-alignment.....\$200,000

23 NON-PERSONAL SERVICE

24 Fringe benefits.....\$7,020,000  
 25 Health Benefits Committee.....\$35,000  
 26 Professional Development Fund.....\$554,000  
 27 Contract Administration.....\$25,000  
 28 Employee Benefit Fund.....\$1,088,000

29 Special Revenue Funds - Other / State Operations  
 30 Miscellaneous Special Revenue Fund - 339  
 31 New York State Thruway Authority Fund

32 PERSONAL SERVICE

33 Personal Service - Regular.....\$5,512,000  
 34 Overtime.....\$981,000  
 35 Other compensation, including but not limit-  
 36 ed to expanded duty pay, command pay,  
 37 location compensation and supplemental  
 38 location compensation.....\$2,520,000

39 NON-PERSONAL SERVICE

40 Fringe Benefits.....\$4,452,000  
 41 Special Revenue Funds - Other / State Operations  
 42 Miscellaneous Special Revenue Fund - 339  
 43 Regulation of Indian Gaming Account

1                   PERSONAL SERVICE

2    Personal Service - Regular.....\$125,000

3    Overtime.....\$8,000

4    Other compensation, including but not limit-

5       ed to expanded duty pay, command pay,

6       location compensation and supplemental

7       location compensation.....\$48,000

8                   NON-PERSONAL SERVICE

9    Fringe benefits.....\$89,000

10   Special Revenue Funds - Other / State Operations

11    Highway Safety Fund - 362

12    Commercial Vehicle Safety Account

13                  PERSONAL SERVICE

14   Personal Service - Regular.....\$495,000

15   Overtime.....\$105,000

16   Other compensation, including but not limit-

17       ed to expanded duty pay, command pay,

18       location compensation and supplemental

19       location compensation.....\$181,000

20                  NON-PERSONAL SERVICE

21   Fringe benefits.....\$386,000

22    § 26. This act shall take effect immediately and shall be deemed to

23    have been in full force and effect on and after April 1, 2007.

REPEAL NOTE.--Subdivision 2 of section 215 of the executive law, repealed by section one of this act, provided salary schedules for state employees in the particular titles in the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police and is replaced by revised salary schedules in a new subdivision 2 implementing an agreement between the state and the employee organization representing such units.

Paragraph a of subdivision 2 of section 207-b of the state finance law, repealed by section two of this act, provided for payments to an employee benefit fund for state employees in the particular titles in the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police is replaced by a revised schedule of payments to be made to such fund in a new paragraph a implementing an agreement between the state and the employee organization representing such units.

## STATE OF NEW YORK

5504

2009-2010 Regular Sessions

## IN SENATE

May 12, 2009

Introduced by Sens. SAVINO, KLEIN, MONSERRATE, ADAMS, DILAN, HUNTLEY, LANZA, ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the state finance law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; in relation to implementing an agreement covering such members of such unit and in relation to the employee benefit fund for members of such unit; to amend the executive law, in relation to salary schedules for such members of such unit; making an appropriation therefor; and to repeal certain provisions of such laws relating thereto

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

1 Section 1. Paragraph b of subdivision 2 of section 216 of the execu-  
2 tive law is REPEALED.

3 § 2. Paragraph a of subdivision 2 of section 216 of the executive law  
4 is REPEALED and a new paragraph a is added to read as follows:

5 **a. Salary schedules for investigators, senior investigators, and**  
6 **investigative specialists in the division of state police.**

7 **(1) Effective April first, two thousand seven, members assigned to the**  
8 **bureau of criminal investigation and investigative specialists appointed**  
9 **to the bureau by the superintendent, shall receive a basic annual salary**  
10 **pursuant to the following schedule:**

	<u>Senior</u>	
	<u>Investigator</u>	<u>Investigator</u>
11		
12	<u>\$82,698</u>	<u>\$86,898</u>
13	<u>Nassau and Suffolk</u>	

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

LBD12055-02-9

1	<u>New York City, Rockland, Westchester</u>	<u>\$82,444</u>	<u>\$86,646</u>
2	<u>Orange, Putnam, Dutchess</u>	<u>\$81,479</u>	<u>\$85,680</u>
3	<u>All other locations</u>	<u>\$81,300</u>	<u>\$85,500</u>

4 (2) Effective April first, two thousand eight, members assigned to the  
5 bureau of criminal investigation and investigative specialists appointed  
6 to the bureau by the superintendent, shall receive a basic annual salary  
7 pursuant to the following schedule:

8		<u>Senior</u>	
9		<u>Investigator</u>	<u>Investigator</u>
10	<u>Nassau and Suffolk</u>	<u>\$85,179</u>	<u>\$89,505</u>
11	<u>New York City, Rockland, Westchester</u>	<u>\$84,917</u>	<u>\$89,245</u>
12	<u>Orange, Putnam, Dutchess</u>	<u>\$83,923</u>	<u>\$88,250</u>
13	<u>All other locations</u>	<u>\$83,739</u>	<u>\$88,065</u>

14 (3) Effective April first, two thousand nine, members assigned to the  
15 bureau of criminal investigation and investigative specialists appointed  
16 to the bureau by the superintendent, shall receive a basic annual salary  
17 pursuant to the following schedule:

18		<u>Senior</u>	
19		<u>Investigator</u>	<u>Investigator</u>
20	<u>Nassau and Suffolk</u>	<u>\$87,734</u>	<u>\$92,190</u>
21	<u>New York City, Rockland, Westchester</u>	<u>\$87,465</u>	<u>\$91,922</u>
22	<u>Orange, Putnam, Dutchess</u>	<u>\$86,441</u>	<u>\$90,898</u>
23	<u>All other locations</u>	<u>\$86,251</u>	<u>\$90,707</u>

24 (4) Effective April first, two thousand ten, members assigned to the  
25 bureau of criminal investigation and investigative specialists appointed  
26 to the bureau by the superintendent, shall receive a basic annual salary  
27 pursuant to the following schedule:

28		<u>Senior</u>	
29		<u>Investigator</u>	<u>Investigator</u>
30	<u>Nassau and Suffolk</u>	<u>\$91,243</u>	<u>\$95,878</u>
31	<u>New York City, Rockland, Westchester</u>	<u>\$90,964</u>	<u>\$95,599</u>
32	<u>Orange, Putnam, Dutchess</u>	<u>\$89,899</u>	<u>\$94,534</u>
33	<u>All other locations</u>	<u>\$89,701</u>	<u>\$94,335</u>

34 (5) Effective March thirty-first, two thousand eleven, members  
35 assigned to the bureau of criminal investigation and investigative  
36 specialists appointed to the bureau by the superintendent, shall receive  
37 a basic annual salary pursuant to the following schedule:

38		<u>Senior</u>	
39		<u>Investigator</u>	<u>Investigator</u>
40	<u>Nassau and Suffolk</u>	<u>\$106,157</u>	<u>\$95,878</u>
41	<u>New York City, Rockland, Westchester</u>	<u>\$105,878</u>	<u>\$95,599</u>
42	<u>Orange, Putnam, Dutchess</u>	<u>\$104,813</u>	<u>\$94,534</u>
43	<u>All other locations</u>	<u>\$104,615</u>	<u>\$94,335</u>

44 § 3. Paragraph b of subdivision 2 of section 207-b of the state  
45 finance law is REPEALED and a new paragraph b is added to read as  
46 follows:

47 b. Pursuant to the terms of an agreement negotiated between the execu-  
48 tive branch of the state of New York and the employee organization  
49 representing the collective negotiating unit consisting of investi-  
50 gators, senior investigators, and investigative specialists in the divi-  
51 sion of state police, and upon audit and warrant of the state comp-  
52 troller, the director shall provide for the payment of monies to such  
53 employee organization for the establishment and maintenance of an  
54 employee benefit fund established by the employee organization for the  
55 employees in the collective negotiating unit covered by the controlling  
56 provisions of such agreement providing for such employee benefit fund,

1 such amount to be determined consistent with said agreement on the basis  
 2 of the number of full-time annual salaried employees, other than full-  
 3 time seasonal employees, on the payroll on March first, two thousand  
 4 seven, for payments to be made on April first, two thousand seven, and  
 5 on the payroll on March first, two thousand eight, for payments to be  
 6 made on April first, two thousand eight and on the payroll on March  
 7 first, two thousand nine, for payments to be made on April first, two  
 8 thousand nine and on the payroll on March first, two thousand ten, for  
 9 payments to be made on April first, two thousand ten. The amount, which  
 10 will be determined pursuant to this section, for employees who are paid  
 11 from special or administrative funds, other than the general fund or the  
 12 capital projects fund of the state, will be paid from the appropriations  
 13 as provided by law, in which case the state comptroller shall establish  
 14 procedures to ensure repayment from said special or administrative  
 15 funds. The director shall enter into an agreement with an employee  
 16 organization, which sets forth the specific terms and conditions for the  
 17 transmittal of monies pursuant to this section.

18 § 4. Subdivision 2 of section 216-c of the executive law is REPEALED  
 19 and a new subdivision 2 is added to read as follows:

20 2. In addition to the compensation provided in subdivision one of this  
 21 section, members of the collective negotiating unit consisting of inves-  
 22 tigators, senior investigators and investigative specialists in the  
 23 division of state police, on the payroll on November first of each year,  
 24 shall receive, effective April first, two thousand seven, thirteen  
 25 hundred ninety-two dollars. Effective April first, two thousand eight,  
 26 such amount shall be increased to fourteen hundred thirty-four dollars.  
 27 Effective April first, two thousand nine, such amount shall be increased  
 28 to fourteen hundred seventy-seven dollars. Effective April first, two  
 29 thousand ten, such amount shall be increased to fifteen hundred thirty-  
 30 six dollars. Such payments shall be in addition to, and shall not be  
 31 part of, the member's annual basic salary, except for the purpose of  
 32 retirement, and shall be made in a separate check during the payroll  
 33 period which includes December first each year.

34 § 5. Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of  
 35 the executive law are REPEALED and two new paragraphs (b) and (c) are  
 36 added to read as follows:

37 (b)(1) Effective April first, two thousand seven, all members of the  
 38 collective negotiating unit consisting of investigators, senior investi-  
 39 gators and investigative specialists in the division of state police,  
 40 who on their anniversary date of employment with the division of state  
 41 police have attained six or more years of such satisfactory service in  
 42 the division, shall be paid a longevity award according to the following  
 43 schedule for each year of such satisfactory service up to twenty-five  
 44 years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$430</u>
<u>11-15</u>	<u>\$480</u>
<u>16-25</u>	<u>\$530</u>

49 (2) Effective April first, two thousand eight, all members of the  
 50 collective negotiating unit consisting of investigators, senior investi-  
 51 gators and investigative specialists in the division of state police,  
 52 who on their anniversary date of employment with the division of state  
 53 police have attained six or more years of such satisfactory service in  
 54 the division, shall be paid a longevity award according to the following  
 55 schedule for each year of such satisfactory service up to twenty-five  
 56 years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$460</u>
<u>11-15</u>	<u>\$510</u>
<u>16-25</u>	<u>\$560</u>

(3) Effective April first, two thousand nine, all members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$500</u>
<u>11-15</u>	<u>\$550</u>
<u>16-25</u>	<u>\$600</u>

(4) Effective April first, two thousand ten, all members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

<u>Years of Service</u>	<u>Amount per year</u>
<u>6-10</u>	<u>\$540</u>
<u>11-15</u>	<u>\$590</u>
<u>16-25</u>	<u>\$640</u>

(5) Individuals with greater than twenty-five years of service shall continue to receive a longevity award at the twenty-five year amount. Such payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates.

(c) The longevity amounts provided by this subdivision shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not impair any other rights or benefits to which a member may be entitled; provided, however, that longevity awards shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.

§ 6. Premium in lieu of overtime. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, senior investigators in the division of state police shall receive an overtime premium in the amount of ten thousand eight hundred eighteen dollars (\$10,818). Effective April 1, 2008, such amount shall be increased to eleven thousand one hundred forty-three dollars (\$11,143). Effective April 1, 2009, such amount shall be increased to eleven thousand four hundred and seventy-seven dollars (\$11,477). Effective April 1, 2010, such amount shall be increased to eleven thousand nine hundred thirty-six dollars (\$11,936). Effective March 31, 2011, such amount shall be rolled into base salary.

(b) Such payment shall be annualized and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or

1 impair any increments or other rights or benefits to which the member  
2 may be entitled; provided, however, that any payment made pursuant to  
3 this section shall be included as compensation for retirement purposes,  
4 and, where appropriate, overtime.

5 § 7. Command pay. (a) Pursuant to the terms of an agreement negotiated  
6 between the executive branch of the state of New York and the employee  
7 organization representing the collective negotiating unit consisting of  
8 investigators, senior investigators, and investigative specialists in  
9 the division of state police, effective April 1, 2007, in recognition  
10 that senior investigators in the division of state police assume high-  
11 er-level responsibilities, such members shall receive command pay in the  
12 amount of two thousand six hundred ninety-nine dollars (\$2,699). Effec-  
13 tive April 1, 2008, such amount shall be increased to two thousand seven  
14 hundred eighty dollars (\$2,780). Effective April 1, 2009, such amount  
15 shall be increased to two thousand eight hundred sixty-three dollars  
16 (\$2,863). Effective April 1, 2010, such amount shall be increased to  
17 two thousand nine hundred seventy-eight dollars (\$2,978). Effective  
18 March 31, 2011, such amount shall be rolled into base salary.

19 (b) Such payment shall be annualized and paid during the regular  
20 bi-weekly periods. Such compensation shall be in addition to and shall  
21 not be part of the member's basic annual salary and shall not affect or  
22 impair any rights or benefits to which the member may be entitled;  
23 provided, however, that command pay shall be included as compensation  
24 for the computation of overtime pay and retirement.

25 § 8. Health benefits committee. Pursuant to the terms of an agreement  
26 negotiated between the executive branch of the state of New York and the  
27 employee organization representing the collective negotiating unit  
28 consisting of investigators, senior investigators, and investigative  
29 specialists in the division of state police, during the period April 1,  
30 2007 through March 31, 2011, there shall continue to be a committee on  
31 health benefits funded in the amount of five thousand dollars (\$5,000)  
32 annually. One-half of this amount in each year shall be made available  
33 to the state and one-half shall be made available to the employee organ-  
34 ization representing such unit.

35 § 9. Maintenance allowance. (a) Pursuant to the terms of an agreement  
36 negotiated between the executive branch of the state of New York and the  
37 employee organization representing the collective negotiating unit  
38 consisting of investigators, senior investigators, and investigative  
39 specialists in the division of state police, effective April 1, 2007,  
40 each member of such unit shall receive two thousand eight hundred  
41 sixty-five dollars (\$2,865) as a maintenance allowance. Effective April  
42 1, 2008, such amount shall be increased to two thousand nine hundred  
43 fifty-one dollars (\$2,951). Effective April 1, 2009, such amount shall  
44 be increased to three thousand forty dollars (\$3,040). Effective April  
45 1, 2010, such amount shall be increased to three thousand one hundred  
46 sixty-two dollars (\$3,162).

47 (b) Such maintenance allowance shall be paid on an annualized basis in  
48 regular bi-weekly paychecks. Such additional compensation, as provided  
49 in this section, shall be in addition to, and shall not be part of, the  
50 member's basic annual salary, and shall not affect or impair any rights  
51 or benefits to which the member may be entitled; provided, however, that  
52 such additional compensation shall be included as compensation for  
53 purposes of computation of overtime pay and retirement.

54 § 10. Expertise pay. (a) Notwithstanding any other provision of law to  
55 the contrary, pursuant to the terms of an agreement negotiated between  
56 the executive branch of the state of New York and the employee organiza-

1 tion representing the collective negotiating unit consisting of investi-  
2 gators, senior investigators, and investigative specialists in the divi-  
3 sion of state police, effective April 1, 2010, members in such  
4 collective negotiating unit shall receive expertise pay in the amount of  
5 twelve hundred dollars (\$1,200) annually.

6 (b) Such expertise pay shall be payable to those unit members on the  
7 payroll on November 1 of each year during the pay period that includes  
8 December 1. Such additional compensation as provided in this section  
9 shall be in addition to, and shall not be part of, the member's basic  
10 annual salary, and shall not affect or impair any rights or benefits to  
11 which the member may be entitled; provided, however, that such addi-  
12 tional compensation shall be included as compensation for purposes of  
13 computation of overtime pay and as compensation for retirement.

14 § 11. Professional development and training funds. Pursuant to the  
15 terms of an agreement negotiated between the executive branch of the  
16 state of New York and the employee organization representing the collec-  
17 tive negotiating unit consisting of investigators, senior investigators,  
18 and investigative specialists in the division of state police, during  
19 the period April 1, 2007 through March 31, 2011, there shall continue to  
20 be a professional development and quality of working life committee  
21 funded in the amount of \$81,900 annually, from which the tuition  
22 reimbursement program, the master's program, and the employee assistance  
23 program shall be supported.

24 § 12. Expanded duty pay. (a) Pursuant to the terms of an agreement  
25 negotiated between the executive branch of the state of New York and the  
26 employee organization representing the collective negotiating unit  
27 consisting of investigators, senior investigators, and investigative  
28 specialists in the division of state police, effective April 1, 2007,  
29 each member of such unit shall receive expanded duty pay of three thou-  
30 sand eight hundred fifty-two dollars (\$3,852). Effective April 1, 2008  
31 this amount shall be increased to five thousand fifty-two dollars  
32 (\$5,052). Effective April 1, 2009, this amount shall be increased to six  
33 thousand two hundred fifty-two dollars (\$6,252). Effective April 1,  
34 2010, this amount shall be increased to seven thousand four hundred  
35 fifty-two dollars (\$7,452). Such expanded duty pay is in recognition of  
36 such members expanded duties, including those related to counterterror-  
37 ism and other post-September 11, 2001 initiatives, computer crimes, and  
38 law enforcement activities involving gambling regulation.

39 (b) Such expanded duty pay shall be annualized and paid during regular  
40 bi-weekly periods. Such additional compensation as provided in this  
41 section shall be in addition to, and shall not be part of, the member's  
42 basic annual salary, and shall not affect or impair any rights or bene-  
43 fits to which the member may be entitled; provided, however, that such  
44 additional compensation shall be included as compensation for purposes  
45 of computation of overtime pay and as compensation for retirement.

46 § 13. Supervisory responsibility pay. (a) Pursuant to the terms of an  
47 agreement negotiated between the executive branch of the state of New  
48 York and the employee organization representing the collective negotiat-  
49 ing unit consisting of investigators, senior investigators, and investi-  
50 gative specialists in the division of state police, effective March 31,  
51 2005, certain members shall continue to receive additional compensation,  
52 as prescribed in the interest arbitration award dated February 4, 2005,  
53 when designated by the division of state police to work as a "unit coor-  
54 dinator", "acting senior investigator", or "acting administrative senior  
55 investigator".

1 (b) Such additional compensation as provided in this section shall be  
 2 in addition to, and shall not be part of, the member's basic annual  
 3 salary, and shall not affect or impair any rights or benefits to which  
 4 the member may be entitled; provided, however, that such additional  
 5 compensation shall be included as compensation for the purposes of  
 6 computation of overtime pay and retirement.

7 § 14. Location compensation. (a) Notwithstanding any other provision  
 8 of law to the contrary, members in the collective negotiating unit  
 9 consisting of investigators, senior investigators, and investigative  
 10 specialists in the division of state police whose principal place of  
 11 employment or, in the case of a field employee, whose official station,  
 12 as determined in accordance with the regulations of the state comp-  
 13 troller, is located in the county of Monroe, who were on the payroll on  
 14 March 31, 1985, and who have received this location compensation contin-  
 15 ually since then, shall receive location pay at the rate of \$200 per  
 16 year; provided that each such member continues to be otherwise eligible.

17 (b) Pursuant to the terms of an agreement negotiated between the exec-  
 18 utive branch of the state of New York and the employee organization  
 19 representing the collective negotiating unit consisting of investi-  
 20 gators, senior investigators, and investigative specialists in the divi-  
 21 sion of state police, members of such unit whose principal place of  
 22 employment or, in the case of a field employee, whose official station,  
 23 as determined in accordance with the regulations of the state comp-  
 24 troller, is located in the city of New York or in the counties of Rock-  
 25 land, Westchester, Nassau, or Suffolk shall receive location pay as  
 26 follows:

27	Effective Date	Amount
28	April 1, 2007	\$1,392
29	April 1, 2008	\$1,434
30	April 1, 2009	\$1,477
31	April 1, 2010	\$1,536

32 (c) Such location pay as provided in this section shall be annualized  
 33 and paid during the regular bi-weekly periods. Such compensation shall  
 34 be in addition to and shall not be part of the member's basic annual  
 35 salary and shall not affect or impair any rights or benefits to which  
 36 the member may be entitled; provided, however, that location pay shall  
 37 be included as compensation for the purposes of computation of overtime  
 38 pay and retirement.

39 § 15. Supplemental location pay. (a) Pursuant to the terms of an  
 40 agreement negotiated between the executive branch of the state of New  
 41 York and the employee organization representing the collective negotiat-  
 42 ing unit consisting of investigators, senior investigators, and investi-  
 43 gative specialists in the division of state police, members of such unit  
 44 whose principal place of employment, or, in the case of a field employ-  
 45 ee, whose official station, as determined in accordance with the regu-  
 46 lations of the state comptroller, is located in the city of New York or  
 47 in the county of Putnam, Orange, Dutchess, Rockland, Westchester,  
 48 Nassau, or Suffolk shall receive supplemental location pay, in addition  
 49 to the location pay provided in section fourteen of this act, according  
 50 to the following schedule:

51	Effective April 1, 2007	
52	Orange, Putnam or Dutchess County	\$1,160
53	Rockland or Westchester County or city of	
54	New York	\$1,739
55	Nassau or Suffolk County	\$2,029

1	Effective April 1, 2008	
2	Orange, Putnam or Dutchess County	\$1,195
3	Rockland or Westchester County or city of	
4	New York	\$1,791
5	Nassau or Suffolk County	\$2,090
6	Effective April 1, 2009	
7	Orange, Putnam or Dutchess County	\$1,230
8	Rockland or Westchester County or city of	
9	New York	\$1,845
10	Nassau or Suffolk County	\$2,153
11	Effective April 1, 2010	
12	Orange, Putnam or Dutchess County	\$1,280
13	Rockland or Westchester County or city of	
14	New York	\$1,918
15	Nassau or Suffolk County	\$2,239

16 (b) Such supplemental location pay shall be annualized and paid during  
 17 the regular bi-weekly periods. Such compensation shall be in addition to  
 18 and shall not be part of the member's basic annual salary and shall not  
 19 affect or impair any rights or benefits to which the member may be enti-  
 20 tled; provided, however, that supplemental location pay shall be  
 21 included as compensation for the purposes of computation of overtime pay  
 22 and retirement.

23 § 16. Unused sick leave at retirement. Pursuant to the terms of an  
 24 agreement negotiated between the executive branch of the state of New  
 25 York and the employee organization representing the collective negotiat-  
 26 ing unit consisting of investigators, senior investigators, and investi-  
 27 gative specialists in the division of state police, members of such unit  
 28 shall continue to receive a lump sum cash payment for accumulated and  
 29 unused sick leave credits standing to the employee's credit at the time  
 30 of separation from service by retirement. The amount of such payment  
 31 shall be determined in the following manner:

32 (a) Effective April 1, 1998, the number of days of such accumulated  
 33 and unused sick leave, not to exceed 300 days, less 165 days, shall be  
 34 multiplied by the member's daily rate of pay in effect at the time of  
 35 separation from service by retirement.

36 (b) The lump sum payment shall be one-fifth of such amount provided  
 37 for in subdivision (a) of this section.

38 (c) Such additional compensation shall be in addition to and shall not  
 39 be part of the member's basic annual salary, and shall not affect or  
 40 impair any rights or benefits to which the member may be entitled;  
 41 provided, however, that such additional compensation shall be included  
 42 as compensation for retirement purposes.

43 § 17. Physical fitness program. (a) Pursuant to the terms of an agree-  
 44 ment negotiated between the executive branch of the state of New York  
 45 and the employee organization representing the collective negotiating  
 46 unit consisting of investigators, senior investigators, and investi-  
 47 gative specialists in the division of state police, effective April 1,  
 48 1999, a joint labor management committee shall be continued for the  
 49 purpose of evaluating the assessment, study, and testing for the fitness  
 50 of members of the employee organization. The division of state police  
 51 shall administer such program through the provision of an annual appro-  
 52 priation. Members in the employee organization shall receive an annual  
 53 fitness bonus if they satisfy the fitness requirements developed by the  
 54 division of state police during a fiscal year. The amount of such

1 fitness bonus shall be determined by the committee within the amount  
2 appropriated therefor. Such awards shall be paid on or about December  
3 first of each fiscal year.

4 (b) Any amounts received pursuant to this section shall be in addition  
5 to, and shall not be a part of, the member's basic annual salary, and  
6 shall not affect or impair, any increments or other rights or benefits  
7 to which the member may be entitled; provided, however, that any amounts  
8 received shall be included as compensation for retirement purposes.

9 (c) The division of state police and the employee organization repres-  
10 enting such unit may agree to expend the funds appropriated on an annual  
11 basis for the physical fitness program for a mutually agreeable alter-  
12 nate purpose.

13 § 18. Recognized degree pay. (a) Pursuant to the terms of an agreement  
14 negotiated between the executive branch of the state of New York and the  
15 employee organization representing the collective negotiating unit  
16 consisting of investigators, senior investigators, and investigative  
17 specialists in the division of state police, members of such unit who  
18 possess or obtain a recognized degree from an accredited and recognized  
19 college or university on or after April 1, 2001, shall continue to  
20 receive a lump sum payment of \$250 for an associate degree, \$500 for a  
21 bachelor's degree, and \$750 for a graduate degree. Payment for such  
22 degree shall occur annually in June of each year, and shall be for one  
23 degree only. When such degree is obtained in a fiscal year, such payment  
24 shall be made as soon as practicable after conferral of the degree.

25 (b) Such additional compensation as provided in this section shall be  
26 in addition to, and shall not be part of, the member's basic annual  
27 salary, and shall not affect or impair any rights or benefits to which  
28 the member may be entitled; provided, however, that such additional  
29 compensation shall be included as compensation for retirement purposes.

30 § 19. Payment and publication of grievance arbitration settlements and  
31 awards. Notwithstanding any provision of law to the contrary, the  
32 appropriations contained in this act shall be available to the state for  
33 the payment and publication of grievance arbitration settlements and  
34 awards pursuant to article 15 of the collective negotiating agreement  
35 between the state and the employee organization representing the collec-  
36 tive negotiating unit consisting of investigators, senior investigators,  
37 and investigative specialists in the division of state police, such  
38 provisions being in effect pursuant to paragraph (e) of subdivision 1 of  
39 section 209-a of the civil service law.

40 § 20. Date of entitlement to salary increase. Notwithstanding the  
41 provisions of this act or of any other provision of law to the contrary,  
42 the increase of salary or compensation of any member of the collective  
43 negotiating unit consisting of investigators, senior investigators, and  
44 investigative specialists in the division of state police provided by  
45 this act shall be added to the salary of such member at the beginning of  
46 that payroll period the first day of which is nearest to the effective  
47 date of such increase as provided in this act, or at the beginning of  
48 the earlier of two payroll periods the first days of which are nearest  
49 but equally near to the effective date of such increase as provided in  
50 this act; provided, however, that, for the purposes of determining the  
51 salary of such officer or employee upon reclassification, reallocation,  
52 appointment, promotion, transfer, demotion, reinstatement, or other  
53 change of status, such salary increase shall be deemed to be effective  
54 on the date thereof as prescribed by this act, with payment thereof  
55 pursuant to this section on a date prior thereto, instead of on such  
56 effective date, and shall not operate to confer any additional salary

1 rights or benefits on such officer or employee. Payment of such salary  
2 increase may be deferred pursuant to section twenty-one of this act.

3 § 21. Deferred payment of salary increase. Notwithstanding the  
4 provisions of any other section of this act or of any provision of law  
5 to the contrary, pending payment pursuant to this act of the basic annu-  
6 al salaries of incumbents of positions subject to this act, such incum-  
7 bents shall receive, as partial compensation for services rendered, the  
8 rate of compensation otherwise payable in their respective positions. An  
9 incumbent holding a position subject to this act at any time during the  
10 period from April 1, 2007 until the time when basic annual salaries are  
11 first paid pursuant to this act for such services in excess of the  
12 compensation actually received therefor, shall be entitled to a lump sum  
13 payment for the difference between the salary to which such incumbent is  
14 entitled for such service and the compensation actually received there-  
15 for. Such lump sum payment shall be made as soon as practicable. The  
16 amounts paid under this act shall count as compensation earned during  
17 the year or years for which it is calculated and not as compensation  
18 earned wholly in the year in which the lump sum is paid.

19 § 22. Use of appropriations. Notwithstanding any provision of the  
20 state finance law or any other provision of law to the contrary, the  
21 state comptroller is authorized to pay any amounts required by the fore-  
22 going provisions of this act. To the extent that existing appropriations  
23 available to any state department or agency in any fund are insufficient  
24 to accomplish the purposes set forth in this section, the director of  
25 the budget is authorized to allocate to the various departments and  
26 agencies, from any appropriations available in any fund, the amounts  
27 necessary to make such payments. Any appropriations or other funds  
28 available to any state department or agency for personal service or for  
29 other related employee benefits during the fiscal year commencing April  
30 1, 2009 shall be available for the payment of any liabilities or obli-  
31 gations incurred pursuant to the foregoing provisions of this act,  
32 whether occurred prior to or during the state fiscal year commencing  
33 April 1, 2009 or during the state fiscal year commencing April 1, 2010.

34 § 23. Appropriations. Notwithstanding any provision of the state  
35 finance law or any other provision of law to the contrary, the several  
36 amounts as hereinafter set forth in this section are hereby appropriated  
37 from the funds so designated for use by any state department or agency  
38 for the fiscal year beginning April 1, 2009 to supplement appropriations  
39 from each respective fund available for personal service, other than  
40 personal service and fringe benefits, and to carry out the provisions of  
41 this act. The monies hereby appropriated are available for payment of  
42 any liabilities or obligations incurred prior to or during the state  
43 fiscal year commencing April 1, 2009 in addition to liabilities or obli-  
44 gations associated with the state fiscal year commencing April 1, 2010.  
45 For this purpose, these appropriations shall remain in full force and  
46 effect for the payment of liabilities incurred on or before April 1,  
47 2010. No money shall be available for expenditure from this appropri-  
48 ation until a certification of approval has been issued by the director  
49 of the budget and a copy of such certificate or any amendment thereto  
50 has been filed with the state comptroller, the chairperson of the senate  
51 finance committee, and the chairperson of the assembly ways and means  
52 committee.

53 ALL STATE DEPARTMENTS AND AGENCIES

54 Special Pay Bills

1 General Fund - State Purposes Account

2 PERSONAL SERVICE

3 Personal Service - Regular.....\$24,396,000  
 4 Overtime.....\$1,934,000  
 5 Other compensation, including but not limit-  
 6 ed to premium in lieu of overtime, command  
 7 pay, maintenance allowance, expanded duty  
 8 pay, supervisory responsibility pay,  
 9 location compensation and supplemental  
 10 location compensation.....\$9,637,000

11 NONPERSONAL SERVICE

12 Fringe benefits.....\$2,926,000  
 13 Health Benefits Committee.....\$15,000  
 14 Professional Development Fund.....\$246,000  
 15 Employee Benefit Fund.....\$194,000  
 16 Triborough Bridge Tolls (CSEA/PEF).....\$800,000  
 17 Contract administration.....\$50,000

18 Special Revenue Funds - Other  
 19 Miscellaneous Special Revenue Fund - 339  
 20 Indian Gaming Account

21 PERSONAL SERVICE

22 Personal Service - Regular.....\$1,501,000  
 23 Overtime.....\$26,000  
 24 Other compensation, including but not limited to premium  
 25 in lieu of overtime, command pay, maintenance allowance,  
 26 expanded duty pay, supervisory responsibility pay,  
 27 location compensation and supplemental location compen-  
 28 sation.....\$555,000

29 NONPERSONAL SERVICE

30 Fringe Benefits.....\$1,029,000

31 Special Revenue Funds - Other  
 32 Miscellaneous Special Revenue Fund - 339  
 33 New York State Thruway Authority Account

34 PERSONAL SERVICE

35 Personal Service - Regular.....\$139,000  
 36 Overtime.....\$2,000  
 37 Other compensation, including but not limit-  
 38 ed to premium in lieu of overtime, command  
 39 pay, maintenance allowance, expanded duty  
 40 pay, supervisory responsibility pay,  
 41 location compensation and supplemental  
 42 location compensation.....\$60,000

1

NONPERSONAL SERVICE

2 Fringe Benefits.....\$100,000

3 § 24. This act shall take effect immediately and shall be deemed to  
4 have been in full force and effect on and after April 1, 2007.

REPEAL NOTE.-- Paragraph b of subdivision 2 of section 216 of the executive law, repealed by section one of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police which are now contained in section 215 of the executive law.

Paragraph a of subdivision 2 of section 216 of the executive law, repealed by section two of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised salary schedules in a new paragraph a of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Paragraph b of subdivision 2 of section 207-b of the state finance law, repealed by section three of this act, provided for payments to an employee benefit fund for state employees in the particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised schedule of payments to be made to such fund in a new paragraph b of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Subdivision 2 of section 216-c of the executive law, repealed by section four of this act, provided for holiday compensation payments based on four days pay to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised payment amount in a new subdivision 2 of such section implementing an agreement pursuant to Article 14 of the civil service law.

Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of the executive law, repealed by section five of this act, provided for certain longevity payments to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised longevity schedule in new paragraphs (b) and (c) of such subdivision 5 implementing an agreement pursuant to Article 14 of the civil service law.

