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SENATE - ASSEMBLY

January 19, 2010

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

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

AN ACT to amend the executive law, the vehicle and traffic law, the public health law, the social services law, the criminal procedure law, the family court act, the public officers law, the penal law, the correction law, the environmental conservation law, the parks, recreation and historic preservation law and the mental hygiene law, in relation to merging the crime victims board, the division of probation and correctional alternatives and the office for the prevention of domestic violence into the division of criminal justice services; and to repeal certain provisions of the executive law and the judiciary law relating thereto (Part A); to amend the executive law, the public officers law, the family court act, the social services law, the criminal procedure law, the state finance law, the public health law, the general municipal law, the penal law, the correction law, the surrogate's court procedure act, the court of claims act, the civil practice law and rules, the real property tax law and the administrative code of the city of New York, in relation to the office of victim services; and to repeal certain provisions of the executive law relating thereto (Part A-1); to amend the executive law, in relation to comprehensive emergency management planning and certain fire service related activities; to amend the state finance law, in relation to grants and reimbursements to municipalities for certain emergency management and fire service related costs; to amend the county law, in

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

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relation to the New York state interoperable and emergency communication board; to amend the tax law, in relation to grants for public safety communications systems and infrastructure; to amend the general business law, in relation to approval of electrical devices; to amend the general municipal law, in relation to state fire administration; to amend the insurance law, in relation to reports on fire insurance policies; to amend the vehicle and traffic law, in relation to vehicle operation by certain state officials; to amend the criminal procedure law, in relation to peace officers; and to repeal certain provisions

of the executive law and the county law relating thereto (Part B); intentionally omitted (Part C); to amend the criminal procedure law and the penal law, in relation to terms of probation; to amend the penal law and the executive law, in relation to warrants and modification and extension thereof, waiver of extradition, conditions and probation, and reimbursement (Part D); to amend the executive law, the state finance law and the county law, in relation to the office of indigent legal services and the indigent legal services fund (Part E); intentionally omitted (Part F); intentionally omitted (Part G); intentionally omitted (Part H); intentionally omitted (Part I); intentionally omitted (Part J); to amend the uniform district court act, the uniform city court act, the New York city civil court act, the judiciary law and section 14 of part J of chapter 62 of the laws of 2003, amending the county law and other laws relating to fees collected, in relation to the fee for the filing of the first paper in an action or proceeding; and to amend the civil practice law and rules, in relation to the index fee for an action to foreclose (Part K); to amend the uniform justice court act, in relation to improving the process for the merging of town and village courts (Part L); intentionally omitted (Part M); to amend the public authorities law, in relation to certain bonds authorized to be issued or purchased by the municipal bond bank agency and to certain financing agreements authorized to be executed in connection therewith (Part N); to amend the civil service law, the labor law and the executive law, in relation to abolishing the state employment relations board and shift responsibilities to the public employment relations board; and to repeal certain provisions of the labor law relating thereto (Part O); to repeal section 163-c of the state finance law, relating to imposition of a centralized procurement contract fee (Part P); to collect surplus funds from workers' compensation insurance carriers and to prevent such surpluses from recurring (Part Q); to amend the workers' compensation law and the insurance law, in relation to providing the workers' compensation board with the powers needed to protect injured workers' benefits (Part R); to establish a joint appointing authority for the state financial system project (Part S); to amend the civil service law, the state finance law and the insurance law, in relation to allowing the New York state employee health insurance plan to have the option to be self insured; and to amend the parks, recreation and historic preservation law, in relation to the health benefit plan for employees (Part T); to amend the civil service law, in relation to reimbursement for medicare premium charges (Part U); intentionally omitted (Part V); to amend the executive law, the real property tax law, and the tax law, in relation to merging the state office of real property services and the state board of real property services into the department of taxation and finance; and to repeal certain provisions of the real property tax law and the tax law relating thereto (Part W); to amend the real property tax law, the real property

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law and the tax law, in relation to updates of assessments and in relation to data relating to real estate transfers (Part X); to amend the real property tax law, in relation to restructuring the current aid program to encourage full value reassessments (Part Y); to amend the state finance law, in relation to aid and incentives for municipalities; and to amend the emergency protection act of nineteen seventy-four, in relation to the obligation of the city of New York to fund its administration (Part Z); to amend the state finance law, in relation to a program of aid to municipalities in which a video lottery gaming facility is located (Part AA); intentionally omitted (Part BB); intentionally omitted (Part CC); intentionally omitted (Part DD); to amend the agriculture and markets law and the county law, in relation to the sharing of the duties of weights and measures between municipalities; to amend the town law, in relation to residen-

parole; and to amend the election law, in relation to informing former inmates about voting rights (Part OO); to amend the New York state financial emergency act for the city of New York, in relation to a variation from generally accepted accounting principles (Part PP); and to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and 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 (Part QQ)

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

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

4-12 PART A

4-13 Section 1. Section 240 of the executive law, as amended by chapter
4-14 134 of the laws of 1985, is amended to read as follows:

4-15 § 240. [Division] Office of probation and correctional alternatives[;]
4-16 [director]. 1. There shall be in the [executive department a division]
4-17 division of criminal justice services an office of probation and correc-
4-18 tional alternatives, hereinafter referred to in this article as "the
4-19 office". The head of the [division] office shall be the [state] direc-
4-20 tor of probation and correctional alternatives, who shall be appointed
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5- 1 by the [governor by and with the advice and consent of the senate, and]
5- 2 [hold office at the pleasure of the governor by whom he was appointed and]
5- 3 [until his successor is appointed and has qualified] commissioner,
5- 4 subject to the approval of the governor.

5- 5 2. The [state] director [of probation and correctional alternatives]
5- 6 [shall have sole charge of the administration of the division of]
5- 7 [probation and correctional alternatives] shall serve as special advisor
5- 8 to the governor regarding matters pertaining to probation and alterna-
5- 9 tives to incarceration. The director shall, in consultation with the
5-10 commissioner, coordinate and make recommendations relating to the type
5-11 and nature of alternative to incarceration programs needed to reduce
5-12 incarceration where the purpose of such incarceration can be adequately
5-13 served by alternative programs and shall work with local probation
5-14 departments and the commissioner to enhance and develop probation
5-15 services and alternative to incarceration programs throughout the state.

5-16 3. [The principal office of the division of probation and correctional]
5-17 [alternatives shall be in the county of Albany] The commissioner, in
5-18 consultation with the director, shall appoint staff and perform such
5-19 other functions to ensure the efficient operation of the office within
5-20 the amounts made available therefor by appropriation.

5-21 4. As used in this article, the term "director" shall mean the [state]
5-22 director of the office of probation and correctional alternatives,
5-23 "office" shall mean the office of probation and correctional alterna-
5-24 tives, "commissioner" shall mean the commissioner of the division of
5-25 criminal justice services and "division" shall mean the division of

5-26 criminal justice services.

5-27 § 2. Section 241 of the executive law is REPEALED.

5-28 § 3. Section 836 of the executive law is amended by adding a new
5-29 subdivision 7 to read as follows:

5-30 7. The functions, powers and duties of the former division of
5-31 probation and correctional alternatives as established in article twelve
5-32 of this chapter shall now be considered a function of the division of
5-33 criminal justice services.

5-34 § 4. Transfer of employees. Notwithstanding any other provision of
5-35 law, rule, or regulation to the contrary, upon the transfer of functions
5-36 from the division of probation and correctional alternatives to the
5-37 division of criminal justice services pursuant to subdivision 7 of
5-38 section 836 of the executive law, as added by section three of this act,
5-39 all employees of the division of probation and correctional alternatives
5-40 shall be transferred to the division of criminal justice services.
5-41 Employees transferred pursuant to this section shall be transferred
5-42 without further examination or qualification and shall retain their
5-43 respective civil service classifications, status and collective bargain-
5-44 ing unit designations and collective bargaining agreements.

5-45 § 5. Transfer of records. All books, papers, and property of the divi-
5-46 sion of probation and correctional alternatives shall be delivered to
5-47 the commissioner of the division of criminal justice services. All
5-48 books, papers, and property of the division of probation and correction-
5-49 al alternatives shall continue to be maintained by the division of crim-
5-50 inal justice services.

5-51 § 6. Continuity of authority. For the purpose of succession of all
5-52 functions, powers, duties and obligations transferred and assigned to,
5-53 devolved upon and assumed by it pursuant to this act, the division of
5-54 criminal justice services shall be deemed and held to constitute the
5-55 continuation of the division of probation and correctional alternatives.

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6- 1 § 7. Completion of unfinished business. Any business or other matter
6- 2 undertaken or commenced by the division of probation and correctional
6- 3 alternatives or the director thereof pertaining to or connected with the
6- 4 functions, powers, obligations and duties hereby transferred and
6- 5 assigned to the division of criminal justice services and pending on the
6- 6 effective date of this act, may be conducted and completed by the divi-
6- 7 sion of criminal justice services in the same manner and under the same
6- 8 terms and conditions and with the same effect as if conducted and
6- 9 completed by the division of probation and correctional alternatives.

6-10 § 8. Continuation of rules and regulations. All rules, regulations,
6-11 acts, orders, determinations, and decisions of the division of probation
6-12 and correctional alternatives pertaining to the functions and powers
6-13 herein transferred and assigned, in force at the time of such transfer
6-14 and assumption, shall continue in full force and effect as rules, regu-
6-15 lations, acts, orders, determinations and decisions of the division of
6-16 criminal justice services until duly modified or abrogated by the
6-17 commissioner of the division of criminal justice services.

6-18 § 9. Terms occurring in laws, contracts and other documents. Whenever
6-19 the division of probation and correctional alternatives or the director
6-20 thereof, is referred to or designated in any law, contract or document
6-21 pertaining to the functions, powers, obligations and duties hereby
6-22 transferred to and assigned to the division of criminal justice services
6-23 or the commissioner of the division of criminal justice services, such
6-24 reference or designation shall be deemed to refer to the division of
6-25 criminal justice services or commissioner of the division of criminal
6-26 justice services, as applicable.

6-27 § 10. Existing rights and remedies preserved. No existing right or
6-28 remedy of any character shall be lost, impaired or affected by any
6-29 provisions of this act.

6-30 § 11. Pending actions and proceedings. No action or proceeding pending
6-31 at the time when this act shall take effect, brought by or against the

6-32 division of probation and correctional alternatives or the director
6-33 thereof, shall be affected by any provision of this act, but the same
6-34 may be prosecuted or defended in the name of the commissioner of the
6-35 division of criminal justice services or the division of criminal
6-36 justice services. In all such actions and proceedings, the commissioner
6-37 of the division of criminal justice services, upon application of the
6-38 court, shall be substituted as a party.

6-39 § 12. Transfer of appropriations heretofore made. All appropriations
6-40 or reappropriations heretofore made to the division of probation and
6-41 correctional alternatives to the extent of remaining unexpended or unen-
6-42 cumbered balance thereof, whether allocated or unallocated and whether
6-43 obligated or unobligated, are hereby transferred to and made available
6-44 for use and expenditure by the division of criminal justice services
6-45 subject to the approval of the director of the budget for the same
6-46 purposes for which originally appropriated or reappropriated and shall
6-47 be payable on vouchers certified or approved by the commissioner of the
6-48 division of criminal justice services on audit and warrant of the comp-
6-49 troller.

6-50 § 13. Transfer of assets and liabilities. All assets and liabilities
6-51 of the division of probation and correctional alternatives are hereby
6-52 transferred to and assumed by the division of criminal justice services.

6-53 § 14. Subdivision 1 of section 221-a of the executive law, as amended
6-54 by chapter 107 of the laws of 2004, is amended to read as follows:

6-55 1. The superintendent, in consultation with the division of criminal
6-56 justice services, office of court administration, the [division] office
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7- 1 of probation and correctional alternatives[,] and the [state] office for
7- 2 the prevention of domestic violence [and the division for women], shall
7- 3 develop a comprehensive plan for the establishment and maintenance of a
7- 4 statewide computerized registry of all orders of protection issued
7- 5 pursuant to articles four, five, six and eight of the family court act,
7- 6 section 530.12 of the criminal procedure law and, insofar as they
7- 7 involve victims of domestic violence as defined by section four hundred
7- 8 fifty-nine-a of the social services law, section 530.13 of the criminal
7- 9 procedure law and sections two hundred forty and two hundred fifty-two
7-10 of the domestic relations law, and orders of protection issued by courts
7-11 of competent jurisdiction in another state, territorial or tribal juris-
7-12 diction, special orders of conditions issued pursuant to subparagraph
7-13 (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the
7-14 criminal procedure law insofar as they involve a victim or victims of
7-15 domestic violence as defined by subdivision one of section four hundred
7-16 fifty-nine-a of the social services law or a designated witness or
7-17 witnesses to such domestic violence, and all warrants issued pursuant to
7-18 sections one hundred fifty-three and eight hundred twenty-seven of the
7-19 family court act, and arrest and bench warrants as defined in subdivi-
7-20 sions twenty-eight, twenty-nine and thirty of section 1.20 of the crimi-
7-21 nal procedure law, insofar as such warrants pertain to orders of
7-22 protection or temporary orders of protection; provided, however, that
7-23 warrants issued pursuant to section one hundred fifty-three of the fami-
7-24 ly court act pertaining to articles three, seven and ten of such act and
7-25 section 530.13 of the criminal procedure law shall not be included in
7-26 the registry. The superintendent shall establish and maintain such
7-27 registry for the purposes of ascertaining the existence of orders of
7-28 protection, temporary orders of protection, warrants and special orders
7-29 of conditions, and for enforcing the provisions of paragraph (b) of
7-30 subdivision four of section 140.10 of the criminal procedure law.

7-31 § 15. The article heading of article 12 of the executive law, as
7-32 amended by chapter 134 of the laws of 1985, is amended to read as
7-33 follows:

[DIVISION] OFFICE OF PROBATION AND CORRECTIONAL
ALTERNATIVES

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7-35
7-36 § 16. Subdivision 2 of section 242 of the executive law, as amended by

7-37 chapter 134 of the laws of 1985, is amended to read as follows:
7-38 2. The present members of the state probation commission who were
7-39 appointed to such commission by the governor shall continue as the
7-40 members of said commission appointed pursuant to paragraph (a) of subdi-
7-41 vision one of this section at the pleasure of the governor, and until
7-42 their successors are appointed and have qualified. The director shall be
7-43 chairman of the commission. No member of said probation commission shall
7-44 receive any compensation for his or her services as a member of such
7-45 commission, but the members shall be entitled to their actual necessary
7-46 expenses incurred in the performance of their duties. The [director]
7-47 commissioner may from time to time assign an employee of the division to
7-48 act as secretary to said probation commission. The duties of the members
7-49 of said probation commission shall be to attend the meetings of such
7-50 probation commission, at the time fixed by said commission, or called by
7-51 the chairman of said commission, and to consider all matters relating to
7-52 probation in the state, within the jurisdiction of the [division of]
7-53 [probation and correctional alternatives] office, and to advise and
7-54 consult with the director in regard thereto.
7-55 § 17. Subdivisions 1 and 2, paragraph (a) of subdivision 3 and the
7-56 opening paragraph of subdivision 4 of section 243 of the executive law,
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8- 1 subdivision 1 as amended by chapter 134 of the laws of 1985, subdivision
8- 2 2 as amended by chapter 574 of the laws of 1985, paragraph (a) of subdi-
8- 3 vision 3 as added by chapter 609 of the laws of 1997 and the opening
8- 4 paragraph of subdivision 4 as added by chapter 568 of the laws of 2008,
8- 5 are amended to read as follows:
8- 6 1. The [director] office shall exercise general supervision over the
8- 7 administration of probation services throughout the state, including
8- 8 probation in family courts and shall collect statistical and other
8- 9 information and make recommendations regarding the administration of
8-10 probation services in the courts. [He] The office shall endeavor to
8-11 secure the effective application of the probation system and the
8-12 enforcement of the probation laws and the laws relating to family courts
8-13 throughout the state. After consultation with the state probation
8-14 commission, [he] the office shall [adopt] recommend to the commissioner
8-15 general rules which shall regulate methods and procedure in the adminis-
8-16 tration of probation services, including investigation of defendants
8-17 prior to sentence, and children prior to adjudication, supervision, case
8-18 work, record keeping, and accounting, program planning and research so
8-19 as to secure the most effective application of the probation system and
8-20 the most efficient enforcement of the probation laws throughout the
8-21 state. Such rules shall provide that the probation investigations
8-22 ordered by the court in designated felony act cases under subdivision
8-23 one of section 351.1 of the family court act shall have priority over
8-24 other cases arising under articles three and seven of such act. [Such]
8-25 When duly adopted by the commissioner, such rules shall be binding upon
8-26 all probation officers and when duly adopted shall have the force and
8-27 effect of law, but shall not supersede rules that may be adopted pursu-
8-28 ant to the family court act. [He] The office shall keep [himself]
8-29 informed as to the work of all probation officers and shall from time to
8-30 time inquire into and report upon their conduct and efficiency. [He] The
8-31 office may investigate the work of any probation bureau or probation
8-32 officer and shall have access to all records and probation offices. [He]
8-33 The office may issue subpoenas to compel the attendance of witnesses or
8-34 the production of books and papers. [He] The office may administer oaths
8-35 and examine persons under oath. [He] The office may recommend to the
8-36 appropriate authorities the removal of any probation officer. [He shall]
8-37 [transmit to the governor not later than February first of each year an]
8-38 [annual report of the work of the division of probation and correctional]
8-39 [alternatives for the preceding calendar year, which shall include such]
8-40 [information relative to the administration of probation and correctional]
8-41 [alternatives throughout the state as may be appropriate. He] The office

8-42 may from time to time publish reports regarding probation including
8-43 probation in family courts, and the operation of the probation system
8-44 including probation in family courts and any other information regarding
8-45 probation as [he] the office may determine provided expenditures for
8-46 such purpose are within amounts appropriated therefor.
8-47 2. The [director] office shall exercise general supervision over the
8-48 utilization of correctional alternative programs throughout the state.
8-49 [He] The office shall collect statistical and other information and make
8-50 recommendations regarding the availability, identification, coordination
8-51 and utilization of such programs. The [director] office shall endeavor
8-52 to facilitate communication and coordination among and between correc-
8-53 tional alternative programs and probation services in order to assist in
8-54 making effective use of such programs. A correctional alternative
8-55 program shall be deemed to refer to those programs, including eligible
8-56 programs as defined in paragraph b of subdivision one of section two
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9- 1 hundred sixty-one of this chapter, which by themselves, or when used in
9- 2 conjunction with one or more programs or with probation services, may
9- 3 serve as an alternative to a sentence or disposition of incarceration or
9- 4 a portion thereof, and which shall serve the interests of justice. The
9- 5 [director] office shall further exercise general supervision over the
9- 6 administration and implementation of alternatives to incarceration
9- 7 service plans under the provisions of article thirteen-A of this chap-
9- 8 ter. [He] The office shall [adopt] recommend to the commissioner general
9- 9 rules and regulations which shall regulate methods and procedures in the
9-10 administration and funding of alternative to incarceration service
9-11 plans, and any other correctional alternative program funded by the
9-12 state through the division, including but not limited to issuance of
9-13 quarterly reports as specified by section two hundred sixty-three of
9-14 this chapter. [Such] When duly adopted by the commissioner, such rules
9-15 and regulations shall be binding upon all counties and eligible programs
9-16 that may be funded in such plans and when duly adopted shall have the
9-17 force and effect of law. [He] The office shall keep [himself] informed
9-18 as to the development, implementation and utilization of plans and fund-
9-19 ed eligible programs therein and shall from time to time inquire into
9-20 and report upon their work and efficiency. [He] The office shall inves-
9-21 tigate the work of any funded plan or eligible program and shall have
9-22 access to their records and offices for such purpose.
9-23 (a) The [director] office shall have the authority to certify to the
9-24 commissioner [of the division of criminal justice services] those
9-25 correctional alternative programs subject to supervision of the [divi-]
9-26 [sion] office and determined to perform a criminal justice function, as
9-27 defined in subdivision ten of section eight hundred thirty-five of this
9-28 chapter, for the purpose of permitting access to criminal history
9-29 records for criminal justice purposes, subject to the approval of the
9-30 commissioner [of the division of criminal justice services]. Any such
9-31 correctional alternative program may apply for certification to the
9-32 [division] office in writing, on forms prescribed by the [division]
9-33 office. Such application shall specify, at a minimum, the following: the
9-34 nature and scope of the program; the necessity for access to such
9-35 records related to their criminal justice function; the names of employ-
9-36 ees, and their job titles or positions, for whom access is being sought;
9-37 and any other information the [division] office deems necessary. Certif-
9-38 ication shall include the designation of those employees of such
9-39 programs for whom access to such records is authorized. No designated
9-40 employee shall have access to such records until such person has satis-
9-41 factorily completed appropriate training, required by the division [of]
9-42 [criminal justice services].
9-43 The [director] office shall [promulgate] recommend to the commissioner
9-44 rules and regulations which shall include guidelines and procedures on
9-45 the placement of sex offenders designated as level two or level three
9-46 offenders pursuant to article six-C of the correction law. Such regu-

9-47 lations shall instruct local probation departments to consider certain
9-48 factors when investigating and approving the residence of level two or
9-49 level three sex offenders sentenced to a period of probation. Such
9-50 factors shall include the following:

9-51 § 18. Subdivision 1 of section 483-d of the social services law, as
9-52 added by chapter 392 of the laws of 2005, is amended to read as follows:

9-53 1. Committee established. There is hereby established within the
9-54 council an out-of-state placement committee comprised of the commissioner
9-55 of children and family services, the commissioner of mental health,
9-56 the commissioner of mental retardation and developmental disabilities,
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10- 1 the commissioner of education, the commissioner of alcoholism and
10- 2 substance abuse services, the commissioner of health, and the director
10- 3 of the [division] office of probation and correctional alternatives.

