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
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,

Thomas P. DiNapoli
State Comptroller
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Section I

Legislation Affecting the
New York State and Local Retirement System
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:

Section 1. Section 1 of 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, as amended by chapter 43 of the laws of 2008, is amended to read as follows:

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

§ 2. This act shall take effect May 15, 2009; provided, however, if this act shall become a law after such date it shall take effect immediately and shall be deemed to have been in full force and effect on and after May 15, 2009.
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 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
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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:

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2009-2010 state fiscal year. Each component is wholly contained within a Part identified as Parts A through AAA. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Subdivision 3 of section 97-bb of the state finance law, as added by chapter 309 of the laws of 1996, is amended to read as follows:
3. Monies of the criminal justice improvement account, following appropriation by the legislature and allocation by the director of the budget shall be made available for local assistance services and expenses of programs to provide services to crime victims and witnesses, including operations of the crime victims board, and for payments to Victims in accordance with the federal crime control act of 1984, as administered pursuant to article twenty-two of the executive law.

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

PART B

Section 1. Section 309 of the county law is REPEALED.
§ 2. Subdivision 8 of section 186-e of the tax law, as added by chapter 2 of the laws of 1995, is amended to read as follows:
8. Enhanced emergency telephone system surcharge fee and public safety communications surcharge. Notwithstanding any other provision contained in this chapter or any other law, any surcharge collected or any administrative fee retained by any provider of telecommunication services acting as collection agent for a municipality pursuant to the provisions of article six of the county law [shall] or acting as a collection agent for the state pursuant to the provisions of section one hundred eighty-six-f of this article will not be considered as, nor included in the determination of gross receipts of the provider.

§ 3. The tax law is amended by adding a new section 186-f to read as follows:
§ 186-f. Public safety communications surcharge. 1. Definitions. As used in this section, where not otherwise specifically defined and unless a different meaning is clearly required:
(a) "Place of primary use" has the same meaning as that term is defined in paragraph twenty-six of subdivision (b) of section one hundred one of this chapter.
(b) "Wireless communications customer" means mobile telecommunications customer as defined in subparagraph (i) of paragraph twenty-seven of subdivision (b) of section one hundred one of this chapter, who contracts for or is the end user of wireless communications service.
(c) "Wireless communications device" means any equipment used to access a wireless communications service.

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

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

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

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

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

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

3. Applicability of article twenty-seven. For purposes of article twenty-seven of this chapter as applied to this section by section two
hundred seven-b of this article, the term "taxpayer" in article twenty-seven refers to a wireless communications service supplier subject to this section or a wireless communications customer subject to this section, as the case may be, and the term "tax" in article twenty-seven refers to the surcharge imposed by this section.

4. Exemptions. The state of New York and any of its agencies, instrumentalities and political subdivisions are exempt from the surcharge imposed by this section.

5. Deposits of surcharge monies collected and received. Notwithstanding any provision of law to the contrary, all surcharge monies collected and received by the commissioner under this section must be deposited daily to the credit of the comptroller with those responsible banks, banking houses or trust companies the comptroller may designate. Those deposits must be kept separate and apart from all other monies in the possession of the comptroller. The comptroller must require adequate security from all such depositories. Of the total revenue collected or received under this section, the comptroller must retain in the comptroller's hands an amount determined by the commissioner to be necessary for refunds under this section, out of which the comptroller will pay any refunds to which taxpayers are entitled under the provisions of this section. The comptroller, after reserving the amount to pay refunds, must, on or before the tenth day of each month, pay all surcharge monies collected and received under this section and remaining to the comptroller's credit as follows:

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

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

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

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

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

(c) To fund costs associated with the design, construction, and operation of the statewide wireless network annually pursuant to appropriation by the legislature;

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

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

§ 4. This act shall take effect on the first day of the quarterly period, as described in paragraph (b) of subdivision 2 of section 186-f of the tax law, as added by section three of this act, next commencing at least 120 days after this act becomes a law.
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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.
§ 2. This act shall take effect immediately, and shall apply to all exams conducted on and after such date.

PART F

Intentionally omitted.

PART G

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

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

§ 2. This act shall take effect immediately.

PART H

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

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

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

2. consult with the department of economic development and any other appropriate state agencies to develop strategies which attempt to minimize the impact of such closures on the local and regional economies; and

3. provide notice by certified mail to (i) all local governments of any political subdivision in which the correctional facility is located, (ii) all employee labor organizations operating within, or representing employees of, the correctional facility, and (iii) managerial and confidential employees employed within the correctional facility at least twelve months prior to any such closure.
 § 2. Paragraph (a) of subdivision 3 of section 70 of the correction law, as amended by section 2 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

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

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

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

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

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

§ 91. Agreements for custody of definite sentence inmates. 1. The state commissioner of correction may enter into an agreement with any county or with the city of New York to provide for custody by the state department of persons who receive definite sentences of imprisonment with terms in excess of ninety days who otherwise would serve such sentences in the jail, workhouse, penitentiary or other local correctional institution maintained by such locality; provided, however, that a person committed to the custody of the department pursuant to an agreement established by this section, except a person committed pursuant to an agreement with the city of New York, shall be delivered to a reception center designated by the commissioner for an initial processing period which shall be no longer than seven days, and thereafter, shall be transferred to a general confinement correctional facility located in the same county or in a county adjacent to the county where such person would otherwise be committed to a local correctional facility. In the event, however, that exigent circumstances related to health, safety or security arise which require the immediate transfer of an inmate to a different facility not within the county or adjacent county, then the department shall, as soon thereafter as practi-
ticable, arrange for such inmate to be returned to the jurisdiction of
the county from which he or she was committed.

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

3. An agreement made under this section shall [net] require the local-
ity to pay the cost of treatment, maintenance and custody furnished by
the [state] department [of correction], and the costs incurred under
subdivision two or three of section one hundred twenty-five of this
chapter relating to the provision of clothing, money and transportation
upon release or discharge of inmates delivered to the department pursu-
ant to the agreement, and shall contain at least the following
provisions:

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

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

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

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

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

(f) A provision requiring the department to provide transitional
services upon the release of persons committed to the custody of the
department pursuant to an agreement established by this section;

(e) Any other provision the [state] commissioner [of correction] may
deem necessary or appropriate; and

(g) A provision giving either party the right to cancel the
agreement by giving the other party notice in writing, with cancellation
to become effective on such date as may be specified in such notice.

4. Notwithstanding any other provision of law, the commissioner shall
be authorized to grant, withhold, cause to be forfeited, or cancel time
allowances as provided in and in compliance with section eight hundred four of this chapter.

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

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

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

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

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

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

4. In the event any such agreement is cancelled, inmates delivered to the [state] department [of correction] prior to the date of cancellation shall continue to serve their sentences in the custody of such department and the provisions of such agreement shall continue to apply with respect to such inmates. A copy of the notice of cancellation shall be filed with the secretary of state and with the clerks of courts in the manner provided in subdivision four of section ninety-one of this article, and no inmates shall be delivered to the custody of the [state] department [of correction] under such agreement after the date on which such cancellation becomes effective.

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

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

2. The commissioner may enter into an agreement to provide for custody by the department of persons who are being detained by virtue of an order issued by a court of the United States. An agreement made under this section shall require the United States to pay the cost of treatment, maintenance and custody furnished by the department.
§ 8. This act shall take effect immediately; provided, however that sections five and six of this act shall expire and be deemed repealed September 1, 2011.

PART I

Intentionally omitted.

PART J

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

Release on medical parole for terminally ill inmates.

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

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

(a) The board shall have the power to release on medical parole any inmate serving an indeterminate or determinate sentence of imprisonment who, pursuant to subdivision two of this section, has been certified to be suffering from a terminal condition, disease or syndrome and to be so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapacible of presenting any danger to society, provided, however, that no inmate serving a sentence imposed upon a conviction for murder in the first degree or an attempt or conspiracy to commit murder in the first degree shall be eligible for such release, and provided further that no inmate serving a sentence imposed upon a conviction for any of the following offenses shall be eligible for such release unless in the case of an indeterminate sentence he or she has served at least one-half of the minimum period of the sentence and in the case of a determinate sentence he or she has served at least one-half of his or her sentence: [murder in the first degree,] murder in the second degree, manslaughter in the first degree, any offense defined in article one hundred thirty of the penal law or an attempt to commit any of these offenses.
§ 3. Paragraph (b) of subdivision 1 of section 259-r of the executive law, as added by chapter 55 of the laws of 1992, is amended to read as follows:

(b) Such release shall be granted only after the board considers whether, in light of the inmate's medical condition, there is a reasonable probability that the inmate, if released, will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society and will not so deprecate the seriousness of the crime as to undermine respect for the law, and shall be subject to the limits and conditions specified in subdivision four of this section. [Such] Except as set forth in paragraph (a) of this subdivision, such release may be granted at any time during the term of an inmate's sentence, notwithstanding any other provision of law.

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

2. (a) The commissioner of correctional services, on the commissioner's own initiative or at the request of an inmate, or an inmate's spouse, relative or attorney, may, in the exercise of the commissioner's discretion, direct that an investigation be undertaken to determine whether a diagnosis should be made of an inmate who appears to be suffering from a terminal condition, disease or syndrome. Any such medical diagnosis shall be made by a physician licensed to practice medicine in this state pursuant to section sixty-five hundred twenty-four of the education law. Such physician shall either be employed by the department of correctional services, shall render professional services at the request of the department of correctional services, or shall be employed by a hospital or medical facility used by the department of correctional services for the medical treatment of inmates. The diagnosis shall be reported to the commissioner of correctional services and shall include but shall not be limited to a description of the terminal condition, disease or syndrome suffered by the inmate, a prognosis concerning the likelihood that the inmate will not recover from such terminal condition, disease or syndrome, a description of the inmate's physical or cognitive incapacity which shall include a prediction respecting the likely duration of the incapacity, and a statement by the physician of whether the inmate is so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate [and to care for him or herself] or to perform significant normal activities of daily living. This report also shall include a recommendation of the type and level of services and treatment the inmate would require if granted medical parole and a recommendation for the types of settings in which the services and treatment should be given.

(b) The commissioner, or the commissioner's designee, shall review the diagnosis and may certify that the inmate is suffering from such terminal condition, disease or syndrome and that the inmate is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society. If the commissioner does not so certify then the inmate shall not be referred to the board of parole for consideration for release on medical parole. If the commissioner does so certify, then the commissioner shall, within seven working days of receipt of such diagnosis, refer the inmate to the board of parole for consideration for release on medical parole. However, no such referral of an inmate to the board of parole shall be made unless the inmate has been examined by a physician and diagnosed as having a terminal condition, disease or syndrome as previ-
ous described herein at some time subsequent to such inmate’s admis-

(c) When the commissioner refers an inmate to the board, the commis-

sioner shall provide an appropriate medical discharge plan **jointly**
established by the department of correctional services and the division
do parole. The department of correctional services and the division of
parole are authorized to request assistance from the department of
health and from the county in which the inmate resided and committed his
or her crime, which shall provide assistance with respect to the deve-
lopement and implementation of a discharge plan, including potential
placements of a releasee. The department of correctional services, the
division of parole and the department of health shall jointly develop

c (d) The board may reject all or part of the discharge plan submitted by the depart-
ment of correctional services, and may postpone its decision pending
submission of a new completion of an adequate discharge plan, or may
deny release based on inadequacy of the discharge plan. The board
may reject all or part of the discharge plan submitted by the depart-
ment of correctional services, and may postpone its decision pending

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

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

(b) The board shall require as a condition of release on medical
parole that the releasee agree to remain under the care of a physician
while on medical parole and in a hospital established pursuant to arti-
cle twenty-eight of the public health law, a hospice established pursu-
ant to article forty of the public health law or any other placement
that can provide appropriate medical care as specified in the medical
discharge plan required by subdivision two of this section. The medical
discharge plan shall state that the availability of the placement has
been confirmed, and by whom. **Notwithstanding any other provision of**

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

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

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the board with a report, prepared by the treating physician, of the
results of such examination. Such report shall specifically state wheth-
er or not the parolee continues to suffer from a terminal condition,
disease, or syndrome, and to be so debilitated or incapacitated as to be
severely restricted in his or her ability to self-ambulate [and to care
for him or herself] or to perform significant normal activities of daily
living.
(e) Prior to the expiration of the period of medical parole the board
shall review the medical examination report required by paragraph (d) of
this subdivision and may again grant medical parole pursuant to this
section; provided, however, that the provisions of paragraph (c) of
subdivision one and subdivision two of this section shall not apply.
(f) If the updated medical report presented to the board states that a
parolee released pursuant to this section is no longer so debilitated or
incapacitated as to create a reasonable probability that he or she is
physically or cognitively incapable of presenting any danger to society
or if the releasee fails to submit the updated medical report then the
board may not make a new grant of medical parole pursuant to paragraph
(e) of this subdivision. Where the board has not granted medical parole
pursuant to such paragraph (e) the board shall promptly conduct through
one of its members, or cause to be conducted by a hearing officer design-
nated by the board, a hearing to determine whether the releasee is
suffering from a terminal condition, disease or syndrome and is so
debilitated or incapacitated as to create a reasonable probability that
he or she is physically or cognitively incapable of presenting any
danger to society and does not present a danger to society. If the board
makes such a determination then it may make a new grant of medical
parole pursuant to the standards of paragraph (b) of subdivision one of
this section. At the hearing, the releasee shall have the right to
representation by counsel, including the right, if the releasee is
financially unable to retain counsel, to have the appropriate court
assign counsel in accordance with the county or city plan for represen-
tation placed in operation pursuant to article eighteen-B of the county
law.
(g) The hearing and determination provided for by paragraph (f) of
this subdivision shall be concluded within the [four] six month period
of medical parole. If the board does not renew the grant of medical
parole, it shall order that the releasee be returned immediately to the
custody of the department of correctional services.
(h) In addition to the procedures set forth in paragraph (f) of this
subdivision, medical parole may be revoked at any time upon any of the
grounds specified in paragraph (a) of subdivision three of section two
hundred fifty-nine-i of this article, and in accordance with the proce-
dures specified in subdivision three of section two hundred fifty-nine-i
of this article.
(i) A releasee who is on medical parole and who becomes eligible for
parole pursuant to the provisions of subdivision two of section two
hundred fifty-nine-i of this article shall be eligible for parole
consideration pursuant to such subdivision.
§ 6. The executive law is amended by adding a new section 259-s to
read as follows:
§ 259-s. Release on medical parole for inmates suffering significant
debilitating illnesses. 1. (a) The board shall have the power to
release on medical parole any inmate serving an indeterminate or deter-
minate sentence of imprisonment who, pursuant to subdivision two of this
section, has been certified to be suffering from a significant and
permanent non-terminal condition, disease or syndrome that has rendered
the inmate so physically or cognitively debilitated or incapacitated as
to create a reasonable probability that he or she does not present any
danger to society, provided, however, that no inmate serving a sentence
imposed upon a conviction for murder in the first degree or an attempt
or conspiracy to commit murder in the first degree shall be eligible for
such release, and provided further that no inmate serving a sentence
imposed upon a conviction for any of the following offenses shall be
eligible for such release unless in the case of an indeterminate
sentence he or she has served at least one-half of the minimum period of
the sentence and in the case of a determinate sentence he or she has
served at least one-half of his or her sentence: murder in the second
degree, manslaughter in the first degree, any offense defined in article
one hundred thirty of the penal law or an attempt to commit any of these
offenses.

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

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

2. (a) The commissioner of correctional services, on the commissio-
er's own initiative or at the request of an inmate, or an inmate's
spouse, relative or attorney, may, in the exercise of the commissioner's
discretion, direct that an investigation be undertaken to determine
whether a diagnosis should be made of an inmate who appears to be
suffering from a significant and permanent non-terminal and incapacitat-
ing condition, disease or syndrome. Any such medical diagnosis shall be
made by a physician licensed to practice medicine in this state pursuant
to section sixty-five hundred twenty-four of the education law. Such
physician shall either be employed by the department of correctional
services, shall render professional services at the request of the
department of correctional services, or shall be employed by a hospital or medical facility used by the department of correctional services for the medical treatment of inmates. The diagnosis shall be reported to the commissioner of correctional services and shall include but shall not be limited to a description of the condition, disease or syndrome suffered by the inmate, a prognosis concerning the likelihood that the inmate will not recover from such condition, disease or syndrome, a description of the inmate's physical or cognitive incapacity which shall include a prediction respecting the likely duration of the incapacity, and a statement by the physician of whether the inmate is so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate or to perform significant normal activities of daily living. This report also shall include a recommendation of the type and level of services and treatment the inmate would require if granted medical parole and a recommendation for the types of settings in which the services and treatment should be given.

(b) The commissioner, or the commissioner's designee, shall review the diagnosis and may certify that the inmate is suffering from such condition, disease or syndrome and that the inmate is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society. If the commissioner does not so certify then the inmate shall not be referred to the board of parole for consideration for release on medical parole. If the commissioner does so certify, then the commissioner shall, within seven working days of receipt of such diagnosis, refer the inmate to the board of parole for consideration for release on medical parole. However, no such referral of an inmate to the board of parole shall be made unless the inmate has been examined by a physician and diagnosed as having a condition, disease or syndrome as previously described herein at some time subsequent to such inmate's admission to a facility operated by the department of correctional services.

(c) When the commissioner refers an inmate to the board, the commissioner shall provide an appropriate medical discharge plan jointly established by the department of correctional services and the division of parole. The department of correctional services and the division of parole are authorized to request assistance from the department of health and from the county in which the inmate resided and committed his or her crime, which shall provide assistance with respect to the development and implementation of a discharge plan, including potential placements of a releasee. The department of correctional services, the division of parole and the department of health shall jointly develop standards for the medical discharge plan that are appropriately adapted to the criminal justice setting, based on standards established by the department of health for hospital medical discharge planning. The board may postpone its decision pending completion of an adequate discharge plan, or may deny release based on inadequacy of the discharge plan.

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

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

(b) The board shall require as a condition of release on medical parole that the releasee agree to remain under the care of a physician while on medical parole and in a hospital established pursuant to article twenty-eight of the public health law, a hospice established pursuant to article forty of the public health law or any other placement,
including a residence with family or others, that can provide appropriate medical care as specified in the medical discharge plan required by subdivision two of this section. The medical discharge plan shall state that the availability of the placement has been confirmed, and by whom. Notwithstanding any other provision of law, when an inmate who qualifies for release under this section is cognitively incapable of signing the requisite documentation to effectuate the medical discharge plan and, after a diligent search no person has been identified who could otherwise be appointed as the inmate’s guardian by a court of competent jurisdiction, then, solely for the purpose of implementing the medical discharge plan, the facility health services director at the facility where the inmate is currently incarcerated shall be lawfully empowered to act as the inmate’s guardian for the purpose of effectuating the medical discharge.

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

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

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

(f) If the updated medical report presented to the board states that a parolee released pursuant to this section is no longer so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society or if the releasee fails to submit the updated medical report then the board may not make a new grant of medical parole pursuant to paragraph (e) of this subdivision. Where the board has not granted medical parole pursuant to such paragraph (e) the board shall promptly conduct through one of its members, or cause to be conducted by a hearing officer designated by the board, a hearing to determine whether the releasee is suffering from a significant and permanent non-terminal and incapacitating condition, disease or syndrome and is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society and does not present a danger to society. If the board makes such a determination then it may make a new grant of medical parole pursuant to the standards of paragraph (b) of subdivision one of this section. At the hearing, the releasee shall have the right to representation by counsel, including the right, if the releasee is financially unable to retain counsel, to have the appropriate court assign counsel in accordance with the county or city plan for representation placed in operation pursuant to article eighteen-B of the county law.
(g) The hearing and determination provided for by paragraph (f) of this subdivision shall be concluded within the six month period of medical parole. If the board does not renew the grant of medical parole, it shall order that the releasee be returned immediately to the custody of the department of correctional services.

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

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

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

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

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

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

9. The chair of the board shall report annually to the governor, the temporary president of the senate and the speaker of the assembly, the chairpersons of the assembly and senate codes committees, the chairperson of the senate crime and corrections committee, and the chairperson of the assembly corrections committee the number of inmates who have applied for medical parole under this section; the number who have been granted medical parole; the nature of the illness of the applicants, the counties to which they have been released and the nature of the placement pursuant to the medical discharge plan; the categories of reasons for denial for those who have been denied; the number of releasees who have been granted an additional period or periods of medical parole and the number of such grants; the number of releasees on medical parole who have been returned to the custody of the department of correctional services and the reasons for return.

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

(v) Notwithstanding any other subparagraph of this paragraph, a person may be paroled from the institution in which he is confined at any time on medical parole pursuant to section two hundred fifty-nine-r or section two hundred fifty-nine-s of the executive law or for deportation pursuant to paragraph (d) of subdivision two of section two hundred
§ 8. Subdivision 1 of section 259-c of the executive law, as amended by chapter 3 of the laws of 1995, is amended to read as follows:

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

§ 9. This act shall take effect immediately; provided that:
(a) the amendments to paragraph (a) of subdivision 1 of section 259-r of the executive law made by section one of this act shall be subject to the expiration and reversion of such paragraph pursuant to chapter 3 of the laws of 1995, as amended, when upon such date the provisions of section two of this act shall take effect;
(b) the amendments to the section heading, paragraph (a) of subdivision 1, paragraph (b) of subdivision 1, subdivision 2 and subdivision 4 of section 259-r of the executive law made by sections one, two, three, four and five, respectively, of this act shall not affect the expiration of such section and shall be deemed to expire therewith; and
(c) the amendments to subparagraph (v) of paragraph (a) of subdivision 1 of section 70.40 of the penal law and the amendments to subdivision 1 of section 259-c of the executive law made by sections seven and eight, respectively, of this act shall not affect the expiration of such paragraph and subdivision and shall be deemed to expire therewith.

PART K

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

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

§ 2. This act shall take effect immediately.

PART L

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

1. "Eligible inmate" means a person sentenced to an indeterminate term of imprisonment who will become eligible for release on parole within three years or sentenced to a determinate term of imprisonment who will become eligible for conditional release within three years, who has not
reached the age of [forty] fifty years, who has not previously been convicted of a felony upon which an indeterminate or determinate term of imprisonment was imposed and who was between the ages of sixteen and [forty] fifty years at the time of commission of the crime upon which his or her present sentence was based except, however, an eligible inmate shall not include a person sentenced [to a determinate sentence of three and one-half years or more] as a second felony drug offender pursuant to subdivision [three] four of section 70.70 of the penal law for a conviction of a class B felony offense defined in article two hundred twenty of the penal law. Notwithstanding the foregoing, no person who is convicted of any of the following crimes shall be deemed eligible to participate in this program: (a) a violent felony offense as defined in article seventy of the penal law, (b) an A-I felony offense, (c) [manslaughter in the second degree, vehicular manslaughter in the second degree, vehicular manslaughter in the first degree, and criminal- ly negligent] any homicide offense as defined in article one hundred twenty-five of the penal law, (d) [rape in the second degree, rape in the third degree, criminal sexual act in the second degree, attempted rape in the second degree and attempted criminal sexual act in the second degree] any felony sex offense as defined in [articles one hundred ten and] article one hundred thirty of the penal law and (e) any escape or absconding offense as defined in article two hundred five of the penal law.

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

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

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

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

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

§ 803-b. Limited credit time allowances for inmates serving indeterminate or determinate sentences imposed for specified offenses. 1. Definitions. As used in this section the following terms shall have the following meanings:

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

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

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

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

(b) "limited credit time benefit" means:

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

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

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

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

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

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

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

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

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

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

(v) successfully works as an inmate hospice aid for a period of no less than two years.
(d) "serious disciplinary infraction" or "overall poor institutional record" shall be defined in regulations promulgated by the commissioner and need not be the same as the regulations promulgated for the meaning of serious disciplinary infraction pursuant to paragraph (d) of subdivision one of section eight hundred thirty-three of this article.

(e) "disqualifying judicial determination" means a judicial determination that the person, while an inmate, commenced or continued a civil action or proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person while an inmate against a state agency, officer or employee.

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

(a) successfully completes one or more significant programmatic accomplishments; and

(b) has not committed a serious disciplinary infraction or maintained an overall negative institutional record as defined in rules and regulations promulgated by the commissioner; and

(c) has not received a disqualifying judicial determination.

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

§ 5. This act shall take effect immediately.

PART M

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

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

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

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

PART N

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

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

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

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

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

16. It shall be an unlawful discriminatory practice, unless specif-
ically required or permitted by statute, for any person, agency, bureau,
corporation or association, including the state and any political subdi-
vision thereof, to make any inquiry about, whether in any form of appli-
cation or otherwise, or to act upon adversely to the individual
involved, any arrest or criminal accusation of such individual not then
pending against that individual which was followed by a termination of
that criminal action or proceeding in favor of such individual, as
defined in subdivision two of section 160.50 of the criminal procedure
law, or by a youthful offender adjudication, as defined in subdivision
one of section 720.35 of the criminal procedure law, or by a conviction
for a violation sealed pursuant to section 160.55 of the criminal proce-
dure law in connection with the licensing, employment or providing of
credit or insurance to such individual; provided, that the
further, no person shall be required to divulge information pertaining
to any arrest or criminal accusation of such individual not then pending
against that individual which was followed by a termination of that
criminal action or proceeding in favor of such individual, as defined in
subdivision two of section 160.50 of the criminal procedure law, or by a
youthful offender adjudication, as defined in subdivision one of section
720.35 of the criminal procedure law, or by a conviction for a violation
sealed pursuant to section 160.55 of the criminal procedure law. The
provisions [hereof] of this subdivision shall not apply to the licensing
activities of governmental bodies in relation to the regulation of guns,
firearms and other deadly weapons or in relation to an application for
employment as a police officer or peace officer as those terms are
defined in subdivisions thirty-three and thirty-four of section 1.20 of
the criminal procedure law; provided further that the provisions of this
subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law.

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

PART O

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

6. Interim probation supervision. (a) In any case where the court determines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order that the defendant be placed on interim probation supervision. In no event may the sentencing be adjourned for a period exceeding one year from the date the conviction is entered. When ordering that the defendant be placed on interim probation supervision, the court shall impose all of the conditions relating to supervision specified in subdivision three of section 65.10 of the penal law and the court may impose any or all of the conditions relating to conduct and rehabilitation specified in subdivisions two, four, five and five-a of section 65.10 of such law; provided, however, that the defendant must receive a written copy of any such conditions at the time he or she is placed on interim probation supervision. The defendant's record of compliance with such conditions, as well as any other relevant information, shall be included in the presentence report, or updated presentence report, prepared pursuant to this section, and the court must consider such record and information when pronouncing sentence. If a defendant satisfactorily completes a term of interim probation supervision, he or she shall receive credit for the time served under the period of interim probation supervision toward any probation sentence that is subsequently imposed in that case.

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

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

PART P

Intentionally omitted.

PART Q

Section 1. Subdivision 3 of section 45 of the correction law, as added by chapter 865 of the laws of 1975, is amended to read as follows:
3. [Visit] Except in circumstances involving health, safety or alleged violations of established standards of the commission, visit, and inspect correctional facilities consistent with a schedule determined by the chairman of the commission, taking into consideration available resources, workload and staffing, and appraise the management of such correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative programs, disturbance and fire prevention and control preparedness, and adherence to laws and regulations governing the rights of inmates.

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

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

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

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

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

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

(a) The approval, or revocation thereof, of basic and other correctional training programs administered by municipalities;

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

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

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

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

(b) Recommend studies, surveys and reports to be made by the commissioner regarding the carrying out of the objectives and purposes of this section;

(c) Visit and inspect any police training school and correctional training programs approved by the commissioner or for which application for such approval has been made;
(d) Make recommendations, from time to time, to the commissioner, the
 governor and the legislature, regarding the carrying out of the purposes
 of this section;
 (e) Perform such other acts as may be necessary or appropriate to
 carry out the functions of the council;
 (f) Develop, maintain and disseminate, in consultation with the state
 office for the prevention of domestic violence, written policies and
 procedures consistent with article eight of the family court act and
 applicable provisions of the criminal procedure and domestic relations
 laws, regarding the investigation of and intervention by new and veteran
 police officers in incidents of family offenses. Such policies and
 procedures shall make provisions for education and training in the
 interpretation and enforcement of New York's family offense laws,
 including but not limited to:
 (1) intake and recording of victim statements, on a standardized
 "domestic violence incident report form" promulgated by the division of
 criminal justice services in consultation with the superintendent of
 state police, representatives of local police forces and the state
 office for the prevention of domestic violence, and the investigation
 thereof so as to ascertain whether a crime has been committed against
 the victim by a member of the victim's family or household as such terms
 are defined in section eight hundred twelve of the family court act and
 section 530.11 of the criminal procedure law; and
 (2) the need for immediate intervention in family offenses including
 the arrest and detention of alleged offenders, pursuant to subdivision
 four of section 140.10 of the criminal procedure law, and notifying
 victims of their rights, including but not limited to immediately
 providing the victim with the written notice required in subdivision six
 of section 530.11 of the criminal procedure law and subdivision five of
 section eight hundred twelve of the family court act; and
 (g) Develop, maintain and disseminate, in consultation with the state
 division of human rights and the state civil service department, written
 policies and procedures to enhance police and correctional officer
 recruitment efforts and to increase police and correctional officer
 awareness of racial, ethnic, religious and gender differences, and other
 diversity issues, in communities served by such police and in correc-
 tional facilities; and
 (h) Consult with the state commission of correction regarding correctional training programs.

§ 6. Section 841 of the executive law, as amended by chapter 843 of
the laws of 1980, subdivision 3 as amended by chapter 551 of the laws of
2001, subdivision 9 as added by chapter 847 of the laws of 1986, is
amended to read as follows:
§ 841. Functions, powers and duties of the commissioner with respect
to the council. In addition to the functions, powers and duties otherwise
provided by this article, the commissioner shall, with the general
advice of the council, and, in the case of subdivisions one, two and
three of this section, only in accordance with rules and regulations
promulgated by the governor pursuant to section eight hundred forty-two
of this article:
 1. Approve police training schools administered by municipalities and
issue certificates of approval to such schools, and revoke such approval
or certificate;
 1-a. Approve correctional training programs administered by munici-
palities and issue certificates of approval to such programs, and revoke
such approval or certificate;
2. Certify, as qualified, instructors at approved police training schools and issue appropriate certificates to such instructors;

2-a. Certify, as qualified, instructors at approved correctional training programs and issue appropriate certificates to such instructors;

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

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

4. Cause studies and surveys to be made relating to the establishment, operation and approval of municipal police training schools and correctional training programs;

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

6. Consult with and cooperate with universities, colleges and institutes in the state for the development of specialized courses of study for police officers [and], peace officers, [and] correction officers in police science [and], police administration, and criminal justice;

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

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

8. Report to the council at each regular meeting of the council and at such other times as may be appropriate[•]; and

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

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

6. Promulgate rules and regulations establishing minimum standards for the review of the construction or improvement of correctional facilities and the care, custody, correction, treatment, supervision, discipline, and other correctional programs for all persons confined in correctional facilities. Such rules and regulations shall be forwarded to the governor, the temporary president of the senate and the speaker of the assem-
bly no later than January first, nineteen hundred seventy-six and annu-
ally thereafter.

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

§ 8. Subdivision 2 of section 504 of the correction law, as amended by
chapter 506 of the laws of 1982, is amended to read as follows:
2. Where the jail in a county becomes unfit or unsafe for the confine-
ment of some or all of the inmates due to an inmate disturbance [or a
natural disaster including but not limited to flood, earthquake, hurri-
cane, landslide or fire,] or other extraordinary circumstances, includ-
ing but not limited to a natural disaster, unanticipated deficiencies in
the structural integrity of a facility or the inability to provide one
or more inmates with essential services such as medical care, upon the
request of the municipal official as defined in subdivision four of
section forty of this chapter and no other suitable place within the
county nor the jail of any other county is immediately available to
house some or all of the inmates, the commissioner of correctional
services [is hereby authorized and empowered to] may, in his or her sole
discretion, make available, upon such terms and conditions as he may
deem appropriate, all or any part of a state correctional institution
for the confinement of some or all of such inmates as an adjunct to the
county jail for a period not to exceed thirty days. However, if the
county jail remains unfit or unsafe for the confinement of some or all
of such inmates beyond thirty days, the state commission of correction,
with the consent of the commissioner of correctional services, may
extend the availability of a state correctional institution for one or
more additional thirty day periods. The state commission of correction
shall promulgate rules and regulations governing the temporary transfer
of inmates to state correctional institutions from county jails includ-
ing but not limited to provisions for confinement of such inmates in the
nearest correctional facility, to the maximum extent practicable, taking
into account necessary security. The commissioner of correctional
services may, in his or her sole discretion, based on standards promul-
gated by the department, determine whether a county shall reimburse the
state for any or all of the actual costs of confinement as approved by
the director of the division of the budget. On or before the expiration
of each thirty day period, the state commission of correction must make
an appropriate designation pursuant to subdivision one if the county
jail remains unfit or unsafe for the confinement of some or all of the
inmates and consent to the continued availability of a state correction-
al institution as required for herein. The superintendence, management
and control of a state correctional institution or part thereof made
available pursuant hereto and the inmates housed therein shall be as
directed by the commissioner of correctional services.

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

PART R

Section 1. Paragraph (b) of subdivision 2 of section 29-c of the exec-
utive law, as amended by chapter 169 of the laws of 1994, is amended to
read as follows:
(b) The amount of such fee shall be [determined annually by the
commission taking into account the costs of such responsibilities not
otherwise provided for and unexpended amounts of previous fees paid by any such licensee. In no event shall an annual fee for any facility exceed five hundred fifty thousand \(\text{one million}\) dollars. Such fee, which shall be payable to the commission on or before [April December] first, shall be expended or distributed only by appropriation.

\(\text{§ 2.}\) Subdivision 4 of section 29-c of the executive law is REPEALED.

\(\text{§ 3.}\) This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009, provided, however, this act shall not affect obligations or amounts with respect to fees payable on or before April 1, 2009.

\(\text{PART S}\)

Intentionally omitted.

\(\text{PART T}\)

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

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

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

(e) All moneys received by the superintendent which are collected from policyholders of insurance on \(\text{passenger}\) motor vehicles \(\text{subject to the provisions of paragraph a of subdivision six of section four hundred one of the vehicle and traffic law}\) shall be paid \(\text{to the state police motor vehicle law enforcement account established pursuant to section ninety-seven-mm of the state finance law}\) by the tenth day of the month following receipt of such collections[]. \(\text{By the end of each fiscal year, any moneys paid to the state police motor vehicle law enforcement account established pursuant to section ninety-seven-mm of the state finance law which exceed sixty million four hundred thousand dollars shall be paid to the motor vehicle theft and insurance fraud prevention fund established pursuant to section eighty-nine-d of the state finance law.}\) in the following manner:

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

(2) All remaining moneys shall be paid to the state police motor vehicle law enforcement account established pursuant to section ninety-seven-mm of the state finance law.

\(\text{§ 3.}\) Subsection (f) of section 9110 of the insurance law is REPEALED.
§ 4. Subdivision 2 of section 89-d of the state finance law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:

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

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

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

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

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

§ 7. This act shall take effect immediately, provided that sections one, two and three of this act shall take effect June 1, 2003; [and provided further that the amendments made to subdivision (b) of section 9110 of the insurance law made by section one of this act shall expire and be deemed repealed on July 1, 2009 and the provisions of such subdivision shall be read as such provisions existed on the date immediately preceding the effective date of this act.] and provided further that the amendments made to subdivision (e) of section 9110 of the insurance law made by section one of this act shall expire and be deemed repealed on March 31, 2004 and the provisions of such subsection and such subdivision shall be read as such provisions existed on the date immediately preceding the effective date of this act.

§ 7. Section 3 of part A of chapter 56 of the laws of 2004, amending the insurance law and the state finance law relating to motor vehicle
law enforcement fees, as amended by section 2 of part M of chapter 56 of the laws of 2008, is amended to read as follows:

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

§ 8. 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, is REPEALED.

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

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

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

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

§ 10. Section 9 of part T of 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, as amended by section 5 of part M of chapter 56 of the laws of 2008, is amended to read as follows:

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

§ 11. The article heading of article 36-A of the executive law, as added by chapter 170 of the laws of 1994, is amended to read as follows:
NEW YORK MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION

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

PART U

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

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

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

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

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

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, 2009, and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of correctional services shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees
and funding, as amended by section 5 of part C of chapter 56 of the laws of 2007, is amended to read as follows:

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

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

§ 6. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [2009] 2011, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

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

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

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

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

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

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [2009] 2011, when upon such date the amendments to the correction law and penal law made by sections fifty-
five and fifty-six of this act shall revert to and be read as if the
provisions of this act had not been enacted; provided, however, that
sections sixty-two, sixty-three and sixty-four of this act shall be
deemed to have been in full force and effect on and after March 1, 1995
and shall be deemed repealed April 1, 1996 and upon such date the
provisions of subsection (e) of section 9110 of the insurance law and
subdivision 2 of section 89-d of the state finance law shall revert to
and be read as set out in law on the date immediately preceding the
effective date of sections sixty-two and sixty-three of this act;
§ 10. Subdivision (z) of section 427 of chapter 55 of the laws of
1992, amending the tax law and other laws relating to taxes, surcharges,
fees and funding, as amended by section 10 of part C of chapter 56 of
the laws of 2007, is amended to read as follows:
(z) the provisions of section three hundred eighty-one of this act
shall apply to all persons supervised by the division of parole on or
after the effective date of this act, provided however, that subdivision
9 of section 259-a of the executive law, as added by section three
hundred eighty-one of this act, shall expire on September 1, [2009]
2011;
§ 11. Subdivision (aa) of section 427 of chapter 55 of the laws of
1992, amending the tax law and other laws relating to taxes, surcharges,
fees and funding, as amended by section 11 of part C of chapter 56 of
the laws of 2007, is amended to read as follows:
(aa) the provisions of sections three hundred eighty-two, three
hundred eighty-three and three hundred eighty-four of this act shall
expire on September 1, [2009] 2011;
§ 12. Section 12 of chapter 907 of the laws of 1984, amending the
correction law, the New York city criminal court act and the executive
law relating to prison and jail housing and alternatives to detention
and incarceration programs, as amended by section 12 of part C of chap-
ter 56 of the laws of 2007, is amended to read as follows:
§ 12. This act shall take effect immediately, except that the
provisions of sections one through ten of this act shall remain in full
force and effect until September 1, [2009] 2011 on which date those
provisions shall be deemed to be repealed.
§ 13. Subdivision (p) of section 406 of chapter 166 of the laws of
1991, amending the tax law and other laws relating to taxes, as amended
by section 13 of part C of chapter 56 of the laws of 2007, is amended to
read as follows:
(p) The amendments to section 1809 of the vehicle and traffic law made
by sections three hundred thirty-seven and three hundred thirty-eight of
this act shall not apply to any offense committed prior to such effec-
tive date; provided, further, that section three hundred forty-one of
this act shall take effect immediately and shall expire November 1, 1993
at which time it shall be deemed repealed; sections three hundred
forty-five and three hundred forty-six of this act shall take effect
July 1, 1991; sections three hundred fifty-five, three hundred fifty-
six, three hundred fifty-seven and three hundred fifty-nine of this act
shall take effect immediately and shall expire June 30, 1995 and shall
revert to and be read as if this act had not been enacted; section three
hundred fifty-eight of this act shall take effect immediately and shall
expire June 30, 1998 and shall revert to and be read as if this act had
not been enacted; section three hundred sixty-four through three hundred
sixty-seven of this act shall apply to claims filed on or after such
effective date; sections three hundred sixty-nine, three hundred seven-
ty-two, three hundred seventy-three, three hundred seventy-four, three
hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [2009] 2011, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [2009] 2011 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

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

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

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

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal
of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [2009] 2011 when upon such date the provisions of this act shall be deemed repealed.

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

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

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

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

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

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

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

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

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

§ 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [2009] 2011, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an inter-
state compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act, section 259-m of the executive law shall take effect and the provisions of section one of this act, with respect to any such state, shall have no force or effect until such time as such state shall adopt an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act in which case, with respect to such state, effective immediately, section 259-m of the executive law is deemed repealed and section 259-mm of the executive law, as added by section one of this act, shall take effect.

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

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

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

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

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

§ 24. This act shall take effect immediately.

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

 d. Additional annual apportionments. Within amounts appropriated in the state fiscal year commencing April first, two thousand seven and in each state fiscal year thereafter through and including the state fiscal year commencing April first, two thousand [ten] eight, municipalities shall receive additional aid apportioned as follows:

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

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

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

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

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

 (iii) Any municipality that does not qualify for an additional annual apportionment pursuant to subparagraphs (i) and (ii) of this paragraph shall be eligible to receive an additional annual apportionment equal to three percent of such municipality's base level grant.
§ 2. Paragraph e of subdivision 10 of section 54 of the state finance law, as amended by section 3 of part 0 of chapter 56 of the laws of 2008, is amended to read as follows:

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

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

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

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

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

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

(vi) If sufficient funds are not available for additional aid in the amount authorized pursuant to subparagraphs (ii), (iii), (iv) and (v) of this paragraph, additional aid shall be apportioned to each municipality eligible for such aid based on the municipality's pro rata share of available funds.
§ 3. Subparagraph (ii) of paragraph g of subdivision 10 of section 54 of the state finance law, as amended by section 4 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

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

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

j. Special aid and incentives for municipalities to the city of New York. In the state fiscal year commencing April first, two thousand seven a city with a population of one million or more shall receive twenty million dollars on or before December fifteenth. In the state fiscal year commencing April first, two thousand eight, a city with a population of one million or more shall receive two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. In the state fiscal year commencing April first, two thousand nine, a city with a population of one million or more shall receive eighty-one million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before June thirtieth and shall receive an additional two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. In the state fiscal year commencing April first, two thousand ten, and in each state fiscal year thereafter, a city with a population of one million or more shall receive three hundred twenty-seven million eight hundred eighty-nine thousand six hundred sixty-eight dollars payable on or before December fifteenth. Special aid and incentives for municipalities to the city of New York shall be apportioned and paid as required as follows:

(i) Any amounts required to be paid to the city university construction fund pursuant to the city university construction fund act;

(ii) Any amounts required to be paid to the New York city housing development corporation pursuant to the New York city housing development corporation act;
(iii) Five hundred thousand dollars to the chief fiscal officer of the city of New York for payment to the trustees of the police pension fund of such city;
(iv) Eighty million dollars to the special account for the municipal assistance corporation for the city of New York in the municipal assistance tax fund created pursuant to section ninety-two-d of this chapter to the extent that such amount has been included by the municipal assistance corporation for the city of New York in any computation for the issuance of bonds on a parity with outstanding bonds pursuant to a contract with the holders of such bonds prior to the issuance of any other bonds secured by payments from the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;
(v) The balance of the special account for the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;
(vi) Any amounts to be refunded to the general fund of the state of New York pursuant to the annual appropriation enacted for the municipal assistance state aid fund;
(vii) To the state of New York municipal bond bank agency to the extent provided by section twenty-four hundred thirty-six of the public authorities law; and
(viii) To the transit construction fund to the extent provided by section twelve hundred twenty-five-i of the public authorities law, and thereafter to the city of New York.