## STATE OF NEW YORK

2970

2009-2010 Regular Sessions

## IN SENATE

March 9, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to establishing automatic orders in matrimonial actions

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

1 Section 1. Subdivision 2 of part B of section 236 of the domestic  
2 relations law, as added by chapter 281 of the laws of 1980, is amended  
3 to read as follows:

4 2. Matrimonial actions. **a.** Except as provided in subdivision five of  
5 this part, the provisions of this part shall be applicable to actions  
6 for an annulment or dissolution of a marriage, for a divorce, for a  
7 separation, for a declaration of the nullity of a void marriage, for a  
8 declaration of the validity or nullity of a foreign judgment of divorce,  
9 for a declaration of the validity or nullity of a marriage, and to  
10 proceedings to obtain maintenance or a distribution of marital property  
11 following a foreign judgment of divorce, commenced on and after the  
12 effective date of this part. Any application which seeks a modification  
13 of a judgment, order or decree made in an action commenced prior to the  
14 effective date of this part shall be heard and determined in accordance  
15 with the provisions of part A of this section.

16 **b. With respect to matrimonial actions which commence on or after the**  
17 **effective date of this paragraph, the plaintiff shall cause to be served**  
18 **upon the defendant, simultaneous with the service of the summons, a copy**  
19 **of the automatic orders set forth in this paragraph. The automatic**  
20 **orders shall be binding upon the plaintiff in a matrimonial action imme-**  
21 **diately upon the filing of the summons, or summons and complaint, and**  
22 **upon the defendant immediately upon the service of the automatic orders**  
23 **with the summons. The automatic orders shall remain in full force and**  
24 **effect during the pendency of the action, unless terminated, modified or**  
25 **amended by further order of the court upon motion of either of the**

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

LBD01553-01-9

1 parties or upon written agreement between the parties duly executed and  
2 acknowledged. The automatic orders are as follows:

3 (1) Neither party shall sell, transfer, encumber, conceal, assign,  
4 remove or in any way dispose of, without the consent of the other party  
5 in writing, or by order of the court, any property (including, but not  
6 limited to, real estate, personal property, cash accounts, stocks, mutu-  
7 al funds, bank accounts, cars and boats) individually or jointly held by  
8 the parties, except in the usual course of business, for customary and  
9 usual household expenses or for reasonable attorney's fees in connection  
10 with this action.

11 (2) Neither party shall transfer, encumber, assign, remove, withdraw  
12 or in any way dispose of any tax deferred funds, stocks or other assets  
13 held in any individual retirement accounts, 401K accounts, profit shar-  
14 ing plans, Keough accounts, or any other pension or retirement account,  
15 and the parties shall further refrain from applying for or requesting  
16 the payment of retirement benefits or annuity payments of any kind,  
17 without the consent of the other party in writing, or upon further order  
18 of the court.

19 (3) Neither party shall incur unreasonable debts hereafter, including,  
20 but not limited to further borrowing against any credit line secured by  
21 the family residence, further encumbrancing any assets, or unreasonably  
22 using credit cards or cash advances against credit cards, except in the  
23 usual course of business or for customary or usual household expenses,  
24 or for reasonable attorney's fees in connection with this action.

25 (4) Neither party shall cause the other party or the children of the  
26 marriage to be removed from any existing medical, hospital and dental  
27 insurance coverage, and each party shall maintain the existing medical,  
28 hospital and dental insurance coverage in full force and effect.

29 (5) Neither party shall change the beneficiaries of any existing life  
30 insurance policies, and each party shall maintain the existing life  
31 insurance, automobile insurance, homeowners and renters insurance poli-  
32 cies in full force and effect.

33 § 2. This act shall take effect on the first of the calendar month  
34 next succeeding the sixtieth day after it shall have become a law.

## STATE OF NEW YORK

2312

2009-2010 Regular Sessions

### IN SENATE

February 17, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to the extension of the temporary benefits and supplementation programs and to amend chapter 625 of the laws of 1975 amending the retirement and social security law, relating to the extension of temporary rights and benefits, in relation to the extension of such rights and benefits

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

1 Section 1. Section 470 of the retirement and social security law, as  
2 amended by chapter 27 of the laws of 2007, is amended to read as  
3 follows:

4 § 470. Temporary suspension of retirement negotiations. Until July  
5 first, two thousand [~~nine~~] eleven, changes negotiated between any public  
6 employer and public employee, as such terms are defined in section two  
7 hundred one of the civil service law, with respect to any benefit  
8 provided by or to be provided by a public retirement system, or payments  
9 to a fund or insurer to provide an income for retirees or payment to  
10 retirees or their beneficiaries, shall be prohibited. Thereafter, such  
11 changes shall be made only pursuant to negotiations between public  
12 employers and public employees conducted on a coalition basis pursuant  
13 to the provisions of this article; provided, however, any such changes  
14 not requiring approval by act of the legislature may be implemented  
15 prior to July first, two thousand [~~nine~~] eleven, if negotiated as a  
16 result of collective bargaining authorized by section six of chapter six  
17 hundred twenty-five of the laws of nineteen hundred seventy-five.

18 § 2. Section 480 of the retirement and social security law, as amended  
19 by chapter 27 of the laws of 2007, is amended to read as follows:

20 § 480. Extension of temporary benefits and supplementation programs.  
21 a. Every temporary right, privilege or benefit conferred pursuant to  
22 the provisions of a general, special or local law (other than pursuant

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

LBD09122-01-9

1 to articles fourteen and fifteen of this chapter) for any member of a  
2 public retirement system or pension plan funded by the state or one of  
3 its political subdivisions, which is scheduled to expire or terminate at  
4 any time during nineteen hundred seventy-four, nineteen hundred seven-  
5 ty-five, nineteen hundred seventy-six, nineteen hundred seventy-seven,  
6 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen  
7 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-  
8 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-  
9 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred  
10 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-  
11 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen  
12 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred  
13 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,  
14 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen  
15 hundred ninety-nine, two thousand, two thousand one, two thousand two,  
16 two thousand three, two thousand four, two thousand five, two thousand  
17 six, two thousand seven [~~or~~], two thousand eight, two thousand nine, two  
18 thousand ten or two thousand eleven, is hereby extended until July  
19 first, two thousand [~~nine~~] eleven, notwithstanding the provisions of  
20 such general, special or local law. Notwithstanding the foregoing, noth-  
21 ing in this section shall be construed to extend the provisions of arti-  
22 cle eighteen of this chapter or to affect any statutory deadlines  
23 provided in such article.

24 b. (i) Any program under which an employer in a public retirement  
25 system funded by the state or one of its political subdivisions assumes  
26 all or part of the contribution which would otherwise be made by its  
27 employees toward retirement, which expires or terminates during nineteen  
28 hundred seventy-four, is hereby extended until July first, two thousand  
29 [~~nine~~] eleven, notwithstanding the provisions of any other general,  
30 special or local law, except that commencing with the payroll period the  
31 first day of which is nearest to January first, nineteen hundred seven-  
32 ty-six, and until July first, two thousand [~~nine~~] eleven, the rate of  
33 such contribution assumed by an employer in any of the public retirement  
34 systems funded and maintained by a city, shall be one-half the rate of  
35 such contribution assumed by such employer for the immediately preceding  
36 payroll period except as provided in paragraph (ii) of this subdivision.

37 (ii) Commencing with the first payroll period the first day of which  
38 is subsequent to October first, two thousand and until July first, two  
39 thousand [~~nine~~] eleven, the rate of such contribution assumed by an  
40 employer in the New York city police pension fund and in the New York  
41 city fire department pension fund shall be equal to the rate of such  
42 contributions assumed by such employer for the payroll period preceding  
43 January first, nineteen hundred seventy-six.

44 c. All supplemental retirement allowances or supplemental pensions  
45 paid to pensioners or beneficiaries of any retirement system supported  
46 in whole or in part by the state or a political subdivision thereof,  
47 which are scheduled to expire at any time during nineteen hundred seven-  
48 ty-five, nineteen hundred seventy-six, nineteen hundred seventy-seven,  
49 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen  
50 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-  
51 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-  
52 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred  
53 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-  
54 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen  
55 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred  
56 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,

1 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen  
2 hundred ninety-nine, two thousand one, two thousand two, two thousand  
3 three, two thousand four, two thousand five, two thousand six, two thou-  
4 sand seven [~~or~~], two thousand eight, two thousand nine, two thousand ten  
5 or two thousand eleven, shall be continued for an additional year  
6 notwithstanding any other provision of any general, special or local law  
7 provided, however, that all such supplemental retirement allowances or  
8 supplemental pensions which are scheduled to expire at any time during  
9 two thousand [~~seven~~] nine shall be continued for two additional years  
10 notwithstanding any other provisions of any general, special or local  
11 law.

12 § 3. Section 615 of the retirement and social security law, as amended  
13 by chapter 27 of the laws of 2007, is amended to read as follows:

14 § 615. Duration. Notwithstanding any other provisions of this chapter  
15 or of any other law, the provisions of article fourteen of this chapter  
16 shall expire on June thirtieth, two thousand [~~nine~~] eleven, but shall no  
17 longer apply to members to whom this article applies on the date article  
18 fifteen of this chapter becomes effective, provided, however, any member  
19 who has retired pursuant to the provisions of article fourteen of this  
20 chapter before the effective date of this article or any beneficiary of  
21 such a member or a beneficiary of a member who dies before the effective  
22 date of this article and who is entitled to a death benefit pursuant to  
23 article fourteen of this chapter shall receive such benefits pursuant to  
24 the provisions of article fourteen of this chapter, except as provided  
25 pursuant to the provisions of section six hundred seventeen of this  
26 article. All benefits provided by a public retirement system of the  
27 state shall continue with respect to members to which this article is  
28 applicable only until June thirtieth, two thousand [~~nine~~] eleven.

29 § 4. Section 6 of chapter 625 of the laws of 1975 amending the retire-  
30 ment and social security law, relating to the extension of temporary  
31 rights and benefits, as amended by chapter 27 of the laws of 2007, is  
32 amended to read as follows:

33 § 6. Notwithstanding any inconsistent provisions of this act or of any  
34 general, special or local law, on and after July 1, 1975 and up to and  
35 including June 30, [~~2009~~] 2011: (a) a participating employer in the New  
36 York state and local employees' retirement system or the New York state  
37 and local police and fire retirement system and its employees shall  
38 continue to have the right to negotiate with respect to any benefit  
39 provided by or to be provided by such employer to such employees as  
40 members of such system and not requiring approval by act of the legisla-  
41 ture; and (b) a public authority or public benefit corporation which is  
42 not a participating employer in the New York state and local employees'  
43 retirement system or the New York city employees' retirement system  
44 shall continue to have the right to negotiate with its employees with  
45 respect to benefits to be provided by such employer to such employees  
46 upon retirement and not requiring approval by act of the legislature.

47 § 5. This act shall take effect immediately; provided that the amend-  
48 ments to section 615 of the retirement and social security law made by  
49 section three of this act shall expire on the same date as such section  
50 expires pursuant to such section 615.

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

This bill would extend for 2 years those temporary benefits provided  
by a public retirement system of the State, including the right of  
members to negotiate for improved benefits not requiring approval by an  
Act of the legislature.

Insofar as this would affect the New York State and Local Employees' Retirement System (NYS&LERS) and the New York State and Local Police and Fire Retirement System (NYS&LPFRS), there would be no increase in employer contributions over current levels for the State of New York or the participating employers in the NYS&LERS or the NYS&LPFRS.

This estimate, dated February 6, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-144, prepared by the Actuary for the NYS&LERS and the NYS&LPFRS.

STATE OF NEW YORK

6565

2009-2010 Regular Sessions

IN ASSEMBLY

March 6, 2009

Introduced by M. of A. ZEBROWSKI, JAFFEE -- read once and referred to the Committee on Local Governments

AN ACT to amend the local finance law, in relation to authorizing and empowering the county of Rockland to amortize the cost of the targeted county retirement program of the county of Rockland

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is  
2 amended by adding a new subdivision 104 to read as follows:

3 104. Payments of a targeted retirement program by the county of Rock-  
4 land incentive payments by the county of Rockland with respect to a  
5 targeted retirement program for current employees, ten years.

6 § 2. This act shall take effect immediately.

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

LBD08110-02-9

STATE OF NEW YORK

7685

2009-2010 Regular Sessions

IN ASSEMBLY

April 21, 2009

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the local finance law, in relation to authorizing and empowering the county of Nassau to amortize the cost of payments to employees upon separation of service from the county

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

- 1 Section 1. Paragraph a of section 11.00 of the local finance law is
- 2 amended by adding a new subdivision 104 to read as follows:
- 3 104. Payments by the county of Nassau to employees upon separation
- 4 from employment, as may be approved by the county and including, but not
- 5 limited to, cash payment for separation incentives and/or payment of the
- 6 monetary value of accrued and accumulated but unused and unpaid sick
- 7 leave, personal leave, holiday leave, vacation time, time allowances
- 8 granted in lieu of overtime compensation and any other forms of payment
- 9 required to be paid to such employees upon separation from employment,
- 10 ten years.
- 11 § 2. This act shall take effect immediately.

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

LBD10757-02-9

STATE OF NEW YORK

8954

2009-2010 Regular Sessions

IN ASSEMBLY

June 16, 2009

Introduced by M. of A. ABBATE, JOHN -- (at request of the Governor) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of certain members of the security supervisors unit who are employed by the state department of correctional services and are designated as peace officers; to amend the state finance law, in relation to the employee benefit fund for certain members of the security supervisors unit; to provide for the payment of a firearms training and safety incentive for peace officers who are members of the professional, scientific and professional services bargaining unit; to implement an interest arbitration award issued between the state and the employee organization representing certain members of the security supervisors unit; to make an appropriation for the purpose of effectuating certain of the provisions thereof; and to repeal certain provisions of the civil service law relating thereto

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

1 Section 1. Subparagraphs 1 and 2 of paragraph j of subdivision 1 of  
2 section 130 of the civil service law are REPEALED and three new subpara-  
3 graphs 1, 2 and 3 are added to read as follows:

4 (1) Effective April first, two thousand five:

5 SECURITY SUPERVISORS SALARY SCHEDULE -  
6 ARBITRATION ELIGIBLE ONLY  
7 Effective March 31, 2005 (Institutional) and  
8 Effective April 7, 2005 (Administrative)

9		<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>		<u>Long</u>
10		<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>		<u>Max.</u>
11	<u>Hir-</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>10-yr</u>	<u>15-yr</u>
							<u>20-yr</u>	<u>25-yr</u>

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

LBD12092-01-9

	ing	Step	Step	Step	Step	Step	Job	Perf.	Long	Long	Long	Long
SG	Rate	1	2	3	4	5	Rate	Adv.	Step	Step	Step	Step
1	18788	19618	20448	21278	22108	22938	23768	830	25008	26249	28652	29893
2	19510	20384	21258	22132	23006	23880	24754	874	26066	27378	29853	31166
3	20519	21431	22343	23255	24167	25079	25991	912	27360	28729	31260	32629
4	21488	22449	23410	24371	25332	26293	27254	961	28694	30133	32735	34174
5	22553	23564	24575	25586	26597	27608	28619	1011	30133	31648	34325	35839
6	23788	24851	25914	26977	28040	29103	30166	1063	31761	33356	36115	37711
7	25192	26300	27408	28516	29624	30732	31840	1108	33498	35157	37978	39637
8	26670	27819	28968	30117	31266	32415	33564	1149	35288	37012	39896	41621
9	28216	29415	30614	31813	33012	34211	35410	1199	37212	39013	41978	43779
10	29875	31136	32397	33658	34919	36180	37441	1261	39329	41216	44265	46153
11	31702	33014	34326	35638	36950	38262	39574	1312	41539	43504	46633	48599
12	33522	34891	36260	37629	38998	40367	41736	1369	43793	45851	49068	51125
13	35584	37015	38446	39877	41308	42739	44170	1431	46312	48454	51759	53901
14	37687	39187	40687	42187	43687	45187	46687	1500	48931	51176	54582	56826
15	39914	41474	43034	44594	46154	47714	49274	1560	51612	53951	57449	59786
16	42224	43854	45484	47114	48744	50374	52004	1630	54448	56892	60495	62938
17	44653	46370	48087	49804	51521	53238	54955	1717	57526	60096	63829	66400
18	47249	49051	50853	52655	54457	56259	58061	1802	60764	63468	67333	70037
19	49880	51762	53644	55526	57408	59290	61172	1882	63993	66814	70798	73620
20	52491	54458	56425	58392	60359	62326	64293	1967	67246	70199	74312	77266
21	55368	57420	59472	61524	63576	65628	67680	2052	70758	73835	78074	81151
22	58381	60554	62727	64900	67073	69246	71419	2173	74674	77928	82344	85599
23	61591	63826	66061	68296	70531	72766	75001	2235	78355	81709	86222	89575
24	64977	67295	69613	71931	74249	76567	78885	2318	82360	85836	90475	93951
25	68656	71073	73490	75907	78324	80741	83158	2417	86782	90405	95193	98817

28 (2) Effective April first, two thousand six:

29 SECURITY SUPERVISORS SALARY SCHEDULE -  
 30 ARBITRATION ELIGIBLE ONLY  
 31 Effective March 30, 2006 (Institutional) and  
 32 Effective April 6, 2006 (Administrative)

	Perf.	Perf.	Perf.	Perf.	Perf.						Long	
	Ad-	Ad-	Ad-	Ad-	Ad-						Max.	
	Hir-	vance	vance	vance	vance							
	ing	Step	Step	Step	Step	Job	Perf.	10-yr	15-yr	20-yr	25-yr	
SG	Rate	1	2	3	4	Rate	Adv.	Long	Long	Long	Long	
1	19305	20158	21011	21864	22717	23570	24423	853	25697	26972	29441	30716
2	20047	20945	21843	22741	23639	24537	25435	898	26783	28131	30674	32023
3	21083	22020	22957	23894	24831	25768	26705	937	28112	29518	32119	33526
4	22079	23066	24053	25040	26027	27014	28001	987	29481	30959	33633	35111
5	23173	24212	25251	26290	27329	28368	29407	1039	30963	32519	35270	36826
6	24442	25534	26626	27718	28810	29902	30994	1092	32633	34272	37107	38746
7	25885	27024	28163	29302	30441	31580	32719	1139	34423	36127	39026	40730
8	27403	28584	29765	30946	32127	33308	34489	1181	36260	38032	40995	42768
9	28992	30224	31456	32688	33920	35152	36384	1232	38236	40086	43133	44983
10	30697	31993	33289	34585	35881	37177	38473	1296	40413	42352	45485	47425
11	32574	33922	35270	36618	37966	39314	40662	1348	42681	44700	47915	49935
12	34444	35851	37258	38665	40072	41479	42886	1407	45000	47114	50420	52533
13	36563	38033	39503	40973	42443	43913	45383	1470	47584	49785	53181	55382
14	38723	40264	41805	43346	44887	46428	47969	1541	50275	52581	56081	58387
15	41012	42615	44218	45821	47424	49027	50630	1603	53032	55436	59030	61431
16	43385	45060	46735	48410	50085	51760	53435	1675	55946	58457	62160	64670

1	<u>17</u>	<u>45881</u>	<u>47645</u>	<u>49409</u>	<u>51173</u>	<u>52937</u>	<u>54701</u>	<u>56465</u>	<u>1764</u>	<u>59107</u>	<u>61747</u>	<u>65583</u>	<u>68225</u>
2	<u>18</u>	<u>48548</u>	<u>50400</u>	<u>52252</u>	<u>54104</u>	<u>55956</u>	<u>57808</u>	<u>59660</u>	<u>1852</u>	<u>62437</u>	<u>65216</u>	<u>69187</u>	<u>71965</u>
3	<u>19</u>	<u>51252</u>	<u>53186</u>	<u>55120</u>	<u>57054</u>	<u>58988</u>	<u>60922</u>	<u>62856</u>	<u>1934</u>	<u>65755</u>	<u>68653</u>	<u>72747</u>	<u>75646</u>
4	<u>20</u>	<u>53935</u>	<u>55956</u>	<u>57977</u>	<u>59998</u>	<u>62019</u>	<u>64040</u>	<u>66061</u>	<u>2021</u>	<u>69095</u>	<u>72129</u>	<u>76356</u>	<u>79391</u>
5	<u>21</u>	<u>56891</u>	<u>58999</u>	<u>61107</u>	<u>63215</u>	<u>65323</u>	<u>67431</u>	<u>69539</u>	<u>2108</u>	<u>72702</u>	<u>75863</u>	<u>80219</u>	<u>83380</u>
6	<u>22</u>	<u>59986</u>	<u>62219</u>	<u>64452</u>	<u>66685</u>	<u>68918</u>	<u>71151</u>	<u>73384</u>	<u>2233</u>	<u>76729</u>	<u>80072</u>	<u>84609</u>	<u>87954</u>
7	<u>23</u>	<u>63285</u>	<u>65582</u>	<u>67879</u>	<u>70176</u>	<u>72473</u>	<u>74770</u>	<u>77067</u>	<u>2297</u>	<u>80513</u>	<u>83959</u>	<u>88597</u>	<u>92042</u>
8	<u>24</u>	<u>66764</u>	<u>69146</u>	<u>71528</u>	<u>73910</u>	<u>76292</u>	<u>78674</u>	<u>81056</u>	<u>2382</u>	<u>84627</u>	<u>88198</u>	<u>92965</u>	<u>96536</u>
9	<u>25</u>	<u>70544</u>	<u>73028</u>	<u>75512</u>	<u>77996</u>	<u>80480</u>	<u>82964</u>	<u>85448</u>	<u>2484</u>	<u>89172</u>	<u>92894</u>	<u>97814</u>	<u>101538</u>

10 (3) Effective March thirty-first, two thousand seven:

11 SECURITY SUPERVISORS SALARY SCHEDULE -  
 12 ARBITRATION ELIGIBLE ONLY  
 13 Effective March 31, 2007 (Institutional) and  
 14 Effective March 31, 2007 (Administrative)

		<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>						<u>Long</u>	
		<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>						<u>Max.</u>	
	<u>Hir-</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>Job</u>	<u>Perf.</u>	<u>10-yr</u>	<u>15-yr</u>	<u>20-yr</u>	<u>25-yr</u>	
	<u>ing</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Rate</u>	<u>Adv.</u>	<u>Long</u>	<u>Long</u>	<u>Long</u>	<u>Long</u>	
	<u>Rate</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>			<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
15	<u>1</u>	<u>22355</u>	<u>23208</u>	<u>24061</u>	<u>24914</u>	<u>25767</u>	<u>26620</u>	<u>27473</u>	<u>853</u>	<u>28747</u>	<u>30022</u>	<u>32491</u>	<u>33766</u>
16	<u>2</u>	<u>23097</u>	<u>23995</u>	<u>24893</u>	<u>25791</u>	<u>26689</u>	<u>27587</u>	<u>28485</u>	<u>898</u>	<u>29833</u>	<u>31181</u>	<u>33724</u>	<u>35073</u>
17	<u>3</u>	<u>24133</u>	<u>25070</u>	<u>26007</u>	<u>26944</u>	<u>27881</u>	<u>28818</u>	<u>29755</u>	<u>937</u>	<u>31162</u>	<u>32568</u>	<u>35169</u>	<u>36576</u>
18	<u>4</u>	<u>25129</u>	<u>26116</u>	<u>27103</u>	<u>28090</u>	<u>29077</u>	<u>30064</u>	<u>31051</u>	<u>987</u>	<u>32531</u>	<u>34009</u>	<u>36683</u>	<u>38161</u>
19	<u>5</u>	<u>26223</u>	<u>27262</u>	<u>28301</u>	<u>29340</u>	<u>30379</u>	<u>31418</u>	<u>32457</u>	<u>1039</u>	<u>34013</u>	<u>35569</u>	<u>38320</u>	<u>39876</u>
20	<u>6</u>	<u>27492</u>	<u>28584</u>	<u>29676</u>	<u>30768</u>	<u>31860</u>	<u>32952</u>	<u>34044</u>	<u>1092</u>	<u>35683</u>	<u>37322</u>	<u>40157</u>	<u>41796</u>
21	<u>7</u>	<u>28935</u>	<u>30074</u>	<u>31213</u>	<u>32352</u>	<u>33491</u>	<u>34630</u>	<u>35769</u>	<u>1139</u>	<u>37473</u>	<u>39177</u>	<u>42076</u>	<u>43780</u>
22	<u>8</u>	<u>30453</u>	<u>31634</u>	<u>32815</u>	<u>33996</u>	<u>35177</u>	<u>36358</u>	<u>37539</u>	<u>1181</u>	<u>39310</u>	<u>41082</u>	<u>44045</u>	<u>45818</u>
23	<u>9</u>	<u>32042</u>	<u>33274</u>	<u>34506</u>	<u>35738</u>	<u>36970</u>	<u>38202</u>	<u>39434</u>	<u>1232</u>	<u>41286</u>	<u>43136</u>	<u>46183</u>	<u>48033</u>
24	<u>10</u>	<u>33747</u>	<u>35043</u>	<u>36339</u>	<u>37635</u>	<u>38931</u>	<u>40227</u>	<u>41523</u>	<u>1296</u>	<u>43463</u>	<u>45402</u>	<u>48535</u>	<u>50475</u>
25	<u>11</u>	<u>35624</u>	<u>36972</u>	<u>38320</u>	<u>39668</u>	<u>41016</u>	<u>42364</u>	<u>43712</u>	<u>1348</u>	<u>45731</u>	<u>47750</u>	<u>50965</u>	<u>52985</u>
26	<u>12</u>	<u>37494</u>	<u>38901</u>	<u>40308</u>	<u>41715</u>	<u>43122</u>	<u>44529</u>	<u>45936</u>	<u>1407</u>	<u>48050</u>	<u>50164</u>	<u>53470</u>	<u>55583</u>
27	<u>13</u>	<u>39613</u>	<u>41083</u>	<u>42553</u>	<u>44023</u>	<u>45493</u>	<u>46963</u>	<u>48433</u>	<u>1470</u>	<u>50634</u>	<u>52835</u>	<u>56231</u>	<u>58432</u>
28	<u>14</u>	<u>41773</u>	<u>43314</u>	<u>44855</u>	<u>46396</u>	<u>47937</u>	<u>49478</u>	<u>51019</u>	<u>1541</u>	<u>53325</u>	<u>55631</u>	<u>59131</u>	<u>61437</u>
29	<u>15</u>	<u>44062</u>	<u>45665</u>	<u>47268</u>	<u>48871</u>	<u>50474</u>	<u>52077</u>	<u>53680</u>	<u>1603</u>	<u>56082</u>	<u>58486</u>	<u>62080</u>	<u>64481</u>
30	<u>16</u>	<u>46435</u>	<u>48110</u>	<u>49785</u>	<u>51460</u>	<u>53135</u>	<u>54810</u>	<u>56485</u>	<u>1675</u>	<u>58996</u>	<u>61507</u>	<u>65210</u>	<u>67720</u>
31	<u>17</u>	<u>48931</u>	<u>50695</u>	<u>52459</u>	<u>54223</u>	<u>55987</u>	<u>57751</u>	<u>59515</u>	<u>1764</u>	<u>62157</u>	<u>64797</u>	<u>68633</u>	<u>71275</u>
32	<u>18</u>	<u>51598</u>	<u>53450</u>	<u>55302</u>	<u>57154</u>	<u>59006</u>	<u>60858</u>	<u>62710</u>	<u>1852</u>	<u>65487</u>	<u>68266</u>	<u>72237</u>	<u>75015</u>
33	<u>19</u>	<u>54302</u>	<u>56236</u>	<u>58170</u>	<u>60104</u>	<u>62038</u>	<u>63972</u>	<u>65906</u>	<u>1934</u>	<u>68805</u>	<u>71703</u>	<u>75797</u>	<u>78696</u>
34	<u>20</u>	<u>56985</u>	<u>59006</u>	<u>61027</u>	<u>63048</u>	<u>65069</u>	<u>67090</u>	<u>69111</u>	<u>2021</u>	<u>72145</u>	<u>75179</u>	<u>79406</u>	<u>82441</u>
35	<u>21</u>	<u>59941</u>	<u>62049</u>	<u>64157</u>	<u>66265</u>	<u>68373</u>	<u>70481</u>	<u>72589</u>	<u>2108</u>	<u>75752</u>	<u>78913</u>	<u>83269</u>	<u>86430</u>
36	<u>22</u>	<u>63036</u>	<u>65269</u>	<u>67502</u>	<u>69735</u>	<u>71968</u>	<u>74201</u>	<u>76434</u>	<u>2233</u>	<u>79779</u>	<u>83122</u>	<u>87659</u>	<u>91004</u>
37	<u>23</u>	<u>66335</u>	<u>68632</u>	<u>70929</u>	<u>73226</u>	<u>75523</u>	<u>77820</u>	<u>80117</u>	<u>2297</u>	<u>83563</u>	<u>87009</u>	<u>91647</u>	<u>95092</u>
38	<u>24</u>	<u>69814</u>	<u>72196</u>	<u>74578</u>	<u>76960</u>	<u>79342</u>	<u>81724</u>	<u>84106</u>	<u>2382</u>	<u>87677</u>	<u>91248</u>	<u>96015</u>	<u>99586</u>
39	<u>25</u>	<u>73594</u>	<u>76078</u>	<u>78562</u>	<u>81046</u>	<u>83530</u>	<u>86014</u>	<u>88498</u>	<u>2484</u>	<u>92222</u>	<u>95944</u>	<u>100864</u>	<u>104588</u>

45 § 2. Subdivision 2-a of section 207-a of the state finance law, as  
 46 amended by chapter 375 of the laws of 2007, is amended to read as  
 47 follows:

48 2-a. Where and to the extent that an agreement between the state and  
 49 an employee organization entered into pursuant to article fourteen of  
 50 the civil service law or an interest arbitration award issued pursuant  
 51 to subdivision four of section two hundred nine of the civil service law  
 52 so provides on behalf of employees in the collective negotiating unit  
 53 designated as the security supervisors unit established pursuant to

1 article fourteen of the civil service law, and upon audit and warrant of  
2 the comptroller, the director shall provide for the payment of moneys to  
3 such employee organization for the establishment and maintenance of an  
4 employee benefit fund established by the employee organization for the  
5 employees in the negotiating unit covered by the controlling provision  
6 of such agreement providing for such employee benefit fund, such amount  
7 to be determined consistent with said agreement on the basis of the  
8 number of full-time annual salaried employees, as determined by the  
9 comptroller, on the payroll on the last day of the payroll period in  
10 which March first, two thousand three falls for payments to be made on  
11 April first, two thousand three, on the last day of the payroll period  
12 in which March first, two thousand four falls for payments to be made on  
13 April first, two thousand four, on the last day of the payroll period in  
14 which March first, two thousand five falls for payments to be made on  
15 April first, two thousand five and on the last day of the payroll period  
16 in which March first, two thousand six falls for payments to be made on  
17 April first, two thousand six. The amount, which will be determined  
18 pursuant to this section, for employees who are paid from special or  
19 administrative funds, other than the general fund or the capital  
20 projects fund of the state, will be paid from the appropriations as  
21 provided by law, in which case the comptroller will establish procedures  
22 to ensure repayment from said special or administrative funds. The  
23 director may enter into an agreement with an employee organization which  
24 sets forth the specific terms and conditions of the establishment and  
25 administration of an employee benefit fund as a condition for the trans-  
26 mittal of moneys pursuant to this section. Such agreement shall provide  
27 that any contributions paid to the employee organization for the estab-  
28 lishment and maintenance of the employee benefit fund pursuant to this  
29 section on behalf of eligible members of this unit shall be offset by  
30 contributions already made on behalf of those members in each of the  
31 covered years, where applicable.

32 § 3. Compensation for certain members of the collective negotiating  
33 unit designated as security supervisors pursuant to an interest arbi-  
34 tration award issued pursuant to subdivision 4 of section 209 of the  
35 civil service law.

36 1. The provisions of this section shall apply to full-time annual  
37 salaried members of the collective negotiating unit designated as secu-  
38 rity supervisors who are employed by the state department of correction-  
39 al services and are designated as peace officers pursuant to subdivision  
40 25 of section 2.10 of the criminal procedure law.

41 2. Effective April 1, 2005, the basic annual salary of members of the  
42 collective negotiating unit designated as security supervisors who are  
43 employed by the state department of correctional services and are desig-  
44 nated as peace officers pursuant to subdivision 25 of section 2.10 of  
45 the criminal procedure law and who are in full-time annual salaried  
46 employment status on March 31, 2005 shall be increased by 2 1/4 percent.

47 3. Effective April 1, 2006, the basic annual salary of members of the  
48 collective negotiating unit designated as security supervisors who are  
49 employed by the state department of correctional services and are desig-  
50 nated as peace officers pursuant to subdivision 25 of section 2.10 of  
51 the criminal procedure law and who are in full-time annual salaried  
52 employment status on March 31, 2006 shall be increased by 2 3/4 percent.

53 4. Effective March 31, 2007, the basic annual salary of members of the  
54 collective negotiating unit designated as security supervisors who are  
55 employed by the state department of correctional services and are desig-  
56 nated as peace officers pursuant to subdivision 25 of section 2.10 of

1 the criminal procedure law, and who are in full-time annual salaried  
2 employment status on March 31, 2007 shall be increased by \$3,050 to  
3 reflect the items of clothing maintenance allowance and security  
4 enforcement differential added to base salary.

5 5. Payments pursuant to the provisions of subdivision 6 of section 131  
6 of the civil service law for members of the collective negotiating unit  
7 designated as security supervisors who are entitled to such payments  
8 shall be payable pursuant to the terms of a determination made by the  
9 arbitration panel and pursuant to the terms of an agreement between the  
10 state and an employee organization representing employees subject to the  
11 provisions of this section.

12 6. Effective April 1, 2005, pursuant to the terms of an interest arbi-  
13 tration award issued pursuant to subdivision 4 of section 209 of the  
14 civil service law covering members of the collective negotiating unit  
15 designated as security supervisors who are employed by the state depart-  
16 ment of correctional services and are designated as peace officers  
17 pursuant to subdivision 25 of section 2.10 of the criminal procedure  
18 law, for such unit members who are on the institutional or administra-  
19 tive payroll, the 10-year, the 15-year, the 20-year and the 25-year  
20 longevity step payment for such unit members to whom the provisions of  
21 this section apply shall be that amount prescribed by subparagraphs 1, 2  
22 or 3 of paragraph j of subdivision 1 of section 130 of the civil service  
23 law, as added by section one of this act.