10- 4 § 19. Section 244 of the executive law, as amended by chapter 906 of
10- 5 the laws of 1974, is amended to read as follows:

10- 6 § 244. Hostels and foster homes. 1. The [director] office is hereby
10- 7 authorized to provide or to pay for care in a hostel or foster home
10- 8 approved by [him] the office as suitable for such cases for any proba-
10- 9 tioner or parolee under the age of twenty-one years when the parole
10-10 board or a judge of a court determines that there is no other suitable
10-11 home for such probationer or parolee and that such probationer or paro-
10-12 lee should be placed in such hostel or foster home. In addition to
10-13 payment for such care, when ordered by the board or court, the [direc-]
10-14 [tor] office is authorized to provide or pay for clothing and other
10-15 necessities, including medical and psychiatric treatment, required for
10-16 the welfare of such probationer or parolee. The [director] office may
10-17 also provide or contract for such care in any suitable facility operated
10-18 by a department of correction or by any other public or voluntary social
10-19 welfare agency, institution or organization. A court with respect to
10-20 such a probationer and the parole board with respect to such a parolee
10-21 shall, subject to regulation by the [director] division control admis-
10-22 sions to and discharges from such hostels and foster homes. When place-
10-23 ment is made in any hostel or foster home, or in any facility other than
10-24 a public institution, such placement whenever practicable shall be in a
10-25 hostel, or facility operated by or in the home of a person or persons of
10-26 the same religious faith as the probationer or parolee.

10-27 2. The [director] office shall have authority and the duty to stimu-
10-28 late programs for the development of hostels and foster homes for the
10-29 care of probationers and parolees under the age of twenty-one years.

10-30 § 20. Section 245 of the executive law, as amended by chapter 134 of
10-31 the laws of 1985, is amended to read as follows:

10-32 § 245. Probation staff training and development. The [division] office
10-33 of probation and correctional alternatives shall conduct training
10-34 programs for city, county and state probation personnel, prepare and
10-35 execute programs of information and education to interest persons in the
10-36 field of probation as a vocation, encourage the development by schools
10-37 within the state of courses of study in fields related to and bearing
10-38 upon probation and engage in other activities of an educational or
10-39 informational nature designed to increase the number of qualified
10-40 probation personnel and improve the caliber of probation service within
10-41 the state. In order to effectuate the provisions of this section, the
10-42 [division] office of probation and correctional alternatives shall be
10-43 authorized to prepare and disseminate printed materials, utilize media
10-44 of public information, cooperate with public and private institutions of
10-45 learning and employ qualified persons as lecturers or consultants on a
10-46 fee basis to supplement services to be performed by its personnel here-
10-47 under. Such fees shall be payable out of funds appropriated for these
10-48 purposes on the audit and warrant of the comptroller on vouchers certi-
10-49 fied or approved by the [director] office.

10-50 § 21. Intentionally omitted.

10-51 § 22. Section 247 of the executive law is REPEALED.

10-52 § 23. Section 248 of the executive law, as added by chapter 479 of the
10-53 laws of 1970, the opening paragraph as amended by chapter 134 of the
10-54 laws of 1985, is amended to read as follows:

10-55 § 248. Establishment of probation scholarships. The [division of]
10-56 [probation and correctional alternatives] office, [under regulations]
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11- 1 [which it shall prescribe, and] out of moneys appropriated to it for that
11- 2 purpose, is authorized to grant scholarships for graduate training in
11- 3 any course of study that would be of substantial value in the field of
11- 4 probation at graduate schools located within the state whose programs
11- 5 are registered by the regents.

11- 6 Each such scholarship shall entitle the holder thereof to a sum not to
11- 7 exceed four thousand dollars annually while in attendance at any of the
11- 8 said schools for a period not to exceed two years of graduate profes-
11- 9 sional study.

11-10 Scholarships under this section shall be awarded only to residents of
11-11 the state of New York who hold a degree of bachelor of arts or bachelor
11-12 of science from a college or university, or the equivalent thereof.

11-13 The [director] office, after consultation with the state probation
11-14 commission, shall [make] recommend to the commissioner rules governing
11-15 the award of such scholarships, the publication of notices offering
11-16 scholarships, the issuance and cancellation of certificates entitling
11-17 persons to the benefits thereof, the use of such scholarships by the
11-18 persons entitled thereto, the courses that may be included under such
11-19 scholarships, the schools which may be attended under such scholarships,
11-20 the rights and duties of scholarship holders and of the schools which
11-21 they attend, and providing generally for the carrying into effect of the
11-22 provisions of this section; and may, by appropriate rule, require that
11-23 holders of such scholarships be available for employment in probation
11-24 work in the state of New York upon the completion of the training for
11-25 which the scholarship is provided. The [director] office shall, after
11-26 consultation with the state probation commission, award such scholar-
11-27 ships within such established rules, and any scholarship may be revoked
11-28 for cause.

11-29 Payments of money under this section may be made to the holder of the
11-30 scholarship or to the school or college attended under the scholarship,
11-31 on behalf of, and for the benefit of, the holder of the scholarship.

11-32 Payments of money shall be ordered by the comptroller upon vouchers of
11-33 the [director] office certifying that the person named therein is enti-
11-34 tled to receive the sum either directly, or for his or her benefit.

11-35 § 24. Subdivision 5 of section 256 of the executive law, as amended by
11-36 chapter 134 of the laws of 1985, is amended to read as follows:

11-37 5. The director of each probation department, other than a joint coun-
11-38 ty department, shall be appointed by the chief executive officer of the
11-39 county. The director of a joint county probation department shall be
11-40 appointed by agreement between the chief executive officers of the coun-
11-41 ties participating in such agreement or a majority of them and in the
11-42 event of a deadlock the [state] director of the office of probation and
11-43 correctional alternatives shall participate in the making of the deci-
11-44 sion. Where a county has no chief executive officer, the appointment of,
11-45 or agreement to appoint, the director shall be made by the chairman of
11-46 the board of supervisors or county legislatures. The director of a
11-47 probation department shall have the power to appoint all deputies,
11-48 supervisors, probation officers and other employees in such department
11-49 within appropriations made available therefor by the board of supervi-
11-50 sors or county legislatures. The board of supervisors or county legisla-
11-51 tures shall fix the salaries of all personnel in the department and make
11-52 the necessary appropriations therefor as well as for the expenses actu-
11-53 ally and necessarily incurred by such officers and employees in the
11-54 performance of their duties. In the case of a joint county department
11-55 the salaries of personnel and the amounts of other expenditures to be
11-56 made available for operation of the department shall be set forth in the

12- 1 agreement between the counties, and the boards of supervisors or county
12- 2 legislatures shall make the appropriations required for the respective
12- 3 proportionate costs thereof.

12- 4 § 25. Subdivisions 2, 3 and 4 of section 257 of the executive law, as
12- 5 amended by chapter 134 of the laws of 1985, are amended to read as
12- 6 follows:

12- 7 2. The [state director] office of probation and correctional alterna-
12- 8 tives may when necessary certify in writing the need of one or more
12- 9 salaried probation officers to the official body charged with responsi-
12-10 bility for appropriating funds for support of government in the poli-
12-11 tical subdivision of the state wherein a probation department is
12-12 located. Such body shall then determine whether such need exists and if
12-13 found to exist it shall fix the salary of such probation officer and
12-14 appropriate the necessary funds, as well as provide for the necessary
12-15 expenses of such officer.

12-16 3. Each probation officer who collects or has custody of money, before
12-17 entering upon the duties of his or her office, shall execute a bond,
12-18 pursuant to the provisions of section eleven of the public officers law,
12-19 in a penal sum to be fixed by the local director of probation with
12-20 sufficient sureties approved thereby, conditioned for the honest
12-21 accounting for all money received by him or her as such probation offi-
12-22 cer. In the discretion of the local director of probation, a position
12-23 scheduled bond covering all such probation officers may be procured and
12-24 executed in lieu of such individual bonds. The accounts of all probation
12-25 officers shall be subject to audit at any time by the proper fiscal
12-26 authorities and the [division] office of probation and correctional
12-27 alternatives.

12-28 4. It shall be the duty of every probation officer to furnish to each
12-29 of his or her probationers a statement of the conditions of probation,
12-30 and to instruct him or her with regard thereto; to keep informed
12-31 concerning his or her conduct, habits, associates, employment, recre-
12-32 ation and whereabouts; to contact him or her at least once a month
12-33 pursuant to rules promulgated by the [state director of probation and]
12-34 [correctional alternatives] commissioner of the division of criminal
12-35 justice services; to aid and encourage him or her by friendly advice and
12-36 admonition; and by such other measures as may seem most suitable to
12-37 bring about improvement in his or her conduct, condition and general
12-38 attitude toward society. Probation officers shall report to the head of
12-39 the probation bureau or department who shall in turn report in writing
12-40 to the court and the [state director] office of probation and correc-
12-41 tional alternatives at least monthly or where there is no bureau or
12-42 department, directly to the court and the [state director] office of
12-43 probation and correctional alternatives concerning the conduct and
12-44 condition of probationers; keep records of their work as probation offi-
12-45 cers; keep accurate and complete accounts of all money collected from
12-46 probationers; give receipts therefor and make prompt returns thereof at
12-47 least monthly; aid in securing employment; perform such other duties in
12-48 connection with such probationer as the court may direct or as required
12-49 by the general rules adopted pursuant to section two hundred forty-three
12-50 of this chapter; and make such reports to the [state division] office of
12-51 probation and correctional alternatives as it may require.

12-52 § 26. Subdivision 6 of section 257-c of the executive law is REPEALED.

12-53 § 27. Paragraphs a, b, e and i of subdivision 1 of section 261 of the
12-54 executive law, paragraphs a, e and i as amended by chapter 338 of the
12-55 laws of 1989 and paragraph b as amended by chapter 461 of the laws of
12-56 1990, are amended to read as follows:

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13- 1 a. "Service plan" or "plan" means a county plan designed to identify
13- 2 and provide eligible programs as determined by either an advisory board
13- 3 established pursuant to this article, or by an existing criminal justice
13- 4 coordinating council, provided, however, the membership of such council

13- 5 includes a majority of those persons set forth in subdivision two of
13- 6 this section, provided that one person shall be the chief administrative
13- 7 officer. The following factors considered, utilized and incorporated in
13- 8 the plan shall include but not be limited to:

13- 9 (i) an analysis of the jail population to assist in determining incar-
13-10 ceration practices and trends, including, if submitting an approved
13-11 amendment pursuant to section two hundred sixty-six of this article, an
13-12 analysis of the relationship between alcohol, drugs and crime and the
13-13 effects of alcohol and substance abuse on the local criminal justice
13-14 system and jail, probation and alternatives to incarceration popu-
13-15 lations, consistent with planning guidelines established by the [divi-]
13-16 [sion] office; the types and nature of alternative programming needed,
13-17 and appropriate eligibility requirements;

13-18 (ii) an analysis of recent overcrowding problems and measures taken by
13-19 the county to relieve them;

13-20 (iii) a summary of existing alternatives programs and/or related
13-21 services and previous efforts made by the county to develop alternatives
13-22 to incarceration and if an approved amendment is submitted, pursuant to
13-23 section two hundred sixty-six of this article, a summary of existing
13-24 alcohol and substance abuse programs;

13-25 (iv) a comprehensive plan for the development of alternatives programs
13-26 that addresses the specific needs identified in subparagraph (i) of this
13-27 paragraph and furthers the county's long-range goals in the area of
13-28 alternatives to incarceration;

13-29 (v) specific proposals for the use of state aid available under this
13-30 chapter, including a description of services to be provided, character-
13-31 istics of the target populations, steps to be taken to identify eligible
13-32 participants, the goals and objectives to be accomplished through the
13-33 proposals;

13-34 (vi) a detailed time frame for the implementation and evaluation of
13-35 the specific proposals described in subparagraph (v) of this paragraph;

13-36 (vii) a summary of those criteria by which the [division] office and
13-37 the state commission of correction may measure the proposal's impact on
13-38 jail overcrowding; and

13-39 (viii) any other information which the [division] office may request
13-40 consistent with the purposes of this chapter.

13-41 Nothing in this article shall prohibit the development of regional
13-42 programs by two or more counties.

13-43 b. "Eligible programs" means existing programs, enhancement of exist-
13-44 ing programs or initiation of new programs or, if submitting an approved
13-45 amendment pursuant to section two hundred sixty-six of this article,
13-46 eligible alcohol and substance abuse programs as defined in paragraph c
13-47 of this subdivision which serve to assist the court, public officers or
13-48 others in identifying and avoiding the inappropriate use of incarceration.
13-49 Such programs may be administered by either the county or private,
13-50 community-based organizations and may include, but shall not be limited
13-51 to: new or enhanced specialized probation services which exceed those
13-52 probation services otherwise required to be performed in accordance with
13-53 applicable law, rule or regulation of the [state] division of [probation]
13-54 [and correctional alternatives] criminal justice services subject to the
13-55 provisions of this article; a pre-trial alternative to detention
13-56 program, including a comprehensive pre-arraignment program which screens

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14- 1 all defendants and ensures that the court is fully advised of the avail-
14- 2 ability of alternatives based upon the defendant's suitability and needs
14- 3 prior to its determination regarding the issuance of a securing order,
14- 4 or an effective bail review program; alternatives to post-adjudicatory
14- 5 incarceration programs, including community service, substance abuse or
14- 6 alcohol intervention programs; and management information systems
14- 7 designed to improve the county's ability to identify appropriate persons
14- 8 for alternatives to detention or incarceration, as well as for improved
14- 9 classification of persons within jail. For purposes of this paragraph,

14-10 community service programs may place persons performing community
14-11 service at worksites identified by the commissioner of the department of
14-12 environmental conservation and the commissioner of the office of parks,
14-13 recreation and historic preservation.

14-14 e. "Approved plan" means a plan submitted by the county executive upon
14-15 approval by the advisory board or council and by the local legislative
14-16 body, which has been determined by the [division of probation and]
14-17 [correctional alternatives] office to meet the requirements set forth in
14-18 paragraph a of this subdivision.

14-19 i. ["Division"] "Office" means the [division] office of probation and
14-20 correctional alternatives.

14-21 § 28. Section 262 of the executive law, as added by chapter 907 of the
14-22 laws of 1984, paragraph a of subdivision 4 as amended by chapter 421 of
14-23 the laws of 1988, is amended to read as follows:

14-24 § 262. [Division] Office assistance; plan; approval. 1. Upon request
14-25 of either the county executive or the advisory board, through the chair-
14-26 person, the [division] office shall assist the county in the development
14-27 of its plan by providing technical assistance either directly or through
14-28 contract with persons or organizations which have expertise in the area
14-29 of pre-trial services or alternatives to incarceration programs.

14-30 2. Upon development of a proposed plan but at least thirty days prior
14-31 to approval by the board, public comment shall be solicited for consid-
14-32 eration by the board prior to final action.

14-33 3. Upon approval by the board, by a majority of its members, any coun-
14-34 ty outside the city of New York acting through its county executive, and
14-35 upon approval of the local legislative body, may submit a proposed
14-36 service plan to the [division] office for approval. The city of New York
14-37 acting through the mayor and upon approval by the board of estimate may
14-38 submit a proposed service plan to the [division] office for approval.

14-39 4. a. Each such plan shall be submitted to the [division] office no
14-40 later than one hundred eighty days after the effective date of the chap-
14-41 ter of the laws of nineteen hundred eighty-eight which amended this
14-42 paragraph and added these words or by the first day of April of each
14-43 subsequent year and shall provide that upon approval it shall become
14-44 effective. Annual renewals of service plans are required and shall be
14-45 submitted to the [division] office no later than the first day of April
14-46 of each year following submission of the original plan. A plan may be
14-47 amended from time to time by the advisory board, subject to the approval
14-48 of the local legislative body and the [division] office. The [division]
14-49 office may recommend amendments to a plan, subject to the approval of
14-50 the advisory board and the local legislative body. Reasons for such
14-51 amendments may include but shall not be limited to the addition or
14-52 deletion of eligible programs with due consideration to their utiliza-
14-53 tion by the court, their effect on diverting the jail bound population,
14-54 reducing the overcrowding problem and their cost-effectiveness.

14-55 b. The [division] office shall either approve or deny the plan no
14-56 later than sixty days following its submission. If the plan is denied,

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15- 1 the [division] office shall notify the county executive in writing of
15- 2 such denial and the reasons therefor and shall specify any measures
15- 3 which should be undertaken to secure the approval of the [division]
15- 4 office. Nothing herein shall prohibit the amendment of a plan to over-
15- 5 come the [division's] office's stated reasons for denial or the resub-
15- 6 mission of such proposed plan for approval.

15- 7 § 29. Section 263 of the executive law, as added by chapter 907 of the
15- 8 laws of 1984, is amended to read as follows:

15- 9 § 263. Reports. The advisory board, through its chairperson, shall
15-10 submit to the [division] office a quarterly report relative to the
15-11 status of compliance with the plan, pursuant to rules and regulations
15-12 promulgated by the [division] commissioner of the division of criminal
15-13 justice services upon recommendation of the office. The report shall
15-14 include, but not be limited to: compliance with specific goals and

15-15 objectives as reflected in the plan; ability of programs to meet
15-16 performance criteria; compliance with timetables; utilization by the
15-17 court of the programs included in the plan; effect of such programs on
15-18 diverting the jail bound population and reducing the over crowding prob-
15-19 lem; and any other information requested by the [division] office and
15-20 available to the advisory board with respect to this article.