§ 5. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10 of section 54 of the state finance law, as amended by section 1 of part O of chapter 56 of the laws of 2008, is amended to read as follows:
(2) for the state fiscal year commencing April first, two thousand eight and in each state fiscal year thereafter, the base level grant received in the immediately preceding state fiscal year pursuant to paragraph b of this subdivision plus any additional apportionments received in such year pursuant to paragraph d of this subdivision and any per capita adjustments received in such year pursuant to paragraph e of this subdivision plus any additional aid received in such year pursuant to subparagraph (i) or subparagraph (iii) of paragraph p of this subdivision.

§ 6. Paragraph p of subdivision 10 of section 54 of the state finance law, as added by section 8 of part O of chapter 56 of the laws of 2008, is amended to read as follows:
p. Local government efficiency grant program municipal merger incentives. For the purposes of this paragraph, "municipalities" shall mean cities with a population less than one million, towns and villages. Within the annual amounts appropriated therefor, surviving municipalities following a merger, consolidation or dissolution occurring on or after the state fiscal year commencing April first, two thousand seven may be awarded one of the following as selected by the governing body of the merged, consolidated or surviving, in the case of a dissolution, municipality: (i) Additional aid in the state fiscal year following such merger, consolidation or dissolution equal to twenty-five percent of the combined base level grants received, pursuant to paragraph b of this subdivision, by the municipalities that were party to...
such merger, consolidation or dissolution in the state fiscal year in which such merger, consolidation or dissolution took effect. In instances where only a portion of a city, town or village is party to a consolidation, merger or dissolution, the additional aid payable to the resulting successor government shall be based on only a pro rata share of the base level grant received by such city, town or village. Such pro rata share shall be calculated by multiplying the base level grant of such city, town or village in the state fiscal year in which such merger, consolidation or dissolution took effect by the ratio of the most recent federal decennial census population of the portion consolidated, merged or dissolved as compared to the total two thousand federal decennial census population of the city, town or village party to such consolidation, merger or dissolution. In no case shall a municipality’s additional aid pursuant to this subparagraph exceed one million dollars. Such additional aid shall be apportioned and paid to the chief fiscal officer of each merged, consolidated or surviving, in the case of a village dissolution, municipality on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury in the same “on or before month and day” manner as the municipality’s base level grant is paid pursuant to subparagraph (i) of paragraph i of this subdivision. Any municipality receiving a merger incentive award pursuant to this subparagraph shall use such aid only for general municipal purposes. Such additional aid shall in subsequent state fiscal years be considered prior year aid for the purposes of determining such merged, consolidated or surviving municipality’s base level grant pursuant to paragraph b of this subdivision.

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

(iii) Additional additional aid in the state fiscal year following such merger, consolidation or dissolution equal to fifteen percent of the combined amount of real property taxes levied by all of the municipalities participating in the merger, consolidation or dissolution in the local fiscal year prior to the local fiscal year in which such merger, consolidation or dissolution took effect. [In instances where only a
portion of a city, town or village is party to a consolidation, merger or dissolution, the additional annual aid payable to the resulting successor government shall be based on only a pro rata share of the total real property taxes levied by such city, town or village. Such pro rata share shall be calculated by multiplying the total real property tax levy of such city, town or village in the local fiscal year prior to the local fiscal year in which such merger, consolidation or dissolution took effect by the ratio of the most recent federal decennial census population of the portion consolidated, merged or dissolved as compared to the total two thousand federal decennial census population of the city, town or village party to such consolidation, merger or dissolution. In instances of the dissolution of a village located in more than one town, such additional aid shall equal the sum of fifteen percent of the real property taxes levied by such village in the village fiscal year prior to the village fiscal year in which such dissolution took effect plus fifteen percent of the average amount of real property taxes levied by the towns in which the village was located in the town fiscal year prior to the town fiscal year in which such dissolution took effect, and shall be divided among such towns based on the percentage of such village's population that resided in each such town as of the most recent federal decennial census. Such additional aid shall be apportioned and paid to the chief fiscal officer of each consolidated or merged municipality on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury in the same "on or before month and day" manner as the municipality's base level grant is paid pursuant to subparagraph (i) of paragraph i of this subdivision. Any municipality receiving a merger incentive award pursuant to this paragraph shall use such aid only for general municipal purposes. In no case shall a municipality's annual the additional aid pursuant to this paragraph exceed one million dollars. Such additional aid shall in subsequent state fiscal years be considered prior year aid for the purposes of determining such merged, consolidated or surviving municipality's base level grant pursuant to paragraph b of this subdivision.

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

(1) For the purposes of this paragraph, "municipality" shall mean counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water authorities, sewer authorities, regional planning and development boards, school districts, and boards of cooperative educational services; provided, however, that for the purposes of this definition, a board of cooperative educational services shall be considered a municipality only in instances where such board of cooperative educational services advances a joint application on behalf of school districts and other municipalities within the board of cooperative educational services region; provided, however, that any agreements with a board of cooperative educational services: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for the purposes of computing charges upon component school districts pursuant to subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty one of the
education law; and shall be deemed to be a cooperative municipal service
for purposes of subparagraph two of paragraph d of subdivision four of
section nineteen hundred fifty of the education law.
§ 8. Notwithstanding any other law to the contrary, for the state
fiscal year beginning April 1, 2010, and in each state fiscal year ther-
soever, fifteen million dollars of aid and incentives for municipalities
otherwise due and payable to the city of Yonkers on or before March 31
shall be paid on or before June 30 in such fiscal year upon written
request by the chief elected official of such city to the director of
the budget, provided such request is made no later than April 1, 2010.
§ 9. This act shall take effect immediately; and shall be deemed to
have been in full force and effect on and after April 1, 2009.

PART HH

Intentionally omitted.

PART II

Section 1. Section 2 of chapter 540 of the laws of 1992, amending the
real property tax law relating to oil and gas charges, as amended by
chapter 140 of the laws of 2006, is amended to read as follows:
§ 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 1992; provided,
however that any charges imposed by section 593 of the real property tax
law as added by section one of this act shall first be due for values
for assessment rolls with tentative completion dates after July 1, 1992,
and provided further, that this act shall remain in full force and
effect until March 31, 2009, at which time section 593 of the
real property tax law as added by section one of this act shall be
repealed.
§ 2. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2009.

PART JJ

Section 1. Subdivision 3 of section 333 of the real property law, as
separately amended by section 2 of part B of chapter 57 and chapter 521
of the laws of 2004, is amended to read as follows:
3. The recording officer of every county and the city of New York
shall impose a fee of one hundred sixty-five dollars, or in the case of
a transfer involving qualifying residential or farm property as defined
by paragraph iv of subdivision one-e of this section, a fee of seventy-
five dollars, for every real property transfer reporting form submitted
for recording as required under subdivision one-e of this section. In
the city of New York, the recording officer shall impose a fee of fifty
dollars for each real property transfer tax form filed in accordance
with chapter twenty-one of title eleven of the administrative code of
the city of New York, except where a real property transfer reporting
form is also submitted for recording for the transfer as required under
subdivision one-e of this section. The recording officer shall deduct
nine dollars from such fee and remit the remainder of the revenue
collected to the state office of real property services every month for
deposit in the improvement of real property tax administration account
established pursuant to section ninety-seven-ll of the state finance
§ 2. Subdivision 3 of section 333 of the real property law, as amended by section one of this act, is amended to read as follows:

3. The recording officer of every county and the city of New York shall impose a fee of \( \text{one hundred sixty-five} \) two hundred fifty dollars, or in the case of a transfer involving qualifying residential or farm property as defined by paragraph iv of subdivision one-e of this section, a fee of \( \text{seventy-five} \) one hundred twenty-five dollars, for every real property transfer reporting form submitted for recording as required under subdivision one-e of this section. In the city of New York, the recording officer shall impose a fee of \( \text{fifty} \) one hundred dollars for each real property transfer tax form filed in accordance with chapter twenty-one of title eleven of the administrative code of the city of New York, except where a real property transfer reporting form is also submitted for recording for the transfer as required under subdivision one-e of this section. The recording officer shall deduct nine dollars from such fee and remit the remainder of the revenue collected to the state office of real property services every month for deposit into the general fund. The amount duly deducted by the recording officer shall be retained by the county or by the city of New York.

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

2. \( \text{All revenue received by the state office of real property services from the state share of a recording fee pertaining to the transfer of real property shall be deposited to the credit of the improvement of real property tax administration account.} \)

3. \( \text{Moneys within the improvement of real property tax administration account, upon appropriation by the legislature, shall be available to the state office of real property services for all services and expenses of the state office which relate to activities including, but not limited to, preparation and certification of state equalization rates, the administration of state technical and financial assistance to local governments, review and certification of adjusted base proportions for special assessing units and approved assessing units pursuant to articles eighteen and nineteen of the real property tax law, the determination of class equalization rates for portions within special assessing units and approved assessing units pursuant to article twelve of the real property tax law, continuance of the market value survey cycle, maintenance of effort in the production of agricultural lands value assessments, advisory appraisals, and assessor training and certification.} \)

§ 4. This act shall take effect immediately; provided, however that section two of this act shall take effect June 1, 2009 and shall be applicable to conveyances submitted for recording on and after such date.
a. "Eligible city" shall mean [(i) for the fiscal year commencing April first, two thousand seven] a city with a population equal to or greater than one hundred twenty-five thousand and less than one million in which a video lottery gaming facility is located and operating as of January first, two thousand nine pursuant to section sixteen hundred seventeen-a of the tax law [and (ii) for the fiscal year commencing April first, two thousand eight and for each state fiscal year thereafter, shall mean a city with a population equal to or greater than one hundred twenty-five thousand in which a video lottery gaming facility is located pursuant to section sixteen hundred seventeen-a of the tax law].

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

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

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

e. "Poverty rate" shall mean the percentage of individuals living below the poverty level, as reported in the most recent federal decennial census.

2. Within amounts appropriated therefor, [(beginning in the state fiscal year commencing April first, two thousand seven, and in each state fiscal year thereafter,)] an eligible city and an eligible municipality shall receive a state aid payment as follows:

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

b. Eligible municipalities shall receive: (i) for the state fiscal years commencing April first, two thousand seven and April first, two thousand eight, a share of three and one-half percent of the "estimated net machine income" generated by a video lottery gaming facility located within such eligible municipality as follows: [(i) twenty-five percent shall be apportioned and paid to the county; and (ii) seventy-five percent shall be apportioned and paid on a pro rata basis to eligible municipalities, other than the county, based upon the popu-
lution of such eligible municipalities. Such state aid payment shall not exceed twenty-five percent of an eligible municipality's total expenditures as reported in the statistical report of the comptroller in the preceding state fiscal year pursuant to section thirty-seven of the general municipal law; and (ii) for the state fiscal year commencing April first, two thousand nine and for each state fiscal year thereafter: (1) for an eligible municipality which is located in a county that has a poverty rate equal to or greater than seventy-five percent of the New York state poverty rate, an amount equal to the state aid payment received in the state fiscal year commencing April first, two thousand eight; and (2) for an eligible municipality which is located in a county that has a poverty rate less than seventy-five percent of the New York state poverty rate, an amount equal to fifty percent of the state aid payment received in the state fiscal year commencing April first, two thousand eight.

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

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

4. [a. On or before June first of each state fiscal year, beginning in the state fiscal year commencing April first, two thousand seven, at the request of the director of the division of the budget, the director of the division of the lottery shall transmit a schedule of payments required pursuant to this section to the director of the division of the budget. In determining such schedule of payments, the director of the division of the lottery shall include a reconciliation of the state aid paid in the preceding fiscal year. Such reconciliation shall adjust for the difference between the state aid paid in the preceding fiscal year and what the state aid payment would have been if the actual full annual value of net machine income had been used in the calculation of state aid. Such reconciliation shall be subject to the maximum amounts identified in subdivision two of this section for the year being reconciled.

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

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

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009.
Section 1. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to the following funds and/or accounts:
1. Tuition reimbursement fund (050):
   a. Tuition reimbursement account (01).
   b. Proprietary vocational school supervision account (02).
2. Local government records management improvement fund (052):
   a. Local government records management account (01).
3. Dedicated highway and bridge trust fund (072):
   a. Highway and bridge capital account (01).
4. State University Residence Hall Rehabilitation Fund (074).
5. State parks infrastructure trust fund (076):
   a. State parks infrastructure account (01).
6. Clean water/clean air implementation fund (079).
7. State lottery fund (160):
   a. Education - New (03).
   b. VLT - Admin (05).
   c. VLT - Sound basic education fund (06).
8. Medicaid management information system escrow fund (179).
10. Sewage treatment program management and administration fund (300).
11. Environmental conservation special revenue fund (301):
    a. Hazardous bulk storage account (F7).
    b. Utility environmental regulation account (H4).
    c. Low level radioactive waste siting account (K5).
    d. Recreation account (K6).
    e. Conservationist magazine account (S4).
    f. Environmental regulatory account (S5).
    g. Natural resource account (S6).
    h. Mined land reclamation program account (XB).
    i. Federal grants indirect cost recovery account (IC).
12. Environmental protection and oil spill compensation fund (303).
13. Hazardous waste remedial fund (312):
    a. Site investigation and construction account (01).
    b. Hazardous waste remedial clean up account (06).
14. Mass transportation operating assistance fund (313):
    a. Public transportation systems account (01).
    b. Metropolitan mass transportation (02).
15. Clean air fund (314):
   a. Operating permit program account (01).
   b. Mobile source account (02).

16. Centralized services fund (323).

17. State exposition special fund (325).

18. Agency enterprise fund (331):
   a. OGS convention center account (55).

19. Agencies internal service fund (334):
   a. Archives records management account (02).
   b. Federal single audit account (05).
   c. Quick copy center account (07).
   d. Civil service law: sec 11 admin account (09).
   e. Civil service EHS occupational health program account (10).
   f. Banking services account (12).
   g. Cultural resources survey account (14).
   h. Neighborhood work project (17).
   i. Automation & printing chargeback account (18).
   j. OFT NYT account (20).
   k. Data center account (23).

20. Human service telecom account (24).

m. Centralized Technology services account (30).

n. OMRRD copy center account (26).

o. Intrusion detection account (27).

p. Domestic violence grant account (28).

20. Miscellaneous special revenue fund (339):
   a. Statewide planning and research cooperative system account (03).
   b. OMRRD provider of service account (05).
   c. New York state thruway authority account (08).
   d. Mental hygiene patient income account (13).
   e. Financial control board account (15).
   f. Regulation of racing account (16).
   g. New York metropolitan transportation council account (17).
   h. Quality of care account (20).
   i. Cyber upgrade account (25).
   j. Certificate of need account (26).
   k. Hospital and nursing home management account (44).
   l. State university dormitory income reimbursable account (47).
   m. Training, management and evaluation (50).
   n. Energy research account (60).
   o. Criminal justice improvement account (62).
   p. Fingerprint identification and technology account (68).
   q. Environmental laboratory reference fee account (81).
   r. Clinical laboratory reference system assessment account (90).
   s. Public employment relations board account (93).
   t. Radiological health protection account (95).
   u. Teacher certification account (A4).
   v. Banking department account (A5).
   w. Cable television account (A6).
   x. Indirect cost recovery account (AH).
   y. High school equivalency program account (AI).
   z. Rail safety inspection account (AQ).
   aa. Child support revenue account (AX).
   bb. Multi-agency training account (AY).
   cc. Critical infrastructure account (B3).
   dd. Insurance department account (B6).
   ee. Bell jar collection account (BJ).
ff. Industry and utility service account (BK).
gg. Real property disposition account (BP).
hh. Parking account (BQ).
ii. Asbestos safety training program account (BW).
jj. Improvement of real property tax administration account (BZ).
kk. Public service account (C3).
ll. Plant industry account (CZ).
mm. Batavia school for the blind account (D9).
nn. Investment services account (DC).
oo. Surplus property account (DE).
pp. OMRDD day services account (DH).
qq. Financial oversight account (DI).
rr. Regulation of Indian gaming account (DT).
ss. Special conservation activities account (CU).
tt. Interest assessment account (DZ).
uu. Office of the professions account (E3).
vv. Rome school for the deaf account (E6).
ww. Seized assets account (E8).
xx. Administrative adjudication account (E9).
yy. Client notices system (EG).
zz. Federal salary sharing account (EC).
aaa. Cultural education account (EN).
bbb. Examination and miscellaneous revenue account (ER).
ccc. Transportation regulation account (F1).
ddd. Local services account (G3).
eee. Electronic benefit transfer and common benefit identification card account (GD).
fff. Housing special revenue account (H2).
ggg. Department of motor vehicles compulsory insurance account (H7).
hhh. Housing Indirect cost recovery (H1).
iii. Housing credit agency application fee account (J5).
jjj. EPIC premium account (J6).
kkk. Federal gasoline and diesel fuel excise tax account (L6).
lll. OTDA earned revenue account (L7).
mmm. Medical assistance disability account (LF).
nnn. Low income housing credit monitoring fee account (NG).
ooo. Procurement opportunities newsletter account (P4).
ppp. Corporation administration account (P6).
qqq. Montrose veteran's home account (Q6).
rrr. Excelsior capital corporation reimbursement account (R1).
sss. Motor fuel quality account (R4).
ttt. Weights and measures account (R5).
uuu. Deferred compensation administration account (R7).
www. Batavia medicaid income account (S1).
xxx. Rent revenue other account (RR).
yyy. Tax revenue arrearage account (TR).
zzz. Solid waste management account (W3).
aaaa. Occupational health clinics account (W4).
bbbb. Capacity contracting (XU).
cccc. Point insurance reduction program account.
dddd. Internet point insurance reduction program account.
eeee. Mental hygiene program fund account (10).
21. State university income fund (345):
a. State university general income offset account (11).
22. State police and motor vehicle law enforcement fund (354):
§ 1-a. The state comptroller is hereby authorized and directed to loan money in accordance with the provisions set forth in subdivision 5 of section 4 of the state finance law to any account within the following federal funds, provided the comptroller has made a determination that sufficient federal grant award authority is available to reimburse such loans:

1. Federal USDA-food nutrition services fund (261).
2. Federal health and human services fund (265).
4. Federal block grant fund (269).
5. Federal operating grants fund (290).

§ 2. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, on
or before March 31, 2010, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:
1. $300,000 from the miscellaneous special revenue fund (339) underground facilities safety training account (US), to the general fund.
2. An amount up to the unencumbered balance from the miscellaneous special revenue fund (339), business and licensing services account (AG), to the general fund.
3. $1,260,000 from the miscellaneous special revenue fund (339), code enforcement account (07), to the general fund.
4. $15,000,000 from the miscellaneous special revenue fund (339), insurance department account (B6), to the general fund.
5. $8,000,000 from the miscellaneous special revenue fund (339), banking department account (A5), to the general fund.
6. $177,700,000 from the miscellaneous special revenue fund (339), insurance department account (B6), to the health care reform fund (061), HCRA undistributed account (99).

Education:
1. $2,279,000,000 from the general fund to the state lottery fund (160), education account (03), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
2. $478,000,000 from the general fund to the state lottery fund (160), VLT education account (06), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
3. Moneys from the state lottery fund (160) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of the current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.
4. $300,000 from the local government records management improvement fund (052) to the archives partnership trust fund (024).
5. $700,000 from the general fund to the miscellaneous special revenue fund (339), Batavia school for the blind account (D9).
6. $400,000 from the general fund to the miscellaneous special revenue fund (339), Rome school for the deaf account (E6).
7. $1,500,000 from the general fund for the private schools for the blind and deaf may be transferred to the department of health miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB). Notwithstanding any other law, rule or regulation to the contrary, funds shall be available for transfer to the department of health miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB), upon the approval by the director of the budget of a staffing and expenditure plan developed by the department of health in consultation with the state education department.
8. $40,000,000 from the state university dormitory income fund (330) to the state university residence hall rehabilitation fund (074).
9. $315,000,000 from the state university dormitory income fund (330) to the miscellaneous special revenue fund (339), state university dormitory income reimbursable account (47).
10. $500,000 from the miscellaneous special revenue fund (339), volunteer recruitment service scholarships account (VR) to the general fund.
11. $1,000,000 from the miscellaneous special revenue fund (339), cultural education account (EN), to the miscellaneous special revenue fund (339), summer school of the arts account (38).
12. $22,000,000 from the state university income fund (345), state university general income fund reimbursable account (10), to the general fund.
13. $24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund (339), indirect cost recovery account (AH).
14. $8,318,000 from the general fund to the state university income fund (345), state university income offset account (11), for the states share of repayment of the STIP loan.
15. $75,000,000 from the state university income fund (345), state university general income fund reimbursable account (10), to the state university income fund (345), supplemental operating fund account.

Environmental Affairs:
1. $500,000 from the department of transportation's federal capital projects fund (291) to the office of parks and recreation federal operating grants fund (290), miscellaneous operating grants account.
2. $5,000,000 from the general fund to the hazardous waste remedial fund (312), hazardous waste remediation oversight and assistance account (00).
3. $95,000,000 from resources made available through the use of bond financing for activities in the environmental protection fund (078), environmental protection transfer account (01), to the general fund.
4. $5,000,000 from the general fund to the state parks infrastructure fund (076), state infrastructure account (01).
5. $16,000,000 from any of the department of environmental conservation's special revenue federal funds to the special revenue fund (301) federal grant indirect cost recovery account.
6. $2,000,000 from any of the office of parks, recreation, and historical preservation special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account.
7. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account (21).
8. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339), I love NY water account (39).
9. $1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339), patron services account (T2).
10. $500 from the Hudson river valley greenway fund (056), greenway communities council account (01), to the general fund.
11. $44 from the Hudson river valley greenway fund (056), greenway heritage conservancy account (02), to the general fund.
12. $3,000,000 from the hazardous waste remedial fund (312) site investigation and construction account (01), to the general fund.
13. $20,000,000 from the hazardous waste remedial fund (312) oversight and assistance account (05), to the general fund.
14. $1,700,000 from the environmental conservation special revenue fund (301) mined land reclamation account (XB), to the general fund.

Family Assistance:
1. $10,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and the general fund, in accordance with
agreements with social services districts, to the miscellaneous special revenue fund (339), office of human resources development state match account (2C).

2. $3,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds to the miscellaneous special revenue fund (339), family preservation and support services and family violence services account (GC).

3. $6,000,000 from any of the office of children and family services special revenue federal funds to the general fund for title IV-E reimbursement of youth facility costs.

4. $28,000,000 from any of the office of children and family services, office of temporary and disability assistance, or department of health special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the miscellaneous special revenue fund (339), office of children and family services income account (AR).

5. $10,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue funds or the general fund to the miscellaneous special revenue fund (339), connections account (WK).

6. $41,000,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund (265) to the general fund.

7. $7,300,000 from the federal health and human services fund (265) to the miscellaneous special revenue fund (339), ODD earned revenue account (AD).

8. $8,300,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), client notices account (EG).

9. $81,886,000 from any of the office of temporary and disability assistance, department of health or office of children and family services special revenue funds to the miscellaneous special revenue fund (339), office of temporary and disability assistance earned revenue account (L7).

10. $4,309,000 from the federal block grant fund (269) or the federal health and human services fund (265) to the miscellaneous special revenue fund (339), home energy assistance earned revenue account (QA).

11. $7,500,000 from any of the office of temporary and disability assistance or office of children and family services special revenue federal funds to the miscellaneous special revenue fund (339), office of temporary and disability assistance program account (AL).

12. $50,000,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, and department of health special revenue federal funds to the office of children and family services miscellaneous special revenue fund (339), multi-agency training contract account (AY).

13. $30,000,000 from the office of temporary and disability assistance federal health and human services fund (265) to the miscellaneous special revenue fund (339), child support revenue account (AX).

14. $6,300,000 from any of the office of children and family services, office of temporary and disability assistance, department of labor, or department of health special revenue funds to the office of temporary and disability assistance miscellaneous special revenue fund (339), multi-agency systems development account (MD).
15. $2,322,000 from any of the office of temporary and disability assistance special revenue federal funds, in accordance with agreements with social services districts, to the miscellaneous special revenue fund (339), OTDA office of human resources development state match account (49).
16. $10,731,000 from any of the office of temporary and disability assistance special revenue federal funds, to the miscellaneous special revenue fund (339), OTDA training contract account (48).
17. $97,000 from the employment training fund (341), JTPA youth employment account (04), to the general fund.
18. $147,000 from the employment training fund (341), JTPA youth employment account (01), to the general fund.
19. $6,000,000 from the miscellaneous special revenue fund (339), adult shelter sanction account (GA), to the general fund.
20. $203,000,000 from the miscellaneous special revenue fund (339), youth facility per Diem account (YF), to the general fund.
21. $10,000,000 from the miscellaneous special revenue fund (339), office of temporary and disability assistance earned revenue account (L7), to the general fund.
22. $1,381,800 from the general fund to the children and family trust fund (020).
23. $13,000 from the agency enterprise fund (331) training materials account (07), to the general fund.
24. $7,000,000 from any of the office of temporary and disability assistance accounts within the federal health and human services fund (265), to the general fund.
25. $1,300,000 from any of the office of temporary and disability assistance and department of health special revenue federal funds to the miscellaneous special revenue fund (339), welfare inspector general administrative reimbursement account (WW).
26. $1,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the miscellaneous special revenue fund (339), office of children and family services program account (L4).

General Government:
1. $1,545,000 from the miscellaneous special revenue fund (339), examination and miscellaneous revenue account (ER) to the general fund.
2. $12,500,000 from the general fund to the health insurance revolving fund (396).
3. $192,400,000 from the health insurance reserve receipts fund (167) to the general fund.
4. $150,000 from the general fund to the not-for-profit revolving loan fund (055).
5. $150,000 from the not-for-profit revolving loan fund (055) to the general fund.
6. $11,000,000 from the miscellaneous special revenue fund (339), real property disposition account (BP), to the general fund.
7. $3,000,000 from the miscellaneous special revenue fund (339), surplus property account (DE), to the general fund.
8. $21,480,000 from the general fund to the miscellaneous special revenue fund (339), alcoholic beverage control account (DB).
9. $2,000,000 from the miscellaneous special revenue fund (339), federal liability account (FL), to the general fund.
10. $10,000,000 from centralized services fund (323), OGS building administration account (ZY), to the general fund.
11. $16,580,000 from the miscellaneous special revenue fund (339), revenue arrearage account (CR), to the general fund.
12. $1,326,000 from the miscellaneous special revenue fund (339) revenue arrearage account (CR), to the miscellaneous special revenue fund (339) authority budget office account.
13. $1,000,000 from the miscellaneous special revenue fund (339), parking services account (BQ), to the general debt service fund (311), general debt service account.
15. $60,000,000 from any account within the special revenue federal funds receiving money pursuant to federal Medicare Part D legislation to the general fund.

Health:
1. $1,500,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB).
2. $139,560,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality of care account (20).
3. $1,000,000 from the general fund to the combined gifts, grants and bequests fund (020), breast cancer research and education account (BD), an amount equal to the monies collected and deposited into that account in the previous fiscal year.
4. $2,464,000 from any of the department of health accounts within the federal health and human services fund (265) to the department of health miscellaneous special revenue fund (339), statewide planning and research cooperation system (SPARCS) program account (03).
5. $250,000 from the general fund to the combined gifts, grants and bequests fund (020), prostate cancer research, detection, and education account (PR), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.
6. $500,000 from the general fund to the combined gifts, grants and bequests fund (020), Alzheimer's disease research and assistance account (AA), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.
7. $1,000,000 from the miscellaneous special revenue fund (339), administration account (AP), to the general fund.
8. $600,000,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), federal state health reform partnership account (FS).
9. $85,000,000 from the general fund to the miscellaneous special revenue fund (339) empire state stem cell trust fund account (SR).
10. $1,250,000 from the miscellaneous new york state agency fund (169), medical assistance account to the department of health miscellaneous special revenue fund (339), third party health insurance account (35).
11. $3,700,000 from the miscellaneous new york state agency fund (169), medical assistance account to the office of medicaid inspector general miscellaneous special revenue fund (339), recoveries and revenue account (C9).

Labor:
1. $700,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the child performer protection fund (025), child performer protection account (CP).

2. $9,000,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the general fund.

3. $9,000,000 from the occupational safety and health special revenue fund (305), occupational safety and health training and education account (01), to the general fund.

4. $5,000,000 from the unemployment insurance interest and penalty special revenue fund (482), unemployment insurance special interest and penalty account (01), to the general fund.

**Mental Hygiene:**

1. $5,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13), to the miscellaneous special revenue fund (339), federal salary sharing account (EC).

2. $10,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13), to the miscellaneous special revenue fund (339), federal salary sharing account (EC).

3. $190,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the miscellaneous special revenue fund (339), provider of service accounts (05).

4. $144,000,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the miscellaneous special revenue fund (339), provider of service account (05).

5. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene patient income account (13).

6. $150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene program fund account (10).

7. $3,600,000 from the miscellaneous special revenue fund (332), Intermediate Care Facility (ICF)/Home and Community Based Services (HCBS) loan account (05), to the general fund.

8. $197,400,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the general fund.

9. $24,200,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the general fund.

**Public Protection:**

1. $1,350,000 from the miscellaneous special revenue fund (339), emergency management account (61), to the general fund.

2. $3,300,000 from the general fund to the miscellaneous special revenue fund (339), recruitment incentive account (U2).

3. $14,000,000 from the general fund to the correctional industries revolving fund (397), correctional industries internal service account (00).

4. $25,500,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the miscellaneous special revenue fund (339), seized assets account (E8).

5. $1,500,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the combined gifts, grants and bequests fund (020), New York state emergency services revolving loan account (AU).

6. $10,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the miscellaneous special revenue fund (339), local wireless public safety answering point account (LW).
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7. $23,559,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the general debt service fund (311), revenue bond tax account (02).
8. $10,000,000 from federal miscellaneous operating grants fund (290), DMNA damage account (71), to the general fund.
9. $6,000,000 from the general fund to the miscellaneous special revenue fund (339), crimes against revenue program account (CA).
10. $2,000,000 from the general fund to the Attica state employee victims' fund (013).
11. $20,000,000 from any office of homeland security account within the federal miscellaneous operating grants fund (290), receiving money through the homeland security grants program, to the general fund.
12. $11,500,000 from the federal miscellaneous operating grants fund (290) world trade center account, to the general fund.
13. $4,800,000 from the federal miscellaneous operating grants fund (290) world trade center account, to the miscellaneous special revenue fund (339) New York alert account.
14. $100,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the state capital projects fund (002).
15. $9,946,000 from the miscellaneous special revenue fund (339) criminal justice improvement account (62) to the general fund.
16. $7,200,000 from the miscellaneous special revenue fund (390) indigent legal services fund (01), to the general fund.
17. $600,000 from the agency enterprise fund (331) farm program account (FM), to the general fund.

Transportation:
1. $17,672,000 from the federal miscellaneous operating grants fund (290) to the special revenue fund (339), tri-state federal regional planning account (17).
2. $20,147,000 from the federal capital projects fund (291) to the special revenue fund (339), tri-state federal regional planning accounts (17).
3. $12,300,000 from the miscellaneous special revenue fund (339), compulsory insurance account (H7), to the general fund.
4. $20,000,000 from the suburban transportation fund (327) to the mass transportation operating assistance fund (313), additional mass transportation fund account (06).
5. $14,183,000 from the general fund to the mass transportation operating assistance fund (313) public transportation systems accounts (01).
6. $16,721,000 from the mass transportation operating assistance fund (313) metropolitan mass transit operating assistance account (02), to the mass transportation operating assistance fund (313) public transportation systems operating assistance account (01).
7. $478,234,000 from the general fund to the dedicated highway and bridge trust fund (072).

Miscellaneous:
1. $75,000,000 from the general fund to any funds or accounts for the purpose of reimbursing certain outstanding accounts receivable balances.
2. $250,000,000 from the general fund to the debt reduction reserve fund (064).
3. $23,300,000 from the general fund to the miscellaneous special revenue fund (339), improvement of real property tax administrative account (B2).
§ 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2010:

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

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

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

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

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

6. Upon request of the director of the budget, up to $20,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (L2), to the general fund.

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

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

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

§ 7. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the director of the budget, up to $128,700,000 from the general fund to the state university income fund.
fund (345), state university hospitals income reimbursable account (22) during the period July 1, 2009 through June 30, 2010 to reflect ongoing state subsidy of SUNY hospitals and to pay costs attributable to the SUNY hospitals' state agency status.

§ 8. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund (344), Stony Brook hospital collection account (07), Brooklyn hospital collection account (08), and Syracuse hospital collection account (09) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to transfer moneys, in amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general debt service fund (311) for payment of debt service related to the SUNY hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state university chancellor or his or her designee, to transfer moneys from the state university income fund (345) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to pay hospital operating costs or to transfer moneys, in amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general debt service fund (311) for payment of debt service related to the SUNY hospitals on or before March 31, 2010.

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

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

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

§ 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to $200 million from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2009-10 budget. Transfers from federal funds, debt service funds, capital projects funds, or the community projects fund are not permitted pursuant to this authorization. The director of the budget shall notify both...
§ 13. Subdivision 5 of section 97-rrr of the state finance law, as amended by section 14 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

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

§ 51. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2008; provided, however, that the amendments to subdivision 6 of section 4 and subdivision 4 of section 40 of the state finance law made by sections fifteen and sixteen of this act shall expire on the same date such subdivisions expire; and provided, further, however, that section thirty-four of this act shall take effect on the same date as the reversion of section 69-c of the state finance law as provided in section 58 of part T of chapter 57 of the laws of 2007, as amended; provided, further that such amendments shall expire and be deemed repealed March 31, 2010; and provided, further, however, that sections one, three, four, [fourteen] and eighteen through twenty-seven of this act shall expire March 31, 2009 when upon such date the provisions of such sections shall be deemed repealed; and provided further that section fourteen of this act shall expire March 31, 2010 when upon such date the provisions of such section shall be deemed repealed.

§ 14. Section 41 of 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 is amended by adding a new subdivision 4 to read as follows:

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

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

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

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

5. No money or other financial resources shall be transferred or temporarily loaned from one fund to another without specific statutory
authorization for such transfer or temporary loan, except that [the] 
money or other financial resources of a fund may be temporarily loaned 
to the general fund during the state fiscal year provided that such loan 
shall be repaid in full no later than (a) four months after it was made 
or (b) by the end of the same fiscal year in which it was made, whichev-
er period is shorter, so that an accurate accounting and reporting of 
the balance of financial resources in each fund may be made. The comp-
troller is hereby authorized to temporarily loan money from the general 
fund or any other fund to the fund/accounts that are authorized to 
receive a loan. Such loans shall be limited to the amounts immediately 
required to meet disbursements, made in pursuance of an appropriation by 
law and authorized by a certificate of approval issued by the director 
of the budget with copies thereof filed with the comptroller and the 
chair of the senate finance committee and the chair of the assembly ways 
and means committee. The director of the budget shall not issue such a 
certificate unless he or she shall have determined that the amounts to 
be so loaned are receivable on account. When making loans, the comp-
troller shall establish appropriate accounts and if the loan is not 
repaid by the end of the month, provide on or before the fifteenth day 
of the following month to the director of the budget, the chair of the 
 senate finance committee and the chair of the assembly ways and means 
committee, an accurate accounting and report of the financial resources 
of each such fund at the end of such month. Within ten days of the 
receipt of such accounting and reporting, the director of the budget 
shall provide the comptroller and the chair of the senate finance 
committee and the chair of the assembly ways and means committee an 
expected schedule of repayment by fund and by source for each outstanding 
loan. Repayment shall be made by the comptroller from the first cash 
receipt of this fund.

§ 17. Section 3 of part MM 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, is REPEALED.
§ 18. Subdivision (b) of section 1 of part P of chapter 57 of the laws 
of 2007, relating to the provision of funding of certain community 
projects, as amended by section 1 of part MM of chapter 59 of the laws 
of 2008, is amended to read as follows:

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

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

(a) [Seventy] Thirty million [six hundred thousand] dollars 
[(70,600,000)] ($70,600,000) for the period April 1, 2009 through March 
31, 2010, as follows: thirty million dollars ($30,000,000) to account 
AA[; thirty million dollars ($30,000,000) to account CC; and ten million 
six hundred thousand dollars ($10,600,000) to account CC]. Such [trans-
fers] transfer shall be made in accordance with section 99-d of the 
state finance law, as added by chapter 474 of the laws of 1996, as 
amended.
§ 19-a. In accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer from the general fund -- state purposes account to the community projects fund the following amounts:

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

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

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

§ 20. The comptroller is authorized and directed to deposit to the general fund-state purposes account reimbursements from moneys appropriated or reappropriated to the correctional facilities capital improvement fund (399) by a chapter of the laws of 2009. Reimbursements shall be available for spending from appropriations made to the department of correctional services in the general fund-state purposes account by a chapter of the laws of 2009 for costs associated with the administration and security of capital projects and for other costs which are attributable, according to a plan, to such capital projects.

§ 21. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation for $22,404,000 authorized by chapter 55 of the laws of 1999 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursements for spending from various appropriations for projects related to the New York city watershed, reimbursement from the proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation for $22,500,000 authorized by chapter 55 of the laws of 1999 to the environmental facilities corporation for payment for the jobs two thousand pipeline for jobs program, reimbursement from the proceeds of notes and bonds issued by the dormi-
authority of the state of New York for a capital appropriation for $47,500,000 authorized by chapter 55 of the laws of 1999 to the office of science, technology and academic research for payment for the jobs of two thousand capital facilities program, reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $145,000,000 authorized by chapter 53 of the laws of 1999 to the state education department for payment of capital construction grants to school districts pursuant to the rebuilding schools to uphold education program, and reimbursement from the proceeds of notes and bonds issued by the urban development corporation for a capital appropriation for $25,000,000 authorized by chapter 55 of the laws of 1999 to all state agencies for payment of costs related to economic development, land acquisition, and heritage trail projects.

§ 22. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $43,383,000 authorized by chapter 55 of the laws of 2000 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, to reimburse spending from various appropriations for certain projects related to the New York city watershed, reimbursement from the proceeds of notes and bonds issued by the urban development corporation for capital appropriation for $15,000,000 authorized by chapter 55 of the laws of 2000 to the urban development corporation for payment of costs related to a sports facility in the city of Rochester, reimbursement from the proceeds of notes and bonds issued by the urban development corporation of the state of New York for a capital appropriation for $50,000,000 authorized by chapter 55 of the laws of 2000 to the urban development corporation for payment of costs related to economic development projects in the downtown Buffalo, the Buffalo inner harbor area, or surrounding environs, reimbursement from proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $225,000,000 authorized by chapter 55 of the laws of 2000 to all state agencies for payment of costs related to the strategic investment program, reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $50,000,000 authorized by chapter 53 of the laws of 2000 to the state education department for payment of capital construction grants to school districts pursuant to the rebuilding schools to uphold education program, for reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $15,000,000 authorized by chapter 53 of the laws of 2000 to the office of children and family services for payment of costs related to the child care facilities development program, and for reimbursement from the proceeds of notes and bonds issued by the dormitory authority of the state of New York for a capital appropriation for $10,000,000 authorized by chapter 55 of the laws of 2000 to the office of science, technology and academic research for payment of costs related to biomedical research and/or manufacturing facilities.

§ 23. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corpo-
ration for a capital appropriation for $29,772,000 authorized by chapter 54 of the laws of 2001 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund.

§ 24. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,365,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes and bonds issued by the urban development corporation or other financing source for a capital appropriation for $89,000,000 authorized by chapter 50 of the laws of 2002 to the office of general services for payment of capital construction costs for the Alfred E. Smith office building located in the city of Albany, reimbursement from the proceeds of notes and bonds issued by the urban development corporation or other financing source for capital appropriations for $1,500,000 authorized by chapter 50 of the laws of 2002 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2002 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $13,250,000 authorized by chapter 55 of the laws of 2002 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $14,300,000 authorized by chapter 55 of the laws of 2002 to the urban development corporation to finance a portion of the jobs now program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $20,800,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2002 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $15,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2002 to any agency for costs related to homeland security, and reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for Onondaga lake.

§ 25. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit, to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $30,174,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or other financing source for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2003 to the urban development corporation to finance a portion of the jobs now program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $20,800,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2002 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $15,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2002 to any agency for costs related to homeland security, and reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 54 of the laws of 2002 to the department of environmental conservation for Onondaga lake.
$19,500,000 authorized by chapter 50 of the laws of 2003 to the office of general services for payment of capital construction costs for the 51 Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2003 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,250,000 authorized by chapter 55 of the laws of 2003 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for disbursements of up to $16,400,000 from any capital appropriation or reappropriation authorized by chapter 51 of the laws of 2003 to the judiciary for courthouse improvements, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from appropriations or reappropriations authorized by chapter 50 of the laws of 2003 to any agency for costs related to homeland security, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by reimbursement for the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2004 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2004 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation, for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2004 to the department of environmental conservation for environ-
mental purposes, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $80,000,000 authorized by chapter 53 of the laws of 2004 to the education department for capital transition grants for transportation, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $250,000,000 authorized by chapter 55 of the laws of 2004 for payment of costs related to economic development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $83,500,000 authorized by chapter 53 of the laws of 2006, as amended by chapter 108 of the laws of 2006, for payment of costs related to the H. H. Richardson complex and the Darwin Martin House, and reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $350,000,000 authorized by chapter 3 of the laws of 2004 for the New York state economic development program.