24 7. Notwithstanding any of the foregoing provisions of this section, if  
25 the basic annual salary of such unit members to whom the provisions of  
26 this section apply is identical with the hiring rate, performance  
27 advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step,  
28 the 15-year longevity step, the 20-year longevity step or the 25-year  
29 longevity step of the salary grade of his or her position on March 31,  
30 2005 for such unit members to whom the provisions of this section apply  
31 on the institutional or administrative payroll, such basic annual salary  
32 shall be increased to the hiring rate, performance advance step 1, 2, 3,  
33 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity  
34 step, the 20-year longevity step or the 25-year longevity step of such  
35 salary grade as contained in subparagraph 1 of paragraph j of subdivi-  
36 sion 1 of section 130 of the civil service law, as added by section one  
37 of this act, to take effect on April 1, 2005 for such unit members to  
38 whom the provisions of this section apply on the institutional or admin-  
39 istrative payroll. If the basic annual salary of such unit members to  
40 whom the provisions of this section apply is identical with the hiring  
41 rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the  
42 10-year longevity step, the 15-year longevity step, the 20-year longev-  
43 ity step or the 25-year longevity step of the salary grade of his or her  
44 position on March 31, 2006 for such unit members to whom the provisions  
45 of this section apply on the institutional or administrative payroll,  
46 such basic annual salary shall be increased to the hiring rate, perform-  
47 ance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity  
48 step, the 15-year longevity step, the 20-year longevity step or the  
49 25-year longevity step of such salary grade as contained in subparagraph  
50 2 of paragraph j of subdivision 1 of section 130 of the civil service  
51 law, as added by section one of this act, to take effect on April 1,  
52 2006 for such unit members to whom the provisions of this section apply  
53 on the institutional or administrative payroll. If the basic annual  
54 salary of such unit members to whom the provisions of this section apply  
55 is identical with the hiring rate, performance advance step 1, 2, 3, 4  
56 or 5, the job rate, the 10-year longevity step, the 15-year longevity

1 step, the 20-year longevity step or the 25-year longevity step of the  
2 salary grade of his or her position on March 31, 2007 for such unit  
3 members to whom the provisions of this section apply on the institu-  
4 tional or administrative payroll, such basic annual salary shall be  
5 increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5,  
6 the job rate, the 10-year longevity step, the 15-year longevity step,  
7 the 20-year longevity step or the 25-year longevity step of such salary  
8 grade as contained in subparagraph 3 of paragraph j of subdivision 1 of  
9 section 130 of the civil service law, as added by section one of this  
10 act, to take effect on March 31, 2007 for such unit members to whom the  
11 provisions of this section apply on the institutional or administrative  
12 payroll. The increases in basic annual salary provided by this subdivi-  
13 sion shall be in lieu of any increase in basic annual salary provided  
14 for in subdivisions two, three and four of this section.

15 8. If an unencumbered position is one which if encumbered, would be  
16 subject to the provisions of this section, the salary of such position  
17 shall be increased by the salary increase amounts specified in this  
18 section. If a position is created, and is filled by the appointment of  
19 such unit members to whom the provisions of this section apply, the  
20 salary otherwise provided for such position shall be increased in the  
21 same manner as though such position had been in existence but unencum-  
22 bered. Notwithstanding the provisions of this section, the director of  
23 the budget may reduce the salary of any such position, which is or  
24 becomes vacant.

25 9. Notwithstanding any of the foregoing provisions of this section,  
26 any increase in compensation may be withheld in whole or in part from  
27 any such unit members to whom the provisions of this section apply when,  
28 in the opinion of the director of the budget and the director of employ-  
29 ee relations, such increase is not warranted or is not appropriate.

30 § 4. Additional compensation for certain members of the collective  
31 negotiating unit designated as security supervisors who are full-time  
32 annual salaried and who are employed by the state department of correc-  
33 tional services and are peace officers pursuant to subdivision 25 of  
34 section 2.10 of the criminal procedure law.

35 1. In recognition of the general requirement for full-time employees  
36 of the state in the collective negotiating unit designated as security  
37 supervisors established pursuant to article 14 of the civil service law,  
38 to assemble for briefing prior to the commencement of duties, where and  
39 to the extent an agreement between the state and an employee organiza-  
40 tion entered into pursuant to article 14 of the civil service law so  
41 provides on behalf of employees in the collective negotiating unit  
42 designated as security supervisors established pursuant to article 14 of  
43 the civil service law, each such employee except such an employee  
44 receiving additional compensation pursuant to subdivision 5 of section  
45 134 of the civil service law, shall receive additional compensation in  
46 recognition of pre-shift briefing.

47 2. Each such employee holding a position in the collective negotiating  
48 unit designated as security supervisors shall be compensated for pre-  
49 shift briefing in accordance with the terms of a collectively negotiated  
50 agreement, continued pursuant to subparagraph e of subdivision 1 of  
51 section 209-a of the civil service law, between the state and the  
52 employee organization representing the security supervisors unit. No  
53 payments authorized pursuant to this section and such negotiated agree-  
54 ment shall be made to an employee who is in non-pay status for that day.

55 3. Any such additional compensation pursuant to this section shall be  
56 paid in addition to and shall not be a part of the employee's basic

1 annual salary and shall not be included as compensation for the purposes  
 2 of computation of overtime pay, provided, however, that such additional  
 3 compensation shall be included for retirement purposes. Notwithstanding  
 4 the foregoing provisions of this section or of any other law, such addi-  
 5 tional compensation as added by this section shall be in lieu of the  
 6 continuation of any other additional compensation for such employees in  
 7 recognition of pre-shift briefing.

8 § 5. Corrections clothing maintenance allowance. Effective April 1,  
 9 2005, pursuant to the terms of an interest arbitration award issued  
 10 pursuant to subdivision 4 of section 209 of the civil service law cover-  
 11 ing members of the collective negotiating unit designated as security  
 12 supervisors who are full-time annual salaried employees and are employed  
 13 by the state department of correctional services and are designated as  
 14 peace officers pursuant to subdivision 25 of section 2.10 of the crimi-  
 15 nal procedure law, in recognition of the general requirement for such  
 16 unit members to wear a uniform and to the extent that a determination  
 17 made by the public arbitration panel so provides on behalf of such unit  
 18 members each such employee who is on the payroll on the first day of  
 19 November preceding the annual effective date shall continue to receive  
 20 an allowance for cleaning and maintenance at the rate of \$1,500 per year  
 21 effective December 1, 2005, in accordance with the determination made by  
 22 the public arbitration panel. Such allowance shall be payable by sepa-  
 23 rate check on or about December first of each year. Effective March 31,  
 24 2007, the corrections clothing maintenance allowance of \$1,500 shall be  
 25 added to the basic annual salary of those employees in payroll status on  
 26 March 30, 2007. Such addition to basic annual salary on March 31, 2007  
 27 is specified in subdivision 4 of section three of this act. Effective  
 28 March 31, 2007, the separate allowance for the cleaning and maintenance  
 29 of such unit members' uniforms to whom the provisions of this section  
 30 apply shall be rolled into basic annual salary and shall no longer be  
 31 reflected separately for the unit members to whom the provisions of this  
 32 section apply. Retroactive payments shall be payable as soon as practi-  
 33 cable for the retroactive provisions of this section. Any amounts to be  
 34 received by eligible members of this unit shall be offset by payments  
 35 already received as uniform allowance in each year and the remainder, if  
 36 any, shall be calculated as part of a retroactive payment.

37 § 6. Location compensation. Pursuant to the terms of an interest arbi-  
 38 tration award issued pursuant to subdivision 4 of section 209 of the  
 39 civil service law covering certain members of the collective negotiating  
 40 unit designated as security supervisors, and notwithstanding any incon-  
 41 sistent provision of law, effective April 1, 2005, all members of this  
 42 unit who are employed by the state department of correctional services  
 43 as peace officers pursuant to subdivision 25 of section 2.10 of the  
 44 criminal procedure law, and are full-time annual salaried employees and  
 45 whose principal place of employment, or, in the case of a field employ-  
 46 ee, whose official station as determined in accordance with the regu-  
 47 lations of the state comptroller, is located in the city of New York, or  
 48 in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau  
 49 or Suffolk, shall receive location pay in the following annual amounts:

50 Orange, Putnam, Dutchess	\$1,092
51 NYC, Rockland, Westchester	\$2,938
52 Nassau, Suffolk	\$3,093

53 Effective April 1, 2006, all members of this unit who are employed by  
 54 the state department of correctional services as peace officers pursuant  
 55 to subdivision 25 of section 2.10 of the criminal procedure law, and are  
 56 full-time annual salaried employees and whose principal place of employ-

1 ment, or, in the case of a field employee, whose official station as  
2 determined in accordance with the regulations of the state comptroller,  
3 is located in the city of New York, or in the county of Putnam, Orange,  
4 Dutchess, Rockland, Westchester, Nassau or Suffolk, shall receive  
5 location pay in the following annual amounts:

6 Orange, Putnam, Dutchess	\$1,126
7 NYC, Rockland, Westchester	\$3,026
8 Nassau, Suffolk	\$3,093

9 This payment shall be equally divided over the 26 payroll periods in  
10 each fiscal year and shall count as compensation for overtime and  
11 retirement purposes. Furthermore, effective April 1, 2005, there shall  
12 be no other payment for location pay or supplemental location pay as  
13 they have been combined into a single payment and increased in accord-  
14 ance with the amounts set forth herein. Any amounts to be received by  
15 eligible members of this unit shall be offset by payments already  
16 received as location pay and supplemental location pay in each year and  
17 the remainder, if any, shall be calculated as part of a retroactive  
18 payment. Retroactive payments shall be payable as soon as practicable  
19 for the retroactive provisions of this section.

20 § 7. Security enforcement differential. Pursuant to the terms of an  
21 interest arbitration award issued pursuant to subdivision 4 of section  
22 209 of the civil service law covering certain members of the collective  
23 negotiating unit designated as security supervisors, members of the  
24 collective negotiating unit designated as security supervisors who are  
25 employed by the state department of correctional services and are desig-  
26 nated as peace officers pursuant to subdivision 25 of section 2.10 of  
27 the criminal procedure law, are full-time annual salaried employees, and  
28 notwithstanding any provision of law, rule or regulation to the contra-  
29 ry, effective April 1, 2005, the annual security enforcement differen-  
30 tial for such unit members to whom the provisions of this section apply  
31 shall be increased by \$275 to \$850; and effective April 1, 2006, the  
32 differential shall be increased by \$250 to \$1,100. Effective March 31,  
33 2007, the security enforcement differential shall be increased by \$450  
34 to \$1,550, and such amount shall be added on March 31, 2007 to the basic  
35 annual salary of such unit members to whom the provisions of this  
36 section apply in accordance with subdivision 4 of section three of this  
37 act. Effective March 31, 2007, the security enforcement differential  
38 will thereafter be rolled into base annual salary and shall no longer be  
39 reflected separately for the unit members to whom the provisions of this  
40 section apply. Such amounts cited in this section shall be offset by  
41 payments already received as security enforcement differential in each  
42 year and the remainder shall be calculated as part of a retroactive  
43 payment. All compensation received pursuant to this section shall  
44 continue to be included as compensation for retirement purposes.

45 § 8. Inconvenience pay program. Pursuant to the terms of an interest  
46 arbitration award issued pursuant to subdivision 4 of section 209 of the  
47 civil service law covering members of the security supervisors unit who  
48 are employed by the state department of correctional services and are  
49 designated as peace officers pursuant to subdivision 25 of section 2.10  
50 of the criminal procedure law, effective April 1, 2006, such unit  
51 members to whom the provisions of this section apply who work the even-  
52 ing shift as defined by the individual facilities within the department  
53 of correctional services, shall be paid \$1,800 per year in equal  
54 bi-weekly installments for work on such shift. Effective April 1, 2006,  
55 such unit members to whom the provisions of this section apply who work  
56 the night shift as defined by the individual facilities within the

1 department of correctional services shall be paid \$900 per year in equal  
2 bi-weekly installments for work on such shift. Such amounts, for such  
3 unit members to whom the provisions of this section apply and who work  
4 either the evening shift or the night shift as specified above, shall be  
5 offset by payments already received as inconvenience pay effective April  
6 1, 2006 and the remainder shall be calculated as part of a retroactive  
7 payment. Such unit members to whom the provisions of this section apply  
8 on approved paid leave shall continue to receive inconvenience payments  
9 as provided above. Any such additional compensation pursuant to this  
10 section shall be included as compensation for retirement purposes.

11 § 9. Command pay. Pursuant to the terms of an interest arbitration  
12 award issued pursuant to subdivision 4 of section 209 of the civil  
13 service law covering those members of the collective negotiating unit  
14 designated as security supervisors who are employed by the department of  
15 correctional services and are designated as peace officers pursuant to  
16 subdivision 25 of section 2.10 of the criminal procedure law, and are  
17 full-time annual salaried employees, notwithstanding any provision of  
18 law, rule or regulation to the contrary, effective April 1, 2005, these  
19 designated unit members shall continue to receive \$1,500 annually, in  
20 recognition of the command duties and responsibilities performed by  
21 these designated peace officers with regard to infectious disease,  
22 mental health, crime scene control, prisoner transport and other inter-  
23 agency issues which arise in correctional facilities. This payment will  
24 be equally divided over the 26 payroll periods in each fiscal year and  
25 shall count as compensation for overtime and retirement purposes.

26 § 10. Pursuant to the terms of an interest arbitration award issued  
27 pursuant to subdivision 4 of section 209 of the civil service law cover-  
28 ing members of the security supervisors collective negotiating unit who  
29 are employed by the state department of correctional services and are  
30 designated as peace officers pursuant to subdivision 25 of section 2.10  
31 of the criminal procedure law, are full-time annual salaried employees,  
32 and notwithstanding any provision of law, rule or regulation to the  
33 contrary, during the period April 1, 2005 through March 31, 2007, there  
34 shall continue to be a committee on health benefits funded in the amount  
35 of \$6,400 annually. One-half of these amounts in each year shall be made  
36 available to each party.

37 § 11. Notwithstanding any provision of law to the contrary, effective  
38 April 1, 2008, where and to the extent that an agreement between the  
39 state and an employee organization entered into pursuant to article 14  
40 of the civil service law so provides for a pilot program concerning a  
41 firearms training and safety incentive for peace officers in the profes-  
42 sional, scientific and technical services bargaining unit, a lump sum  
43 payment for such incentive shall be paid for each year of such pilot  
44 program to any employee who is deemed qualified pursuant to such agree-  
45 ment. Such payment shall be in an amount negotiated for those employees  
46 who meet criteria established by such pilot program. Such payment shall  
47 occur at the time prescribed by such pilot program or as soon as practi-  
48 cable thereafter. Such lump sum payment shall not be paid in any year an  
49 employee does not meet the qualifications and criteria of such pilot  
50 program or upon cessation of such pilot program on April 1, 2011 unless  
51 an extension is negotiated by the parties. Such lump sum payment shall  
52 be considered salary for overtime purposes.

53 § 12. Notwithstanding any provision of law to the contrary, the appro-  
54 priations contained in this act shall be available to the state for the  
55 payment and publication of grievance and arbitration settlements and  
56 awards pursuant to articles 7 and 8 of the collective negotiating agree-

1 ment between the state and the employee organization representing the  
2 collective negotiating unit designated as security supervisors estab-  
3 lished pursuant to article 14 of the civil service law.

4 § 13. No member of the collective negotiating unit designated as secu-  
5 rity supervisors shall be entitled to any increase in any compensation  
6 provided for in this act until and unless such member is employed by the  
7 state department of correctional services and is designated as a peace  
8 officer pursuant to subdivision 25 of section 2.10 of the criminal  
9 procedure law and is a full-time annual salaried employee.

10 § 14. Notwithstanding any provision of law, rule or regulation to the  
11 contrary, and where and to the extent an agreement negotiated between  
12 the state and the employee organization representing employees in the  
13 collective negotiating unit designated as security supervisors estab-  
14 lished pursuant to article 14 of the civil service law so provides, the  
15 salaries of newly hired employees on or after September 1, 1992 into  
16 state service in positions within said negotiating unit shall not be  
17 subject to the provisions of subdivision 2-a of section 200 of the state  
18 finance law.

19 § 15. Date of entitlement to salary increase. Notwithstanding the  
20 provisions of this act or of any other provision of law to the contrary,  
21 the increase of salary or compensation of any members of the collective  
22 negotiating unit designated as security supervisors established pursuant  
23 to article 14 of the civil service law who are full-time annual salaried  
24 employees and who are employed by the state department of correctional  
25 services and are peace officers pursuant to subdivision 25 of section  
26 2.10 of the criminal procedure law, provided by this act shall be added  
27 to the salary of such member at the beginning of that payroll period the  
28 first day of which is nearest to the effective date of such increase as  
29 provided in this act, or at the beginning of the earlier of two payroll  
30 periods the first days of which are nearest but equally near to the  
31 effective date of such increase as provided in this act; provided,  
32 however, that for the purposes of determining the salary of such unit  
33 members upon reclassification, reallocation, appointment, promotion,  
34 transfer, demotion, reinstatement, or other change of status, such sala-  
35 ry increase shall be deemed to be effective on the date thereof as  
36 prescribed by this act, with payment thereof pursuant to this section on  
37 a date prior thereto, instead of on such effective date, and shall not  
38 operate to confer any additional salary rights or benefits on such unit  
39 members. Payment of such salary increase may be deferred pursuant to  
40 section sixteen of this act.

41 § 16. Deferred payment of salary increase. Notwithstanding the  
42 provisions of any other section of this act, or of any other law to the  
43 contrary, pending payment pursuant to this act of the basic annual sala-  
44 ries of incumbents of positions subject to this act, such incumbents  
45 shall receive, as partial compensation for services rendered, the rate  
46 of compensation otherwise payable in their respective positions. An  
47 incumbent holding a position subject to this act at any time during the  
48 period from April 1, 2005, until the time when basic annual salaries are  
49 first paid pursuant to this act for such services in excess of the  
50 compensation actually received therefor, shall be entitled to a lump sum  
51 payment for the difference between the salary to which such incumbent is  
52 entitled for such services and the compensation actually received there-  
53 for. Such lump sum payment shall be made as soon as practicable. The  
54 amounts paid under this act shall count as compensation earned during  
55 the year or years for which it is calculated and not as compensation  
56 earned wholly in the year in which it is paid. Notwithstanding any

1 provision of law, rule or regulation to the contrary, and pursuant to  
 2 the terms of an interest arbitration award issued by the public arbi-  
 3 tration panel pursuant to subdivision 4 of section 209 of the civil  
 4 service law, no member of the collective negotiating unit designated as  
 5 security supervisors to whom the provisions of this act apply shall be  
 6 entitled to, or owed, any interest or other penalty for any reason on  
 7 any monies due to such member pursuant to the terms of this act and the  
 8 terms of the interest arbitration award issued by the public arbitration  
 9 panel pursuant to subdivision 4 of section 209 of the civil service law.

10 § 17. Use of appropriations. Notwithstanding any provision of the  
 11 state finance law or any other provision of law to the contrary, the  
 12 state comptroller is authorized to pay any amounts required by the fore-  
 13 going provisions of this act. To the extent that existing appropriations  
 14 available to any state department or agency in any fund are insufficient  
 15 to accomplish the purposes set forth in this section, the director of  
 16 the budget is authorized to allocate to the various departments and  
 17 agencies, from any appropriations available in any fund, the amounts  
 18 necessary to make such payments. Any appropriations or other funds  
 19 available to any state department or agency for personal service or for  
 20 other related employee benefits during the fiscal year commencing April  
 21 1, 2009 shall be available for the payment of any liabilities or obli-  
 22 gations incurred pursuant to the foregoing provisions of this act,  
 23 whether occurred prior to or during the state fiscal year commencing  
 24 April 1, 2009.

25 § 18. Appropriations. Notwithstanding any provision of the state  
 26 finance law or any other provision of law to the contrary, the several  
 27 amounts as hereinafter set forth in this section, or so much thereof as  
 28 may be necessary, are hereby appropriated from the fund so designated  
 29 for use by any state department or agency for the fiscal year beginning  
 30 April 1, 2009 to supplement appropriations from each respective fund  
 31 available for personal service, other than personal service and fringe  
 32 benefits, and to carry out the provisions of this act. The monies hereby  
 33 appropriated are available for payment of any liabilities or obligations  
 34 incurred prior to April 1, 2009 in addition to liabilities or obli-  
 35 gations associated with the state fiscal year commencing April 1, 2009.  
 36 For this purpose, these appropriations shall remain in full force and  
 37 effect for the payment of liabilities incurred on or before April 1,  
 38 2009. No money shall be available for expenditure from this appropri-  
 39 ation until a certificate of approval has been issued by the director of  
 40 the budget and a copy of such certificate or any amendment thereto has  
 41 been filed with the state comptroller, the chairperson of the senate  
 42 finance committee and the chairperson of the assembly ways and means  
 43 committee.

44 ALL STATE DEPARTMENTS AND AGENCIES

45 General Fund / State Operations  
 46 State Purposes Account  
 47 Personal Service

48 Personal service - regular ..... \$9,722,000

49 Other compensation, including but not limit-  
 50 ed to, overtime, holiday pay, longevities,  
 51 security enforcement differential,

1 location, supplemental location, inconven-  
 2 ience pay, expanded duty pay ..... \$5,841,000

3 NONPERSONAL SERVICE

4 Fringe benefits ..... \$1,191,000  
 5 Joint committee on health benefits ..... \$13,000  
 6 Contract administration ..... \$200,000  
 7 Employee benefit fund ..... \$3,000  
 8 Employee assistance program ..... \$300,000

9 § 19. This act shall take effect immediately and shall be deemed to  
 10 have been in full force and effect on and after April 1, 2005; provided  
 11 that section eleven of this act shall be deemed to have been in full  
 12 force and effect on and after April 1, 2008.

REPEAL NOTE.--Subparagraphs 1 and 2 of paragraph j of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in new subparagraphs 1, 2 and 3 of paragraph j of subdivision 1 of section 130 of the civil service law.

## STATE OF NEW YORK

8955

2009-2010 Regular Sessions

### IN ASSEMBLY

June 16, 2009

Introduced by M. of A. ABBATE -- (at request of the Governor) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of correctional services; authorizing funding of joint labor-management committees; implementing an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees; and to amend chapter 10 of the laws of 2008 amending the civil service law and the state finance law relating to compensation and other terms and conditions of employment of certain state officers and employees, in relation to providing compensation for seasonal management/confidential employees; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

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

1 Section 1. Paragraph g of subdivision 1 of section 130 of the civil  
 2 service law is REPEALED and a new paragraph g is added to read as  
 3 follows:  
 4 **g. Pursuant to the terms of an interest arbitration award issued**  
 5 **pursuant to subdivision four of section two hundred nine of this chapter**  
 6 **covering members of the security services collective negotiating unit**  
 7 **who are employed within the state department of correctional services**  
 8 **and who are designated as peace officers pursuant to section 2.10 of the**  
 9 **criminal procedure law, effective on the dates indicated, salary grades**  
 10 **for such unit members shall be as follows:**

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

LBD12093-01-9

1 (1) Effective April first, two thousand seven:

		<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>			<u>10-Yr</u>	<u>15-Yr</u>	<u>20-Yr</u>	<u>Long</u>	
	<u>Hir-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>						<u>Max.</u>	
	<u>ing</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>			<u>Long</u>	<u>Long</u>	<u>Long</u>	<u>Long</u>	
	<u>Rate</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Job</u>	<u>Perf.</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>SG</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>Rate</u>	<u>Adv.</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
2	<u>1</u>	<u>22588</u>	<u>23467</u>	<u>24346</u>	<u>25225</u>	<u>26104</u>	<u>26983</u>	<u>27862</u>	<u>879</u>	<u>29414</u>	<u>30780</u>	<u>33246</u>	<u>34612</u>
3	<u>2</u>	<u>23352</u>	<u>24277</u>	<u>25202</u>	<u>26127</u>	<u>27052</u>	<u>27977</u>	<u>28902</u>	<u>925</u>	<u>30543</u>	<u>31989</u>	<u>34523</u>	<u>35969</u>
4	<u>3</u>	<u>24420</u>	<u>25386</u>	<u>26352</u>	<u>27318</u>	<u>28284</u>	<u>29250</u>	<u>30216</u>	<u>966</u>	<u>31928</u>	<u>33435</u>	<u>36022</u>	<u>37529</u>
5	<u>4</u>	<u>25445</u>	<u>26463</u>	<u>27481</u>	<u>28499</u>	<u>29517</u>	<u>30535</u>	<u>31553</u>	<u>1018</u>	<u>33475</u>	<u>34938</u>	<u>37594</u>	<u>39057</u>
6	<u>5</u>	<u>26573</u>	<u>27642</u>	<u>28711</u>	<u>29780</u>	<u>30849</u>	<u>31918</u>	<u>32987</u>	<u>1069</u>	<u>34881</u>	<u>36548</u>	<u>39275</u>	<u>40942</u>
7	<u>6</u>	<u>27879</u>	<u>29005</u>	<u>30131</u>	<u>31257</u>	<u>32383</u>	<u>33509</u>	<u>34635</u>	<u>1126</u>	<u>36630</u>	<u>38387</u>	<u>41192</u>	<u>42949</u>
8	<u>7</u>	<u>29365</u>	<u>30536</u>	<u>31707</u>	<u>32878</u>	<u>34049</u>	<u>35220</u>	<u>36391</u>	<u>1171</u>	<u>38466</u>	<u>40291</u>	<u>43156</u>	<u>44980</u>
9	<u>8</u>	<u>30928</u>	<u>32143</u>	<u>33358</u>	<u>34573</u>	<u>35788</u>	<u>37003</u>	<u>38218</u>	<u>1215</u>	<u>40374</u>	<u>42271</u>	<u>45198</u>	<u>47096</u>
10	<u>9</u>	<u>32564</u>	<u>33834</u>	<u>35104</u>	<u>36374</u>	<u>37644</u>	<u>38914</u>	<u>40184</u>	<u>1270</u>	<u>42438</u>	<u>44420</u>	<u>47423</u>	<u>49406</u>
11	<u>10</u>	<u>34322</u>	<u>35657</u>	<u>36992</u>	<u>38327</u>	<u>39662</u>	<u>40997</u>	<u>42332</u>	<u>1335</u>	<u>44693</u>	<u>46771</u>	<u>49853</u>	<u>51932</u>
12	<u>11</u>	<u>36255</u>	<u>37644</u>	<u>39033</u>	<u>40422</u>	<u>41811</u>	<u>43200</u>	<u>44589</u>	<u>1389</u>	<u>47046</u>	<u>49211</u>	<u>52371</u>	<u>54536</u>
13	<u>12</u>	<u>38180</u>	<u>39630</u>	<u>41080</u>	<u>42530</u>	<u>43980</u>	<u>45430</u>	<u>46880</u>	<u>1450</u>	<u>49453</u>	<u>51716</u>	<u>54961</u>	<u>57224</u>
14	<u>13</u>	<u>40363</u>	<u>41877</u>	<u>43391</u>	<u>44905</u>	<u>46419</u>	<u>47933</u>	<u>49447</u>	<u>1514</u>	<u>52127</u>	<u>54483</u>	<u>57813</u>	<u>60168</u>
15	<u>14</u>	<u>42589</u>	<u>44176</u>	<u>45763</u>	<u>47350</u>	<u>48937</u>	<u>50524</u>	<u>52111</u>	<u>1587</u>	<u>54918</u>	<u>57388</u>	<u>60812</u>	<u>63282</u>
16	<u>15</u>	<u>44947</u>	<u>46597</u>	<u>48247</u>	<u>49897</u>	<u>51547</u>	<u>53197</u>	<u>54847</u>	<u>1650</u>	<u>57771</u>	<u>60343</u>	<u>63857</u>	<u>66429</u>
17	<u>16</u>	<u>47391</u>	<u>49116</u>	<u>50841</u>	<u>52566</u>	<u>54291</u>	<u>56016</u>	<u>57741</u>	<u>1725</u>	<u>60796</u>	<u>63485</u>	<u>67100</u>	<u>69789</u>
18	<u>17</u>	<u>49959</u>	<u>51777</u>	<u>53595</u>	<u>55413</u>	<u>57231</u>	<u>59049</u>	<u>60867</u>	<u>1818</u>	<u>64083</u>	<u>66912</u>	<u>70650</u>	<u>73479</u>
19	<u>18</u>	<u>52708</u>	<u>54615</u>	<u>56522</u>	<u>58429</u>	<u>60336</u>	<u>62243</u>	<u>64150</u>	<u>1907</u>	<u>67531</u>	<u>70507</u>	<u>74370</u>	<u>77345</u>
20	<u>19</u>	<u>55493</u>	<u>57485</u>	<u>59477</u>	<u>61469</u>	<u>63461</u>	<u>65453</u>	<u>67445</u>	<u>1992</u>	<u>70974</u>	<u>74079</u>	<u>78055</u>	<u>81160</u>
21	<u>20</u>	<u>58257</u>	<u>60340</u>	<u>62423</u>	<u>64506</u>	<u>66589</u>	<u>68672</u>	<u>70755</u>	<u>2083</u>	<u>74447</u>	<u>77697</u>	<u>81798</u>	<u>85048</u>
22	<u>21</u>	<u>61301</u>	<u>63472</u>	<u>65643</u>	<u>67814</u>	<u>69985</u>	<u>72156</u>	<u>74327</u>	<u>2171</u>	<u>78176</u>	<u>81564</u>	<u>85784</u>	<u>89171</u>
23	<u>22</u>	<u>64488</u>	<u>66787</u>	<u>69086</u>	<u>71385</u>	<u>73684</u>	<u>75983</u>	<u>78282</u>	<u>2299</u>	<u>82353</u>	<u>85933</u>	<u>90325</u>	<u>93905</u>
24	<u>23</u>	<u>67889</u>	<u>70254</u>	<u>72619</u>	<u>74984</u>	<u>77349</u>	<u>79714</u>	<u>82079</u>	<u>2365</u>	<u>86273</u>	<u>89963</u>	<u>94447</u>	<u>98137</u>
25	<u>24</u>	<u>71471</u>	<u>73923</u>	<u>76375</u>	<u>78827</u>	<u>81279</u>	<u>83731</u>	<u>86183</u>	<u>2452</u>	<u>90529</u>	<u>94354</u>	<u>98957</u>	<u>102782</u>
26	<u>25</u>	<u>75364</u>	<u>77922</u>	<u>80480</u>	<u>83038</u>	<u>85596</u>	<u>88154</u>	<u>90712</u>	<u>2558</u>	<u>95244</u>	<u>99234</u>	<u>103975</u>	<u>107966</u>

32 (2) Effective April first, two thousand eight:

		<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>	<u>Perf.</u>			<u>10-Yr</u>	<u>15-Yr</u>	<u>20-Yr</u>	<u>Long</u>	
	<u>Hir-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>	<u>Ad-</u>						<u>Max.</u>	
	<u>ing</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>	<u>vance</u>			<u>Long</u>	<u>Long</u>	<u>Long</u>	<u>Long</u>	
	<u>Rate</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Job</u>	<u>Perf.</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
	<u>SG</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>Rate</u>	<u>Adv.</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	<u>Step</u>	
33	<u>1</u>	<u>23266</u>	<u>24171</u>	<u>25076</u>	<u>25981</u>	<u>26886</u>	<u>27791</u>	<u>28696</u>	<u>905</u>	<u>30295</u>	<u>31702</u>	<u>34242</u>	<u>35649</u>
34	<u>2</u>	<u>24053</u>	<u>25006</u>	<u>25959</u>	<u>26912</u>	<u>27865</u>	<u>28818</u>	<u>29771</u>	<u>953</u>	<u>31461</u>	<u>32951</u>	<u>35561</u>	<u>37050</u>
35	<u>3</u>	<u>25153</u>	<u>26148</u>	<u>27143</u>	<u>28138</u>	<u>29133</u>	<u>30128</u>	<u>31123</u>	<u>995</u>	<u>32886</u>	<u>34439</u>	<u>37103</u>	<u>38655</u>
36	<u>4</u>	<u>26208</u>	<u>27257</u>	<u>28306</u>	<u>29355</u>	<u>30404</u>	<u>31453</u>	<u>32502</u>	<u>1049</u>	<u>34482</u>	<u>35989</u>	<u>38724</u>	<u>40231</u>
37	<u>5</u>	<u>27370</u>	<u>28471</u>	<u>29572</u>	<u>30673</u>	<u>31774</u>	<u>32875</u>	<u>33976</u>	<u>1101</u>	<u>35927</u>	<u>37644</u>	<u>40453</u>	<u>42170</u>
38	<u>6</u>	<u>28715</u>	<u>29875</u>	<u>31035</u>	<u>32195</u>	<u>33355</u>	<u>34515</u>	<u>35675</u>	<u>1160</u>	<u>37730</u>	<u>39540</u>	<u>42429</u>	<u>44238</u>
39	<u>7</u>	<u>30246</u>	<u>31452</u>	<u>32658</u>	<u>33864</u>	<u>35070</u>	<u>36276</u>	<u>37482</u>	<u>1206</u>	<u>39619</u>	<u>41499</u>	<u>44450</u>	<u>46329</u>
40	<u>8</u>	<u>31856</u>	<u>33108</u>	<u>34360</u>	<u>35612</u>	<u>36864</u>	<u>38116</u>	<u>39368</u>	<u>1252</u>	<u>41589</u>	<u>43543</u>	<u>46557</u>	<u>48512</u>
41	<u>9</u>	<u>33541</u>	<u>34849</u>	<u>36157</u>	<u>37465</u>	<u>38773</u>	<u>40081</u>	<u>41389</u>	<u>1308</u>	<u>43711</u>	<u>45752</u>	<u>48845</u>	<u>50888</u>
42	<u>10</u>	<u>35352</u>	<u>36727</u>	<u>38102</u>	<u>39477</u>	<u>40852</u>	<u>42227</u>	<u>43602</u>	<u>1375</u>	<u>46034</u>	<u>48174</u>	<u>51349</u>	<u>53490</u>
43	<u>11</u>	<u>37343</u>	<u>38774</u>	<u>40205</u>	<u>41636</u>	<u>43067</u>	<u>44498</u>	<u>45929</u>	<u>1431</u>	<u>48460</u>	<u>50690</u>	<u>53944</u>	<u>56174</u>
44	<u>12</u>	<u>39325</u>	<u>40819</u>	<u>42313</u>	<u>43807</u>	<u>45301</u>	<u>46795</u>	<u>48289</u>	<u>1494</u>	<u>50939</u>	<u>53270</u>	<u>56612</u>	<u>58943</u>
45	<u>13</u>	<u>41574</u>	<u>43133</u>	<u>44692</u>	<u>46251</u>	<u>47810</u>	<u>49369</u>	<u>50928</u>	<u>1559</u>	<u>53688</u>	<u>56115</u>	<u>59545</u>	<u>61971</u>
46	<u>14</u>	<u>43867</u>	<u>45502</u>	<u>47137</u>	<u>48772</u>	<u>50407</u>	<u>52042</u>	<u>53677</u>	<u>1635</u>	<u>56568</u>	<u>59112</u>	<u>62639</u>	<u>65183</u>
47	<u>15</u>	<u>46295</u>	<u>47995</u>	<u>49695</u>	<u>51395</u>	<u>53095</u>	<u>54795</u>	<u>56495</u>	<u>1700</u>	<u>59507</u>	<u>62156</u>	<u>65775</u>	<u>68424</u>
48	<u>16</u>	<u>48813</u>	<u>50590</u>	<u>52367</u>	<u>54144</u>	<u>55921</u>	<u>57698</u>	<u>59475</u>	<u>1777</u>	<u>62622</u>	<u>65391</u>	<u>69115</u>	<u>71884</u>