15-21 § 30. Section 264 of the executive law, as added by chapter 907 of
15-22 the laws of 1984, the opening paragraph of subdivision 1 as amended by
15-23 chapter 908 of the laws of 1984, is amended to read as follows:

15-24 § 264. Noncompliance with plan. 1. If at any time the [division]
15-25 office determines that a county plan is not being complied with, it
15-26 shall notify the advisory board through the chairperson and the state
15-27 commission of correction in writing of such fact, and it shall withhold
15-28 any portion of state funds not theretofore allocated. Such notice shall
15-29 state the particular reasons for the determination and demand compliance
15-30 with the plan within sixty days of the notice, setting forth the specif-
15-31 ic actions deemed necessary to secure compliance. If compliance is
15-32 forthcoming the board and the state commission of correction shall be
15-33 notified of such fact in writing and any state funds heretofore withheld
15-34 shall be released. If compliance with the plan is not fulfilled within
15-35 such time or within a thirty day extension period as authorized herein,
15-36 the [division] office shall notify the advisory board through the chair-
15-37 person and the state commission of correction. Upon such notification,
15-38 the county shall be deemed in noncompliance with the approved plan and
15-39 the provisions of subdivision eight of section five hundred-b of the
15-40 correction law shall be applied.

15-41 An extension may be granted by the [division] office for a thirty day
15-42 period upon a request by the board through the chairperson, where the
15-43 [division] office determines it to be appropriate, setting forth specif-
15-44 ic reasons for a need for an extension and the steps which shall be
15-45 undertaken to be in compliance at the end of such period.

15-46 Any notification by the [division] office of non-compliance pursuant
15-47 to this section shall be deemed a final determination for purposes of
15-48 judicial review.

15-49 2. The advisory board, through its chairperson, may reapply for
15-50 continuation of its approved plan or modified plan, provided it certi-
15-51 fies that it has complied with the specific actions deemed necessary by
15-52 the [division] office to secure compliance. Within thirty days of
15-53 receipt of the application the [division] office shall verify compliance
15-54 with its notice and notify the board and the state commission of
15-55 correction of its decision.

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16- 1 § 31. The section heading, subdivision 1, paragraph b of subdivision
16- 2 2, and the opening paragraph and paragraphs a and b of subdivision 3 of
16- 3 section 265 of the executive law, the section heading and paragraph a of
16- 4 subdivision 3 as added by chapter 907 of the laws of 1984, subdivision
16- 5 1, paragraph b of subdivision 2 and the opening paragraph of subdivision
16- 6 3 as amended by chapter 338 of the laws of 1989 and paragraph b of
16- 7 subdivision 3 as amended by chapter 320 of the laws of 1989, are amended
16- 8 to read as follows:

16- 9 Further authority of the [division] office; state assistance. 1. In
16-10 administering the provisions of this article, the [division] office may
16-11 perform such other and further acts and [promulgate] recommend to the
16-12 commissioner of the division of criminal justice services such rules and
16-13 regulations it deems necessary, proper or desirable to carry out the
16-14 purpose of this article and not otherwise inconsistent with the other
16-15 provisions of this article, chapter or any other provision of law. This
16-16 shall include, but not be limited to, the [division's] office's consul-
16-17 tation with the chief administrative judge of the office of court admin-
16-18 istration, the chairman of the state commission of correction[,] and the
16-19 [director of the division of alcoholism and alcohol abuse and the direc-]
16-20 [tor of the division of] commissioner of alcoholism and substance abuse

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services.

b. Except as provided in section two hundred sixty-six of this article, applications for such assistance must be made and submitted no later than one hundred eighty days after the effective date of the chapter of the laws of nineteen hundred eighty-eight which amended this paragraph and added these words or by the first day of April of each subsequent year and shall be either approved or denied by the [division] office no later than sixty days following such submission. Any part of the moneys so made available and not apportioned pursuant to a plan approved and contract entered into with the [division] office within the time limits required shall be apportioned by the [division] office in its discretion to such a city or counties on a need basis, taking into consideration inmate population or prior commitment by a county in the development of alternatives to detention or incarceration programs.

The [division] office may receive applications from and may enter into contracts with municipalities to undertake implementation of the service plan and any such municipality may enter into a contract with the [division] office and with such private organization or organizations for such purpose. Except as provided in section two hundred sixty-six of this article, any such contract may include such provisions as may be agreed upon by the parties thereto, but shall include in substance at least the following:

a. An estimate of the reasonable cost and need of the programs as approved by the [division] office;

b. In the first year of the approved service plan an agreement by the [division] office to reimburse to the municipality up to fifty percent of the state's share of the costs at the initial approval of the plan; one-half of the remaining fifty percent of the state's share shall be allocated to municipalities during the implementation of the plan, provided there is substantial compliance with timetables and any other provisions of the plan deemed necessary by the [division] office. The balance of the state's share of the costs shall be allocated to the municipality in a manner determined by the [division] office. In any subsequent year, the [division] office shall reimburse to the municipality the state's share of actual costs incurred under the plan. In no event shall the state's share exceed fifty percent of the total cost of

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the plan, nor shall it be used to replace current expenditures by the municipality for such alternatives programs. However, in determining the amount of the municipal share of the cost of a program, the [division] office shall reduce the amount of the municipal share by an amount equal to the costs incurred by such municipality on implementation of any of the plan's provisions during the year immediately preceding approval of the plan by the [division] office. Any such amount resulting in a reduction of the municipal share shall not be considered in calculating the municipal share of any future program;

§ 32. The section heading and subdivisions 3 and 4 of section 266 of the executive law, as added by chapter 338 of the laws of 1989, are amended to read as follows:

Additional authority of the [division] office; state assistance; approved amendments for eligible alcohol and substance abuse programs.

3. For the purposes of carrying out the purpose of this section, of the amount made available in paragraph a of subdivision two of section two hundred sixty-five, state assistance of not less than seven million dollars shall be made available for approved amendments. Of this amount, no more than forty percent shall be made available for such state assistance to cities with a population of one million or more. The remaining amount shall be made available for such state assistance to counties outside such cities. The [division] office shall apportion the amount available for approved amendments on an as needed basis, taking into consideration the analysis of the relationship between alcohol, drugs and crime, as required in this article, as well as other factors

17-26 as may be required by the [division] office.
17-27 4. The [division] office may receive approved amendments and may amend
17-28 approved plans in accordance with such approved amendments at any time.
17-29 The [division] office may enter into contracts to undertake the imple-
17-30 mentation of the approved amendments and any such municipality may enter
17-31 into contracts with the [division] office and with private organizations
17-32 for such implementation. Any such contracts may include such provisions
17-33 as may be agreed upon by the parties thereto, but shall include at least
17-34 the following:
17-35 a. An estimate of the reasonable costs and need for the eligible alco-
17-36 hol and substance abuse programs;
17-37 b. An agreement by the [division] office to reimburse the municipality
17-38 in accordance with the following:
17-39 (i) In the first year of implementation and operation of the eligible
17-40 alcohol and substance abuse program, the [division] office shall reim-
17-41 burse to the municipality one hundred percent of the costs incurred,
17-42 provided that, upon approval of the contract and consistent with imple-
17-43 mentation plans approved by the [division] office, up to one-half of the
17-44 state's share of the cost of such program may be immediately allocated
17-45 to the municipality for purposes of implementation of the program. The
17-46 balance of the state's share of the costs shall be allocated to the
17-47 municipality in a manner determined by the [division] office.
17-48 (ii) In the second year of operation of such eligible alcohol and
17-49 substance abuse program, such program shall be included in the approved
17-50 service plan submitted by the municipality and the [division] office
17-51 shall reimburse to the municipality seventy-five percent of the costs of
17-52 approved expenditures. Municipalities shall provide at least twenty-five
17-53 percent of costs of approved expenditures of the contract.
17-54 (iii) In the third and any subsequent year of operation of such alco-
17-55 hol and substance abuse program, such program shall be included in the
17-56 approved service plan submitted by the municipality and the [division]

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18- 1 office shall reimburse to the municipality fifty percent of the costs of
18- 2 approved expenditures. Municipalities shall provide at least fifty
18- 3 percent of costs of approved expenditures of the contract.
18- 4 In no event shall the state's share be used to replace expenditures
18- 5 previously incurred by the municipality for such alcohol and substance
18- 6 abuse programs;
18- 7 c. An agreement by the municipality to provide for the payment of the
18- 8 municipality's share of the costs of the alcohol and substance abuse
18- 9 program or programs, and to proceed expeditiously with, and implement,
18-10 such program or programs, as approved by the [division] office; and
18-11 d. Any costs in excess of the amount provided for in this subdivision
18-12 shall be the responsibility of the municipality, except as otherwise
18-13 provided in this article.
18-14 § 33. Section 267 of the executive law, as amended by chapter 338 of
18-15 the laws of 1989, is amended to read as follows:
18-16 § 267. [Division] Office reports. The [division] office shall submit
18-17 to the governor, the temporary president of the senate, the speaker of
18-18 the assembly, the chairman of the senate crime and correction committee
18-19 and the chairman of the assembly committee on codes by October first of
18-20 each year its evaluation and assessment of this alternatives planning
18-21 and programming effort by the counties. Such report shall include, but
18-22 not be limited to, the status of the development of such plans, the
18-23 approval and implementation of such plans, the success of the programs,
18-24 in terms of their utilization, effect on jail population, results of the
18-25 analyses provided counties and the city of New York on the relationship
18-26 between alcohol, drugs and crime and the success of the eligible alcohol
18-27 and substance abuse programs and sentencing decisions together with any
18-28 recommendations with respect to the proper operation or improvement of
18-29 planning and implementation of effective alternatives to detention and
18-30 alternatives to incarceration programs in counties.

18-31 § 34. Section 354-a of the executive law, as amended by chapter 355 of
18-32 the laws of 2004, is amended to read as follows:

18-33 § 354-a. Information on status of veterans receiving assistance.
18-34 Departments, divisions, bureaus, boards, commissions and agencies of the
18-35 state and political subdivisions thereof, which provide assistance,
18-36 treatment, counseling, care, supervision or custody in service areas
18-37 involving health, mental health, family services, criminal justice or
18-38 employment, including but not limited to the office of alcoholism and
18-39 substance abuse services, office of mental health, [division] office of
18-40 probation and correctional alternatives, office of children and family
18-41 services, office of temporary and disability assistance, department of
18-42 health, department of labor, local workforce investment boards, office
18-43 of mental retardation and developmental disabilities, department of
18-44 correctional services and division of parole, shall request assisted
18-45 persons to provide information with regard to their veteran status and
18-46 military experiences. Individuals identifying themselves as veterans
18-47 shall be advised that the division of veterans' affairs and local veter-
18-48 ans' service agencies established pursuant to section three hundred
18-49 fifty-seven of this article provide assistance to veterans regarding
18-50 benefits under federal and state law. Information regarding veterans
18-51 status and military service provided by assisted persons solely to
18-52 implement this section shall be protected as personal confidential
18-53 information under article six-A of the public officers law against
18-54 disclosure of confidential material, and used only to assist in the
18-55 diagnosis, treatment, assessment and handling of the veteran's problems
18-56 within the agency requesting such information and in referring the
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19- 1 veteran to the division of veterans' affairs for information and assist-
19- 2 ance with regard to benefits and entitlements under federal and state
19- 3 law.

19- 4 § 35. Intentionally Omitted.

19- 5 § 36. Intentionally Omitted.

19- 6 § 37. Paragraph (a) of subdivision 20 of section 623 of the executive
19- 7 law, as amended by chapter 418 of the laws of 1986, is amended to read
19- 8 as follows:

19- 9 (a) Information transmitted by the [state division] office of
19-10 probation and correctional alternatives under subdivision five of
19-11 section 390.30 of the criminal procedure law and subdivision seven of
19-12 section 351.1 of the family court act which the board shall compile,
19-13 review and make recommendations on how to promote the use of restitution
19-14 and encourage its enforcement.

19-15 § 38. Subdivision 1 of section 643 of the executive law, as added by
19-16 chapter 94 of the laws of 1984, is amended to read as follows:

19-17 1. As used in this section, "crime victim-related agency" means any
19-18 agency of state government which provides services to or deals directly
19-19 with crime victims, including (a) the [department of social services]
19-20 office of children and family services, the office [of] for the aging,
19-21 the division of veterans affairs, [the division of probation,] the divi-
19-22 sion of parole, [the crime victims board,] the department of motor vehi-
19-23 cles, the office of vocational rehabilitation, the workers' compensation
19-24 board, the department of health, the division of criminal justice
19-25 services, the office of mental health, every transportation authority
19-26 and the division of state police, and (b) any other agency so designated
19-27 by the governor within ninety days of the effective date of this
19-28 section.

19-29 § 39. Subdivision 9 of section 835 of the executive law, as amended by
19-30 chapter 602 of the laws of 2008, is amended to read as follows:

19-31 9. "Qualified agencies" means courts in the unified court system, the
19-32 administrative board of the judicial conference, probation departments,
19-33 sheriffs' offices, district attorneys' offices, the state department of
19-34 correctional services[, the state division of probation], the department
19-35 of correction of any municipality, the insurance frauds bureau of the

19-36 state department of insurance, the office of professional medical
19-37 conduct of the state department of health for the purposes of section
19-38 two hundred thirty of the public health law, the child protective
19-39 services unit of a local social services district when conducting an
19-40 investigation pursuant to subdivision six of section four hundred twenty-
19-41 four of the social services law, the office of Medicaid inspector
19-42 general, the temporary state commission of investigation, the criminal
19-43 investigations bureau of the banking department, police forces and
19-44 departments having responsibility for enforcement of the general criminal
19-45 laws of the state and the Onondaga County Center for Forensic
19-46 Sciences Laboratory when acting within the scope of its law enforcement
19-47 duties.

19-48 § 40. Subdivision 8 of section 92 of the public officers law, as
19-49 amended by chapter 336 of the laws of 1992, is amended to read as
19-50 follows:

19-51 (8) Public safety agency record. The term "public safety agency
19-52 record" means a record of the commission of correction, the temporary
19-53 state commission of investigation, the department of correctional
19-54 services, the [division for youth] office of children and family
19-55 services, the division of parole, the [crime victims board] office of
19-56 victim services, the [division] office of probation and correctional
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20- 1 alternatives or the division of state police or of any agency or compo-
20- 2 nent thereof whose primary function is the enforcement of civil or crim-
20- 3 inal statutes if such record pertains to investigation, law enforcement,
20- 4 confinement of persons in correctional facilities or supervision of
20- 5 persons pursuant to criminal conviction or court order, and any records
20- 6 maintained by the division of criminal justice services pursuant to
20- 7 sections eight hundred thirty-seven, eight hundred thirty-seven-a, eight
20- 8 hundred thirty-seven-b, eight hundred thirty-seven-c, eight hundred
20- 9 thirty-eight, eight hundred thirty-nine, eight hundred forty-five, and
20-10 eight hundred forty-five-a of the executive law and by the department of
20-11 state pursuant to section ninety-nine of the executive law.

20-12 § 41. The opening paragraph of paragraph (b) of subdivision 6 of
20-13 section 1198 of the vehicle and traffic law, as amended by chapter 669
20-14 of the laws of 2007, is amended to read as follows:

20-15 After consultation with manufacturers of ignition interlock devices
20-16 and the national highway traffic safety administration, the commissioner
20-17 of the department of health, in consultation with the commissioner and
20-18 the [director of the division] office of probation and correctional
20-19 alternatives, shall promulgate regulations regarding standards for, and
20-20 use of, ignition interlock devices. Such standards shall include
20-21 provisions for setting a minimum and maximum calibration range and shall
20-22 include, but not be limited to, requirements that the devices:

20-23 § 42. Paragraph hh of subdivision 1 of section 3-0301 of the environ-
20-24 mental conservation law, as amended by chapter 461 of the laws of 1990,
20-25 is amended to read as follows:

20-26 hh. Cooperate with the [division] office of probation and correctional
20-27 alternatives by identifying appropriate worksites where persons perform-
20-28 ing community service as part of a criminal disposition may be assigned
20-29 to provide cleanup and other maintenance services in order to preserve
20-30 and enhance the state's natural beauty and human-made scenic qualities.
20-31 Such sites may include but are not limited to the state's shorelines,
20-32 beaches, parks, roadways, historic sites and other natural or human-made
20-33 resources.

20-34 § 43. Paragraph (m) of subdivision 1 of section 2782 of the public
20-35 health law, as amended by chapter 193 of the laws of 1991, is amended to
20-36 read as follows:

20-37 (m) an employee or agent of the [division] office of probation and
20-38 correctional alternatives or any local probation department, in accord-
20-39 ance with paragraph (a) of subdivision two of section twenty-seven
20-40 hundred eighty-six of this article, to the extent the employee or agent

20-41 is authorized to access records containing such information in order to
20-42 carry out the [division's] office's or department's functions, powers
20-43 and duties with respect to the protected individual, pursuant to arti-
20-44 cles twelve and twelve-A of the executive law;

20-45 § 44. Subdivision 2-f of section 3.09 of the parks, recreation and
20-46 historic preservation law, as amended by chapter 461 of the laws of 1990
20-47 and as separately renumbered by chapters 460 and 552 of the laws of
20-48 2001, is amended to read as follows:

20-49 2-f. Cooperate with the [division] office of probation and correction-
20-50 al alternatives by identifying appropriate worksites where persons
20-51 performing community service as part of a criminal disposition may be
20-52 assigned to provide cleanup and other maintenance services in order to
20-53 preserve and enhance the state's natural beauty and human-made scenic
20-54 qualities. Such sites may include but are not limited to the state's
20-55 shorelines, beaches, parks, roadways, historic sites and other natural
20-56 or human-made resources.

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21- 1 § 45. Paragraph 2 of subdivision (a) of section 19.09 of the mental
21- 2 hygiene law, as added by chapter 223 of the laws of 1992, is amended to
21- 3 read as follows:

21- 4 (2) Upon the request of a state agency, including but not limited to
21- 5 the department of correctional services, the [state division] office of
21- 6 probation and correctional alternatives, the [division for youth] office
21- 7 of children and family services, and the board of parole, the commis-
21- 8 sioner shall have the power to provide alcoholism, substance abuse, and
21- 9 chemical dependence services either directly or through agreements with
21-10 local certified or approved providers to persons in the custody or under
21-11 the jurisdiction of the requesting agency within amounts available and
21-12 within priorities established through the planning process.

21-13 § 46. Subdivision 4 of section 65.10 of the penal law, as added by
21-14 chapter 653 of the laws of 1996, is amended to read as follows:

21-15 4. Electronic monitoring. When imposing a sentence of probation the
21-16 court may, in addition to any conditions imposed pursuant to subdivi-
21-17 sions two and three of this section, require the defendant to submit to
21-18 the use of an electronic monitoring device and/or to follow a schedule
21-19 that governs the defendant's daily movement. Such condition may be
21-20 imposed only where the court, in its discretion, determines that requir-
21-21 ing the defendant to comply with such condition will advance public
21-22 safety, probationer control or probationer surveillance. Electronic
21-23 monitoring shall be used in accordance with uniform procedures developed
21-24 by the [division] office of probation and correctional alternatives.

21-25 § 47. Subdivision 1 of section 89-e of the correction law, as amended
21-26 by chapter 550 of the laws of 1987, is amended to read as follows:

21-27 1. The alternate correctional facility review panel is hereby estab-
21-28 lished and shall consist of the commissioner, the chairman of the state
21-29 commission of correction, the chairman of the board of parole, the
21-30 director of the [division] office of probation and correctional alterna-
21-31 tives, the commissioner of correction of the city of New York, the pres-
21-32 ident of the New York State Sheriffs' Association Institute, Inc., and
21-33 the president of the Correctional Association of New York or their
21-34 designees. The governor shall appoint a chairman and vice-chairman from
21-35 among the members.

21-36 § 48. Subdivision 4 of section 270 of the correction law, as added by
21-37 section 1 of part SS of chapter 56 of the laws of 2009, is amended to
21-38 read as follows:

21-39 4. "Division" means the division of [probation and correctional alter-]
21-40 [natives] criminal justice services.