§ 27. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,602,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $11,350,000 authorized by chapter 55 of the laws of 2005 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $350,000,000 authorized by chapter 55 of the laws of 2005 for the Javits center, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $90,000,000 authorized by chapter 62 of the laws of 2005 for regional development, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of $250,000,000 authorized by chapter 62 of the laws of 2005 for technology and development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $75,000,000 authorized by chapter 162 of the laws of 2005 for the New York state economic development program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $150,000,000 authorized by chapter 62 of the laws of 2005 for the higher education facilities capital matching grants program, reimbursement from the proceeds of notes or bonds issued by the
dormitory authority or other financing source for a capital appropriation of $4,000,000 authorized by chapter 50 of the laws of 2005 to the office of general services for payment of capital construction costs for the Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,000,000 authorized by chapter 53 of the laws of 2005 to the state education department for payment of capital construction costs for public broadcasting facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $15,700,000 authorized by chapter 50 of the laws of 2005 to the state education department for public protection facilities, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the division of military and naval affairs for various purposes.

§ 28. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $14,000,000 authorized by chapter 55 of the laws of 2006 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2006 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $12,400,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2006 to the division of state police for public protection facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $117,000,000 authorized by chapter 50 of the laws of 2006 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for all or a portion of capital appropriations of $603,050,000
Authorized by chapter 108 of the laws of 2006 to the urban development corporation for economic development/other projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $269,500,000 authorized by chapter 108 of the laws of 2006 to the dormitory authority or the urban development corporation for economic development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $201,500,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for university development projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $143,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for cultural facilities projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling $60,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for energy/environmental projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for a competitive solicitation for construction of a pilot cellulosic ethanol refinery, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure for a new stadium in Queens county, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $74,700,000 authorized by chapter 55 of the laws of 2006 to the urban development corporation for services and expenses related to infrastructure improvements to construct a new parking facility at a new stadium in Bronx county, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $5,000,000 authorized by chapter 55 of the laws of 2006 to the environmental facilities corporation for payment for the pipeline for jobs program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2006 for the library construction purpose, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Cornell equine drug testing laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $1,200,000 authorized by chapter 53 of the laws of 2006 for the towns of Bristol and Canandaigua public water systems, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $5,500,000 authorized by chapter 53 of the laws of 2006 for Belleayre mountain ski center, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of $25,000,000 authorized by chapter 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of...
$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of
New York umbilical cord bank, reimbursement from the proceeds of notes
or bonds issued by the urban development corporation or the dormitory
authority for an appropriation of $5,500,000 authorized by chapter 53 of
the laws of 2006 for an Old Gore mountain ski bowl connection,
reimbursement from the proceeds of notes or bonds issued by the urban
development corporation or the dormitory authority for an appropriation
of $2,000,000 authorized by chapter 53 of the laws of 2006 for a Predo-
nia vineyard laboratory, reimbursement from the proceeds of notes or
bonds issued by the urban development corporation or the dormitory
authority for an appropriation of $99,500,000 authorized by chapter 108
of the laws of 2006 to the office for technology for payment of capital
costs for a consolidated data center, reimbursement from
the proceeds of notes or bonds issued by the dormitory authority or the
urban development corporation for an appropriation of $40,000,000
authorized by chapter 108 of the laws of 2006 for a food testing labora-
tory, reimbursement from the proceeds of notes or bonds issued by the
New York state thruway authority for an appropriation of $22,000,000
authorized by chapter 108 of the laws of 2006 to the department of
transportation for high speed rail, reimbursement from the proceeds of
notes or bonds issued by the urban development corporation for capital
disbursements of up to $500,000,000 from an appropriation authorized by
chapter 108 of the laws of 2006 to the urban development corporation for
development of a semiconductor manufacturing facility, reimbursement
from the proceeds of notes or bonds issued by the urban development
corporation of up to $150,000,000 from an appropriation authorized by
chapter 108 of the laws of 2006 to the urban development corporation for
research and development activities of a semiconductor manufacturer, and
reimbursement from the proceeds of notes or bonds issued by the urban
development corporation for capital disbursements of up to $300,000,000
from an appropriation to the urban development corporation authorized by
chapter 108 of the laws of 2006 for community revitalization projects.
§ 29. Notwithstanding any other law, rule, or regulation to the
contrary, the comptroller is hereby authorized and directed to deposit
the proceeds of notes or bonds issued by the environmental facilities corpo-
ration for a capital appropriation for $29,600,000 authorized by chapter
55 of the laws of 2007 to the department of environmental conservation
for payment of a portion of the state's match for federal capitalization
grants for the water pollution control revolving loan fund, reimburse-
ment from the proceeds of notes or bonds issued by the urban development
corporation for disbursements of up to $20,000,000 from any capital
appropriation or reappropriation authorized by chapter 50 of the laws of
2007 to the office of general services for various purposes, reimburse-
ment from the proceeds of notes or bonds issued by the environmental
facilities corporation for a capital appropriation of $13,500,000
authorized by chapter 55 of the laws of 2007 to the energy research and
development authority for the Western New York Nuclear Service Center at
West Valley, reimbursement from the proceeds of notes or bonds issued by
the environmental facilities corporation for a capital appropriation of
$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
ment of environmental conservation for Onondaga lake, reimbursement from
the proceeds of notes or bonds issued by the environmental facilities
corporation for disbursements of up to $12,000,000 from any capital
appropriations or reappropriations authorized by chapter 55 of the laws
of 2007 to the department of environmental conservation for environ-
mental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $50,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of a Troop G facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of evidence storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriations totaling $77,900,000 authorized by chapter 51 of the laws of 2007 to the judiciary for court training facilities and courthouse improvement projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 50 of the laws of 2007 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $60,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for cultural education storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for the Roosevelt Island Operating Corporation aerial tramway, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's Island, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology park, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,950,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $1,300,000 from appropriations authorized by chapter 50 of the laws of 2007 made to the office of general services for legislative office building hearing rooms.

§ 30. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $50,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of a Troop G facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of evidence storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriations totaling $77,900,000 authorized by chapter 51 of the laws of 2007 to the judiciary for court training facilities and courthouse improvement projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $20,000,000 authorized by chapter 50 of the laws of 2007 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to $60,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for cultural education storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for the Roosevelt Island Operating Corporation aerial tramway, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's Island, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology park, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $7,950,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $1,300,000 from appropriations authorized by chapter 50 of the laws of 2007 made to the office of general services for legislative office building hearing rooms.
corporation for a capital appropriation of $141,000,000 authorized by chapter 50 of the laws of 2008 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to $45,500,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2008 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by chapter 55 of the laws of 2008 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by chapter 55 of the laws of 2008 to the department of environmental conservation for Onondaga Lake, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $11,000,000 authorized by chapter 50 of the laws of 2008 to the office for technology for the costs of development of interim data center facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $10,000,000 authorized by chapter 50 of the laws of 2008 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by chapter 50 of the laws of 2008 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation authorized by chapter 55 of the laws of 2008 for $14,000,000 to the education department for library construction, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation authorized by chapter 55 of the laws of 2008 for $12,585,000 to the education department for state records center expansion, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation authorized by chapter 55 of the laws of 2008 for $15,000,000 to the education department for museum renewal project, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $50,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the investment opportunity fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $30,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to arts and cultural projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation.
for a capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 for economic and community development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $30,000,000 authorized by chapter 53 of the laws of 2008 for New York City waterfront development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of $45,000,000 authorized by chapter 53 of the laws of 2008 for Luther forest infrastructure projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to downstate regional projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $145,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to upstate city-by-city projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $35,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the downstate revitalization projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $120,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate regional blueprint fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $40,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the upstate agricultural economic development fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the New York state capital assistance program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $350,000,000 authorized by chapter 53 of the laws of 2008 to the New York state economic development assistance program, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $20,000,000 authorized by chapter 55 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state economic development assistance program.

§ 31. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation for $29,600,000 authorized by chapter 53 of the laws of 2009 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $129,800,000 authorized by chapter 53 of the laws of 2009 to all state departments and agencies for the purchase of equipment or systems development, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $23,000,000 authorized by chapter 53 of the laws of 2009 to the urban development corporation for services and expenses related to the New York state economic development assistance program.
for disbursements of up to $24,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2009 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $13,500,000 authorized by a chapter of the laws of 2009 to the energy research and development authority for the Western New York Nuclear Service Center at West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of $10,000,000 authorized by a chapter of the laws of 2009 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $12,000,000 from any capital appropriations or reappropriations authorized by a chapter of the laws of 2009 to the department of environmental conservation for environmental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to $3,000,000 from any capital appropriation or reappropriation authorized by a chapter of the laws of 2009 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of $6,000,000 authorized by a chapter of the laws of 2009 to the division of state police for rehabilitation of facilities, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation for $14,000,000 to the State Education Department for library construction, reimbursement from the proceeds and notes or bonds issued by the Dormitory Authority of the State of New York or other financing source for a capital appropriation for $4,000,000 to the State Education Department for rehabilitation associated with the St. Regis Mohawk elementary school authorized by a chapter of the laws of 2009 and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of $25,000,000 authorized by a chapter of the laws of 2009 to the urban development corporation for services and expenses related to the empire state economic development fund.

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

§ 32. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the city university special revenue fund (377), reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York for capital disbursements of up to $20,000,000 from any appropriation or reappropriation authorized by a chapter of the laws of 2009 to the city university of New York for various purposes.

§ 33. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement
between the dormitory authority of the state of New York as successor to
the New York state medical care facilities finance agency, and the
facilities development corporation pursuant to chapter 83 of the laws of
1995 and the department of mental hygiene for the purpose of making
payments to the dormitory authority of the state of New York for the
amount of the earnings for the investment of monies deposited in the
mental health services fund that such agency determines will or may have
to be rebated to the federal government pursuant to the provisions of
the internal revenue code of 1986, as amended, in order to enable such
agency to maintain the exemption from federal income taxation on the
interest paid to the holders of such agency's mental services facilities
improvement revenue bonds. On or before June 30, 2010, such agency shall
certify to the state comptroller its determination of the amounts
received in the mental health services fund as a result of the invest-
ment of monies deposited therein that will or may have to be rebated to
the federal government pursuant to the provisions of the internal reven-
ue code of 1986, as amended.
§ 34. (1) Notwithstanding any other law, rule, or regulation to the
contrary, the state comptroller shall at the commencement of each month
certify to the director of the budget, the commissioner of environmental
conservation, the chair of the senate finance committee, and the chair
of the assembly ways and means committee the amounts disbursed from all
appropriations for hazardous waste site remediation disbursements for
the month preceding such certification.
(2) Notwithstanding any law to the contrary, prior to the issuance by
the comptroller of bonds authorized pursuant to subdivision a of section
4 of the environmental quality bond act of nineteen hundred eighty-six,
as enacted by chapter 511 of the laws of 1986, disbursements from all
appropriations for that purpose shall first be reimbursed from moneys
credited to the hazardous waste remedial fund, site investigation and
construction account, to the extent moneys are available in such
account. For purposes of determining moneys available in such account,
the commissioner of environmental conservation shall certify to the
comptroller the amounts required for administration of the hazardous
waste remedial program.
(3) The comptroller is hereby authorized and directed to transfer any
balance above the amounts certified by the commissioner of environmental
conservation to reimburse disbursements pursuant to all appropriations
from such site investigation and construction account; provided, howev-
er, that if such transfers are determined by the comptroller to be
insufficient to assure that interest paid to holders of state obli-
gations issued for hazardous waste purposes pursuant to the environ-
mental quality bond act of nineteen hundred eighty-six, as enacted by
chapter 511 of the laws of 1986, is exempt from federal income taxation,
the comptroller is hereby authorized and directed to transfer, from such
site investigation and construction account to the general fund, the
amount necessary to redeem bonds in an amount necessary to assure the
continuation of such tax exempt status. Prior to the making of any such
transfers, the comptroller shall notify the director of the budget of
the amount of such transfers.
§ 35. Section 69-c of the state finance law, as amended by section 34
of part RR of chapter 57 of the laws of 2008, is amended to read as
follows:
§ 69-c. Variable rate bonds. Notwithstanding any other provision of
law to the contrary, any State-supported debt may be issued as variable
rate bonds.
Notwithstanding any other provision of law to the contrary, for purposes of calculating the present value of debt service and calculating savings in connection with the issuance of refunding indebtedness, 

(i) the effective interest rate and debt service payable on variable rate bonds in connection with which, and to the extent that, an authorized issuer has entered into an interest rate exchange or similar agreement pursuant to which the authorized issuer makes payments based on a fixed rate and receives payments based on a variable rate that is reasonably expected by such authorized issuer to be equivalent over time to the variable rate paid on the related variable rate bonds, shall be calculated assuming that the rate of interest on such variable rate bonds is the fixed rate payable by the authorized issuer on such interest rate exchange or similar agreement; 

(ii) the effective interest rate and debt service on variable rate bonds in connection with which, and to the extent that, an authorized issuer has not entered into such an interest rate exchange or similar agreement shall be calculated assuming that interest on such variable interest rate bonds is payable at a rate or rates reasonably assumed by the authorized issuer; 

(iii) the effective interest rate and debt service on any bonds subject to optional or mandatory tender shall be a rate or rates reasonably assumed by the authorized issuer; 

(iv) any variable rate bonds that are converted or refunded to a fixed rate, whether or not financed on an interim basis with bond anticipation notes, shall be assumed to generate a present value savings; and (v) otherwise, the effective interest rate and debt service on any bonds shall be calculated at a rate or rates reasonably assumed by the authorized issuer. Notwithstanding any other provision of law to the contrary, for calculating the present value of debt service and calculating savings in connection with the issuance of refunding indebtedness, the refunding of variable rate debt instruments with new variable rate debt instruments shall be excluded from any such requirements, if effectuated for sound business purposes.

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

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

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

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

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

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

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

(c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of bonds for city university community college facilities, except to refund or to be substituted for or in lieu of other bonds in relation to city university community college facilities pursuant to a resolution of the dormitory authority adopted before July first, nineteen hundred eighty-
five or any resolution supplemental thereto, if the principal amount of
bonds so to be issued when added to all principal amounts of bonds
previously issued by the dormitory authority for city university commu-

nity college facilities, except to refund or to be substituted in lieu
of other bonds in relation to city university community college facili-
ties will exceed the sum of four hundred twenty-five million dollars and
(ii) the dormitory authority shall not deliver a series of bonds issued
for city university facilities, including community college facilities,
pursuant to a resolution of the dormitory authority adopted on or after
July first, nineteen hundred eighty-five, except to refund or to be
substituted for or in lieu of other bonds in relation to city university
facilities and except for bonds issued pursuant to a resolution supple-
mental to a resolution of the dormitory authority adopted prior to July
first, nineteen hundred eighty-five, if the principal amount of bonds so
to be issued when added to the principal amount of bonds previously
issued pursuant to any such resolution, except bonds issued to refund or
to be substituted for or in lieu of other bonds in relation to city
university facilities, will exceed six billion [one] eight

[eighteen] forty-three million two hundred thousand dollars. The legis-
lature reserves the right to amend or repeal such limit, and the state
of New York, the dormitory authority, the city university, and the fund
are prohibited from covenanted for or making any other agreements with or
for the benefit of bondholders which might in any way affect such right.

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

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

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

1. Notwithstanding the provisions of any other law to the contrary,
the authority and the urban development corporation are hereby author-
ized to issue bonds or notes in one or more series for the purpose of
funding project costs for construction and rehabilitation associated
with the cultural education facilities and the St. Regis Mohawk elemen-
tary school. The aggregate principal amount of bonds authorized to be
issuance of such bonds, and bonds or notes issued to refund or otherwise
repay such bonds or notes previously issued. Such bonds and notes of the
authority and the urban development corporation shall not be a debt of
the state, and the state shall not be liable thereon, nor shall they be
payable out of any funds other than those appropriated by the state to
the authority for principal, interest, and related expenses pursuant to
a service contract and such bonds and notes shall contain on the face
thereof a statement to such effect. Except for purposes of complying
with the internal revenue code, any interest income earned on bond
proceeds shall only be used to pay debt service on such bonds.
§ 42. Subdivision 3 of section 1285-p of the public authorities law, as amended by section 41 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

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

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

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

(a) Subject to the provisions of chapter 59 of the laws of 2000 but notwithstanding the provisions of section 18 of the urban development corporation act, the corporation is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed $25,000,000 excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing capital costs related to homeland security for the division of state police, the division of military and naval affairs, and any other state agency, including the reimbursement of any disbursements made from the state capital projects.
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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.

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

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

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

1. Subject to the provisions of chapter 59 of the laws of 2000, but
34 notwithstanding the provisions of section 18 of section 1 of chapter 174
35 of the laws of 1968, the New York state urban development corporation is
36 hereby authorized to issue bonds, notes and other obligations in an
37 aggregate principal amount not to exceed five billion [five] eight
38 hundred [eleven] thirty-seven million [four] eight hundred thousand
39 dollars $5,511,400,000 $5,837,800,000, and shall include all bonds,
40 notes and other obligations issued pursuant to chapter 56 of the laws of
41 1983, as amended or supplemented. The proceeds of such bonds, notes or
42 other obligations shall be paid to the state, for deposit in the correc-
43 tional facilities capital improvement fund to pay for all or any portion
44 of the amount or amounts paid by the state from appropriations or reap-
45 propriations made to the department of correctional services from the
46 correctional facilities capital improvement fund for capital projects.
47 The aggregate amount of bonds, notes or other obligations authorized to
48 be issued pursuant to this section shall exclude bonds, notes or other
49 obligations issued to refund or otherwise repay bonds, notes or other
50 obligations theretofore issued, the proceeds of which were paid to the
51 state for all or a portion of the amounts expended by the state from
52 appropriations or reappropriations made to the department of correction-
al services; provided, however, that upon any such refunding or repay-
ment the total aggregate principal amount of outstanding bonds, notes or
other obligations may be greater than five billion [\textit{five}] \textbf{eight} hundred
\textbf{eight} hundred thousand dollars [$5,511,400,000] [$5,837,800,000], only if the present value of the aggre-
gate debt service of the refunding or repayment bonds, notes or other
obligations to be issued shall not exceed the present value of the
aggregate debt service of the bonds, notes or other obligations so to be
refunded or repaid. For the purposes hereof, the present value of the
aggregate debt service of the refunding or repayment bonds, notes or
other obligations and of the aggregate debt service of the bonds, notes
or other obligations so refunded or repaid, shall be calculated by
utilizing the effective interest rate of the refunding or repayment
bonds, notes or other obligations, which shall be that rate arrived at
by doubling the semi-annual interest rate (compounded semi-annually)
necessary to discount the debt service payments on the refunding or
repayment bonds, notes or other obligations from the payment dates ther-
foe to the date of issue of the refunding or repayment bonds, notes or
other obligations and to the price bid including estimated accrued
interest or proceeds received by the corporation including estimated
accrued interest from the sale thereof.

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

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

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

\underline{2008 and 2009} Economic development initiatives. 1. Notwithstanding the
provisions of any other law to the contrary, the dormitory authority and
the corporation are hereby authorized to issue bonds or notes in one or more series for the purpose of funding project costs for various economic development and regional initiatives, the upstate regional blueprint fund, the downstate revitalization fund, the upstate agricultural economic fund, the New York state capital assistance program, the New York state economic development assistance program and other state costs associated with such projects. The aggregate principal amount of bonds authorized to be issued pursuant to this section shall not exceed one billion $2,385 million dollars, excluding bonds issued to fund one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued. Such bonds and notes of the dormitory authority and the corporation shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the dormitory authority and the corporation for principal, interest, and related expenses pursuant to a service contract and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

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

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

§ 49-a. (a) The New York state urban development corporation and the dormitory authority of the state of New York are hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed $83,500,000 excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of financing project costs of the H. H. Richardson Complex and Darwin Martin House pursuant to an appropriation contained in a chapter of the laws of 2006. Such bonds and notes of the corporation or the dormitory authority shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to the corporation or the dormitory authority for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds. All of the provisions of the New York state urban development corporation act and the dormitory authority act relating to bonds and notes which
are not inconsistent with the provisions of this section shall apply to
obligations authorized by this section, including but not limited to the
power to establish adequate reserves therefor and to issue renewal notes
or refunding bonds thereof. The issuance of any bonds or notes hereunder
shall further be subject to the approval of the director of the division
of the budget.

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

§ 49-b. Section 1680-o of the public authorities law, as added by
section 44 of part T of chapter 57 of the laws of 2007, is amended to
read as follows:
§ 1680-o. Courthouse improvements and training facilities. 1. Notwithstanding the provisions of any other law to the contrary, the
authority and the urban development corporation are hereby authorized to
issue bonds or notes in one or more series for the purpose of funding
project costs for eligible courthouse improvements, drug courts, and
training facilities. The aggregate principal amount of bonds authorized
to be issued pursuant to this section shall not exceed [seventy-seven]
eighty-five million nine hundred thousand dollars, excluding bonds
issued to fund one or more debt service reserve funds, to pay costs of
issuance of such bonds, and bonds or notes issued to refund or otherwise
repay such bonds or notes previously issued. Such bonds and notes of the
authority and the urban development corporation shall not be a debt of
the state, and the state shall not be liable thereon, nor shall they be
payable out of any funds other than those appropriated by the state to
the authority and the urban development corporation for principal,
interest, and related expenses pursuant to a service contract and such
bonds and notes shall contain on the face thereof a statement to such
effect. Except for purposes of complying with the internal revenue code,
any interest income earned on bond proceeds shall only be used to pay
debt service on such bonds.

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

§ 49-c. Paragraph b of subdivision 2 of section 9-a of section 1 of
chapter 392 of the laws of 1973, constituting the New York state medical
care facilities finance agency act, as amended by section 49 of part RR
of chapter 57 of the laws of 2008, is amended to read as follows:
b. The agency shall have power and is hereby authorized from time to
time to issue negotiable bonds and notes in conformity with applicable
provisions of the uniform commercial code in such principal amount as,
in the opinion of the agency, shall be necessary, after taking into
account other moneys which may be available for the purpose, to provide
sufficient funds to the facilities development corporation, or any
successor agency, for the financing or refinancing of or for the design,
construction, acquisition, reconstruction, rehabilitation or improvement
of mental health services facilities pursuant to paragraph a of this
subdivision, the payment of interest on mental health services improve-
ment bonds and mental health services improvement notes issued for such
purposes, the establishment of reserves to secure such bonds and notes,
the cost or premium of bond insurance or the costs of any financial
mechanisms which may be used to reduce the debt service that would be
payable by the agency on its mental health services facilities improve-
ment bonds and notes and all other expenditures of the agency incident
to and necessary or convenient to providing the facilities development
corporation, or any successor agency, with funds for the financing or
refinancing of or for any such design, construction, acquisition, recon-
struction, rehabilitation or improvement and for the refunding of mental
hygiene improvement bonds issued pursuant to section 47-b of the private
housing finance law; provided, however, that the agency shall not issue
mental health services facilities improvement bonds and mental health
services facilities improvement notes in an aggregate principal amount
exceeding seven billion three hundred [fifty-six] sixty-six million
[four] six hundred thousand dollars, excluding mental health services
facilities improvement bonds and mental health services facilities
improvement notes issued to refund outstanding mental health services
facilities improvement bonds and mental health services facilities
improvement notes; provided, however, that upon any such refunding or
repayment of mental health services facilities improvement bonds and/or
mental health services facilities improvement notes the total aggregate
principal amount of outstanding mental health services facilities
improvement bonds and mental health facilities improvement notes may be
greater than [five] seven billion [eight] three hundred [fifty-seven]
sixty-six million six hundred thousand dollars only if, except as hereinafter provided with respect to mental health services facilities bonds and mental health services facilities notes issued to refund mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law, the present value of the aggregate debt service of the refunding or repayment bonds to be issued shall not exceed the present value of the aggregate debt service of the bonds to be refunded or repaid. For purposes hereof, the present values of the aggregate debt service of the refunding or repayment bonds, notes or other obligations and of the aggregate debt service of the bonds, notes or other obligations so refunded or repaid, shall be calculated by utilizing the effective interest rate of the refunding or repayment bonds, notes or other obligations, which shall be that rate arrived at by doubling the semi-annual interest rate (compounded semi-annually) necessary to discount the debt service payments on the refunding or repayment bonds, notes or other obligations from the payment dates thereof to the date of issue of the refunding or repayment bonds, notes or other obligations and to the price bid including estimated accrued interest or proceeds received by the authority including estimated accrued interest from the sale thereof. Such bonds, other than bonds issued to refund outstanding bonds, shall be scheduled to mature over a term not to exceed the average useful life, as certified by the facilities development corporation, of the projects for which the bonds are issued, and in any case shall not exceed thirty years and the maximum maturity of notes or any renewals thereof shall not exceed five years from the date of the original issue of such notes. Notwithstanding the provisions of this section, the agency shall have the power and is hereby authorized to issue mental health services facilities improvement bonds and/or mental health services facilities improvement notes to refund outstanding mental hygiene improvement bonds authorized to be issued pursuant to the provisions of section 47-b of the private housing finance law and the amount of bonds issued or outstanding for such purposes shall not be included for purposes of determining the amount of bonds issued pursuant to this section. The director of the budget shall allocate the aggregate principal authorized to be issued by the agency among the office of mental health, office of mental retardation and developmental disabilities, and the office of alcoholism and substance abuse services, in consultation with their respective commissioners to finance bondable appropriations previously approved by the legislature.

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

8. Revenue bonds may only be issued for authorized purposes, as defined in section sixty-eight-a of this article. Notwithstanding the foregoing, [any authorized issuer] the dormitory authority of the state of New York and the urban development corporation may issue revenue bonds [in place of (a) housing program bonds or notes as authorized by section forty-seven of the private housing finance law, (b) bonds to finance the state match for federal capitalization grants for the purpose of any state revolving fund as authorized by paragraph (a) of subdivision one of section twelve hundred ninety of the public authorities law and (c) certificates of participation as authorized by article five-a of this chapter] for any authorized purpose of any other such authorized issuer through March thirty-first, two thousand ten. The authorized issuers shall not issue any revenue bonds in an amount in
excess of statutory authorizations for such authorized purposes. Authorizations for such authorized purposes shall be reduced in an amount equal to the amount of revenue bonds issued for such authorized purposes under this article. Such reduction shall not be made in relation to revenue bonds issued to fund reserve funds, if any, and costs of issuance, if these items are not counted under existing authorizations, nor shall revenue bonds issued to refund bonds issued under existing authorizations reduce the amount of such authorizations.

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

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

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

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

§ 25. State's right to require redemption of bonds. Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the corporation to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than twenty years after the date of the bonds of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published at least twice in at least two newspapers publishing and circulating respectively in the cities of Albany and New York, the first publication to be at least thirty days before the date of redemption. The provisions of this section relating to the state's right to require redemption of bonds shall not apply to state-supported debt, as defined by section 67-a of the state finance law, issued by the corporation. Such corporation bonds shall remain subject to redemption pursuant to any contract with the holders of such bonds.
§ 54. Section 367 of the public authorities law, as amended by chapter 244 of the laws of 1953, is amended to read as follows:

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

§ 55. Section 1293 of the public authorities law, as amended by chapter 744 of the laws of 1970, is amended to read as follows:

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

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

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

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

2. "Authorized purpose" for purposes of this article and section ninety-two-z of this chapter shall mean any purposes for which state-supported debt, as defined by section sixty-seven-a of this chapter, may or has been issued except debt for which the state is constitutionally obligated thereunder to pay debt service and related expenses, and except (a) as authorized in paragraph (b) of subdivision one of section
three hundred eighty-five of the public authorities law, (b) as author-
ized for the department of health of the state of New York facilities as
specified in paragraph a of subdivision two of section sixteen hundred
eighty of the public authorities law, (c) state university of New York
dormitory facilities as specified in subdivision eight of section
sixteen hundred seventy-eight of the public authorities law, and (d) as
authorized for mental health services facilities by section nine-a of
section one of chapter three hundred ninety-two of the laws of nineteen
hundred seventy-three constituting the New York state medical care
facilities financing act. Notwithstanding the provisions of clause (d)
of this subdivision, for the period April first, two thousand nine
through March thirty-first, two thousand ten, mental health services
facilities, as authorized by section nine-a of section one of chapter
three hundred ninety-two of the laws of nineteen hundred seventy-three
constituting the New York state medical care facilities financing act,
shall constitute an authorized purpose.

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

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

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

§ 57. This act shall take effect immediately and shall be deemed to
have been in full force and effect on and after April 1, 2009; provided,
however, that sections one, two, three, four, twelve and twenty-one
through thirty-one of this act shall expire March 31, 2010, when, upon
such date, the provisions of such sections shall be deemed repealed;
provided, however that the amendments to subdivision 5 of section 97-rrr
of the state finance law made by section thirteen of this act shall not
affect the expiration and reversion of such subdivision and shall expire
and be deemed repealed therewith; and provided, further that amendments
to section 69-c of the state finance law, made by section thirty-five of
this act, shall not affect the expiration and reversion of such section
and shall expire therewith.

PART QQ

Section 1. Subparagraph 4 of paragraph (h) of subdivision 8 of section
15 of the workers' compensation law, as amended by chapter 139 of the
laws of 2008, is amended to read as follows:
(4) As soon as practicable after May first in the year nineteen
hundred fifty-eight, and annually thereafter as soon as practicable
after January first in each succeeding year, the chair of the board
shall assess upon and collect from all self-insurers, except group self-
insurers, the state insurance fund, all insurance carriers and group
self-insurers, (A) a sum equal to one hundred fifty per centum of the
total disbursements made from the special disability fund during the
preceding calendar year (not including any disbursements made on account
of anticipated liabilities or waiver agreements funded by bond proceeds
and related earnings), less the amount of the net assets in such fund as
of December thirty-first of said preceding calendar year, and (B) a sum
sufficient to cover debt service, and associated costs (the "debt
service assessment") to be paid during the calendar year by the dormito-
ry authority, as calculated in accordance with subparagraph five of this
paragraph. Such assessments shall be allocated to (i) self-insurers
except group self-insurers and the state insurance fund based upon the
proportion that the total compensation payments made by all self-insur-
ers except group self-insurers and the state insurance fund bore to the
total compensation payments made by all self-insurers except group self-
insurers, the state insurance fund, all insurance carriers and group
self-insurers, (ii) insurance carriers based upon the proportion that
the total compensation payments made by all insurance carriers bore to
the total compensation payments made by all self-insurers except group self-
insurers, the state insurance fund and all insurance carriers and group
self-insurers during the fiscal year which ended within said preceding
calendar year, and (iii) group self-insurers based upon the proportion
that the total compensation payments made by all group self-insurers
bore to the total compensation payments made by all self-insurers, the
state insurance fund and all insurance carriers during the fiscal year
which ended within said preceding calendar year. Insurance carriers and
self-insurers shall be liable for all such assessments regardless of the
date on which they came into existence, or whether they have made any
claim for reimbursement from the special disability fund. The portion of
such sum allocated to self-insurers except group self-insurers and the
state insurance fund that shall be collected from each self-insurer
except a group self-insurer and the state insurance fund shall be a sum
equal to the proportion of the amount which the total compensation
payments of each such self-insurer except a group self-insurer or the
state insurance fund bore to the total compensation payments made by all
group self-insurers except group self-insurers and the state insurance fund
during the fiscal year which ended within said preceding calendar year.
The portion of such sum allocated to insurance carriers that shall be
collected from each insurance carrier shall be a sum equal to that
proportion of the amount which the total standard premium
by each such insurance carrier bore to the total standard premium
standard premium reported by all insurance carriers during the fiscal year which ended within said preceding calendar fiscal year. The portion of such sum allocated to group self-insurers that shall be collected from each group self-insurer shall be a sum equal to that proportion of the amount which the pure premium calculation for each such group self-insurer bore to the total pure premium calculation for all group self-insurers for the calendar year which ended within the preceding state fiscal year. The payments from the debt service assessment, unless otherwise set forth in the special disability fund financing agreement, are hereby pledged therefor and shall be deemed the first monies received on account of assessments in each year. For the purposes of this paragraph, "direct premiums written" means gross premiums, including policy and membership fees, less return premiums and premiums on policies not taken; "standard premium" shall mean the premium as defined for the purposes of this assessment by the superintendent of insurance, in consultation with the chair of the board and the workers' compensation rating board. For purposes of this paragraph "pure premium calculation" means the New York state annual payroll as of December thirty-first of the preceding year by class code for each employer member of a group self-insurer multiplied by the applicable loss cost for each class code as determined by the workers' compensation rating board in effect on December thirty-first of the preceding year, and for a group or individual self-insurer who has ceased to self-insure shall be based on payroll at the time the group or individual self-insurer ceased to self-insure reduced by a factor reflecting the reduction in the group or individual self-insurer's self-insurance liabilities since ceasing to self-insure. An employer who has ceased to be a self-insurer or a group that ceases to be licensed as a group self-insurer shall continue to be liable for any assessments into said fund on account of any compensation payments made by him or her on his or her account during such fiscal year, and the security fund, created under the provisions of section one hundred seven of this chapter, shall, in the event of the insolvency of any insurance company, be liable for any assessments that would have been made against such company except for its insolvency. No assessment shall be payable from the aggregate trust fund, created under the provisions of section twenty-seven of this article, but such fund shall continue to be liable for all compensation that shall be payable under any award or order of the board, the commuted value of which has been paid into such fund. Such assessments when collected shall be deposited with the commissioner of taxation and finance for the benefit of such fund. Unless otherwise provided, such assessments, shall not constitute an element of loss for the purpose of establishing rates for compensation insurance but shall for the purpose of collection be treated as separate costs by carriers. All insurance carriers and the state insurance fund, shall collect such assessments, from their policyholders through a surcharge based on premiums in accordance with rules set forth by the superintendent of insurance in consultation with the New York workers' compensation rating board, as approved by the superintendent of insurance and the chair of the board.

Such surcharge shall be considered as part of premium for purposes prescribed by law including, but not limited to, computing premium tax, reporting to the superintendent of insurance pursuant to section ninety-nine of this chapter and section three hundred seven of the insurance law, determining the limitation of expenditures for the administration of the state insurance fund pursuant to section eighty-eight of this chapter and the cancellation by an insurance carrier, including the
state insurance fund, of a policy for non-payment of premium. The
provisions of this paragraph shall not apply with respect to policies
containing coverage pursuant to subsection (j) of section three thousand
four hundred twenty of the insurance law relating to every policy
providing comprehensive personal liability insurance on a one, two,
three or four family owner-occupied dwelling. The state insurance fund
shall, notify its insureds that such assessments, shall be, for the
purpose of recoupment, treated as separate costs, respectively for the
purpose of premiums billed on or after October first, nineteen hundred
ninety-four.

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

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

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

(b) An itemized statement of the expenses so ascertained shall be open
to public inspection in the office of the board for thirty days after
notice to the state insurance fund, all insurance carriers and all self-
insurers including group self-insurers affected thereby, before the
board shall make an assessment for such expenses. The chair shall assess
upon and collect a proportion of such expenses as hereinafter provided
from each insurance carrier, the state insurance fund and each self-in-
surer including group self-insurers. The assessment for such expenses
shall be allocated to (i) self-insurers except group self-insurers and
the state insurance fund based upon the proportion that the total
compensation payments made by all self-insurers except group self-insur-
ers and the state insurance fund in such year bore to the total compen-
sation payments made by all self-insurers except group self-insurers,
the state insurance fund, all insurance carriers and group self-insurers
and (ii) insurance carriers based upon the proportion that the total
compensation payments made by all insurance carriers in such year bore
to the total compensation payments by all self-insurers, the state
insurance fund and all insurance carriers [during the fiscal year which
ended within said preceding calendar year], and (iii) group self-insur-
ers based upon the proportion that the total compensation payments made
by all group self-insurers in such year bore to the total compensation
payments made by all self-insurers, the state insurance fund and all
insurance carriers [during the fiscal year which ended within said
preceding calendar year]. The portion of the assessment for such
expenses allocated to self-insurers except group self-insurers and the
state insurance fund that shall be collected from each self-insurer
except group self-insurers and the state insurance fund shall be a sum
equal to the proportion of the amount which the total compensation
payments of each such self-insurer except a group self-insurer or the
state insurance fund in such year bore to the total compensation
payments made by all self-insurers except group self-insurers and the
state insurance fund. The portion of the assessment for such expenses allocated to insurance carriers that shall be collected from each such insurance carrier shall be a sum equal to that proportion of the amount which the total [premiums written] standard premium by each such insurance carrier [in such year] bore to the total [written premiums] standard premium reported by all insurance carriers for the calendar year which ended with the state fiscal year. The portion of such sum allocated to group self-insurers that shall be collected from each group self-insurer shall be a sum equal to that proportion of the amount which the pure premium calculation for each such group self-insurer bore to the total pure premium calculation for all group self-insurers for the calendar year which ended within the [preceding] state fiscal year. The amounts so secured shall be used for the payment of the expenses of administering this chapter. Pure premium for assessments against individual and group self-insurers who ceased to self-insure shall be based on payroll at the time the individual or group self-insurer has ceased to self-insure, reduced by a factor reflecting the reduction in the group or individual self-insurer's self-insurance liabilities since ceasing to self-insure.

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

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

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

(b) Any affected insurance carrier shall notify the chair of the workers' compensation board, within thirty days of the effective date of this subdivision, of the amount of funds it has held as measurable and available under subdivision (a) of this section. The chair of the work-
ers' compensation board may, at any time within one hundred twenty days of the effective date of this subdivision, or at any time thereafter if the insurance carrier has not provided the notification required by this section, direct an affected insurance carrier to pay such funds to the board within thirty days if they are attributable to assessments in fiscal year 2007 or before, and as soon as practicable thereafter if they are attributable to subsequent assessments. Such funds shall be credited to the workers' compensation account and shall be reserved in the first instance for expenditure pursuant to a multi-year plan, prepared by the chair, to improve the quality, timeliness and fairness of services performed by the board, including any services funded by assessments under the workers' compensation law. Such plan must be approved by the director of the budget, and expenditures pursuant to such plan may equal up to ten percent of the 2008-09 appropriations made to the workers' compensation board, excluding contingency appropriations. As a part of such plan, the chair of the workers' compensation board may recommend suballocations of the funds credited to the workers' compensation account under this subdivision to the department of labor for any other purposes funded by assessments made under the workers' compensation law, or for the implementation of chapter 6 of the laws of 2007, including for implementation of section 134 and subdivision 1 of section 35 of the workers' compensation law. Such suballocations shall be included within the total allowable expenditures under the plan and must also be approved by the director of the budget. Any amounts available in any fiscal year after deducting amounts reflecting expenditures to be made by the workers' compensation board for that fiscal year under the plan provided for by this section shall be transferred by the comptroller to the general fund, at the request of the director of the budget.

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

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

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

PART RR

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

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

§ 2. This act shall take effect immediately.
Section 1. The correction law is amended by adding a new article 12 to read as follows:

ARTICLE 12
LOCAL CONDITIONAL RELEASE COMMISSION

§ 270. Definitions. As used in this article, the following terms have the following meanings:
1. "Commission" means the local conditional release commission.
2. "County" means each county in the state, except a county within the city of New York.
3. "County Executive" means the county commissioner, county manager, county director or county president.
4. "Division" means the division of probation and correctional alternatives.

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

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

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

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

5. The director of the local probation department, or such director's designee, shall serve as an ex-officio, non-voting member of the commission.
6. The local probation department shall assign staff support to the commission.

§ 272. Local conditional release commission; function, powers and duties. The commission shall:
1. have the power and duty of determining which persons sentenced within the county, or the city of New York, and serving a definite sentence of imprisonment and eligible for conditional release pursuant to subdivision two of section 70.40 of the penal law may be released on conditional release and when and under what conditions in accordance with section two hundred seventy-three of this article;
2. have the power to determine, as each inmate applies for conditional release, the need for supplemental investigation of the background of such inmate and cause such investigation as may be necessary to be made as soon as practicable. The commission may require that the probation department located in the jurisdiction of the commission conduct such supplemental investigation. The results of such investigation together with all other information compiled by the local correctional facility and the complete criminal record and family court record of such inmate shall be readily available when the conditional release of such inmate is being considered. Such information shall include a complete statement of the crime for which the inmate has been sentenced, the circumstances of such crime, all presentence memoranda, the nature of the sentence, the court in which such inmate was sentenced, the name of the judge and district attorney and copies of such probation reports as may have been made as well as reports as to the inmate's social, physical, mental and psychiatric condition and history;
3. have the legal custody of persons conditionally released and placed under the supervision of the local probation department for a period of one year, or until returned to the custody of the local correctional facility located in the jurisdiction of the commission, as the case may be;
4. have the power to revoke the conditional release of any person in the legal custody of the commission and to issue declarations of delinquency and authorize the issuance of a warrant for the retaking of such person, as provided for in section two hundred seventy-four of this article;
5. for the purpose of any investigation necessary in the performance of its duties, have the power to issue subpoenas, to compel the attendance of witnesses and the production of books, papers, and other documents pertinent to the subject of its inquiry. The minutes of all commission meetings must be recorded and such records shall be retained according to applicable standards;
6. have the power to authorize any members thereof to administer oaths and take the testimony of persons under oath;
7. notify, in writing, the initial sentencing court, the district attorney and defense counsel within five business days of receipt of an application for a local conditional release filed under this article and provide a fifteen day period for comment on such application. Comments submitted under this subdivision shall be provided to the commission and all parties;
8. notify in writing the appropriate local probation department prior to release of a conditionally released person of such department's responsibilities to supervise such person;
Such notice shall include the name and residence of the person, the date of release, the conditions of release, and all necessary records maintained on such person to aid the local probation department in the
performance of its responsibilities pursuant to subdivision six of section two hundred fifty-six of the executive law;

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

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

§ 273. Conditional release; procedures for application and determinations. 1. Any inmate who is eligible for conditional release by a commission pursuant to subdivision two of section 70.40 of the penal law and who has served a minimum period of sixty days in a local correctional facility may apply for conditional release. Eligibility criteria shall be limited to inmates:

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

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

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

   Application shall be made in writing, on forms prescribed by the division, to the commission in the county where the sentence was imposed.

2. The commission shall review and make a determination on each application within thirty days of receipt of such application. No determination granting or denying such application shall be valid unless made by a majority vote of at least three commission members present. No release shall be granted unless there is a reasonable probability that, if such inmate is released, he or she shall live and remain at liberty without violating the law, and that his or her release is not incompatible with the welfare of society and shall not so deprecate the seriousness of his or her crime as to undermine respect for law.