1	<u>17</u>	<u>51458</u>	<u>53331</u>	<u>55204</u>	<u>57077</u>	<u>58950</u>	<u>60823</u>	<u>62696</u>	<u>1873</u>	<u>66008</u>	<u>68922</u>	<u>72772</u>	<u>75686</u>
2	<u>18</u>	<u>54289</u>	<u>56253</u>	<u>58217</u>	<u>60181</u>	<u>62145</u>	<u>64109</u>	<u>66073</u>	<u>1964</u>	<u>69555</u>	<u>72621</u>	<u>76600</u>	<u>79664</u>
3	<u>19</u>	<u>57158</u>	<u>59210</u>	<u>61262</u>	<u>63314</u>	<u>65366</u>	<u>67418</u>	<u>69470</u>	<u>2052</u>	<u>73105</u>	<u>76303</u>	<u>80398</u>	<u>83596</u>
4	<u>20</u>	<u>60005</u>	<u>62151</u>	<u>64297</u>	<u>66443</u>	<u>68589</u>	<u>70735</u>	<u>72881</u>	<u>2146</u>	<u>76684</u>	<u>80031</u>	<u>84255</u>	<u>87603</u>
5	<u>21</u>	<u>63140</u>	<u>65376</u>	<u>67612</u>	<u>69848</u>	<u>72084</u>	<u>74320</u>	<u>76556</u>	<u>2236</u>	<u>80520</u>	<u>84010</u>	<u>88357</u>	<u>91845</u>
6	<u>22</u>	<u>66423</u>	<u>68791</u>	<u>71159</u>	<u>73527</u>	<u>75895</u>	<u>78263</u>	<u>80631</u>	<u>2368</u>	<u>84824</u>	<u>88512</u>	<u>93035</u>	<u>96723</u>
7	<u>23</u>	<u>69926</u>	<u>72362</u>	<u>74798</u>	<u>77234</u>	<u>79670</u>	<u>82106</u>	<u>84542</u>	<u>2436</u>	<u>88862</u>	<u>92663</u>	<u>97281</u>	<u>101082</u>
8	<u>24</u>	<u>73615</u>	<u>76141</u>	<u>78667</u>	<u>81193</u>	<u>83719</u>	<u>86245</u>	<u>88771</u>	<u>2526</u>	<u>93247</u>	<u>97187</u>	<u>101928</u>	<u>105868</u>
9	<u>25</u>	<u>77625</u>	<u>80260</u>	<u>82895</u>	<u>85530</u>	<u>88165</u>	<u>90800</u>	<u>93435</u>	<u>2635</u>	<u>98103</u>	<u>102213</u>	<u>107096</u>	<u>111207</u>

10 § 2. Subdivision 2 of section 207-a of the state finance law, as  
 11 amended by chapter 113 of the laws of 2006, is amended to read as  
 12 follows:

13 2. Where and to the extent that an agreement between the state and an  
 14 employee organization entered into pursuant to article fourteen of the  
 15 civil service law or an interest arbitration award issued pursuant to  
 16 subdivision four of section two hundred nine of the civil service law  
 17 between the state and an employee organization so provides on behalf of  
 18 employees in the collective negotiating unit designated as the security  
 19 services unit established pursuant to article fourteen of the civil  
 20 service law, and upon audit and warrant of the comptroller, the director  
 21 shall provide for the payment of moneys to such employee organization  
 22 for the establishment and maintenance of an employee benefit fund estab-  
 23 lished by the employee organization for the employees in the negotiating  
 24 unit covered by the controlling provision of such agreement or award  
 25 providing for such employee benefit fund, such amount to be determined  
 26 consistent with said agreement or award on the basis of the number of  
 27 full-time annual salaried employees, as determined by the comptroller,  
 28 on the payroll on the last day of the payroll period in which March  
 29 first, two thousand ~~[three]~~ seven, falls for payments to be made on  
 30 April first, two thousand ~~[three]~~ seven, on the last day of the payroll  
 31 period in which March first, two thousand ~~[four]~~ eight falls for  
 32 payments to be made on April first, two thousand ~~[four, on the last day~~  
 33 ~~of the payroll period in which March first, two thousand five falls~~  
 34 ~~for payments to be made on April first, two thousand five and on the last~~  
 35 ~~day of the payroll period in which March first, two thousand six falls~~  
 36 ~~for payments to be made on April first, two thousand six] eight. The  
 37 amount, which will be determined pursuant to this section, for employees  
 38 who are paid from special or administrative funds, other than the gener-  
 39 al fund or the capital projects fund of the state, will be paid from the  
 40 appropriations as provided by law, in which case the comptroller will  
 41 establish procedures to ensure repayment from said special or adminis-  
 42 trative funds. The director may enter into an agreement with an employee  
 43 organization which sets forth the specific terms and conditions for the  
 44 establishment and administration of an employee benefit fund as a condi-  
 45 tion for the transmittal of moneys pursuant to this section.~~

46 § 3. Compensation for members of the security services collective  
 47 negotiating unit pursuant to an interest arbitration award issued pursu-  
 48 ant to subdivision 4 of section 209 of the civil service law.

49 1. The provisions of this section shall apply to full-time members of  
 50 the security services collective negotiating unit employed within the  
 51 state department of correctional services, who are designated as peace  
 52 officers pursuant to section 2.10 of the criminal procedure law.

53 2. Effective April 1, 2007 the basic annual salary of members of the  
 54 security services collective negotiating unit who are in annual salaried  
 55 employment status on March 31, 2007 shall be increased by 3 percent.

1 3. Effective April 1, 2008 the basic annual salary of members of the  
2 security services collective negotiating unit who are in annual salaried  
3 employment status on March 31, 2008 shall be increased by 3 percent.

4 4. Payments pursuant to the provisions of subdivision 6 of section 131  
5 of the civil service law for members of the security services collective  
6 negotiating unit who are entitled to such payments shall be payable  
7 pursuant to the terms of a determination made by the arbitration panel  
8 pursuant to the terms of an agreement between the state and an employee  
9 organization representing employees subject to the provisions of this  
10 section.

11 5. Effective April 1, 2007 pursuant to the terms of an interest arbi-  
12 tration award issued pursuant to subdivision 4 of section 209 of the  
13 civil service law covering members of the security services collective  
14 negotiating unit who are employed with the state department of correc-  
15 tional services and who are designated as peace officers pursuant to  
16 section 2.10 of the criminal procedure law, for such unit members who  
17 are on the institutional payroll, the ten year, fifteen year, twenty  
18 year and twenty-five year longevity step payment for such unit members  
19 to whom the provisions of this section apply shall be that amount  
20 prescribed by subparagraphs 1 and 2 of paragraph g of subdivision 1 of  
21 section 130 of the civil service law as added by section one of this  
22 act.

23 6. Notwithstanding any of the foregoing provisions of this section, if  
24 the basic annual salary of such unit members to whom the provisions of  
25 this section apply is identical with the hiring rate, performance  
26 advance step one, performance advance step two, performance advance step  
27 three, performance advance step four, performance advance step five, the  
28 job rate, the ten year longevity step, the fifteen year longevity step,  
29 the twenty year longevity step or the twenty-five year longevity step of  
30 the salary grade of his or her position on March 31, 2007 for such unit  
31 members to whom the provisions of this section apply on the institu-  
32 tional payroll, such basic annual salary shall be increased to the  
33 hiring rate, performance advance step one, two, three, four or five, the  
34 job rate, the ten year longevity step, the fifteen year longevity step,  
35 the twenty year longevity step or twenty-five year longevity step of  
36 such salary grade as contained in subparagraph 1 of paragraph g of  
37 subdivision 1 of section 130 of the civil service law, as added by  
38 section one of this act, to take effect on April 1, 2007 for such unit  
39 members to whom the provisions of this section apply on the institu-  
40 tional payroll. If the basic annual salary of such unit members to whom  
41 the provisions of this section apply is identical with the hiring rate,  
42 performance advance step one, performance advance step two, performance  
43 advance step three, performance advance step four, performance advance  
44 step five, the job rate, the ten year longevity step, the fifteen year  
45 longevity step, the twenty year longevity step or twenty-five year  
46 longevity step of the salary grade of his or her position on March 31,  
47 2008 for such unit members to whom the provisions of this section apply  
48 on the institutional payroll such basic annual salary shall be increased  
49 to the hiring rate, performance advance step one, two, three, four or  
50 five, the job rate, the ten year longevity step, the fifteen year  
51 longevity step, the twenty year longevity step or the twenty-five year  
52 longevity step of such salary grade as contained in subparagraph 2 of  
53 paragraph g of subdivision 1 of section 130 of the civil service law, as  
54 added by section one of this act, to take effect on April 1, 2008 for  
55 such unit members to whom the provisions of this section apply on the  
56 institutional payroll. The increases in basic annual salary provided by

1 this subdivision shall be in lieu of any increase in basic annual salary  
2 provided for in subdivisions two and three of this section.

3 7. If an unencumbered position is one which if encumbered, would be  
4 subject to the provisions of this section, the salary of such position  
5 shall be increased by the salary increase amounts specified in this  
6 section. If a position is created, and is filled by the appointment of  
7 such unit member to whom the provisions of this section apply, the sala-  
8 ry otherwise provided for such position shall be increased in the same  
9 manner as though such position had been in existence but unencumbered.  
10 Notwithstanding the provisions of this section, the director of the  
11 budget may reduce the salary of any such position, which is or becomes  
12 vacant.

13 8. Notwithstanding any of the foregoing provisions of this section,  
14 any increase in compensation may be withheld in whole or in part from  
15 any such unit members to whom the provisions of this section apply when,  
16 in the opinion of the director of the budget and the director of employ-  
17 ee relations, such increase is not warranted or is not appropriate.

18 § 4. Additional compensation for members of the security services  
19 collective negotiating unit who are employed within the state department  
20 of correctional services and who are designated as peace officers,  
21 pursuant to section 2.10 of the criminal procedure law, in recognition  
22 of pre-shift briefing.

23 1. In recognition of the general requirement for full-time unit  
24 members to assemble for briefing prior to the commencement of duties,  
25 where and to the extent a determination made by the public arbitration  
26 panel so provides on behalf of such unit members to whom the provisions  
27 of this section apply on behalf of each such employee except such  
28 employee receiving additional compensation pursuant to subdivision 5 of  
29 section 134 of the civil service law, such members shall receive addi-  
30 tional compensation in recognition of pre-shift briefing.

31 2. Each such unit member to whom the provisions of this section apply,  
32 shall receive a minimum of \$4.80 for each day while in payroll status  
33 when such pre-shift briefing time is not otherwise compensated at a  
34 greater amount at the one and one-half times the hourly rate of pay  
35 provided for by subdivision 1 of section 134 of the civil service law  
36 and the rules and regulations of the director of the budget. Each such  
37 unit member to whom the provisions of this section apply, subject to the  
38 provisions of this section, shall be guaranteed a minimum of \$24 per  
39 week in addition to base pay. No payments authorized pursuant to this  
40 section shall be made to an employee who is in non-pay status for that  
41 day.

42 3. Any such additional compensation pursuant to this section shall be  
43 paid in addition to and shall not be a part of such employee's basic  
44 annual salary and shall not be included as compensation for the purposes  
45 of computation of overtime pay, provided, however, that such additional  
46 compensation shall be included for retirement purposes. Notwithstanding  
47 the foregoing provisions of this section or of any other law, such addi-  
48 tional compensation as added by this section shall be in lieu of the  
49 continuation of any other additional compensation for such unit members  
50 in recognition of pre-shift briefing.

51 § 5. Locational compensation for members of the security services  
52 collective negotiating units.

53 1. Pursuant to the terms of an interest arbitration award issued  
54 pursuant to subdivision 4 of section 209 of the civil service law cover-  
55 ing members of the security services collective negotiating unit who are  
56 employed within the state department of correctional services and who

1 are designated as peace officers pursuant to section 2.10 of the criminal procedure law, and notwithstanding any inconsistent provision of  
2 law, effective April 1, 2007, for such unit members to whom the  
3 provisions of this section apply who are full-time employees and in  
4 employment status on March 31, 2007, and whose principal place of  
5 employment, or in the case of a field employee, whose official station  
6 as determined in accordance with the regulations of the state comptroller is located in the city of New York or in the counties of Nassau,  
7 Suffolk, Westchester or Rockland, location compensation shall be  
8 increased to \$3,117. Effective April 1, 2008, this amount shall be  
9 increased to \$3,210.

10  
11  
12 2. Effective April 1, 2007, for such unit members to whom the  
13 provisions of this section apply who are full-time employees and in  
14 employment status on March 31, 2007, and whose principal place of  
15 employment, or in the case of a field employee, whose official station  
16 as determined in accordance with the regulations of the state comptroller is located in the counties of Orange, Putnam or Dutchess,  
17 location compensation shall be increased to \$1,160. Effective April 1,  
18 2008, this amount shall be increased to \$1,195.

19  
20 3. Payments for location compensation pursuant to this section shall  
21 be equally divided over the 26 payroll periods in each fiscal year and  
22 shall count as compensation for overtime and retirement purposes;  
23 provided, however, that effective April 1, 2007, there shall be no other  
24 separate payments for location or supplemental location compensation.  
25 Payments pursuant to this section shall be offset by any location and/or  
26 supplemental location compensation already received by such unit  
27 members.

28 § 6. Inconvenience pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the  
29 civil service law covering members of the security services collective  
30 negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to  
31 section 2.10 of the criminal procedure law, effective April 1, 2007,  
32 such unit members to whom the provisions of this section apply who work  
33 the evening shift as defined by the individual facilities within the  
34 department of correctional services, shall continue to be paid \$1,800  
35 per year in equal bi-weekly installments for work on such shift. Effective  
36 April 1, 2007, such unit members to whom the provisions of this  
37 section apply who work the night shift as defined by the individual  
38 facilities within the department of correctional services shall continue  
39 to be paid \$900 per year in equal bi-weekly installments for work on  
40 such shift. Such amounts, for such unit members to whom the provisions  
41 of this section apply and who work both the evening shift and the night  
42 shift as specified above, shall be offset by payments already received  
43 as inconvenience pay effective April 1, 2006 and the remainder shall be  
44 calculated as part of a retroactive payment. Such unit members to whom  
45 the provisions of this section apply on paid leave for line of duty  
46 injuries shall continue to receive inconvenience payments as provided  
47 above. Any such additional compensation pursuant to this section shall  
48 be included as compensation for retirement purposes.

49  
50  
51 § 7. Expanded duty pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the  
52 civil service law covering members of the security services collective  
53 negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to  
54 section 2.10 of the criminal procedure law and notwithstanding any other  
55  
56

1 provision of law, effective April 1, 2007, such unit members to whom the  
2 provisions of this section apply shall be paid an expanded duty pay in  
3 the amount of \$1,500 per year. Payment for such compensation shall be  
4 equally divided over the 26 payroll periods of a fiscal year. Such  
5 compensation pursuant to this section shall be included as compensation  
6 for overtime and retirement purposes.

7 § 8. During the period April 1, 2007 through March 31, 2009, there  
8 shall be a statewide joint labor-management committee continued and  
9 administered pursuant to the terms of the agreement negotiated between  
10 the state and the employee organization representing employees in the  
11 collective negotiating unit designated as the security services unit  
12 established pursuant to article 14 of the civil service law which shall,  
13 after March 31, 2007, with the amounts available therefore, study and  
14 make recommendations concerning major issues of employee assistance,  
15 performance evaluation, education and training, quality of work life and  
16 provide for the implementation of the terms of agreements of such  
17 committee.

18 § 9. Paragraph (d) of subdivision 1 of section 7 of part B of chapter  
19 10 of the laws of 2008, amending the civil service law and the state  
20 finance law relating to compensation and other terms and conditions of  
21 employment of certain state officers and employees, is amended to read  
22 as follows:

23 (d) part-time [~~and seasonal~~] employees;

24 § 10. Subdivision 2 of section 17 of chapter 333 of the laws of 1969,  
25 amending the civil service law and other laws relating to salary  
26 increases for certain state officers and employees, as amended by  
27 section 17 of part A of chapter 10 of the laws of 2008, is amended to  
28 read as follows:

29 2. Any employee subject to this section who is required to work a tour  
30 of duty which includes four or more hours between the hours of six p.m.  
31 and six a.m., exclusive of any hours for which he or she receives over-  
32 time compensation, shall be entitled to inconvenience pay for such tour  
33 of duty in an amount equal to the daily rate equivalent of four hundred  
34 dollars per year, unless a higher daily rate is authorized under the  
35 terms of a collective negotiated agreement between the state and an  
36 employee organization pursuant to article 14 of the civil service law,  
37 or is authorized by the director of the budget for employees excluded  
38 from negotiating rights under article 14 of the civil service law, in  
39 which case such daily rate may be up to five hundred seventy-five  
40 dollars per year, effective April 2, 2007. The provisions of this subdi-  
41 vision shall apply on a prorated basis to officers and employees serving  
42 on a seasonal basis in the collective negotiating units designated as  
43 the administrative services unit, the institutional services unit, the  
44 operational services unit, and the division of military and naval  
45 affairs unit, and officers and employees excluded from collective nego-  
46 tiating units established pursuant to article 14 of the civil service  
47 law.

48 § 11. Notwithstanding any provision of law to the contrary, the appro-  
49 priations contained in this act shall be available to the state for the  
50 payment and publication of grievance and arbitration settlements and  
51 awards pursuant to articles 7 and 8 of the collective negotiating agree-  
52 ment between the state and the employee organization representing the  
53 collective negotiating unit designated as the security services unit  
54 established pursuant to article 14 of the civil service law.

55 § 12. No individual who is a Correction Officer Trainee or Correction  
56 Officer Trainee, Spanish Language shall be eligible for any increase in

1 any compensation provided for in this act until such individual is  
2 designated a peace officer pursuant to section 2.10 of the criminal  
3 procedure law. Nothing herein shall alter or change any other eligibil-  
4 ity requirements for any compensation a Correction Officer Trainee or  
5 Correction Officer Trainee, Spanish Language must satisfy in order to be  
6 eligible for such compensation.

7 § 13. Notwithstanding any provision of law, rule or regulation to the  
8 contrary, and where and to the extent an agreement negotiated between  
9 the state and the employee organization representing employees in the  
10 security services unit established pursuant to article 14 of the civil  
11 service law so provides, the salaries of newly hired employees on or  
12 after September 1, 1992 into state service in positions within negotiat-  
13 ing units shall not be subject to the provisions of subdivision 2-a of  
14 section 200 of the state finance law.

15 § 14. Date of entitlement to salary increase. Notwithstanding the  
16 provisions of this act or of any other provision of law to the contrary,  
17 the increase of salary or compensation of any members of the security  
18 services collective negotiating unit established pursuant to article 14  
19 of the civil service law who are full-time annual salaried employees and  
20 who are employed by the state department of correctional services and  
21 are peace officers pursuant to subdivision 25 of section 2.10 of the  
22 criminal procedure law, provided by this act shall be added to the sala-  
23 ry of such member at the beginning of that payroll period the first day  
24 of which is nearest to the effective date of such increase as provided  
25 in this act, or at the beginning of the earlier of two payroll periods  
26 the first days of which are nearest but equally near to the effective  
27 date of such increase as provided in this act; provided, however, that  
28 for the purposes of determining the salary of such unit members upon  
29 reclassification, reallocation, appointment, promotion, transfer,  
30 demotion, reinstatement, or other change of status, such salary increase  
31 shall be deemed to be effective on the date thereof as prescribed by  
32 this act, with payment thereof pursuant to this section on a date prior  
33 thereto, instead of on such effective date, and shall not operate to  
34 confer any additional salary rights or benefits on such unit members.  
35 Payment of such salary increase may be deferred pursuant to section  
36 fifteen of this act.

37 § 15. Deferred payment of salary increase. Notwithstanding the  
38 provisions of any other section of this act, or of any other law to the  
39 contrary, pending payment pursuant to this act of the basic annual sala-  
40 ries of incumbents of positions subject to this act, such incumbents  
41 shall receive, as partial compensation for services rendered, the rate  
42 of compensation otherwise payable in their respective positions. An  
43 incumbent holding a position subject to this act at any time during the  
44 period from April 1, 2007, until the time when basic annual salaries are  
45 first paid pursuant to this act for such services in excess of the  
46 compensation actually received therefor, shall be entitled to a lump sum  
47 payment for the difference between the salary to which such incumbent is  
48 entitled for such services and the compensation actually received there-  
49 for. Such lump sum payment shall be made as soon as practicable. The  
50 amounts paid under this act shall count as compensation earned during  
51 the year or years for which it is calculated and not as compensation  
52 earned wholly in the year in which it is paid. Notwithstanding any  
53 provision of law, rule or regulation to the contrary, and pursuant to  
54 the terms of an interest arbitration award issued by the public arbi-  
55 tration panel pursuant to subdivision 4 of section 209 of the civil  
56 service law, no member of the security services collective negotiating

1 unit to whom the provisions of this act apply shall be entitled to, or  
2 owed, any interest or other penalty for any reason on any monies due to  
3 such member pursuant to the terms of this act and the terms of the  
4 interest arbitration award issued by the public arbitration panel pursu-  
5 ant to subdivision 4 of section 209 of the civil service law.

6 § 16. Use of appropriations. Notwithstanding any provision of the  
7 state finance law or any other provision of law to the contrary, the  
8 state comptroller is authorized to pay any amounts required by the fore-  
9 going provisions of this act. To the extent that existing appropriations  
10 available to any state department or agency in any fund are insufficient  
11 to accomplish the purposes set forth in this section, the director of  
12 the budget is authorized to allocate to the various departments and  
13 agencies, from any appropriations available in any fund, the amounts  
14 necessary to make such payments. Any appropriations or other funds  
15 available to any state department or agency for personal service or for  
16 other related employee benefits during the fiscal year commencing April  
17 1, 2009 shall be available for the payment of any liabilities or obli-  
18 gations incurred pursuant to the foregoing provisions of this act,  
19 whether occurred prior to or during the State fiscal year commencing  
20 April 1, 2009.

21 § 17. Appropriations. Notwithstanding any provision of the state  
22 finance law or any other provision of law to the contrary, the several  
23 amounts as hereinafter set forth in this section, or so much thereof as  
24 may be necessary, are hereby appropriated from the fund so designated  
25 for use by any state department or agency for the fiscal year beginning  
26 April 1, 2009 to supplement appropriations from each respective fund  
27 available for personal service, other than personal service and fringe  
28 benefits, and to carry out the provisions of this act. The monies hereby  
29 appropriated are available for payment of any liabilities or obligations  
30 incurred prior to April 1, 2009 in addition to liabilities or obli-  
31 gations associated with the state fiscal year commencing April 1, 2009.  
32 For this purpose, these appropriations shall remain in full force and  
33 effect for the payment of liabilities incurred on or before April 1,  
34 2009. No money shall be available for expenditure from this appropri-  
35 ation until a certificate of approval has been issued by the director of  
36 the budget and a copy of such certificate or any amendment thereto has  
37 been filed with the state comptroller, the chairperson of the senate  
38 finance committee and the chairperson of the assembly ways and means  
39 committee.

40 ALL STATE DEPARTMENTS AND AGENCIES

41 General Fund / State Operations  
42 State Purposes Account 003

43 PERSONAL SERVICE

44 Personal service - regular ..... \$181,392,000  
45 Other compensation, including but not limit-  
46 ed to, overtime, holiday pay, longevities,  
47 security enforcement differential,  
48 location, inconvenience pay ..... \$111,963,000

1 NONPERSONAL SERVICE

2	Fringe benefits .....	\$22,442,000
3	Labor Management Committees .....	\$3,142,000
4	Employee assistance program .....	\$400,000
5	Joint committee on health benefits .....	\$294,000
6	Contract administration .....	\$200,000
7	Employee Benefit Fund .....	\$313,000

8 § 18. This act shall take effect immediately and shall be deemed to have  
9 been in full force and effect on and after April 1, 2007.

REPEAL NOTE.--Paragraph g of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security services who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in subparagraphs 1 and 2 of a new paragraph g of subdivision 1 of section 130 of the civil service law.

## STATE OF NEW YORK

7864

2009-2010 Regular Sessions

### IN ASSEMBLY

April 27, 2009

Introduced by M. of A. BACALLES, O'MARA -- read once and referred to the Committee on Governmental Employees

AN ACT authorizing the Chemung county/city of Elmira regional civil service commission to retroactively appoint and set seniority dates of certain employees of the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties

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

1 Section 1. Notwithstanding any other inconsistent provision of law,  
2 rule or regulation, Kevin Mark, who was employed by the former board of  
3 cooperative educational services, sole supervisory district for Steuben  
4 and Allegany counties, as a physical therapist from October 31, 1983 to  
5 June 30, 2006 and who is currently employed as a physical therapist by  
6 the board of cooperative educational services, sole supervisory district  
7 for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July  
8 1, 2006 and who, for reasons not ascribable to his own negligence, was  
9 not appointed to a civil service title by the Steuben county department  
10 of personnel effective October 31, 1983, shall have his appointment as a  
11 physical therapist deemed to have been on October 31, 1983 by the  
12 Chemung county/city of Elmira regional civil service commission. Such  
13 employee shall enjoy all rights and protections of the civil service law  
14 as calculated from the above appointment date, including seniority  
15 rights.

16 § 2. Notwithstanding any other inconsistent provision of law, rule or  
17 regulation, Beverly Jonas, who was employed by the former board of coop-  
18 erative educational services, sole supervisory district for Steuben and  
19 Allegany counties, as an occupational therapist from September 4, 1990  
20 to June 30, 2006 and who is currently employed as an occupational thera-  
21 pist by the board of cooperative educational services, sole supervisory  
22 district for Schuyler, Steuben, Chemung, Tioga and Allegany counties  
23 since July 1, 2006 and who, for reasons not ascribable to her own negli-  
24 gence, was not appointed to a civil service title by the Steuben county  
25 department of personnel effective September 4, 1990, shall have her

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

LBD10176-01-9

1 appointment as an occupational therapist deemed to have been on Septem-  
2 ber 4, 1990 by the Chemung county/city of Elmira regional civil service  
3 commission. Such employee shall enjoy all rights and protections of the  
4 civil service law as calculated from the above appointment date, includ-  
5 ing seniority rights.

6 § 3. Notwithstanding any other inconsistent provision of law, rule or  
7 regulation, Linda McLaughlin, who was employed by the former board of  
8 cooperative educational services, sole supervisory district for Steuben  
9 and Allegany counties, as an occupational therapist from October 7, 1991  
10 to June 30, 2006 and who is currently employed as an occupational thera-  
11 pist by the board of cooperative educational service, sole supervisory  
12 district for Schuyler, Steuben, Chemung, Tioga and Allegany counties  
13 since July 1, 2006 and who, for reasons not ascribable to her own negli-  
14 gence, was not appointed to a civil service title by the Steuben county  
15 department of personnel effective October 7, 1991, shall have her  
16 appointment as an occupational therapist deemed to have been on October  
17 7, 1991 by the Chemung county/city of Elmira regional civil service  
18 commission. Such employee shall enjoy all rights and protections of the  
19 civil service law as calculated from the above appointment date, includ-  
20 ing seniority rights.

21 § 4. Notwithstanding any other inconsistent provision of law, rule or  
22 regulation, Margaret Wilson, who was employed by the former board of  
23 cooperative educational services, sole supervisory district for Steuben  
24 and Allegany counties, as a physical therapist from April 26, 1993 to  
25 June 30, 2006 and who is currently employed as a physical therapist by  
26 the board of cooperative educational services, sole supervisory district  
27 for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July  
28 1, 2006 and who, for reasons not ascribable to her own negligence, was  
29 not appointed to a civil service title by the Steuben county department  
30 of personnel effective April 26, 1993, shall have her appointment as a  
31 physical therapist deemed to have been on April 26, 1993 by the Chemung  
32 county/city of Elmira regional civil service commission. Such employee  
33 shall enjoy all rights and protections of the civil service law as  
34 calculated from the above appointment date, including seniority rights.

35 § 5. Notwithstanding any other inconsistent provision of law, rule or  
36 regulation, Theresa Wolf, who was employed by the former board of coop-  
37 erative educational services, sole supervisory district for Steuben and  
38 Allegany counties, as an occupational therapy assistant from September  
39 6, 1994 to June 30, 2006 and who is currently employed as an occupa-  
40 tional therapy assistant by the board of cooperative educational  
41 services, sole supervisory district for Schuyler, Steuben, Chemung,  
42 Tioga and Allegany counties since July 1, 2006 and who, for reasons not  
43 ascribable to her own negligence, was not appointed to a civil service  
44 title by the Steuben county department of personnel effective September  
45 6, 1994, shall have her appointment as an occupational therapy assistant  
46 deemed to have been on September 6, 1994 by the Chemung county/city of  
47 Elmira regional civil service commission. Such employee shall enjoy all  
48 rights and protections of the civil service law as calculated from the  
49 above appointment date, including seniority rights.

50 § 6. Notwithstanding any other inconsistent provision of law, rule or  
51 regulation, Diana Ayers, who was employed by the former board of cooper-  
52 ative educational services, sole supervisory district for Steuben and  
53 Allegany counties, as an occupational therapist from March 6, 1995 to  
54 June 30, 2006 and who is currently employed as an occupational therapist  
55 by the board of cooperative educational services, sole supervisory  
56 district for Schuyler, Steuben, Chemung, Tioga and Allegany counties

1 since July 1, 2006 and who, for reasons not ascribable to her own negli-  
2 gence, was not appointed to a civil service title by the Steuben county  
3 department of personnel effective March 6, 1995, shall have her appoint-  
4 ment as an occupational therapist deemed to have been on March 6, 1995  
5 by the Chemung county/city of Elmira regional civil service commission.  
6 Such employee shall enjoy all rights and protections of the civil  
7 service law as calculated from the above appointment date, including  
8 seniority rights.

9 § 7. Notwithstanding any other inconsistent provision of law, rule or  
10 regulation, Anne Slocum, who was employed by the former board of cooper-  
11 ative educational services, sole supervisory district for Steuben and  
12 Allegany counties, as a physical therapist assistant from September 4,  
13 2001 to June 30, 2006 and who is currently employed as a physical thera-  
14 pist assistant by the board of cooperative educational services, sole  
15 supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany  
16 counties since July 1, 2006 and who, for reasons not ascribable to her  
17 own negligence, was not appointed to a civil service title by the Steu-  
18 ben county department of personnel effective September 4, 2001, shall  
19 have her appointment as a physical therapist assistant deemed to have  
20 been on September 4, 2001 by the Chemung county/city of Elmira regional  
21 civil service commission. Such employee shall enjoy all rights and  
22 protections of the civil service law as calculated from the above  
23 appointment date, including seniority rights.

24 § 8. Notwithstanding any other inconsistent provision of law, rule or  
25 regulation, Carrie Van Slyke, who was employed by the former board of  
26 cooperative educational services, sole supervisory district for Steuben  
27 and Allegany counties, as a physical therapist from October 15, 2002 to  
28 June 30, 2006 and who is currently employed as a physical therapist by  
29 the board of cooperative educational services, sole supervisory district  
30 for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July  
31 1, 2006 and who, for reasons not ascribable to her own negligence, was  
32 not appointed to a civil service title by the Steuben county department  
33 of personnel effective October 15, 2002, shall have her appointment as a  
34 physical therapist deemed to have been on October 15, 2002 by the  
35 Chemung county/city of Elmira regional civil service commission. Such  
36 employee shall enjoy all rights and protections of the civil service law  
37 as calculated from the above appointment date, including seniority  
38 rights.

39 § 9. Notwithstanding any other inconsistent provision of law, rule or  
40 regulation, Patricia Sperle, who was employed by the former board of  
41 cooperative educational services, sole supervisory district for Steuben  
42 and Allegany counties, as an occupational therapist from September 1,  
43 2004 to June 30, 2006 and who is currently employed as an occupational  
44 therapist by the board of cooperative educational services, sole super-  
45 visory district for Schuyler, Steuben, Chemung, Tioga and Allegany coun-  
46 ties since July 1, 2006 and who, for reasons not ascribable to her own  
47 negligence, was not appointed to a civil service title by the Steuben  
48 county department of personnel effective September 1, 2004, shall have  
49 her appointment as an occupational therapist deemed to have been on  
50 September 1, 2004 by the Chemung county/city of Elmira regional civil  
51 service commission. Such employee shall enjoy all rights and protections  
52 of the civil service law as calculated from the above appointment date,  
53 including seniority rights.

54 § 10. This act shall take effect immediately.