21-41 § 49. Subdivision 1 of section 705 of the correction law, as amended
21-42 by chapter 193 of the laws of 1991, is amended to read as follows:

21-43 1. All applications, certificates and orders of revocation necessary
21-44 for the purposes of this article shall be upon forms prescribed pursuant
21-45 to agreement among the state commissioner of correctional services, the

21-46 chairman of the state board of parole and the administrator of the state
21-47 judicial conference. Such forms relating to certificates of relief from
21-48 disabilities shall be distributed by the [director of the state divi-]
21-49 [sion] office of probation and correctional alternatives and forms relat-
21-50 ing to certificates of good conduct shall be distributed by the chairman
21-51 of the board of parole.

21-52 § 50. The opening paragraph of subdivision 4 and subdivision 5 of
21-53 section 390.30 of the criminal procedure law, the opening paragraph of
21-54 subdivision 4 as amended by chapter 618 of the laws of 1992 and subdivi-
21-55 sion 5 as added by chapter 14 of the laws of 1985, are amended to read
21-56 as follows:

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22- 1 In lieu of the procedure set forth in subdivisions one, two and three
22- 2 of this section, where the conviction is of a misdemeanor the scope of
22- 3 the pre-sentence investigation may be abbreviated and a short form
22- 4 report may be made. The use of abbreviated investigations and short
22- 5 form reports, the matters to be covered therein and the form of the
22- 6 reports shall be in accordance with the general rules regulating methods
22- 7 and procedures in the administration of probation as adopted from time
22- 8 to time by the [state director of probation and correctional alterna-]
22- 9 [tives] commissioner of the division of criminal justice services pursu-
22-10 ant to the provisions of article twelve of the executive law. No such
22-11 rule, however, shall be construed so as to relieve the agency conducting
22-12 the investigation of the duty of investigating and reporting upon:

22-13 5. Information to be forwarded to the [state division] office of
22-14 probation and correctional alternatives. Investigating agencies under
22-15 this article shall be responsible for the collection, and transmission
22-16 to the [state division] office of probation and correctional alterna-
22-17 tives, of data on the number of victim impact statements prepared,
22-18 pursuant to regulations of the [division] office. Such information
22-19 shall be transmitted to the [crime victims board] office of victim
22-20 services and included in the [board's] office's annual report pursuant
22-21 to subdivision twenty of section six hundred twenty-three of the execu-
22-22 tive law.

22-23 § 51. Subdivision 1 of section 410.80 of the criminal procedure law,
22-24 as amended by chapter 191 of the laws of 2007, is amended to read as
22-25 follows:

22-26 1. Authority to transfer supervision. Where a probationer at the time
22-27 of sentencing resides in another jurisdiction within the state, the
22-28 sentencing court shall transfer supervision to the appropriate probation
22-29 department in such other jurisdiction. Where, after a probation sentence
22-30 is pronounced, a probationer desires to reside in another jurisdiction
22-31 within the state that is not served by the sentencing court, such court,
22-32 in its discretion, may approve a change in residency and, upon approval,
22-33 shall transfer supervision to the appropriate probation department serv-
22-34 ing the county of the probationer's proposed new residence. Any transfer
22-35 under this subdivision must be in accordance with rules adopted by the
22-36 [director] commissioner of the [state] division of [probation and]
22-37 [correctional alternatives] criminal justice services.

22-38 § 52. Subdivision 8 of section 420.10 of the criminal procedure law,
22-39 as amended by chapter 506 of the laws of 1985, paragraph (a) as sepa-
22-40 rately amended by chapters 134, 233 and 506 of the laws of 1985 and
22-41 paragraph (b) as separately amended by chapters 134 and 506 of the laws
22-42 of 1985, is amended to read as follows:

22-43 8. Designation of restitution agency. (a) The chief elected official
22-44 in each county, and in the city of New York the mayor, shall designate
22-45 an official or organization other than the district attorney to be
22-46 responsible for the collection and administration of restitution and
22-47 reparation payments under provisions of the penal law and this chapter[;]
22-48 [provided, however, that where the state division of probation and]
22-49 [correctional alternatives provides for and delivers probation services]
22-50 [pursuant to the provisions of section two hundred forty-seven of the]

22-51 [executive law the state division of probation and correctional alterna-]
22-52 [tives shall have the first option of designating such agency as the]
22-53 [restitution agency for such county]. This official or organization shall
22-54 be eligible for the designated surcharge provided for by subdivision
22-55 eight of section 60.27 of the penal law.

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23- 1 (b) The restitution agency, as designated by paragraph (a) of this
23- 2 subdivision, shall be responsible for the collection of data on a month-
23- 3 ly basis regarding the numbers of restitution and reparation orders
23- 4 issued, the numbers of satisfied restitution and reparation orders and
23- 5 information concerning the types of crimes for which such orders were
23- 6 required. A probation department designated as the restitution agency
23- 7 shall then forward such information to the [director of the state divi-]
23- 8 [sion] office of probation and correctional alternatives within the first
23- 9 ten days following the end of each month [who shall transmit such infor-]
23-10 [mation to the division of criminal justice services]. In all other cases
23-11 the restitution agency shall report to the division of criminal justice
23-12 services directly. The division of criminal justice services shall
23-13 compile and review all such information and make recommendations to
23-14 promote the use of restitution and encourage its enforcement.

23-15 § 53. Section 252-a of the family court act, as added by chapter 55 of
23-16 the laws of 1992, is amended to read as follows:

23-17 § 252-a. Fees. (a) Notwithstanding any other provision of law, every
23-18 county, including the city of New York, may adopt a local law authoriz-
23-19 ing its probation department which is ordered to conduct an investi-
23-20 gation pursuant to section six hundred fifty-three of this [chapter]
23-21 act, to be entitled to a fee of not less than fifty dollars and not more
23-22 than five hundred dollars from the parties in such proceeding for
23-23 performing such investigation. Such fee shall be based on the party's
23-24 ability to pay the fee and the schedule for payment shall be fixed by
23-25 the court issuing the order for investigation, pursuant to the guide-
23-26 lines issued by the [director of the division] office of probation and
23-27 correctional alternatives, and may in the discretion of the court be
23-28 waived when the parties lack sufficient means to pay the fee. The court
23-29 shall apportion the fee between the parties based upon the respective
23-30 financial circumstances of the parties and the equities of the case.

23-31 (b) Fees pursuant to this section shall be paid directly to the local
23-32 probation department to be retained and utilized for local probation
23-33 services, and shall not be considered by the [division] office of
23-34 probation and correctional alternatives when determining state aid
23-35 [reimbursement] pursuant to section two hundred forty-six of the execu-
23-36 tive law.

23-37 § 54. Subdivision 7 of section 351.1 of the family court act, as added
23-38 by chapter 418 of the laws of 1986, is amended to read as follows:

23-39 7. The probation services which prepare the investigation reports
23-40 shall be responsible for the collection and transmission to the [state]
23-41 [division] office of probation and correctional alternatives, of data on
23-42 the number of victim impact statements prepared, pursuant to regulations
23-43 of the division. Such information shall be transmitted to the [crime]
23-44 [victims board] office of victim services and included in the [board's]
23-45 office's annual report pursuant to subdivision twenty of section six
23-46 hundred twenty-three of the executive law.

23-47 § 55. Subdivision 2 of section 385.1 of the family court act, as
23-48 amended by chapter 134 of the laws of 1985, is amended to read as
23-49 follows:

23-50 2. The [division] office of probation and correctional alternatives
23-51 shall include in its annual report to the legislature and the governor
23-52 information, by county, showing the total number of delinquency cases
23-53 adjusted prior to filing.

23-54 § 56. Section 177-e of the judiciary law is REPEALED.

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24- 1 § 57. Paragraph (g) of subdivision 1 of section 1193 of the vehicle
24- 2 and traffic law, as added by chapter 496 of the laws of 2009, is amended
24- 3 to read as follows:

24- 4 (g) The [division] office of probation and correctional alternatives
24- 5 shall [promulgate] recommend to the commissioner of the division of
24- 6 criminal justice services regulations governing the monitoring of
24- 7 compliance by persons ordered to install and maintain ignition interlock
24- 8 devices to provide standards for monitoring by departments of probation,
24- 9 and options for monitoring of compliance by such persons, that counties
24-10 may adopt as an alternative to monitoring by a department of probation.

24-11 § 58. Subdivision 5 of section 257-c of the executive law, as added by
24-12 chapter 55 of the laws of 1992, is amended to read as follows:

24-13 5. Monies collected pursuant to this section shall be utilized for
24-14 probation services by the local probation department. Such moneys shall
24-15 not be considered by the division when determining state aid [reimburse-]
24-16 [ment] pursuant to section two hundred forty-six of the executive law.
24-17 Monies collected shall not be used to replace federal funds otherwise
24-18 utilized for probation services.

24-19 § 59. Section 385.2 of the family court act, as amended by chapter 134
24-20 of the laws of 1985, is amended to read as follows:

24-21 § 385.2. Consolidation of records within a city having a population of
24-22 one million or more. Notwithstanding any other provision of law, in a
24-23 city having a population of one million or more, an index of the records
24-24 of the local probation departments located in the counties comprising
24-25 such city for proceedings under article three shall be consolidated and
24-26 filed in a central office for use by the family court and local
24-27 probation service in each such county. After consultation with the state
24-28 administrative judge, the commissioner of the division of criminal
24-29 justice services in consultation with the [state] director of the office
24-30 of probation and correctional alternatives shall specify the information
24-31 to be contained in such index and the organization of such consolidated
24-32 file.

24-33 § 60. Section 783-a of the family court act, as amended by chapter 134
24-34 of the laws of 1985, is amended to read as follows:

24-35 § 783-a. Consolidation of records within a city having a population of
24-36 one million or more. Notwithstanding any other provision of law, in a
24-37 city having a population of one million or more, an index of the records
24-38 of the local probation departments located in the counties comprising
24-39 such city for proceedings under article seven shall be consolidated and
24-40 filed in a central office for use by the family court and local
24-41 probation service in each such county. After consultation with the state
24-42 administrative judge, the commissioner of the division of criminal
24-43 justice services, in consultation with the [state] director of the
24-44 office of probation and correctional alternatives shall specify the
24-45 information to be contained in such index and the organization of such
24-46 consolidated file.

24-47 § 61. Paragraph (b) of subdivision 4 of section 34-a of the social
24-48 services law, as added by section 18 of part E of chapter 57 of the laws
24-49 of 2005, is amended to read as follows:

24-50 (b) The commissioner of the office of children and family services
24-51 shall review and approve or disapprove the diversion services portion of
24-52 the plan jointly with the director of the office of probation and
24-53 correctional alternatives or any other successor agency or entity. The
24-54 requirements for the portion of the plan and report regarding the
24-55 provision of diversion services shall be jointly established by the
24-56 commissioner of the office of children and family services and the

25- 1 director of the office of probation and correctional alternatives or any
25- 2 other successor agency or entity. The multi-year services plan and
25- 3 where appropriate the annual implementation reports shall be based upon
25- 4 a written understanding between the local social services district and
25- 5 the probation department which outlines the cooperative procedures to be

25- 6 followed by both parties regarding diversion services pursuant to
25- 7 section seven hundred thirty-five of the family court act, consistent
25- 8 with their respective obligations as otherwise required by law.

25- 9 § 62. Subdivision 1 of section 483 of the social services law, as
25-10 added by section 2 of part F2 of chapter 62 of the laws of 2003, is
25-11 amended to read as follows:

25-12 1. There shall be a council on children and families established with-
25-13 in the office of children and family services consisting of the follow-
25-14 ing members: the state commissioner of children and family services, the
25-15 commissioner of temporary and disability assistance, the commissioner of
25-16 mental health, the commissioner of mental retardation and developmental
25-17 disabilities, the commissioner of the office of alcoholism and substance
25-18 abuse services, the commissioner of education, the [state] director of
25-19 the office of probation and correctional alternatives, the commissioner
25-20 of health, the commissioner of the division of criminal justice
25-21 services, the state advocate for persons with disabilities, the director
25-22 of the office for the aging, the commissioner of labor, and the chair of
25-23 the commission on quality of care for the mentally disabled. The gover-
25-24 nor shall designate the chair of the council and the chief executive
25-25 officer (CEO).

25-26 § 63. Subparagraph (i) of paragraph (a) of subdivision 3 of section
25-27 483-c of the social services law, as added by section 2 of part F2 of
25-28 chapter 62 of the laws of 2003, is amended to read as follows:

25-29 (i) State tier III team. There is hereby established a state team
25-30 designated as the "tier III team", which shall consist of the chair of
25-31 the council, the commissioners of children and family services, mental
25-32 health, health, education, alcohol and substance abuse services, and
25-33 mental retardation and developmental disabilities, and the director of
25-34 the office of probation and correctional alternatives, or their design-
25-35 ated representatives, and representatives of families of children with
25-36 emotional and/or behavioral disorders. Other representatives may be
25-37 added at the discretion of such team.

25-38 § 64. Subdivision 3 of section 702 of the correction law, as amended
25-39 by chapter 134 of the laws of 1985, is amended to read as follows:

25-40 3. Where a certificate of relief from disabilities is not issued at
25-41 the time sentence is pronounced it shall only be issued thereafter upon
25-42 verified application to the court. The court may, for the purpose of
25-43 determining whether such certificate shall be issued, request its
25-44 probation service to conduct an investigation of the applicant, or if
25-45 the court has no probation service it may request the probation service
25-46 of the county court for the county in which the court is located to
25-47 conduct such investigation[, or if there be no such probation service]
25-48 [the court may request the state director of probation and correctional]
25-49 [alternatives to arrange for such investigation]. Any probation officer
25-50 requested to make an investigation pursuant to this section shall
25-51 prepare and submit to the court a written report in accordance with such
25-52 request.

25-53 § 65. Subdivision 4 of section 995-c of the executive law, as added by
25-54 chapter 737 of the laws of 1994, is amended to read as follows:

25-55 4. The commissioner of the division of criminal justice services, in
25-56 consultation with the commission, the commissioner of health, the [divi-]
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26- 1 [sions] division of parole [and], the director of the office of probation
26- 2 and correctional alternatives and the department of correctional
26- 3 services, shall promulgate rules and regulations governing the proce-
26- 4 dures for notifying designated offenders of the requirements of this
26- 5 section.

26- 6 § 66. Paragraph (c) of subdivision 1 of section 169 of the executive
26- 7 law, as amended by chapter 634 of the laws of 1998, is amended to read
26- 8 as follows:

26- 9 (c) commissioner of agriculture and markets, commissioner of alcohol-
26-10 ism and substance abuse services, adjutant general, commissioner and
26-11 president of state civil service commission, commissioner of economic

26-12 development, chair of the energy research and development authority,
26-13 executive director of the board of real property services, president of
26-14 higher education services corporation, commissioner of motor vehicles,
26-15 member-chair of board of parole, [director of probation and correctional]
26-16 [alternatives,] chair of public employment relations board, secretary of
26-17 state, chair of the state racing and wagering board, commissioner of
26-18 alcoholism and substance abuse services, executive director of the hous-
26-19 ing finance agency, commissioner of housing and community renewal, exec-
26-20 utive director of state insurance fund, commissioner-chair of state
26-21 liquor authority, chair of the workers' compensation board;

26-22 § 67. Subdivision 1 of section 221-a of the executive law, as amended
26-23 by chapter 107 of the laws of 2004, is amended to read as follows:

26-24 1. The superintendent, in consultation with the division of criminal
26-25 justice services, office of court administration, [the division of]
26-26 [probation and correctional alternatives,] the state office for the
26-27 prevention of domestic violence and the division for women, shall devel-
26-28 op a comprehensive plan for the establishment and maintenance of a
26-29 statewide computerized registry of all orders of protection issued
26-30 pursuant to articles four, five, six and eight of the family court act,
26-31 section 530.12 of the criminal procedure law and, insofar as they
26-32 involve victims of domestic violence as defined by section four hundred
26-33 fifty-nine-a of the social services law, section 530.13 of the criminal
26-34 procedure law and sections two hundred forty and two hundred fifty-two
26-35 of the domestic relations law, and orders of protection issued by courts
26-36 of competent jurisdiction in another state, territorial or tribal juris-
26-37 diction, special orders of conditions issued pursuant to subparagraph
26-38 (i) or (ii) of paragraph (o) of subdivision one of section 330.20 of the
26-39 criminal procedure law insofar as they involve a victim or victims of
26-40 domestic violence as defined by subdivision one of section four hundred
26-41 fifty-nine-a of the social services law or a designated witness or
26-42 witnesses to such domestic violence, and all warrants issued pursuant to
26-43 sections one hundred fifty-three and eight hundred twenty-seven of the
26-44 family court act, and arrest and bench warrants as defined in subdivi-
26-45 sions twenty-eight, twenty-nine and thirty of section 1.20 of the crimi-
26-46 nal procedure law, insofar as such warrants pertain to orders of
26-47 protection or temporary orders of protection; provided, however, that
26-48 warrants issued pursuant to section one hundred fifty-three of the fami-
26-49 ly court act pertaining to articles three, seven and ten of such act and
26-50 section 530.13 of the criminal procedure law shall not be included in
26-51 the registry. The superintendent shall establish and maintain such
26-52 registry for the purposes of ascertaining the existence of orders of
26-53 protection, temporary orders of protection, warrants and special orders
26-54 of conditions, and for enforcing the provisions of paragraph (b) of
26-55 subdivision four of section 140.10 of the criminal procedure law.

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27- 1 § 68. Section 354-a of the executive law, as amended by chapter 355 of
27- 2 the laws of 2004, is amended to read as follows:

27- 3 § 354-a. Information on status of veterans receiving assistance.
27- 4 Departments, divisions, bureaus, boards, commissions and agencies of the
27- 5 state and political subdivisions thereof, which provide assistance,
27- 6 treatment, counseling, care, supervision or custody in service areas
27- 7 involving health, mental health, family services, criminal justice or
27- 8 employment, including but not limited to the office of alcoholism and
27- 9 substance abuse services, office of mental health, [division] office of
27-10 probation and correctional alternatives, office of children and family
27-11 services, office of temporary and disability assistance, department of
27-12 health, department of labor, local workforce investment boards, office
27-13 of mental retardation and developmental disabilities, department of
27-14 correctional services and division of parole, shall request assisted
27-15 persons to provide information with regard to their veteran status and
27-16 military experiences. Individuals identifying themselves as veterans
27-17 shall be advised that the division of veterans' affairs and local veter-

27-18 ans' service agencies established pursuant to section three hundred
27-19 fifty-seven of this article provide assistance to veterans regarding
27-20 benefits under federal and state law. Information regarding veterans
27-21 status and military service provided by assisted persons solely to
27-22 implement this section shall be protected as personal confidential
27-23 information under article six-A of the public officers law against
27-24 disclosure of confidential material, and used only to assist in the
27-25 diagnosis, treatment, assessment and handling of the veteran's problems
27-26 within the agency requesting such information and in referring the
27-27 veteran to the division of veterans' affairs for information and assist-
27-28 ance with regard to benefits and entitlements under federal and state
27-29 law.

27-30 § 69. Paragraph (b) of subdivision 4 of section 575 of the executive
27-31 law, as amended by chapter 255 of the laws of 2008, is amended to read
27-32 as follows:

27-33 (b) The advisory council shall consist of nine members and fourteen
27-34 ex-officio members. Each member shall be appointed to serve for a term
27-35 of three years and shall continue in office until a successor appointed
27-36 member is made. A member appointed to fill a vacancy shall be appointed
27-37 for the unexpired term of the member he or she is to succeed. All of the
27-38 members shall be individuals with expertise in the area of domestic
27-39 violence. Three members shall be appointed by the governor, two members
27-40 shall be appointed upon the recommendation of the temporary president of
27-41 the senate, two members shall be appointed upon the recommendation of
27-42 the speaker of the assembly, one member shall be appointed upon the
27-43 recommendation of the minority leader of the senate, and one member
27-44 shall be appointed upon the recommendation of the minority leader of the
27-45 assembly. The ex-officio members of the advisory board shall consist of
27-46 one representative from the staff of each of the following state depart-
27-47 ments and divisions: office of temporary and disability services;
27-48 department of health; education department; office of mental health;
27-49 division of alcoholism and alcohol abuse; division of criminal justice
27-50 services; [division] office of probation and correctional alternatives;
27-51 office of children and family services; crime victims board; office of
27-52 court administration; department of labor; state office for the aging;
27-53 department of correctional services; and the division of parole.