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

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

5. Persons who have been granted conditional release by the commission established pursuant to this article shall, while on conditional release, be in the legal custody of the commission for a period of one year, or until returned to the custody of the local correctional facility located in the jurisdiction of the commission, as the case may be. The probation department located in the jurisdiction of the commission...
has the duty of supervising the person during the period of such condi-
tional release. The commission shall impose a minimum of four super-
vision contacts per month while the person is on conditional release,
unless the commission determines that fewer contacts are appropriate in
any individual case.

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

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

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

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

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

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

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

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

8. At the conclusion of the hearing, the commission shall issue a
finding. If the commission is not satisfied that there is a preponder-
ance of evidence in support of the violation, the commission shall
dismiss the violation, cancel delinquency and restore the person to
supervision. If the commission is satisfied that there is a preponderance of evidence that the alleged violator violated one or more conditions of conditional release in an important respect, the commission shall so find.

9. Upon a finding in support of the violation, the commission may revoke the conditional release, or continue or modify the conditions of such conditional release. Where the commission revokes a person’s conditional release, such person shall be committed to the custody of the chief administrative officer of the local correctional facility to serve the time remaining on his or her sentence, in accordance with subdivision three of section 70.40 of the penal law. Where the commission modifies the conditions of the conditional release, the commission shall inform the person, in writing, of such modified conditions.

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

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

2. Where custody of a person who has been granted conditional release pursuant to this article is transferred pursuant to subdivision one of this section, upon designation and prior to transfer, the commission making the designation shall notify the commission which has been designated to receive custody of such transfer or the parole board. The commission making the designation shall immediately forward its entire case record regarding such person to the receiving commission or the parole board. The commission to which legal custody has been transferred, or the parole board, shall assume the same powers and duties exercised by the designating commission and shall have the sole custody of such person.

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

§ 276. Regulations and report. The division shall promulgate regulations in conformance with the provisions of this article which ensure that local conditional release commissions operate in accordance with the requirements provided in this article. The division shall report annually to the speaker of the assembly and to the temporary president of the senate concerning the operations of local conditional release commissions.

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

§ 257-b. Conditional releasees; duties of supervision. 1. It shall be the duty of every probation officer to furnish each person who has been ordered to his or her supervision pursuant to subdivision two of section 70.40 of the penal law, with a statement of the conditions of release and to instruct such person with regard thereto; to keep informed
concerning such person's conduct, habits, associates, employments, recreation and whereabouts; to contact such person pursuant to rules and regulations promulgated by the division; to aid and encourage such person by friendly advice and admonition and, by such other measures as may seem most suitable, to bring about improvement in such person's conduct, condition and general attitude toward society.

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

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

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

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

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

2. Definite sentence. A person who is serving one or more than one definite sentence of imprisonment with a term or aggregate term in excess of ninety days, and is eligible for release according to the criteria set forth in paragraphs (a), (b) and (c) of subdivision one of section two hundred seventy-three of the correction law, may, if he or she so requests, be conditionally released from the institution in which he or she is confined at any time after service of sixty days of that term, exclusive of credits allowed under subdivisions four and six of section 70.30. In computing service of sixty days, the credit allowed for jail time under subdivision three of section 70.30 shall be calculated as time served. Conditional release from such institution shall be in the discretion of the parole board, [and] or a local conditional release commission established pursuant to article twelve of the correction law, provided, however that where such release is by a local conditional release commission, the person must be serving a definite sentence with a term in excess of one hundred twenty days and may only be released after service of ninety days of such term. In computing service of ninety days, the credit allowed for jail time under subdivision three of section 70.30 of this article shall be calculated as time served. A conditional release granted under this subdivision shall be
upon such conditions as may be imposed by [that] the parole board, in
accordance with the provisions of the executive law, or a local condi-
tional release commission in accordance with the provisions of the
correction law.

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

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

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

§ 6. This act shall take effect immediately.

PART TT

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

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

§ 2. This act shall take effect immediately.

PART UU

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

Therefore, the legislature finds that helping to ensure access to Medicaid benefits for persons immediately upon their release from incarceration is essential to ensure adequate medical care, drug treatment and mental health services.

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

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

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

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

§ 140-a. Pilot project for filing medical assistance applications for inmates prior to their release. 1. Subject to the availability of an
appropriation of no less than two hundred thousand dollars, the commis-
4 sioner, after consultation with the chairman of the division of parole,
5 the commissioner of the department of health, and the commissioner of
6 the office of temporary and disability assistance, shall establish a
7 pilot program at a designated correctional facility for the purpose of
8 filing applications for enrollment in the medical assistance program
9 established under title eleven of article five of the social services
10 law for eligible inmates prior to their release to the community;
11 provided, however, that the commissioner shall not establish such pilot
12 program at the Orleans correctional facility. For purposes of this pilot
13 program, eligible inmates shall not include any inmates who were receiv-
14 ing such medical assistance immediately prior to their commitment to the
15 department and whose medical assistance was thereafter suspended pursuant
16 to the provisions of subdivision one-a of section three hundred
17 sixty-six of the social services law.
18
2. In determining the facility where the pilot program shall be estab-
19 lished, the commissioner shall give due consideration to the following
20 factors, which shall include, but not be limited to: (i) the degree to
21 which pre-release services and re-entry services are either already
22 available at such facility or can be made readily available at such
23 facility; (ii) the proximity of the facility to the communities to which
24 the eligible inmates will be released; (iii) the availability of commu-
25 nity linkages which would facilitate the preparation and submission of
26 such medical assistance applications for eligible inmates; and (iv) the
27 recommendations of the commissioner of the office of temporary and disa-
28 bility assistance, the commissioner of the department of health and the
29 chairman of the division of parole.
30
3. The commissioner may use the appropriation for this pilot program
31 to establish one or more department positions to perform any responsi-
32 bilities which may arise in connection with the preparation and
33 submission of such medical assistance applications. The commissioner may
34 also use the appropriation to enter into any contract with one or more
35 outside individuals or entities to provide any services that may be
36 needed in connection with this pilot program. Further, all or a portion
37 of the funds appropriated for the pilot program may be transferred to
38 another state agency in order to establish positions to perform any
39 responsibilities which may be necessary to operate the pilot program.
40
4. Applications for medical assistance shall be submitted to the
41 statewide enrollment center established by contract with the department
42 of health pursuant to subdivision twenty-four of section two hundred six-
43 of the public health law in sufficient time before the anticipated
44 release, conditional release or discharge of the eligible inmate to
45 permit the enrollment center to process the application prior to such
46 inmate’s release from the custody; provided, however, that where the
47 eligible inmate will be released to the same county where the pilot
48 program is established, the application for medical assistance may be
49 filed with the local county department of social services.
50
5. Upon receipt of an application filed pursuant to this section, the
51 centralized statewide enrollment center shall determine the eligibility
52 of such inmate for enrollment in the medical assistance program estab-
53 lished under title eleven of article five of the social services law. Such
determination shall be based on whether the inmate, except for his or her status as an inmate, would be eligible to receive medical assistance. Notwithstanding any inconsistent provision of law, enrollment in the medical assistance program shall be effective on the date an eligible inmate is released, conditionally released or discharged from custo-
6. After the pilot program becomes operational, the commissioner shall periodically monitor all indicators related to the preparation and processing of inmate applications which shall include, but not be limited to: (i) the degree to which all of the requisite information for an application can be obtained while the inmate is incarcerated by the department; (ii) the average processing times to prepare and complete applications; (iii) the most effective manner for the transmittal of a completed application for an eligibility determination; (iv) the average amount of time required before an eligibility determination can be completed and the necessary medical assistance eligibility card is provided to the eligible individual; and (v) the identification of issues and factors which may prevent, impede, or delay the preparation and submission of applications, which could be ameliorated by modifications to existing laws, rules and regulations, or policies and procedures.

7. After the pilot program has been operational for a period of twelve months, or sooner if determined to be appropriate by the commissioner, a report shall be prepared by the commissioner and submitted to the governor, the temporary president of the senate and the speaker of the assembly on the factors listed in subdivision six of this section. Such report shall also include any recommendations for additional legislative enactments that may be needed, or new appropriations that may be required, to improve, enhance and subsequently expand the program to other correctional facilities as determined to be appropriate by the commissioner, with the ultimate goal to assist as many inmates as feasible to submit applications for medical assistance prior to their release to the community.

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

9. The commissioner and the commissioner of the department of health may promulgate rules and regulations necessary for the uniform and timely preparation, submission, acceptance and processing of applications by eligible inmates prior to their release from custody.

§ 3. This act shall take effect immediately, provided however that the provisions of section two of this act shall be implemented upon the certification by the commissioner of the department of health that the centralized statewide enrollment center, established through contract with the department of health pursuant to subdivision 24 of section 206 of the public health law, is able to accept and process medical assistance applications. This act shall remain in effect until April 1, 2012, when it shall expire and be deemed repealed.
§ 679-e. New York state district attorney and indigent legal services attorney loan forgiveness program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of experienced attorneys serving in the position of district attorney or indigent legal services attorney in the counties of the state.

2. Definitions. a. (i) "Eligible attorney" means an attorney, admitted to practice law in New York state, who is employed full-time as either a district attorney, as defined in subparagraph (ii) of this paragraph, or an indigent legal services attorney, as defined in subparagraph (iii) of this paragraph, who holds a degree from a law school and who was within the eligible period as defined in paragraph b of this subdivision during the time for which such person is seeking a student loan expense grant.

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

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

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

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

d. "Year of qualified service" means the twelve month period measured from the anniversary of the attorney's employment as an eligible attorney, or as a law school graduate awaiting admission to the New York state bar employed by a prosecuting or criminal defense agency as permitted by section four hundred eighty-four of the judiciary law, adjusted for any interruption in employment. Any period of temporary
leave from service taken by an eligible attorney shall not be considered in the calculation of qualified service. However, the period of temporary leave shall be considered an interruption in employment and the calculation of the time period of qualified service shall recommence when the eligible attorney returns to full time service.

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

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

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

§ 2. This act shall take effect immediately.

PART WW

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

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

§ 2. This act shall take effect immediately.

PART XX

Section 1. Section 13 of 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, as amended by section 1 of part AA of chapter 56 of the laws of 2008, is amended to read as follows:

§ 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, 2009 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.
§ 2. That portion of subdivision 1 of section 5-a of the legislative law entitled "SENATORS SERVING IN SPECIAL CAPACITY", as added by chapter 630 of the laws of 1998, is amended to read as follows:

SENATORS SERVING IN SPECIAL CAPACITY

Chairman of senate finance committee ........................................ 34,000
Ranking minority member of senate finance committee ................... 20,500
Chairman of senate judiciary committee ................................... 18,000
Ranking minority member of senate judiciary committee ................ 11,000
Chairman of senate aging committee ....................................... 12,500
Ranking minority member of senate aging committee ..................... 9,000
Chairman of the senate alcoholism and drug abuse committee ............ 12,500
Ranking minority member of the senate alcoholism and drug abuse committee ................ 9,000
Chairman of senate children and families committee .................... 12,500
Ranking minority member of senate children and families committee ...... 9,000
Chairman of senate codes committee ...................................... 18,000
Ranking minority member of senate codes committee .................... 11,000
Chairman of senate banks committee ...................................... 15,000
Ranking minority member of senate banks committee .................... 9,500
Chairman of senate education committee ................................... 18,000
Ranking minority member of senate education committee ................ 9,000
Chairman of senate energy and telecommunications committee ............ 12,500
Ranking minority member of senate energy and telecommunications committee ...... 9,000
Chairman of senate ethics committee ..................................... 12,500
Ranking minority member of senate ethics committee .................... 9,000
Chairman of senate health committee .................................... 15,000
Ranking minority member of senate health committee ................... 9,500
Chairman of senate local government committee ........................ 12,500
Ranking minority member of senate local government committee ........ 9,000
Chairman of senate labor committee ..................................... 12,500
Ranking minority member of senate labor committee .................... 9,000
Chairman of senate mental health and developmental disabilities committee .......... 12,500
Ranking minority member of senate mental health and developmental disabilities committee ...... 9,000
Chairman of senate insurance committee ................................ 12,500
Ranking minority member of senate insurance committee ................ 9,000
Chairman of senate social services committee ........................... 12,500
Ranking minority member of senate social services committee ........... 9,000
Chairman of senate investigations [taxation] and government operations committee ........ 15,000
Ranking minority member of senate investigations [taxation] and government operations committee ...... 9,500
Chairman of senate corporations, authorities and
§ 3. That portion of subdivision 1 of section 5-a of the legislative
law entitled "ASSEMBLYMEN SERVING IN SPECIAL CAPACITY", as added by
chapter 630 of the laws of 1998, is amended to read as follows:

ASSEMBLYMEN SERVING IN SPECIAL CAPACITY
1. Chairman of assembly ways and means committee .......................... $34,000
2. Ranking minority member of assembly ways and means committee ................................................. $20,500
3. Chairman of assembly judiciary committee .......................................... $18,000
4. Ranking minority member of assembly judiciary committee ................................................. $11,000
5. Chairman of assembly codes committee .......................................... $18,000
6. Ranking minority member of assembly codes committee ................................................. $11,000
7. Chairman of assembly banks committee .......................................... $15,000
8. Ranking minority member of assembly banks committee ................................................. $9,500
9. Chairman of assembly committee on cities .......................................... $15,000
10. Ranking minority member of assembly committee on cities ................................................. $9,500
11. Chairman of assembly education committee .......................................... $18,000
12. Ranking minority member of assembly education committee ................................................. $11,000
13. Chairman of assembly health committee .......................................... $15,000
14. Ranking minority member of assembly health committee ................................................. $9,500
15. Chairman of assembly local governments committee .......................................... $15,000
16. Ranking minority member of assembly local governments committee ................................................. $9,500
17. Chairman of assembly agriculture committee .......................................... $12,500
18. Ranking minority member of assembly agriculture committee ................................................. $9,000
19. Chairman of assembly economic development, job creation, commerce and industry committee .......................................... $18,000
20. Ranking minority member of assembly economic development, job creation, commerce and industry committee .......................................... $11,000
21. Chairman of assembly environmental conservation committee .......................................... $12,500
22. Ranking minority member of assembly environmental conservation committee .......................................... $9,000
23. Chairman of assembly corporations, authorities, and commissions committee .......................................... $15,000
24. Ranking minority member of assembly corporations, authorities, and commissions committee .......................................... $9,500
25. Chairman of assembly correction committee .......................................... $12,500
26. Ranking minority member of assembly correction committee .......................................... $9,000
27. Chairman of assembly ethics and guidance committee .......................................... $12,500
28. Ranking minority member of assembly ethics and guidance committee .......................................... $9,000
29. Chairman of assembly governmental employees committee .......................................... $12,500
30. Ranking minority member of assembly governmental employees committee .......................................... $9,000
31. Chairman of assembly governmental operations committee .......................................... $12,500
32. Ranking minority member of assembly governmental operations committee .......................................... $9,000
33. Chairman of assembly housing committee .......................................... $12,500
34. Ranking minority member of assembly housing committee .......................................... $9,000
35. Chairman of assembly insurance committee .......................................... $12,500
36. Ranking minority member of assembly insurance committee .......................................... $9,000
37. Chairman of assembly labor committee .......................................... $14,000
38. Ranking minority member of assembly labor committee .......................................... $9,000
39. Chairman of assembly racing and wagering committee .......................................... $12,500
40. Ranking minority member of assembly racing and wagering committee .......................................... $9,000
41. Chairman of assembly social services committee .......................................... $12,500
42. Ranking minority member of assembly social services committee .......................................... $9,000
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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, parks, arts and sports development
40 committee ....................................................... 12,500
41 Ranking minority member of assembly tourism, parks, 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

§ 4. This act shall take effect immediately, provided however, if this
act takes effect on or after June 30, 2009 this act shall take effect
immediately and shall be deemed to have been in full force and effect on
and after June 30, 2009.
PART YY

Section 1. All state public authorities as defined pursuant to subdivision 1 of section 2 of the public authorities law receiving funding under the American recovery and reinvestment act of 2009 shall submit a written expenditure plan to the governor, the speaker of the assembly and the temporary president of the senate within thirty days of award of funds. Such expenditure plan shall include: (i) the total amount awarded to the state public authority, (ii) a description of the program and federal agency from which the funding was awarded, (iii) a description of the intended uses of such award, (iv) recipient eligibility requirements, and (v) the methodology for the allocation of funding awards for program applicants. Further, all state public authorities receiving funding under the American recovery and reinvestment act of 2009 shall submit copies of reports on the use of funds required pursuant to such federal act to the governor, the speaker of the assembly and the temporary president of the senate on the same date as such reports are submitted to the federal government and shall further make such reports available on their websites.

§ 2. This act shall take effect immediately.

PART ZZ

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

§ 2. This act shall take effect immediately.

PART AAA

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

18. "Alcohol and substance abuse treatment correctional annex." A medium security correctional facility consisting of one or more residential dormitories which provide intensive alcohol and substance abuse treatment services to inmates who: (i) are otherwise eligible for temporary release, or (ii) stand convicted of a felony defined in article two hundred twenty or two hundred twenty-one of the penal law, and are within six months of being an eligible inmate as that term is defined in subdivision two of section eight hundred fifty-one of this chapter including such inmates who are participating in such program pursuant to
subdivision six of section 60.04 of the penal law. Notwithstanding the
foregoing provisions of this subdivision, any inmate to be enrolled in
this program pursuant to subdivision six of section 60.04 of the penal
law shall be governed by the same rules and regulations promulgated by
the department, including without limitation those rules and regulations
establishing requirements for completion and those rules and regulations
governing discipline and removal from the program. No such period of
court ordered corrections based drug abuse treatment pursuant to this
subdivision shall be required to extend beyond the defendant's condi-
tional release date. Such treatment services may be provided by one or
more outside service providers pursuant to contractual agreements with
both the department and the division of parole, provided, however, that
any such provider shall be required to continue to provide, either
directly or through formal or informal agreement with other providers,
alcohol and substance abuse treatment services to inmates who have
successfully participated in such provider's incarcerative treatment
services and who have been paroled or conditionally released under the
supervision of the division of parole and who are, as a condition of
their parole or conditional release, required to participate in alcohol
or substance abuse treatment. Such incarcerative services shall be
provided in the facility in accordance with minimum standards promulgat-
ed by the department after consultation with the office of alcoholism
and substance abuse services. Such services to parolees shall be
provided in accordance with standards promulgated by the division of
parole after consultation with the office of alcoholism and substance
abuse services. Notwithstanding any other provision of law, any person
who has successfully completed no less than six months of intensive
alcohol and substance abuse treatment services in one of the depart-
ment's eight designated alcohol and substance abuse treatment corre-
tional annexes having a combined total capacity of two thousand five
hundred fifty beds may be transferred to a program operated by or at a
residential treatment facility, provided however, that a person under a
determinate sentence as a second felony drug offender for a class B
felony offense defined in article two hundred twenty of the penal law,
who was sentenced pursuant to section 70.70 of such law, shall not be
eligible to be transferred to a program operated at a residential treat-
ment facility until the time served under imprisonment for his or her
determinate sentence, including any jail time credited pursuant to [the
provisions of article seventy] subdivision three of section 70.30 of the
penal law, shall be at least [eighteen] nine months. The commissioner
shall report annually to the temporary president of the senate and the
speaker of the assembly commencing January first, nineteen hundred nine-
ty-two as to the efficacy of such programs including but not limited to
a comparative analysis of state-operated and private sector provision of
treatment services and recidivism. Such report shall also include the
number of inmates received by the department during the reporting period
who are subject to a sentence which includes enrollment in substance
abuse treatment in accordance with subdivision six of section 60.04 of
the penal law, the number of such inmates who are not placed in such
treatment program and the reasons for such occurrences.

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

2-a. Subdivisions one and two of this section shall apply to a judi-
cially sentenced shock incarceration inmate only to the extent that the
screening committee may determine whether the inmate has a medical or
mental health condition that will render the inmate unable to success-
fully complete the shock incarceration program, and the facility in
which the inmate will participate in such program. Notwithstanding
subdivision five of this section, an inmate sentenced to shock incarcer-
ation shall promptly commence participation in the program when such
inmate is an eligible inmate pursuant to subdivision one of section
eight hundred sixty-five of this article.
§ 3. The criminal procedure law is amended by adding a new section
160.58 to read as follows:
§ 160.58 Conditional sealing of certain controlled substance, marihuana
or specified offense convictions.
1. A defendant convicted of any offense defined in article two hundred
twenty or two hundred twenty-one of the penal law or a specified offense
defined in subdivision five of section 410.91 of this chapter who has
successfully completed a judicial diversion program under article two
hundred sixteen of this chapter, or one of the programs heretofore known
as drug treatment alternative to prison or another judicially sanctioned
drug treatment program of similar duration, requirements and level of
supervision, and has completed the sentence imposed for the offense or
offenses, is eligible to have such offense or offenses sealed pursuant
to this section.
2. The court that sentenced the defendant to a judicially sanctioned
drug treatment program may, on its own motion, or on the defendant's
motion, order that all official records and papers relating to the
arrest, prosecution and conviction which resulted in the defendant's
participation in the judicially sanctioned drug treatment program be
conditionally sealed. In such case, the court may also conditionally
seal the arrest, prosecution and conviction records for no more than	hree of the defendant's prior eligible misdemeanors, which for purposes
of this subdivision shall be limited to misdemeanor offenses defined in
article two hundred twenty or two hundred twenty-one of the penal law.
The court may only seal the records of the defendant's arrests, prose-
cutions and convictions when:
(a) the sentencing court has requested and received from the division
of criminal justice services or the Federal Bureau of Investigation a
fingerprint based criminal history record of the defendant, including
any sealed or suppressed information. The division of criminal justice
services shall also include a criminal history report, if any, from the
Federal Bureau of Investigation regarding any criminal history informa-
tion that occurred in other jurisdictions. The division is hereby
authorized to receive such information from the Federal Bureau of Inves-
tigation for this purpose. The parties shall be permitted to examine
these records;
(b) the defendant or court has identified the misdemeanor conviction
or convictions for which relief may be granted;
(c) the court has received documentation that the sentences imposed on
the eligible misdemeanor convictions have been completed, or if no such
documentation is reasonably available, a sworn affidavit that the
sentences imposed on the prior misdemeanors have been completed; and
(d) the court has notified the district attorney of each jurisdiction
in which the defendant has been convicted of an offense with respect to
which sealing is sought, and the court or courts of record for such
offenses, that the court is considering sealing the records of the
defendant's eligible misdemeanor convictions. Both the district attorney
and the court shall be given a reasonable opportunity, which shall not
be less than thirty days, in which to comment and submit materials to
aid the court in making such a determination.
3. At the request of the defendant or the district attorney of a county in which the defendant committed a crime that is the subject of the sealing application, the court may conduct a hearing to consider and review any relevant evidence offered by either party that would aid the court in its decision whether to seal the records of the defendant's arrests, prosecutions and convictions. In making such a determination, the court shall consider any relevant factors, including but not limited to: (i) the circumstances and seriousness of the offense or offenses that resulted in the conviction or convictions; (ii) the character of the defendant, including his or her completion of the judicially sanctioned treatment program as described in subdivision one of this section; (iii) the defendant's criminal history; and (iv) the impact of sealing the defendant's records upon his or her rehabilitation and his or her successful and productive reentry and reintegration into society, and on public safety.

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

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

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

(a) the defendant or the defendant's designated agent;
(b) qualified agencies, as defined in subdivision nine of section eight hundred thirty-five of the executive law, and federal and state law enforcement agencies, when acting within the scope of their law enforcement duties; or
(c) any state or local officer or agency with responsibility for the issuance of licenses to possess guns, when the person has made application for such a license; or
(d) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of this chapter, in relation to an application for employment as a police officer or peace officer; provided, however, that every person who is an applicant for the position of police officer or peace officer shall be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation thereof.

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

8. If, subsequent to the sealing of records pursuant to this subdivision, the person who is the subject of such records is arrested for or formally charged with any misdemeanor or felony offense, such records shall be unsealed immediately and remain unsealed; provided, however, that if such new misdemeanor or felony arrest results in a termination in favor of the accused as defined in subdivision three of section 160.50 of this article or by conviction for a non criminal offense as described in section 160.55 of this article, such unsealed records shall be conditionally sealed pursuant to this section.
§ 4. The criminal procedure law is amended by adding a new article 216
to read as follows:

ARTICLE 216
JUDICIAL DIVERSION PROGRAM FOR CERTAIN FELONY
OFFENDERS

Section 216.00 Definitions.

216.05 Judicial diversion program; court procedures.

§ 216.00 Definitions.

The following definitions are applicable to this article:

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

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

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

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

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

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

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

(c) a recommendation as to the treatment modality, level of care and
length of any proposed treatment to effectively address the defendant's
alcohol or substance abuse or dependence and any co-occurring mental
disorder or illness; and
§ 216.05 Judicial diversion program; court procedures.

1. At any time after the arraignment of an eligible defendant, but prior to the entry of a plea of guilty or the commencement of trial, the court at the request of the eligible defendant, may order an alcohol and substance abuse evaluation. An eligible defendant may decline to participate in such an evaluation at any time. The defendant shall provide a written authorization, in compliance with the requirements of any applicable state or federal laws, rules or regulations authorizing disclosure of the results of the assessment to the defendant's attorney, the prosecutor, the local probation department, the court, authorized court personnel and other individuals specified in such authorization for the sole purpose of determining whether the defendant should be offered judicial diversion for treatment for substance abuse or dependence, alcohol abuse or dependence and any co-occurring mental disorder or mental illness.

2. Upon receipt of the completed alcohol and substance abuse evaluation report, the court shall provide a copy of the report to the eligible defendant and the prosecutor.

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

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

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

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

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

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

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

   (iv) the defendant's participation in judicial diversion could effectively address such abuse or dependence; and

   (v) institutional confinement of the defendant is or may not be necessary for the protection of the public.
4. When an authorized court determines, pursuant to paragraph (b) of subdivision three of this section, that an eligible defendant should be offered alcohol or substance abuse treatment, or when the parties and the court agree to an eligible defendant's participation in alcohol or substance abuse treatment, an eligible defendant may be allowed to participate in the judicial diversion program offered by this article. Prior to the court's issuing an order granting judicial diversion, the eligible defendant shall be required to enter a plea of guilty to the charge or charges; provided, however, that no such guilty plea shall be required when:
   (a) the people and the court consent to the entry of such an order without a plea of guilty; or
   (b) based on a finding of exceptional circumstances, the court determines that a plea of guilty shall not be required. For purposes of this subdivision, exceptional circumstances exist when, regardless of the ultimate disposition of the case, the entry of a plea of guilty is likely to result in severe collateral consequences.

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

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

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

8. During the period of a defendant's participation in the judicial diversion program, the court shall retain jurisdiction of the defendant. The court may require the defendant to appear in court at any time to enable the court to monitor the defendant's progress in alcohol or substance abuse treatment. The court shall provide notice, reasonable under the circumstances, to the people, the treatment provider, the
defendant and the defendant's counsel whenever it orders or otherwise requires the appearance of the defendant in court. Failure to appear as required without reasonable cause therefor shall constitute a violation of the conditions of the court's agreement with the defendant.

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

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

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

(d) Nothing in this subdivision shall be construed as preventing a court from terminating a defendant's participation in the judicial diversion program for violating a release condition when such a termination is necessary to preserve public safety. Nor shall anything in this subdivision be construed as precluding the prosecution of a defendant for the commission of a different offense while participating in the judicial diversion program.

(e) A defendant may at any time advise the court that he or she wishes to terminate participation in the judicial diversion program, at which time the court shall proceed with the case and, where applicable, shall impose sentence in accordance with the plea agreement. Notwithstanding any provision of law to the contrary, the court may impose any sentence authorized for the crime of conviction in accordance with the plea agreement.
agreement, or any lesser sentence authorized to be imposed on a felony
drug offender pursuant to paragraph (b) or (c) of subdivision two of
section 70.70 of the penal law taking into account the length of time
the defendant spent in residential treatment and how best to continue
treatment while the defendant is serving that sentence.

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

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

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

6. Interim probation supervision. In any case where the court deter-
dines that a defendant is eligible for a sentence of probation, the
court, after consultation with the prosecutor and upon the consent of
the defendant, may adjourn the sentencing to a specified date and order
that the defendant be placed on interim probation supervision. In no
event may the sentencing be adjourned for a period exceeding one year
from the date the conviction is entered, except that upon good cause
shown, the court may, upon the defendant's consent, extend the period
for an additional one year where the defendant has agreed to and is
still participating in a substance abuse treatment program in connection
with a court designated a drug court by the chief administrator of the
courts. When ordering that the defendant be placed on interim probation
supervision, the court shall impose all of the conditions relating to
supervision specified in subdivision three of section 65.10 of the penal
law and may impose any or all of the conditions relating to conduct and
rehabilitation specified in subdivisions two, four and five of section
65.10 of such law; provided, however, that the defendant must receive a
written copy of any such conditions at the time he or she is placed on
interim probation supervision. The defendant's record of compliance with
such conditions, as well as any other relevant information, shall be
included in the presentence report, or updated presentence report,
prepared pursuant to this section, and the court must consider such
record and information when pronouncing sentence.
§ 6. Subdivision 2 of section 410.91 of the criminal procedure law, as added by chapter 3 of the laws of 1995, is amended to read as follows:

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

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

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

5. For the purposes of this section, a "specified offense" is an offense defined by any of the following provisions of the penal law: burglary in the third degree as defined in section 140.20, criminal mischief in the third degree as defined in section 145.05, criminal mischief in the second degree as defined in section 145.10, grand larceny in the fourth degree as defined in subdivision one, two, three, four, five, six, eight, nine or ten of section 155.30, grand larceny in the third degree as defined in section 155.35 (except where the property consists of one or more firearms, rifles or shotguns), unauthorized use of a vehicle in the second degree as defined in section 165.06, criminal possession of stolen property in the fourth degree as defined in subdivision one, two, three, five or six of section 165.45, criminal possession of stolen property in the third degree as defined in section 165.50 (except where the property consists of one or more firearms, rifles or shotguns), forgery in the second degree as defined in section 170.10, criminal possession of a forged instrument in the second degree as defined in section 170.25, unlawfully using slugs in the first degree as defined in section 170.60, or an attempt to commit any of the aforementioned offenses if such attempt constitutes a felony offense; or a class B felony offense defined in article two hundred twenty where a sentence is imposed pursuant to paragraph (a) of subdivision two of section 70.70 of the penal law; or any class C, class D or class E controlled substance or marihuana felony offense as defined in article two hundred twenty or two hundred twenty-one.

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

§ 440.46 Motion for resentence; certain controlled substance offenders.

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

2. As part of any such application, the defendant may also move to be resentenced to a determinate sentence in accordance with section 70.70 of the penal law for any one or more class C, D, or E felony offenses defined in article two hundred twenty or two hundred twenty-one of the penal law, the sentence or sentences for which were imposed by the
sentencing court at the same time or were included in the same order of
commitment as such class B felony.

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

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

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

   (a) a crime for which the person was previously convicted within the
   preceding ten years, excluding any time during which the offender was
   incarcerated for any reason between the time of commission of the previ-
   ous felony and the time of commission of the present felony, which was:
   (i) a violent felony offense as defined in section 70.02 of the penal
   law; or (ii) any other offense for which a merit time allowance is not
   available pursuant to subparagraph (ii) of paragraph (d) of subdivision
   one of section eight hundred three of the correction law; or
   (b) a second violent felony offense pursuant to section 70.04 of the
   penal law or a persistent violent felony offense pursuant to section
   70.08 of the penal law for which the person has previously been adjudi-
cated.

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

  1. Provided that a certificate granting leave to appeal is issued
pursuant to section 460.20, an appeal may, except as provided in subdi-
vision two, be taken to the court of appeals by either the defendant or
the people from any adverse or partially adverse order of an intermedi-
ate appellate court entered upon an appeal taken to such intermediate
appellate court pursuant to section 450.10, 450.15, or 450.20, or from
an order granting or denying a motion to set aside an order of an inter-
mediate appellate court on the ground of ineffective assistance or
wrongful deprivation of appellate counsel, or by either the defendant or
the people from any adverse or partially adverse order of an intermedi-
ate appellate court entered upon an appeal taken to such intermediate
appellate court from an order entered pursuant to section 440.46 of this
chapter. An order of an intermediate appellate court is adverse to the
party who was the appellant in such court when it affirms the judgment,
sentence or order appealed from, and is adverse to the party who was the
respondent in such court when it reverses the judgment, sentence or
order appealed from. An appellate court order which modifies a judgment
or order appealed from is partially adverse to each party.
§ 11. Paragraph (c) of subdivision 8 of section 700.05 of the criminal procedure law, as amended by chapter 394 of the laws of 2005, is amended to read as follows:

(c) Criminal possession of a controlled substance in the seventh degree as defined in section 220.03 of the penal law, criminal possession of a controlled substance in the fifth degree as defined in section 220.06 of the penal law, criminal possession of a controlled substance in the fourth degree as defined in section 220.09 of the penal law, criminal possession of a controlled substance in the third degree as defined in section 220.16 of the penal law, criminal possession of a controlled substance in the second degree as defined in section 220.18 of the penal law, criminal possession of a controlled substance in the first degree as defined in section 220.21 of the penal law, criminal sale of a controlled substance in the fifth degree as defined in section 220.31 of the penal law, criminal sale of a controlled substance in the fourth degree as defined in section 220.34 of the penal law, criminal sale of a controlled substance in the third degree as defined in section 220.39 of the penal law, criminal sale of a controlled substance in the second degree as defined in section 220.41 of the penal law, criminal sale of a controlled substance in the first degree as defined in section 220.43 of the penal law, criminally possessing a hypodermic instrument as defined in section 220.45 of the penal law, criminal possession of methamphetamine manufacturing material in the second degree as defined in section 220.70 of the penal law, criminal possession of methamphetamine manufacturing material in the first degree as defined in section 220.71 of the penal law, criminal possession of precursors of methamphetamine as defined in section 220.72 of the penal law, unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 of the penal law, unlawful manufacture of methamphetamine in the second degree as defined in section 220.74 of the penal law, unlawful manufacture of methamphetamine in the first degree as defined in section 220.75 of the penal law, unlawful disposal of methamphetamine laboratory material as defined in section 220.76 of the penal law, operating as a major trafficker as defined in section 220.77 of the penal law, criminal possession of marihuana in the first degree as defined in section 221.30 of the penal law, criminal sale of marihuana in the first degree as defined in section 221.55 of the penal law, promoting gambling in the second degree as defined in section 225.05 of the penal law, promoting gambling in the first degree as defined in section 225.10 of the penal law, possession of gambling records in the second degree as defined in section 225.15 of the penal law, possession of gambling records in the first degree as defined in section 225.20 of the penal law, and possession of a gambling device as defined in section 225.30 of the penal law;

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

(A) Discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law. In making the parole release decision, the guidelines adopted pursuant to subdivision four of section one hundred fifty-nine-c of this article shall require that the follow-
ing be considered: (i) the institutional record including program goals and accomplishments, academic achievements, vocational education, training or work assignments, therapy and interpersonal relationships with staff and inmates; (ii) performance, if any, as a participant in a temporary release program; (iii) release plans including community resources, employment, education and training and support services available to the inmate; (iv) any deportation order issued by the federal government against the inmate while in the custody of the department of correctional services and any recommendation regarding deportation made by the commissioner of the department of correctional services pursuant to section one hundred forty-seven of the correction law; [and] (v) any statement made to the board by the crime victim or the victim's representative, where the crime victim is deceased or is mentally or physically incapacitated; and (vi) the length of the determinate sentence to which the inmate would be subject had he or she received a sentence pursuant to section 70.70 or section 70.71 of the penal law for a felony defined in article two hundred twenty or article two hundred twenty-one of the penal law. The board shall provide toll free telephone access for crime victims. In the case of an oral statement made in accordance with subdivision one of section 440.50 of the criminal procedure law, the parole board member shall present a written report of the statement to the parole board. A crime victim's representative shall mean the crime victim's closest surviving relative, the committee or guardian of such person, or the legal representative of any such person. Such statement submitted by the victim or victim's representative may include information concerning threatening or intimidating conduct toward the victim, the victim's representative, or the victim's family, made by the person sentenced and occurring after the sentencing. Such information may include, but need not be limited to, the threatening or intimidating conduct of any other person who or which is directed by the person sentenced. Notwithstanding the provisions of this section, in making the parole release decision for persons whose minimum period of imprisonment was not fixed pursuant to the provisions of subdivision one of this section, in addition to the factors listed in this paragraph the board shall consider the factors listed in paragraph (a) of subdivision one of this section.

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

Merit termination of sentence and discharge from presumptive release, parole [and] conditional release and release to post-release supervision. 1. The division of parole may grant to any person a merit termination of sentence from presumptive release, parole [or—from], conditional release or release to post-release supervision prior to the expiration of the full term or maximum term, provided it is determined by the division of parole that such merit termination is in the best interests of society, such person is not required to register as a sex offender pursuant to article [six-e] six-C of the correction law, and such person is not on presumptive release, parole [or], conditional release or release to post-release supervision from a term of imprisonment imposed for any of the following offenses, or for an attempt to commit any of the following offenses:

(a) a violent felony offense as defined in section 70.02 of the penal law;
§ 1. (b) murder in the first degree or murder in the second degree;
(c) an offense defined in article one hundred thirty of the penal law;
(d) unlawful imprisonment in the first degree, kidnapping in the first
degree, or kidnapping in the second degree, in which the victim is less
than seventeen years old and the offender is not the parent of the
victim;
(e) an offense defined in article two hundred thirty of the penal law
involving the prostitution of a person less than nineteen years old;
(f) disseminating indecent material to minors in the first degree or
disseminating indecent material to minors in the second degree;
(g) incest;
(h) an offense defined in article two hundred sixty-three of the penal
law;
(i) a hate crime as defined in section 485.05 of the penal law; or
(j) an offense defined in article four hundred ninety of the penal
law.
3. A merit termination of sentence may be granted after two years of
presumptive release or parole, conditional release or release to
post-release supervision to a person serving a sentence for a class A
felony offense as defined in article two hundred twenty of the penal
law. A merit termination of sentence may be granted to all other eligi-
ble persons after one year of presumptive release, parole conditional release or release to post-release supervision.
4. Except where a determinate sentence was imposed for a felony other than a felony defined in article two hundred twenty or article two
hundred twenty-one of the penal law, if the board of parole is satisfied
that an absolute discharge from presumptive release, parole conditional release or release to a period of post-release supervision is in
the best interests of society, the board may grant such a discharge
prior to the expiration of the full term or maximum term to any person
who has been on unrevoked presumptive release, parole conditional release or release to post-release supervision for at least three
consecutive years. A discharge granted under this section shall consti-
tute a termination of the sentence with respect to which it was granted.
No such discharge shall be granted unless the board of parole is satis-
fied that the parolee or releasee, otherwise financially able to comply
with an order of restitution and the payment of any mandatory surcharge,
sex offender registration fee or DNA databank fee previously imposed by
a court of competent jurisdiction, has made a good faith effort to
comply therewith.
§ 14. Subdivision 16 of section 296 of the executive law, as amended
by chapter 639 of the laws of 2007, is amended to read as follows:
16. It shall be an unlawful discriminatory practice, unless specif-
cally required or permitted by statute, for any person, agency, bureau,
corporation or association, including the state and any political subdi-
vision thereof, to make any inquiry about, whether in any form of appli-
cation or otherwise, or to act upon adversely to the individual
involved, any arrest or criminal accusation of such individual not then
pending against that individual which was followed by a termination of
that criminal action or proceeding in favor of such individual, as
defined in subdivision two of section 160.50 of the criminal procedure
law, or by a youthful offender adjudication, as defined in subdivision
one of section 720.35 of the criminal procedure law, or by a conviction
for a violation sealed pursuant to section 160.55 of the criminal proced-
dure law or by a conviction which is sealed pursuant to section 160.58
of the criminal procedure law, in connection with the licensing, employ-
ment or providing of credit or insurance to such individual; provided, however, that the further, that no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law. The provisions [hereof] of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, firearms and other deadly weapons or in relation to an application for employment as a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of the criminal procedure law; provided further that the provisions of this subdivision shall not apply to an application for employment or membership in any law enforcement agency with respect to any arrest or criminal accusation which was followed by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law, or by a conviction which is sealed pursuant to section 160.58 of the criminal procedure law.

§ 14-a. Subdivision 4 of section 837 of the executive law is amended by adding a new paragraph (b-1) to read as follows:
(b-1) collect data and undertake research, studies and analyses of judicial diversion programs including but not limited to the judicial diversion program described in article two hundred sixteen of the criminal procedure law; and

§ 15. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (r) to read as follows:
(r) Ensure that cases eligible for judicial diversion pursuant to article two hundred sixteen of the criminal procedure law shall be assigned to court parts in the manner provided by the chief administrator and that, to the extent practicable, such cases are presided over by judges who, by virtue of the structure, caseload and resources of the parts and the judges' training, are in the best position to provide effective supervision over such cases, such as the drug treatment courts. In compliance with these provisions, the chief administrator shall give due weight to the need for diverted defendants to make regular court appearances, and be closely supervised by the court, for the duration of drug treatment and the pendency of the criminal charge.

§ 16. Section 19.07 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:
(h) The office of alcoholism and substance abuse services shall monitor programs providing care and treatment to inmates in correctional facilities operated by the department of correctional services who have a history of alcohol or substance abuse or dependence. The office shall also develop guidelines for the operation of alcohol and substance abuse treatment programs in such correctional facilities in order to ensure that such programs sufficiently meet the needs of inmates with a history of alcohol or substance abuse or dependence and promote the successful transition to treatment in the community upon release. No later than the first day of December of each year, the office shall submit a report regarding the adequacy and effectiveness of alcohol and substance abuse
treatment programs operated by the department of correctional services to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate committee on crime victims, crime and correction, and the chairman of the assembly committee on correction.

§ 17. Subdivisions 3 and 5 of section 60.04 of the penal law, as added by chapter 738 of the laws of 2004, are amended to read as follows:

3. Class B felonies. Every person convicted of a class B felony must be sentenced to imprisonment in accordance with the applicable provisions of section 70.70 of this [title] chapter, unless such person is convicted of a class B felony and is sentenced to a definite sentence of imprisonment with a term of one year or less or probation in accordance with section 65.00 of this [title] chapter provided, however, a person convicted of criminal sale of a controlled substance to a child as defined in section 220.48 of this chapter must be sentenced to a determinate sentence of imprisonment in accordance with the applicable provisions of section 70.70 of this chapter or to a sentence of probation in accordance with the opening paragraph of paragraph (b) of subdivision one of section 65.00 of this chapter.