## STATE OF NEW YORK

4905--A

2009-2010 Regular Sessions

### IN ASSEMBLY

February 6, 2009

Introduced by M. of A. MARKEY, REILLY, SPANO, WEISENBERG, COLTON, ROBINSON, TITONE, DenDEKKER, JOHN, JAFFEE, COOK, PHEFFER, SCHIMEL, ZEBROWSKI, MILLMAN, GORDON, EDDINGTON, HOOPER -- Multi-Sponsored by -- M. of A. GABRYSZAK, GUNTHER, HYER-SPENCER, MAISEL, MENG, RUSSELL, SWEENEY, TITUS -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

1 Section 1. Subdivision c of section 208-f of the general municipal  
2 law, as amended by chapter 76 of the laws of 2008, is amended to read as  
3 follows:

4 c. Commencing July first, two thousand [~~eight~~ **nine** the special acci-  
5 dental death benefit paid to a widow or widower or the deceased member's  
6 children under the age of eighteen or, if a student, under the age of  
7 twenty-three, if the widow or widower has died, shall be escalated by  
8 adding thereto an additional percentage of the salary of the deceased  
9 member (as increased pursuant to subdivision b of this section) in  
10 accordance with the following schedule:

11 calendar year of death	12 of the deceased member	13 per centum
14 1977 or prior		[ <del>150.0%</del> <b><u>157.5%</u></b>
15 1978		[ <del>142.7%</del> <b><u>150.0%</u></b>
16 1979		[ <del>135.7%</del> <b><u>142.7%</u></b>
17 1980		[ <del>128.8%</del> <b><u>135.7%</u></b>
18 1981		[ <del>122.1%</del> <b><u>128.8%</u></b>
		[ <del>115.7%</del> <b><u>122.1%</u></b>

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

LBD07040-03-9

1	1983	<del>[109.4%]</del>	<u>115.7%</u>
2	1984	<del>[103.3%]</del>	<u>109.4%</u>
3	1985	<del>[97.4%]</del>	<u>103.3%</u>
4	1986	<del>[91.6%]</del>	<u>97.4%</u>
5	1987	<del>[86.0%]</del>	<u>91.6%</u>
6	1988	<del>[80.6%]</del>	<u>86.0%</u>
7	1989	<del>[75.4%]</del>	<u>80.6%</u>
8	1990	<del>[70.2%]</del>	<u>75.4%</u>
9	1991	<del>[65.3%]</del>	<u>70.2%</u>
10	1992	<del>[60.5%]</del>	<u>65.3%</u>
11	1993	<del>[55.8%]</del>	<u>60.5%</u>
12	1994	<del>[51.3%]</del>	<u>55.8%</u>
13	1995	<del>[46.9%]</del>	<u>51.3%</u>
14	1996	<del>[42.6%]</del>	<u>46.9%</u>
15	1997	<del>[38.4%]</del>	<u>42.6%</u>
16	1998	<del>[34.4%]</del>	<u>38.4%</u>
17	1999	<del>[30.5%]</del>	<u>34.4%</u>
18	2000	<del>[26.7%]</del>	<u>30.5%</u>
19	2001	<del>[23.0%]</del>	<u>26.7%</u>
20	2002	<del>[19.4%]</del>	<u>23.0%</u>
21	2003	<del>[15.9%]</del>	<u>19.4%</u>
22	2004	<del>[12.6%]</del>	<u>15.9%</u>
23	2005	<del>[9.3%]</del>	<u>12.6%</u>
24	2006	<del>[6.1%]</del>	<u>9.3%</u>
25	2007	<del>[3.0%]</del>	<u>6.1%</u>
26	2008	<del>[0.0%]</del>	<u>3.0%</u>
27	<b><u>2009</u></b>	<b><u>0.0%</u></b>	

§ 2. Subdivision c of section 361-a of the retirement and social security law, as amended by chapter 76 of the laws of 2008, is amended to read as follows:

c. Commencing July first, two thousand ~~eight~~ **nine** the special accidental death benefit paid to a widow or widower or the deceased member's children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased member, as increased pursuant to subdivision b of this section, in accordance with the following schedule:

calendar year of death of the deceased member	per centum
1977 or prior	<del>[150.0%]</del> <u>157.5%</u>
1978	<del>[142.7%]</del> <u>150.0%</u>
1979	<del>[135.7%]</del> <u>142.7%</u>
1980	<del>[128.8%]</del> <u>135.7%</u>
1981	<del>[122.1%]</del> <u>128.8%</u>
1982	<del>[115.7%]</del> <u>122.1%</u>
1983	<del>[109.4%]</del> <u>115.7%</u>
1984	<del>[103.3%]</del> <u>109.4%</u>
1985	<del>[97.4%]</del> <u>103.3%</u>
1986	<del>[91.6%]</del> <u>97.4%</u>
1987	<del>[86.0%]</del> <u>91.6%</u>
1988	<del>[80.6%]</del> <u>86.0%</u>
1989	<del>[75.4%]</del> <u>80.6%</u>
1990	<del>[70.2%]</del> <u>75.4%</u>
1991	<del>[65.3%]</del> <u>70.2%</u>
1992	<del>[60.5%]</del> <u>65.3%</u>
1993	<del>[55.8%]</del> <u>60.5%</u>

1	1994	<del>[51.3%]</del>	<u>55.8%</u>
2	1995	<del>[46.9%]</del>	<u>51.3%</u>
3	1996	<del>[42.6%]</del>	<u>46.9%</u>
4	1997	<del>[38.4%]</del>	<u>42.6%</u>
5	1998	<del>[34.4%]</del>	<u>38.4%</u>
6	1999	<del>[30.5%]</del>	<u>34.4%</u>
7	2000	<del>[26.7%]</del>	<u>30.5%</u>
8	2001	<del>[23.0%]</del>	<u>26.7%</u>
9	2002	<del>[19.4%]</del>	<u>23.0%</u>
10	2003	<del>[15.9%]</del>	<u>19.4%</u>
11	2004	<del>[12.6%]</del>	<u>15.9%</u>
12	2005	<del>[9.3%]</del>	<u>12.6%</u>
13	2006	<del>[6.1%]</del>	<u>9.3%</u>
14	2007	<del>[3.0%]</del>	<u>6.1%</u>
15	2008	<del>[0.0%]</del>	<u>3.0%</u>
16	<u>2009</u>		<u>0.0%</u>

17 § 3. This act shall take effect July 1, 2009.

FISCAL NOTE.--This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2009.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately \$322,000 above the approximately \$7.1 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

This estimate, dated January 27, 2009 and intended of use only during the 2009 Legislative Session, is Fiscal Note No. 2009-115, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

FISCAL NOTE.--PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW: With respect to the City of New York (the "City"), this proposed legislation would amend General Municipal Law ("GML") Section 208-f.c to increase certain Special Accidental Death Benefits ("SADB") for line-of-duty widows/widowers and/or children of former uniformed employees of the City and the New York City Health and Hospitals Corporation who were members of the New York City Retirement Systems ("NYCRS").

In addition, the proposed legislation would amend Retirement and Social Security Law Section 361-a.c to cover such SADB of the survivors of former members who were employed in the New York State Police Department or as a New York State Firefighter.

The Effective Date of the proposed legislation is July 1, 2009.

IMPACT ON BENEFITS - SADB RECIPIENTS: The proposed legislation would impact the SADB payable to certain survivors of NYCRS members who were employed in uniformed positions at one of the following employers:

New York City Police Department,  
 New York City Fire Department,  
 New York City Housing Authority-Police Officer,  
 New York City Transit Authority-Police Officer,  
 New York City Department of Correction-Correction Officer,  
 New York City-Emergency Medical Technician ("EMT"),  
 New York City Health and Hospitals Corporation-EMT,  
 New York City Triborough Bridge and Tunnel Authority-Bridge and Tunnel Employee, and such employees were members of one of the following NYCRS:  
 \* New York City Employees' Retirement System ("NYCERS"),

\* New York City Police Pension Fund ("POLICE"), or

\* New York City Fire Pension Fund ("FIRE").

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the SADB is defined to equal:

The salary of the deceased member at date of death less:

- Any death benefit paid by the NYCERS to the member's survivors,
  - Any death benefit paid by Social Security to the member's survivors,
- and

- Any Worker's Compensation benefit paid to the member's survivors.

The SADB is paid to the deceased member's surviving widow or widower, if alive. If the widow/widower is no longer alive, then the SADB is paid to the deceased member's children under the age of eighteen or while attending school up to the age of twenty-three.

Under the proposed legislation, the SADB would be escalated effective July 1, 2009 to provide an increase of approximately 3.0% in the total benefits payable to the deceased member's surviving line-of-duty widows/widowers/children.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS ("APVB"): Under the actuarial assumptions and methods as noted herein, the enactment of this proposed legislation would result in an increase in additional APVB with respect to NYCERS members of approximately \$22.6 million as of June 30, 2009.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: As these SADB are provided on a pay-as-you-go basis, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately \$2.2 million.

Note: This represents an average increase of approximately 5.1% in the annual rate of SADB being paid.

The SADB payment are made by the City and are reimbursed by the State of New York.

OTHER COSTS: The enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of NYCERS, POLICE, FIRE, the employers and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census date for such widows, widowers and children provided by the NYCERS.

For NYCERS, data for SADB recipients consisted of 29 survivors of deceased members as of June 30, 2008 with SADB payable at a rate of approximately \$1.0 million as of September 1, 2008.

For POLICE, data for SADB recipients consisted of 287 survivors of deceased members as of June 30, 2008 with SADB payable at a rate of approximately \$12.0 million as of September 1, 2008.

For FIRE, data for SADB recipients consisted of 611 survivors of deceased members as of June 30, 2008 with SADB payable at a rate of approximately \$30.2 million as of September 1, 2008.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB have been computed based on the actuarial assumptions and methods in effect for the June 30, 2008 (Lag) actuarial valuations of NYCERS, POLICE and FIRE for use in determining the Preliminary Fiscal Year 2010 Employer Contributions.

In addition, it has also been assumed that the average age and the estimated percentage increase in benefits for widows/widowers in receipt of benefits as of June 30, 2009 would be comparable with that for the widows/widowers and/or children in receipt of benefits as of June 30, 2008.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the

Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is fiscal Note 2009-05, dated March 26, 2009, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and the New York City Fire Pension Fund.

STATE OF NEW YORK

7993

2009-2010 Regular Sessions

IN ASSEMBLY

May 1, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to authorizing the transfer of service credit and membership of members of the New York state and local police and fire retirement system, who are in a 20 year retirement plan, to the New York state and local employees' retirement system

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

1 Section 1. Section 384-d of the retirement and social security law is  
2 amended by adding a new subdivision y to read as follows:  
3 y. Any member currently enrolled pursuant to this section and who  
4 previously transferred service credit from the New York state and local  
5 employees' retirement system to the New York state and local police and  
6 fire retirement system, may elect to transfer such previously trans-  
7 ferred service credit back to the New York state and local employees'  
8 retirement system, and such member shall have the option to retroactive-  
9 ly transfer his or her membership into such employees' retirement  
10 system.

11 § 2. Section 381-b of the retirement and social security law is  
12 amended by adding a new subdivision g to read as follows:

13 g. Transfer of membership to employees' retirement system. Any member  
14 currently enrolled pursuant to this section and who previously trans-  
15 ferred service credit from the New York state and local employees'  
16 retirement system to the New York state and local police and fire  
17 retirement system, may elect to transfer such previously transferred  
18 service credit back to the New York state and local employees' retire-  
19 ment system, and such member shall have the option to retroactively  
20 transfer his or her membership into such employees' retirement system.

21 § 3. This act shall take effect immediately.

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

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

LBD11520-01-9

This bill will allow any member of the New York State and Local Police and Fire Retirement System, who is covered by Sections 384-d or 381-b of the Retirement and Social Security Law, and who transferred service credit from the New York State and Local Employees' Retirement System to the New York State and Local Police and Fire Retirement System, to transfer that service credit back to the New York State and Local Employees' Retirement System. If such member had been in a contributory plan in the New York State and Local Employees' Retirement System, and had withdrawn those contributions when they transferred, then by reinstating their membership in the New York State and Local Employees' Retirement System, they would be required to replace any member contributions, with interest.

Insofar as this will affect the New York State and Local Employees' Retirement System, if this bill is enacted, we anticipate that there will be negligible costs to the State of New York and all of the participating employers of the New York State and Local Employees' Retirement System, since this will generally match the release of liabilities from the New York State and Local Employees' Retirement System at the time of the original transfer from the New York State and Local Employees' Retirement System. However there would be costs to members who had transferred from a contributory plan, to replace those contributions. This cost to the members would depend on their salaries and years of service in the New York State and Local Employees' Retirement System.

This estimate, dated March 27, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-191, 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.

## STATE OF NEW YORK

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8019--A

2009-2010 Regular Sessions

### IN ASSEMBLY

May 1, 2009

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Introduced by M. of A. O'MARA -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Elmira to offer an optional twenty year retirement plan to certain police officers employed by such city

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

1     Section 1. Notwithstanding any other provision of law to the contrary,  
 2     the city of Elmira, in the county of Chemung, a participating employer  
 3     in the New York state and local police and fire retirement system, which  
 4     previously elected to offer the optional twenty year retirement plan,  
 5     established pursuant to section 384-d of the retirement and social secu-  
 6     rity law, to police officers employed by such city, is hereby authorized  
 7     to make participation in such plan available to Brooks A. Shaw, Brian  
 8     J. Williams and Erica LaPierre, police officers employed by the city of  
 9     Elmira, who, for reasons not ascribable to their own negligence, failed  
 10    to make timely applications to participate in such optional twenty year  
 11    retirement plan. The city of Elmira may so elect by filing with the  
 12    state comptroller, on or before December 31, 2009, a resolution of its  
 13    local legislative body together with certification that such police  
 14    officers did not bar themselves from participation in such retirement  
 15    plan as a result of their own negligence. Thereafter, such police offi-  
 16    cers may elect to be covered by the provisions of section 384-d of the  
 17    retirement and social security law, and shall be entitled to the full  
 18    rights and benefits associated with coverage under such section, by  
 19    filing a request to that effect with the state comptroller on or before  
 20    June 30, 2010.

21    § 2. All employer costs associated with implementing the provisions of  
 22    this act shall be borne by the city of Elmira.

23    § 3. This act shall take effect immediately.

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

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

LBD11400-04-9

This bill will allow the City of Elmira to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for three of its police officers, Brooks A. Shaw, Brian J. Williams and Erica LaPierre.

If this bill is enacted, and all three eligible police officers become covered under Section 384-d, we anticipate that there will be an increase of approximately \$6,600 in the annual contributions of the City of Elmira for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$45,500 which would be borne by the City of Elmira as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated June 8, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-265, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

8228

2009-2010 Regular Sessions

IN ASSEMBLY

May 11, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to implementing a provision in a collective bargaining agreement between the state university construction fund and an employee organization relating to unused sick leave and retirement service credit

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

1 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-  
2 ment and social security law, as amended by chapter 271 of the laws of  
3 2008, is amended to read as follows:  
4 1. In addition to any other service credit to which he or she is enti-  
5 tled, a member who meets the requirements set forth in paragraphs two  
6 and three of this subdivision shall be granted one day of additional  
7 service credit for each day of accumulated unused sick leave which he or  
8 she has at time of retirement for service, but such credit shall not (a)  
9 exceed one hundred sixty-five days, (b) be considered in meeting any  
10 service or age requirements prescribed in this chapter, and (c) be  
11 considered in computing final average salary. However, for an executive  
12 branch member designated managerial or confidential pursuant to article  
13 fourteen of the civil service law or in the collective negotiating units  
14 established by article fourteen of the civil service law designated the  
15 professional, scientific and technical services unit, the rent regu-  
16 lation services negotiating unit, the security services negotiating  
17 unit, the security supervisors negotiating unit, the state university  
18 professional services negotiating unit, the administrative services  
19 negotiating unit, the institutional services negotiating unit, the oper-  
20 ational services negotiating unit and the division of military and naval  
21 affairs negotiating unit such service credit limitation provided in  
22 subparagraph (a) of this paragraph shall not exceed two hundred days.  
23 For a nonjudicial officer or employee of the unified court system not in

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

LBD09761-02-9

1 a collective negotiating unit or in a collective negotiating unit speci-  
2 fied in section one of chapter two hundred three of the laws of two  
3 thousand four, for employees of the New York state dormitory authority,  
4 for employees of the New York state thruway authority [~~and~~], the New  
5 York state canal corporation and the state university construction fund  
6 and for employees of the New York liquidation bureau such service credit  
7 limitation provided in subparagraph (a) of this paragraph shall not  
8 exceed two hundred days.

9 § 2. Notwithstanding any other provision of law, the past service cost  
10 associated with section one of this act shall be paid by the New York  
11 state university construction fund over a period not to exceed five  
12 years.

13 § 3. This act shall take effect immediately and shall be deemed to  
14 have been in full force and effect on and after April 1, 2003.

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

This bill would amend subdivision j of Section 41 of the Retirement and Social Security Law to allow employees of the New York State University Construction Fund who are members of the New York State and Local Employees' Retirement System to be granted additional service credit for up to a maximum of 200 days of accumulated unused sick leave. Currently, the maximum is 165 days. This would be deemed to be in effect as of April 1, 2003.

If this bill is enacted, there will be a total past service cost of approximately \$21,300 which would be borne by the New York State University Construction Fund. If this cost is amortized over a period of 5 years, the cost for the first year, including interest, would be approximately \$4,940. In addition to the past service cost, there could be future increases in the annual contributions of the New York State University Construction Fund.

This estimate, dated April 23, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-226 prepared by the Actuary for the New York State and Local Employees' Retirement System.

STATE OF NEW YORK

8588

2009-2010 Regular Sessions

IN ASSEMBLY

May 29, 2009

Introduced by M. of A. GORDON -- read once and referred to the Committee on Governmental Employees

AN ACT authorizing Steven Roy to file for retroactive membership in the optional 20 year retirement plan of the New York state and local police and fire retirement system pursuant to section 384-d of the retirement and social security law

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 the town of Schodack, a participating employer in the New York state and  
3 local police and fire retirement system, which previously elected to  
4 offer the optional 20 year retirement plan established pursuant to  
5 section 384-d of the retirement and social security law, to police offi-  
6 cers employed by such town, is hereby authorized to make participation  
7 in such plan available to Steven Roy, a police officer employed by the  
8 town of Schodack, who, for reasons not ascribable to his own negligence  
9 failed to make timely application to participate in such optional 20  
10 year retirement plan. The town of Schodack may so elect by filing with  
11 the state comptroller, on or before December 31, 2009, a resolution of  
12 the Schodack town board together with certification that such police  
13 officer did not bar himself from participation in such retirement plan  
14 as a result of his own negligence. Thereafter, such police officer may  
15 elect to be covered by the provisions of section 384-d of the retirement  
16 and social security law, and shall be entitled to the full rights and  
17 benefits associated with coverage under such section, by filing a  
18 request to that effect with the state comptroller on or before June 30,  
19 2010.

20 § 2. All past service costs associated with implementing the  
21 provisions of this act shall be borne by the town of Schodack.

22 § 3. This act shall take effect immediately.

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

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

LBD11231-02-9

This bill will allow the Town of Schodack to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officer Steven Roy.

If this bill is enacted, and Officer Roy becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$2,500 in the annual contributions of the Town of Schodack for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$20,500 which would be borne by the Town of Schodack as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated April 23, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-225, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

## STATE OF NEW YORK

2234

2009-2010 Regular Sessions

### IN ASSEMBLY

January 15, 2009

Introduced by M. of A. ZEBROWSKI -- read once and referred to the  
Committee on Governmental Employees

AN ACT to amend chapter 218 of the laws of 2008, relating to authorizing John Lawless, Anthony Akers, Manfredo Figueroa, Richard Spatta, David Kryger, Michael Freeman and Concepcion Crespo to file for retroactive membership in the optional twenty year retirement plan of the New York state and local police and fire retirement system pursuant to section 384-d of the retirement and social security law, in relation to the payment of past service costs

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

1 Section 1. Section 2 of chapter 218 of the laws of 2008, relating to  
2 authorizing John Lawless, Anthony Akers, Manfredo Figueroa, Richard  
3 Spatta, David Kryger, Michael Freeman and Concepcion Crespo to file for  
4 retroactive membership in the optional twenty year retirement plan of  
5 the New York state and local police and fire retirement system pursuant  
6 to section 384-d of the retirement and social security law, is amended  
7 to read as follows:

8 § 2. All past service costs associated with implementing the  
9 provisions of this act shall be borne by the town of Haverstraw, **with**  
10 **interest over a ten year period.**

11 § 2. This act shall take effect immediately and shall be deemed to  
12 have been in full force and effect on and after July 7, 2009.

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

This bill will permit the Town of Haverstraw to amortize the past service cost of chapter 218 of the laws of 2008 over a ten year period at an 8% interest rate.

If this bill is enacted, there will be no cost to employers of the New York State and Local Police and Fire Retirement System.

This estimate, dated December 31, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-62, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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

LBD02531-02-9

**STATE OF NEW YORK**

3078--A

2009-2010 Regular Sessions

**IN ASSEMBLY**

January 22, 2009

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Oneonta, in the county of Otsego, to offer an optional twenty year retirement plan to fire chief Robert S. Barnes

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

1 Section 1. Notwithstanding any other provision of law to the contra-  
2 ry, the city of Oneonta, in the county of Otsego, a participating  
3 employer in the New York state and local police and fire retirement  
4 system, which previously elected to offer the optional twenty year  
5 retirement plan, established pursuant to section 384-d of the retirement  
6 and social security law, and the additional pension benefits to members  
7 of such plan, established pursuant to section 384-e of the retirement  
8 and social security law, to firefighters employed by such city, is here-  
9 by authorized to make participation in such plan available to Robert S.  
10 Barnes, fire chief of the Oneonta fire department, employed by the city  
11 of Oneonta, who, for reasons not ascribable to his own negligence failed  
12 to make a timely application to participate in such optional twenty year  
13 retirement plan and the additional pension benefits therefor. The city  
14 of Oneonta may so elect by filing with the state comptroller, on or  
15 before December 31, 2009, a resolution of its governing body together  
16 with certification that such firefighter did not bar himself from  
17 participation in such retirement plan as a result of his own negligence.  
18 Thereafter, such firefighter may elect to be covered by the provisions  
19 of sections 384-d and 384-e of the retirement and social security law,  
20 and shall be entitled to the full rights and benefits associated with  
21 coverage under such sections, by filing a request to that effect with  
22 the state comptroller on or before June 30, 2010.

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

LBD05330-04-9

1 § 2. All employer costs associated with implementing the provisions of  
2 this act shall be borne by the city of Oneonta.

3 § 3. This act shall take effect immediately.

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

This bill will allow the City of Oneonta to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for Fire Chief Robert Barnes.

If this bill is enacted and Fire Chief Robert Barnes becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$1,600 in the annual contributions of the City of Oneonta for the fiscal year ending March 31, 2010.

There will be no past service cost.

This estimate, dated December 1, 2008, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-44, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

S. 1800

A. 4811

2009-2010 Regular Sessions

SENATE - ASSEMBLY

February 6, 2009

IN SENATE -- Introduced by Sen. LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. JORDAN -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Cambridge, in the county of Washington, to offer an optional twenty-five year retirement plan to police officers George G. Bell, Harold P. Spiezio III and Stephen E. Griffin, Jr.

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 the village of Cambridge, in the county of Washington, a participating  
3 employer in the New York state and local police and fire retirement  
4 system; which previously elected to offer the optional twenty-five year  
5 retirement plan, established pursuant to section 384 of the retirement  
6 and social security law, to police officers employed by such village, is  
7 hereby authorized to make participation in such plan available to George  
8 G. Bell, Harold P. Spiezio III and Stephen E. Griffin, Jr., police offi-  
9 cers employed by the village of Cambridge, who, for reasons not ascriba-  
10 ble to their own negligence, failed to make timely application to  
11 participate in such optional twenty-five year retirement plan. The  
12 village of Cambridge may so elect by filing with the state comptroller,  
13 on or before December 31, 2009, a resolution of its board of trustees  
14 together with certification that such police officers did not bar them-  
15 selves from participation in such retirement plan as a result of their  
16 negligence. Thereafter, such police officers may elect to be covered by  
17 the provisions of section 384 of the retirement and social security law,  
18 and shall be entitled to the full rights and benefits associated with

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

LBD01276-02-9

1 coverage under such section, by filing a request to that effect with the  
2 state comptroller on or before June 30, 2010.

3 § 2. All employer costs associated with implementing the provisions of  
4 this act shall be borne by the village of Cambridge.

5 § 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow the Village of Cambridge to elect to reopen the provisions of Section 384 of the Retirement and Social Security Law for its police officers George G. Bell, Harold P. Spiezio III, and Stephen E. Griffin, Jr.

If this bill is enacted and above officers become covered under Section 384, we anticipate that there will be an increase of approximately \$3,200 in the annual contributions of the Village of Cambridge for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$14,900 which would be borne by the Village of Cambridge.

This estimate, dated January 29, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-102, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

## STATE OF NEW YORK

6153--A

2009-2010 Regular Sessions

### IN ASSEMBLY

February 26, 2009

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT allowing Matthew A. Miraglia, employed by the village of Scarsdale, to enroll in a twenty year retirement plan

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

1 Section 1. Notwithstanding any other provision of law, Matthew A.  
 2 Miraglia, who is employed as a police officer by the village of Scars-  
 3 dale, who is a member of the New York state and local police and fire  
 4 retirement system, who was eligible to enroll in the twenty year retire-  
 5 ment plan pursuant to section 384-d of the retirement and social securi-  
 6 ty law and who, for reasons not ascribable to his own negligence, failed  
 7 to make timely application in such plan, shall be deemed eligible to  
 8 participate in such plan. The village of Scarsdale may elect to make  
 9 such provisions available to such officer by filing with the state comp-  
 10 troller, on or before December 31, 2009, a resolution of its governing  
 11 body certifying that said officer is eligible to apply as of that date,  
 12 is not barred from participating in such retirement plan as the result  
 13 of his own negligence and that the said village will pay all costs  
 14 attributable to this act, as determined by the comptroller, into the  
 15 pension accumulation fund. Thereafter, such officer who is certified in  
 16 the resolution shall be deemed to have been a member in such plan enti-  
 17 tled to the full rights and benefits associated with such membership.  
 18 Such officer may elect to be covered by the provisions of section 384-d  
 19 of the retirement and social security law, and shall be entitled to the  
 20 full rights and benefits associated with coverage under such section by  
 21 filing a request to that effect with the state comptroller on or before  
 22 June 30, 2010.

23 § 2. The cost for this election shall be paid by the village of Scars-  
 24 dale.

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

LBD06037-05-9

1 § 3. This act shall take effect immediately.

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

This bill will allow the Village of Scarsdale to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Matthew A. Miraglia.

If this bill is enacted, and Officer Miraglia becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$4,500 in the annual contributions of the Village of Scarsdale for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$74,500 which would be borne by the Village of Scarsdale. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated February 5, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-91, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

STATE OF NEW YORK

6731

2009-2010 Regular Sessions

IN ASSEMBLY

March 11, 2009

Introduced by M. of A. MAGEE, BUTLER -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Ilion, in the county of Herkimer, to offer an optional twenty year retirement plan to police officer Louis P. Romano

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 the village of Ilion, in the county of Herkimer, a participating employ-  
3 er in the New York state and local police and fire retirement system,  
4 which previously elected to offer the optional twenty year retirement  
5 plan, established pursuant to section 384-d of the retirement and social  
6 security law, to police officers employed by such city, is hereby  
7 authorized to make participation in such plan available to Louis P.  
8 Romano, a police officer employed by the village of Ilion, who, for  
9 reasons not ascribable to his own negligence failed to make a timely  
10 application to participate in such optional twenty year retirement plan.

11 The village of Ilion may so elect by filing with the state comp-  
12 troller, on or before December 31, 2009, a resolution of its governing  
13 body together with certification that such police officer did not bar  
14 himself from participation in such retirement plan as a result of his  
15 own negligence. Thereafter, such police officer may elect to be covered  
16 by the provisions of section 384-d of the retirement and social security  
17 law, and shall be entitled to the full rights and benefits associated  
18 with coverage under such section, by filing a request to that effect  
19 with the state comptroller on or before June 30, 2010.

20 § 2. All employer costs associated with implementing the provisions of  
21 this act shall be borne by the village of Ilion.

22 § 3. This act shall take effect immediately.

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

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

LBD05334-02-9

This bill will allow the Village of Ilion to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officer Louis P. Romano.

If this bill is enacted and Officer Romano becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$600 in the annual contributions of the Village of Ilion for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$950 which would be borne by the Village of Ilion as a one-time payment, assuming a February 1, 2010 payment date.

This estimate, dated March 2, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-164, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

## STATE OF NEW YORK

6732

2009-2010 Regular Sessions

### IN ASSEMBLY

March 11, 2009

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend chapter 648 of the laws of 2008 relating to permitting the reopening of the optional twenty year retirement plan to certain police officers in the city of Oneida, in relation to extending the deadline for certain filing requirements

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

1 Section 1. Section 1 of chapter 648 of the laws of 2008 relating to  
2 permitting the reopening of the optional twenty year retirement plan to  
3 certain police officers in the city of Oneida, is amended to read as  
4 follows:

5 Section 1. Notwithstanding any other provision of law, the city of  
6 Oneida, a participating employer in the New York state and local police  
7 and fire retirement system, which previously elected to make the bene-  
8 fits of section 384-d of the retirement and social security law avail-  
9 able to the police officers employed by it, is hereby authorized to make  
10 participation in such plan available to officer David Meeker, Jr. who  
11 for reasons not ascribable to his own negligence, was not enrolled in  
12 such plan at the time of his hiring. Such participating employer may  
13 elect to make such provisions available to such officer by filing with  
14 the state comptroller, on or before December 31, [~~2008~~ **2009**], a resolu-  
15 tion of its governing board certifying that such officer is eligible to  
16 apply, is not barred from participating in such retirement plan as the  
17 result of his own negligence, and that the city of Oneida will pay all  
18 costs attributable to this act, as determined by the comptroller, into  
19 the pension accumulation fund. Thereafter, such police officer may elect  
20 to be covered by the provisions of section 384-d of the retirement and  
21 social security law, and shall be entitled to the full rights and bene-  
22 fits associated with coverage under such section, by filing a request to

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

LBD09568-02-9

1 that effect with the state comptroller on or before June 30, [~~2009~~]  
2 2010.

3 § 2. This act shall take effect immediately.

FISCAL NOTE.--This bill will amend Chapter 648 of the laws of 2008 to allow the City of Oneida to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer David Meeker Jr.

If this bill is enacted and officer David Meeker Jr. becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$3,100 in the annual contributions of the City of Oneida for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$35,000 which would be borne by the City of Oneida as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated March 3, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-172, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

## STATE OF NEW YORK

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7711--A

2009-2010 Regular Sessions

### IN ASSEMBLY

April 22, 2009

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Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Orleans, to offer an optional twenty year retirement plan to deputies Shannon E. Brett and James A. DeFilippis

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
 2 in the county of Orleans, a participating employer in the New York state  
 3 and local employee retirement system, which previously elected to offer  
 4 the optional twenty year retirement plan, established pursuant to  
 5 sections 552 and 553 of the retirement and social security law, to depu-  
 6 ties employed by such county, is hereby authorized to make participation  
 7 in such plan available to Shannon E. Brett and James A. DeFilippis, depu-  
 8 ty sheriffs employed by the county of Orleans, who, for reasons not  
 9 ascribable to their own negligence failed to make a timely application  
 10 to participate in such optional twenty year retirement plan. The county  
 11 of Orleans may so elect by filing with the state comptroller, on or  
 12 before December 31, 2009, a resolution of its governing body together  
 13 with certification that such deputy did not bar himself from partic-  
 14 ipation in such retirement plan as a result of his own negligence.  
 15 Thereafter, such deputy may elect to be covered by the provisions of  
 16 sections 552 and 553 of the retirement and social security law, and  
 17 shall be entitled to the full rights and benefits associated with cover-  
 18 age under such section, by filing a request to that effect with the  
 19 state comptroller on or before June 30, 2010.

20 § 2. All employer costs associated with implementing the provisions of  
 21 this act shall be borne by the county of Orleans.

22 § 3. This act shall take effect immediately.

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

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

LBD09242-06-9

This bill will authorize Orleans County to reopen the provisions of Section 552 and Section 553 of the Retirement and Social Security Law for deputy sheriffs Shannon E. Brett and James A. DeFilipps who are currently not covered by that Section.

If this bill is enacted, we anticipate that there would be an estimated increase in the annual contributions of Orleans County of approximately \$3,100 for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$22,500 which will be borne by Orleans County, assuming a payment date of February 1, 2010.

This estimate, dated June 15, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-272, prepared by the Actuary for the New York State and Local Employees' Retirement System.

## STATE OF NEW YORK

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S. 4972

A. 7858

2009-2010 Regular Sessions

### SENATE - ASSEMBLY

April 27, 2009

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IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of East Hampton, in the county of Suffolk, to offer an optional twenty year retirement plan to certain police officers

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
 2 the village of East Hampton, in the county of Suffolk, a participating  
 3 employer in the New York state and local police and fire retirement  
 4 system, which previously elected to offer the optional twenty year  
 5 retirement plan, established pursuant to section 384-d of the retirement  
 6 and social security law, to police officers employed by such village, is  
 7 hereby authorized to make participation in such plan available to  
 8 certain police officers employed by the village of East Hampton, who,  
 9 for reasons not ascribable to their own negligence failed to make a  
 10 timely application to participate in such optional twenty year retire-  
 11 ment plan. The village of East Hampton may so elect by filing with the  
 12 state comptroller, on or before December 31, 2009, a resolution of its  
 13 board of trustees together with certification that such police officers  
 14 did not bar themselves from participation in such retirement plan as a  
 15 result of their own negligence. Thereafter, such police officers may  
 16 elect to be covered by the provisions of section 384-d of the retirement  
 17 and social security law, and shall be entitled to the full rights and  
 18 benefits associated with coverage under such section, by filing a  
 19 request to that effect with the state comptroller on or before June 30,  
 20 2010.

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

LBD11050-02-9

1 § 2. All employer costs associated with implementing the provisions of  
2 this act shall be borne by the village of East Hampton over a period of  
3 five years.

4 § 3. This act shall take effect immediately.

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

This bill will allow the Village of East Hampton to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for all police officers in its employ.

If this bill is enacted, and all three eligible police officers become covered under Section 384-d, we anticipate that there will be an increase of approximately \$6,000 in the annual contributions of the Village of East Hampton for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$80,100 which would be borne by the Village of East Hampton as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010. If the Village so elects, this cost may be paid, with interest, over a period of five (5) years, with an annual payment of approximately \$18,600.

This estimate, dated April 10, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-215, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

## STATE OF NEW YORK

8286

2009-2010 Regular Sessions

### IN ASSEMBLY

May 13, 2009

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Port Dickinson, in the county of Broome, to offer an optional twenty year retirement plan to Sean D. Crouse and Paul Buttacovoli, Jr.