27-54 § 70. Paragraphs (a) and (b) of subdivision 5 of section 576 of the
27-55 executive law, as added by chapter 463 of the laws of 1992, is amended
27-56 to read as follows:

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28- 1 (a) The office shall, in conjunction with the [division] office of
28- 2 probation and correctional alternatives, provide or arrange to be
28- 3 provided technical assistance and training as requested or necessary to
28- 4 programs approved pursuant to this act to develop appropriate services
28- 5 and train staff, improve coordination with the domestic violence
28- 6 program, other appropriate support services, the criminal justice
28- 7 system, including the judiciary, the police, the district attorney, and
28- 8 other appropriate officials and services.

28- 9 (b) The office shall, in conjunction with the [division] office of
28-10 probation and correctional alternatives, provide any requested or neces-
28-11 sary assistance to local departments of probation to assist in the
28-12 development of local plans, policies and procedures for case referral,
28-13 coordination, and monitoring of clients with appropriate agencies and
28-14 persons.

28-15 § 71. Paragraph (a) of subdivision 20 of section 623 of the executive
28-16 law, as amended by chapter 418 of the laws of 1986, is amended to read
28-17 as follows:

28-18 (a) Information transmitted by the [state division] office of
28-19 probation and correctional alternatives under subdivision five of
28-20 section 390.30 of the criminal procedure law and subdivision seven of
28-21 section 351.1 of the family court act which the board shall compile,
28-22 review and make recommendations on how to promote the use of restitution

28-23 and encourage its enforcement.
28-24 § 72. This act shall take effect immediately; provided, however, that:
28-25 (a) the amendments to paragraphs a, b, e and i of subdivision 1 of
28-26 section 261 of the executive law made by section twenty-seven of this
28-27 act shall not affect the repeal of such section and shall be deemed
28-28 repealed therewith;
28-29 (b) the amendments to sections 262, 263, 264, 265, 266 and 267 of the
28-30 executive law made by sections twenty-eight, twenty-nine, thirty, thirty-
28-31 ty-one, thirty-two and thirty-three of this act, shall not affect the
28-32 repeal of such sections and shall be deemed repealed therewith;
28-33 (c) the amendments to the opening paragraph of paragraph (b) of subdivi-
28-34 sion 6 of section 1198 of the vehicle and traffic law made by section
28-35 forty-one of this act shall not affect the repeal of such section and
28-36 shall be deemed repealed therewith;
28-37 (d) the amendments to section 252-a of the family court act made by
28-38 section fifty-three of this act shall not affect the expiration of such
28-39 section and shall be deemed to expire therewith; and
28-40 (e) the amendments to subdivision 5 of section 257-c of the executive
28-41 law made by section fifty-eight of this act shall not affect the expira-
28-42 tion of such section and shall be deemed expired therewith.

28-43

PART A-1

28-44 Section 1. Subdivision 1 of section 643 of the executive law, as added
28-45 by chapter 94 of the laws of 1984, is amended to read as follows:

28-46 1. As used in this section, "crime victim-related agency" means any
28-47 agency of state government which provides services to or deals directly
28-48 with crime victims, including (a) the [department of social services]
28-49 office of children and family services, the office [of] for the aging,
28-50 the division of veterans affairs, the division of probation and correc-
28-51 tional alternatives, the division of parole, the [crime victims board]
28-52 office of victim services, the department of motor vehicles, the office
28-53 of vocational rehabilitation, the workers' compensation board, the
28-54 department of health, the division of criminal justice services, the
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29- 1 office of mental health, every transportation authority and the division
29- 2 of state police, and (b) any other agency so designated by the governor
29- 3 within ninety days of the effective date of this section.

29- 4 § 2. Subdivision 8 of section 92 of the public officers law, as
29- 5 amended by chapter 336 of the laws of 1992, is amended to read as
29- 6 follows:

29- 7 (8) Public safety agency record. The term "public safety agency
29- 8 record" means a record of the commission of correction, the temporary
29- 9 state commission of investigation, the department of correctional
29-10 services, the [division for youth] office of children and family
29-11 services, the division of parole, the [crime victims board] office of
29-12 victim services, the division of probation and correctional alternatives
29-13 or the division of state police or of any agency or component thereof
29-14 whose primary function is the enforcement of civil or criminal statutes
29-15 if such record pertains to investigation, law enforcement, confinement
29-16 of persons in correctional facilities or supervision of persons pursuant
29-17 to criminal conviction or court order, and any records maintained by the
29-18 division of criminal justice services pursuant to sections eight hundred
29-19 thirty-seven, eight hundred thirty-seven-a, eight hundred thirty-sev-
29-20 en-b, eight hundred thirty-seven-c, eight hundred thirty-eight, eight
29-21 hundred thirty-nine, eight hundred forty-five, and eight hundred forty-
29-22 five-a of the executive law and by the department of state pursuant to
29-23 section ninety-nine of the executive law.

29-24 § 3. Subdivision 7 of section 351.1 of the family court act, as added
29-25 by chapter 418 of the laws of 1986, is amended to read as follows:

29-26 7. The probation services which prepare the investigation reports
29-27 shall be responsible for the collection and transmission to the state

29-28 division of probation and correctional alternatives, of data on the
29-29 number of victim impact statements prepared, pursuant to regulations of
29-30 the division. Such information shall be transmitted to the [crime]
29-31 [victims board] office of victim services and included in the [board's]
29-32 office's annual report pursuant to subdivision twenty of section six
29-33 hundred twenty-three of the executive law.

29-34 § 4. Paragraph (b) of subdivision 4 of section 575 of the executive
29-35 law, as amended by chapter 255 of the laws of 2008, is amended to read
29-36 as follows:

29-37 (b) The advisory council shall consist of nine members and fourteen
29-38 ex-officio members. Each member shall be appointed to serve for a term
29-39 of three years and shall continue in office until a successor appointed
29-40 member is made. A member appointed to fill a vacancy shall be appointed
29-41 for the unexpired term of the member he or she is to succeed. All of the
29-42 members shall be individuals with expertise in the area of domestic
29-43 violence. Three members shall be appointed by the governor, two members
29-44 shall be appointed upon the recommendation of the temporary president of
29-45 the senate, two members shall be appointed upon the recommendation of
29-46 the speaker of the assembly, one member shall be appointed upon the
29-47 recommendation of the minority leader of the senate, and one member
29-48 shall be appointed upon the recommendation of the minority leader of the
29-49 assembly. The ex-officio members of the advisory board shall consist of
29-50 one representative from the staff of each of the following state depart-
29-51 ments and divisions: office of temporary and disability services;
29-52 department of health; education department; office of mental health;
29-53 [division] office of alcoholism and [alcohol] substance abuse services;
29-54 division of criminal justice services; division of probation and correc-
29-55 tional alternatives; office of children and family services; [crime]
29-56 [victims board] office of victim services; office of court adminis-

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30- 1 tration; department of labor; state office for the aging; department of
30- 2 correctional services; and the division of parole.

30- 3 § 5. Subdivision (a) of section 483-ee of the social services law, as
30- 4 added by chapter 74 of the laws of 2007, is amended to read as follows:

30- 5 (a) There is established an interagency task force on trafficking in
30- 6 persons, which shall consist of the following members or their desig-
30- 7 nees: (1) the commissioner of the division of criminal justice services;
30- 8 (2) the commissioner of the office of temporary and disability assist-
30- 9 ance; (3) the commissioner of health; (4) the commissioner of the office
30-10 of mental health; (5) the commissioner of labor; (6) the commissioner of
30-11 the office of children and family services; (7) the commissioner of the
30-12 office of alcoholism and substance abuse services; (8) the [chairperson]
30-13 director of the [crime victims board] office of victim services; (9) the
30-14 executive director of the office for the prevention of domestic
30-15 violence; and (10) the superintendent of the division of state police;
30-16 and others as may be necessary to carry out the duties and responsibil-
30-17 ities under this section. The task force will be co-chaired by the
30-18 commissioners of the division of criminal justice services and the
30-19 office of temporary and disability assistance, or their designees. It
30-20 shall meet as often as is necessary and under circumstances as are
30-21 appropriate to fulfilling its duties under this section.

30-22 § 6. Subdivision 1 of section 621 of the executive law, as amended by
30-23 chapter 17 of the laws of 1982, is amended to read as follows:

30-24 1. ["Board" shall mean the crime victims board] "Office" shall mean
30-25 the office of victim services.

30-26 § 7. Section 622 of the executive law is REPEALED and a new section
30-27 622 is added to read as follows:

30-28 § 622. Office of victim services. There is hereby created in the exec-
30-29 utive department the office of victim services, hereinafter in this
30-30 article referred to as the "office". The office shall be headed by a
30-31 director, who shall be appointed by the governor for a term of three
30-32 years. The director shall coordinate and recommend policy relating to

30-33 the provision of services to crime victims. The director shall appoint
30-34 staff and perform such other functions to ensure the efficient operation
30-35 of the office within the amounts made available therefor by appropri-
30-36 ation.

30-37 § 8. Section 623 of the executive law, as added by chapter 894 of the
30-38 laws of 1966, subdivisions 3, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20
30-39 and 21 as added by chapter 688 of the laws of 1985, subdivision 18 as
30-40 amended by chapter 74 of the laws of 1986, paragraph (a) of subdivision
30-41 20 as amended by chapter 418 of the laws of 1986 and subdivision 22 as
30-42 added by chapter 346 of the laws of 1986, is amended to read as follows:

30-43 § 623. Powers and duties of the [board] office. The [board] office
30-44 shall have the following powers and duties:

30-45 1. To establish and maintain a principal office and such other offices
30-46 within the state as it may deem necessary.

30-47 2. To appoint a secretary, counsel, clerks and such other employees
30-48 and agents as it may deem necessary, fix their compensation within the
30-49 limitations provided by law, and prescribe their duties.

30-50 3. To adopt, promulgate, amend and rescind suitable rules and regu-
30-51 lations to carry out the provisions and purposes of this article,
30-52 including rules for the determination of claims, rules for the approval
30-53 of attorneys' fees for representation before the [board] office and/or
30-54 before the appellate division upon judicial review as provided for in
30-55 section six hundred twenty-nine of this article, and rules for the

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31- 1 authorization of qualified persons to assist claimants in the prepara-
31- 2 tion of claims for presentation to the [board or board members] office.

31- 3 4. To request from the division of state police, from county or
31- 4 municipal police departments and agencies and from any other state or
31- 5 municipal department or agency, or public authority, and the same are
31- 6 hereby authorized to provide, such assistance and data as will enable
31- 7 the [board] office to carry out its functions and duties.

31- 8 5. To hear and determine all claims for awards filed with the [board]
31- 9 office pursuant to this article, and to reinvestigate or reopen cases as
31-10 [the board deems] necessary.

31-11 6. To direct medical examination of victims.

31-12 7. To hold hearings, administer oaths or affirmations, examine any
31-13 person under oath or affirmation and to issue subpoenas requiring the
31-14 attendance and giving of testimony of witnesses and require the
31-15 production of any books, papers, documentary or other evidence. The
31-16 powers provided in this subdivision may be delegated by the [board]
31-17 director to any member or employee [thereof] of the office. A subpoena
31-18 issued under this subdivision shall be regulated by the civil practice
31-19 law and rules.

31-20 8. To take or cause to be taken affidavits or depositions within or
31-21 without the state.

31-22 9. To establish and maintain a special investigative unit to expedite
31-23 processing of claims by senior citizens and special emergency situ-
31-24 ations, and to promote the establishment of a volunteer program of home
31-25 visitation to elderly and invalid victims of violent crime.

31-26 10. To advise and assist the governor in developing policies designed
31-27 to recognize the legitimate rights, needs and interests of crime
31-28 victims.

31-29 11. To coordinate state programs and activities relating to crime
31-30 victims.

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

31-34 13. To study the operation of laws and procedures affecting crime
31-35 victims and recommend to the governor and legislature proposals to
31-36 improve the administration and effectiveness of such laws.

31-37 14. To establish an advisory council to assist in formulation of poli-
31-38 cies on the problems of crime victims and to provide recommendations to

31-39 the director to improve the delivery of services to victims by the
31-40 office.

31-41 15. To [advocate] work with national associations, statewide coalitions,
31-42 regional coalitions, victim service providers, and other advocates
31-43 to address and advance the rights and interests of crime victims
31-44 of the state [before federal, state and local administrative, regulatory]
31-45 [ry, legislative, judicial and criminal justice agencies].

31-46 16. To promote and conduct studies, research, analyses and investigations
31-47 of matters affecting the interests of crime victims.

31-48 17. To [sponsor conferences relating to the problems of crime]
31-49 [victims] coordinate training opportunities for crime victim advocates
31-50 and service providers.

31-51 18. To serve as a clearinghouse for information relating to crime
31-52 victims' problems and programs.

31-53 19. To accept, with the approval of the governor, as agent of the
31-54 state, any grant including federal grants, or any gift for the purposes
31-55 of this article. Any monies so received may be expended by the [board]

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32- 1 office to effectuate any purpose of this article, subject to the appli-
32- 2 cable provisions of the state finance law.

32- 3 20. To render each year to the governor and to the legislature, on or
32- 4 before December first of each year, a written report on the [board's]
32- 5 office's activities including, but not limited to, specific information
32- 6 on each of the subdivisions of this section, and the manner in which the
32- 7 rights, needs and interests of crime victims are being addressed by the
32- 8 state's criminal justice system. Such report shall also include, but not
32- 9 be limited to:

32-10 (a) Information transmitted by the state division of probation and
32-11 correctional alternatives under subdivision five of section 390.30 of
32-12 the criminal procedure law and subdivision seven of section 351.1 of the
32-13 family court act which the [board] office shall compile, review and make
32-14 recommendations on how to promote the use of restitution and encourage
32-15 its enforcement.

32-16 (b) Information relating to the implementation of and compliance with
32-17 article twenty-three of this chapter by the criminal justice agencies
32-18 and the "crime victim-related agencies" of the state. Such report shall
32-19 also include but not be limited to information regarding crime victim
32-20 service programs, including:

32-21 (1) the programs funded by the office;

32-22 (2) other sources of funding for crime victims service programs;

32-23 (3) an assessment of the adequacy of the current level of appropri-
32-24 ation to the office to meet the reasonable needs of crime victims
32-25 service programs for funding under section six hundred thirty-one-a of
32-26 this article; and

32-27 (4) an estimate of the reasonable needs of programs in the next fiscal
32-28 year.

32-29 21. To make grants to local crime victim service programs and carry
32-30 out related duties under section six hundred thirty-one-a of this arti-
32-31 cle.

32-32 22. To delegate to specified employees of the [board] office the
32-33 power to disallow claims under circumstances where regulations of the
32-34 [board] office provide for disallowance without prejudice to the reopen-
32-35 ing of claims.

32-36 § 9. Paragraph (i) of subdivision 1 and subdivision 2 of section 624
32-37 of the executive law, paragraph (i) of subdivision 1 as amended by chap-
32-38 ter 427 of the laws of 1999 and subdivision 2 as amended by chapter 859
32-39 of the laws of 1990, are amended to read as follows:

32-40 (i) a surviving spouse of a crime victim who died from causes not
32-41 directly related to the crime when such victim died prior to filing a
32-42 claim with the [board] office or subsequent to filing a claim but prior
32-43 to the rendering of a decision by the [board] office. Such award shall
32-44 be limited to out-of-pocket loss incurred as a direct result of the

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crime; and
2. A person who is criminally responsible for the crime upon which a claim is based or an accomplice of such person shall not be eligible to receive an award with respect to such claim. A member of the family of a person criminally responsible for the crime upon which a claim is based or a member of the family of an accomplice of such person, shall be eligible to receive an award, unless the [board] office determines pursuant to regulations [adopted by the board] promulgated to carry out the provisions and purposes of this article, that the person criminally responsible will receive substantial economic benefit or unjust enrichment from the compensation. In such circumstances the award may be

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reduced or structured in such way as to remove the substantial economic benefit or unjust enrichment to such person or the claim may be denied.
§ 10. Section 625 of the executive law, as added by chapter 894 of the laws of 1966, subdivision 1 as amended by chapter 115 of the laws of 1981, subdivision 2 as amended by chapter 359 of the laws of 2001 and subdivision 4 as amended by chapter 726 of the laws of 1969, is amended to read as follows:
§ 625. Filing of claims. 1. A claim may be filed by a person eligible to receive an award, as provided in section six hundred twenty-four of this article, or, if such person is under the age of eighteen years, an incompetent, or a conservatee, by his relative, guardian, committee, conservator, or attorney.
2. A claim must be filed by the claimant not later than one year after the occurrence or discovery of the crime upon which such claim is based, one year after a court finds a lawsuit to be frivolous, or not later than one year after the death of the victim, provided, however, that upon good cause shown, the [board] office may extend the time for filing. The [board] office shall extend the time for filing where the claimant received no notice pursuant to section six hundred twenty-five-a of this article and had no knowledge of eligibility pursuant to section six hundred twenty-four of this article.
3. Claims shall be filed [in the office of the secretary of the board] in person [or], by mail or electronically, in such manner as the office may prescribe. The [secretary of the board] office shall accept for filing all claims submitted by persons eligible under subdivision one of this section and alleging the jurisdictional requirements set forth in this article and meeting the requirements as to form in the rules and regulations [of the board] promulgated to carry out the provisions and purposes of this article.
4. Upon filing of a claim pursuant to this article, the [board] office shall promptly notify the district attorney of the county wherein the crime is alleged to have occurred. If, within ten days after such notification, such district attorney advises the [board] office that a criminal prosecution is pending upon the same alleged crime and requests that action by the [board] office be deferred, the [board] office shall defer all proceedings under this article until such time as such criminal prosecution has been concluded and shall so notify such district attorney and the claimant. When such criminal prosecution has been concluded, such district attorney shall promptly so notify the [board] office. Nothing in this section shall limit the authority of the [board] office to grant emergency awards pursuant to section six hundred thirty of this article.
§ 11. Paragraphs (e) and (f) of subdivision 1 of section 169 of the executive law, paragraph (e) as amended by chapter 437 of the laws of 1995, and paragraph (f) as amended by chapter 83 of the laws of 1995, are amended to read as follows:
(e) chairman of state athletic commission, chairman and executive director of consumer protection board, [member-chairman of crime victims] [board] director of the office of victim services, chairman of human rights appeal board, chairman of the industrial board of appeals, chair-

33-51 man of the employment relations board, chairman of the state commission
33-52 of correction, members of the board of parole, members of the state
33-53 racing and wagering board, member-chairman of unemployment insurance
33-54 appeal board, director of veterans' affairs, and vice-chairman of the
33-55 workers' compensation board;
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34- 1 (f) executive director of adirondack park agency, commissioners of the
34- 2 state liquor authority, commissioners of the state civil service commis-
34- 3 sion, members of state commission of correction, members of the employ-
34- 4 ment relations board, [members of crime victims board,] members of unem-
34- 5 ployment insurance appeal board, and members of the workers'
34- 6 compensation board.

34- 7 § 12. Subdivision 4-b of section 257 of the executive law, as added by
34- 8 chapter 62 of the laws of 2001, is amended to read as follows:

34- 9 4-b. It shall be the duty of every probation officer to provide writ-
34-10 ten notice to probationers under the officer's supervision who may be
34-11 subject to any requirement to report to the [crime victims board] office
34-12 of victim services any funds of a convicted person as defined in section
34-13 six hundred thirty-two-a of this chapter, the procedures for such
34-14 reporting and any potential penalty for a failure to comply.