5. Multiple felony offender. Where the court imposes a sentence pursuant to subdivision three of section 70.70 of this chapter upon a second felony drug offender, as defined in paragraph (b) of subdivision one of section 70.70 of this [title] chapter, it must sentence such offender to imprisonment in accordance with the applicable provisions of section 70.70 of this [title] chapter, a definite sentence of imprisonment with a term of one year or less, or probation in accordance with section 65.00 of this chapter, provided, however, that where the court imposes a sentence upon a class B second felony drug offender, it must sentence such offender to a determinate sentence of imprisonment in accordance with the applicable provisions of section 70.70 of this chapter or to a sentence of probation in accordance with the opening paragraph of paragraph (b) of subdivision one of section 65.00 of this chapter. When the court imposes sentence on a second felony drug offender pursuant to subdivision four of section 70.70 of this chapter, it must impose a determinate sentence of imprisonment in accordance with such subdivision.

§ 18. Section 60.04 of the penal law is amended by adding a new subdivision 7 to read as follows:

7. a. Shock incarceration participation. When the court imposes a sentence of imprisonment which requires a commitment to the department of correctional services upon a person who stands convicted of a controlled substance or marihuana offense, upon motion of the defendant, the court may issue an order directing that the department of correctional services enroll the defendant in the shock incarceration program as defined in article twenty-six-A of the correction law, provided that the defendant is an eligible inmate, as described in subdivision one of section eight hundred sixty-five of the correction law. Notwithstanding the foregoing provisions of this subdivision, any defendant to be enrolled in such program pursuant to this subdivision shall be governed by the same rules and regulations promulgated by the department of correctional services, including without limitation those rules and regulations establishing requirements for completion and such rules and regulations governing discipline and removal from the program.

b. (i) In the event that an inmate designated by court order for enrollment in the shock incarceration program requires a degree of medical care or mental health care that cannot be provided at a shock
incarceration facility, the department, in writing, shall notify the
inmate, provide a proposal describing a proposed alternative-to-shock-
incarceration program, and notify him or her that he or she may object
in writing to placement in such alternative-to-shock-incarceration
program. If the inmate objects in writing to placement in such alterna-
tive-to-shock-incarceration program, the department of correctional
services shall notify the sentencing court, provide such proposal to the
court, and arrange for the inmate's prompt appearance before the court.
The court shall provide the proposal and notice of a court appearance to
the people, the inmate and the appropriate defense attorney. After
considering the proposal and any submissions by the parties, and after a
reasonable opportunity for the people, the inmate and counsel to be
heard, the court may modify its sentencing order accordingly, notwith-
standing the provisions of section 430.10 of the criminal procedure law.

(ii) An inmate who successfully completes an alternative-to-shock-
incarceration program within the department of correctional services
shall be treated in the same manner as a person who has successfully
completed the shock incarceration program, as set forth in subdivision
four of section eight hundred sixty-seven of the correction law.

§ 19. The opening paragraph of paragraph (b) of subdivision 1 of
section 65.00 of the penal law, as amended by chapter 410 of the laws of
1979, is amended to read as follows:

The court, with the concurrence of either the administrative judge of
the court or of the judicial district within which the court is situated
or such administrative judge as the presiding justice of the appropriate
appellate division shall designate, may sentence a person to a period of
probation upon conviction of a class A-II felony [or a class B felony]
defined in article two hundred twenty, the class B felony defined in
section 220.48 of this chapter or any other class B felony defined in
article two hundred twenty of this chapter where the person is a second
felony drug offender as defined in paragraph (b) of subdivision one of
section 70.70 of this chapter, if the prosecutor either orally on the
record or in a writing filed with the indictment recommends that the
court sentence such person to a period of probation upon the ground that
such person has or is providing material assistance in the investiga-
tion, apprehension or prosecution of any person for a felony defined
in article two hundred twenty or the attempt or the conspiracy to commit
any such felony, and if the court, having regard to the nature and
circumstances of the crime and to the history, character and condition
of the defendant is of the opinion that:

§ 20. Subparagraphs (i) and (ii) of paragraph (a) of subdivision 3 of
section 65.00 of the penal law, subparagraph (i) as amended by chapter
264 of the laws of 2003, subparagraph (ii) as amended by chapter 738 of
the laws of 2004, are amended to read as follows:
(i) For a felony, other than a class A-II felony [or a class B felony]
defined in article two hundred twenty of this chapter or the class B
felony defined in section 220.48 of this chapter, or any other class B
felony defined in article two hundred twenty of this chapter committed
by a second felony drug offender, or a sexual assault, the period of
probation shall be five years;
(ii) For a class A-II felony [controlled-substance] drug offender as
defined in paragraph (a) of subdivision one of section 70.71 of this
chapter or a class B second felony drug offender as defined in para-
graph (b) of subdivision one of section 70.70 of this chapter as
described in paragraph (b) of subdivision one of this section, or a
class B felony committed by a second felony drug offender described in
paragraph (b) of subdivision one of this section, the period of
probation shall be life[, and for a class B felony drug offender as
defined in paragraph (a) of subdivision one of section 70.70 of this
chapter, the period of probation shall be twenty-five years] and for a
class B felony defined in section 220.48 of this chapter, the period of
probation shall be twenty-five years;
§ 21. Subparagraph (i) of paragraph (a) of subdivision 2 of section
70.70 of the penal law, as amended by chapter 436 of the laws of 2006,
is amended to read as follows:
(i) for a class B felony, the term shall be at least one year and
shall not exceed nine years, except that for the class B felony of crim-
inal sale of a controlled substance in or near school grounds as defined
in subdivision two of section 220.44 of this chapter or on a school bus
as defined in subdivision seventeen of section 220.00 of this chapter or
criminal sale of a controlled substance to a child as defined in section
220.48 of this chapter, the term shall be at least two years and shall
not exceed nine years;
§ 22. Paragraph (b) of subdivision 2 of section 70.70 of the penal
law, as added by chapter 738 of the laws of 2004, is amended to read as
follows:
(b) Probation. Notwithstanding any other provision of law, the court
may sentence a defendant convicted of a class B, class C, class D or
class E felony offense defined in article two hundred twenty or two
hundred twenty-one of this chapter to probation in accordance with the
provisions of [section] sections 60.04 and 65.00 of this chapter.
§ 23. Paragraph (c) of subdivision 2 and paragraphs (a) and (b) of
subdivision 3 of section 70.70 of the penal law, as added by chapter 738
of the laws of 2004, are amended and subdivision 2 is amended by adding
a new paragraph (d) to read as follows:
(c) Alternative definite sentence for class B, class C, class D, and
class E felonies. If the court, having regard to the nature and circum-
stances of the crime and to the history and character of the defendant,
is of the opinion that a sentence of imprisonment is necessary but that
it would be unduly harsh to impose a determinate sentence upon a person
convicted of a class C, class D or class E felony offense defined in
article two hundred twenty or two hundred twenty-one of this chapter, or
a class B felony defined in article two hundred twenty of this chapter,
as added by a chapter of the laws of two thousand nine the court may
impose a definite sentence of imprisonment and fix a term of one year or
less.
(d) The court may direct that a determinate sentence imposed on a
defendant convicted of a class B felony, other than the class B felony
defined in section 220.48 of this chapter, pursuant to this subdivision
be executed as a sentence of parole supervision in accordance with
section 410.91 of the criminal procedure law.
(a) Applicability. This subdivision shall apply to a second felony
drug offender whose prior felony conviction was not a violent felony.
(b) Authorized sentence. Except as provided in [paragraph] paragraphs
(c) [except (d) and (e)] of this subdivision, when the court has found
pursuant to the provisions of section 400.21 of the criminal procedure
law that a defendant is a second felony drug offender who stands
convicted of a class B, class C, class D or class E felony offense
defined in article two hundred twenty or two hundred twenty-one of this
chapter the court shall impose a determinate sentence of imprisonment.
Such determinate sentence shall include as a part thereof a period of
post-release supervision in accordance with section 70.45 of this arti-
cle. The terms of such determinate sentence shall be imposed by the
court in whole or half years as follows:
(i) for a class B felony, the term shall be at least [three and one-
half] two years and shall not exceed twelve years;
(ii) for a class C felony, the term shall be at least [two] one and
one-half years and shall not exceed eight years;
(iii) for a class D felony, the term shall be at least one and one-
half years and shall not exceed four years; and
(iv) for a class E felony, the term shall be at least one and one-half
years and shall not exceed two years.
§ 24. Paragraph (c) of subdivision 3 of section 70.70 of the penal
law, as added by chapter 738 of the laws of 2004, is amended to read as
follows:
(c) [Lifetime probation] Probation. Notwithstanding any other
 provision of law, the court may sentence a [defendant] second felony
drug offender convicted of a class B felony [defined in article two
hundred twenty of this chapter] to lifetime probation in accordance with
the provisions of section 65.00 of this chapter and may sentence a
second felony drug offender convicted of a class C, class D or class E
felony to probation in accordance with the provisions of section 65.00
of this chapter.
§ 25. Subdivision 3 of section 70.70 of the penal law is amended by
adding a new paragraph (e) to read as follows:
(e) Alternate definite sentence for class C, class D and class E felo-
nies. If the court, having regard to the nature and circumstances of the
crime and to the history and character of the defendant, is of the opin-
ion that a sentence of imprisonment is necessary but that it would be
unduly harsh to impose a determinate sentence upon a person convicted of
a class C, class D or class E felony offense defined in article two
hundred twenty or two hundred twenty-one of this chapter, the court may
impose a definite sentence of imprisonment and fix a term of one year or
less.
§ 26. Paragraph (a) of subdivision 2 of section 70.71 of the penal
law, as added by chapter 738 of the laws of 2004, is amended and a new
subdivision 5 is added to read as follows:
(a) Applicability. Except as provided in subdivision three [or four
or five of this section, this subdivision shall apply to a person
convicted of a class A felony as defined in article two hundred twenty
of this chapter.
5. Sentence of imprisonment for operating as a major trafficker.
(a) Applicability. This subdivision shall apply to a person convicted
of the class A-I felony of operating as a major trafficker as defined in
section 220.77 of this chapter.
(b) Authorized sentence. Except as provided in paragraph (c) of this
subdivision, the court shall impose an indeterminate term of imprison-
ment for an A-I felony, in accordance with the provisions of section
70.00 of this article.
(c) Alternative determinate sentence. If a defendant stands convicted
of violating section 220.77 of this chapter, and if the court, having
regard to the nature and circumstances of the crime and the history and
character of the defendant, is of the opinion that a sentence of impre-
sion is necessary but that it would be unduly harsh to impose the
indeterminate sentence for a class A-I felony specified under section
70.00 of this article, the court may instead impose the determinate
sentence of imprisonment authorized by clause (i) of subparagraph (b) of
subdivision two of this section for a class A-I drug felony; in such case, the reasons for the court's opinion shall be set forth on the record.

§ 27. Section 220.00 of the penal law is amended by adding three new subdivisions 18, 19 and 20 to read as follows:

18. "Controlled substance organization" means four or more persons sharing a common purpose to engage in conduct that constitutes or advances the commission of a felony under this article.

19. "Director" means a person who is the principal administrator, organizer, or leader of a controlled substance organization or one of several principal administrators, organizers, or leaders of a controlled substance organization.

20. "Profiteer" means a person who: (a) is a director of a controlled substance organization; (b) is a member of a controlled substance organization and has managerial responsibility over one or more other members of that organization; or (c) arranges, devises or plans one or more transactions constituting a felony under this article so as to obtain profits or expected profits. A person is not a profiteer if he or she is acting only as an employee; or if he or she is acting as an accommodation to a friend or relative; or if he or she is acting only under the direction and control of others and exercises no substantial, independent role in arranging or directing the transactions in question.

§ 28. The penal law is amended by adding a new section 220.48 to read as follows:

§ 220.48 Criminal sale of a controlled substance to a child.

A person is guilty of criminal sale of a controlled substance to a child when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than seventeen years old.

Criminal sale of a controlled substance to a child is a class B felony.

§ 29. The penal law is amended by adding a new section 220.77 to read as follows:

§ 220.77 Operating as a major trafficker.

A person is guilty of operating as a major trafficker when:

1. Such person acts as a director of a controlled substance organization during any period of twelve months or less, during which period such controlled substance organization sells one or more controlled substances, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more.

2. As a profiteer, such person knowingly and unlawfully sells, on one or more occasions within six months or less, a narcotic drug, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more.

3. As a profiteer, such person knowingly and unlawfully possesses, on one or more occasions within six months or less, a narcotic drug with intent to sell the same, and such narcotic drugs have a total aggregate value of seventy-five thousand dollars or more.

Operating as a major trafficker is a class A-I felony.

§ 30. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as separately amended by chapters 312 and 472 of the laws of 2008, is amended to read as follows:

(a) Any of the felonies set forth in this chapter: sections 120.05, 120.10 and 120.11 relating to assault; sections 125.10 to 125.27 relating to homicide; sections 130.25, 130.30 and 130.35 relating to rape;
sections 135.20 and 135.25 relating to kidnapping; section 135.35 relating to labor trafficking; section 135.65 relating to coercion; sections 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55, 220.60 and 220.77 relating to controlled substances; sections 225.10 and 225.20 relating to gambling; sections 230.25, 230.30, and 230.32 relating to promoting prostitution; section 230.34 relating to sex trafficking; sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; sections 263.10 and 263.15 relating to promoting a sexual performance by a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; and sections 265.14 and 265.16 relating to criminal sale of a firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or § 31. Paragraphs (a) and (b) of subdivision 7 of section 480.00 of the penal law, as added by chapter 655 of the laws of 1990, are amended to read as follows:

(a) a conviction of a person for a violation of section 220.18, 220.21, 220.41, [or] 220.43, or 220.77 of this chapter, or where the accusatory instrument charges one or more of such offenses, conviction upon a plea of guilty to any of the felonies for which such plea is otherwise authorized by law or a conviction of a person for conspiracy to commit a violation of section 220.18, 220.21, 220.41, [or] 220.43, or 220.77 of [the penal law] this chapter, where the controlled substances which are the object of the conspiracy are located in the real property which is the subject of the forfeiture action; or

(b) three or more violations of any of the felonies defined in section 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.77, or 221.55 of this chapter, which violations do not constitute a single criminal offense as defined in subdivision one of section 40.10 of the criminal procedure law, or a single criminal transaction, as defined in paragraph (a) of subdivision two of section 40.10 of the criminal procedure law, and at least one of which resulted in a conviction of such offense, or where the accusatory instrument charges
one or more of such felonies, conviction upon a plea of guilty to a
felony for which such plea is otherwise authorized by law; or

§ 32. Severability. If any clause, sentence, paragraph, section or
part of this act shall be adjudged by any court of competent jurisdic-
tion to be invalid and after exhaustion of all further judicial review,
the judgment shall not affect, impair or invalidate the remainder there-
of, but shall be confined in its operation to the clause, sentence,
paragraph, section or part of this act directly involved in the contro-
versy in which the judgment shall have been rendered.

§ 33. This act shall take effect immediately; provided however that:
(a) section three of this act shall take effect on the sixtieth day
after it shall have become a law;
(b) sections four and ten of this act shall take effect six months
after this act shall have become a law;
(c) sections eleven, twenty-six, twenty-seven, twenty-eight, twenty-
nine, thirty and thirty-one of this act shall take effect on the first
of November next succeeding the date on which it shall have become a
law;
(d) section sixteen of this act shall take effect on the one hundred
twentieth day after it shall have become a law;
(e) section nine of this act shall take effect six months after it
shall have become a law, except that the amendments to subdivision 4 of
section 440.46 of the criminal procedure law made by section nine of
this act shall take effect immediately;
(f) sections four, five, six, seven, eight, seventeen, nineteen, twenty-
, twenty-two, twenty-three, twenty-four, and twenty-five of this act
shall apply to offenses committed on or after the date this act shall
have become a law, and shall also apply to offenses committed before
such date provided that sentence upon conviction for such offense has
not been imposed on or before such date; and
(g) provided further that the amendments to section 410.91 of the
criminal procedure law made by sections six and eight of this act shall
not affect the repeal of such section and shall be deemed to be repealed
therewith.

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

§ 3. This act shall take effect immediately provided, however, that
the applicable effective date of Parts A through AAA of this act shall
be as specifically set forth in the last section of such Parts.
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:

Section 1. Subdivision 2 of section 215 of the executive law is REPEALED and a new subdivision 2 is added to read as follows:

2. a. Salary schedules for the titles of trooper, sergeant, technical sergeant, station commander, zone sergeant, first sergeant, staff sergeant, chief technical sergeant, lieutenant, technical lieutenant, lieutenant BCI, captain, captain BCI and major:

(1) Effective April first, two thousand seven, members of the collective negotiating unit consisting of troopers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Orange, City of New</th>
<th>Nassau and</th>
<th>All Other</th>
</tr>
</thead>
</table>

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
(2) Effective April first, two thousand eight, members of the collective negotiating unit consisting of troopers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Level</th>
<th>Orange, Putnam and York, Rockland Counties</th>
<th>City of New York, Rockland Counties</th>
<th>Nassau and Suffolk Counties</th>
<th>All Other Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trainee 1</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>$50,374</td>
</tr>
<tr>
<td>Trainee 2</td>
<td>$60,820</td>
<td>$61,785</td>
<td>$62,037</td>
<td>$60,639</td>
</tr>
<tr>
<td>Step 1</td>
<td>$64,766</td>
<td>$65,732</td>
<td>$65,985</td>
<td>$64,586</td>
</tr>
<tr>
<td>Step 2</td>
<td>$68,710</td>
<td>$69,675</td>
<td>$69,929</td>
<td>$68,530</td>
</tr>
<tr>
<td>Step 3</td>
<td>$71,072</td>
<td>$72,037</td>
<td>$72,290</td>
<td>$70,891</td>
</tr>
<tr>
<td>Step 4</td>
<td>$73,872</td>
<td>$74,837</td>
<td>$75,090</td>
<td>$73,690</td>
</tr>
<tr>
<td>Step 5</td>
<td>$76,983</td>
<td>$77,948</td>
<td>$78,201</td>
<td>$76,803</td>
</tr>
</tbody>
</table>

(3) Effective April first, two thousand nine, members of the collective negotiating unit consisting of troopers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Level</th>
<th>Orange, Putnam and York, Rockland Counties</th>
<th>City of New York, Rockland Counties</th>
<th>Nassau and Suffolk Counties</th>
<th>All Other Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trainee 1</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>$50,374</td>
</tr>
<tr>
<td>Trainee 2</td>
<td>$62,645</td>
<td>$63,639</td>
<td>$63,898</td>
<td>$62,458</td>
</tr>
<tr>
<td>Step 1</td>
<td>$66,709</td>
<td>$67,704</td>
<td>$67,965</td>
<td>$66,524</td>
</tr>
<tr>
<td>Step 2</td>
<td>$70,771</td>
<td>$71,765</td>
<td>$72,027</td>
<td>$70,586</td>
</tr>
<tr>
<td>Step 3</td>
<td>$73,204</td>
<td>$74,198</td>
<td>$74,459</td>
<td>$73,018</td>
</tr>
<tr>
<td>Step 4</td>
<td>$76,088</td>
<td>$77,082</td>
<td>$77,343</td>
<td>$75,901</td>
</tr>
<tr>
<td>Step 5</td>
<td>$79,292</td>
<td>$80,286</td>
<td>$80,547</td>
<td>$79,107</td>
</tr>
</tbody>
</table>

(4) Effective April first, two thousand ten, members of the collective negotiating unit consisting of troopers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Level</th>
<th>Orange, Putnam and York, Rockland Counties</th>
<th>City of New York, Rockland Counties</th>
<th>Nassau and Suffolk Counties</th>
<th>All Other Counties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Trainee 1</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>Not Applicable</td>
<td>$50,374</td>
</tr>
<tr>
<td>Trainee 2</td>
<td>$65,524</td>
<td>$65,548</td>
<td>$65,815</td>
<td>$64,332</td>
</tr>
<tr>
<td>Step 1</td>
<td>$68,710</td>
<td>$69,735</td>
<td>$70,004</td>
<td>$68,520</td>
</tr>
<tr>
<td>Step 2</td>
<td>$72,894</td>
<td>$73,918</td>
<td>$74,188</td>
<td>$72,704</td>
</tr>
<tr>
<td>Step 3</td>
<td>$75,400</td>
<td>$76,424</td>
<td>$76,693</td>
<td>$75,209</td>
</tr>
<tr>
<td>Step 4</td>
<td>$78,371</td>
<td>$79,394</td>
<td>$79,663</td>
<td>$78,178</td>
</tr>
<tr>
<td>Step 5</td>
<td>$81,671</td>
<td>$82,695</td>
<td>$82,963</td>
<td>$81,480</td>
</tr>
</tbody>
</table>

(5) Effective April first, two thousand seven, members of the collective negotiating unit consisting of commissioned and non-commissioned...
officers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Location</th>
<th>Sergeant and Technical Sergeant</th>
<th>Station Commander</th>
<th>Zone Sergeant</th>
<th>First Sergeant, Staff Sergeant and Chief Technical Sergeant</th>
<th>Lieutenant BCI</th>
<th>Captain BCI</th>
<th>Captain</th>
<th>Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orange, Putnam and Dutchess Counties</td>
<td>$90,677 $91,643 $94,574</td>
<td>$95,100</td>
<td>$96,064</td>
<td>$90,498 $91,896 $91,643 $94,328 $94,826</td>
<td>$93,607</td>
<td>$95,100</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
<tr>
<td>City of New York, Rockland and Westchester Counties</td>
<td>$91,896</td>
<td>$94,328</td>
<td>$96,318</td>
<td>$94,921</td>
<td>$94,574</td>
<td>$96,064</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
<tr>
<td>Nassau and Suffolk Counties</td>
<td>$90,498</td>
<td>$94,328</td>
<td>$94,921</td>
<td>$94,921</td>
<td>$93,607</td>
<td>$95,100</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
<tr>
<td>All Other Locations</td>
<td>$94,826</td>
<td>$94,921</td>
<td>$94,921</td>
<td>$94,921</td>
<td>$94,574</td>
<td>$96,064</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
</tbody>
</table>

(6) Effective April first, two thousand eight, members of the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Location</th>
<th>Sergeant and Technical Sergeant</th>
<th>Station Commander</th>
<th>Zone Sergeant</th>
<th>First Sergeant, Staff Sergeant and Chief Technical Sergeant</th>
<th>Lieutenant BCI</th>
<th>Captain BCI</th>
<th>Captain</th>
<th>Major</th>
</tr>
</thead>
<tbody>
<tr>
<td>Orange, Putnam and Dutchess Counties</td>
<td>$93,397 $94,392 $94,653 $94,900 $94,574</td>
<td>$96,415</td>
<td>$98,946</td>
<td>$93,213 $94,653 $94,574 $96,231 $97,671</td>
<td>$97,953</td>
<td>$98,946</td>
<td>$99,208</td>
<td>$97,769</td>
</tr>
<tr>
<td>City of New York, Rockland and Westchester Counties</td>
<td>$94,653</td>
<td>$96,231</td>
<td>$99,208</td>
<td>$97,769</td>
<td>$94,574</td>
<td>$96,064</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
<tr>
<td>Nassau and Suffolk Counties</td>
<td>$93,213</td>
<td>$96,231</td>
<td>$99,208</td>
<td>$97,769</td>
<td>$94,574</td>
<td>$96,064</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
<tr>
<td>All Other Locations</td>
<td>$94,653</td>
<td>$96,231</td>
<td>$99,208</td>
<td>$97,769</td>
<td>$94,574</td>
<td>$96,064</td>
<td>$96,415</td>
<td>$97,953</td>
</tr>
<tr>
<td>Rank</td>
<td>Orange, Putnam and Dutchess Counties</td>
<td>City of New York, Rockland and Westchester Counties</td>
<td>Nassau and Suffolk Counties</td>
<td>All Other Locations</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------------</td>
<td>-------------------------------------</td>
<td>---------------------------------------------------</td>
<td>----------------------------</td>
<td>---------------------</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 BCI</td>
<td>$113,801</td>
<td>$114,794</td>
<td>$115,056</td>
<td>$113,615</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2 Captain</td>
<td>$119,034</td>
<td>$120,027</td>
<td>$120,290</td>
<td>$118,849</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>3 Captain BCI</td>
<td>$121,252</td>
<td>$122,245</td>
<td>$122,506</td>
<td>$121,065</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>4 Major</td>
<td>$126,835</td>
<td>$127,828</td>
<td>$128,090</td>
<td>$126,649</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(7) Effective April first, two thousand nine, members of the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police shall receive a basic annual salary pursuant to the following schedule:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sergeant and Technical Sergeant</td>
<td>$96,199</td>
<td>$97,224</td>
<td>$97,493</td>
<td>$96,009</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Station Commander</td>
<td>$99,307</td>
<td>$100,333</td>
<td>$100,601</td>
<td>$99,118</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone Sergeant</td>
<td>$100,892</td>
<td>$101,914</td>
<td>$102,184</td>
<td>$100,702</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>First Sergeant, Staff Sergeant and Chief Technical Sergeant</td>
<td>$106,083</td>
<td>$107,107</td>
<td>$107,375</td>
<td>$105,891</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lieutenant and Technical Lieutenant</td>
<td>$114,963</td>
<td>$115,986</td>
<td>$116,255</td>
<td>$114,774</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BCI Lieutenant</td>
<td>$117,215</td>
<td>$118,238</td>
<td>$118,508</td>
<td>$117,023</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Captain</td>
<td>$122,605</td>
<td>$123,628</td>
<td>$123,899</td>
<td>$122,414</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Captain BCI</td>
<td>$124,890</td>
<td>$125,912</td>
<td>$126,181</td>
<td>$124,697</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Major</td>
<td>$130,640</td>
<td>$131,663</td>
<td>$131,933</td>
<td>$130,448</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(8) Effective April first, two thousand ten, members of the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police shall receive a basic annual salary pursuant to the following schedule:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sergeant and Technical Sergeant</td>
<td>$100,047</td>
<td>$101,113</td>
<td>$101,393</td>
<td>$99,849</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Station Commander</td>
<td>$103,279</td>
<td>$104,346</td>
<td>$104,625</td>
<td>$103,083</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Zone Sergeant</td>
<td>$104,928</td>
<td>$105,991</td>
<td>$106,271</td>
<td>$104,730</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
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1. Sergeant $110,326 $111,391 $111,670 $110,127
2. Lieutenant $119,562 $120,625 $120,905 $119,365
3. and Technical Lieutenant $121,904 $122,968 $123,248 $121,704
4. Lieutenant $127,509 $128,573 $128,855 $127,311
5. Captain $129,886 $130,948 $131,228 $129,685
6. Captain BCI $135,866 $136,930 $137,210 $135,666

b. The salary schedules in subparagraphs one, two, three and four of paragraph a of this subdivision shall reflect a five-step progression from the entry level, step 1 salary to the highest level, step 5, for the position of trooper.

c. The salary schedules in paragraph a of this subdivision reflect the basic annual salary for employees in those titles listed whose principal place of employment, or in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller is located in the locations listed in the salary schedule. The salary schedules shall not be applicable to those members in the title of Special Trooper.

§ 2. Paragraph a of subdivision 2 of section 207-b of the state finance law is REPEALED and a new paragraph a is added to read as follows:

a. Where, and to the extent that, the agreements between the state and an employee organization entered into pursuant to article fourteen of the civil service law so provide on behalf of employees in the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, established pursuant to article fourteen of the civil service law, and upon audit and warrant of the state comptroller, the director shall provide for the payment of monies to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating units covered by the controlling provisions of such agreements providing for such employee benefit fund. Such amounts are to be determined consistent with said agreements on the basis of the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand seven for payments to be made on April first, two thousand seven, the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand eight for payments to be made on April first, two thousand eight, the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand nine and the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand ten for payments to be made on April first, two thousand ten. The amounts, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the state comptroller will establish procedures to ensure repayment from said special or administrative funds. The director shall enter into an agreement with the employee organization that sets forth the specific terms and conditions for the transmittal of monies pursuant to this section.
§ 3. Subparagraph 4 of paragraph c of subdivision 1 of section 130 of the civil service law, as added by chapter 114 of the laws of 2008, is amended to read as follows:

(4) Effective April first, two thousand ten for officers and employees on the administrative payroll and effective March twenty-fifth, two thousand ten for officers and employees on the institutional payroll:

<table>
<thead>
<tr>
<th>SG</th>
<th>HIRING RATE</th>
<th>JOB RATE</th>
<th>ADVANCE AMOUNT</th>
<th>ADVANCE AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>101</td>
<td>$21,115</td>
<td>$27,249</td>
<td>$877</td>
<td>$877</td>
</tr>
<tr>
<td>102</td>
<td>$21,916</td>
<td>$28,343</td>
<td>$919</td>
<td>$919</td>
</tr>
<tr>
<td>103</td>
<td>$22,988</td>
<td>$29,730</td>
<td>$964</td>
<td>$964</td>
</tr>
<tr>
<td>104</td>
<td>$24,020</td>
<td>$31,115</td>
<td>$1,011</td>
<td>$1,033</td>
</tr>
<tr>
<td>105</td>
<td>$25,158</td>
<td>$32,602</td>
<td>$1,064</td>
<td>$1,064</td>
</tr>
<tr>
<td>106</td>
<td>$26,506</td>
<td>$34,317</td>
<td>$1,116</td>
<td>$1,116</td>
</tr>
<tr>
<td>107</td>
<td>$27,994</td>
<td>$36,173</td>
<td>$1,162</td>
<td>$1,162</td>
</tr>
<tr>
<td>108</td>
<td>$29,535</td>
<td>$38,089</td>
<td>$1,203</td>
<td>$1,203</td>
</tr>
<tr>
<td>109</td>
<td>$31,181</td>
<td>$40,136</td>
<td>$1,247</td>
<td>$1,247</td>
</tr>
<tr>
<td>110</td>
<td>$32,950</td>
<td>$42,368</td>
<td>$1,302</td>
<td>$1,302</td>
</tr>
<tr>
<td>111</td>
<td>$34,838</td>
<td>$44,762</td>
<td>$1,339</td>
<td>$1,339</td>
</tr>
<tr>
<td>112</td>
<td>$36,791</td>
<td>$47,138</td>
<td>$1,376</td>
<td>$1,376</td>
</tr>
<tr>
<td>113</td>
<td>$38,934</td>
<td>$49,821</td>
<td>$1,419</td>
<td>$1,419</td>
</tr>
<tr>
<td>114</td>
<td>$41,170</td>
<td>$52,552</td>
<td>$1,462</td>
<td>$1,462</td>
</tr>
<tr>
<td>115</td>
<td>$43,500</td>
<td>$55,455</td>
<td>$1,505</td>
<td>$1,505</td>
</tr>
<tr>
<td>116</td>
<td>$45,940</td>
<td>$58,468</td>
<td>$1,548</td>
<td>$1,548</td>
</tr>
<tr>
<td>117</td>
<td>$48,518</td>
<td>$61,763</td>
<td>$1,591</td>
<td>$1,591</td>
</tr>
<tr>
<td>118</td>
<td>$51,268</td>
<td>$65,190</td>
<td>$1,634</td>
<td>$1,634</td>
</tr>
<tr>
<td>119</td>
<td>$54,045</td>
<td>$68,637</td>
<td>$1,677</td>
<td>$1,677</td>
</tr>
<tr>
<td>120</td>
<td>$56,813</td>
<td>$72,076</td>
<td>$1,720</td>
<td>$1,720</td>
</tr>
<tr>
<td>121</td>
<td>$59,825</td>
<td>$75,862</td>
<td>$1,763</td>
<td>$1,763</td>
</tr>
<tr>
<td>122</td>
<td>$63,041</td>
<td>$79,819</td>
<td>$1,806</td>
<td>$1,806</td>
</tr>
<tr>
<td>123</td>
<td>$66,375</td>
<td>$83,954</td>
<td>$1,849</td>
<td>$1,849</td>
</tr>
<tr>
<td>124</td>
<td>$69,911</td>
<td>$88,256</td>
<td>$1,892</td>
<td>$1,892</td>
</tr>
<tr>
<td>125</td>
<td>$73,768</td>
<td>$92,974</td>
<td>$1,935</td>
<td>$1,935</td>
</tr>
<tr>
<td>126</td>
<td>$77,654</td>
<td>$97,518</td>
<td>$1,978</td>
<td>$1,978</td>
</tr>
<tr>
<td>127</td>
<td>$81,856</td>
<td>$100,822</td>
<td>$2,021</td>
<td>$2,021</td>
</tr>
<tr>
<td>128</td>
<td>$86,168</td>
<td>$105,829</td>
<td>$2,064</td>
<td>$2,064</td>
</tr>
<tr>
<td>129</td>
<td>$90,684</td>
<td>$111,064</td>
<td>$2,107</td>
<td>$2,107</td>
</tr>
<tr>
<td>130</td>
<td>$95,423</td>
<td>$116,516</td>
<td>$2,150</td>
<td>$2,150</td>
</tr>
<tr>
<td>131</td>
<td>$100,510</td>
<td>$122,354</td>
<td>$2,193</td>
<td>$2,193</td>
</tr>
<tr>
<td>132</td>
<td>$105,853</td>
<td>$128,400</td>
<td>$2,236</td>
<td>$2,236</td>
</tr>
<tr>
<td>133</td>
<td>$111,611</td>
<td>$134,868</td>
<td>$2,279</td>
<td>$2,279</td>
</tr>
<tr>
<td>134</td>
<td>$117,556</td>
<td>$141,585</td>
<td>$2,322</td>
<td>$2,322</td>
</tr>
<tr>
<td>135</td>
<td>$123,651</td>
<td>$149,821</td>
<td>$2,366</td>
<td>$2,366</td>
</tr>
<tr>
<td>136</td>
<td>$129,866</td>
<td>$155,451</td>
<td>$2,410</td>
<td>$2,410</td>
</tr>
<tr>
<td>137</td>
<td>$136,681</td>
<td>$163,033</td>
<td>$2,454</td>
<td>$2,454</td>
</tr>
<tr>
<td>138</td>
<td>$127,518</td>
<td>$134,585</td>
<td>$2,498</td>
<td>$2,498</td>
</tr>
</tbody>
</table>

§ 4. Subdivision 2 of section 216-b of the executive law, as amended by chapter 157 of the laws of 2005, paragraph (b) as amended by chapter 112 of the laws of 2006, is amended to read as follows:

2. (a) [Effective March thirty-first, two thousand three, members in the position of 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 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$430</td>
</tr>
<tr>
<td>11-15</td>
<td>$480</td>
</tr>
<tr>
<td>16-25</td>
<td>$530</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$460</td>
</tr>
<tr>
<td>11-15</td>
<td>$510</td>
</tr>
<tr>
<td>16-25</td>
<td>$560</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$500</td>
</tr>
<tr>
<td>11-15</td>
<td>$550</td>
</tr>
<tr>
<td>16-25</td>
<td>$600</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$540</td>
</tr>
<tr>
<td>11-15</td>
<td>$590</td>
</tr>
<tr>
<td>16-25</td>
<td>$640</td>
</tr>
</tbody>
</table>
(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.

(b) Effective April first, two thousand six, the longevity schedule referenced in paragraph (a) of this subdivision shall be replaced for all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper. Members in the position of trooper, other than 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$400</td>
</tr>
<tr>
<td>11-15</td>
<td>$450</td>
</tr>
<tr>
<td>16-25</td>
<td>$500</td>
</tr>
</tbody>
</table>

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. 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. The provisions of this paragraph shall not apply to members in the title of special trooper.

(c) Members of the unit who are receiving a longevity award under paragraph (a) of this subdivision shall be eligible to receive an increased longevity award that corresponds to the schedule in paragraph (b) of this subdivision on April first, two thousand six. Such member shall not be required to wait until his or her next anniversary date to receive an increased longevity award under paragraph (b) of this subdivision. Additionally, members of the unit who are not eligible to receive a longevity award under paragraph (a) of this subdivision, but who on April first, two thousand six, are eligible to receive a longevity award under paragraph (b) of this subdivision, shall receive a longevity award that corresponds to the schedule in paragraph (b) of this subdivision on April first, two thousand six. Such member shall not be required to wait until his or her next anniversary date to begin receiving a longevity award under paragraph (b) of this subdivision. Members shall only be entitled to receive a pro-rata share of a full-year longevity award from the period April first, two thousand six, to his or her next anniversary date. 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. The provisions of this paragraph shall not apply to members in the title of special trooper.
§ 5. Subdivision 3 of section 216-b of the executive law, as amended by chapter 157 of the laws of 2005, paragraph (b) as amended by chapter 112 of the laws of 2006, is amended to read as follows:

3. (a) Effective March thirty-first, two thousand three, members in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police who on their anniversary date of employment with the division have attained six or more years of such satisfactory service shall be paid a longevity award in accordance with the following schedule:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>6</td>
<td>$800</td>
</tr>
<tr>
<td>7</td>
<td>$850</td>
</tr>
<tr>
<td>8</td>
<td>$900</td>
</tr>
<tr>
<td>9</td>
<td>$950</td>
</tr>
<tr>
<td>10</td>
<td>$1,000</td>
</tr>
<tr>
<td>11</td>
<td>$1,050</td>
</tr>
<tr>
<td>12</td>
<td>$1,100</td>
</tr>
<tr>
<td>13</td>
<td>$1,150</td>
</tr>
<tr>
<td>14</td>
<td>$1,200</td>
</tr>
<tr>
<td>15</td>
<td>$1,250</td>
</tr>
<tr>
<td>16</td>
<td>$1,300</td>
</tr>
<tr>
<td>17</td>
<td>$1,350</td>
</tr>
<tr>
<td>18</td>
<td>$1,400</td>
</tr>
<tr>
<td>19</td>
<td>$1,450</td>
</tr>
<tr>
<td>20</td>
<td>$1,500</td>
</tr>
<tr>
<td>21</td>
<td>$1,550</td>
</tr>
<tr>
<td>22</td>
<td>$1,600</td>
</tr>
<tr>
<td>23</td>
<td>$1,650</td>
</tr>
<tr>
<td>24</td>
<td>$1,700</td>
</tr>
<tr>
<td>25 or greater</td>
<td>$1,750</td>
</tr>
</tbody>
</table>

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. (1) Effective April first, two thousand seven, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$430</td>
</tr>
<tr>
<td>11-15</td>
<td>$480</td>
</tr>
<tr>
<td>16-25</td>
<td>$530</td>
</tr>
</tbody>
</table>

(2) Effective April first, two thousand eight, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$460</td>
</tr>
<tr>
<td>11-15</td>
<td>$510</td>
</tr>
<tr>
<td>16-25</td>
<td>$560</td>
</tr>
</tbody>
</table>
(3) Effective April first, two thousand nine, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$500</td>
</tr>
<tr>
<td>11-15</td>
<td>$550</td>
</tr>
<tr>
<td>16-25</td>
<td>$600</td>
</tr>
</tbody>
</table>

(4) Effective April first, two thousand ten, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$540</td>
</tr>
<tr>
<td>11-15</td>
<td>$590</td>
</tr>
<tr>
<td>16-25</td>
<td>$640</td>
</tr>
</tbody>
</table>

(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.

(b) Effective April first, two thousand six, the longevity schedule referenced in paragraph (a) of this subdivision shall be replaced for all members in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, who on their anniversary date of employment with the division 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$400</td>
</tr>
<tr>
<td>11-15</td>
<td>$450</td>
</tr>
<tr>
<td>16-25</td>
<td>$500</td>
</tr>
</tbody>
</table>

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. 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.

(c) Eligible members in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, who are commissioned officers, effective April first, two thousand, shall be paid supplemental longevities in addition to the longevities provided for in paragraph (a) of this subdivision, in accordance with the following schedule:
After five years following appointment as a commissioned officer - five hundred dollars
After ten years following appointment as a commissioned officer - one thousand dollars
After fifteen years following appointment as a commissioned officer - one thousand five hundred dollars
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.

Members of the unit who are receiving a longevity award under paragraph (a) of this subdivision shall be eligible to receive an increased longevity award which corresponds to the schedule listed in paragraph (b) of this subdivision on April first, two thousand six. Such member shall not be required to wait until his or her next anniversary date to receive an increased longevity award under paragraph (b) of this subdivision. Additionally, members of the unit who are not eligible to receive a longevity award under paragraph (a) of this subdivision, but who on April first, two thousand six, are eligible to receive a longevity award under paragraph (b) of this subdivision, shall receive a longevity award that corresponds to the schedule in paragraph (b) of this subdivision on April first, two thousand six. Such member shall not be required to wait until his or her next anniversary date to begin receiving a longevity award under paragraph (b) of this subdivision. Members shall only be entitled to receive a pro-rata share of a full-year longevity award from the period April first, two thousand six, to his or her next anniversary date.

§ 6. Retroactive lump sum payment. Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit consisting of troopers in the division of state police, members of such unit at the Trainee 1 step at any point during the period April 1, 2007 up to and including September 16, 2008 shall receive the equivalent of a three percent increase to the basic annual salary received at the Trainee 1 rate for the period between April 1, 2007 and the completion of such employee’s service at the Trainee 1 step. The amounts herein shall be included as compensation for purposes of computation of overtime pay and for retirement purposes and shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which the lump sum is paid.

§ 7. Location compensation. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, members in these collective negotiating units whose principal place of employment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the county of Monroe and who were on the payroll on March 31, 1985, and who have received this location compensation continually since then, shall continue to receive location pay at the rate of two hundred
dollars ($200) per year, provided the member continues to be otherwise eligible. Such location pay shall continue to be annualized and paid during the regular bi-weekly periods. Such location pay shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not affect or impair any increments or other rights or benefits to which the member may be entitled; provided, however, that location pay shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.

(b) Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, members in these collective negotiating units whose principal place of employment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Rockland, Westchester, Nassau or Suffolk shall receive location pay as follows:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1, 2007</td>
<td>$1,392</td>
</tr>
<tr>
<td>April 1, 2008</td>
<td>$1,434</td>
</tr>
<tr>
<td>April 1, 2009</td>
<td>$1,477</td>
</tr>
<tr>
<td>April 1, 2010</td>
<td>$1,536</td>
</tr>
</tbody>
</table>

Such location pay shall continue to be annualized and paid during regular bi-weekly periods. Such location pay shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not affect or impair any increments of other rights or benefits to which the member may be entitled; provided, however, that the location pay shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.