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 the village of Port Dickinson, in the county of Broome, a participating  
3 employer in the New York state and local police and fire retirement  
4 system, which previously elected to offer the optional twenty year  
5 retirement plan, established pursuant to section 384-d of the retirement  
6 and social security law, to police officers employed by such village, is  
7 hereby authorized to make participation in such plan available to Sean  
8 D. Crouse, the chief of police, and Paul Buttacovoli, Jr., a police  
9 officer employed by the village of Port Dickinson, who, for reasons not  
10 ascribable to their own negligence failed to make timely applications to  
11 participate in such optional twenty year retirement plan.

12 The village of Port Dickinson may so elect by filing with the state  
13 comptroller, on or before December 31, 2009, a resolution of its govern-  
14 ing body together with certification that such chief of police and  
15 police officer did not bar themselves from participation in such retire-  
16 ment plan as a result of their own negligence. Thereafter, such chief of  
17 police and police officer may elect to be covered by the provisions of  
18 section 384-d of the retirement and social security law, and shall be  
19 entitled to the full rights and benefits associated with coverage under  
20 such section, by filing a request to that effect with the state comp-  
21 troller on or before June 30, 2010.

22 § 2. All employer costs associated with implementing the provisions of  
23 this act shall be borne by the village of Port Dickinson.

24 § 3. This act shall take effect immediately.

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

LBD10895-02-9

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

This bill will allow the Village of Port Dickinson to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officers Paul Buttacavoli, Jr. and Sean D. Crouse.

If this bill is enacted and the above officers become covered under Section 384-d we anticipate that there will be an increase of approximately \$2,100 in the annual contributions of the Village of Port Dickinson for the fiscal year ending March 31, 2010.

In addition to annual contributions discussed above, there will be an immediate past service cost of approximately \$51,600 which would be borne by the Village of Port Dickinson as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated May 11, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-236, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

**STATE OF NEW YORK**

8600

2009-2010 Regular Sessions

**IN ASSEMBLY**

May 29, 2009

Introduced by M. of A. RABBITT -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Monroe, in the county of Orange, to offer an optional twenty year retirement plan to police officer Anthony T. Amatetti

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 the village of Monroe, in the county of Orange, a participating employer  
3 in the New York state and local police and fire retirement system, which  
4 previously elected to offer the optional twenty year retirement plan,  
5 established pursuant to section 384-d of the retirement and social secu-  
6 rity law, to police officers employed by such village, is hereby author-  
7 ized to make participation in such plan available to Anthony T. Amatet-  
8 ti, a police officer employed by the village of Monroe, for the term of  
9 his employment by such village, who, for reasons not ascribable to his  
10 own negligence failed to make a timely application to participate in  
11 such optional twenty year retirement plan. The village of Monroe may so  
12 elect by filing with the state comptroller, on or before December 31,  
13 2009, a resolution of its board of trustees together with certification  
14 that such police officer did not bar himself from participation in such  
15 retirement plan as a result of his own negligence. Thereafter, such  
16 police officer may elect to be covered by the provisions of section  
17 384-d of the retirement and social security law, and shall be entitled  
18 to the full rights and benefits associated with coverage under such  
19 section for his employment as a police officer by the village of Monroe  
20 by filing a request to that effect with the state comptroller on or  
21 before June 30, 2010.

22 § 2. All employer costs associated with implementing the provisions of  
23 this act shall be borne by the village of Monroe.

24 § 3. This act shall take effect immediately.

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

LBD11303-03-9

FISCAL NOTE.--This bill will allow the Village of Monroe to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officer Anthony T. Amatetti.

If this bill is enacted, and Officer Amatetti becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$2,900 in the annual contributions of the Village of Monroe for the fiscal year ending March 31, 2010.

There will be no past service cost for the Village of Monroe resulting from the enactment of this legislation.

This estimate, dated May 12, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-247, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

## STATE OF NEW YORK

S. 26

A. 26

Twentieth Extraordinary Session

### SENATE - ASSEMBLY

December 2, 2009

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Silver, Abbate, Arroyo, Clark, Destito, Englebright, Fields, Galef, Hooper, Kellner, Morelle, Paulin, Peoples-Stokes, Sweeney, Thiele, Zebrowski) -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the retirement and social security law, in relation to establishing police and fire retirement provisions; to amend the retirement and social security law and chapter 625 of the laws of 1975, amending the retirement and social security law relating to the extension of temporary rights and benefits, in relation to making the coordinated-escalator retirement plan and the coordinated retirement plan permanent; to amend the civil service law, in relation to extending the expiration of public arbitration of disputes between public employers and employee organizations (Part A); to amend the retirement and social security law and the general municipal law, in relation to persons joining a public retirement system on or after January 1, 2010; and to amend chapter 729 of the laws of 1994 relating to affecting the health insurance benefits and contributions of retired employees of school districts and certain boards, in relation to eliminating the expiration of the provisions thereof (Part B); and to amend the retirement and social security law, the administrative code of the city of New York and the education law, in relation to new entrants to the New York city teachers' retirement system and the New York city board of education retirement system (Part C)

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

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

LBD12149-15-9

1 Section 1. This act enacts into law legislation relating to retirement  
 2 for newly hired employees. Each component is wholly contained within a  
 3 Part identified as Parts A through C. The effective date for each  
 4 particular provision contained within such Part is set forth in the last  
 5 section of such Part. Any provision in any section contained within a  
 6 Part, including the effective date of the Part, which makes reference to  
 7 a section "of this act", when used in connection with that particular  
 8 component, shall be deemed to mean and refer to the corresponding  
 9 section of the Part in which it is found. Section three of this act  
 10 sets forth the general effective date of this act.

11

## PART A

12 Section 1. The retirement and social security law is amended by adding  
 13 a new article 22 to read as follows:

14

ARTICLE 22

15

POLICE AND FIRE RETIREMENT PROVISIONS

16

Section 1200. Definitions.

17

1201. Applicability.

18

1202. Vesting.

19

1203. Overtime.

20

1204. Member contributions.

21

1205. Recalculation of benefits.

22

1206. Conflicting provisions.

23

§ 1200. Definitions. For purposes of this article the terms:

24

a. "Member" shall mean a person who is employed as a police officer or  
 25 firefighter by any employer who first joins the retirement system on or  
 26 after January first, two thousand ten.

27

b. "Retirement system" shall mean the New York state and local police  
 28 and fire retirement system.

29

§ 1201. Applicability. Notwithstanding any provision of law to the  
 30 contrary, the provisions of this article shall be applicable to all  
 31 employees in the retirement system who first joined such system on or  
 32 after January first, two thousand ten.

33

§ 1202. Vesting. a. In order to qualify for a service retirement bene-  
 34 fit, members subject to the provisions of this article must have a mini-  
 35 mum of ten years of creditable service.

36

b. In computing the years of total creditable service of a member,  
 37 full credit shall be given for military service as defined in subdivi-  
 38 sions twenty-nine-a and thirty of section three hundred two of this  
 39 chapter.

40

§ 1203. Overtime. A member's final average salary shall be calculated  
 41 in accordance with such provisions of article eight or article eleven of  
 42 this chapter as govern the member's benefits, except that earnings clas-  
 43 sified as overtime compensation in an amount in excess of fifteen  
 44 percent of a member's annual wages not classified as overtime compen-  
 45 sation shall be excluded from such calculation. "Overtime compensation"  
 46 shall mean, for purposes of this section, compensation paid under any  
 47 law or policy under which employees are paid at a rate greater than  
 48 their standard rate for additional hours worked beyond those required,  
 49 including compensation paid under section one hundred thirty-four of the  
 50 civil service law and section ninety of the general municipal law.

51

§ 1204. Member contributions. Members who are subject to the  
 52 provisions of this article shall contribute three percent of annual  
 53 wages to the retirement system in which they have membership. Members  
 54 who are enrolled in a retirement plan that limits the amount of credita-

1 ble service a member can accrue shall not be required to make contrib-  
2 utions pursuant to this section after accruing the maximum amount of  
3 service credit allowed by the retirement plan in which they are  
4 enrolled. The state comptroller shall promulgate such regulations as may  
5 be necessary and appropriate with respect to the deduction of such  
6 contribution from members' wages and for the maintenance of any special  
7 fund or funds with respect to amounts so contributed. In no way shall  
8 the member contributions made pursuant to this section be used to  
9 provide for pension increases or annuities of any kind.

10 § 1205. Recalculation of benefits. Notwithstanding any other provision  
11 of law, any member who has joined the retirement system pursuant to the  
12 provisions of article fourteen of this chapter on or after July first,  
13 two thousand nine may elect to have his or her retirement benefits  
14 calculated pursuant to this article by filing within one hundred twenty  
15 days of the effective date of this section a request for such calcu-  
16 lation with the retirement system in the form and manner prescribed by  
17 the state comptroller.

18 § 1206. Conflicting provisions. Except as otherwise provided in this  
19 article, or in conflict therewith, the provisions of article eleven of  
20 this chapter, including any plan that has been elected by the employer  
21 or is otherwise applicable under article eight of this chapter shall  
22 govern the retirement benefits provided under this article. In the event  
23 of any conflict between the provisions of this article and any other  
24 provision of law, this article shall govern.

25 § 2. Subdivision c of section 440 of the retirement and social securi-  
26 ty law, as amended by chapter 63 of the laws of 2007, is amended to read  
27 as follows:

28 c. Notwithstanding any other provision of law, the provisions and  
29 limitations of this article shall apply, as may be appropriate, to all  
30 police officers and firefighters who last joined a public retirement  
31 system of the state or a municipality thereof, on or after July first,  
32 nineteen hundred seventy-six, but prior to July first, two thousand  
33 nine, and all employees subject to the provisions of article twenty-two  
34 of this chapter; provided, however, that in the case of a conflict  
35 between the provisions of this article and article twenty-two of this  
36 chapter, the provisions of article twenty-two shall be controlling.

37 § 3. Intentionally omitted.

38 § 4. Section 470 of the retirement and social security law, as amended  
39 by chapter 79 of the laws of 2009, is amended to read as follows:

40 § 470. Temporary suspension of retirement negotiations. [~~Until July~~  
41 ~~first, two thousand eleven, changes~~ **Changes** negotiated between any  
42 public employer and public employee, as such terms are defined in  
43 section two hundred one of the civil service law, with respect to any  
44 benefit provided by or to be provided by a public retirement system, or  
45 payments to a fund or insurer to provide an income for retirees or  
46 payment to retirees or their beneficiaries, shall be prohibited. [~~There-~~  
47 ~~after, such changes shall be made only pursuant to negotiations between~~  
48 ~~public employers and public employees conducted on a coalition basis~~  
49 ~~pursuant to the provisions of this article; provided, however, any such~~  
50 ~~changes not requiring approval by act of the legislature may be imple-~~  
51 ~~mented prior to July first, two thousand eleven, if negotiated as a~~  
52 ~~result of collective bargaining authorized by section six of chapter six~~  
53 ~~hundred twenty-five of the laws of nineteen hundred seventy-five.]~~

54 § 5. Section 480 of the retirement and social security law, as amended  
55 by chapter 79 of the laws of 2009, is amended to read as follows:

1 § 480. Extension of temporary benefits and supplementation programs.  
2 a. Every temporary right, privilege or benefit conferred pursuant to  
3 the provisions of a general, special or local law (other than pursuant  
4 to articles fourteen and fifteen of this chapter) for any member of a  
5 public retirement system or pension plan funded by the state or one of  
6 its political subdivisions, which is scheduled to expire or terminate at  
7 any time during nineteen hundred seventy-four, nineteen hundred seven-  
8 ty-five, nineteen hundred seventy-six, nineteen hundred seventy-seven,  
9 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen  
10 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-  
11 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-  
12 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred  
13 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-  
14 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen  
15 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred  
16 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,  
17 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen  
18 hundred ninety-nine, two thousand, two thousand one, two thousand two,  
19 two thousand three, two thousand four, two thousand five, two thousand  
20 six, two thousand seven, two thousand eight, two thousand nine, two  
21 thousand ten or two thousand eleven, is hereby extended [~~until July~~  
22 ~~first, two thousand eleven~~], notwithstanding the provisions of such  
23 general, special or local law. Notwithstanding the foregoing, nothing  
24 in this section shall be construed to extend the provisions of article  
25 eighteen of this chapter or to affect any statutory deadlines provided  
26 in such article.

27 b. (i) Any program under which an employer in a public retirement  
28 system funded by the state or one of its political subdivisions assumes  
29 all or part of the contribution which would otherwise be made by its  
30 employees toward retirement, which expires or terminates during nineteen  
31 hundred seventy-four, is hereby extended [~~until July first, two thousand~~  
32 ~~eleven~~], notwithstanding the provisions of any other general, special or  
33 local law, except that commencing with the payroll period the first day  
34 of which is nearest to January first, nineteen hundred seventy-six[~~and~~  
35 ~~until July first, two thousand eleven~~], the rate of such contribution  
36 assumed by an employer in any of the public retirement systems funded  
37 and maintained by a city, shall be one-half the rate of such contrib-  
38 ution assumed by such employer for the immediately preceding payroll  
39 period except as provided in paragraph (ii) of this subdivision.

40 (ii) Commencing with the first payroll period the first day of which  
41 is subsequent to October first, two thousand [~~and until July first, two~~  
42 ~~thousand eleven~~], the rate of such contribution assumed by an employer  
43 in the New York city police pension fund and in the New York city fire  
44 department pension fund shall be equal to the rate of such contributions  
45 assumed by such employer for the payroll period preceding January first,  
46 nineteen hundred seventy-six.

47 c. All supplemental retirement allowances or supplemental pensions  
48 paid to pensioners or beneficiaries of any retirement system supported  
49 in whole or in part by the state or a political subdivision thereof,  
50 which are scheduled to expire at any time during nineteen hundred seven-  
51 ty-five, nineteen hundred seventy-six, nineteen hundred seventy-seven,  
52 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen  
53 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-  
54 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-  
55 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred  
56 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-

1 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen  
2 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred  
3 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,  
4 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen  
5 hundred ninety-nine, two thousand one, two thousand two, two thousand  
6 three, two thousand four, two thousand five, two thousand six, two thou-  
7 sand seven, two thousand eight, two thousand nine, two thousand ten or  
8 two thousand eleven, shall be continued [~~for an additional year~~]  
9 notwithstanding any other provision of any general, special or local law  
10 provided, however, that all such supplemental retirement allowances or  
11 supplemental pensions which are scheduled to expire at any time during  
12 two thousand nine shall be continued [~~for two additional years~~] notwith-  
13 standing any other provisions of any general, special or local law.

14 § 6. Section 615 of the retirement and social security law, as amended  
15 by chapter 79 of the laws of 2009, is amended to read as follows:

16 § 615. Duration. Notwithstanding any other provisions of this chapter  
17 or of any other law, the provisions of article fourteen of this chapter  
18 shall [~~expire on June thirtieth, two thousand eleven, but shall~~] no  
19 longer apply to members to whom this article applies on the date article  
20 fifteen of this chapter becomes effective, provided, however, any member  
21 who has retired pursuant to the provisions of article fourteen of this  
22 chapter before the effective date of this article or any beneficiary of  
23 such a member or a beneficiary of a member who dies before the effective  
24 date of this article and who is entitled to a death benefit pursuant to  
25 article fourteen of this chapter shall receive such benefits pursuant to  
26 the provisions of article fourteen of this chapter, except as provided  
27 pursuant to the provisions of section six hundred seventeen of this  
28 article. [~~All benefits provided by a public retirement system of the  
29 state shall continue with respect to members to which this article is  
30 applicable only until June thirtieth, two thousand eleven.~~]

31 § 7. Section 6 of chapter 625 of the laws of 1975, amending the  
32 retirement and social security law relating to the extension of tempo-  
33 rary rights and benefits, as amended by chapter 79 of the laws of 2009,  
34 is amended to read as follows:

35 § 6. Notwithstanding any inconsistent provisions of this act or of any  
36 general, special or local law, on and after July 1, 1975 [~~and up to and  
37 including June 30, 2011~~]: (a) a participating employer in the New York  
38 state and local employees' retirement system or the New York state and  
39 local police and fire retirement system and its employees shall continue  
40 to have the right to negotiate with respect to any benefit provided by  
41 or to be provided by such employer to such employees as members of such  
42 system and not requiring approval by act of the legislature; and (b) a  
43 public authority or public benefit corporation which is not a partic-  
44 ipating employer in the New York state and local employees' retirement  
45 system or the New York city employees' retirement system shall continue  
46 to have the right to negotiate with its employees with respect to bene-  
47 fits to be provided by such employer to such employees upon retirement  
48 and not requiring approval by act of the legislature.

49 § 8. Notwithstanding any provision of law to the contrary, nothing in  
50 this act shall limit the eligibility of any member of an employee organ-  
51 ization to join a special retirement plan open to him or her pursuant to  
52 a collectively negotiated agreement with any state or local government  
53 employer, where such agreement is in effect on the effective date of  
54 this act and so long as such agreement remains in effect thereafter;  
55 provided, however, that any such eligibility shall not apply upon termi-  
56 nation of such agreement for employees otherwise subject to the

1 provisions of article twenty-two of the retirement and social security  
2 law.

3 § 9. Paragraph (d) of subdivision 4 of section 209 of the civil  
4 service law, as amended by chapter 28 of the laws of 2009, is amended to  
5 read as follows:

6 (d) The provisions of this subdivision shall expire [~~thirty-four~~  
7 **thirty-six** years from July first, nineteen hundred seventy-seven, **and**  
8 **hereafter may be renewed every four years.**

9 § 9-a. Subdivision c of section 500 of the retirement and social secu-  
10 rity law, as added by chapter 890 of the laws of 1976, is amended to  
11 read as follows:

12 c. If the comptroller certifies that the contribution rate under this  
13 article for any participating employer who is participating on the  
14 effective date hereof would be at least one percent higher than the rate  
15 which would be applicable to such employer for an employee who is  
16 subject to article eleven of this chapter and who was hired prior to  
17 July first, nineteen hundred seventy-six, the provisions of this article  
18 shall not apply with respect to such participating employer, **provided,**  
19 **however that members who first join the New York state and local police**  
20 **and fire retirement system on or after January first, two thousand ten**  
21 **shall not be subject to the provisions of this article.** In such event,  
22 the provisions of article eleven **and article twenty-two of this chapter**  
23 shall continue to be applicable to such participating employer and its  
24 employees, as provided in section four hundred fifty-one of this chap-  
25 ter. If, as a result of actuarial experience, such employer's contrib-  
26 ution rate should increase to the extent that it is not at least one  
27 percent lower than the contribution rate under this article, then, upon  
28 certification of such fact by the comptroller, the provisions of this  
29 subdivision shall no longer apply with respect to the employees of such  
30 employer who thereafter first join or rejoin a public retirement system.

31 § 10. This act shall take effect on the thirtieth day after it shall  
32 have become a law.

33

## PART B

34 Section 1. Subdivision 24 of section 501 of the retirement and social  
35 security law, as amended by chapter 891 of the laws of 1976, is amended  
36 to read as follows:

37 24. "Wages" shall mean regular compensation earned by and paid to a  
38 member by a public employer, **except that for members who first join the**  
39 **state and local employees' retirement system on or after January first,**  
40 **two thousand ten, overtime compensation paid in any year in excess of**  
41 **the overtime ceiling, as defined by this subdivision, shall not be**  
42 **included in the definition of wages.** "Overtime compensation" shall  
43 **mean, for purposes of this section, compensation paid under any law or**  
44 **policy under which employees are paid at a rate greater than their stan-**  
45 **dard rate for additional hours worked beyond those required, including**  
46 **compensation paid under section one hundred thirty-four of the civil**  
47 **service law and section ninety of the general municipal law. The "over-**  
48 **time ceiling" shall mean fifteen thousand dollars per annum on January**  
49 **first, two thousand ten, and shall be increased by three percent each**  
50 **year thereafter.** For the purpose of calculation a member's primary  
51 federal social security retirement or disability benefit, wages shall,  
52 in any calendar year, be limited to the portion of the member's wages  
53 which would be subject to tax under section three thousand one hundred  
54 twenty-one of the internal revenue code of nineteen hundred fifty-four,

1 or any predecessor or successor provision relating thereto, if such  
2 member was employed by a private employer.

3 § 2. Subdivisions a and b of section 502 of the retirement and social  
4 security law, as amended by chapter 389 of the laws of 1998, are amended  
5 to read as follows:

6 a. A member who first joins a public retirement system of this state  
7 on or after June thirtieth, nineteen hundred seventy-six shall not be  
8 eligible for service retirement benefits hereunder until such member has  
9 rendered a minimum of five years of creditable service after July first,  
10 nineteen hundred seventy-three, except that a member who first joins the  
11 New York state and local employees' retirement system on or after Janu-  
12 ary first, two thousand ten shall not be eligible for service retirement  
13 benefits pursuant to this article until such member has rendered a mini-  
14 imum of ten years of credited service.

15 b. A member who previously was a member of a public retirement system  
16 of this state shall not be eligible for service retirement benefits  
17 hereunder until such member has rendered a minimum of five years of  
18 service which is creditable pursuant to section five hundred thirteen of  
19 this article. A member who first joins the New York state and local  
20 employees' retirement system on or after January first, two thousand ten  
21 shall not be eligible for service retirement benefits pursuant to this  
22 article until such member has rendered a minimum of ten years of credit-  
23 ed service.

24 § 3. Subdivision c of section 504 of the retirement and social securi-  
25 ty law, as amended by chapter 174 of the laws of 1989, is amended to  
26 read as follows:

27 c. The early service retirement benefit for general members, except  
28 for general members whose early retirement benefit is specified in  
29 subdivision d of this section, shall be the service retirement benefit  
30 specified in subdivision a or b of this section, as the case may be,  
31 without social security offset, reduced by one-fifteenth for each of the  
32 first two years by which early retirement precedes age sixty-two, plus a  
33 further reduction of: (1) one-thirtieth; or (2) one-twentieth for  
34 members who first join the New York state and local employees' retire-  
35 ment system on or after January first, two thousand ten, for each year  
36 by which early retirement precedes age sixty. At age sixty-two, the  
37 benefit shall be reduced by fifty percent of the primary social security  
38 retirement benefit, as provided in section five hundred eleven of this  
39 article.

40 § 4. Subdivision a of section 516 of the retirement and social securi-  
41 ty law, as amended by chapter 389 of the laws of 1998, is amended to  
42 read as follows:

43 a. A member who has five or more years of credited service or ten or  
44 more years of credited service for members who first join the New York  
45 state and local employees' retirement system on or after January first,  
46 two thousand ten upon termination of employment shall be entitled to a  
47 deferred vested benefit as provided herein.

48 § 5. Subdivision l of section 601 of the retirement and social securi-  
49 ty law, as added by chapter 414 of the laws of 1983, is amended to read  
50 as follows:

51 1. "Wages" shall mean regular compensation earned by and paid to a  
52 member by a public employer, except that for members who first join the  
53 New York state and local employees' retirement system or the New York  
54 state teachers' retirement system on or after January first, two thou-  
55 sand ten, overtime compensation paid in any year in excess of the over-  
56 time ceiling, as defined by this subdivision, shall not be included in

1 the definition of wages. "Overtime compensation" shall mean, for  
2 purposes of this section, compensation paid under any law or policy  
3 under which employees are paid at a rate greater than their standard  
4 rate for additional hours worked beyond those required, including  
5 compensation paid under section one hundred thirty-four of the civil  
6 service law and section ninety of the general municipal law. The "over-  
7 time ceiling" shall mean fifteen thousand dollars per annum on January  
8 first, two thousand ten, and shall be increased by three per cent each  
9 year thereafter.

10 § 6. Subdivisions a and b of section 602 of the retirement and social  
11 security law, as amended by chapter 389 of the laws of 1998, are amended  
12 to read as follows:

13 a. A member who first joins a public retirement system of this state  
14 on or after July first, nineteen hundred seventy-six shall not be eligi-  
15 ble for service retirement benefits hereunder until such member has  
16 rendered a minimum of five years of credited service, except that a  
17 member who first joins the New York state and local employees' retire-  
18 ment system or the New York state teachers' retirement system on or  
19 after January first, two thousand ten shall not be eligible for service  
20 retirement benefits pursuant to this article until such member has  
21 rendered a minimum of ten years of credited service.

22 b. A member who previously was a member of a public retirement system  
23 of this state shall not be eligible for service retirement benefits  
24 hereunder until such member has rendered a minimum of five years of  
25 service which is credited pursuant to section six hundred nine of this  
26 article. A member who first joins the New York state and local employ-  
27 ees' retirement system or the New York state teachers' retirement system  
28 on or after January first, two thousand ten shall not be eligible for  
29 service retirement benefits pursuant to this article until such member  
30 has rendered a minimum of ten years of credited service.

31 § 7. Subdivision a of section 603 of the retirement and social securi-  
32 ty law, as amended by section 3 of chapter 19 of the laws of 2008, is  
33 amended to read as follows:

34 a. The service retirement benefit specified in section six hundred  
35 four of this article shall be payable to members who have met the mini-  
36 mum service requirements upon retirement and attainment of age sixty-  
37 two, other than members who are eligible for early service retirement  
38 pursuant to subdivision c of section six hundred four-b of this article,  
39 subdivision c of section six hundred four-c of this article, subdivision  
40 d of section six hundred four-d of this article, subdivision c of section  
41 six hundred four-e of this article, subdivision c of section six hundred  
42 four-f of this article, subdivision c of section six hundred  
43 four-g of this article, subdivision c of section six hundred four-h of  
44 this article or subdivision c of section six hundred four-i of this  
45 article, provided, however, [~~a member who is a peace officer employed by~~  
46 ~~the unified court system or~~] a member of a teachers' retirement system  
47 or the New York state and local employees' retirement system who first  
48 joins such system before January first, two thousand ten or a member who  
49 is a uniformed court officer or peace officer employed by the unified  
50 court system may retire without reduction of his or her retirement bene-  
51 fit upon attainment of at least fifty-five years of age and completion  
52 of thirty or more years of service, provided, however, that a uniformed  
53 court officer or peace officer employed by the unified court system who  
54 first becomes a member of the New York state and local employees'  
55 retirement system on or after January first, two thousand ten and  
56 retires without reduction of his or her retirement benefit upon attain-

1 ment of at least fifty-five years of age and completion of thirty or  
2 more years of service pursuant to this section shall be required to make  
3 the member contributions required by subdivision f of section six  
4 hundred thirteen of this article for all years of credited and credita-  
5 ble service.

6 § 8. Subdivision i of section 603 of the retirement and social securi-  
7 ty law, as amended by chapter 19 of the laws of 2008, is amended to read  
8 as follows:

9 i. 1. A member of a teachers' retirement system or the New York state  
10 and local employees' retirement system who has met the minimum service  
11 requirements but who has less than thirty years of credited service or a  
12 member who first joins the New York state and local employees' retire-  
13 ment system or the New York state teachers' retirement system on or  
14 after January first, two thousand ten may retire prior to normal retire-  
15 ment age, but no earlier than attainment of age fifty-five, in which  
16 event, unless such person is a member of the New York city teachers'  
17 retirement system who is otherwise eligible for early service retirement  
18 pursuant to subdivision c of section six hundred four-i of this article,  
19 the amount of his or her retirement benefit otherwise computed without  
20 optional modification shall be reduced in accordance with the following  
21 schedule:

22 (i) for each of the first twenty-four full months that retirement  
23 predates age sixty-two, one-half of one per centum per month; provided,  
24 however, that for members who first join the New York state and local  
25 employees' retirement system or the New York state teachers' retirement  
26 system on or after January first, two thousand ten, such amounts shall  
27 be equal to one-fifteenth per year; and

28 (ii) for each full month that retirement predates age sixty, one-quar-  
29 ter of one per centum per month; provided, however, that for members who  
30 first join the New York state and local employees' retirement system or  
31 the New York state teachers' retirement system on or after January  
32 first, two thousand ten, such amounts shall be equal to one-twentieth  
33 per year, but in no event shall retirement be permitted prior to attain-  
34 ment of age fifty-five.

35 2. A member of the New York city employees' retirement system or the  
36 board of education retirement system of the city of New York who has met  
37 the minimum service requirement, but who is not (a) a participant in the  
38 twenty-five-year early retirement program, as defined in paragraph ten  
39 of subdivision a of section six hundred four-c of this article (as added  
40 by chapter ninety-six of the laws of nineteen hundred ninety-five), or  
41 (b) a participant in the age fifty-seven retirement program, as defined  
42 in paragraph three of subdivision b of section six hundred four-d of  
43 this article, or (c) a New York city transit authority member, as  
44 defined in paragraph one of subdivision a of section six hundred four-b  
45 of this article, may retire prior to normal retirement age, but no  
46 earlier than attainment of age fifty-five, in which event, unless such  
47 person is a member of the board of education retirement system of such  
48 city who is otherwise eligible for early service retirement pursuant to  
49 subdivision c of section six hundred four-i of this article, the amount  
50 of his or her retirement benefit computed without optional modification  
51 shall be reduced in accordance with the following schedule:

52 (i) for each of the first twenty-four full months that retirement  
53 predates age sixty-two, one-half of one per centum per month; and

54 (ii) for each full month that retirement predates age sixty, one-quar-  
55 ter of one per centum per month, but in no event shall retirement be  
56 permitted prior to attainment of age fifty-five.

1 § 8-a. Section 603 of the retirement and social security law is  
2 amended by adding a new subdivision t to read as follows:

3 t. Members who join the New York state teachers' retirement system on  
4 or after January first, two thousand ten, shall be eligible to retire  
5 without reduction of his or her retirement benefit upon attainment of at  
6 least fifty-seven years of age and completion of thirty or more years of  
7 service. Members who retire pursuant to the provisions of this subdivi-  
8 sion shall be required to make the member contributions required by  
9 subdivision g of section six hundred thirteen of this article for all  
10 years of credited and creditable service.

11 § 8-b. Subdivisions a and b of section 604 of the retirement and  
12 social security law, as amended by chapter 266 of the laws of 1998, are  
13 amended to read as follows:

14 a. The service retirement benefit at normal retirement age for a  
15 member with less than twenty years of credited service, or less than  
16 twenty-five years credited service for a member who joins the New York  
17 state teachers' retirement system on or after January first, two thou-  
18 sand ten, shall be a retirement allowance equal to one-sixtieth of final  
19 average salary times years of credited service.

20 b. The service retirement benefit at normal retirement age for a  
21 member with twenty years or more of credited service, or with twenty-  
22 five or more years credited service for a member who first joins the New  
23 York state teachers' retirement system on or after January first, two  
24 thousand ten, shall be a retirement allowance equal to one-fiftieth of  
25 final average salary times years of credited service not in excess of  
26 thirty years.

27 § 8-c. Paragraph 2 of subdivision b of section 609 of the retirement  
28 and social security law, as added by chapter 414 of the laws of 1983, is  
29 amended to read as follows:

30 2. Previous service credit shall not be granted unless such member  
31 applies therefor and repays the amount refunded by a public retirement  
32 system of the state for service rendered after July first, nineteen  
33 hundred seventy-six together with interest through the date of repayment  
34 at the rate of five percent per annum compounded annually and three  
35 percent of the wages earned for service prior to that date together with  
36 interest from July first, nineteen hundred seventy-six through the date  
37 of payment at the rate of five percent per annum compounded annually and  
38 three percent of the wages earned for service which predates the date of  
39 entry into the retirement system together with interest at the rate of  
40 five percent per annum compounded annually from the date of such service  
41 until the date of payment. Anything in this paragraph to the contrary  
42 notwithstanding, in order to obtain credit for previous service, members  
43 who first join the New York state teachers' retirement system on or  
44 after January first, two thousand ten shall pay three and one-half  
45 percent of wages earned for service which predates the date of entry  
46 into the retirement system together with interest at the rate of five  
47 percent per annum compounded annually from the date of such service  
48 until the date of payment.

49 § 9. Subdivision a of section 612 of the retirement and social securi-  
50 ty law, as amended by chapter 659 of the laws of 1999, is amended to  
51 read as follows:

52 a. A member who has five or more years of credited service, or ten or  
53 more years of credited service for a member who first joined the New  
54 York state and local employees' retirement system or the New York state  
55 teachers' retirement system on or after January first, two thousand ten,  
56 upon termination of employment, other than a member who is entitled to a

1 deferred vested benefit pursuant to any other provision of this article,  
2 shall be entitled to a deferred vested benefit at normal retirement age  
3 computed in accordance with the provisions of section six hundred four  
4 of this article. A member of a teachers' retirement system or the New  
5 York state and local employees' retirement system who has five or more  
6 years of credited service, or ten or more years of credited service for  
7 a member who first becomes a member of the New York state and local  
8 employees' retirement system or the New York state teachers' retirement  
9 system on or after January first, two thousand ten, upon termination of  
10 employment shall be entitled to a deferred vested benefit prior to  
11 normal retirement age, but no earlier than age fifty-five, computed in  
12 accordance with the provisions of subdivision i of section six hundred  
13 three of this article.

14 § 9-a. Section 613 of the retirement and social security law is  
15 amended by adding two new subdivisions f and g to read as follows:

16 f. Anything in subdivision a of this section to the contrary notwith-  
17 standing a member employed as a uniformed court officer or peace officer  
18 in the unified court system who first joins the New York state and local  
19 employees' retirement system on or after January first, two thousand ten  
20 shall contribute four percent of annual wages to the New York state and  
21 local employees' retirement system. The head of the New York state and  
22 local employees' retirement system shall promulgate such regulations as  
23 may be necessary and appropriate with respect to the deduction of such  
24 contribution from members' wages and for the maintenance of any special  
25 fund or funds with respect to amounts so contributed.

26 g. Members who first join the New York state teachers' retirement  
27 system on or after January first, two thousand ten shall contribute  
28 three and one-half percent of annual wages to the New York state teach-  
29 ers' retirement system. The head of the New York state teachers' retire-  
30 ment system shall promulgate such regulations as may be necessary and  
31 appropriate with respect to the deduction of such contribution from  
32 members' wages and for the maintenance of any special fund or funds with  
33 respect to amounts so contributed.

34 § 10. Paragraph 1 of subdivision b of section 902 of the retirement  
35 and social security law, as amended by chapter 110 of the laws of 2000,  
36 is amended to read as follows:

37 1. An eligible employee (i) with a date of membership in a retirement  
38 system on or after July twenty-seventh, nineteen hundred seventy-six and  
39 before January first, two thousand ten, and (ii) who has ten or more  
40 years of membership or ten or more years of credited service with a  
41 retirement system under the provisions of article fourteen or fifteen of  
42 this chapter shall not be required to contribute to a retirement system  
43 pursuant to section five hundred seventeen or six hundred thirteen of  
44 this chapter as of the cessation date.