34-15 § 13. Subdivision 6-a of section 259-a of the executive law, as added
34-16 by chapter 62 of the laws of 2001, is amended to read as follows:

34-17 6-a. The division shall have the duty to provide written notice to
34-18 persons who are serving a term of parole, parole supervision, condi-
34-19 tional release or post release supervision of any requirement to report
34-20 to the [crime victims board] office of victim services any funds of a
34-21 convicted person as defined in section [six hundred thirty-a] six
34-22 hundred thirty-two-a of this chapter, the procedure for such reporting
34-23 and any potential penalty for a failure to comply.

34-24 § 14. Subdivision 16 of section 259-c of the executive law, as amended
34-25 by section 7 of part E of chapter 62 of the laws of 2003 and as renum-
34-26 bered by chapter 67 of the laws of 2008, is amended to read as follows:

34-27 16. have the duty to provide written notice to such inmates prior to
34-28 release on presumptive release, parole, parole supervision, conditional
34-29 release or post release supervision or pursuant to subdivision six of
34-30 section 410.91 of the criminal procedure law of any requirement to
34-31 report to the [crime victims board] office of victim services any funds
34-32 of a convicted person as defined in section six hundred thirty-two-a of
34-33 this chapter, the procedure for such reporting and any potential penalty
34-34 for a failure to comply.

34-35 § 15. Subdivision 1 of section 625-a of the executive law, as amended
34-36 by chapter 173 of the laws of 2006, is amended to read as follows:

34-37 1. Every police station, precinct house, any appropriate location
34-38 where a crime may be reported and any location required by the rules and
34-39 regulations of the [board] office shall have available informative book-
34-40 lets, pamphlets and other pertinent written information, including
34-41 information cards, to be supplied by the [board] office, relating to the
34-42 availability of crime victims compensation including all necessary
34-43 application blanks required to be filed with the [board] office and
34-44 shall display prominently posters giving notification of the existence
34-45 and general provisions of this article, those provisions of the penal
34-46 law that prohibit the intimidation of crime victims and the location of
34-47 the nearest crime victim service program. The [board] office may issue
34-48 guidelines for the location of such display and shall provide posters,
34-49 application forms, information cards and general information. Every
34-50 victim who reports a crime in any manner whatsoever shall be given
34-51 notice about the rights of crime victims and the existence of all rele-
34-52 vant local victim's assistance programs and services pursuant to section
34-53 six hundred twenty-five-b of this article, and supplied by the person
34-54 receiving the report with information, application blanks, and informa-
34-55 tion cards which shall clearly state: (a) that crime victims may be
34-56 eligible for state compensation benefits; (b) the address and phone

35- 1 number of the [nearest board] office; (c) that police and district
 35- 2 attorneys can help protect victims against harassment and intimidation;
 35- 3 (d) the addresses and phone numbers of local victim service programs,
 35- 4 where appropriate, or space for inserting that information; or (e) any
 35- 5 other information the [board] office deems appropriate. Such cards shall
 35- 6 be designed by the [board] office in consultation with local police, and
 35- 7 shall be printed and distributed by the [board] office. The [crime]
 35- 8 [victims board] office shall develop a system for distributing a suffi-
 35- 9 cient supply of the information cards referred to in this subdivision,
 35-10 to all the appropriate designated locations, which shall include a sche-
 35-11 dule for meeting that requirement.

35-12 § 16. Section 625-b of the executive law, as added by chapter 173 of
 35-13 the laws of 2006, is amended to read as follows:

35-14 § 625-b. Standardized victim notification and verification procedures
 35-15 for police officers. 1. The commissioner of the division of criminal
 35-16 justice services in cooperation with the [crime victims board] office
 35-17 shall develop and implement a standardized procedure to be used by
 35-18 police officers, county sheriffs' departments and state police officers
 35-19 whereby victims of crime are notified about the rights of crime victims
 35-20 and the existence of programs designed to assist crime victims.

35-21 2. In establishing a victims assistance notification procedure,
 35-22 consideration shall be given to (a) developing a uniform method of
 35-23 informing victims of crime of their rights and services available, (b)
 35-24 including notification as part of a routine task performed in the course
 35-25 of law enforcement duties, and (c) documenting a victim's receipt of
 35-26 such notice.

35-27 3. All state or municipal printed forms for a police primary investi-
 35-28 gation report shall include a space to indicate that the victim did or
 35-29 did not receive information on victim's rights, [crime victims board]
 35-30 office of victim services assistance and relevant local assistance
 35-31 pursuant to subdivision one of section six hundred twenty-five-a of this
 35-32 article.

35-33 § 17. Subdivisions 1 and 2 of section 626 of the executive law, subdi-
 35-34 vision 1 as amended by chapter 408 of the laws of 2005 and subdivision 2
 35-35 as amended by chapter 276 of the laws of 1998, are amended to read as
 35-36 follows:

35-37 1. Out-of-pocket loss shall mean unreimbursed and unreimbursable
 35-38 expenses or indebtedness reasonably incurred for medical care or other
 35-39 services necessary as a result of the injury upon which such claim is
 35-40 based, including such expenses incurred as a result of the exacerbation
 35-41 of a pre-existing disability or condition directly resulting from the
 35-42 crime or causally related to the crime. Such expenses or indebtedness
 35-43 shall include the cost of counseling for the eligible spouse, grandpar-
 35-44 ents, parents, stepparents, guardians, brothers, sisters, stepbrothers,
 35-45 stepsisters, children or stepchildren of a homicide victim, and crime
 35-46 victims who have sustained a personal physical injury as the direct
 35-47 result of a crime and the spouse, children or stepchildren of such phys-
 35-48 ically injured victim. For the purposes of this subdivision, the victim
 35-49 of a sex offense as defined in article one hundred thirty of the penal
 35-50 law is presumed to have suffered physical injury. Such counseling may be
 35-51 provided by local victim service programs, where available. It shall
 35-52 also include the cost of residing at or utilizing services provided by
 35-53 shelters for battered spouses and children who are eligible pursuant to
 35-54 subdivision two of section six hundred twenty-four of this article, and
 35-55 the cost of reasonable attorneys' fees for representation before the

36- 1 [board] office and/or before the appellate division upon judicial review
 36- 2 not to exceed one thousand dollars.

36- 3 2. Out-of-pocket loss shall also include the cost of counseling for a
 36- 4 child victim and the parent, stepparent, grandparent, guardian, brother,

36- 5 sister, stepbrother or stepsister of such victim, pursuant to regu-
36- 6 lations [of the board] promulgated to carry out the provisions and
36- 7 purposes of this article.

36- 8 § 18. Section 627 of the executive law is REPEALED and a new section
36- 9 627 is added to read as follows:

36-10 § 627. Determination of claims. 1. The office shall determine claims
36-11 in accordance with rules and regulations promulgated by the director.
36-12 Such rules and regulations must provide for:

36-13 (a) written notification to an applying victim of their right to
36-14 representation by counsel, as well as their potential eligibility for an
36-15 award of attorney's fees pursuant to subdivision one of section six
36-16 hundred twenty-six of this article;

36-17 (b) administrative procedures regarding the intake and initial proc-
36-18 essing of claims, including mandatory timelines for the initiation of
36-19 investigation of a properly filed claim;

36-20 (c) the investigation and determination of claims regardless of wheth-
36-21 er the alleged criminal has been apprehended or prosecuted for or
36-22 convicted of any crime based upon the same incident, or has been acquit-
36-23 ted, or found not guilty of the crime in question owing to criminal
36-24 irresponsibility or other legal exemption;

36-25 (d) the rebuttable presumption that a child reported missing for a
36-26 time period exceeding seven days is a victim of a crime;

36-27 (e) the generation of a written decision for each properly filed
36-28 claim, and written notice to the claimant of the written decision and
36-29 their right to a copy of such a decision, as well as any rights to
36-30 appeal that the claimant may have of the decision and a projected date
36-31 of payment in the case of an award to the claimant;

36-32 (f) expedited determination of claims with respect to a livery opera-
36-33 tor within thirty days of the date upon which the claim was accepted for
36-34 filing, as well as standards for awards of loss of earnings or support
36-35 granted pursuant to rules and regulations promulgated in accordance with
36-36 the provisions of this subdivision and subdivision three of section six
36-37 hundred thirty-one of this article. Each award for loss of earnings
36-38 pursuant to rules and regulations promulgated in accordance with this
36-39 subdivision made with respect to a claim involving a livery operator
36-40 assault victim shall be for such period of time as the office determines
36-41 that the livery operator assault victim is unable to work and has lost
36-42 earnings as a result of such assault, in an amount not to exceed twenty
36-43 thousand dollars. Such award shall be distributed in increments of five
36-44 hundred dollars per week. Each award for loss of support pursuant to
36-45 rules and regulations promulgated in accordance with this subdivision
36-46 made with respect to a claim involving a livery operator homicide victim
36-47 shall be in the amount of twenty thousand dollars, distributed in incre-
36-48 ments of five hundred dollars per week; and

36-49 (g) provisions for any claimant to submit an additional claim for any
36-50 loss of earnings or support in excess of the amount awarded pursuant to
36-51 rules and regulations in accordance with paragraph (f) of this subdivi-
36-52 sion, or an additional claim for any other award pursuant to rules and
36-53 regulations promulgated in accordance with this article, in each case
36-54 pursuant to and in accordance with the other provisions of this article
36-55 or any rules and regulations promulgated in accordance thereof and

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37- 1 subject to any applicable maximum award limitations contained in this
37- 2 article.

37- 3 2. The claimant may, within thirty days after receipt of the decision
37- 4 of the office regarding a claim, make an application in writing to the
37- 5 director of the office for reconsideration of such decision. The direc-
37- 6 tor, or his or her designee, shall consider such applications in accord-
37- 7 ance with rules and regulations promulgated by the director and may
37- 8 affirm or modify the decision. The decision of the director, or his or
37- 9 her designee, shall become the final determination of the office regard-
37-10 ing the claim.

37-11 § 19. Section 628 of the executive law is REPEALED.

37-12 § 20. Section 629 of the executive law, as added by chapter 894 of the
37-13 laws of 1966, subdivision 1 as amended by chapter 688 of the laws of
37-14 1985, is amended to read as follows:

37-15 § 629. Judicial review. 1. Within fifteen days after receipt of the
37-16 copy of the report containing the final decision of the [board] office,
37-17 the comptroller shall, if in his judgment the award is illegal or exces-
37-18 sive, notify the [board] office of his conclusion, state the reasons for
37-19 that conclusion, and provide specific recommendations for modification.
37-20 Upon receiving such notification, the [board] office shall have fifteen
37-21 days within which to review and either modify or re-affirm its award. If
37-22 after such modification or reaffirmation the comptroller continues to
37-23 adjudge the award to be illegal or excessive, he may within fifteen days
37-24 after receipt of such modification or reaffirmation, commence a proceed-
37-25 ing in the appellate division of the supreme court, third department, to
37-26 review the decision of the [board] office. Such proceeding shall be
37-27 heard in a summary manner and shall have precedence over all other civil
37-28 cases in such court. Any claimant aggrieved by a final decision of the
37-29 [board] office may commence a proceeding to review that decision pursu-
37-30 ant to article seventy-eight of the civil practice law and rules.

37-31 2. Any such proceeding shall be commenced [by the service of notice]
37-32 [thereof upon the claimant and the board in person or by mail] in accord-
37-33 ance with the civil practice law and rules.

37-34 § 21. Section 630 of the executive law, as amended by chapter 346 of
37-35 the laws of 1986, subdivision 1 as amended by chapter 318 of the laws of
37-36 2007, is amended to read as follows:

37-37 § 630. Emergency awards. 1. Notwithstanding the provisions of section
37-38 six hundred twenty-seven of this article, if it appears to the [board]
37-39 [member to whom a claim is assigned] office, that such claim is one with
37-40 respect to which an award probably will be made, and undue hardship will
37-41 result to the claimant if immediate payment is not made, [such board]
37-42 [member] the office may make one or more emergency awards to the claimant
37-43 pending a final decision of the [board] office or payment of an award in
37-44 the case, provided, however, that the total amount of such emergency
37-45 awards shall not exceed twenty-five hundred dollars. The amount of such
37-46 emergency awards shall be deducted from any final award made to the
37-47 claimant, and the excess of the amount of any such emergency award over
37-48 the amount of the final award, or the full amount of any emergency
37-49 awards if no final award is made, shall be repaid by the claimant to the
37-50 [board] office.

37-51 2. Notwithstanding the provisions of section six hundred twenty-seven
37-52 of this article, local crime victim service programs shall be authorized
37-53 to provide emergency awards to crime victims for essential personal
37-54 property, medical treatment, shelter costs, security services, coun-
37-55 seling and transportation the total amount of such emergency awards not
37-56 to exceed five hundred dollars. These programs shall be reimbursed by

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38- 1 the [board] office, pursuant to the provisions of this article, if it is
38- 2 subsequently determined that the victim is an eligible claimant. Local
38- 3 crime victim service programs shall be authorized to establish special
38- 4 accounts for this purpose. The [board] office shall initiate a program
38- 5 to assist local crime victim service programs in establishing special
38- 6 accounts to provide emergency awards, within amounts designated for that
38- 7 purpose.

38- 8 § 22. Subdivisions 1, 1-a, 3, 4, 5, 6, 13, 14, 15 and 16 of section
38- 9 631 of the executive law, subdivision 1 as amended by chapter 74 of the
38-10 laws of 2007, subdivision 1-a as added by chapter 620 of the laws of
38-11 1997, subdivisions 3 and 4 as amended by chapter 148 of the laws of
38-12 2000, subdivision 5 as amended by chapter 351 of the laws of 1982, para-
38-13 graph (c) of subdivision 5 as amended by chapter 74 of the laws of 1986,
38-14 paragraph (d) of subdivision 5 as amended by chapter 309 of the laws of
38-15 1996, paragraph (e) of subdivision 5 as amended by chapter 763 of the

38-16 laws of 1990, subdivision 6 as amended by chapter 810 of the laws of
38-17 1983, the opening paragraph of paragraph (a) of subdivision 6 as amended
38-18 by chapter 400 of the laws of 1991, subparagraph 1 of paragraph (b) of
38-19 subdivision 6 as amended by chapter 322 of the laws of 2005, subpara-
38-20 graph 7 of paragraph (b) of subdivision 6 as amended by chapter 309 of
38-21 the laws of 1987, subdivision 13 as amended by section 1 of part E of
38-22 chapter 56 of the laws of 2009, subdivisions 14, 15 and 16 as added by
38-23 chapter 21 of the laws of 2007, are amended to read as follows:

38-24 1. No award shall be made unless the [board or board member as the]
38-25 [case may be,] office finds that (a) a crime was committed, (b) such
38-26 crime directly resulted in personal physical injury to or the exacerba-
38-27 tion of a preexisting disability, or condition, or death of, the victim,
38-28 and (c) criminal justice agency records show that such crime was prompt-
38-29 ly reported to the proper authorities; and in no case may an award be
38-30 made where the criminal justice agency records show that such report was
38-31 made more than one week after the occurrence of such crime unless the
38-32 [board] office, for good cause shown, finds the delay to have been
38-33 justified; provided, however, in cases involving an alleged sex offense
38-34 as contained in article one hundred thirty of the penal law or incest as
38-35 defined in section 255.25, 255.26 or 255.27 of the penal law or labor
38-36 trafficking as defined in section 135.35 of the penal law or sex traf-
38-37 ficking as defined in section 230.34 of the penal law or an offense
38-38 chargeable as a family offense as described in section eight hundred
38-39 twelve of the family court act or section 530.11 of the criminal proce-
38-40 dure law, the criminal justice agency report need only be made within a
38-41 reasonable time considering all the circumstances, including the
38-42 victim's physical, emotional and mental condition and family situation.
38-43 For the purposes of this subdivision, "criminal justice agency" shall
38-44 include, but not be limited to, a police department, a district attor-
38-45 ney's office, and any other governmental agency having responsibility
38-46 for the enforcement of the criminal laws of the state provided, however,
38-47 that in cases involving such sex offense a criminal justice agency shall
38-48 also mean a family court, a governmental agency responsible for child
38-49 and/or adult protective services pursuant to title six of article six of
38-50 the social services law and/or title one of article nine-B of the social
38-51 services law, and any medical facility established under the laws of the
38-52 state that provides a forensic physical examination for victims of rape
38-53 and sexual assault.

38-54 1-a. No award shall be made for a frivolous lawsuit unless the [board]
38-55 [or board member, as the case may be,] office finds that the victim has
38-56 been awarded costs pursuant to section eighty-three hundred three-a of
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39- 1 the civil practice law and rules and the individual responsible for the
39- 2 payment of costs is unable to pay such costs provided, however, that in
39- 3 no event shall the amount of such costs exceed two thousand five hundred
39- 4 dollars.

39- 5 3. Any award made for loss of earnings or support shall, unless
39- 6 reduced pursuant to other provisions of this article, be in an amount
39- 7 equal to the actual loss sustained, provided, however, that no such
39- 8 award shall exceed six hundred dollars for each week of lost earnings or
39- 9 support. Awards with respect to livery operator victims pursuant to
39-10 [paragraph (b)] paragraphs (f) and (g) of subdivision [six] one of
39-11 section six hundred twenty-seven of this article shall be granted in the
39-12 amount and in the manner provided therein. The aggregate award for all
39-13 such losses pursuant to this subdivision, including any awards made
39-14 pursuant to [paragraph (b)] paragraphs (f) and (g) of subdivision [six]
39-15 one of section six hundred twenty-seven of this article, shall not
39-16 exceed thirty thousand dollars. If there are two or more persons enti-
39-17 tled to an award as a result of the death of a person which is the
39-18 direct result of a crime, the award shall be apportioned by the [board]
39-19 office among the claimants.

39-20 4. Any award made pursuant to this article shall be reduced by the

39-21 amount of any payments received or to be received by the claimant as a
39-22 result of the injury (a) from or on behalf of the person who committed
39-23 the crime, (b) under insurance programs mandated by law, (c) from public
39-24 funds, (d) under any contract of insurance wherein the claimant is the
39-25 insured or beneficiary, (e) as an emergency award pursuant to section
39-26 six hundred thirty of this article. Notwithstanding the foregoing, where
39-27 the person injured is a livery operator victim, because undue hardship
39-28 may result to the claimant if immediate payment is not made, any award
39-29 pursuant to [paragraph (b)] paragraphs (f) and (g) of subdivision [six]
39-30 one of section six hundred twenty-seven of this article shall be granted
39-31 without reduction for workers' compensation benefits to be received, if
39-32 any.

39-33 5. (a) In determining the amount of an award, the [board or board]
39-34 [member, as the case may be,] office shall determine whether, because of
39-35 his conduct, the victim of such crime contributed to the infliction of
39-36 his injury, and the [board or board member] office shall reduce the
39-37 amount of the award or reject the claim altogether, in accordance with
39-38 such determination.

39-39 (b) Notwithstanding the provisions of paragraph (a) of this subdivi-
39-40 sion, the [board or board member, as the case may be,] office shall
39-41 disregard for this purpose the responsibility of the victim for his own
39-42 injury where the record shows that the person injured was acting as a
39-43 good samaritan, as defined in this article.

39-44 (c) Notwithstanding any inconsistent provision of this article, where
39-45 the person injured acted as a good samaritan, the [board or board]
39-46 [member, as the case may be,] office may, without regard to the financial
39-47 difficulty of the claimant, make an award for out-of-pocket losses. Such
39-48 award may also include compensation for any loss of property up to five
39-49 thousand dollars suffered by the victim during the course of his actions
39-50 as a good samaritan.

39-51 (d) Notwithstanding any inconsistent provision of this article, where
39-52 a person acted as a good samaritan, and was killed as a direct result of
39-53 the crime, the [board or the board member, as the case may be,] office
39-54 may, without regard to the financial difficulty of the claimant, make a
39-55 lump sum award to such claimant for actual loss of support not to exceed
39-56 thirty thousand dollars.