§ 8. Supplemental location compensation. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, members in these collective negotiating units whose principal place of employment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk shall receive supplemental location pay as follows:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1, 2007</td>
<td>$1,160</td>
</tr>
<tr>
<td>Rockland or Westchester County or city of New York</td>
<td>$1,739</td>
</tr>
<tr>
<td>Nassau or Suffolk County</td>
<td>$2,029</td>
</tr>
<tr>
<td>April 1, 2008</td>
<td>$1,195</td>
</tr>
<tr>
<td>Rockland or Westchester County or city of New York</td>
<td>$1,791</td>
</tr>
<tr>
<td>Nassau or Suffolk County</td>
<td>$2,090</td>
</tr>
<tr>
<td>April 1, 2009</td>
<td>$1,230</td>
</tr>
<tr>
<td>Rockland or Westchester County or city of New York</td>
<td>$1,845</td>
</tr>
</tbody>
</table>
§ 9. Expanded duty pay. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, effective April 1, 2007, members in the collective negotiating units described above shall receive expanded duty pay in the amount of three thousand eight hundred fifty-two dollars ($3,852). Effective April 1, 2008 this amount shall be increased to five thousand fifty-two dollars ($5,052). Effective April 1, 2009, this amount shall be increased to six thousand two hundred fifty-two dollars ($6,252). Effective April 1, 2010, this amount shall be increased to seven thousand four hundred fifty-two dollars ($7,452).

(b) Such expanded duty pay shall continue to be annualized and paid during regular bi-weekly periods. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's annual basic salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement. No expanded duty pay shall be paid to any member while at the Trainee 1 step or to any member in the title of Special Trooper.

§ 10. Hazardous duty pay. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, effective April 1, 2010, members in the collective negotiating units described above shall receive hazardous duty pay in the amount of twelve hundred dollars ($1,200) annually.

(b) Such hazardous duty pay shall be payable to those unit members on the payroll on November first of each year during the pay period that includes December first. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's annual basic salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

§ 11. Command pay. (a) Notwithstanding any provision of law to the contrary, pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negoti-
ating unit consisting of commissioned and non-commissioned officers in
the division of state police, in recognition that commissioned and non-
commissioned officers in the division of state police assume higher
level responsibilities, such commissioned and non-commissioned officers
shall receive command pay in the amount of two hundred eighty-nine
dollars ($289) effective April 1, 2007. Effective April 1, 2008, such
command pay shall be increased to two hundred ninety-eight dollars
($298). Effective April 1, 2009, such command pay shall be increased to
two hundred ninety-eight dollars ($307). Effective April 1, 2010, such
command pay shall be increased to three hundred nineteen dollars ($319).

(b) Such payment shall be annualized and paid during the regular
bi-weekly periods and shall be in addition to, and not part of, the
member's annual basic salary, and shall not affect or impair any rights
or benefits to which the member may be entitled; provided, however, such
payments shall be included as compensation for retirement purposes.
Command pay shall be included for overtime calculations for non-commis-
sioned officers.

§ 12. Physical fitness program. (a) Pursuant to the terms of the
agreements negotiated between the state and the employee organization
representing the collective negotiating units consisting of troopers and
commissioned and non-commissioned officers in the division of state
police, and the terms of the interest arbitration awards made pursuant
to subdivision 4 of section 209 of the civil service law binding the
executive branch of the state of New York and the employee organization
representing such units, effective April 1, 2001 a joint labor-manage-
ment committee shall be continued for the purpose of evaluating the
assessment, study, and testing for the fitness of members of these
units.
(b) Effective March 31, 2003, members in the collective negotiating
units described in this section shall continue to receive an annual
fitness bonus if they satisfy the fitness requirements developed by the
division of state police during a fiscal year. The committee shall
determine the amount of such fitness bonus and such awards shall be paid
on or about December first of each fiscal year.
(c) The amounts received pursuant to this section shall be paid in
addition to, and shall not be a part of, the member's annual basic sala-
ry, and shall not affect or impair any increments or other rights or
benefits to which the employee may be entitled; provided, however, that
any amounts shall be included as compensation for overtime and retire-
ment purposes.
(d) The division of state police and the employee organization repres-
enting the collective negotiating units consisting of troopers and
commissioned and non-commissioned officers in the division of state
police may agree to expend the funds appropriated on an annual basis for
the physical fitness program for a mutually agreeable alternate purpose.

§ 13. Health benefits committees. (a) Pursuant to the terms of an
agreement negotiated between the state and the employee organization
representing the collective negotiating unit consisting of troopers in
the division of state police, during the period April 1, 2007 through
March 31, 2011, there shall continue to be a committee on health bene-
fits funded in the amount of $12,500 per fiscal year in the above cited
period. One-half of this amount in each year shall be made available to
the state and one-half shall be made available to the employee organiza-
tion representing such unit.
(b) Pursuant to the terms of an agreement negotiated between the state
and the employee organization representing the collective negotiating
§ 14. Professional development and training funds. (a) Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit consisting of troopers in the division of state police, during the period April 1, 2007 to March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of $92,400 per fiscal year in the above cited period, from which the tuition reimbursement program, the master's program and the employee assistance program shall be supported.

(b) Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, during the period April 1, 2007 to March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of $92,400 per fiscal year in the above cited period, from which the tuition reimbursement program, the master's program and the employee assistance program shall be supported.

§ 15. Recognized degree pay. Notwithstanding any provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, or the terms of the interest arbitration awards made pursuant to subdivision 4 of section 209 of the civil service law binding the executive branch of the state of New York and the employee organization representing such units, effective March 31, 2003, the lump sum payments for degrees, as contained in sections 4 and 5 of chapter 244 of the laws of 2002, shall continue.

§ 16. Member in charge of satellite station compensation. Members of the collective negotiating unit consisting of troopers in the division of state police who are designated "members in charge" of a satellite station shall continue to receive four hundred thirty-five dollars ($435) per year. Such payment for the "member in charge" designation shall commence upon such designation and shall be prorated based upon the duration of the designation.

§ 17. Short swings. (a) Notwithstanding any provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, or the terms of the interest arbitration awards made pursuant to subdivision 4 of section 209 of the civil service law binding the executive branch of the state of New York and the employee organization representing such units, effective March 31, 2003, members of these units who are required to work short swings shall continue to receive compensation of thirty dollars ($30) for each short swing they are required to work and actually work. There shall be no short swing compensation where the short swing is worked at the request of, or for the convenience of the member, as determined by the
division of state police. The definition of short swing shall be a tour of duty commencing between the hours of five a.m. and nine a.m. (B line) followed by a tour of duty commencing between nine a.m. and five p.m. (A line) on consecutive days, or, a tour of duty commencing between the hours of one p.m. and five p.m. (C line) followed by a tour of duty commencing between the hours of five a.m. and nine a.m. (B line) on consecutive days. Such additional compensation shall not be payable if such member's hours of work continue from the conclusion of the former shift to the commencement of the latter shift without interruption.

(b) The additional compensation payable pursuant to this section shall be in addition to, and shall not be a part of, the member's annual basic salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that any compensation payable pursuant to this section shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. The director of the budget may adopt such regulations as may be deemed necessary to carry out the provisions of this section.

§ 18. Unused sick leave at retirement. Effective March 31, 2003, the lump sum payment for unused sick leave at retirement as provided in section 9 of chapter 9 of the laws of 2001 and as provided in section 9 of chapter 10 of the laws of 2001 shall continue.

§ 19. Overtime meal allowance. Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, or the terms of the interest arbitration awards made pursuant to subdivision 4 of section 209 of the civil service law binding the executive branch of the state of New York and the employee organization representing such units, the overtime meal allowance for unit members shall continue at the rates in effect as of March 31, 2007.

§ 20. The salary increases and benefit modifications provided for by this act for state employees in the collective negotiating units designated as the unit consisting of troopers in the division of state police and the unit consisting of commissioned and non-commissioned officers in the division of state police established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to each such negotiating unit a collective negotiating agreement which provides for such increases and modifications and which is fully executed in writing with the state pursuant to article 14 of the civil service law, and ratified pursuant to the ratification procedure of the employee organization certified pursuant to article 14 of the civil service law to represent each such collective negotiating unit.

§ 21. Payment and publication of grievance arbitration settlements and awards. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance arbitration settlements and awards pursuant to article 15 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police.

§ 22. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any member of the collective
negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights of benefits on such officer or employee. Payment of such salary increase may be deferred pursuant to section twenty-three of this act.

§ 23. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act or of any other provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2007 until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such service and the compensation actually received therefor. Such lump sum payment shall be made as soon as practicable. Any amount payable in such lump sum paid represents compensation earned in each of the year or years for which it is calculated pursuant to this act and not as compensation earned wholly in the year during which the lump sum is paid.

§ 24. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts necessary to make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 1, 2009 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether occurring prior to or during the state fiscal year commencing April 1, 2009 or during the state fiscal year commencing April 1, 2010.

§ 25. Appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section are hereby appropriated from the funds so designated for use by any state department or agency for the fiscal year beginning April 1, 2009 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for payment of
any liabilities or obligations incurred prior to or during the State fiscal year commencing April 1, 2009 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2010. For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2010. No money shall be available for expenditure from this appropriation until a certification of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES
Special Pay Bills

General Fund - State Purposes Account

PERSONAL SERVICE

Personal Service - Regular.......................$52,345,000
Overtime........................................$6,091,000
Other compensation, including but not limited to expanded duty pay, command pay,
location compensation and supplemental location compensation......................$23,156,000
Supervisory Re-alignment........................$200,000

NON-PERSONAL SERVICE

Fringe benefits....................................$7,020,000
Health Benefits Committee........................$35,000
Professional Development Fund..................$554,000
Contract Administration.........................$25,000
Employee Benefit Fund...........................$1,088,000

Special Revenue Funds - Other / State Operations
Miscellaneous Special Revenue Fund - 339
New York State Thruway Authority Fund

PERSONAL SERVICE

Personal Service - Regular.......................$5,512,000
Overtime........................................$981,000
Other compensation, including but not limited to expanded duty pay, command pay,
location compensation and supplemental location compensation......................$2,520,000

NON-PERSONAL SERVICE

Fringe Benefits....................................$4,452,000

Special Revenue Funds - Other / State Operations
Miscellaneous Special Revenue Fund - 339
Regulation of Indian Gaming Account
### PERSONAL SERVICE

1. **Personal Service - Regular**
   - $125,000

2. **Overtime**
   - $8,000

3. **Other compensation, including but not limited to expanded duty pay, command pay, location compensation and supplemental location compensation**
   - $48,000

### NON-PERSONAL SERVICE

4. **Fringe benefits**
   - $89,000

### Special Revenue Funds - Other / State Operations

- **Highway Safety Fund - 362 Commercial Vehicle Safety Account**

### PERSONAL SERVICE

5. **Personal Service - Regular**
   - $495,000

6. **Overtime**
   - $105,000

7. **Other compensation, including but not limited to expanded duty pay, command pay, location compensation and supplemental location compensation**
   - $181,000

### NON-PERSONAL SERVICE

8. **Fringe benefits**
   - $386,000

### Section 26

§ 26. This act shall take effect immediately and shall be deemed to 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.
The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraph b of subdivision 2 of section 216 of the executive law is REPEALED.

§ 2. Paragraph a of subdivision 2 of section 216 of the executive law is REPEALED and a new paragraph a is added to read as follows:

a. Salary schedules for investigators, senior investigators, and investigative specialists in the division of state police.

(1) Effective April first, two thousand seven, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

<table>
<thead>
<tr>
<th>Nassau and Suffolk</th>
<th>Senior Investigator</th>
<th>Investigator</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>$82,698</td>
<td>$86,898</td>
</tr>
</tbody>
</table>

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [−] is old law to be omitted.
S. 5504                             2
New York City, Rockland, Westchester $82,444 $86,646
Orange, Putnam, Dutchess $81,479 $85,680
All other locations $81,300 $85,500
(2) Effective April first, two thousand eight, members assigned to the
bureau of criminal investigation and investigative specialists appointed
to the bureau by the superintendent, shall receive a basic annual salary
pursuant to the following schedule:
Senior
Investigator
Nassau and Suffolk $85,179 $89,505
New York City, Rockland, Westchester $84,917 $89,245
Orange, Putnam, Dutchess $83,923 $88,250
All other locations $83,739 $88,065
Orange, Putnam, Dutchess $86,441 $90,898
All other locations $86,251 $90,707
(3) Effective April first, two thousand nine, members assigned to the
bureau of criminal investigation and investigative specialists appointed
to the bureau by the superintendent, shall receive a basic annual salary
pursuant to the following schedule:
Senior
Investigator
Nassau and Suffolk $87,734 $92,190
New York City, Rockland, Westchester $87,465 $91,922
Orange, Putnam, Dutchess $86,441 $90,898
All other locations $86,251 $90,707
Orange, Putnam, Dutchess $86,441 $90,898
All other locations $86,251 $90,707
(4) Effective April first, two thousand ten, members assigned to the
bureau of criminal investigation and investigative specialists appointed
to the bureau by the superintendent, shall receive a basic annual salary
pursuant to the following schedule:
Senior
Investigator
Nassau and Suffolk $91,243 $95,878
New York City, Rockland, Westchester $90,964 $95,599
Orange, Putnam, Dutchess $89,899 $94,534
All other locations $89,701 $94,335
Orange, Putnam, Dutchess $89,899 $94,534
All other locations $89,701 $94,335
(5) Effective March thirty-first, two thousand eleven, members
assigned to the bureau of criminal investigation and investigative
specialists appointed to the bureau by the superintendent, shall receive
a basic annual salary pursuant to the following schedule:
Senior
Investigator
Nassau and Suffolk $106,157 $95,878
New York City, Rockland, Westchester $105,878 $95,599
Orange, Putnam, Dutchess $104,813 $94,534
All other locations $104,615 $94,335
§ 3. Paragraph b of subdivision 2 of section 207-b of the state
finance law is REPEALED and a new paragraph b is added to read as
follows:
b. Pursuant to the terms of an agreement negotiated between the execu-
tive branch of the state of New York and the employee organization
representing the collective negotiating unit consisting of investi-
gators, senior investigators, and investigative specialists in the divi-
sion of state police, and upon audit and warrant of the state comp-
troller, the director shall provide for the payment of monies to such
employee organization for the establishment and maintenance of an
employee benefit fund established by the employee organization for the
employees in the collective negotiating unit covered by the controlling
provisions of such agreement providing for such employee benefit fund,
such amount to be determined consistent with said agreement on the basis of the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand seven, for payments to be made on April first, two thousand seven, and on the payroll on March first, two thousand eight, for payments to be made on April first, two thousand eight and on the payroll on March first, two thousand nine, for payments to be made on April first, two thousand nine, and on the payroll on March first, two thousand ten, for payments to be made on April first, two thousand ten. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the state comptroller shall establish procedures to ensure repayment from said special or administrative funds. The director shall enter into an agreement with an employee organization, which sets forth the specific terms and conditions for the transmittal of monies pursuant to this section.

§ 4. Subdivision 2 of section 216-c of the executive law is REPEALED and a new subdivision 2 is added to read as follows:

2. In addition to the compensation provided in subdivision one of this section, members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, on the payroll on November first of each year, shall receive, effective April first, two thousand seven, thirteen hundred ninety-two dollars. Effective April first, two thousand eight, such amount shall be increased to fourteen hundred thirty-four dollars. Effective April first, two thousand nine, such amount shall be increased to fourteen hundred seventy-seven dollars. Effective April first, two thousand ten, such amount shall be increased to fifteen hundred thirty-six dollars. Such payments shall be in addition to, and shall not be part of, the member's annual basic salary, except for the purpose of retirement, and shall be made in a separate check during the payroll period which includes December first each year.

§ 5. Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of the executive law are REPEALED and two new paragraphs (b) and (c) are added to read as follows:

(b)(1) Effective April first, two thousand seven, 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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$430</td>
</tr>
<tr>
<td>11-15</td>
<td>$480</td>
</tr>
<tr>
<td>16-25</td>
<td>$530</td>
</tr>
</tbody>
</table>

(b)(2) Effective April first, two thousand eight, 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:
<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$460</td>
</tr>
<tr>
<td>11-15</td>
<td>$510</td>
</tr>
<tr>
<td>16-25</td>
<td>$560</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$500</td>
</tr>
<tr>
<td>11-15</td>
<td>$550</td>
</tr>
<tr>
<td>16-25</td>
<td>$600</td>
</tr>
</tbody>
</table>

(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:

<table>
<thead>
<tr>
<th>Years of Service</th>
<th>Amount per year</th>
</tr>
</thead>
<tbody>
<tr>
<td>6-10</td>
<td>$540</td>
</tr>
<tr>
<td>11-15</td>
<td>$590</td>
</tr>
<tr>
<td>16-25</td>
<td>$640</td>
</tr>
</tbody>
</table>

(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
impair any increments or other rights or benefits to which the member may be entitled; provided, however, that any payment made pursuant to this section shall be included as compensation for retirement purposes, and, where appropriate, overtime.

§ 7. Command pay. (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, in recognition that senior investigators in the division of state police assume higher-level responsibilities, such members shall receive command pay in the amount of two thousand six hundred ninety-nine dollars ($2,699). Effective April 1, 2008, such amount shall be increased to two thousand seven hundred eighty dollars ($2,780). Effective April 1, 2009, such amount shall be increased to two thousand eight hundred sixty-three dollars ($2,863). Effective April 1, 2010, such amount shall be increased to two thousand nine hundred seventy-eight dollars ($2,978). 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 impair any rights or benefits to which the member may be entitled; provided, however, that command pay shall be included as compensation for the computation of overtime pay and retirement.

§ 8. Health benefits committee. 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, during the period April 1, 2007 through March 31, 2011, there shall continue to be a committee on health benefits funded in the amount of five thousand dollars ($5,000) annually. One-half of this amount in each year shall be made available to the state and one-half shall be made available to the employee organization representing such unit.

§ 9. Maintenance allowance. (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, each member of such unit shall receive two thousand eight hundred sixty-five dollars ($2,865) as a maintenance allowance. Effective April 1, 2008, such amount shall be increased to two thousand nine hundred fifty-one dollars ($2,951). Effective April 1, 2009, such amount shall be increased to three thousand forty dollars ($3,040). Effective April 1, 2010, such amount shall be increased to three thousand one hundred sixty-two dollars ($3,162).

(b) Such maintenance allowance shall be paid on an annualized basis in regular bi-weekly paychecks. Such additional compensation, as provided in this section, shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and retirement.

§ 10. Expertise pay. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organiza-
tion representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2010, members in such collective negotiating unit shall receive expertise pay in the amount of twelve hundred dollars ($1,200) annually.

(b) Such expertise pay shall be payable to those unit members on the payroll on November 1 of each year during the pay period that includes December 1. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

§ 11. Professional development and training funds. 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, during the period April 1, 2007 through March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of $81,900 annually, from which the tuition reimbursement program, the master's program, and the employee assistance program shall be supported.

§ 12. Expanded duty pay. (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, each member of such unit shall receive expanded duty pay of three thousand eight hundred fifty-two dollars ($3,852). Effective April 1, 2008 this amount shall be increased to five thousand fifty-two dollars ($5,052). Effective April 1, 2009, this amount shall be increased to six thousand two hundred fifty-two dollars ($6,252). Effective April 1, 2010, this amount shall be increased to seven thousand four hundred fifty-two dollars ($7,452). Such expanded duty pay is in recognition of such members expanded duties, including those related to counterterrorism and other post-September 11, 2001 initiatives, computer crimes, and law enforcement activities involving gambling regulation.

(b) Such expanded duty pay shall be annualized and paid during regular bi-weekly periods. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.

§ 13. Supervisory responsibility pay. (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 March 31, 2005, certain members shall continue to receive additional compensation, as prescribed in the interest arbitration award dated February 4, 2005, when designated by the division of state police to work as a "unit coordinator", "acting senior investigator", or "acting administrative senior investigator".
(b) Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for the purposes of computation of overtime pay and retirement.

§ 14. Location compensation. (a) Notwithstanding any other provision of law to the contrary, members in the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police whose principal place of employment or, in the case of a field employee, whose official station, as determined in accordance with the regulations of the state comptroller, is located in the county of Monroe, who were on the payroll on March 31, 1985, and who have received this location compensation continually since then, shall receive location pay at the rate of $200 per year; provided that each such member continues to be otherwise eligible.

(b) 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, members of such unit whose principal place of employment or, in the case of a field employee, whose official station, as determined in accordance with the regulations of the state comptroller, is located in the city of New York or in the counties of Rockland, Westchester, Nassau, or Suffolk shall receive location pay as follows:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1, 2007</td>
<td>$1,392</td>
</tr>
<tr>
<td>April 1, 2008</td>
<td>$1,434</td>
</tr>
<tr>
<td>April 1, 2009</td>
<td>$1,477</td>
</tr>
<tr>
<td>April 1, 2010</td>
<td>$1,536</td>
</tr>
</tbody>
</table>

(c) Such location pay as provided in this section 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 impair any rights or benefits to which the member may be entitled; provided, however, that location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

§ 15. Supplemental location pay. (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, members of such unit whose principal place of employment, or, in the case of a field employee, whose official station, as determined in accordance with the regulations of the state comptroller, is located in the city of New York or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau, or Suffolk shall receive supplemental location pay, in addition to the location pay provided in section fourteen of this act, according to the following schedule:

<table>
<thead>
<tr>
<th>Effective Date</th>
<th>County or City</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April 1, 2007</td>
<td>Orange, Putnam or Dutchess County</td>
<td>$1,160</td>
</tr>
<tr>
<td></td>
<td>Rockland or Westchester County or city of New York</td>
<td>$1,739</td>
</tr>
<tr>
<td></td>
<td>Nassau or Suffolk County</td>
<td>$2,029</td>
</tr>
</tbody>
</table>
Effective April 1, 2008
Orange, Putnam or Dutchess County $1,195
Rockland or Westchester County or city of New York $1,791
Nassau or Suffolk County $2,090

Effective April 1, 2009
Orange, Putnam or Dutchess County $1,230
Rockland or Westchester County or city of New York $1,845
Nassau or Suffolk County $2,153

Effective April 1, 2010
Orange, Putnam or Dutchess County $1,280
Rockland or Westchester County or city of New York $1,918
Nassau or Suffolk County $2,239

(b) Such supplemental location pay 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 impair any rights or benefits to which the member may be entitled; provided, however, that supplemental location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

§ 16. Unused sick leave at retirement. 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, members of such unit shall continue to receive a lump sum cash payment for accumulated and unused sick leave credits standing to the employee's credit at the time of separation from service by retirement. The amount of such payment shall be determined in the following manner:

(a) Effective April 1, 1998, the number of days of such accumulated and unused sick leave, not to exceed 300 days, less 165 days, shall be multiplied by the member's daily rate of pay in effect at the time of separation from service by retirement.

(b) The lump sum payment shall be one-fifth of such amount provided for in subdivision (a) of this section.

(c) Such additional compensation shall be in addition to and shall not be part of the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.

§ 17. Physical fitness program. (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, 1999, a joint labor management committee shall be continued for the purpose of evaluating the assessment, study, and testing for the fitness of members of the employee organization. The division of state police shall administer such program through the provision of an annual appropriation. Members in the employee organization shall receive an annual fitness bonus if they satisfy the fitness requirements developed by the division of state police during a fiscal year. The amount of such
fitness bonus shall be determined by the committee within the amount appropriated therefor. Such awards shall be paid on or about December first of each fiscal year.

(b) Any amounts received pursuant to this section shall be in addition to, and shall not be a part of, the member's basic annual salary, and shall not affect or impair, any increments or other rights or benefits to which the member may be entitled; provided, however, that any amounts received shall be included as compensation for retirement purposes.

(c) The division of state police and the employee organization representing such unit may agree to expend the funds appropriated on an annual basis for the physical fitness program for a mutually agreeable alternate purpose.

§ 18. Recognized degree pay. (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, members of such unit who possess or obtain a recognized degree from an accredited and recognized college or university on or after April 1, 2001, shall continue to receive a lump sum payment of $250 for an associate degree, $500 for a bachelor's degree, and $750 for a graduate degree. Payment for such degree shall occur annually in June of each year, and shall be for one degree only. When such degree is obtained in a fiscal year, such payment shall be made as soon as practicable after conferral of the degree.

(b) Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.

§ 19. Payment and publication of grievance arbitration settlements and awards. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance arbitration settlements and awards pursuant to article 15 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, such provisions being in effect pursuant to paragraph (e) of subdivision 1 of section 209-a of the civil service law.

§ 20. Date of entitlement to salary increase. Notwithstanding the provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any member of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary
rights or benefits on such officer or employee. Payment of such salary
increase may be deferred pursuant to section twenty-one of this act.
§ 21. Deferred payment of salary increase. Notwithstanding the
provisions of any other section of this act or of any provision of law
to the contrary, pending payment pursuant to this act of the basic annu-
al salaries of incumbents of positions subject to this act, such incum-
bents shall receive, as partial compensation for services rendered, the
rate of compensation otherwise payable in their respective positions. An
incumbent holding a position subject to this act at any time during the
period from April 1, 2007 until the time when basic annual salaries are
first paid pursuant to this act for such services in excess of the
compensation actually received therefor, shall be entitled to a lump sum
payment for the difference between the salary to which such incumbent is
entitled for such service and the compensation actually received there-
for. Such lump sum payment shall be made as soon as practicable. The
amounts paid under this act shall count as compensation earned during
the year or years for which it is calculated and not as compensation
earned wholly in the year in which the lump sum is paid.
§ 22. Use of appropriations. Notwithstanding any provision of the
state finance law or any other provision of law to the contrary, the
state comptroller is authorized to pay any amounts required by the fore-
going provisions of this act. To the extent that existing appropriations
available to any state department or agency in any fund are insufficient
to accomplish the purposes set forth in this section, the director of
the budget is authorized to allocate to the various departments and
agencies, from any appropriations available in any fund, the amounts
necessary to make such payments. Any appropriations or other funds
available to any state department or agency for personal service or for
other related employee benefits during the fiscal year commencing April
1, 2009 shall be available for the payment of any liabilities or obli-
gations incurred pursuant to the foregoing provisions of this act,
whether occurred prior to or during the state fiscal year commencing
April 1, 2009 or during the state fiscal year commencing April 1, 2010.
§ 23. Appropriations. Notwithstanding any provision of the state
finance law or any other provision of law to the contrary, the several
amounts as hereinafter set forth in this section are hereby appropriated
from the funds so designated for use by any state department or agency
for the fiscal year beginning April 1, 2009 to supplement appropriations
from each respective fund available for personal service, other than
personal service and fringe benefits, and to carry out the provisions of
this act. The monies hereby appropriated are available for payment of
any liabilities or obligations incurred prior to or during the state
fiscal year commencing April 1, 2009 in addition to liabilities or obli-
gations associated with the state fiscal year commencing April 1, 2010.
For this purpose, these appropriations shall remain in full force and
effect for the payment of liabilities incurred on or before April 1,
2010. No money shall be available for expenditure from this appropri-
ation until a certification of approval has been issued by the director
of the budget and a copy of such certificate or any amendment thereto
has been filed with the state comptroller, the chairperson of the senate
finance committee, and the chairperson of the assembly ways and means
committee.

ALL STATE DEPARTMENTS AND AGENCIES

Special Pay Bills
General Fund - State Purposes Account

PERSONAL SERVICE

Personal Service - Regular ......................... $24,396,000
Overtime ........................................ $1,934,000
Other compensation, including but not limited to premium in lieu of overtime, command
pay, maintenance allowance, expanded duty pay, supervisory responsibility pay,
location compensation and supplemental
location compensation .............................. $9,637,000

NONPERSONAL SERVICE

Fringe benefits .................................. $2,926,000
Health Benefits Committee ........................ $15,000
Professional Development Fund .................. $246,000
Employee Benefit Fund ........................... $194,000
Triborough Bridge Tolls (CSEA/PEF) ............ $800,000
Contract administration ........................... $50,000

Special Revenue Funds - Other
Miscellaneous Special Revenue Fund - 339
Indian Gaming Account

PERSONAL SERVICE

Personal Service - Regular ......................... $1,501,000
Overtime ........................................... $26,000
Other compensation, including but not limited to premium
in lieu of overtime, command pay, maintenance allowance,
expanded duty pay, supervisory responsibility pay,
location compensation and supplemental location compensation .............................. $555,000

NONPERSONAL SERVICE

Fringe Benefits .................................. $1,029,000

Special Revenue Funds - Other
Miscellaneous Special Revenue Fund - 339
New York State Thruway Authority Account

PERSONAL SERVICE

Personal Service - Regular ......................... $139,000
Overtime ........................................... $2,000
Other compensation, including but not limited to premium in lieu of overtime, command
pay, maintenance allowance, expanded duty pay, supervisory responsibility pay,
location compensation and supplemental
location compensation .............................. $60,000
S. 5504
12

NONPERSONAL SERVICE

1

Fringe Benefits.................................................$100,000

§ 24. This act shall take effect immediately and shall be deemed to
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 offi-
cers 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 para-
graph 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 negoti-
ating unit consisting of investigators, senior investigators and investiga-
tive 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 negoti-
ating unit consisting of investigators, senior investigators and inves-
tigative 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:

Section 1. Subdivision 2 of part B of section 236 of the domestic relations law, as added by chapter 281 of the laws of 1980, is amended to read as follows:

2. Matrimonial actions. a. Except as provided in subdivision five of this part, the provisions of this part shall be applicable to actions for an annulment or dissolution of a marriage, for a divorce, for a separation, for a declaration of the nullity of a void marriage, for a declaration of the validity or nullity of a foreign judgment of divorce, for a declaration of the validity or nullity of a marriage, and to proceedings to obtain maintenance or a distribution of marital property following a foreign judgment of divorce, commenced on and after the effective date of this part. Any application which seeks a modification of a judgment, order or decree made in an action commenced prior to the effective date of this part shall be heard and determined in accordance with the provisions of part A of this section.

b. With respect to matrimonial actions which commence on or after the effective date of this paragraph, the plaintiff shall cause to be served upon the defendant, simultaneous with the service of the summons, a copy of the automatic orders set forth in this paragraph. The automatic orders shall be binding upon the plaintiff in a matrimonial action immediately upon the filing of the summons, or summons and complaint, and upon the defendant immediately upon the service of the automatic orders with the summons. The automatic orders shall 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.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
parties or upon written agreement between the parties duly executed and acknowledged. The automatic orders are as follows:

1. **(1)** Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney’s fees in connection with this action.

2. **(2)** Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401K accounts, profit sharing plans, Keough accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court.

3. **(3)** Neither party shall incur unreasonable debts hereafter, including, but not limited to further borrowing against any credit line secured by the family residence, further encumbrancing any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual household expenses, or for reasonable attorney’s fees in connection with this action.

4. **(4)** Neither party shall cause the other party or the children of the marriage to be removed from any existing medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, hospital and dental insurance coverage in full force and effect.

5. **(5)** Neither party shall change the beneficiaries of any existing life insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.

§ 2. This act shall take effect on the first of the calendar month next succeeding the sixtieth day after it shall have become a law.
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 Assem-

bly, do enact as follows:

Section 1. Section 470 of the retirement and social security law, as
amended by chapter 27 of the laws of 2007, is amended to read as
follows:

§ 470. Temporary suspension of retirement negotiations. Until July
first, two thousand eleven, changes negotiated between any public
employer and public employee, as such terms are defined in section two
hundred one of the civil service law, with respect to any benefit
provided by or to be provided by a public retirement system, or payments
to a fund or insurer to provide an income for retirees or payment to
retirees or their beneficiaries, shall be prohibited. Thereafter, such
changes shall be made only pursuant to negotiations between public
employers and public employees conducted on a coalition basis pursuant
to the provisions of this article; provided, however, any such changes
not requiring approval by act of the legislature may be implemented
prior to July first, two thousand eleven, if negotiated as a
result of collective bargaining authorized by section six of chapter six
hundred twenty-five of the laws of nineteen hundred seventy-five.

§ 2. Section 480 of the retirement and social security law, as amended
by chapter 27 of the laws of 2007, is amended to read as follows:

§ 480. Extension of temporary benefits and supplementation programs.
a. Every temporary right, privilege or benefit conferred pursuant to
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
to articles fourteen and fifteen of this chapter) for any member of a
public retirement system or pension plan funded by the state or one of
its political subdivisions, which is scheduled to expire or terminate at
any time during nineteen hundred seventy-four, nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-two, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven, two thousand eight, two thousand nine, two thousand ten or two thousand eleven, is hereby extended until July first, two thousand nine, two thousand ten or two thousand eleven, notwithstanding the provisions of such general, special or local law. Notwithstanding the foregoing, nothing in this section shall be construed to extend the provisions of article eighteen of this chapter or to affect any statutory deadlines provided in such article.

b. (i) Any program under which an employer in a public retirement system funded by the state or one of its political subdivisions assumes all or part of the contribution which would otherwise be made by its employees toward retirement, which expires or terminates during nineteen hundred seventy-four, is hereby extended until July first, two thousand nine, two thousand ten or two thousand eleven, notwithstanding the provisions of any other general, special or local law, except that commencing with the payroll period the first day of which is nearest to January first, nineteen hundred seventy-six, and until July first, two thousand nine, two thousand ten or two thousand eleven, the rate of such contribution assumed by an employer in any of the public retirement systems funded and maintained by a city, shall be one-half the rate of such contribution assumed by such employer for the immediately preceding payroll period except as provided in paragraph (ii) of this subdivision.

(ii) Commencing with the first payroll period the first day of which is subsequent to October first, two thousand and until July first, two thousand nine, two thousand ten or two thousand eleven, the rate of such contribution assumed by an employer in the New York city police pension fund and in the New York city fire department pension fund shall be equal to the rate of such contributions assumed by such employer for the payroll period preceding January first, nineteen hundred seventy-six.

c. All supplemental retirement allowances or supplemental pensions paid to pensioners or beneficiaries of any retirement system supported in whole or in part by the state or a political subdivision thereof, which are scheduled to expire at any time during nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-two, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,
nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen
hundred ninety-nine, two thousand one, two thousand two, two thousand
three, two thousand four, two thousand five, two thousand six, two thou-
sand seven, two thousand eight, two thousand nine, two thousand ten
or two thousand eleven, shall be continued for an additional year
notwithstanding any other provision of any general, special or local law
provided, however, that all such supplemental retirement allowances or
supplemental pensions which are scheduled to expire at any time during
two thousand seven or two thousand eight, two thousand nine, two thousand
ten or two thousand eleven, shall be continued for two additional years
notwithstanding any other provisions of any general, special or local
law.
§ 3. Section 615 of the retirement and social security law, as amended
by chapter 27 of the laws of 2007, is amended to read as follows:
§ 615. Duration. Notwithstanding any other provisions of this chapter
or of any other law, the provisions of article fourteen of this chapter
shall expire on June thirtieth, two thousand nine, but shall no
longer apply to members to whom this article applies on the date article
fifteen of this chapter becomes effective, provided, however, any member
who has retired pursuant to the provisions of article fourteen of this
chapter before the effective date of this article or any beneficiary of
such a member or a beneficiary of a member who dies before the effective
date of this article and who is entitled to a death benefit pursuant to
article fourteen of this chapter shall receive such benefits pursuant to
the provisions of article fourteen of this chapter, except as provided
pursuant to the provisions of section six hundred seventeen of this
article. All benefits provided by a public retirement system of the
state shall continue with respect to members to which this article is
applicable only until June thirtieth, two thousand nine.
§ 4. Section 6 of chapter 625 of the laws of 1975 amending the retire-
ment and social security law, relating to the extension of temporary
rights and benefits, as amended by chapter 27 of the laws of 2007, is
amended to read as follows:
§ 6. Notwithstanding any inconsistent provisions of this act or of any
general, special or local law, on and after July 1, 1975 and up to and
including June 30, 2011: (a) a participating employer in the New
York state and local employees' retirement system or the New York state
and local police and fire retirement system and its employees shall
continue to have the right to negotiate with respect to any benefit
provided by or to be provided by such employer to such employees as
members of such system and not requiring approval by act of the legisla-
ture; and (b) a public authority or public benefit corporation which is
not a participating employer in the New York state and local employees'
retirement system or the New York city employees' retirement system
shall continue to have the right to negotiate with its employees with
respect to benefits to be provided by such employer to such employees
upon retirement and not requiring approval by act of the legislature.
§ 5. This act shall take effect immediately; provided that the amend-
ments to section 615 of the retirement and social security law made by
section three of this act shall expire on the same date as such section
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.
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:

Section 1. Paragraph a of section 11.00 of the local finance law is amended by adding a new subdivision 104 to read as follows:

104. Payments of a targeted retirement program by the county of Rockland incentive payments by the county of Rockland with respect to a targeted retirement program for current employees, ten years.

§ 2. This act shall take effect immediately.

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

Section 1. Paragraph a of section 11.00 of the local finance law is amended by adding a new subdivision 104 to read as follows:

104. Payments by the county of Nassau to employees upon separation from employment, as may be approved by the county and including, but not limited to, cash payment for separation incentives and/or payment of the monetary value of accrued and accumulated but unused and unpaid sick leave, personal leave, holiday leave, vacation time, time allowances granted in lieu of overtime compensation and any other forms of payment required to be paid to such employees upon separation from employment, ten years.

§ 2. This act shall take effect immediately.

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

Section 1. Subparagraphs 1 and 2 of paragraph j of subdivision 1 of section 130 of the civil service law are REPEALED and three new subparagraphs 1, 2 and 3 are added to read as follows:

(1) Effective April first, two thousand five:

SECURITY SUPERVISORS SALARY SCHEDULE – ARBITRATION ELIGIBLE ONLY

Effective March 31, 2005 (Institutional) and
Effective April 7, 2005 (Administrative)

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EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.
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(2) Effective April first, two thousand six:

SECURITY SUPERVISORS SALARY SCHEDULE -
ARBITER ELIGIBLE ONLY

Effective March 30, 2006 (Institutional) and
Effective April 6, 2006 (Administrative)
Effective March thirty-first, two thousand seven:

**SECURITY SUPERVISORS SALARY SCHEDULE -**

**ARBITRATION ELIGIBLE ONLY**

**Effective March 31, 2007 (Institutional) and**

**Effective March 31, 2007 (Administrative)**

| Hiring Rate | Step 1 | Step 2 | Step 3 | Step 4 | Step 5 | Job Perf. | 10-yr | 15-yr | 20-yr | 25-yr Long Max. |
|-------------|--------|--------|--------|--------|--------|-----------|-------|-------|-------|----------------|--------|
| SG 1        | 22355  | 23208  | 24061  | 24914  | 25767  | 26620     | 27473 | 31585 | 30022 | 32491         | 37366  |
| SG 2        | 24079  | 24995  | 25893  | 26791  | 27591  | 28395     | 29151 | 31444 | 29512 | 31925         | 35703  |
| SG 3        | 25307  | 26200  | 27094  | 27881  | 28675  | 29465     | 30150 | 32325 | 30373 | 32809         | 35376  |
| SG 4        | 26200  | 27094  | 27881  | 28675  | 29465  | 30150     | 30825 | 33000 | 31045 | 33491         | 36576  |
| SG 5        | 27094  | 27881  | 28675  | 29465  | 30150  | 30825     | 30825 | 33000 | 31045 | 33491         | 36576  |
| SG 6        | 27881  | 28675  | 29465  | 30150  | 30825  | 30825     | 30825 | 33000 | 31045 | 33491         | 36576  |
| SG 7        | 28675  | 29465  | 30150  | 30825  | 30825  | 30825     | 30825 | 33000 | 31045 | 33491         | 36576  |
| SG 8        | 29465  | 30150  | 30825  | 30825  | 30825  | 30825     | 30825 | 33000 | 31045 | 33491         | 36576  |

§ 2. Subdivision 2-a of section 207-a of the state finance law, as amended by chapter 375 of the laws of 2007, is amended to read as follows:

(2-a) Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law so provides on behalf of employees in the collective negotiating unit designated as the security supervisors unit established pursuant to

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2009 Retirement Legislation

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article fourteen of the civil service law, and upon audit and warrant of
the comptroller, the director shall provide for the payment of moneys to
such employee organization for the establishment and maintenance of an
employee benefit fund established by the employee organization for the
employees in the negotiating unit covered by the controlling provision
of such agreement providing for such employee benefit fund, such amount
to be determined consistent with said agreement on the basis of the
number of full-time annual salaried employees, as determined by the
comptroller, on the payroll on the last day of the payroll period in
which March first, two thousand three falls for payments to be made on
April first, two thousand three, on the last day of the payroll period in
which March first, two thousand four falls for payments to be made on
April first, two thousand four, on the last day of the payroll period in
which March first, two thousand five falls for payments to be made on
April first, two thousand five and on the last day of the payroll period in
which March first, two thousand six falls for payments to be made on
April first, two thousand six. The amount, which will be determined
pursuant to this section, for employees who are paid from special or
administrative funds, other than the general fund or the capital
projects fund of the state, will be paid from the appropriations as
provided by law, in which case the comptroller will establish procedures
to ensure repayment from said special or administrative funds. The
director may enter into an agreement with an employee organization which
sets forth the specific terms and conditions of the establishment and
administration of an employee benefit fund as a condition for the trans-
mittal of moneys pursuant to this section. Such agreement shall provide
that any contributions paid to the employee organization for the estab-
ishment and maintenance of the employee benefit fund pursuant to this
section on behalf of eligible members of this unit shall be offset by
contributions already made on behalf of those members in each of the
covered years, where applicable.

§ 3. Compensation for certain members of the collective negotiating
unit designated as security supervisors pursuant to an interest arbi-
tration award issued pursuant to subdivision 4 of section 209 of the
civil service law.

1. The provisions of this section shall apply to full-time annual
salaried members of the collective negotiating unit designated as secu-
ritv supervisors who are employed by the state department of correction-
al services and are designated as peace officers pursuant to subdivision
25 of section 2.10 of the criminal procedure law.

2. Effective April 1, 2005, the basic annual salary of members of the
collective negotiating unit designated as security supervisors who are
employed by the state department of correctional services and are desig-
nated as peace officers pursuant to subdivision 25 of section 2.10 of
the criminal procedure law and who are in full-time annual salaried
employment status on March 31, 2005 shall be increased by 2 1/4 percent.

3. Effective April 1, 2006, the basic annual salary of members of the
collective negotiating unit designated as security supervisors who are
employed by the state department of correctional services and are desig-
nated as peace officers pursuant to subdivision 25 of section 2.10 of
the criminal procedure law and who are in full-time annual salaried
employment status on March 31, 2006 shall be increased by 2 3/4 percent.