45 § 11. Intentionally omitted.

46 § 12. Intentionally omitted.

47 § 13. Section 90 of the general municipal law, as amended by chapter  
48 576 of the laws of 1964, is amended to read as follows:

49 § 90. Payment of overtime compensation to public officers or employ-  
50 ees. The governing board of each municipal corporation or other civil  
51 division or political subdivision of the state, or in the city of New  
52 York, the mayor, by ordinance, local law, resolution, order or rule, may  
53 provide for the payment of overtime compensation to any or all public  
54 officers except elective officers and those officers otherwise excluded  
55 by law and to any or all public employees under their jurisdiction at  
56 the regular basic pay rate of such officers or employees for all time

1 such officers or employees are required to work in excess of their regu-  
2 larly established hours of employment or at such other rate as such  
3 governing board, or in the city of New York, the mayor, may authorize.  
4 The amounts received as overtime compensation under this section shall  
5 be regarded as salary or compensation for any of the purposes of any  
6 pension or retirement system of which the officer or employee receiving  
7 the same is a member, except as set forth in sections five hundred one,  
8 six hundred one, and twelve hundred three of the retirement and social  
9 security law. Such overtime compensation shall not be regarded as sala-  
10 ry or compensation for the purpose of determining the right to any  
11 increase of salary or any salary increment on account of length of  
12 service or otherwise. No such overtime compensation shall be construed  
13 to constitute a promotion.

14 § 14. Section 1 of chapter 729 of the laws of 1994 relating to affect-  
15 ing the health insurance benefits and contributions of retired employees  
16 of school districts and certain boards, as amended by chapter 30 of the  
17 laws of 2009, is amended to read as follows:

18 Section 1. From on and after June 30, 1994 [~~until May 15, 2010,~~] a  
19 school district, board of cooperative educational services, vocational  
20 education and extension board or a school district as enumerated in  
21 section 1 of chapter 566 of the laws of 1967, as amended, shall be  
22 prohibited from diminishing the health insurance benefits provided to  
23 retirees and their dependents or the contributions such board or  
24 district makes for such health insurance coverage below the level of  
25 such benefits or contributions made on behalf of such retirees and their  
26 dependents by such district or board unless a corresponding diminution  
27 of benefits or contributions is effected from the present level during  
28 this period by such district or board from the corresponding group of  
29 active employees for such retirees.

30 § 15. Legislative intent. The legislature hereby finds and declares  
31 its intent, in addition to the retirement benefit changes provided for  
32 in this act, to enact legislation, in conjunction with the executive,  
33 which would offer a three-month period during calendar year 2010, during  
34 which members of the collective bargaining unit of the New York State  
35 United Teachers ("NYSUT") within the New York state teachers retirement  
36 system and the New York state and local employees' retirement system who  
37 have reached fifty-five years of age and have accumulated twenty-five  
38 years of service as a member of either such retirement system, may  
39 retire early without penalty.

40 § 16. This act shall take effect January 1, 2010; provided, however,  
41 that the amendments to subdivision a of section 603 of the retirement  
42 and social security law made by section seven of this act, shall not  
43 affect the expiration of such subdivision and shall be deemed to expire  
44 therewith.

45

## PART C

46 Section 1. Subdivisions a and b of section 602 of the retirement and  
47 social security law, as amended by chapter 389 of the laws of 1998, are  
48 amended to read as follows:

49 a. [A] Except as provided in subdivision b-1 of this section, a member  
50 who first joins a public retirement system of this state on or after  
51 July first, nineteen hundred seventy-six shall not be eligible for  
52 service retirement benefits hereunder until such member has rendered a  
53 minimum of five years of credited service.

1     b. [A] Except as provided in subdivision b-1 of this section, a member  
2 who previously was a member of a public retirement system of this state  
3 shall not be eligible for service retirement benefits hereunder until  
4 such member has rendered a minimum of five years of service which is  
5 credited pursuant to section six hundred nine of this article.

6     § 2. Section 602 of the retirement and social security law is amended  
7 by adding a new subdivision b-1 to read as follows:

8     b-1. Notwithstanding the provisions of subdivision a or b of this  
9 section or any other provision of law to the contrary, (i) a member of  
10 the New York city teachers' retirement system who holds a position  
11 represented by the recognized teacher organization for collective  
12 bargaining purposes, and who became subject to the provisions of this  
13 article after the effective date of this subdivision, or (ii) a member  
14 of the New York city board of education retirement system who holds a  
15 position represented by the recognized teacher organization for collec-  
16 tive bargaining purposes, and who became subject to the provisions of  
17 this article after the effective date of this subdivision, shall not be  
18 eligible for service retirement benefits hereunder until such member has  
19 rendered a minimum of ten years of credited service.

20     § 3. Subdivision a of section 612 of the retirement and social securi-  
21 ty law, as amended by chapter 659 of the laws of 1999, is amended to  
22 read follows:

23     a. [A] Except as provided in subdivision a-1 of this section, a member  
24 who has five or more years of credited service upon termination of  
25 employment, other than a member who is entitled to a deferred vested  
26 benefit pursuant to any other provision of this article, shall be enti-  
27 tled to a deferred vested benefit at normal retirement age computed in  
28 accordance with the provisions of section six hundred four of this arti-  
29 cle. [A] Except as provided in subdivision a-1 of this section, a member  
30 of a teachers' retirement system or the New York state and local employ-  
31 ees' retirement system who has five or more years of credited service  
32 upon termination of employment shall be entitled to a deferred vested  
33 benefit prior to normal retirement age, but no earlier than age fifty-  
34 five, computed in accordance with the provisions of subdivision i of  
35 section six hundred three of this article.

36     § 4. Section 612 of the retirement and social security law is amended  
37 by adding a new subdivision a-1 to read as follows:

38     a-1. Notwithstanding the provisions of subdivision a of this section  
39 or any other provision of law to the contrary, (i) a member of the New  
40 York city teachers' retirement system who holds a position represented  
41 by the recognized teacher organization for collective bargaining  
42 purposes, who became subject to the provisions of this article after the  
43 effective date of this subdivision, and who has ten or more years of  
44 credited service, or (ii) a member of the New York city board of educa-  
45 tion retirement system who holds a position represented by the recog-  
46 nized teacher organization for collective bargaining purposes, who  
47 became subject to the provisions of this article after the effective  
48 date of this subdivision, and who has ten or more years of credited  
49 service, other than such a member of either of such retirement systems  
50 who is entitled to a deferred vested benefit pursuant to any other  
51 provision of this article, shall, upon termination of employment, be  
52 entitled to a deferred vested benefit at normal retirement age computed  
53 in accordance with the provisions of section six hundred four of this  
54 article. Notwithstanding the provisions of subdivision a of this  
55 section or any other provision of law to the contrary, a member of the  
56 New York city teachers' retirement system who holds a position repres-

1 ented by the recognized teacher organization for collective bargaining  
2 purposes, who became subject to the provisions of this article after the  
3 effective date of this subdivision, and who has ten or more years of  
4 credited service, shall, upon termination of employment, be entitled to  
5 a deferred vested benefit prior to normal retirement age, but no earlier  
6 than age fifty-five, computed in accordance with the provisions of  
7 subdivision i of section six hundred three of this article.

8 § 5. Paragraph 1 of subdivision b of section 911 of the retirement and  
9 social security law, as amended by chapter 110 of the laws of 2000, is  
10 amended to read as follows:

11 1. [An] Subject to the provisions of paragraph one-a of this subdivi-  
12 sion, an eligible member (i) with a date of membership in a retirement  
13 system on or after July twenty-seventh, nineteen hundred seventy-six and  
14 (ii) who has ten or more years of membership or ten or more years of  
15 credited service with a retirement system under the provisions of arti-  
16 cle fourteen or fifteen of this chapter shall not be required to  
17 contribute to a retirement system pursuant to section five hundred  
18 seventeen or six hundred thirteen of this chapter as of the cessation  
19 date.

20 § 6. Subdivision b of section 911 of the retirement and social securi-  
21 ty law is amended by adding a new paragraph 1-a to read as follows:

22 1-a. Notwithstanding the provisions of paragraph one of this subdivi-  
23 sion or any other provision of law to the contrary, a member of the New  
24 York city teachers' retirement system or the New York city board of  
25 education retirement system:

26 (i) who is a twenty-seven year participant in the age fifty-five  
27 retirement program (as defined in paragraph twelve of subdivision a of  
28 section six hundred four-i of this chapter), and

29 (ii) who becomes subject to the provisions of article fifteen of this  
30 chapter after the effective date of this paragraph, shall contribute to  
31 a retirement system pursuant to section six hundred thirteen of this  
32 chapter until he or she has completed twenty-seven years of credited  
33 service.

34 § 7. Paragraph 2 of subdivision e of section 604-i of the retirement  
35 and social security law, as added by chapter 19 of the laws of 2008, is  
36 amended to read as follows:

37 2. A twenty-five-year participant in the age fifty-five retirement  
38 program (as defined in paragraph eleven of subdivision a of this  
39 section) shall contribute additional member contributions until the  
40 later of (i) June twenty-ninth, two thousand eight, or (ii) the date on  
41 which he or she has completed twenty-five years of credited service. A  
42 twenty-seven-year participant in the age fifty-five retirement program  
43 shall contribute additional member contributions only until he or she  
44 has completed twenty-seven years of credited service; provided, however,  
45 that a twenty-seven-year participant in the age fifty-five retirement  
46 program who becomes subject to the provisions of this article after the  
47 effective date of the chapter of the laws of two thousand nine that  
48 amended this paragraph shall contribute additional member contributions  
49 for all years of credited service as provided in subparagraph (ii) of  
50 paragraph one of this subdivision.

51 § 8. Subdivision d of section 13-582 of the administrative code of the  
52 city of New York is amended to read as follows:

53 d. ~~[Interest]~~ 1. Subject to the provisions of paragraph two of this  
54 subdivision, interest shall be allowed on the participant's tax-deferred  
55 account in the annuity savings fund at the same rate and in accordance

1 with the same rules and procedures applicable to any account in the  
2 annuity savings fund, as provided in this chapter.

3 2. Notwithstanding the provisions of paragraph one of this subdivi-  
4 sion, or any other provision of law, or any retirement board rule, regu-  
5 lation or resolution to the contrary, on or after the first business day  
6 immediately following the effective date of this paragraph, interest  
7 shall be allowed at the rate of seven percent per annum, compounded  
8 annually, on the tax-deferred account in the annuity savings fund of  
9 participants (i) who hold a position represented by the recognized  
10 teacher organization for collective bargaining purposes, or (ii) who  
11 held such a position at the time they retired or discontinued service  
12 with vested rights to a retirement allowance and elected to defer  
13 commencement of distribution of their tax-deferred accounts in accord-  
14 ance with subdivision g of this section.

15 § 9. Section 13-582 of the administrative code of the city of New York  
16 is amended by adding two new subdivisions n and o to read as follows:

17 n. Notwithstanding any other provision of law, or any retirement board  
18 rule, regulation or resolution to the contrary, the amendment to subdi-  
19 vision d of this section enacted by the chapter of the laws of two thou-  
20 sand nine which added this subdivision shall not affect the rate of  
21 interest being charged on new loans from the tax-deferred annuity  
22 program, and the rate of interest that was being charged on such loans  
23 immediately prior to the effective date of this subdivision shall be  
24 used for new loans from the tax-deferred annuity program made on or  
25 after the effective date of this subdivision, unless the retirement  
26 board, in accordance with its authority pursuant to paragraph two of  
27 subdivision l of this section, as added by chapter five hundred seven-  
28 teen of the laws of nineteen hundred ninety-three, shall amend its rules  
29 and regulations governing loans from the tax-deferred annuity program to  
30 establish a different rate of interest applicable to such loans.

31 o. Notwithstanding any other provision of law, or any retirement board  
32 rule, regulation or resolution to the contrary, where a participant in  
33 the tax-deferred annuity program has elected to transfer all or a  
34 portion of the amount credited to his or her tax-deferred account in the  
35 annuity savings fund to a tax-deferred account in the variable annuity  
36 savings fund, the retirement system shall effectuate such transfer as  
37 expeditiously as is administratively feasible.

38 § 10. Subdivision 20 of section 2575 of the education law, as added by  
39 chapter 509 of the laws of 1993, is amended by adding a new paragraph  
40 (e) to read as follows:

41 (e) Notwithstanding any other provision of law, or any rule or regu-  
42 lation, or the provisions of any retirement board resolution to the  
43 contrary:

44 (1) on or after the first business day immediately following the  
45 effective date of this paragraph, interest shall be allowed at the rate  
46 of seven percent per annum, compounded annually, on the tax-deferred  
47 accounts in the annuity savings fund of participants (i) who hold a  
48 position represented by the recognized teacher organization for collec-  
49 tive bargaining purposes, or (ii) who held such a position at the time  
50 they retired or discontinued service with vested rights to a retirement  
51 allowance and elected to defer commencement of distribution of their  
52 tax-deferred accounts in accordance with paragraph (c) of this subdivi-  
53 sion; and

54 (2) the provisions of subparagraph one of this paragraph shall not  
55 affect the rate of interest being charged on new loans from the tax-de-  
56 ferred annuity program, and the rate of interest that was being charged

1 on such loans immediately prior to the effective date of this paragraph  
 2 shall be used for new loans from the tax-deferred annuity program made  
 3 on or after the effective date of this paragraph, unless the rules and  
 4 regulations governing loans from the tax-deferred annuity program are  
 5 amended pursuant to paragraph (d) of this subdivision to establish a  
 6 different rate of interest applicable to such loans; and

7 (3) where a participant in the tax-deferred annuity program has  
 8 elected to transfer all or a portion of the amount credited to his or  
 9 her tax-deferred account in the annuity savings fund to a tax-deferred  
 10 account in the variable annuity savings fund, the retirement system  
 11 shall effectuate such transfer as expeditiously as is administratively  
 12 feasible.

13 § 11. This act shall take effect immediately.

14 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-  
 15 sion, section or part of this act shall be adjudged by any court of  
 16 competent jurisdiction to be invalid, such judgment shall not affect,  
 17 impair, or invalidate the remainder thereof, but shall be confined in  
 18 its operation to the clause, sentence, paragraph, subdivision, section  
 19 or part thereof directly involved in the controversy in which such judg-  
 20 ment shall have been rendered. It is hereby declared to be the intent of  
 21 the legislature that this act would have been enacted even if such  
 22 invalid provisions had not been included herein.

23 § 3. This act shall take effect immediately provided, however, that  
 24 the applicable effective date of Parts A through C of this act shall be  
 25 as specifically set forth in the last section of such Parts.

FISCAL NOTE.--PROVISIONS OF PART C OF THE PROPOSED LEGISLATION - OVER-  
 VIEW: With respect to the New York City Retirement Systems ("NYCRS"),  
 Part C of this proposed legislation would amend New York State Retirement  
 and Social Security Law ("RSSL") Sections 602, 604-i, 612 and  
 911.b, Administrative Code of the City of New York ("ACNY") Section  
 13-582 and Education Law ("Ed Law") Section 2575 to provide changes in  
 the service eligibility requirements for certain members for Vested and  
 Service Retirement benefits, to revise the duration of payability for  
 member contributions for certain Tier IV members hired on and after the  
 Effective Date, and to provide a change to the rate of interest to be  
 credited on Fixed Fund account balances of certain participants in the  
 Tax Deferred Annuity ("TDA") Programs of the New York City Teachers'  
 Retirement System ("NYCTRS") and the New York City Board of Education  
 Retirement System ("BERS").

The Effective Date of the proposed legislation would be the date of  
 enactment.

IMPACT ON SECTIONS OF LAW: The proposed legislation would amend the  
 following provisions of law for certain new NYCRS members hired on and  
 after the Effective Date ("New Members") and also impact certain exist-  
 ing members on the Effective Date with respect to certain TDA  
 provisions.

<u>Section of Law</u>	<u>Provisions Being Amended</u>
	<u>Tier I-IV Provisions</u>
ACNY 13-582.d	Provisions relating to NYCTRS TDA.
ACNY 12-582.n.o	Provisions relating to NYCTRS TDA loans.
	<u>Tier IV Provisions</u>
RSSL Sec. 602.a,b	Service Retirement ("SR") eligibility.
RSSL Sec. 604-i	Additional Member

RSSL Sec. 612.a	Contributions ("AMC"). Eligibility for Vested benefits.
RSSL Sec. 911.b	Limitations on Basic Member Contributions

**TDA Provisions and TDA Loans for BERS**

Ed Law Sec. 2575	TDA provisions and TDA loans for BERS.
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IMPACT ON NYCERS RETIREMENT PLANS - NON-TDA PROVISIONS: Part C of the proposed legislation would cover certain Tier IV New Members of NYCTRS and BERS and impact provisions of the following Plans:

- \* Basic Tier IV Plan Provisions ("Basic 62/5 Plan") and
- \* Optional Age Fifty-five Retirement Program for New York City Teachers and certain other members ("Age 55 Program").

IMPACT ON ELIGIBILITY PROVISIONS - NON-TDA PROVISIONS: Under the proposed legislation, certain New Members hired on and after the Effective Date would become subject to the following revised Service Retirement and Vesting eligibility requirements:

**Service Retirement**

Under the proposed legislation, the minimum service required for a Service Retirement benefit in the Basic 62/5 Plan would be increased to 10 years from 5 years of credited service.

**Vesting**

Under the proposed legislation, the minimum service required for a Vested benefit in the Basic 62/5 Plan would be increased to 10 years from 5 years of credited service.

While such New Members would participate in the Age 55 Program, in the event a participant terminated employment prior to meeting the eligibility requirements of the Age 55 Program for Service Retirement, the benefits payable upon vesting, retirement, disability or death would be based on the provisions of the Basic 62/5 Plan.

IMPACT ON MEMBER CONTRIBUTIONS - NON-TDA PROVISIONS: Currently, Basic Member Contributions ("BMC") of 3.0% of salary for Tier IV members are required (per Chapter 126 of the Laws of 2000) for only the first 10 years of membership or the first 10 years of credited service, whichever occurs earliest.

Under the proposed legislation, certain New Members would be required to pay BMC for all years of credited service up to a maximum of 27 years.

Currently, under the existing Age 55 Program, only those participants subject to the 27-year provisions are required to contribute AMC of 1.85% of salary to a maximum of 27 years of credited service.

Under Part C of the proposed legislation, New Member 27-year participants in the Age 55 Program after the Effective Date would be required to contribute AMC for all years of credited service.

FINANCIAL IMPACT - OVERVIEW: If enacted into law, the ultimate employer cost of this proposed legislation would be determined by the net change in benefits paid, offset by any increases in member contributions, and by the reduced amount of interest credited to TDA Fixed Fund account balances.

FINANCIAL IMPACT - NON-TDA PROVISIONS - ACTUARIAL PRESENT VALUES - CURRENT MEMBERS: Based on the census data and the actuarial assumptions and methods currently in effect, the enactment of this proposed legislation would not change the APV of benefits, the APV of member contributions or the APV of future salary of current members of NYCTRS or BERS as of June 30, 2008.

IMPACT ON NYCTRS RETIREMENT PLANS - TDA PROVISIONS: The proposed legislation changes to the TDA provisions would cover both existing members and New Members of NYCTRS and BERS in Tier I, Tier II, Tier III and Tier IV whose job titles are represented in collective bargaining by the United Federation of Teachers ("UFT") ("Covered Members").

These TDA changes would impact all such NYCTRS and BERS members regardless of the Plan in which they participate.

BACKGROUND - EARNINGS ON TDA ACCOUNTS - CURRENT LAW: Under current law, eligible members of NYCTRS who elect to participate in the TDA Program select from among the following funds to allocate their TDA account balances (100.0% in one Fund or proportions (delineated in minimum 5.0% increments)) within the following six alternative funds:

\* A Fixed Fund that provides a guaranteed annual rate of return of 8.25% per annum (for periods on and after July 1, 1988), or

\* Five separate Variable Funds (i.e., Diversified Equity Fund, Stable Value Fund, International Equity Fund, Inflation Protection Fund or Socially Responsive Equity Fund) that provide alternative risk/reward characteristics.

Eligible BERS members who participate in the TDA Program select only from the Fixed Fund and the Diversified Equity Fund.

At retirement after age 59 1/2, TDA participants may receive their TDA account balances payable as a lump sum, as a monthly annuity based on annuitization factors used by the NYCTRS or BERS Qualified Pension Plan ("QPP") Programs, respectively, or in other amounts they elect subject to the Internal Revenue Code ("IRC") Minimum Required Distribution ("MRD") rules for those age 70 1/2 or greater.

BACKGROUND - EARNINGS ON TDA ACCOUNTS - PROPOSED LAW: Under the proposed legislation, the interest crediting rate for TDA participants in the Fixed Fund for Covered Members would be decreased (i.e., 8.25% per annum would decrease to 7.0% per annum).

FINANCIAL IMPACT - TDA FIXED FUND ASSETS - OVERVIEW: If enacted into law, the ultimate change in employer cost of this proposed legislation would equal the change in benefits payable by NYCTRS and BERS arising from revised TDA provisions.

Simplistically, this change in employer cost would equal the cumulative reduction in obligations between crediting 8.25% per annum and 7.0% per annum on TDA Fixed Fund account balances for Covered Members.

However, financing this change in obligations is not simplistic.

Under current law, TDA Fixed Fund assets of NYCTRS and BERS are co-invested with NYCTRS QPP assets.

The Investment Policy for NYCTRS QPP assets reflects a broad asset allocation of 70% equity-like securities and 30% bond-like securities.

The actuarial assumptions currently in effect include an Actuarial Interest Rate ("AIR") assumption of 8.0% per annum that is consistent with an assumption that the NYCTRS QPP assets are expected to earn an average of 8.0% per year. To the extent that TDA Fixed Fund assets earn more than 8.25% per year (i.e., the crediting rate on TDA Fixed Fund account balances), actuarial gains occur. To the extent that TDA Fixed Fund assets earn less than 8.25% per year, actuarial losses occur.

To the extent TDA Fixed Fund account balances are shifted to Variable Funds or vice versa, there are also impacts on the potential cost of the TDA Programs.

Under the proposed legislation, access to and earnings payable on the Variable Funds would not change.

Under current actuarial practice, the Actuary spreads through the Actuarial Asset Valuation Method ("AAVM") over six years and then over

the expected future working lifetimes of NYCTRS QPP and BERS QPP active members the investment gains/losses attributable to the TDA Fixed Fund earnings equaling more/less than the 8.25% per annum TDA Fixed Fund Interest Crediting Rate.

In particular, the Actuary includes in the NYCTRS QPP and BERS QPP actuarial valuations a modest load to the Actuarial Present Value of Benefits ("APVB") equal to approximately 2.3% of their respective TDA Fixed Fund assets. This amount is intended to represent a portion of the anticipated difference between the expected earnings on TDA Fixed Fund assets and the TDA Fixed Fund Interest Crediting Rate. These obligations are financed over the expected future working lifetimes of NYCTRS QPP and BERS QPP active members.

**FINANCIAL IMPACT - TDA FIXED FUND ASSETS - RISK ADJUSTED:** As noted earlier, the expected long-term actuarial loss on TDA Fixed Fund assets, under the current actuarial assumptions, is .25% of TDA Fixed Fund assets, per year.

However, on a risk-adjusted basis, the economic implications are more significant. Specifically, TDA Fixed Fund account balances are credited with interest at a rate of 8.25% per annum, not subject to any risk to the TDA participants.

To earn the AIR assumption of 8.0% per annum, (or the 8.25% per annum crediting rate), TDA Fixed Fund assets are subject to considerable investment risk.

Were NYCTRS to set aside TDA Fixed Fund assets whose characteristics had a comparable level of certainty of payment, it would have to invest in some form of risk-free asset class such as U.S. Treasury securities.

Although a TDA participant may move, following a modest notification period, his or her TDA account balance between the Fixed Fund and the Variable Funds, the Actuary has assumed an average TDA Fixed Fund holding period of 10 years. Comparing the expected yield on 10-year U.S. Treasury securities would then be a reasonable, risk-adjusted benchmark.

Over time, intermediate-term U.S. Treasury securities may be expected to earn a real rate of return of approximately 2.5% per year. Combined with a long-term assumption for inflation of 2.5% per year, a total rate of return for intermediate-term Treasury securities would equal approximately 5.0% per year.

Comparing the current risk-free TDA Fixed Fund interest crediting rate of 8.25% per annum with a long-term expected, market place, risk-free yield of 5.0% per year on intermediate-term U.S. Treasury securities indicates that TDA account balances are being credited with an expected 3.25% per year greater rate of return on a risk-adjusted basis than the expected earnings on the supporting TDA Fixed Fund assets.

Thus, on an economically robust, risk-adjusted basis, the crediting of TDA account balances with interest at either 7.0% or 8.25% per annum is more expensive than reported on a non-risk-adjusted basis.

**FINANCIAL IMPACT - TDA VARIABLE ANNUITY CONVERSIONS:** In addition, the Actuary holds as obligations of the NYCTRS QPP and BERS QPP, amounts to reflect the actuarial losses anticipated upon the conversion of some TDA account balances into Variable Annuities. This reflects the fact that the annuity factors used for such conversion, by law, are not actuarially equivalent to what the Actuary assumes in the actuarial valuations.

Under the proposed legislation, TDA participants would be permitted to transfer their TDA Fixed Fund account balances to one or more of the Variable Funds as soon as feasible under the direction of the Plan administrators of each NYCTRS and BERS.

However, it is not expected that enactment of the proposed legislation would result in substantial numbers of TDA participants transferring their TDA Fixed Fund account balances to TDA Variable Funds.

FINANCIAL IMPACT - TDA FIXED FUND - SUMMARY: Annual investment returns on the TDA Fixed Fund assets that exceed the guaranteed amounts to be credited to the TDA Fixed Fund accounts produce actuarial gains.

Conversely, annual investment returns less than the guaranteed amounts to be credited to the TDA Fixed Fund accounts produce actuarial losses.

Under the current AIR assumption of 8.0% per annum, an aggregate long-term net actuarial loss of .25% on TDA Fixed Fund account balances is expected. This loss ultimately increases employer costs.

The Actuary anticipates that enactment of the proposed legislation with respect to the decrease to 7.0% per annum from 8.25% per annum of the Interest Crediting Rate on TDA Fixed Fund account balances in NYCTRS and BERS would become effective in the Fiscal Year containing the Effective Date.

If enacted before June 30, 2010, the Actuary would likely reduce Fiscal Year 2010 employer contributions to reflect that there would be fewer TDA Fixed Fund account balances expected to be credited at 8.25% per annum.

As of June 30, 2008, TDA Fixed Fund account balances equaled approximately \$8.970 billion for NYCTRS and \$456.8 million for BERS.

Assuming a portion of the TDA Fixed Fund account balances would be transferred to the TDA Variable Funds following enactment of this proposed legislation, the Actuary would likely apply the 2.3% load to only non-UFT TDA account balances.

If the proposed legislation were enacted on or before June 30, 2010, the impact of reducing expected TDA Fixed Fund actuarial losses would result in decreases in Fiscal Year 2010 employer contributions of approximately \$18.7 million for NYCTRS and \$.4 million for BERS.

It is anticipated that the annualized expected reduction in Fiscal Year 2010 employer contributions to NYCTRS and BERS would continue for future years.

PROJECTED CHANGES IN EMPLOYER CONTRIBUTIONS - CURRENT ACTUARIAL ASSUMPTIONS AND METHODS: If the proposed legislation were enacted and effective for certain New Members on or after the Effective Date, these New Members would first join the NYCTRS during Fiscal Year 2010 and first be included in the June 30, 2010 actuarial valuations of the NYCTRS used to determine Fiscal Year 2012 employer contributions.

However, since most New Members of NYCTRS and BERS impacted by this proposed legislation would likely not be hired until September 2010 and would first be included in the June 30, 2011 actuarial valuations of the NYCTRS, the first significant impact of the proposed legislation with respect to non-TDA provisions would likely be on the Fiscal Year 2013 employer contributions.

The proposed changes to the TDA provisions would first impact the Fiscal Year 2010 employer contributions.

The following Table 1 presents an estimate of the reduction in employer contributions that would occur based on current actuarial assumptions and methods:

Table 1

Estimated Reductions in Employer Contributions  
If Proposed Legislation is Enacted to be Effective  
On or Before June 30, 2010\*

## Under Current Actuarial Assumptions and Methods

(\$ Millions)

Fiscal Year	NYCTRS	BERS	Total
2010	18.7	0.4	19.1
2011	17.6	0.4	18.0
2012	16.6	0.3	16.9
2013	23.2	0.5	23.7
2014	29.5	0.7	30.2
2015	35.9	0.8	36.7
2016	42.5	1.0	43.5
2017	49.0	1.2	50.2
2018	55.6	1.4	57.0
2019	62.6	1.5	64.1

\* Based on projection assumptions set forth in Actuarial Assumptions and Methods Section and as noted herein. Includes both impact of non-TDA provisions with first significant impact in Fiscal Year 2013 and TDA provisions with impact in Fiscal Year 2010 and later.

The estimated reductions in employer contributions shown in Table 1 are based upon the following projection assumptions:

\* Level workforce (i.e., new employees are hired to replace those who leave active status).

\* Projected salary increase consistent with those used in projections presented to the New York City Office of Management and Budget ("NYCOMB") on February 20, 2009 ("February Projections").

\* New entrant salaries consistent with those used in the February Projections.

These "open group" projections include future new entrants introduced into the census data models to project the future workforces.

As of each future actuarial valuation date, the current "closed group" actuarial assumptions and valuation methodology are used.

Under this methodology only Plan Participants as of each actuarial valuation date are utilized to determine Actuarial Present Values, employer costs and employer contributions.

To the extent Plan designs do not change markedly over time, such closed group actuarial methodology is well suited to funding a Retirement System.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES - POTENTIAL METHODOLOGY: The impact of enactment of the proposed legislation provided in this Fiscal Note has been based on the continued use of the current actuarial assumptions and methods.

However, the current actuarial assumptions and methods do not represent the only possible approach for funding the NYCRS.

Historically, actuarial assumptions and methods have been reviewed on average every five years in connection with an actuarial experience study mandated by New York City Charter Section 96.

Following this review, the Actuary generally proposes changes in actuarial assumptions and methods that he believes appropriate and reasonably related to such experience period and future expectations.

The next such review is anticipated during Fiscal Year 2011 or 2012.

If enacted, the proposed legislation would increase the duration of member contributions of New Members of the NYCTRS and BERS. This increase may possibly impact the timing of their election to retire for service and hence, their future working lifetimes. As such, the Actuary

will be considering alternative actuarial methodologies that could, directly or indirectly, reflect the impact of future new entrants as early as the Fiscal Year of enactment.

The Actuary may also consider revising the amortization periods for financing certain costs in order to reflect the expected change in the average working lifetimes of New Members hired after enactment of this proposed legislation.

Note: The Actuary has not committed to any particular methodology for determining employer costs and employer contributions in connection with the upcoming, experience review of actuarial assumptions and methods. However, the Actuary intends to consider seriously the potential implications for financing the NYCERS that could arise should the benefits and the expected future working lifetimes of certain New Members after the Effective Date differ from those of current new entrants.

FINANCIAL IMPACT - ENTRY AGE NORMAL COSTS: Entry Age Normal Costs can provide a useful basis to compare the value of alternative benefit programs. For each member who enters a NYCERS, there is a theoretical net annual employer cost to be paid for such member while such member remains actively employed (i.e., the Entry Age Normal Cost ("EANC")).

In addition, such EANC may be expressed as a percentage of salary earned over a working lifetime and referred to as the Entry Age Normal Rate ("EANR").

Under the proposed legislation and based on the actuarial assumptions noted herein, the EANC and EANR of New Members would be less than the EANC and EANR for comparable new members entering at the same attained age and gender under the current NYCERS provisions.

A summary of the change in EANC by NYCERS for entry age 25, 30 and 35 follows:

Retirement System	EANR Under Proposed Legislation					
	Entry Age 25		Entry Age 30		Entry Age 35	
	Male	Female	Male	Female	Male	Female
NYCERS	5.68%	5.99%	6.39%	6.79%	6.99%	7.53%
BERS	3.72%	4.19%	4.21%	4.80%	4.47%	5.21%
	EANR Under Current Law**					
NYCERS	7.08%	7.40%	7.79%	8.21%	8.46%	9.02%
BERS	5.07%	5.58%	5.55%	6.18%	5.80%	6.61%
	Reduction in EANR Due to Proposed Legislation					
NYCERS	1.40%	1.41%	1.40%	1.42%	1.47%	1.49%
BERS	1.35%	1.39%	1.34%	1.38%	1.33%	1.40%

\* Based on salaries paid over entire working lifetime.

\*\* EANR were determined as of June 30, 2008 and do not vary significantly over time, absent benefit and/or actuarial assumption changes.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS FISCAL YEARS 2010, 2011 and 2012 - CURRENT METHODOLOGY: Based on the census data and the actuarial assumptions and methods currently in effect, and assuming enactment to be effective on or before June 30, 2010, the enactment of this proposed legislation would, with respect to the changes in TDA provisions, result in changes in employer contributions to NYCTRS and BERS for Fiscal Years 2010, 2011 and 2012.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS FISCAL YEAR 2013 AND BEYOND - CURRENT METHODOLOGY: If enacted to be effective on or before June 30, 2010, the first significant number of New Members would join NYCTRS and BERS during September 2010 and be included in the June 30, 2011 (Lag) actuarial valuations of those NYCTRS. Based on the actuarial assumptions and methods currently in effect, those provisions under the proposed legislation that affect New Members would first significantly impact employer contributions to NYCTRS and BERS for Fiscal Year 2013.

OTHER COSTS: Not measured in this Fiscal Note is the impact of this proposed legislation on Other Post-Employment Benefit ("OPEB") costs. Also not measured are the initial and ongoing additional administrative costs of NYCTRS and BERS and their participating employers to implement the proposed legislation.

CENSUS DATA: The starting census data used for the calculations presented herein are the census data used in the June 30, 2008 (Lag) actuarial valuations of NYCTRS and BERS.