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40- 1 (e) Notwithstanding any inconsistent provision of this article, where
40- 2 a police officer or firefighter, both paid and volunteer, dies from
40- 3 injuries received in the line of duty as a direct result of a crime, the
40- 4 [board or the board member, as the case may be,] office may, without
40- 5 regard to the financial difficulty of the claimant, make an award for
40- 6 the unreimbursed counseling expenses of the eligible spouse, parents,
40- 7 brothers, sisters or children of such victim, and/or the reasonable
40- 8 burial expenses incurred by the claimant.

40- 9 6. (a) Claims may be approved only if the [board or board member, as]
40-10 [the case may be,] office finds that unless the claimant's award is
40-11 approved he will suffer financial difficulty. However, no finding of
40-12 financial difficulty is required for a claim for an emergency award or
40-13 an award less than five thousand dollars. In determining financial
40-14 difficulty, the [board or board member] office shall consider all rele-
40-15 vant factors, including but not limited to:

- 40-16 (1) the number of claimant's dependents;
- 40-17 (2) reasonable living expenses of the claimant and his family;
- 40-18 (3) any special health, rehabilitative or educational needs of the
40-19 claimant and his dependents;
- 40-20 (4) the claimant's employment situation including income and potential
40-21 earning capacity;
- 40-22 (5) the claimant's net financial resources after authorized deduction
40-23 as provided in paragraphs (b) and (c) of this subdivision;
- 40-24 (6) whether claimant's financial resources will become exhausted
40-25 during his lifetime; and

40-26 (7) the nature and the amount of claimant's total debt and liabil-
40-27 ities, including the amount of debt incurred or to be incurred to pay
40-28 for losses and expenses of the crime, and the extent to which claimant's
40-29 essential assets will have to be liquidated.

40-30 (b) Claimant's net financial resources do not include the present
40-31 value of future earnings, and shall be determined by the [board] office
40-32 by deducting from his total financial resources the value, within
40-33 reasonable limits, of the following items:

40-34 (1) a homestead, not exceeding five hundred thousand dollars, or a
40-35 total of ten years' rent for a renter;

40-36 (2) personal property consisting of clothing and strictly personal
40-37 effects;

40-38 (3) household furniture, appliances and equipment;

40-39 (4) tools and equipment necessary for the claimant's trade, occupation
40-40 or business;

40-41 (5) a family automobile;

40-42 (6) life insurance, except in death claims; and

40-43 (7) retirement, education and health plans or contributions to a
40-44 retirement or pension program including but not limited to contributions
40-45 to: (i) employee profit sharing plans, (ii) employee money purchase
40-46 plans, (iii) 401 (k) plans, (iv) simplified employee pensions (SEP), (v)
40-47 individual retirement accounts (IRA), (vi) 403 (b) plans, (vii) 457
40-48 plans, (viii) Keogh plans, (self employed), and (ix) any other plan or
40-49 account for which contributions are made primarily for retirement
40-50 purposes.

40-51 (c) The [board or board member] office, after taking into consider-
40-52 ation the claimant's financial resources, may exempt that portion of the
40-53 victim's or claimant's annual income required to meet reasonable living
40-54 expenses and the value of inventory or other property necessary for the
40-55 claimant's business or occupation or the production of income required
40-56 to meet reasonable living expenses. In no event shall the aggregate

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41- 1 value of exemptions under this paragraph exceed one hundred thousand
41- 2 dollars.

41- 3 (d) Nothing contained in this subdivision shall be construed to mean
41- 4 that the [board] office must maintain the same standard of living
41- 5 enjoyed by the claimant prior to the death or injury.

41- 6 (e) The [board] director shall [establish] promulgate such rules and
41- 7 regulations as are necessary for the implementation of this section.

41- 8 13. Notwithstanding any other provision of law, rule, or regulation to
41- 9 the contrary, when any New York state accredited hospital, accredited
41-10 sexual assault examiner program, or licensed health care provider
41-11 furnishes services to any sexual assault survivor, including but not
41-12 limited to a health care forensic examination in accordance with the sex
41-13 offense evidence collection protocol and standards established by the
41-14 department of health, such hospital, sexual assault examiner program, or
41-15 licensed healthcare provider shall provide such services to the person
41-16 without charge and shall bill the [board] office directly. The [board]
41-17 office, in consultation with the department of health, shall define the
41-18 specific services to be covered by the sexual assault forensic exam
41-19 reimbursement fee, which must include at a minimum forensic examiner
41-20 services, hospital or healthcare facility services related to the exam,
41-21 and related laboratory tests and pharmaceuticals. Follow-up HIV post-ex-
41-22 posure prophylaxis costs shall continue to be reimbursed according to
41-23 established [board] office procedure. The [board] office, in consulta-
41-24 tion with the department of health, shall also generate the necessary
41-25 regulations and forms for the direct reimbursement procedure. The rate
41-26 for reimbursement shall be the amount of itemized charges not exceeding
41-27 eight hundred dollars, to be reviewed and adjusted annually by the
41-28 [board] office in consultation with the department of health. The hospi-
41-29 tal, sexual assault examiner program, or licensed health care provider
41-30 must accept this fee as payment in full for these specified services. No

41-31 additional billing of the survivor for said services is permissible. A
41-32 sexual assault survivor may voluntarily assign any private insurance
41-33 benefits to which she or he is entitled for the healthcare forensic
41-34 examination, in which case the hospital or healthcare provider may not
41-35 charge the [board] office. A hospital, sexual assault examiner program
41-36 or licensed health care provider shall, at the time of the initial
41-37 visit, request assignment of any private health insurance benefits to
41-38 which the sexual assault survivor is entitled on a form prescribed by
41-39 the [board] office; provided, however, such sexual assault survivor
41-40 shall be advised orally and in writing that he or she may decline to
41-41 provide such information regarding private health insurance benefits if
41-42 he or she believes that the provision of such information would substan-
41-43 tially interfere with his or her personal privacy or safety and in such
41-44 event, the sexual assault forensic exam fee shall be paid by the [board]
41-45 office. Such sexual assault survivor shall also be advised that provid-
41-46 ing such information may provide additional resources to pay for
41-47 services to other sexual assault victims. If he or she declines to
41-48 provide such health insurance information, he or she shall indicate such
41-49 decision on the form provided by the hospital, sexual assault examiner
41-50 program or licensed health care provider, which form shall be prescribed
41-51 by the [board] office.

41-52 14. Notwithstanding any inconsistent provision of this article, where
41-53 a victim dies from injuries received as a direct result of the World
41-54 Trade Center terrorist attacks on September eleventh, two thousand one,
41-55 the [board or the board member, as the case may be,] office may make an
41-56 award for the unreimbursed and unreimbursable expense or indebtedness
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42- 1 reasonably incurred for the cost of counseling for the eligible spouse,
42- 2 grandparents, parents, stepparents, guardians, brothers, sisters, step-
42- 3 brothers, stepsisters, children, or stepchildren of such victim. Any
42- 4 award for such expense incurred on or before December thirty-first, two
42- 5 thousand seven, shall be made without regard to the financial difficulty
42- 6 of the claimant.

42- 7 15. Notwithstanding any inconsistent provision of this article, where
42- 8 a victim is injured as a direct result of the World Trade Center terror-
42- 9 ist attacks on September eleventh, two thousand one, the [board or the]
42-10 [board member, as the case may be,] office may make an award for the
42-11 unreimbursed and unreimbursable expense or indebtedness reasonably
42-12 incurred by the claimant for medical care or counseling services neces-
42-13 sary as a result of such injury. Any award for such expense or indebt-
42-14 edness incurred on or before December thirty-first, two thousand seven,
42-15 shall be made without regard to the financial difficulty of the claim-
42-16 ant.

42-17 16. Notwithstanding any inconsistent provision of this article, and
42-18 without regard to the financial difficulty of the claimant, where a
42-19 victim dies from injuries received as a direct result of the World Trade
42-20 Center terrorist attacks on September eleventh, two thousand one, the
42-21 [board or the board member, as the case may be,] office may make an
42-22 award of reasonable burial expenses for such victim.

42-23 § 23. Subdivision 2 of section 632 of the executive law, as amended by
42-24 chapter 115 of the laws of 1981, is amended to read as follows:

42-25 2. Where a person entitled to receive an award is a person under the
42-26 age of eighteen years, an incompetent, or a conservatee, the award may
42-27 be paid to a relative, guardian, committee, conservator, or attorney of
42-28 such person on behalf of and for the benefit of such person. In such
42-29 case the payee shall be required to file a periodic accounting of the
42-30 award with the [board] office and to take such other action as the
42-31 [board] office shall determine is necessary and appropriate for the
42-32 benefit of the person under the age of eighteen years, incompetent or
42-33 conservatee.

42-34 § 24. Section 632-a of the executive law, as amended by chapter 62 of
42-35 the laws of 2001, is amended to read as follows:

42-36 § 632-a. Crime victims. 1. For the purposes of this section:
42-37 (a) "Crime" means (i) any felony defined in the laws of the state; or
42-38 (ii) an offense in any jurisdiction which includes all of the essential
42-39 elements of any felony defined in the laws of this state and: (A) the
42-40 crime victim, as defined in subparagraph (i) of paragraph (d) of this
42-41 subdivision, was a resident of this state at the time of the commission
42-42 of the offense; or (B) the act or acts constituting the offense occurred
42-43 in whole or in part in this state.
42-44 (b) "Profits from a crime" means (i) any property obtained through or
42-45 income generated from the commission of a crime of which the defendant
42-46 was convicted; (ii) any property obtained by or income generated from
42-47 the sale, conversion or exchange of proceeds of a crime, including any
42-48 gain realized by such sale, conversion or exchange; and (iii) any prop-
42-49 erty which the defendant obtained or income generated as a result of
42-50 having committed the crime, including any assets obtained through the
42-51 use of unique knowledge obtained during the commission of, or in prepa-
42-52 ration for the commission of, a crime, as well as any property obtained
42-53 by or income generated from the sale, conversion or exchange of such
42-54 property and any gain realized by such sale, conversion or exchange.
42-55 (c) "Funds of a convicted person" means all funds and property
42-56 received from any source by a person convicted of a specified crime, or
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43- 1 by the representative of such person as defined in subdivision six of
43- 2 section six hundred twenty-one of this article excluding child support
43- 3 and earned income, where such person:
43- 4 (i) is an inmate serving a sentence with the department of correction-
43- 5 al services or a prisoner confined at a local correctional facility or
43- 6 federal correctional institute, and includes funds that a superinten-
43- 7 dent, sheriff or municipal official receives on behalf of an inmate or
43- 8 prisoner and deposits in an inmate account to the credit of the inmate
43- 9 pursuant to section one hundred sixteen of the correction law or depos-
43-10 its in a prisoner account to the credit of the prisoner pursuant to
43-11 section five hundred-c of the correction law; or
43-12 (ii) is not an inmate or prisoner but who is serving a sentence of
43-13 probation or conditional discharge or is presently subject to an undisc-
43-14 charged indeterminate, determinate or definite term of imprisonment or
43-15 period of post-release supervision or term of supervised release, but
43-16 shall include earned income earned during a period in which such person
43-17 was not in compliance with the conditions of his or her probation,
43-18 parole, conditional release, period of post-release supervision by the
43-19 division of parole or term of supervised release with the United States
43-20 probation office or United States parole commission. For purposes of
43-21 this subparagraph, such period of non-compliance shall be measured, as
43-22 applicable, from the earliest date of delinquency determined by the
43-23 board or division of parole, or from the earliest date on which a decla-
43-24 ration of delinquency is filed pursuant to section 410.30 of the crimi-
43-25 nal procedure law and thereafter sustained, or from the earliest date of
43-26 delinquency determined in accordance with applicable federal law, rules
43-27 or regulations, and shall continue until a final determination sustain-
43-28 ing the violation has been made by the trial court, board or division of
43-29 parole, or appropriate federal authority; or
43-30 (iii) is no longer subject to a sentence of probation or conditional
43-31 discharge or indeterminate, determinate or definite term of imprisonment
43-32 or period of post-release supervision or term of supervised release, and
43-33 where within the previous three years: the full or maximum term or peri-
43-34 od terminated or expired or such person was granted a discharge by a
43-35 board of parole pursuant to applicable law, or granted a discharge or
43-36 termination from probation pursuant to applicable law or granted a
43-37 discharge or termination under applicable federal or state law, rules or
43-38 regulations prior to the expiration of such full or maximum term or
43-39 period; and includes only: (A) those funds paid to such person as a
43-40 result of any interest, right, right of action, asset, share, claim,

43-41 recovery or benefit of any kind that the person obtained, or that
43-42 accrued in favor of such person, prior to the expiration of such
43-43 sentence, term or period; (B) any recovery or award collected in a
43-44 lawsuit after expiration of such sentence where the right or cause of
43-45 action accrued prior to the expiration or service of such sentence; and
43-46 (C) earned income earned during a period in which such person was not in
43-47 compliance with the conditions of his or her probation, parole, condi-
43-48 tional release, period of post-release supervision by the division of
43-49 parole or term of supervised release with the United States probation
43-50 office or United States parole commission. For purposes of this subpara-
43-51 graph, such period of non-compliance shall be measured, as applicable,
43-52 from the earliest date of delinquency determined by the board or divi-
43-53 sion of parole, or from the earliest date on which a declaration of
43-54 delinquency is filed pursuant to section 410.30 of the criminal proce-
43-55 dure law and thereafter sustained, or from the earliest date of delin-
43-56 quency determined in accordance with applicable federal law, rules or
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44- 1 regulations, and shall continue until a final determination sustaining
44- 2 the violation has been made by the trial court, board or division of
44- 3 parole, or appropriate federal authority.

44- 4 (d) "Crime victim" means (i) the victim of a crime; (ii) the represen-
44- 5 tative of a crime victim as defined in subdivision six of section six
44- 6 hundred twenty-one of this article; (iii) a good samaritan as defined in
44- 7 subdivision seven of section six hundred twenty-one of this article;
44- 8 (iv) the [crime victims board] office of victim services or other
44- 9 governmental agency that has received an application for or provided
44-10 financial assistance or compensation to the victim.

44-11 (e) (i) "Specified crime" means:

44-12 (A) a violent felony offense as defined in subdivision one of section
44-13 70.02 of the penal law;

44-14 (B) a class B felony offense defined in the penal law;

44-15 (C) an offense for which a merit time allowance may not be received
44-16 against the sentence pursuant to paragraph (d) of subdivision one of
44-17 section eight hundred three of the correction law;

44-18 (D) an offense defined in the penal law that is titled in such law as
44-19 a felony in the first degree;

44-20 (E) grand larceny in the fourth degree as defined in subdivision six
44-21 of section 155.30 or grand larceny in the second degree as defined in
44-22 section 155.40 of the penal law;

44-23 (F) criminal possession of stolen property in the second degree as
44-24 defined in section 165.52 of the penal law; or

44-25 (G) an offense in any jurisdiction which includes all of the essential
44-26 elements of any of the crimes specified in clauses (A) through (F) of
44-27 this subparagraph and either the crime victim as defined in subparagraph
44-28 (i) of paragraph (d) of this subdivision was a resident of this state at
44-29 the time of the commission of the offense or the act or acts constitut-
44-30 ing the crime occurred in whole or in part in this state.

44-31 (ii) Notwithstanding the provisions of subparagraph (i) of this para-
44-32 graph a "specified crime" shall not mean or include an offense defined
44-33 in any of the following articles of the penal law: articles one hundred
44-34 fifty-eight, one hundred seventy-eight, two hundred twenty, two hundred
44-35 twenty-one, two hundred twenty-five, and two hundred thirty.

44-36 (f) "Earned income" means income derived from one's own labor or
44-37 through active participation in a business as distinguished from income
44-38 from, for example, dividends or investments.

44-39 2. (a) Every person, firm, corporation, partnership, association or
44-40 other legal entity, or representative of such person, firm, corporation,
44-41 partnership, association or entity, which knowingly contracts for, pays,
44-42 or agrees to pay: (i) any profits from a crime as defined in paragraph
44-43 (b) of subdivision one of this section, to a person charged with or
44-44 convicted of that crime, or to the representative of such person as
44-45 defined in subdivision six of section six hundred twenty-one of this

44-46 article; or (ii) any funds of a convicted person, as defined in para-
44-47 graph (c) of subdivision one of this section, where such conviction is
44-48 for a specified crime and the value, combined value or aggregate value
44-49 of the payment or payments of such funds exceeds or will exceed ten
44-50 thousand dollars, shall give written notice to the [crime victims board]
44-51 office of the payment or obligation to pay as soon as practicable after
44-52 discovering that the payment or intended payment constitutes profits
44-53 from a crime or funds of a convicted person.
44-54 (b) Notwithstanding subparagraph (ii) of paragraph (a) of this subdi-
44-55 vision, whenever the payment or obligation to pay involves funds of a
44-56 convicted person that a superintendent, sheriff or municipal official
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45- 1 receives or will receive on behalf [on] of an inmate serving a sentence
45- 2 with the department of correctional services or prisoner confined at a
45- 3 local correctional facility and deposits or will deposit in an inmate
45- 4 account to the credit of the inmate or in a prisoner account to the
45- 5 credit of the prisoner, and the value, combined value or aggregate value
45- 6 of such funds exceeds or will exceed ten thousand dollars, the super-
45- 7 intendent, sheriff or municipal official shall also give written notice
45- 8 to the [crime victims board] office.
45- 9 Further, whenever the state or subdivision of the state makes payment
45-10 or has an obligation to pay funds of a convicted person, as defined in
45-11 subparagraph (ii) or (iii) of paragraph (c) of subdivision one of this
45-12 section, and the value, combined value or aggregate value of such funds
45-13 exceeds or will exceed ten thousand dollars, the state or subdivision of
45-14 the state shall also give written notice to the [crime victims board]
45-15 office.
45-16 In all other instances where the payment or obligation to pay involves
45-17 funds of a convicted person, as defined in subparagraph (ii) or (iii) of
45-18 paragraph (c) of subdivision one of this section, and the value,
45-19 combined value or aggregate value of such funds exceeds or will exceed
45-20 ten thousand dollars, the convicted person who receives or will receive
45-21 such funds, or the representative of such person as defined in subdivi-
45-22 sion six of section six hundred twenty-one of this article, shall give
45-23 written notice to the [crime victims board] office.
45-24 (c) The [board] office, upon receipt of notice of a contract, an
45-25 agreement to pay or payment of profits from a crime or funds of a
45-26 convicted person pursuant to paragraph (a) or (b) of this subdivision,
45-27 or upon receipt of notice of funds of a convicted person from the super-
45-28 intendent, sheriff or municipal official of the facility where the
45-29 inmate or prisoner is confined pursuant to section one hundred sixteen
45-30 or five hundred-c of the correction law, shall notify all known crime
45-31 victims of the existence of such profits or funds at their last known
45-32 address.
45-33 3. Notwithstanding any inconsistent provision of the estates, powers
45-34 and trusts law or the civil practice law and rules with respect to the
45-35 timely bringing of an action, any crime victim shall have the right to
45-36 bring a civil action in a court of competent jurisdiction to recover
45-37 money damages from a person convicted of a crime of which the crime
45-38 victim is a victim, or the representative of that convicted person,
45-39 within three years of the discovery of any profits from a crime or funds
45-40 of a convicted person, as those terms are defined in this section.
45-41 Notwithstanding any other provision of law to the contrary, a judgment
45-42 obtained pursuant to this section shall not be subject to execution or
45-43 enforcement against the first one thousand dollars deposited in an
45-44 inmate account to the credit of the inmate pursuant to section one
45-45 hundred sixteen of the correction law or in a prisoner account to the
45-46 credit of the prisoner pursuant to section five hundred-c of the
45-47 correction law. In addition, where the civil action involves funds of a
45-48 convicted person and such funds were recovered by the convicted person
45-49 pursuant to a judgment obtained in a civil action, a judgment obtained
45-50 pursuant to this section may not be subject to execution or enforcement

45-51 against a portion thereof in accordance with subdivision (k) of section
45-52 fifty-two hundred five of the civil practice law and rules. If an action
45-53 is filed pursuant to this subdivision after the expiration of all other
45-54 applicable statutes of limitation, any other crime victims must file any
45-55 action for damages as a result of the crime within three years of the
45-56 actual discovery of such profits or funds, or within three years of
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46- 1 actual notice received from or notice published by the [crime victims]
46- 2 [board] office of such discovery, whichever is later.