4. Effective March 31, 2007, the basic annual salary of members of the
collective negotiating unit designated as security supervisors who are
employed by the state department of correctional services and are desig-
nated as peace officers pursuant to subdivision 25 of section 2.10 of
the criminal procedure law, and who are in full-time annual salaried employment status on March 31, 2007 shall be increased by $3,050 to reflect the items of clothing maintenance allowance and security enforcement differential added to base salary.

5. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for members of the collective negotiating unit designated as security supervisors who are entitled to such payments shall be payable pursuant to the terms of a determination made by the arbitration panel and pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.

6. Effective April 1, 2005, pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering 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 25 of section 2.10 of the criminal procedure law, for such unit members who are on the institutional or administrative payroll, the 10-year, the 15-year, the 20-year and the 25-year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by subparagraphs 1, 2 or 3 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act.

7. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2005 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2006 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 2 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2005 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 2 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2006 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 2 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2006 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll.
step, the 20-year longevity step or the 25-year longevity step of the
salary grade of his or her position on March 31, 2007 for such unit
members to whom the provisions of this section apply on the institu-
tional or administrative payroll, such basic annual salary shall be
increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5,
the job rate, the 10-year longevity step, the 15-year longevity step,
the 20-year longevity step or the 25-year longevity step of such salary
grade as contained in subparagraph 3 of paragraph j of subdivision 1 of
section 130 of the civil service law, as added by section one of this
act, to take effect on March 31, 2007 for such unit members to whom the
provisions of this section apply on the institutional or administrative
payroll. The increases in basic annual salary provided by this subdivi-
sion shall be in lieu of any increase in basic annual salary provided
for in subdivisions two, three and four of this section.
8. If an unencumbered position is one which if encumbered, would be
subject to the provisions of this section, the salary of such position
shall be increased by the salary increase amounts specified in this
section. If a position is created, and is filled by the appointment of
such unit members to whom the provisions of this section apply, the
salary otherwise provided for such position shall be increased in the
same manner as though such position had been in existence but unencum-
bered. Notwithstanding the provisions of this section, the director of
the budget may reduce the salary of any such position, which is or
becomes vacant.
9. Notwithstanding any of the foregoing provisions of this section,
any increase in compensation may be withheld in whole or in part from
any such unit members to whom the provisions of this section apply when,
in the opinion of the director of the budget and the director of employ-
e relations, such increase is not warranted or is not appropriate.
§ 4. Additional compensation for certain members of the collective
negotiating unit designated as security supervisors who are full-time
annual salaried and who are employed by the state department of correc-
tional services and are peace officers pursuant to subdivision 25 of
section 2.10 of the criminal procedure law.
1. In recognition of the general requirement for full-time employees
of the state in the collective negotiating unit designated as security
supervisors established pursuant to article 14 of the civil service law,
to assemble for briefing prior to the commencement of duties, where and
to the extent an agreement between the state and an employee organiza-
tion entered into pursuant to article 14 of the civil service law so
provides on behalf of employees in the collective negotiating unit
designated as security supervisors established pursuant to article 14 of
the civil service law, each such employee except such an employee
receiving additional compensation pursuant to subdivision 5 of section
134 of the civil service law, shall receive additional compensation in
recognition of pre-shift briefing.
2. Each such employee holding a position in the collective negotiating
unit designated as security supervisors shall be compensated for pre-
shift briefing in accordance with the terms of a collectively negotiated
agreement, continued pursuant to subparagraph e of subdivision 1 of
section 209-a of the civil service law, between the state and the
employee organization representing the security supervisors unit. No
payments authorized pursuant to this section and such negotiated agree-
ment shall be made to an employee who is in non-pay status for that day.
3. Any such additional compensation pursuant to this section shall be
paid in addition to and shall not be a part of the employee's basic
annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such employees in recognition of pre-shift briefing. 

§ 5. Corrections clothing maintenance allowance. Effective April 1, 2005, pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the collective negotiating unit designated as security supervisors who are full-time annual salaried employees and are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, in recognition of the general requirement for such unit members to wear a uniform and to the extent that a determination made by the public arbitration panel so provides on behalf of such unit members each such employee who is on the payroll on the first day of November preceding the annual effective date shall continue to receive an allowance for cleaning and maintenance at the rate of $1,500 per year effective December 1, 2005, in accordance with the determination made by the public arbitration panel. Such allowance shall be payable by separate check on or about December first of each year. Effective March 31, 2007, the corrections clothing maintenance allowance of $1,500 shall be added to the basic annual salary of those employees in payroll status on March 30, 2007. Such addition to basic annual salary on March 31, 2007 is specified in subdivision 4 of section three of this act. Effective March 31, 2007, the separate allowance for the cleaning and maintenance of such unit members' uniforms to whom the provisions of this section apply shall be rolled into basic annual salary and shall no longer be reflected separately for the unit members to whom the provisions of this section apply. Retroactive payments shall be payable as soon as practicable for the retroactive provisions of this section. Any amounts to be received by eligible members of this unit shall be offset by payments already received as uniform allowance in each year and the remainder, if any, shall be calculated as part of a retroactive payment. 

§ 6. Location compensation. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering certain members of the collective negotiating unit designated as security supervisors, and notwithstanding any inconsistent provision of law, effective April 1, 2005, all members of this unit who are employed by the state department of correctional services as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees and whose principal place of employment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk, shall receive location pay in the following annual amounts:

Orange, Putnam, Dutchess $1,092
NYC, Rockland, Westchester $2,938
Nassau, Suffolk $3,093

Effective April 1, 2006, all members of this unit who are employed by the state department of correctional services as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees and whose principal place of employ-
ment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk, shall receive location pay in the following annual amounts:

- Orange, Putnam, Dutchess: $1,126
- NYC, Rockland, Westchester: $3,026
- Nassau, Suffolk: $3,093

This payment shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes. Furthermore, effective April 1, 2005, there shall be no other payment for location pay or supplemental location pay as they have been combined into a single payment and increased in accordance with the amounts set forth herein. Any amounts to be received by eligible members of this unit shall be offset by payments already received as location pay and supplemental location pay in each year and the remainder, if any, shall be calculated as part of a retroactive payment. Retroactive payments shall be payable as soon as practicable for the retroactive provisions of this section.

§ 7. Security enforcement differential. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering certain members of the collective bargaining unit designated as security supervisors, 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 25 of section 2.10 of the criminal procedure law, are full-time annual salaried employees, and notwithstanding any provision of law, rule or regulation to the contrary, effective April 1, 2005, the annual security enforcement differential for such unit members to whom the provisions of this section apply shall be increased by $275 to $850; and effective April 1, 2006, the differential shall be increased by $250 to $1,100. Effective March 31, 2007, the security enforcement differential shall be increased by $450 to $1,550, and such amount shall be added on March 31, 2007 to the basic annual salary of such unit members to whom the provisions of this section apply in accordance with subdivision 4 of section three of this act. Effective March 31, 2007, the security enforcement differential will thereafter be rolled into base annual salary and shall no longer be reflected separately for the unit members to whom the provisions of this section apply. Such amounts cited in this section shall be offset by payments already received as security enforcement differential in each year and the remainder shall be calculated as part of a retroactive payment. All compensation received pursuant to this section shall continue to be included as compensation for retirement purposes.

§ 8. Inconvenience pay program. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security supervisors unit who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, effective April 1, 2006, such unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of correctional services, shall be paid $1,800 per year in equal bi-weekly installments for work on such shift. Effective April 1, 2006, such unit members to whom the provisions of this section apply who work the night shift as defined by the individual facilities within the
department of correctional services shall be paid $900 per year in equal bi-weekly installments for work on such shift. Such amounts, for such unit members to whom the provisions of this section apply and who work either the evening shift or the night shift as specified above, shall be offset by payments already received as inconvenience pay effective April 1, 2006 and the remainder shall be calculated as part of a retroactive payment. Such unit members to whom the provisions of this section apply on approved paid leave shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

§ 9. Command pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering those members of the collective negotiating unit designated as security supervisors who are employed by the department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees, notwithstanding any provision of law, rule or regulation to the contrary, effective April 1, 2005, these designated unit members shall continue to receive $1,500 annually, in recognition of the command duties and responsibilities performed by these designated peace officers with regard to infectious disease, mental health, crime scene control, prisoner transport and other inter-agency issues which arise in correctional facilities. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

§ 10. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering those members of the collective negotiating unit who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, are full-time annual salaried employees, and notwithstanding any provision of law, rule or regulation to the contrary, during the period April 1, 2005 through March 31, 2007, there shall continue to be a committee on health benefits funded in the amount of $6,400 annually. One-half of these amounts in each year shall be made available to each party.

§ 11. Notwithstanding any provision of law to the contrary, effective April 1, 2008, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides for a pilot program concerning a firearms training and safety incentive for peace officers in the professional, scientific and technical services bargaining unit, a lump sum payment for such incentive shall be paid for each year of such pilot program to any employee who is deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees who meet criteria established by such pilot program. Such payment shall occur at the time prescribed by such pilot program or as soon as practicable thereafter. Such lump sum payment shall not be paid in any year an employee does not meet the qualifications and criteria of such pilot program or upon cessation of such pilot program on April 1, 2011 unless an extension is negotiated by the parties. Such lump sum payment shall be considered salary for overtime purposes.

§ 12. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agree-
ment between the state and the employee organization representing the
collective negotiating unit designated as security supervisors estab-
lished pursuant to article 14 of the civil service law.

§ 13. No member of the collective negotiating unit designated as secu-

§ 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.

§ 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.

§ 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
provision of law, rule or regulation to the contrary, and pursuant to
the terms of an interest arbitration award issued by the public arbi-
tration panel pursuant to subdivision 4 of section 209 of the civil
service law, no member of the collective negotiating unit designated as
security supervisors to whom the provisions of this act apply shall be
entitled to, or owed, any interest or other penalty for any reason on
any monies due to such member pursuant to the terms of this act and the
terms of the interest arbitration award issued by the public arbitration
panel pursuant to subdivision 4 of section 209 of the civil service law.
§ 17. Use of appropriations. Notwithstanding any provision of the
state finance law or any other provision of law to the contrary, the
state comptroller is authorized to pay any amounts required by the fore-
going provisions of this act. To the extent that existing appropriations
available to any state department or agency in any fund are insufficient
to accomplish the purposes set forth in this section, the director of
the budget is authorized to allocate to the various departments and
agencies, from any appropriations available in any fund, the amounts
necessary to make such payments. Any appropriations or other funds
available to any state department or agency for personal service or for
other related employee benefits during the fiscal year commencing April
1, 2009 shall be available for the payment of any liabilities or obli-
gations incurred pursuant to the foregoing provisions of this act,
whether occurred prior to or during the state fiscal year commencing
April 1, 2009.
§ 18. Appropriations. Notwithstanding any provision of the state
finance law or any other provision of law to the contrary, the several
amounts as herinafter set forth in this section, or so much thereof as
may be necessary, are hereby appropriated from the fund so designated
for use by any state department or agency for the fiscal year beginning
April 1, 2009 to supplement appropriations from each respective fund
available for personal service, other than personal service and fringe
benefits, and to carry out the provisions of this act. The monies hereby
appropriated are available for payment of any liabilities or obligations
incurred prior to April 1, 2009 in addition to liabilities or obli-
gations associated with the state fiscal year commencing April 1, 2009.
For this purpose, these appropriations shall remain in full force and
effect for the payment of liabilities incurred on or before April 1, 2009.
No money shall be available for expenditure from this appropri-
ation until a certificate of approval has been issued by the director of
the budget and a copy of such certificate or any amendment thereto has
been filed with the state comptroller, the chairperson of the senate
finance committee and the chairperson of the assembly ways and means
committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account
Personal Service

Personal service - regular ....................... $9,722,000

Other compensation, including but not limit-
ed to, overtime, holiday pay, longevities,
security enforcement differential,
location, supplemental location, inconvenience pay, expanded duty pay ................. $5,841,000

NONPERSONAL SERVICE

Fringe benefits ........................................... $1,191,000
Joint committee on health benefits ....................... $13,000
Contract administration ................................ $200,000
Employee benefit fund .................................. $3,000
Employee assistance program ........................... $300,000

§ 19. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005; provided that section eleven of this act shall be deemed to have been in full 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.
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:

Section 1. Paragraph g of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph g is added to read as follows:

Pursuant to the terms of an interest arbitration award issued pursuant to subdivision four of section two hundred nine of this chapter covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective on the dates indicated, salary grades for such unit members shall be as follows:

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.
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A. 8955

New York State Office of the State Comptroller
§ 2. Subdivision 2 of section 207-a of the state finance law, as amended by chapter 113 of the laws of 2006, is amended to read as follows:

2. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to subdivision four of section two hundred nine of the civil service law between the state and an employee organization so provides on behalf of employees in the collective negotiating unit designated as the security services unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement or award providing for such employee benefit fund, such amount to be determined consistent with said agreement or award on the basis of the number of full-time annual salaried employees, as determined by the comptroller, on the payroll on the last day of the payroll period in which March first, two thousand [three] seven, falls for payments to be made on April first, two thousand [three] seven, on the last day of the payroll period in which March first, two thousand [four] eight, falls for payments to be made on April first, two thousand [four, on the last day of the payroll period in which March first, two thousand five falls for payments to be made on April first, two thousand six] eight. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The director may enter into an agreement with an employee organization which sets forth the specific terms and conditions for the establishment and administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section.

§ 3. Compensation for members of the security services collective negotiating unit pursuant to an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law.

1. The provisions of this section shall apply to full-time members of the security services collective negotiating unit employed within the state department of correctional services, who are designated as peace officers pursuant to section 2.10 of the criminal procedure law.

2. Effective April 1, 2007 the basic annual salary of members of the security services collective negotiating unit who are in annual salaried employment status on March 31, 2007 shall be increased by 3 percent.
3. Effective April 1, 2008 the basic annual salary of members of the security services collective negotiating unit who are in annual salaried employment status on March 31, 2008 shall be increased by 3 percent.

4. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for members of the security services collective negotiating unit who are entitled to such payments shall be payable pursuant to the terms of a determination made by the arbitration panel pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.

5. Effective April 1, 2007 pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed with the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, for such unit members who are on the institutional payroll, the ten year, fifteen year, twenty year and twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by subparagraphs 1 and 2 of paragraph g of subdivision 1 of section 130 of the civil service law as added by section one of this act.

6. Notwithstanding any of the foregoing provisions of this section, if the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, performance advance step two, performance advance step three, performance advance step four, performance advance step five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or the twenty-five year longevity step of the salary grade of his or her position on March 31, 2007 for such unit members to whom the provisions of this section apply on the institutional payroll, such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or twenty-five year longevity step of such salary grade as contained in subparagraph 1 of paragraph g of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2007 for such unit members to whom the provisions of this section apply on the institutional payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, performance advance step two, performance advance step three, performance advance step four, performance advance step five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or twenty-five year longevity step of the salary grade of his or her position on March 31, 2008 for such unit members to whom the provisions of this section apply on the institutional payroll such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or the twenty-five year longevity step of such salary grade as contained in subparagraph 2 of paragraph g of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2008 for such unit members to whom the provisions of this section apply on the institutional payroll. The increases in basic annual salary provided by
this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two and three of this section.

7. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit member to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.

8. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the budget and the director of employment relations, such increase is not warranted or is not appropriate.

§ 4. Additional compensation for members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers, pursuant to section 2.10 of the criminal procedure law, in recognition of pre-shift briefing.

1. In recognition of the general requirement for full-time unit members to assemble for briefing prior to the commencement of duties, where and to the extent a determination made by the public arbitration panel so provides on behalf of such unit members to whom the provisions of this section apply on behalf of each such employee except such employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, such members shall receive additional compensation in recognition of pre-shift briefing.

2. Each such unit member to whom the provisions of this section apply, shall receive a minimum of $4.80 for each day while in payroll status when such pre-shift briefing time is not otherwise compensated at a greater amount at the one and one-half times the hourly rate of pay provided for by subdivision 1 of section 134 of the civil service law and the rules and regulations of the director of the budget. Each such unit member to whom the provisions of this section apply, subject to the provisions of this section, shall be guaranteed a minimum of $24 per week in addition to base pay. No payments authorized pursuant to this section shall be made to an employee who is in non-pay status for that day.

3. Any such additional compensation pursuant to this section shall be paid in addition to and shall not be a part of such employee's basic annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such unit members in recognition of pre-shift briefing.

§ 5. Locational compensation for members of the security services collective negotiating units.

1. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who...
are designated as peace officers pursuant to section 2.10 of the criminal procedure law, and notwithstanding any inconsistent provision of law, effective April 1, 2007, for such unit members to whom the provisions of this section apply who are full-time employees and in employment status on March 31, 2007, and whose principal place of employment, or in the case of a field employee, whose official station 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, Suffolk, Westchester or Rockland, location compensation shall be increased to $3,117. Effective April 1, 2008, this amount shall be increased to $3,210.

2. Effective April 1, 2007, for such unit members to whom the provisions of this section apply who are full-time employees and in employment status on March 31, 2007, and whose principal place of employment, or in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller is located in the counties of Orange, Putnam or Dutchess, location compensation shall be increased to $1,160. Effective April 1, 2008, this amount shall be increased to $1,195.

3. Payments for location compensation pursuant to this section shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes; provided, however, that effective April 1, 2007, there shall be no other separate payments for location or supplemental location compensation. Payments pursuant to this section shall be offset by any location and/or supplemental location compensation already received by such unit members.

§ 6. Inconvenience pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective April 1, 2007, such unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of correctional services, shall continue to be paid $1,800 per year in equal bi-weekly installments for work on such shift. Effective April 1, 2007, such unit members to whom the provisions of this section apply who work the night shift as defined by the individual facilities within the department of correctional services shall continue to be paid $900 per year in equal bi-weekly installments for work on such shift. Such amounts, for such unit members to whom the provisions of this section apply and who work both the evening shift and the night shift as specified above, shall be offset by payments already received as inconvenience pay effective April 1, 2006 and the remainder shall be calculated as part of a retroactive payment. Such unit members to whom the provisions of this section apply on paid leave for line of duty injuries shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

§ 7. Expanded duty pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law and notwithstanding any other
provision of law, effective April 1, 2007, such unit members to whom the
provisions of this section apply shall be paid an expanded duty pay in
the amount of $1,500 per year. Payment for such compensation shall be
equally divided over the 26 payroll periods of a fiscal year. Such
compensation pursuant to this section shall be included as compensation
for overtime and retirement purposes.
§ 8. During the period April 1, 2007 through March 31, 2009, there
shall be a statewide joint labor-management committee continued and
administered pursuant to the terms of the agreement negotiated between
the state and the employee organization representing employees in the
collective negotiating unit designated as the security services unit
established pursuant to article 14 of the civil service law which shall,
after March 31, 2007, with the amounts available therefore, study and
make recommendations concerning major issues of employee assistance,
performance evaluation, education and training, quality of work life and
provide for the implementation of the terms of agreements of such
committee.
§ 9. Paragraph (d) of subdivision 1 of section 7 of part B of 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, is amended to read
as follows:
(d) part-time [and seasonal] employees;
§ 10. Subdivision 2 of section 17 of 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, as amended by
section 17 of part A of chapter 10 of the laws of 2008, is amended to
read as follows:
2. Any employee subject to this section who is required to work a tour
of duty which includes four or more hours between the hours of six p.m.
and six a.m., exclusive of any hours for which he or she receives over-
time compensation, shall be entitled to inconvenience pay for such tour
of duty in an amount equal to the daily rate equivalent of four hundred
dollars per year, unless a higher daily rate is authorized under the
terms of a collective negotiated agreement between the state and an
employee organization pursuant to article 14 of the civil service law,
or is authorized by the director of the budget for employees excluded
from negotiating rights under article 14 of the civil service law, in
which case such daily rate may be up to five hundred seventy-five
dollars per year, effective April 2, 2007. The provisions of this subdi-
vision shall apply on a prorated basis to officers and employees serving
on a seasonal basis in the collective negotiating units designated as
the administrative services unit, the institutional services unit, the
operational services unit, and the division of military and naval
affairs unit, and officers and employees excluded from collective nego-
tiating units established pursuant to article 14 of the civil service
law.
§ 11. Notwithstanding any provision of law to the contrary, the appro-
priations contained in this act shall be available to the state for the
payment and publication of grievance and arbitration settlements and
awards pursuant to articles 7 and 8 of the collective negotiating agree-
ment between the state and the employee organization representing the
collective negotiating unit designated as the security services unit
established pursuant to article 14 of the civil service law.
§ 12. No individual who is a Correction Officer Trainee or Correction
Officer Trainee, Spanish Language shall be eligible for any increase in
any compensation provided for in this act until such individual is
designated a peace officer pursuant to section 2.10 of the criminal
procedure law. Nothing herein shall alter or change any other eligibil-
ity requirements for any compensation a Correction Officer Trainee or
Correction Officer Trainee, Spanish Language must satisfy in order to be
eligible for such compensation.
§ 13. Notwithstanding any provision of law, rule or regulation to the
contrary, and where and to the extent an agreement negotiated between
the state and the employee organization representing employees in the
security services unit established pursuant to article 14 of the civil
service law so provides, the salaries of newly hired employees on or
after September 1, 1992 into state service in positions within negotiat-
ing units shall not be subject to the provisions of subdivision 2-a of
section 200 of the state finance law.
§ 14. Date of entitlement to salary increase. Notwithstanding the
provisions of this act or of any other provision of law to the contrary,
the increase of salary or compensation of any members of the security
services collective negotiating unit established pursuant to article 14
of the civil service law who are full-time annual salaried employees and
who are employed by the state department of correctional services and
are peace officers pursuant to subdivision 25 of section 2.10 of the
criminal procedure law, provided by this act shall be added to the sala-
ry of such member at the beginning of that payroll period the first day
of which is nearest to the effective date of such increase as provided
in this act, or at the beginning of the earlier of two payroll periods
the first days of which are nearest but equally near to the effective
date of such increase as provided in this act; provided, however, that
for the purposes of determining the salary of such unit members upon
reclassification, reallocation, appointment, promotion, transfer,
demotion, reinstatement, or other change of status, such salary increase
shall be deemed to be effective on the date thereof as prescribed by
this act, with payment thereof pursuant to this section on a date prior
thereto, instead of on such effective date, and shall not operate to
confer any additional salary rights or benefits on such unit members.
Payment of such salary increase may be deferred pursuant to section
fifteen of this act.
§ 15. Deferred payment of salary increase. Notwithstanding the
provisions of any other section of this act, or of any other law to the
contrary, pending payment pursuant to this act of the basic annual sala-
ries of incumbents of positions subject to this act, such incumbents
shall receive, as partial compensation for services rendered, the rate
of compensation otherwise payable in their respective positions. An
incumbent holding a position subject to this act at any time during the
period from April 1, 2007, until the time when basic annual salaries are
first paid pursuant to this act for such services in excess of the
compensation actually received therefor, shall be entitled to a lump sum
payment for the difference between the salary to which such incumbent is
entitled for such services and the compensation actually received there-
for. Such lump sum payment shall be made as soon as practicable. The
amounts paid under this act shall count as compensation earned during
the year or years for which it is calculated and not as compensation
earned wholly in the year in which it is paid. Notwithstanding any
provision of law, rule or regulation to the contrary, and pursuant to
the terms of an interest arbitration award issued by the public arbi-
tration panel pursuant to subdivision 4 of section 209 of the civil
service law, no member of the security services collective negotiating
A. 8955                             9

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 pursuant
5. to subdivision 4 of section 209 of the civil service law.

§ 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 foregoing provisions of this act. To the extent that existing appropriations
9. available to any state department or agency in any fund are insufficient
10. to accomplish the purposes set forth in this section, the director of
11. the budget is authorized to allocate to the various departments and
12. agencies, from any appropriations available in any fund, the amounts
13. necessary to make such payments. Any appropriations or other funds
14. available to any state department or agency for personal service or for
15. other related employee benefits during the fiscal year commencing April
16. 1, 2009 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether occurred prior to or during the State fiscal year commencing April 1, 2009.

§ 17. Appropriations. Notwithstanding any provision of the state
21. finance law or any other provision of law to the contrary, the several
22. amounts as hereinafter set forth in this section, or so much thereof as
23. may be necessary, are hereby appropriated from the fund so designated
24. for use by any state department or agency for the fiscal year beginning
25. April 1, 2009 to supplement appropriations from each respective fund
26. available for personal service, other than personal service and fringe
27. benefits, and to carry out the provisions of this act. The monies hereby
28. appropriated are available for payment of any liabilities or obligations
29. incurred prior to April 1, 2009 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2009.
30. For this purpose, these appropriations shall remain in full force and
31. effect for the payment of liabilities incurred on or before April 1, 2009. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate
32. finance committee and the chairperson of the assembly ways and means
33. committee.

ALL STATE DEPARTMENTS AND AGENCIES

General Fund / State Operations
State Purposes Account 003

PERSONAL SERVICE

Personal service - regular ...................... $181,392,000
Other compensation, including but not limit-
ed to, overtime, holiday pay, longevities,
security enforcement differential,
location, inconvenience pay ...................... $111,963,000
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<tr>
<th></th>
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<tbody>
<tr>
<td>2</td>
<td>Fringe benefits ................. $22,442,000</td>
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<tr>
<td>3</td>
<td>Labor Management Committees ........ $3,142,000</td>
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<td>4</td>
<td>Employee assistance program .......... $400,000</td>
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<tr>
<td>5</td>
<td>Joint committee on health benefits .......... $294,000</td>
</tr>
<tr>
<td>6</td>
<td>Contract administration .................. $200,000</td>
</tr>
<tr>
<td>7</td>
<td>Employee Benefit Fund .................... $313,000</td>
</tr>
</tbody>
</table>

§ 18. This act shall take effect immediately and shall be deemed to have 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.
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:

Section 1. Notwithstanding any other inconsistent provision of law, rule or regulation, Kevin Mark, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist from October 31, 1983 to June 30, 2006 and who is currently employed as a physical therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to his own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective October 31, 1983, shall have his appointment as a physical therapist deemed to have been on October 31, 1983 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 2. Notwithstanding any other inconsistent provision of law, rule or regulation, Beverly Jonas, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from September 4, 1990 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 4, 1990, shall have her appointments deemed to have been on September 4, 1990 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [−] is old law to be omitted.
appointment as an occupational therapist deemed to have been on September 4, 1990 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 3. Notwithstanding any other inconsistent provision of law, rule or regulation, Linda McLaughlin, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from October 7, 1991 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective October 7, 1991, shall have her appointment as an occupational therapist deemed to have been on October 7, 1991 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 4. Notwithstanding any other inconsistent provision of law, rule or regulation, Margaret Wilson, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist from April 26, 1993 to June 30, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective April 26, 1993, shall have her appointment as a physical therapist deemed to have been on April 26, 1993 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 5. Notwithstanding any other inconsistent provision of law, rule or regulation, Theresa Wolf, who was employed by the former board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties as an occupational therapy assistant from September 6, 1994 to June 30, 2006 and who is currently employed as an occupational therapy assistant by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 6, 1994, shall have her appointment as an occupational therapy assistant deemed to have been on September 6, 1994 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 6. Notwithstanding any other inconsistent provision of law, rule or regulation, Diana Ayers, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from March 6, 1995 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties...
since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective March 6, 1995, shall have her appointment as an occupational therapist deemed to have been on March 6, 1995 by the Chemung county/city of Elmira regional civil service commission.

Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 7. Notwithstanding any other inconsistent provision of law, rule or regulation, Anne Slocum, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist assistant from September 4, 2001 to June 30, 2006 and who is currently employed as a physical therapist assistant by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 4, 2001, shall have her appointment as a physical therapist assistant deemed to have been on September 4, 2001 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 8. Notwithstanding any other inconsistent provision of law, rule or regulation, Carrie Van Slyke, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist from October 15, 2002 to June 30, 2006 and who is currently employed as a physical therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective October 15, 2002, shall have her appointment as a physical therapist deemed to have been on October 15, 2002 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 9. Notwithstanding any other inconsistent provision of law, rule or regulation, Patricia Sperle, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from September 1, 2004 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 1, 2004, shall have her appointment as an occupational therapist deemed to have been on September 1, 2004 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

§ 10. This act shall take effect immediately.
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:

Section 1. Subdivision c of section 208-f of the general municipal 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:

<table>
<thead>
<tr>
<th>Calendar Year of Death</th>
<th>Per Centum</th>
</tr>
</thead>
<tbody>
<tr>
<td>1977 or prior</td>
<td>[150.0%] 157.5%</td>
</tr>
<tr>
<td>1978</td>
<td>[142.7%] 150.0%</td>
</tr>
<tr>
<td>1979</td>
<td>[135.7%] 142.7%</td>
</tr>
<tr>
<td>1980</td>
<td>[128.8%] 135.7%</td>
</tr>
<tr>
<td>1981</td>
<td>[122.1%] 128.8%</td>
</tr>
<tr>
<td>1982</td>
<td>[115.7%] 122.1%</td>
</tr>
</tbody>
</table>

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

<table>
<thead>
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</tr>
<tr>
<td>1979</td>
<td>[135.7%] 142.7%</td>
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<tr>
<td>1980</td>
<td>[128.8%] 135.7%</td>
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<tr>
<td>1981</td>
<td>[122.1%] 128.8%</td>
</tr>
<tr>
<td>1982</td>
<td>[115.7%] 122.1%</td>
</tr>
<tr>
<td>1983</td>
<td>[109.4%] 115.7%</td>
</tr>
<tr>
<td>1984</td>
<td>[103.3%] 109.4%</td>
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<tr>
<td>1985</td>
<td>[ 97.4%] 103.3%</td>
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<tr>
<td>1986</td>
<td>[ 91.6%]  97.4%</td>
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<tr>
<td>1987</td>
<td>[ 86.0%]  91.6%</td>
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<tr>
<td>1988</td>
<td>[ 80.6%]  86.0%</td>
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<td>1989</td>
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<tr>
<td>1992</td>
<td>[ 60.5%]  65.3%</td>
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<tr>
<td>1993</td>
<td>[ 55.8%]  60.5%</td>
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<tr>
<td>------</td>
<td>------</td>
</tr>
<tr>
<td>%</td>
<td>[51.3%]</td>
</tr>
</tbody>
</table>

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"),
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 NYCRS 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 NYCRS 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 NYCRS.

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.
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 amended by adding a new subdivision y to read as follows:
   y. Any member currently enrolled pursuant to this section and who previously 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, may elect to transfer such previously transferred service credit back to the New York state and local employees' retirement system, and such member shall have the option to retroactively transfer his or her membership into such employees' retirement system.

2. Section 381-b of the retirement and social security law is amended by adding a new subdivision g to read as follows:
   g. Transfer of membership to employees' retirement system. Any member currently enrolled pursuant to this section and who previously 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, may elect to transfer such previously transferred service credit back to the New York state and local employees' retirement system, and such member shall have the option to retroactively transfer his or her membership into such employees' retirement system.

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.
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:

Section 1. Notwithstanding any other provision of law to the contrary, the city of Elmira, in the county of Chemung, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such city, is hereby authorized to make participation in such plan available to Brooks A. Shaw, Brian J. Williams and Erica LaPierre, police officers employed by the city of Elmira, who, for reasons not ascribable to their own negligence, failed to make timely applications to participate in such optional twenty year retirement plan. The city of Elmira may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its local legislative body together with certification that such police officers did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such police officers may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2010.

§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the city of Elmira.

§ 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.
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.
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:

Section 1. Paragraph 1 of subdivision j of section 41 of the retirement and social security law, as amended by chapter 271 of the laws of 2008, is amended to read as follows:

1. In addition to any other service credit to which he or she is entitled, a member who meets the requirements set forth in paragraphs two and three of this subdivision shall be granted one day of additional service credit for each day of accumulated unused sick leave which he or she has at time of retirement for service, but such credit shall not (a) exceed one hundred sixty-five days, (b) be considered in meeting any service or age requirements prescribed in this chapter, and (c) be considered in computing final average salary. However, for an executive branch member designated managerial or confidential pursuant to article fourteen of the civil service law or in the collective negotiating units established by article fourteen of the civil service law designated the professional, scientific and technical services unit, the rent regulation services negotiating unit, the security services negotiating unit, the security supervisors negotiating unit, the state university professional services negotiating unit, the administrative services negotiating unit, the institutional services negotiating unit and the division of military and naval affairs negotiating unit such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days.

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.
a collective negotiating unit or in a collective negotiating unit specified in section one of chapter two hundred three of the laws of two thousand four, for employees of the New York state dormitory authority, for employees of the New York state thruway authority and the New York state canal corporation and the state university construction fund and for employees of the New York liquidation bureau such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days.

§ 2. Notwithstanding any other provision of law, the past service cost associated with section one of this act shall be paid by the New York state university construction fund over a period not to exceed five years.

§ 3. This act shall take effect immediately and shall be deemed to 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.
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:

Section 1. Notwithstanding any other provision of law to the contrary, the town of Schodack, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional 20 year retirement plan established pursuant to section 384-d of the retirement and social security law, to police officers employed by such town, is hereby authorized to make participation in such plan available to Steven Roy, a police officer employed by the town of Schodack, who, for reasons not ascribable to his own negligence failed to make timely application to participate in such optional 20 year retirement plan. The town of Schodack may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of the Schodack town board together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2010.

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the town of Schodack.

§ 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.
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.
Chapter 423

STATE OF NEW YORK

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:

Section 1. Section 2 of 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, is amended to read as follows:

§ 2. All past service costs associated with implementing the provisions of this act shall be borne by the town of Haverstraw, with interest over a ten year period.

§ 2. This act shall take effect immediately and shall be deemed to 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
The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Notwithstanding any other provision of law to the contrary, the city of Oneonta, in the county of Otsego, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, and the additional pension benefits to members of such plan, established pursuant to section 384-e of the retirement and social security law, to firefighters employed by such city, is hereby authorized to make participation in such plan available to Robert S. Barnes, fire chief of the Oneonta fire department, employed by the city of Oneonta, who, for reasons not ascribable to his own negligence failed to make a timely application to participate in such optional twenty year retirement plan and the additional pension benefits therefor. The city of Oneonta may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its governing body together with certification that such firefighter did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such firefighter may elect to be covered by the provisions of sections 384-d and 384-e of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such sections, by filing a request to that effect with 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
§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the city of Oneonta.

§ 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.
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, the village of Cambridge, in the county of Washington, a participating employer in the New York state and local police and fire retirement system; which previously elected to offer the optional twenty-five year retirement plan, established pursuant to section 384 of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to George G. Bell, Harold P. Spiezio III and Stephen E. Griffin, Jr., police officers employed by the village of Cambridge, who, for reasons not ascribable to their own negligence, failed to make timely application to participate in such optional twenty-five year retirement plan. The village of Cambridge may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its board of trustees together with certification that such police officers did not bar themselves from participation in such retirement plan as a result of their negligence. Thereafter, such police officers may elect to be covered by the provisions of section 384 of the retirement and social security law, 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.
coverage under such section, by filing a request to that effect with the
state comptroller on or before June 30, 2010.
§ 2. All employer costs associated with implementing the provisions of
this act shall be borne by the village of Cambridge.
§ 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 approxi-
mately $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.
6153--A

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:

Section 1. Notwithstanding any other provision of law, Matthew A. Miraglia, who is employed as a police officer by the village of Scarsdale, who is a member of the New York state and local police and fire retirement system, who was eligible to enroll in the twenty year retirement plan pursuant to section 384-d of the retirement and social security law and who, for reasons not ascribable to his own negligence, failed to make timely application in such plan, shall be deemed eligible to participate in such plan. The village of Scarsdale may elect to make such provisions available to such officer by filing with the state comptroller, on or before December 31, 2009, a resolution of its governing body certifying that said officer is eligible to apply as of that date, is not barred from participating in such retirement plan as the result of his own negligence and that the said village will pay all costs attributable to this act, as determined by the comptroller, into the pension accumulation fund. Thereafter, such officer who is certified in the resolution shall be deemed to have been a member in such plan entitled to the full rights and benefits associated with such membership. Such officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section by filing a request to that effect with the state comptroller on or before June 30, 2010.

§ 2. The cost for this election shall be paid by the village of Scarsdale.

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

Section 1. Notwithstanding any other provision of law to the contrary, the village of Ilion, in the county of Herkimer, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such city, is hereby authorized to make participation in such plan available to Louis P. Romano, a police officer employed by the village of Ilion, who, for reasons not ascribable to his own negligence failed to make a timely application to participate in such optional twenty year retirement plan.

The village of Ilion may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its governing body together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2010.

§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of Ilion.

§ 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.
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.
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:

Section 1. Section 1 of chapter 648 of the laws of 2008 relating to certain police officers in the city of Oneida, is amended to read as follows:

Notwithstanding any other provision of law, the city of Oneida, a participating employer in the New York state and local police and fire retirement system, which previously elected to make the benefits of section 384-d of the retirement and social security law available to the police officers employed by it, is hereby authorized to make participation in such plan available to officer David Meeker, Jr. who for reasons not ascribable to his own negligence, was not enrolled in such plan at the time of his hiring. Such participating employer may elect to make such provisions available to such officer by filing with the state comptroller, on or before December 31, 2009, a resolution of its governing board certifying that such officer is eligible to apply, is not barred from participating in such retirement plan as the result of his own negligence, and that the city of Oneida will pay all costs attributable to this act, as determined by the comptroller, into the pension accumulation fund. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits 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.
that effect with the state comptroller on or before June 30, 2009.

§ 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.
AN ACT to authorize the county of Orleans, to offer an optional twenty year retirement plan to deputies Shannon E. Brett and James A. DeFilipps

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

Section 1. Notwithstanding any other provision of law to the contrary, in the county of Orleans, a participating employer in the New York state and local employee retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to sections 552 and 553 of the retirement and social security law, to deputies employed by such county, is hereby authorized to make participation in such plan available to Shannon E. Brett and James A. DeFilipps, deputy sheriffs employed by the county of Orleans, who, for reasons not ascribable to their own negligence failed to make a timely application to participate in such optional twenty year retirement plan. The county of Orleans may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its governing body together with certification that such deputy did not bar himself from participation in such retirement plan as a result of his own negligence.

Thereafter, such deputy may elect to be covered by the provisions of sections 552 and 553 of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2010.

§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the county of Orleans.

§ 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.
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.
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:

Section 1. Notwithstanding any other provision of law to the contrary, the village of East Hampton, in the county of Suffolk, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to certain police officers employed by the village of East Hampton, who, for reasons not ascribable to their own negligence failed to make a timely application to participate in such optional twenty year retirement plan. The village of East Hampton may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its board of trustees together with certification that such police officers did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such police officers may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with 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.
§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of East Hampton over a period of five years.

§ 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.
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:

Section 1. Notwithstanding any other provision of law to the contrary, the village of Port Dickinson, in the county of Broome, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Sean D. Crouse, the chief of police, and Paul Buttacovoli, Jr., a police officer employed by the village of Port Dickinson, who, for reasons not ascribable to their own negligence failed to make timely applications to participate in such optional twenty year retirement plan.

The village of Port Dickinson may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its governing body together with certification that such chief of police and police officer did not bar themselves from participation in such retirement plan as a result of their own negligence. Thereafter, such chief of police and police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section, by filing a request to that effect with the state comptroller on or before June 30, 2010.

§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of Port Dickinson.

§ 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [–] is old law to be omitted.
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.
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. Notwithstanding any other provision of law to the contrary, the village of Monroe, in the county of Orange, a participating employer in the New York state and local police and fire retirement system, which previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Anthony T. Amatetti, a police officer employed by the village of Monroe, for the term of his employment by such village, who, for reasons not ascribable to his own negligence failed to make a timely application to participate in such optional twenty year retirement plan. The village of Monroe may so elect by filing with the state comptroller, on or before December 31, 2009, a resolution of its board of trustees together with certification that such police officer did not bar himself from participation in such retirement plan as a result of his own negligence. Thereafter, such police officer may elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and benefits associated with coverage under such section for his employment as a police officer by the village of Monroe by filing a request to that effect with the state comptroller on or before June 30, 2010.

2. All employer costs associated with implementing the provisions of this act shall be borne by the village of Monroe.

3. This act shall take effect immediately.
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.
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.
Section 1. This act enacts into law legislation relating to retirement for newly hired employees. Each component is wholly contained within a Part identified as Parts A through C. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. The retirement and social security law is amended by adding a new article 22 to read as follows:

ARTICLE 22

Section 1200. Definitions.

1201. Applicability.

1202. Vesting.

1203. Overtime.

1204. Member contributions.

1205. Recalculation of benefits.

1206. Conflicting provisions.

§ 1200. Definitions. For purposes of this article the terms:
a. "Member" shall mean a person who is employed as a police officer or firefighter by any employer who first joins the retirement system on or after January first, two thousand ten.
b. "Retirement system" shall mean the New York state and local police and fire retirement system.

§ 1201. Applicability. Notwithstanding any provision of law to the contrary, the provisions of this article shall be applicable to all employees in the retirement system who first joined such system on or after January first, two thousand ten.

§ 1202. Vesting. a. In order to qualify for a service retirement benefit, members subject to the provisions of this article must have a minimum of ten years of creditable service.
b. In computing the years of total creditable service of a member, full credit shall be given for military service as defined in subdivisions twenty-nine-a and thirty of section three hundred two of this chapter.

§ 1203. Overtime. A member's final average salary shall be calculated in accordance with such provisions of article eight or article eleven of this chapter as govern the member's benefits, except that earnings classified as overtime compensation in an amount in excess of fifteen percent of a member's annual wages not classified as overtime compensation shall be excluded from such calculation. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law.

§ 1204. Member contributions. Members who are subject to the provisions of this article shall contribute three percent of annual wages to the retirement system in which they have membership. Members who are enrolled in a retirement plan that limits the amount of credita-
ble service a member can accrue shall not be required to make contributions pursuant to this section after accruing the maximum amount of service credit allowed by the retirement plan in which they are enrolled. The state comptroller shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed. In no way shall the member contributions made pursuant to this section be used to provide for pension increases or annuities of any kind.

§ 1205. Recalculation of benefits. Notwithstanding any other provision of law, any member who has joined the retirement system pursuant to the provisions of article fourteen of this chapter on or after July first, two thousand nine may elect to have his or her retirement benefits calculated pursuant to this article by filing within one hundred twenty days of the effective date of this section a request for such calculation with the retirement system in the form and manner prescribed by the state comptroller.