The census data used for the estimates of additional APVB and employer contributions presented herein of the non-TDA portions of the proposed legislation are based on average salaries of new entrants in the June 30, 2008 (Lag) actuarial valuations of NYCTRS and BERS.

The metrics for new members of NYCTRS were approximately 25% male, age 34 and 75% female, age 34 and a combined average salary of \$48,239.

The metrics for new members of BERS were approximately 25% male, age 41 and 75% female, age 44 and a combined average salary of \$33,774.

The census data used for estimates of the impact on employer contributions of the TDA portion of the proposed legislation presented herein are those active participants included in the June 30, 2008 (Lag) actuarial valuations of the NYCTRS and BERS.

For NYCTRS, this consisted of 2,401 Tier I, 1,224 Tier II and 69,273 Tier IV TDA participants included in the June 30, 2008 (Lag) actuarial valuation of NYCTRS.

For BERS, this consisted of 108 Tier I, 58 Tier II and 11,799 Tier IV TDA participants included in the June 30, 2008 (Lag) actuarial valuation of BERS.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional APVB, EANR and employer contributions under current methodology presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2008 (Lag) actuarial valuations of NYCTRS and BERS.

Employer contributions under current methodology have been estimated assuming the additional APVB would be financed through future normal contributions.

Projections of salaries, reflecting the impact of estimated contractual wage increases, include information provided by NYCOMB. These and other projection assumptions (such as projected expenses) are set forth in the February Projections.

New entrants were projected to replace the NYCERS members expected to leave the active population to maintain a steady-state population.

The following Table 3 presents the total number of active employees used in the projections, assuming a level work force, and the net number of New Members as of each June 30 from 2009 to 2017.

Table 3

June 30	NYCTRS		BERS	
	Actives	Net New Members	Actives	Net New Members
2009	112,472	0	22,702	0
2010	112,472	0	22,702	0
2011	112,472	6,330	22,702	1,582
2012	112,472	12,213	22,702	3,096
2013	112,472	17,705	22,702	4,553
2014	112,472	22,846	22,702	5,940
2015	112,472	27,652	22,702	7,241
2016	112,472	32,181	22,702	8,457
2017	112,472	36,461	22,702	9,595

\* Active members included in the projections assume a level work force based on the June 30, 2008 (Lag) actuarial valuation census data. For simplification, all New Members in TRS and 15% of the New Members in BERS are assumed to be UFT Members.

The changes in employer contributions and costs have been estimated assuming that changes in the Actuarial Present Values of Future Employer Costs would be financed through future normal contributions.

Information on TDA Fixed Fund and TDA Variable Fund account balances used to estimate the impact on employer costs of the TDA portion of the legislation presented herein also reflect financial information provided by the accountants of NYCTRS and BERS.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is Fiscal Note 2009-17, dated November 17, 2009, prepared by the Chief Actuary of the New York City Teachers' Retirement System and the New York City Board of Education Retirement System.

FISCAL NOTE.--This bill would (1) create new benefits for new members who first join the New York State and Local Employees' Retirement System, the New York State Teachers' Retirement System, the New York City Teachers' Retirement System, the New York City Employees' Retirement System or the New York City Board of Education Retirement System on or after January 1, 2010 (2) create a new plan in the New York State and Local Police and Fire Retirement System.

Insofar as this bill would affect the New York State and Local Employees' Retirement System (ERS), the significant plan design changes for members who join on or after January 1, 2010 include:

1. Employee contributions of 3% of pay for all years of service, except

- State correction officer contributions would be limited to 30 years of service, &

- uniformed court officers/peace officers employed by the Unified Court System would contribute 4% of pay for all years of service.

2. Ten year vesting,

3. Larger early retirement reductions would be in place for members retiring prior to age 62, and the waiver of reduction with 30 years would be eliminated except for uniformed court officers/peace officers employed by the Unified Court System,

4. Annual overtime pay in excess of \$15,000 would not be included in the definition of wages and final average salary. This overtime pay limitation would increase by 3% annually.

If this bill is enacted, we will calculate new plan rates for all ERS members who first enter on or after January 1, 2010. The long term expected annual employer contribution rate for new general members will be approximately 8.9% as compared to the current expected long term annual employer contribution rate for Tier 4 general members of approximately 11.0% of payroll. For fiscal year ending March 31, 2010, since the average Tier 4 employer contribution rate is approximately 7%, the new plan rate would be approximately 5.7%.

For ERS members in 20 or 25 year retirement plans that allow retirement without regard to age, the long term reductions would vary by plan and be less than 2% of salary, with the fiscal year ending March 31, 2010 reductions averaging approximately 1%.

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System (PFRS), the significant plan design changes for members who join on or after January 1, 2010 include:

1. An employee contribution of 3% of pay will be required for all years of service, except that a member who is enrolled in a plan that limits the amount of creditable service which may be accrued will not be required to contribute after accruing the maximum amount of creditable service under such plan,

2. Overtime pay in an amount in excess of 15% of a member's annual wages not classified as overtime pay shall be excluded from a member's final average salary,

3. Ten year vesting.

If this bill is enacted, we will calculate new plan rates for all PFRS members who first enter on or after January 1, 2010. The long term expected annual employer contribution rate would change as follows:

-1.8% for municipal 20 year plans with additional 60ths (benefits for members hired on or after 7/1/2009 are now computed under Article 14),

-0.6% for the state 20 year plan with additional 60ths (benefits for members hired on or after 7/1/2009 are now computed under Article 14),

-2.6% for 20 year plans (benefits for members hired on or after 7/1/2009 are now computed under Article 14),

-3.0% for 25 year plans with additional 60ths, 25 year plans, and regular plans previously non-contributory.

This estimate, dated November 16, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-297, prepared by the Actuary for the ERS and PFRS.

FISCAL NOTE.--This bill would amend various sections of the Education Law and the Retirement and Social Security Law to implement a new retirement benefit structure (Tier 5) for members who first join a public retirement system of the state (or New York City) on or after January 1, 2010. The following provisions are with respect to members of the New York State Teachers' Retirement System. Members would be eligi-

ble for a service retirement benefit after rendering a minimum of ten years of credited service and attainment of age 55. The service retirement benefit formula for a member with less than twenty-five years of service would be equal to one-sixtieth of final average salary times the years of service. The service retirement benefit formula for a member with twenty-five or more years of service would be equal to one-fiftieth of final average salary times the years of service (not in excess of thirty). Years of service in excess of thirty shall provide an additional retirement benefit equal to three two-hundredths of final average salary. Members retiring prior to age 62 would have their retirement benefit reduced by one-fifteenth per year for each of the first two years retirement predates age 62 and by one-twentieth per year for each year retirement predates age 60. However, members who are at least age 57 with 30 or more years of credited service would be permitted to retire without reduction. Members would be required to contribute three and one-half percent of annual salary for all years of service.

The current required employer contribution rate for the New York State Teachers' Retirement System is 6.19% of pay, applicable to 7/1/09 - 6/30/10 member salaries and to be collected in the fall of 2010. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after January 1, 2010, it will be at least several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-1/1/10 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 11.8% of pay under the current benefit structure. This can be thought of as the cost of the benefit structure for new entrants, based on current actuarial assumptions. Under the proposed benefit structure, this new entrant rate would be equal to 8.7% of pay.

The source of this estimate is Fiscal Note 2009-92 dated November 16, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

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# 2009

## SECTION II

Vetoed Legislation Affecting the  
New York State and Local Retirement System



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TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 1409, entitled:

"AN ACT to amend the retirement and social security law, in relation to the membership of police officers and firefighters"

NOT APPROVED

This bill would extend statutory language ensuring that all police officers and firefighters receive the generous pension benefits provided under "Tier II" of the New York State pension system, so that new employees who first enter the system between July 1, 2009 and June 30, 2011 receive such benefits. Participants in Tier II may retire at half pay in twenty years, and do not generally make pension fund contributions.

The extended provision was first enacted in 1981. From 1976 to 1981, under Retirement and Social Security Law Section 501, the Comptroller performed a calculation on the relative costs of Tier II and less generous Tier III benefits, to determine in accordance with a statutory formula which benefit would apply to particular titles, a calculation that consistently placed police officers in Tier II. By 1981, however, it appeared that some police officers would soon be placed in Tier III, and this legislation was enacted to prevent that eventuality. The sponsors of the 1981 legislation indicated that the change was necessary "temporarily," until a review of police and fire pension benefits was conducted. Notwithstanding this statement, and the growing expense imposed on the State and localities by police officer and firefighter pension costs, this bill has been extended routinely since its initial enactment.

But these are not routine times.

The State and localities are hemorrhaging revenue at an alarming rate due to the recession and financial crisis. The State Comptroller announced last week that the New York State Pension Fund lost 26% of its value in the most recent fiscal year. This decline will inevitably require significantly higher contributions from the State, and from localities already in significant financial distress.

Police officers and firefighters have earned the State's gratitude, and they should be well-compensated upon retirement. But that does not mean we can continue the present, unaffordable pension system, without enacting measures to reduce costs.

I have submitted legislation, known as "Tier V," to address these problems by making certain cost-saving changes for new entrants into the public pension system, while still providing a high level of benefits for public retirees. With respect to police officers and firefighters, "Tier V" includes a lower-cost benefit for New York City, and allows other localities, and the State, the ability to opt into a lower-cost plan if they choose. I am willing to amend that legislation to make clear that, where the State or a locality does not opt in to the new

plan, Tier II will apply. But I am not willing to ignore the present reality, and simply re-enact the same provisions that have contributed to New York's financial straits, without accompanying reform.

The bill is disapproved.

(signed) DAVID A. PATERSON

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# STATE OF NEW YORK

1409

2009-2010 Regular Sessions

## IN SENATE

January 29, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the retirement and social security law, in relation to the membership of police officers and firefighters

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

1 Section 1. Subdivision c of section 440 of the retirement and social  
2 security law, as amended by chapter 63 of the laws of 2007, is amended  
3 to read as follows:

4 c. Notwithstanding any other provision of law, the provisions and  
5 limitations of this article shall apply, as may be appropriate, to all  
6 police officers and firefighters who last joined a public retirement  
7 system of the state or a municipality thereof, on or after July first,  
8 nineteen hundred seventy-six, but prior to July first, two thousand  
9 [~~nine~~] **eleven**.

10 § 2. This act shall take effect immediately.

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

This bill would extend the Tier 2 provisions to all police officers and firefighters who join a public retirement system on or after July 1, 2009 but prior to July 1, 2011.

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System, if it is enacted, there would be no resulting additional annual cost to employers of the System. The estimated rates of contribution for the various Tier 2 plans would not increase due to enactment of the bill.

This estimate, dated January 14, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-96, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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

LBD07023-01-9

VETO MESSAGE - No. 50

TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5328, entitled:

"AN ACT in relation to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo"

NOT APPROVED

The Honorable Gustin L. Reichbach is a New York State Supreme Court Justice in the Second Judicial Department. He is a tier 4 member of the New York State and Local Employees' Retirement System ("Retirement System"). This bill would award him additional retirement credit for the period of September 1, 2003 through February 27, 2004, when he took a four-month leave of absence without pay from his position as Supreme Court Justice to serve as a judge with the United Nations Mission ("U.N.") in Kosovo.

Justice Reichbach first sought retirement credit for his work in Kosovo on June 2, 2003. After initially approving his request, the Retirement System notified him on that as a Tier 4 member, he should not be able to receive retirement credit for the time he would be off the State payroll. A member of the Retirement System may receive retirement credit only for active service with a participating employer; military service with the federal government may be credited up to a maximum of four years. Insofar as Justice Reichbach took an unpaid leave of absence from his position as Supreme Court Justice (i.e., was not on the State payroll) to serve as a U.N. judge in Kosovo, he would not be able to receive retirement credit for that work under current State law.

The import of this bill is that Justice Reichbach is nevertheless entitled to retirement credit. It would thus accomplish legislatively what could not be done administratively by the Retirement System. Justice Reichbach is without question a dedicated jurist and public servant, and he deserves great acclaim for his dedicated service in Kosovo, serving the cause of human rights. But the question is whether that dedication justifies a special act of the legislature which would make an exception to the general public policy of the State in his particular case. I think it does not.

The policy embodied in the Retirement and Social Security law is that State employees are entitled to additional retirement service credit only for active service with employers who participate in the Retirement System, or for military service. The approval of this legislation would establish a precedent for other individuals who undertake important public work outside those parameters to seek pension advantages for themselves through special acts of the legislature. The line between those who merit additional service credit and those who do not would be an exceedingly hard one to draw. Moreover, the precedential effect has fiscal implications: if this bill were enacted, there would be an immediate past-service cost of approximately \$18,700, which would be borne by the State of New York as a one-time payment. If others who engage in important acts of public service during leaves of absence from State

work also seek such pension credit, the costs will only grow. In light of the foregoing considerations, I am regretfully constrained to veto this bill.

The bill is disapproved.

(signed) DAVID A. PATERSON

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STATE OF NEW YORK

S. 2232

A. 5328

2009-2010 Regular Sessions

SENATE - ASSEMBLY

February 13, 2009

IN SENATE -- Introduced by Sen. MONTGOMERY -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

IN ASSEMBLY -- Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo

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

1 Section 1. Notwithstanding any other provision of law to the contrary,  
2 Gustin L. Reichbach, currently serving as a justice of the supreme  
3 court, second judicial district, and an active tier 4 member of the New  
4 York state and local employees' retirement system, shall be eligible to  
5 receive additional service credit for any time not already credited in  
6 such system for the period from September 1, 2003 through February 27,  
7 2004, during which period he rendered service as a judge with the United  
8 Nations administration mission in Kosovo. The additional service credit  
9 granted, when added to the service already credited, shall not exceed a  
10 total of one year of credit for all service rendered in the fiscal year  
11 ending March 31, 2004. Such additional credit shall be obtained only if  
12 on or before December 31, 2009, Gustin L. Reichbach files a written  
13 request for such service credit with the administrative head of the said  
14 retirement system. All costs necessary to finance the granting of this  
15 service credit shall be borne by the state of New York.

16 § 2. This act shall take effect immediately.

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

This bill would grant additional service credit to Gustin L. Reichbach, a justice of the supreme court, for service rendered as a judge

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

LBD08740-01-9

with the United Nations War Crimes Tribunal in Kosovo from September 1, 2003 through February 27, 2004.

If this bill is enacted, there will be an immediate past service cost of approximately \$18,700, which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2010.

This estimate, dated February 4, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-132, prepared by the Actuary for the New York State and Local Employees' Retirement System.

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# 2009

## SECTION III

Legislation Affecting the Other  
New York Public Retirement Systems



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## STATE OF NEW YORK

3202

2009-2010 Regular Sessions

### IN SENATE

March 12, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the education law and the retirement and social security law, in relation to transfers of a pension reserve

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

1 Section 1. Subdivision 5 of section 522 of the education law, as added  
 2 by chapter 647 of the laws of 2004, is amended to read as follows:  
 3 5. Notwithstanding any other provision of law to the contrary, **except**  
 4 **for the purposes of providing the benefits, if any, of subdivision four**  
 5 **of this section,** with respect to transfers pursuant to this section  
 6 which occur on or after the effective date of this subdivision, no  
 7 transfer of a pension reserve pursuant to subdivision one or two of this  
 8 section shall be required when the member is transferring from a public  
 9 employee retirement system of this state to any other public employee  
 10 retirement system of this state. For the purpose of giving the trans-  
 11 ferring member such status and crediting such service in the retirement  
 12 system to which the member is transferring as such member was allowed in  
 13 the retirement system from which the member has transferred, the trans-  
 14 fer shall be deemed complete upon receipt by the transferee retirement  
 15 system of (a) a statement from the transferor retirement system of the  
 16 transferring member's date of membership in the transferor retirement  
 17 system, tier status, service credited to the transferred membership, and  
 18 such other information as the transferee retirement system may require  
 19 to effectuate the transfer, and (b) such member's accumulated contrib-  
 20 utions from the transferor retirement system, if same had not been  
 21 previously withdrawn, or notice from the transferor retirement system  
 22 that such member had no accumulated contributions, or notice from the  
 23 transferor retirement system that such member's accumulated contrib-  
 24 utions had been withdrawn and the amount thereof and, as applicable,

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

LBD06286-02-9

1 receipt from such member of such member's accumulated contributions and  
2 interest.

3 § 2. Subdivision k of section 43 of the retirement and social security  
4 law, as amended by chapter 647 of the laws of 2004, is amended to read  
5 as follows:

6 k. Notwithstanding any other provision of this section, any member of  
7 the New York state and local employees' retirement system or the New  
8 York city teachers' retirement system who retired from service from  
9 either the New York city employees' retirement system or the New York  
10 city board of education retirement system as a member of the career  
11 pension plan maintained by such system and who, but for the fact that he  
12 or she retired, would be eligible for transfer and who has not, in fact,  
13 received a pension payment from such system shall be permitted to trans-  
14 fer his or her retirement system membership pursuant to the provisions  
15 of this section. In such event, the application for retirement shall be  
16 deemed to have been rescinded and the retirement system from which the  
17 service shall be transferred shall transfer the appropriate reserves as  
18 provided by this section, provided, however, that with respect to trans-  
19 fers pursuant to this subdivision which occur on or after the [~~effective  
20 date of the chapter of the laws of two thousand four which amended this  
21 subdivision~~] twenty-sixth day of October, two thousand four, except for  
22 the purposes of providing the benefits, if any, of subdivision four of  
23 section five hundred twenty-two of the education law, no determination  
24 of a reserve pursuant to subdivision c of this section or transfer ther-  
25 eof pursuant to the first sentence of subdivision d of this section  
26 shall be required in the case of any transfer pursuant to this subdivi-  
27 sion. Notwithstanding the provision of this subdivision or any other  
28 provision of law, an individual who transfers pursuant to this subdivi-  
29 sion shall not be required to render any minimum period of service  
30 following transfer in order to be eligible to receive the full benefit  
31 provided hereunder. Notwithstanding the foregoing, a retiree covered by  
32 either the career pension plan or the fifty-five-year-increased-ser-  
33 vice-fraction plan who has received a pension payment or payments from  
34 such system shall be eligible for the provisions of this subdivision  
35 upon payment, to the retirement system from which the pension payment or  
36 payments were made, of an amount equal to such pension payment or  
37 payments. After such payments are received, such person shall be permit-  
38 ted to transfer his or her retirement system membership pursuant to the  
39 provisions of this section.

40 § 3. Subdivision l of section 43 of the retirement and social security  
41 law, as added by chapter 647 of the laws of 2004, is amended to read as  
42 follows:

43 l. Notwithstanding any other provision of law to the contrary, with  
44 respect to transfers pursuant to this section which occur on or after  
45 the [~~effective date of this subdivision~~] twenty-sixth day of October,  
46 two thousand four, except for the purposes of providing the benefits, if  
47 any, of subdivision four of section five hundred twenty-two of the  
48 education law, no determination of a reserve pursuant to subdivision c  
49 of this section or transfer thereof pursuant to the first sentence of  
50 subdivision d of this section shall be required in the case of any  
51 transfer pursuant to this section. For the purpose of giving the trans-  
52 ferring member such status and crediting such service in the second  
53 retirement system as such member was allowed in the first retirement  
54 system in those cases to which this subdivision shall apply, the trans-  
55 fer shall be deemed complete upon receipt by the second retirement  
56 system of:

1 1. a statement from the first retirement system of the transferring  
2 member's date of membership in the first retirement system, tier status,  
3 service credited to such membership being transferred, and such other  
4 information as the second retirement system may require to effectuate  
5 the transfer; and  
6 2. such member's accumulated contributions from the first retirement  
7 system, if same had not been previously withdrawn, or notice from the  
8 first retirement system that such member had no accumulated contrib-  
9 utions, or notice from the first retirement system that such member's  
10 accumulated contributions had been withdrawn and the amount thereof and,  
11 as applicable, receipt from such member of such member's accumulated  
12 contributions and interest.  
13 § 4. This act shall take effect immediately and shall be deemed to  
14 have been in full force and effect on and after October 26, 2004.

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

This bill would amend section 522 of the Education Law and section 43 of the Retirement and Social Security Law to once again require the transfer of reserves for former members of the New York City Teachers' Retirement System (NYCTRS) who transferred to the New York State Teachers' Retirement System (NYSTRS) and meet the eligibility requirements of subdivision 4 of section 522. Subdivision 4 provides a benefit for former NYCTRS members who had at least 20 years of service and whose date of membership is prior to 7/27/76 and whose transfer reserves, including ITHP, exceeds their accrued liability in the NYSTRS. Any "excess ITHP" resulting from this calculation is given to the member. Subdivision 5 ended the practice of transferring reserves between these retirement systems in 2004.

It is estimated that there will be no additional annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted. Reserves will be transferred from the NYCTRS to the NYSTRS on behalf of these individuals.

The source of this estimate is Fiscal Note 2009-12 dated January 30, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

## STATE OF NEW YORK

8933

2009-2010 Regular Sessions

## IN ASSEMBLY

June 16, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York, in relation to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligers required to make employer contributions to such retirement systems, and the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems

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

1 Section 1. Paragraph 2 of subdivision b of section 13-638.2 of the  
2 administrative code of the city of New York, as amended by chapter 152  
3 of the laws of 2006, is amended to read as follows:

4 (2) With respect to each retirement system, such rate of interest  
5 shall be as hereinafter set forth in this paragraph:

6			First day and
7			last day of
8		Rate of interest	fiscal year or
9		per centum per	series of fiscal
10	Retirement	annum, compounded	years for which
11	System	annually	rate is effective
12			
13	NYCERS	8%	July 1, 2004 to
14			June 30, [ <del>2009</del> ] <b>2010</b>
15	NYCTRS	8%	July 1, 2004 to

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

LBD14397-01-9

1			June 30, [ <del>2009</del> ]	<u>2010</u>
2	PPF	8%	July 1, 2004 to	
3			June 30, [ <del>2009</del> ]	<u>2010</u>
4	FPF	8%	July 1, 2004 to	
5			June 30, [ <del>2009</del> ]	<u>2010</u>
6	BERS	8%	July 1, 2004 to	
7			June 30, [ <del>2009</del> ]	<u>2010</u>

8 § 2. Paragraph 2 of subdivision f of section 13-638.2 of the adminis-  
9 trative code of the city of New York, as amended by chapter 152 of the  
10 laws of 2006, is amended to read as follows:

11 (2) Such special interest shall be allowed at the rates and for the  
12 periods set forth below in this paragraph:

13			First day and	
14			last day of	
15		Rate of interest	fiscal year or	
16		per centum per	series of fiscal	
17	Retirement	annum, compounded	years for which	
18	System	annually	rate is effective	
19				
20	NYCERS	1 1/4%	July 1, 2004 to	
21			June 30, [ <del>2009</del> ]	<u>2010</u>
22	NYCTRS	1 1/4%	July 1, 2004 to	
23			June 30, [ <del>2009</del> ]	<u>2010</u>
24	PPF	1 1/4%	July 1, 2004 to	
25			June 30, [ <del>2009</del> ]	<u>2010</u>
26	FPF	1 1/4%	July 1, 2004 to	
27			June 30, [ <del>2009</del> ]	<u>2010</u>
28	BERS	1 1/4%	July 1, 2004 to	
29			June 30, [ <del>2009</del> ]	<u>2010</u>

30 § 3. Paragraph 2 of subdivision g of section 13-638.2 of the adminis-  
31 trative code of the city of New York, as amended by chapter 152 of the  
32 laws of 2006, is amended to read as follows:

33 (2) Such additional interest shall be included at the rates and for  
34 the periods set forth below in this paragraph:

35			First day and	
36			last day of	
37		Rate of interest	fiscal year or	
38		per centum per	series of fiscal	
39	Retirement	annum, compounded	years for which	
40	System	annually	rate is effective	
41				
42	NYCERS	1 1/4%	July 1, 2004 to	
43			June 30, [ <del>2009</del> ]	<u>2010</u>
44	NYCTRS	1 1/4%	July 1, 2004 to	
45			June 30, [ <del>2009</del> ]	<u>2010</u>
46	PPF	1 1/4%	July 1, 2004 to	
47			June 30, [ <del>2009</del> ]	<u>2010</u>
48	FPF	1 1/4%	July 1, 2004 to	
49			June 30, [ <del>2009</del> ]	<u>2010</u>
50	BERS	1 1/4%	July 1, 2004 to	
51			June 30, [ <del>2009</del> ]	<u>2010</u>

1 § 4. Paragraph 2 of subdivision i of section 13-638.2 of the adminis-  
 2 trative code of the city of New York, as amended by chapter 152 of the  
 3 laws of 2006, is amended to read as follows:

4 (2) Such supplementary interest shall be allowed at the rates and for  
 5 the periods set forth below in this paragraph:

6	7	8	9	10	11	12
				Rate of interest	per centum per	annum, compounded
					annually	
						First day and
						last day of
						fiscal year or
						series of fiscal
						years for which
						rate is effective
13	NYCERS	1%	July 1, 2004 to			
14			June 30, [ <del>2009</del> ]			<u>2010</u>
15	NYCTRS	1%	July 1, 2004 to			
16			June 30, [ <del>2009</del> ]			<u>2010</u>
17	PPF	1%	July 1, 2004 to			
18			June 30, [ <del>2009</del> ]			<u>2010</u>
19	FPF	1%	July 1, 2004 to			
20			June 30, [ <del>2009</del> ]			<u>2010</u>
21	BERS	1%	July 1, 2004 to			
22			June 30, [ <del>2009</del> ]			<u>2010</u>

23 § 5. This act shall take effect July 1, 2009, except that if it shall  
 24 have become a law subsequent to such date, this act shall take effect  
 25 immediately and shall be deemed to have been in full force and effect on  
 26 and after July 1, 2009.

FISCAL NOTE.-- PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW:

The enactment of this proposed legislation (referred to hereafter as "Interest Rate Extender Legislation") would amend Administrative Code of the City of New York ("ACNY") Section 13-638.2 to continue for Fiscal Year 2010 for the five actuarially-funded New York City Retirement Systems ("NYCRS") the following rates that expire on June 30, 2009:

\* The 8.25% per annum rate used to credit interest on Tier I and Tier II member account balances and Increased-Take-Home-Pay ("ITHP") Reserves, and

\* The 8.0% per annum Actuarial Interest Rate ("AIR") assumption used to compute employer contributions.

The Effective Date for this proposed Interest Rate Extender Legislation would be July 1, 2009.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The continuation for Fiscal Year 2010 of the same 8.25% per annum rate that was used for Fiscal Year 2009 to credit interest on Tier I and Tier II member contributions and ITHP Reserves would not change the amount or timing of expected employer contributions.

The continuation for Fiscal Year 2010 of the AIR assumption of 8.0% per annum that was used to determine employer contributions to the NYCRS for Fiscal Year 2009 would not change the expected amount or timing of employer contributions.

Note: The Actuary anticipates developing proposed changes in actuarial assumptions and methods to be effective for Fiscal Year 2010 or 2011 but not until late Fiscal Year 2010 or sometime during Fiscal Year 2011.

The financial impact of implementing those proposed changes in actuarial assumptions and methods can be expected to differ from the financial

impact determined using the actuarial assumptions and methods continued from Fiscal Year 2009.

OTHER COSTS: Enactment of this proposed legislation would not be expected to produce any additional costs.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is Fiscal Note 2009-10, dated June 9, 2009, prepared by the Chief Actuary for the New York City Retirement Systems.

## STATE OF NEW YORK

3512

2009-2010 Regular Sessions

## IN SENATE

March 20, 2009

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions

AN ACT to amend the education law, in relation to the mandated payment of unclaimed funds in the amount of one thousand dollars or less

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

1 Section 1. Section 531 of the education law is amended by adding a new  
2 subdivision 5 to read as follows:

3 5. Notwithstanding any provision of this section to the contrary and  
4 in lieu of any other procedure provided for in this section, the retire-  
5 ment board is authorized to mandate the distribution of unclaimed  
6 amounts not to exceed one thousand dollars in each case to former  
7 members or contributors, or persons entitled to a benefit from the  
8 system, in cases in which at least seven years have elapsed since the  
9 member or contributor withdrew from service or ceased to be a teacher  
10 for any cause other than death or retirement or at least seven years  
11 have elapsed from the date any other person became entitled to a benefit  
12 from the system pursuant to any provision of this chapter or of the  
13 retirement and social security law.

14 § 2. This act shall take effect immediately.

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

This bill would amend Section 531 of the Education Law to authorize the Retirement Board of the New York State Teachers' Retirement System to promulgate rules and regulations allowing for the mandated distribution of unclaimed funds in the amount of \$1,000 or less.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

The source of this estimate is Fiscal Note 2009-6 dated October 15, 2008 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

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

LBD06323-01-9

STATE OF NEW YORK

8371

2009-2010 Regular Sessions

IN ASSEMBLY

May 15, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to removing limitations pertaining to certain retirees earnings

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

1 Section 1. Subdivision a of section 607-b of the retirement and social  
2 security law, as amended by chapter 725 of the laws of 2004, is amended  
3 to read as follows:

4 a. Any member of the New York city employees' retirement system who is  
5 employed by the city of New York or by the New York city health and  
6 hospital corporation in the position of emergency medical technician or  
7 advanced emergency medical technician, as those terms are defined in  
8 section three thousand one of the public health law, who, on or after  
9 March seventeenth, nineteen hundred ninety-six, becomes physically or  
10 mentally incapacitated for the performance of duties as the natural and  
11 proximate result of an injury, sustained in the performance or discharge  
12 of his or her duties shall be paid a performance of duty disability  
13 retirement allowance equal to three-quarters of final average salary,  
14 subject to [~~the provisions of subdivision c of section six hundred five~~  
15 ~~of this article and~~] section 13-176 of the administrative code of the  
16 city of New York. Any member who has made application or who, after the  
17 effective date of the chapter of the laws of two thousand four which  
18 amended this subdivision, makes application for such performance of duty  
19 pension shall be entitled to invoke the medical review procedure  
20 provided for in subdivision e of section six hundred five of this arti-  
21 cle, subject to the terms and conditions set forth in such subdivision.

22 § 2. This act shall take effect immediately and shall be deemed to  
23 have been in full force and effect on and after January 1, 2009;  
24 provided, however, the amendments to subdivision a of section 607-b of  
25 the retirement and social security law made by section one of this act

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

LBD11968-01-9

1 shall not affect the expiration of such subdivision and shall be deemed  
2 to expire therewith.

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

This proposed legislation would amend Retirement and Social Security Law ("RSSL") Section 607-b.a to remove one of the references to RSSL Section 605.c in the definition of Performance of Duty Accidental Disability Retirement ("ADR") benefits ("ACCDIS") of certain Emergency Medical Technician ("EMT") members of the New York City Employees' Retirement System ("NYCERS").

The Effective Date of the proposed legislation would be January 1, 2009.

IMPACT ON BENEFITS: Tier IV EMT members of NYCERS who become mentally or physically incapacitated as the result of an accident sustained in the performance of duty are, under RSSL 607-b (Chapter 587 of the Laws of 1998, effective August 5, 1998), entitled to an ACCDIS of 75% of Final Average Salary.

Under RSSL Section 605.c NYCERS is permitted to make a determination as to whether such EMT member is disabled so that such member may be retired. In addition, NYCERS is permitted to establish rules for the purpose of determining initial entitlement or continued entitlement to disability benefits.

NYCERS has established rules to administer the eligibility for and entitlement to disability benefits arising under RSSL Sections 507-a and 605.

One of the NYCERS rules restricts the total Personal Service Income ("PSI") of a disabled retiree, in a calendar year, resulting from employment in a position with:

- the State of New York ("NYS"), or
- the City of New York ("City") or
- any non-NYS or non-City employer.

If a disabled retiree's PSI exceeds the NYCERS PSI limitation, then such retiree's ACCDIS is suspended for up to a year.

Since RSSL 607-b.a subjects the amount of the EMT ACCDIS to RSSL 605.c, NYCERS determined, in Calendar Year 2008, that the PSI limitation rule would also apply to EMT ADR retiree earnings under RSSL 607-b.a and that such limitation should be effective for Calendar Years commencing on and after January 1, 2009. This limitation of PSI, if imposed, would be approximately \$26,000 for Calendar Year 2009.

If the proposed legislation is enacted, the RSSL 605.c reference would be eliminated. Therefore, commencing on and after January 1, 2009, EMT ADR retirees PSI earnings would not be limited by the NYCERS rules.

It is the understanding of the Actuary that in lieu of such NYCERS limitations, the limitations on PSI for EMT ACCDIS recipients would fall back to the restrictions imposed by New York City Charter ("NYCC") Section 1117.

NYCC Section 1117 limits the sum of the retirement allowance and the PSI for all New York City Retirement Systems retirees to \$1,800 per year from all public employment with NYS and the City ("NY Employ"). However, NYCC Section 1117 places no limits on the amounts of PSI that may be earned from employment with non-NY Employ employers.

FINANCIAL IMPACT - EMPLOYER COST: The ultimate cost of a pension plan is the benefits it pays.

To the extent NYCERS earnings limitations would have applied in Calendar Years 2009 and later, certain EMT ACCDIS would have been temporarily suspended in years where PSI exceeded those NYCERS earnings limitations.

Enactment of the legislation would eliminate the decrease in benefits to ADR retirees where PSI exceeds the NYCERS earnings limitations. As the Actuary believes that few, if any, ADR retirees would continue to earn excess PSI if that income resulted in a suspension of their ACCDIS benefits, the decrease in benefits would be de minimis.

FINANCIAL IMPACT: EMPLOYER CONTRIBUTIONS: If enacted during the 2009 Legislative Session prior to June 30, 2009, reduced employer costs to NYCERS would begin Fiscal Year 2009.

If enacted during the 2009 Legislative Session after June 30, 2009 and prior to June 30, 2010, reduced employer costs to NYCERS would begin Fiscal Year 2010.

Any, change in the Actuarial Present value of Benefits would be financed through future employer normal contributions.

Overall, the Actuary believes that change in employer costs and employer contributions to NYCERS to be de minimis.

OTHER COSTS: Not measured in this Fiscal Note are any possible increased administrative costs attributable to enactment of the proposed legislation.

CENSUS DATA: There were approximately 230 EMT ADR retirees in the June 30, 2008 actuarial valuation of NYCERS who could potentially be impacted by this proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is Fiscal Note 2009-09, dated May 14, 2009 prepared by the Chief Actuary for the New York City Employees' Retirement.

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