§ 1206. Conflicting provisions. Except as otherwise provided in this article, or in conflict therewith, the provisions of article eleven of this chapter, including any plan that has been elected by the employer or is otherwise applicable under article eight of this chapter shall govern the retirement benefits provided under this article. In the event of any conflict between the provisions of this article and any other provision of law, this article shall govern.

§ 2. Subdivision c of section 440 of the retirement and social security law, as amended by chapter 63 of the laws of 2007, is amended to read as follows:

c. Notwithstanding any other provision of law, the provisions and limitations of this article shall apply, as may be appropriate, to all police officers and firefighters who last joined a public retirement system of the state or a municipality thereof, on or after July first, nineteen hundred seventy-six, but prior to July first, two thousand nine, and all employees subject to the provisions of article twenty-two of this chapter; provided, however, that in the case of a conflict between the provisions of this article and article twenty-two of this chapter, the provisions of article twenty-two shall be controlling.

§ 3. Intentionally omitted.

§ 4. Section 470 of the retirement and social security law, as amended by chapter 79 of the laws of 2009, is amended to read as follows:

§ 470. Temporary suspension of retirement negotiations. [Until July first, two thousand eleven, changes] Changes negotiated between any public employer and public employee, as such terms are defined in section two hundred one of the civil service law, with respect to any benefit provided by or to be provided by a public retirement system, or payments to a fund or insurer to provide an income for retirees or payment to retirees or their beneficiaries, shall be prohibited. [Thereafter, such changes shall be made only pursuant to negotiations between public employers and public employees conducted on a coalition basis pursuant to the provisions of this article; provided, however, any such changes not requiring approval by act of the legislature may be implemented prior to July first, two thousand eleven, if negotiated as a result of collective bargaining authorized by section six of chapter six hundred twenty-five of the laws of nineteen hundred seventy-five.]

§ 5. Section 480 of the retirement and social security law, as amended by chapter 79 of the laws of 2009, is amended to read as follows:
§ 480. Extension of temporary benefits and supplementation programs.

a. Every temporary right, privilege or benefit conferred pursuant to the provisions of a general, special or local law (other than pursuant to articles fourteen and fifteen of this chapter) for any member of a public retirement system or pension plan funded by the state or one of its political subdivisions, which is scheduled to expire or terminate at any time during nineteen hundred seventy-four, nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-two, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven, two thousand eight, two thousand nine, two thousand ten or two thousand eleven, is hereby extended until July first, two thousand eleven, notwithstanding the provisions of such general, special or local law. Notwithstanding the foregoing, nothing in this section shall be construed to extend the provisions of article eighteen of this chapter or to affect any statutory deadlines provided in such article.

b. (i) Any program under which an employer in a public retirement system funded by the state or one of its political subdivisions assumes all or part of the contribution which would otherwise be made by its employees toward retirement, which expires or terminates during nineteen hundred seventy-four, is hereby extended until July first, two thousand eleven, notwithstanding the provisions of any other general, special or local law, except that commencing with the payroll period the first day of which is nearest to January first, nineteen hundred seventy-six, the rate of such contribution assumed by an employer in any of the public retirement systems funded and maintained by a city, shall be one-half the rate of such contribution assumed by such employer for the immediately preceding payroll period except as provided in paragraph (ii) of this subdivision.

(ii) Commencing with the first payroll period the first day of which is subsequent to October first, two thousand and until July first, two thousand eleven, the rate of such contribution assumed by an employer in the New York city police pension fund and in the New York city fire department pension fund shall be equal to the rate of such contributions assumed by such employer for the payroll period preceding January first, nineteen hundred seventy-six.

c. All supplemental retirement allowances or supplemental pensions paid to pensioners or beneficiaries of any retirement system supported in whole or in part by the state or a political subdivision thereof, which are scheduled to expire at any time during nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-two, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven, two thousand eight, two thousand nine, two thousand ten or two thousand eleven, is hereby extended until July first, two thousand eleven, notwithstanding the provisions of such general, special or local law.
nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen hundred ninety-nine, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven, two thousand eight, two thousand nine, two thousand ten or two thousand eleven, shall be continued [for an additional year] notwithstanding any other provision of any general, special or local law.

§ 6. Section 615 of the retirement and social security law, as amended by chapter 79 of the laws of 2009, is amended to read as follows:

§ 615. Duration. Notwithstanding any other provisions of this chapter or of any other law, the provisions of article fourteen of this chapter shall expire on June thirtieth, two thousand eleven, but shall no longer apply to members to whom this article applies on the date article fifteen of this chapter becomes effective, provided, however, any member who has retired pursuant to the provisions of article fourteen of this chapter before the effective date of this article or any beneficiary of such a member or a beneficiary of a member who dies before the effective date of this article and who is entitled to a death benefit pursuant to article fourteen of this chapter shall receive such benefits pursuant to the provisions of article fourteen of this chapter, except as provided pursuant to the provisions of section six hundred seventeen of this article. [All benefits provided by a public retirement system of the state shall continue with respect to members to which this article is applicable only until June thirtieth, two thousand eleven.]

§ 7. Section 6 of chapter 625 of the laws of 1975, amending the retirement and social security law relating to the extension of temporary rights and benefits, as amended by chapter 79 of the laws of 2009, is amended to read as follows:

§ 6. Notwithstanding any inconsistent provisions of this act or of any general, special or local law, on and after July 1, 1975 [and up to and including June 30, 2011]: (a) a participating employer in the New York state and local employees' retirement system or the New York state and local police and fire retirement system and its employees shall continue to have the right to negotiate with respect to any benefit provided by or to be provided by such employer to such employees as members of such system and not requiring approval by act of the legislature; and (b) a public authority or public benefit corporation which is not a participating employer in the New York state and local employees' retirement system or the New York city employees' retirement system shall continue to have the right to negotiate with its employees with respect to benefits to be provided by such employer to such employees upon retirement and not requiring approval by act of the legislature.

§ 8. Notwithstanding any provision of law to the contrary, nothing in this act shall limit the eligibility of any member of an employee organization to join a special retirement plan open to him or her pursuant to a collectively negotiated agreement with any state or local government employer, where such agreement is in effect on the effective date of this act and so long as such agreement remains in effect thereafter; provided, however, that any such eligibility shall not apply upon termination of such agreement for employees otherwise subject to the
provisions of article twenty-two of the retirement and social security law.

§ 9. Paragraph (d) of subdivision 4 of section 209 of the civil service law, as amended by chapter 28 of the laws of 2009, is amended to read as follows:

(d) The provisions of this subdivision shall expire thirty-six years from July first, nineteen hundred seventy-seven, and hereby may be renewed every four years.

§ 9-a. Subdivision c of section 500 of the retirement and social security law, as added by chapter 890 of the laws of 1976, is amended to read as follows:
c. If the comptroller certifies that the contribution rate under this article for any participating employer who is participating on the effective date hereof would be at least one percent higher than the rate which would be applicable to such employer for an employee who is subject to article eleven of this chapter and who was hired prior to July first, nineteen hundred seventy-six, the provisions of this article shall not apply with respect to such participating employer, provided, however that members who first join the New York state and local police and fire retirement system on or after January first, two thousand ten shall not be subject to the provisions of this article. In such event, the provisions of article eleven and article twenty-two of this chapter shall continue to be applicable to such participating employer and its employees, as provided in section four hundred fifty-one of this chapter. If, as a result of actuarial experience, such employer's contribution rate should increase to the extent that it is not at least one percent lower than the contribution rate under this article, then, upon certification of such fact by the comptroller, the provisions of this subdivision shall no longer apply with respect to the employees of such employer who thereafter first join or rejoin a public retirement system.

§ 10. This act shall take effect on the thirtieth day after it shall have become a law.

PART B

Section 1. Subdivision 24 of section 501 of the retirement and social security law, as amended by chapter 891 of the laws of 1976, is amended to read as follows:
24. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, except that for members who first join the state and local employees' retirement system on or after January first, two thousand ten, overtime compensation paid in any year in excess of the overtime ceiling, as defined by this subdivision, shall not be included in the definition of wages. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three percent each year thereafter. For the purpose of calculation a member's primary federal social security retirement or disability benefit, wages shall, in any calendar year, be limited to the portion of the member's wages which would be subject to tax under section three thousand one hundred twenty-one of the internal revenue code of nineteen hundred fifty-four,
or any predecessor or successor provision relating thereto, if such
member was employed by a private employer.

§ 2. Subdivisions a and b of section 502 of the retirement and social
security law, as amended by chapter 389 of the laws of 1998, are amended
to read as follows:

a. A member who first joins a public retirement system of this state
on or after June thirtieth, nineteen hundred seventy-six shall not be
eligible for service retirement benefits hereunder until such member has
rendered a minimum of five years of creditable service after July first,
nineteen hundred seventy-three, except that a member who first joins the
New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement
benefits pursuant to this article until such member has rendered a mini-
mum of ten years of credited service.

b. A member who previously was a member of a public retirement system
of this state shall not be eligible for service retirement benefits
hereunder until such member has rendered a minimum of five years of
service which is creditable pursuant to section five hundred thirteen of
this article. A member who first joins the New York state and local
employees' retirement system on or after January first, two thousand ten
shall not be eligible for service retirement benefits pursuant to this
article until such member has rendered a minimum of ten years of credit-
ed service.

§ 3. Subdivision c of section 504 of the retirement and social securi-
ty law, as amended by chapter 174 of the laws of 1989, is amended to
read as follows:

c. The early service retirement benefit for general members, except
for general members whose early retirement benefit is specified in
subdivision d of this section, shall be the service retirement benefit
specified in subdivision a or b of this section, as the case may be,
without social security offset, reduced by one-fifteenth for each of the
first two years by which early retirement precedes age sixty-two, plus a
further reduction of: (1) one-thirtieth; or (2) one-twentieth for
members who first join the New York state and local employees' retire-
ment system on or after January first, two thousand ten, for each year
by which early retirement precedes age sixty. At age sixty-two, the
benefit shall be reduced by fifty percent of the primary social security
retirement benefit, as provided in section five hundred eleven of this
article.

§ 4. Subdivision a of section 516 of the retirement and social securi-
ty law, as amended by chapter 389 of the laws of 1998, is amended to
read as follows:

a. A member who has five or more years of credited service or ten or
more years of credited service for members who first join the New York
state and local employees' retirement system on or after January first,
two thousand ten upon termination of employment shall be entitled to a
deferred vested benefit as provided herein.

§ 5. Subdivision 1 of section 601 of the retirement and social securi-
ty law, as added by chapter 414 of the laws of 1983, is amended to read
as follows:

1. "Wages" shall mean regular compensation earned by and paid to a
member by a public employer, except that for members who first join the
New York state and local employees' retirement system on or after January first, two thou-
sand ten, overtime compensation paid in any year in excess of the over-
time ceiling, as defined by this subdivision, shall not be included in
the definition of wages. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three per cent each year thereafter.

§ 6. Subdivisions a and b of section 602 of the retirement and social security law, as amended by chapter 389 of the laws of 1998, are amended to read as follows:

a. A member who first joins a public retirement system of this state on or after July first, nineteen hundred seventy-six shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of credited service, except that a member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service.

b. A member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this article. A member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service.

§ 7. Subdivision a of section 603 of the retirement and social security law, as amended by section 3 of chapter 19 of the laws of 2008, is amended to read as follows:

a. The service retirement benefit specified in section six hundred four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixty-two, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six hundred four-f of this article, subdivision c of section six hundred four-g of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, [a member who is a peace officer employed by the unified court system or] a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attain-
ment of at least fifty-five years of age and completion of thirty or
more years of service pursuant to this section shall be required to make
the member contributions required by subdivision f of section six
hundred thirteen of this article for all years of credited and credita-
ble service.

§ 8. Subdivision i of section 603 of the retirement and social securi-

ty law, as amended by chapter 19 of the laws of 2008, is amended to read
as follows:

1. A member of a teachers' retirement system or the New York state
and local employees' retirement system who has met the minimum service
requirements but who has less than thirty years of credited service or a
member who first joins the New York state and local employees' retire-
ment system or the New York state teachers' retirement system on or
after January first, two thousand ten may retire prior to normal retire-
ment age, but no earlier than attainment of age fifty-five, in which
event, unless such person is a member of the New York city teachers'
retirement system who is otherwise eligible for early service retirement
pursuant to subdivision c of section six hundred four-i of this article,
the amount of his or her retirement benefit otherwise computed without
optional modification shall be reduced in accordance with the following
schedule:

(i) for each of the first twenty-four full months that retirement
predates age sixty-two, one-half of one per centum per month; provided,
however, that for members who first join the New York state and local
employees' retirement system or the New York state teachers' retirement
system on or after January first, two thousand ten, such amounts shall
be equal to one-fifteenth per year; and

(ii) for each full month that retirement predates age sixty, one-quar-
ter of one per centum per month; provided, however, that for members who
first join the New York state and local employees' retirement system or
the New York state teachers' retirement system on or after January
first, two thousand ten, such amounts shall be equal to one-twentieth
per year, but in no event shall retirement be permitted prior to attain-
ment of age fifty-five.

2. A member of the New York city employees' retirement system or the
board of education retirement system of the city of New York who has met
the minimum service requirement, but who is not (a) a participant in the
twenty-five-year early retirement program, as defined in paragraph ten
of subdivision a of section six hundred four-c of this article (as added
by chapter ninety-six of the laws of nineteen hundred ninety-five), or
(b) a participant in the age fifty-seven retirement program, as defined
in paragraph three of subdivision b of section six hundred four-d of
this article, or (c) a New York city transit authority member, as
defined in paragraph one of subdivision a of section six hundred four-b
of this article, may retire prior to normal retirement age, but no
earlier than attainment of age fifty-five, in which event, unless such
person is a member of the board of education retirement system of such
city who is otherwise eligible for early service retirement pursuant to
subdivision c of section six hundred four-i of this article, the amount
of his or her retirement benefit computed without optional modification
shall be reduced in accordance with the following schedule:

(i) for each of the first twenty-four full months that retirement
predates age sixty-two, one-half of one per centum per month; and

(ii) for each full month that retirement predates age sixty, one-quar-
ter of one per centum per month, but in no event shall retirement be
permitted prior to attainment of age fifty-five.
§ 8-a. Section 603 of the retirement and social security law is amended by adding a new subdivision t to read as follows:


t. Members who join the New York state teachers' retirement system on or after January first, two thousand ten, shall be eligible to retire without reduction of his or her retirement benefit upon attainment of at least fifty-seven years of age and completion of thirty or more years of service. Members who retire pursuant to the provisions of this subdivision shall be required to make the member contributions required by subdivision g of section six hundred thirteen of this article for all years of credited and creditable service.

§ 8-b. Subdivisions a and b of section 604 of the retirement and social security law, as amended by chapter 266 of the laws of 1998, are amended to read as follows:

a. The service retirement benefit at normal retirement age for a member with less than twenty years of credited service, or less than twenty-five years credited service for a member who joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-sixtieth of final average salary times years of credited service.

b. The service retirement benefit at normal retirement age for a member with twenty years or more of credited service, or with twenty-five or more years credited service for a member who first joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-fiftieth of final average salary times years of credited service not in excess of thirty years.

§ 8-c. Paragraph 2 of subdivision b of section 609 of the retirement and social security law, as added by chapter 414 of the laws of 1983, is amended to read as follows:

2. Previous service credit shall not be granted unless such member applies therefor and repays the amount refunded by a public retirement system of the state for service rendered after July first, nineteen hundred seventy-six, together with interest through the date of repayment at the rate of five percent per annum compounded annually and three percent of the wages earned for service prior to that date together with interest from July first, nineteen hundred seventy-six through the date of payment at the rate of five percent per annum compounded annually and three percent of the wages earned for service which predates the date of entry into the retirement system together with interest at the rate of five percent per annum compounded annually from the date of such service until the date of payment. Anything in this paragraph to the contrary notwithstanding, in order to obtain credit for previous service, members who first join the New York state teachers' retirement system on or after January first, two thousand ten, shall pay three and one-half percent of wages earned for service which predates the date of entry into the retirement system together with interest at the rate of five percent per annum compounded annually from the date of such service until the date of payment.

§ 9. Subdivision a of section 612 of the retirement and social security law, as amended by chapter 659 of the laws of 1999, is amended to read as follows:

a. A member who has five or more years of credited service, or ten or more years of credited service for a member who first joined the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, upon termination of employment, other than a member who is entitled to a
deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. A member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credited service, or ten or more years of credited service for a member who first becomes a member of the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article.

§ 9-a. Section 613 of the retirement and social security law is amended by adding two new subdivisions f and g to read as follows:

f. Anything in subdivision a of this section to the contrary notwithstanding a member employed as a uniformed court officer or peace officer in the unified court system who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall contribute four percent of annual wages to the New York state and local employees' retirement system. The head of the New York state and local employees' retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

g. Members who first join the New York state teachers' retirement system on or after January first, two thousand ten shall contribute three and one-half percent of annual wages to the New York state teachers' retirement system. The head of the New York state teachers' retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.

§ 10. Paragraph 1 of subdivision b of section 902 of the retirement and social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:

1. An eligible employee (i) with a date of membership in a retirement system on or after July twenty-seventh, nineteen hundred seventy-six and before January first, two thousand ten, and (ii) who has ten or more years of membership or ten or more years of credited service with a retirement system under the provisions of article fourteen or fifteen of this chapter shall not be required to contribute to a retirement system pursuant to section five hundred seventeen or six hundred thirteen of this chapter as of the cessation date.

§ 11. Intentionally omitted.

§ 12. Intentionally omitted.

§ 13. Section 90 of the general municipal law, as amended by chapter 576 of the laws of 1964, is amended to read as follows:

§ 90. Payment of overtime compensation to public officers or employees. The governing board of each municipal corporation or other civil division or political subdivision of the state, or in the city of New York, the mayor, by ordinance, local law, resolution, order or rule, may provide for the payment of overtime compensation to any or all public officers except elective officers and those officers otherwise excluded by law and to any or all public employees under their jurisdiction at the regular basic pay rate of such officers or employees for all time
such officers or employees are required to work in excess of their regularly established hours of employment or at such other rate as such

governing board, or in the city of New York, the mayor, may authorize. The amounts received as overtime compensation under this section shall

be regarded as salary or compensation for any of the purposes of any pension or retirement system of which the officer or employee receiving

the same is a member, except as set forth in sections five hundred one, six hundred one, and twelve hundred three of the retirement and social

security law. Such overtime compensation shall not be regarded as salary or compensation for the purpose of determining the right to any

increase of salary or any salary increment on account of length of service or otherwise. No such overtime compensation shall be construed
to constitute a promotion.

§ 14. Section 1 of 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, as amended by chapter 30 of the laws of 2009, is amended to read as follows:

Section 1. From on and after June 30, 1994 [until May 15, 2010,] a

school district, board of cooperative educational services, vocational

education and extension board or a school district as enumerated in

section 1 of chapter 566 of the laws of 1967, as amended, shall be

prohibited from diminishing the health insurance benefits provided to

retirees and their dependents or the contributions such board or
district makes for such health insurance coverage below the level of

such benefits or contributions made on behalf of such retirees and their

dependents by such district or board unless a corresponding diminution

of benefits or contributions is effected from the present level during

this period by such district or board from the corresponding group of

active employees for such retirees.

§ 15. Legislative intent. The legislature hereby finds and declares

its intent, in addition to the retirement benefit changes provided for

in this act, to enact legislation, in conjunction with the executive,

which would offer a three-month period during calendar year 2010, during

which members of the collective bargaining unit of the New York State

United Teachers ("NYSUT") within the New York state teachers retirement

system and the New York state and local employees' retirement system who

have reached fifty-five years of age and have accumulated twenty-five

years of service as a member of either such retirement system, may

retire early without penalty.

§ 16. This act shall take effect January 1, 2010; provided, however,

that the amendments to subdivision a of section 603 of the retirement

and social security law made by section seven of this act, shall not

affect the expiration of such subdivision and shall be deemed to expire
therewith.

PART C

Section 1. Subdivisions a and b of section 602 of the retirement and

social security law, as amended by chapter 389 of the laws of 1998, are

amended to read as follows:

a. [A] Except as provided in subdivision b-1 of this section, a member

who first joins a public retirement system of this state on or after

July first, nineteen hundred seventy-six shall not be eligible for

service retirement benefits hereunder until such member has rendered a

minimum of five years of credited service.
b. [A] Except as provided in subdivision b-1 of this section, a member
who previously was a member of a public retirement system of this state
shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this article.

§ 2. Section 602 of the retirement and social security law is amended by adding a new subdivision b-1 to read as follows:

b-1. Notwithstanding the provisions of subdivision a or b of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of ten years of credited service.

§ 3. Subdivision a of section 612 of the retirement and social security law, as amended by chapter 659 of the laws of 1999, is amended to read follows:

a. [A] Except as provided in subdivision a-1 of this section, a member who has five or more years of credited service upon termination of employment, other than a member who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. [A] Except as provided in subdivision a-1 of this section, a member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credited service upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article.

§ 4. Section 612 of the retirement and social security law is amended by adding a new subdivision a-1 to read as follows:

a-1. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, other than such a member of either of such retirement systems who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall, upon termination of employment, be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, a member of the New York city teachers' retirement system who holds a position repres-
ent by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, shall, upon termination of employment, be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions of subdivision i of section six hundred three of this article.

§ 5. Paragraph 1 of subdivision b of section 911 of the retirement and social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:

1. [Am] Subject to the provisions of paragraph one-a of this subdivision, an eligible member (i) with a date of membership in a retirement system on or after July twenty-seventh, nineteen hundred seventy-six and (ii) who has ten or more years of membership or ten or more years of credited service with a retirement system under the provisions of article fourteen or fifteen of this chapter shall not be required to contribute to a retirement system pursuant to section five hundred seventeen or six hundred thirteen of this chapter as of the cessation date.

§ 6. Subdivision b of section 911 of the retirement and social security law is amended by adding a new paragraph 1-a to read as follows:

1-a. Notwithstanding the provisions of paragraph one of this subdivision or any other provision of law to the contrary, a member of the New York city teachers' retirement system or the New York city board of education retirement system:

(i) who is a twenty-seven year participant in the age fifty-five retirement program (as defined in paragraph twelve of subdivision a of section six hundred four-i of this chapter), and

(ii) who becomes subject to the provisions of article fifteen of this chapter after the effective date of this paragraph, shall contribute to a retirement system pursuant to section six hundred thirteen of this chapter until he or she has completed twenty-seven years of credited service.

§ 7. Paragraph 2 of subdivision e of section 604-i of the retirement and social security law, as added by chapter 19 of the laws of 2008, is amended to read as follows:

2. A twenty-five-year participant in the age fifty-five retirement program (as defined in paragraph eleven of subdivision a of this section) shall contribute additional member contributions until the later of (i) June twenty-ninth, two thousand eight, or (ii) the date on which he or she has completed twenty-five years of credited service. A twenty-seven-year participant in the age fifty-five retirement program shall contribute additional member contributions only until he or she has completed twenty-seven years of credited service; provided, however, that a twenty-seven-year participant in the age fifty-five retirement program who becomes subject to the provisions of this article after the effective date of the chapter of the laws of two thousand nine that amended this paragraph shall contribute additional member contributions for all years of credited service as provided in subparagraph (ii) of paragraph one of this subdivision.

§ 8. Subdivision d of section 3-582 of the administrative code of the city of New York is amended to read as follows:

d. [Interest] 1. Subject to the provisions of paragraph two of this subdivision, interest shall be allowed on the participant's tax-deferred account in the annuity savings fund at the same rate and in accordance
with the same rules and procedures applicable to any account in the
annuity savings fund, as provided in this chapter.

2. Notwithstanding the provisions of paragraph one of this subdivi-
sion, or any other provision of law, or any retirement board rule, regu-
lation or resolution to the contrary, on or after the first business day
immediately following the effective date of this paragraph, interest
shall be allowed at the rate of seven percent per annum, compounded
annually, on the tax-deferred account in the annuity savings fund of
participants (i) who hold a position represented by the recognized
teacher organization for collective bargaining purposes, or (ii) who
held such a position at the time they retired or discontinued service
with vested rights to a retirement allowance and elected to defer
commencement of distribution of their tax-deferred accounts in accord-
ance with subdivision g of this section.

§ 9. Section 13-582 of the administrative code of the city of New York
is amended by adding two new subdivisions n and o to read as follows:

n. Notwithstanding any other provision of law, or any retirement board
rule, regulation or resolution to the contrary, the amendment to subdi-
vision d of this section enacted by the chapter of the laws of two thou-
sand nine which added this subdivision shall not affect the rate of
interest being charged on new loans from the tax-deferred annuity
program, and the rate of interest that was being charged on such loans
immediately prior to the effective date of this subdivision shall be
used for new loans from the tax-deferred annuity program made on or
after the effective date of this subdivision, unless the retirement
board, in accordance with its authority pursuant to paragraph two of
subdivision l of this section, as added by chapter five hundred seven-
teen of the laws of nineteen hundred ninety-three, shall amend its rules
and regulations governing loans from the tax-deferred annuity program to
establish a different rate of interest applicable to such loans.

o. Notwithstanding any other provision of law, or any retirement board
rule, regulation or resolution to the contrary, where a participant in
the tax-deferred annuity program has elected to transfer all or a
portion of the amount credited to his or her tax-deferred account in the
annuity savings fund to a tax-deferred account in the variable annuity
savings fund, the retirement system shall effectuate such transfer as
expeditiously as is administratively feasible.

§ 10. Subdivision 20 of section 2575 of the education law, as added by
chapter 509 of the laws of 1993, is amended by adding a new paragraph
(e) to read as follows:

(e) Notwithstanding any other provision of law, or any rule or regu-
lation, or the provisions of any retirement board resolution to the
contrary:

(1) on or after the first business day immediately following the
effective date of this paragraph, interest shall be allowed at the rate
of seven percent per annum, compounded annually, on the tax-deferred
accounts in the annuity savings fund of participants (i) who hold a
position represented by the recognized teacher organization for collec-
tive bargaining purposes, or (ii) who held such a position at the time
they retired or discontinued service with vested rights to a retirement
allowance and elected to defer commencement of distribution of their
tax-deferred accounts in accordance with paragraph (c) of this subdivi-
sion; and

(2) the provisions of subparagraph one of this paragraph shall not
affect the rate of interest being charged on new loans from the tax-de-
ferred annuity program, and the rate of interest that was being charged
on such loans immediately prior to the effective date of this paragraph shall be used for new loans from the tax-deferred annuity program made on or after the effective date of this paragraph, unless the rules and regulations governing loans from the tax-deferred annuity program are amended pursuant to paragraph (d) of this subdivision to establish a different rate of interest applicable to such loans; and

(3) where a participant in the tax-deferred annuity program has elected to transfer all or a portion of the amount credited to his or her tax-deferred account in the annuity savings fund to a tax-deferred account in the variable annuity savings fund, the retirement system shall effectuate such transfer as expeditiously as is administratively feasible.

§ 11. This act shall take effect immediately.

§ 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

FISCAL NOTE.--PROVISIONS OF PART C OF THE PROPOSED LEGISLATION - OVERVIEW: 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 existing members on the Effective Date with respect to certain TDA provisions.

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Contributions ("AMC").

Eligibility for Vested benefits.

Limitations on Basic Member Contributions

TDA Provisions and TDA Loans for BERS

Ed Law Sec. 2575 TDA provisions and TDA loans for BERS.

IMPACT ON NYCRS 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 NYCRS 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 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 NYCRS during Fiscal Year 2010 and first be included in the June 30, 2010 actuarial valuations of the NYCRS 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 NYCRS, 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

<table>
<thead>
<tr>
<th>Estimated Reductions in Employer Contributions</th>
</tr>
</thead>
<tbody>
<tr>
<td>If Proposed Legislation is Enacted to be Effective</td>
</tr>
<tr>
<td>On or Before June 30, 2010*</td>
</tr>
</tbody>
</table>
Under Current Actuarial Assumptions and Methods
($ Millions)

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>NYCTRS</th>
<th>BERS</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>18.7</td>
<td>0.4</td>
<td>19.1</td>
</tr>
<tr>
<td>2011</td>
<td>17.6</td>
<td>0.4</td>
<td>18.0</td>
</tr>
<tr>
<td>2012</td>
<td>16.6</td>
<td>0.3</td>
<td>16.9</td>
</tr>
<tr>
<td>2013</td>
<td>23.2</td>
<td>0.5</td>
<td>23.7</td>
</tr>
<tr>
<td>2014</td>
<td>29.5</td>
<td>0.7</td>
<td>30.2</td>
</tr>
<tr>
<td>2015</td>
<td>35.9</td>
<td>0.8</td>
<td>36.7</td>
</tr>
<tr>
<td>2016</td>
<td>42.5</td>
<td>1.0</td>
<td>43.5</td>
</tr>
<tr>
<td>2017</td>
<td>49.0</td>
<td>1.2</td>
<td>50.2</td>
</tr>
<tr>
<td>2018</td>
<td>55.6</td>
<td>1.4</td>
<td>57.0</td>
</tr>
<tr>
<td>2019</td>
<td>62.6</td>
<td>1.5</td>
<td>64.1</td>
</tr>
</tbody>
</table>

* 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 NYCERS.

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 NYCRS 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 NYCRS, 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 NYCRS provisions.

A summary of the change in EANC by NYCRS for entry age 25, 30 and 35 follows:

Table 2
Comparison of Representative Employer Entry Age Normal Rates* To Implement Proposed Legislation Impacting Certain New Members of NYCTRS and BERS

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Entry Age 25 Male</th>
<th>Female</th>
<th>Entry Age 30 Male</th>
<th>Female</th>
<th>Entry Age 35 Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCTRS</td>
<td>5.68%</td>
<td>5.99%</td>
<td>6.39%</td>
<td>6.79%</td>
<td>6.99%</td>
<td>7.53%</td>
</tr>
<tr>
<td>BERS</td>
<td>3.72%</td>
<td>4.19%</td>
<td>4.21%</td>
<td>4.80%</td>
<td>4.47%</td>
<td>5.21%</td>
</tr>
</tbody>
</table>

EANR Under Current Law**

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Entry Age 25 Male</th>
<th>Female</th>
<th>Entry Age 30 Male</th>
<th>Female</th>
<th>Entry Age 35 Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCTRS</td>
<td>7.08%</td>
<td>7.40%</td>
<td>7.79%</td>
<td>8.21%</td>
<td>8.46%</td>
<td>9.02%</td>
</tr>
<tr>
<td>BERS</td>
<td>5.07%</td>
<td>5.58%</td>
<td>5.55%</td>
<td>6.18%</td>
<td>5.80%</td>
<td>6.61%</td>
</tr>
</tbody>
</table>

Reduction in EANR Due to Proposed Legislation

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Entry Age 25 Male</th>
<th>Female</th>
<th>Entry Age 30 Male</th>
<th>Female</th>
<th>Entry Age 35 Male</th>
<th>Female</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCTRS</td>
<td>1.40%</td>
<td>1.41%</td>
<td>1.40%</td>
<td>1.42%</td>
<td>1.47%</td>
<td>1.49%</td>
</tr>
<tr>
<td>BERS</td>
<td>1.35%</td>
<td>1.39%</td>
<td>1.34%</td>
<td>1.38%</td>
<td>1.33%</td>
<td>1.40%</td>
</tr>
</tbody>
</table>
* 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 NYCRS. 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 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 NYCRS 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

<table>
<thead>
<tr>
<th>June 30</th>
<th>NYCTRS</th>
<th>BERS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Actives</td>
<td>Net New Members</td>
</tr>
<tr>
<td>2009</td>
<td>112,472</td>
<td>0</td>
</tr>
<tr>
<td>2010</td>
<td>112,472</td>
<td>0</td>
</tr>
<tr>
<td>2011</td>
<td>112,472</td>
<td>6,330</td>
</tr>
<tr>
<td>2012</td>
<td>112,472</td>
<td>12,213</td>
</tr>
<tr>
<td>2013</td>
<td>112,472</td>
<td>17,705</td>
</tr>
<tr>
<td>2014</td>
<td>112,472</td>
<td>22,846</td>
</tr>
<tr>
<td>2015</td>
<td>112,472</td>
<td>27,652</td>
</tr>
<tr>
<td>2016</td>
<td>112,472</td>
<td>32,181</td>
</tr>
<tr>
<td>2017</td>
<td>112,472</td>
<td>36,461</td>
</tr>
</tbody>
</table>

*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.
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
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:

Section 1. Subdivision c of section 440 of the retirement and social security law, as amended by chapter 63 of the laws of 2007, is amended to read as follows:

c. Notwithstanding any other provision of law, the provisions and limitations of this article shall apply, as may be appropriate, to all police officers and firefighters who last joined a public retirement system of the state or a municipality thereof, on or after July first, nineteen hundred seventy-six, but prior to July first, two thousand eleven.

§ 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
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
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, Gustin L. Reichbach, currently serving as a justice of the supreme court, second judicial district, and an active tier 4 member of the New York state and local employees' retirement system, shall be eligible to receive additional service credit for any time not already credited in such system for the period from September 1, 2003 through February 27, 2004, during which period he rendered service as a judge with the United Nations administration mission in Kosovo. The additional service credit granted, when added to the service already credited, shall not exceed a total of one year of credit for all service rendered in the fiscal year ending March 31, 2004. Such additional credit shall be obtained only if on or before December 31, 2009, Gustin L. Reichbach files a written request for such service credit with the administrative head of the said retirement system. All costs necessary to finance the granting of this service credit shall be borne by the state of New York.

2    § 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.
2009

Section III

Legislation Affecting the Other New York Public Retirement Systems
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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:

Section 1. Subdivision 5 of section 522 of the education law, as added by chapter 647 of the laws of 2004, is amended to read as follows:

5. Notwithstanding any other provision of law to the contrary, except for the purposes of providing the benefits, if any, of subdivision four of this section, with respect to transfers pursuant to this section which occur on or after the effective date of this subdivision, no transfer of a pension reserve pursuant to subdivision one or two of this section shall be required when the member is transferring from a public employee retirement system of this state to any other public employee retirement system of this state. For the purpose of giving the transferring member such status and crediting such service in the retirement system to which the member is transferring as such member was allowed in the retirement system from which the member has transferred, the transfer shall be deemed complete upon receipt by the transferee retirement system of (a) a statement from the transferor retirement system of the transferring member's date of membership in the transferor retirement system, tier status, service credited to the transferred membership, and such other information as the transferee retirement system may require to effectuate the transfer, and (b) such member's accumulated contributions from the transferor retirement system, if same had not been previously withdrawn, or notice from the transferor retirement system that such member had no accumulated contributions, or notice from the transferee retirement system that such member's accumulated contributions 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.
receipt from such member of such member's accumulated contributions and interest.

§ 2. Subdivision k of section 43 of the retirement and social security law, as amended by chapter 647 of the laws of 2004, is amended to read as follows:

k. Notwithstanding any other provision of this section, any member of the New York state and local employees' retirement system or the New York city teachers' retirement system who retired from service from either the New York city employees' retirement system or the New York city board of education retirement system as a member of the career pension plan maintained by such system and who, but for the fact that he or she retired, would be eligible for transfer and who has not, in fact, received a pension payment from such system shall be permitted to transfer his or her retirement system membership pursuant to the provisions of this section. In such event, the application for retirement shall be deemed to have been rescinded and the retirement system from which the service shall be transferred shall transfer the appropriate reserves as provided by this section, provided, however, that with respect to transfers pursuant to this subdivision which occur on or after the [effective date of the chapter of the laws of two thousand four which amended this subdivision] twenty-sixth day of October, two thousand four, except for the purposes of providing the benefits, if any, of subdivision four of section five hundred twenty-two of the education law, no determination of a reserve pursuant to subdivision c of this section or transfer thereof pursuant to the first sentence of subdivision d of this section shall be required in the case of any transfer pursuant to this subdivision. Notwithstanding the provision of this subdivision or any other provision of law, an individual who transfers pursuant to this subdivision shall not be required to render any minimum period of service following transfer in order to be eligible to receive the full benefit provided hereunder. Notwithstanding the foregoing, a retiree covered by either the career pension plan or the fifty-five-year-increased-service-fraction plan who has received a pension payment or payments from such system shall be eligible for the provisions of this subdivision upon payment, to the retirement system from which the pension payment or payments were made, of an amount equal to such pension payment or payments. After such payments are received, such person shall be permitted to transfer his or her retirement system membership pursuant to the provisions of this section.

§ 3. Subdivision l of section 43 of the retirement and social security law, as added by chapter 647 of the laws of 2004, is amended to read as follows:

1. Notwithstanding any other provision of law to the contrary, with respect to transfers pursuant to this section which occur on or after the [effective date of this subdivision] twenty-sixth day of October, two thousand four, except for the purposes of providing the benefits, if any, of subdivision four of section five hundred twenty-two of the education law, no determination of a reserve pursuant to subdivision c of this section or transfer thereof pursuant to the first sentence of subdivision d of this section shall be required in the case of any transfer pursuant to this section. For the purpose of giving the transferring member such status and crediting such service in the second retirement system as such member was allowed in the first retirement system in those cases to which this subdivision shall apply, the transfer shall be deemed complete upon receipt by the second retirement system of:
1. a statement from the first retirement system of the transferring member's date of membership in the first retirement system, tier status, service credited to such membership being transferred, and such other information as the second retirement system may require to effectuate the transfer; and

2. such member's accumulated contributions from the first retirement system, if same had not been previously withdrawn, or notice from the first retirement system that such member had no accumulated contributions, or notice from the first retirement system that such member's accumulated contributions had been withdrawn and the amount thereof and, as applicable, receipt from such member of such member's accumulated contributions and interest.

§ 4. This act shall take effect immediately and shall be deemed to 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.
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:

Section 1. Paragraph 2 of subdivision b of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 152 of the laws of 2006, is amended to read as follows:

(2) With respect to each retirement system, such rate of interest shall be as hereinafter set forth in this paragraph:

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Rate of interest per centum per annum, compounded annually</th>
<th>First day and last day of fiscal year or series of fiscal years for which rate is effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCERS</td>
<td>8%</td>
<td>July 1, 2004 to June 30, 2010</td>
</tr>
<tr>
<td>NYCTRS</td>
<td>8%</td>
<td>July 1, 2004 to June 30, 2010</td>
</tr>
</tbody>
</table>

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ - ] is old law to be omitted.
§ 2. Paragraph 2 of subdivision f of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 152 of the laws of 2006, is amended to read as follows:
(2) Such special interest shall be allowed at the rates and for the periods set forth below in this paragraph:

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Rate of interest per centum per annum, compounded annually</th>
<th>First day and last day of fiscal year or series of fiscal years for which rate is effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCERS</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>NYCTRS</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>PPF</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>FPF</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>BERS</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
</tbody>
</table>

§ 3. Paragraph 2 of subdivision g of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 152 of the laws of 2006, is amended to read as follows:
(2) Such additional interest shall be included at the rates and for the periods set forth below in this paragraph:

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Rate of interest per centum per annum, compounded annually</th>
<th>First day and last day of fiscal year or series of fiscal years for which rate is effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCERS</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>NYCTRS</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>PPF</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>FPF</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
<tr>
<td>BERS</td>
<td>1 1/4%</td>
<td>July 1, 2004 to June 30, 2009</td>
</tr>
</tbody>
</table>
§ 4. Paragraph 2 of subdivision i of section 13-638.2 of the admin-
trative code of the city of New York, as amended by chapter 152 of the
laws of 2006, is amended to read as follows:

(2) Such supplementary interest shall be allowed at the rates and for
the periods set forth below in this paragraph:

<table>
<thead>
<tr>
<th>Retirement System</th>
<th>Rate of interest</th>
<th>First day and</th>
<th>Years for which rate is effective</th>
</tr>
</thead>
<tbody>
<tr>
<td>NYCERS</td>
<td>1%</td>
<td>July 1, 2004 to June 30, [2009] 2010</td>
<td></td>
</tr>
<tr>
<td>NYCTRS</td>
<td>1%</td>
<td>July 1, 2004 to June 30, [2009] 2010</td>
<td></td>
</tr>
<tr>
<td>PPF</td>
<td>1%</td>
<td>July 1, 2004 to June 30, [2009] 2010</td>
<td></td>
</tr>
<tr>
<td>BERS</td>
<td>1%</td>
<td>July 1, 2004 to June 30, [2009] 2010</td>
<td></td>
</tr>
</tbody>
</table>

§ 5. This act shall take effect July 1, 2009, except that if it shall
have become a law subsequent to such date, this act shall take effect
immediately and shall be deemed to have been in full force and effect on
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 Legis-
lation 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 actuar-
ial 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.
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:

Section 1. Section 531 of the education law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any provision of this section to the contrary and in lieu of any other procedure provided for in this section, the retirement board is authorized to mandate the distribution of unclaimed amounts not to exceed one thousand dollars in each case to former members or contributors, or persons entitled to a benefit from the system, in cases in which at least seven years have elapsed since the member or contributor withdrew from service or ceased to be a teacher for any cause other than death or retirement or at least seven years have elapsed from the date any other person became entitled to a benefit from the system pursuant to any provision of this chapter or of the retirement and social security law.

§ 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
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:

Section 1. Subdivision a of section 607-b of the retirement and social security law, as amended by chapter 725 of the laws of 2004, is amended to read as follows:

a. Any member of the New York city employees' retirement system who is employed by the city of New York or by the New York city health and hospital corporation in the position of emergency medical technician or advanced emergency medical technician, as those terms are defined in section three thousand one of the public health law, who, on or after March seventeenth, nineteen hundred ninety-six, becomes physically or mentally incapacitated for the performance of duties as the natural and proximate result of an injury, sustained in the performance or discharge of his or her duties shall be paid a performance of duty disability retirement allowance equal to three-quarters of final average salary, subject to the provisions of subdivision c of section six hundred five of this article and section 13-176 of the administrative code of the city of New York. Any member who has made application or who, after the effective date of the chapter of the laws of two thousand four which amended this subdivision, makes application for such performance of duty pension shall be entitled to invoke the medical review procedure provided for in subdivision e of section six hundred five of this article, subject to the terms and conditions set forth in such subdivision.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after January 1, 2009; provided, however, the amendments to subdivision a of section 607-b of 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.
shall not affect the expiration of such subdivision and shall be deemed 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"),
- 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.