46- 3 4. Upon filing an action pursuant to subdivision three of this
46- 4 section, the crime victim shall give notice to the [crime victims board]
46- 5 office of the filing by delivering a copy of the summons and complaint
46- 6 to the [board] office. The crime victim may also give such notice to
46- 7 the [board] office prior to filing the action so as to allow the [board]
46- 8 office to apply for any appropriate provisional remedies which are
46- 9 otherwise authorized to be invoked prior to the commencement of an
46-10 action.

46-11 5. Upon receipt of a copy of a summons and complaint, or upon receipt
46-12 of notice from the crime victim prior to filing the action as provided
46-13 in subdivision four of this section, the [board] office shall immediate-
46-14 ly take such actions as are necessary to:

46-15 (a) notify all other known crime victims of the alleged existence of
46-16 profits from a crime or funds of a convicted person by certified mail,
46-17 return receipt requested, where the victims' names and addresses are
46-18 known by the [board] office;

46-19 (b) publish, at least once every six months for three years from the
46-20 date it is initially notified by a victim, pursuant to subdivision four
46-21 of this section, a legal notice in newspapers of general circulation in
46-22 the county wherein the crime was committed and in counties contiguous to
46-23 such county advising any crime victims of the existence of profits from
46-24 a crime or funds of a convicted person. For crimes committed in a county
46-25 located within a city having a population of one million or more, the
46-26 notice shall be published in newspapers having general circulation in
46-27 such city. The [board] office may, in its discretion, provide for such
46-28 additional notice as it deems necessary;

46-29 (c) avoid the wasting of the assets identified in the complaint as the
46-30 newly discovered profits from a crime or as funds of a convicted person,
46-31 in any manner consistent with subdivision six of this section.

46-32 6. The [board] office, acting on behalf of the plaintiff and all other
46-33 victims, shall have the right to apply for any and all provisional reme-
46-34 dies that are also otherwise available to the plaintiff.

46-35 (a) The provisional remedies of attachment, injunction, receivership
46-36 and notice of pendency available to the plaintiff under the civil prac-
46-37 tice law and rules, shall also be available to the [board] office in all
46-38 actions under this section.

46-39 (b) On a motion for a provisional remedy, the moving party shall state
46-40 whether any other provisional remedy has previously been sought in the
46-41 same action against the same defendant. The court may require the moving
46-42 party to elect between those remedies to which it would otherwise be
46-43 entitled.

46-44 7. (a) (i) Whenever it appears that a person or entity has knowingly
46-45 and willfully failed to give notice in violation of paragraph (a) or (b)
46-46 of subdivision two of this section, other than the state, a subdivision
46-47 of the state, or a person who is a superintendent, sheriff or municipal
46-48 official required to give notice pursuant to this section or section one
46-49 hundred sixteen or section five hundred-c of the correction law, the
46-50 [board] office shall be authorized to serve a notice of hearing upon the
46-51 person or entity by personal service or by registered or certified mail.
46-52 The notice shall contain the time, place and purpose of the hearing. In
46-53 addition, the notice shall be accompanied by a petition alleging facts
46-54 of an evidentiary character that support or tend to support that the
46-55 person or entity, who shall be named therein as a respondent, knowingly

47- 1 of subdivision two of this section. Service of the notice and petition
47- 2 shall take place at least fifteen days prior to the date of the hearing.
47- 3 (ii) The [chairperson of the board,] director or any [board member]
47- 4 individual designated by the [chairperson] director, shall preside over
47- 5 the hearing[. The presiding member], shall administer oaths [and], may
47- 6 issue subpoenas[. The presiding member] and shall not be bound by the
47- 7 rules of evidence or civil procedure, but his or her determination shall
47- 8 be based on a preponderance of the evidence. At the hearing, the burden
47- 9 of proof shall be on the [board, which shall be represented by the coun-]
47-10 [sel to the board or another person designated by the board] office. The
47-11 [board] office shall produce witnesses and present evidence in support
47-12 of the alleged violation, which may include relevant hearsay evidence.
47-13 The respondent, who may appear personally at the hearing, shall have the
47-14 right of counsel and may cross-examine witnesses and produce evidence
47-15 and witnesses in his or her behalf, which may include relevant hearsay
47-16 evidence. The issue of whether the person who received an alleged
47-17 payment or obligation to pay committed the underlying crime shall not be
47-18 re-litigated at the hearing. Where the alleged violation is the failure
47-19 to give notice of a payment amount involving two or more payments the
47-20 combined value or aggregate value of which exceeds ten thousand dollars,
47-21 no violation shall be found unless it is shown that such payments were
47-22 intentionally structured to conceal their character as funds of a
47-23 convicted person, as defined in this section.
47-24 (iii) At the conclusion of the hearing, if the [presiding member]
47-25 director or designated individual is not satisfied that there is a
47-26 preponderance of evidence in support of a violation, the [member] direc-
47-27 tor or designated individual shall dismiss the petition. If the [presid-]
47-28 [ing member] director or designated individual is satisfied that there is
47-29 a preponderance of the evidence that the respondent committed one or
47-30 more violations, the [member] director or designated individual shall so
47-31 find. Upon such a finding, the [presiding member] director or designated
47-32 individual shall prepare a written statement, to be made available to
47-33 the respondent and respondent's counsel, indicating the evidence relied
47-34 on and the reasons for finding the violation.
47-35 (iv) The [board] director shall adopt, promulgate, amend and repeal
47-36 administrative rules and regulations governing the procedures to be
47-37 followed with respect to hearings, including rules and regulations for
47-38 the administrative appeal of a decision made pursuant to this paragraph,
47-39 provided such rules and regulations are consistent with the provisions
47-40 of this subdivision.
47-41 (b)(i) Whenever it is found pursuant to paragraph (a) of this subdivi-
47-42 sion that a respondent knowingly and willfully failed to give notice in
47-43 violation of paragraph (a) or (b) of subdivision two of this section,
47-44 the [board] office shall impose an assessment of up to the amount of the
47-45 payment or obligation to pay and a civil penalty of up to one thousand
47-46 dollars or ten percent of the payment or obligation to pay, whichever is
47-47 greater. If a respondent fails to pay the assessment and civil penalty
47-48 imposed pursuant to this paragraph, the assessment and civil penalty may
47-49 be recovered from the respondent by an action brought by the attorney
47-50 general, upon the request of the [board] office, in any court of compe-
47-51 tent jurisdiction. The [board] office shall deposit the assessment in an
47-52 escrow account pending the expiration of the three year statute of limi-
47-53 tations authorized by subdivision three of this section to preserve such
47-54 funds to satisfy a civil judgment in favor of a person who is a victim
47-55 of a crime committed by the convicted person to whom such failure to
47-56 give notice relates. The [board] office shall pay the civil penalty to
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48- 1 the state comptroller who shall deposit the money in the state treasury
48- 2 pursuant to section one hundred twenty-one of the state finance law to

48- 3 the credit of the criminal justice improvement account established by
48- 4 section ninety-seven-bb of the state finance law.

48- 5 (ii) The [board] office shall then notify any crime victim or crime
48- 6 victims, who may have a claim against the convicted person, of the
48- 7 existence of such moneys. Such notice shall instruct such person or
48- 8 persons that they may have a right to commence a civil action against
48- 9 the convicted person, as well as any other information deemed necessary
48-10 by the [board] office.

48-11 (iii) Upon a crime victim's presentation to the [board] office of a
48-12 civil judgment for damages incurred as a result of the crime, the
48-13 [board] office shall satisfy up to one hundred percent of that judgment,
48-14 including costs and disbursements as taxed by the clerk of the court,
48-15 with the escrowed fund obtained pursuant to this paragraph, but in no
48-16 event shall the amount of all judgments, costs and disbursements satis-
48-17 fied from such escrowed funds exceed the amount in escrow. If more than
48-18 one such crime victim indicates to the [board] office that they intend
48-19 to commence or have commenced a civil action against the convicted
48-20 person, the [board] office shall delay satisfying any judgment, costs
48-21 and disbursements until the claims of all such crime victims are reduced
48-22 to judgment. If the aggregate of all judgments, costs and disbursement
48-23 obtained exceeds the amount of escrowed funds, the amount used to
48-24 partially satisfy each judgment shall be reduced to a pro rata share.

48-25 (iv) After expiration of the three year statute of limitations period
48-26 established in subdivision three of this section, the [board] office
48-27 shall review all judgments that have been satisfied from such escrowed
48-28 funds. In the event no claim was filed or judgment obtained prior to the
48-29 expiration of the three year statute of limitations, the [board] office
48-30 shall return the escrowed amount to the respondent. In the event a claim
48-31 or claims are pending at the expiration of the statute of limitations,
48-32 such funds shall remain escrowed until the final determination of all
48-33 such claims to allow the [board] office to satisfy any judgment which
48-34 may be obtained by the crime victim. Upon the final determination of all
48-35 such claims and the satisfaction of up to one hundred percent of such
48-36 claims by the [board] office, the [board] office shall be authorized to
48-37 impose an additional civil penalty of up to one thousand dollars or ten
48-38 percent of the payment or obligation to pay, whichever is greater. Prior
48-39 to imposing any such penalty, the [board] office shall serve a notice
48-40 upon the respondent by personal service or by registered or certified
48-41 mail of the intent of the [board] office to impose such penalty thirty
48-42 days after the date of the notice and of the opportunity to submit
48-43 documentation concerning the [board's] office's determination. After
48-44 imposing and deducting any such additional civil penalty, the [board]
48-45 office shall distribute such remaining escrowed funds, if any, as
48-46 follows: fifty percent to the state comptroller, who shall deposit the
48-47 money in the state treasury pursuant to section one hundred twenty-one
48-48 of the state finance law to the credit of the criminal justice improve-
48-49 ment account established by section ninety-seven-bb of the state finance
48-50 law; and fifty percent to the respondent.

48-51 (v) Notwithstanding any provision of law, an alleged failure by a
48-52 convicted person to give notice under this section may not result in
48-53 proceedings for an alleged violation of the conditions of probation,
48-54 parole, conditional release, post release supervision or supervised
48-55 release unless: one or more claims were made by a crime victim against
48-56 the convicted person pursuant to this section, and the [crime victims]

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49- 1 [board] office imposes an assessment and/or penalty upon the convicted
49- 2 person pursuant to this section, and the convicted person fails to pay
49- 3 the total amount of the assessment and/or penalty within sixty days of
49- 4 the imposition of such assessment and/or penalty.

49- 5 (vi) Records maintained by the [board] office and proceedings by the
49- 6 [board or a board member] office based thereon regarding a claim submit-
49- 7 ted by a victim or a claimant shall be deemed confidential, subject to
49- 8 the exceptions that appear in subdivision one of section six hundred

49- 9 thirty-three of this article.

49-10 § 25. Section 633 of the executive law, as added by chapter 64 of the
49-11 laws of 1998, is amended to read as follows:

49-12 § 633. Confidentiality of records. 1. Records maintained by the
49-13 [board] office and proceedings by [the board or a board member] the
49-14 office based thereon regarding a claim submitted by a victim or a claim-
49-15 ant shall be deemed confidential with the following exceptions:

49-16 (a) requests for information based upon legitimate criminal justice
49-17 purposes;

49-18 (b) judicial subpoenas;

49-19 (c) requests for information by the victim or claimant or his or her
49-20 authorized representative;

49-21 (d) for purposes necessary and proper for the administration of this
49-22 article.

49-23 2. All other records, including but not limited to, records maintained
49-24 pursuant to sections six hundred thirty-one-a and six hundred thirty-
49-25 two-a of this article and proceedings by [the board or a board member]
49-26 the office based thereon shall be public record.

49-27 3. Any report or record obtained by the [board] office, the confiden-
49-28 tiality of which is protected by any other law or regulation, shall
49-29 remain confidential subject to such law or regulation.

49-30 § 26. Section 634 of the executive law, as amended by chapter 513 of
49-31 the laws of 1982, subdivision 1 as amended and subdivision 6 as added by
49-32 chapter 477 of the laws of 1986, paragraph (c) of subdivision 1 as
49-33 amended by chapter 397 of the laws of 1993, is amended to read as
49-34 follows:

49-35 § 634. Subrogation. 1. (a) Acceptance of an award made pursuant to
49-36 this article shall subrogate the state, to the extent of such award, to
49-37 any right or right of action accruing to the claimant or the victim to
49-38 recover payments on account of losses resulting from the crime with
49-39 respect to which the award is made. Upon the payment of an award, the
49-40 [board] office may, by writing, notify the claimant that such claimant
49-41 has ninety days, or thirty days prior to the date of expiration of the
49-42 applicable statute of limitations, whichever period is shorter, within
49-43 which to commence an action against his assailant or any third party
49-44 who, as a result of the crime, may be liable in damages to the claimant.
49-45 If the claimant fails to commence an action within the time provided
49-46 herein, such failure shall, after written notification by the [board]
49-47 office to the claimant, operate as an assignment of the claimant's cause
49-48 of action against the assailant or such other third party to the state;
49-49 provided, however, that should the claimant's cause of action be in an
49-50 amount in excess of the [board's] office's award, such assignment shall
49-51 be for only that portion of the cause of action which equals the amount
49-52 of the award.

49-53 (b) The [crime victims board] office of victim services shall review
49-54 those claims that have been approved by the [board] office and that have
49-55 resulted in an award in excess of one thousand dollars for the purpose
49-56 of identifying those causes of action that are likely to result in

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50- 1 recovery of the state's payment to the victim. The [board] office shall
50- 2 submit a list of these claims on a monthly basis to the attorney general
50- 3 with all necessary information relating to the case including whether
50- 4 the [claimant's] claimant's cause of action has been assigned to the
50- 5 [board] office.

50- 6 (c) The attorney general may commence an action against the defendant
50- 7 convicted of the crime or third party for money damages to the extent of
50- 8 the award paid, and the claimant shall retain a right of action, subject
50- 9 to defenses, to recover damages for the full amount of loss incurred by
50-10 him as a result of the crime less the amount assigned to the state by
50-11 operation of this subdivision. Notwithstanding any other provision of
50-12 law, an action brought by the attorney general pursuant to this para-
50-13 graph against the defendant convicted of the crime must be commenced

50-14 within seven years of the crime or pursuant to the time frames author-
50-15 ized in subdivision three of section six hundred thirty-two-a of this
50-16 article. A claimant who retains such right of action shall be permitted
50-17 to intervene in any action brought pursuant to this subdivision by the
50-18 attorney general. Any action brought by the attorney general may be
50-19 compromised or settled provided the attorney general and the [board]
50-20 office find that such action is in the best interests of the state.

50-21 2. Acceptance of an award made pursuant to this article shall create a
50-22 lien in favor of the state on the proceeds of any recovery from the
50-23 person or persons liable for the injury or death giving rise to the
50-24 award by the [board] office, whether by judgment, settlement or other-
50-25 wise, after the deduction of the reasonable and necessary expenditures,
50-26 including attorney's fees, incurred in effecting such recovery, to the
50-27 total amount of the award made by the [board] office. Such lien shall
50-28 attach to any moneys received or to be received by the claimant or
50-29 victim on account of losses resulting from the crime. Should the claim-
50-30 ant or victim secure a recovery from the person or persons liable for
50-31 the injury or death giving rise to the award by the [board] office,
50-32 whether by judgment, settlement or otherwise, such claimant may, upon
50-33 notice to the [board] office, apply to the court in which the action was
50-34 instituted, or to any court of competent jurisdiction if no action was
50-35 instituted, for an order apportioning the reasonable and necessary
50-36 expenditures, including attorney's fees, incurred in effecting such
50-37 recovery. Such expenditures shall be equitably apportioned by the court
50-38 between the claimant and the [board] office. A copy of such lien shall
50-39 be mailed to the clerk of the county within which the crime occurred and
50-40 such clerk will file the copy in accordance with the duties of such
50-41 clerk as set forth in section five hundred twenty-five of the county
50-42 law. The amount of such lien may be compromised or settled by the
50-43 [board] office provided the [board] office finds that such action is in
50-44 the best interests of the state, or payment of the full amount of the
50-45 lien to the state would cause undue hardship for the victim.

50-46 3. Any claimant who has received an award under this article, or his
50-47 guardian, judicially appointed personal representative, or his estate,
50-48 who brings an action for damages against the person or persons liable
50-49 for the injury or death giving rise to an award by the [board] office
50-50 under this article shall give written notice to the [board] office of
50-51 the commencement of such action at the time such action is commenced.
50-52 Such notice shall be served personally or by certified mail, return
50-53 receipt requested.

50-54 4. The attorney general may intervene, as of right, in any such action
50-55 on behalf of the state of New York for the purpose of recovering the
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51- 1 subrogated interest due the state of New York under the provisions of
51- 2 this article.

51- 3 5. The [board] director shall adopt rules and regulations to carry out
51- 4 the provisions and purposes of this section.

51- 5 6. The [board] office shall compile information on the number of cases
51- 6 submitted to the attorney general, the number of actions instituted by
51- 7 the attorney general to recover payments made to crime victims, the
51- 8 dollar amount of recoveries made in such actions both on behalf of the
51- 9 state and any awards made to victims who intervene in such actions. The
51-10 [board] office shall include this information, and any recommendations
51-11 to the governor and legislature to improve the collection of awards, in
51-12 its annual report.

51-13 § 27. Subdivisions 1 and 2 of section 631-a of the executive law,
51-14 subdivision 1 as added by chapter 688 of the laws of 1985 and subdivi-
51-15 sion 2 as amended by chapter 263 of the laws of 1986, are amended to
51-16 read as follows:

51-17 1. The [crime victims board] office shall make grants, within amounts
51-18 appropriated for that purpose, for crime victim service programs to
51-19 provide services to crime victims and witnesses. These programs shall be

51-20 operated at the community level by not-for-profit organizations, by
51-21 agencies of local government or by any combination thereof. Crime victim
51-22 service programs may be designed to serve crime victims and witnesses in
51-23 general in a particular community, or may be designed to serve a category
51-24 of persons with special needs relating to a particular kind of crime.
51-25 2. The [crime victims board] director shall promulgate regulations,
51-26 relating to these grants, including guidelines for its determinations.
51-27 (a) These regulations shall be designed to promote:
51-28 (i) alternative funding sources other than the state, including local
51-29 government and private sources;
51-30 (ii) coordination of public and private efforts to aid crime victims;
51-31 and
51-32 (iii) long range development of services to all victims of crime in
51-33 the community and to all victims and witnesses involved in criminal
51-34 prosecutions.
51-35 (b) These regulations shall also provide for services including, but
51-36 not limited to:
51-37 (i) assistance to claimants seeking crime victims compensation bene-
51-38 fits;
51-39 (ii) referrals, crisis intervention and other counseling services;
51-40 (iii) services to elderly victims and to child victims and their fami-
51-41 lies;
51-42 (iv) transportation and household assistance; and
51-43 (v) outreach to the community and education and training of law
51-44 enforcement and other criminal justice officials to the needs of crime
51-45 victims.
51-46 § 28. Subdivision 3 of section 631-a of the executive law is REPEALED.
51-47 § 29. Subdivision 5 of section 390.30 of the criminal procedure law,
51-48 as added by chapter 14 of the laws of 1985, is amended to read as
51-49 follows:
51-50 5. Information to be forwarded to the state division of probation and
51-51 correctional alternatives. Investigating agencies under this article
51-52 shall be responsible for the collection, and transmission to the state
51-53 division of probation and correctional alternatives, of data on the
51-54 number of victim impact statements prepared[, pursuant to regulations of]
51-55 [the division]. Such information shall be transmitted annually to the
51-56 [crime victims board] office of victim services and included in the
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52- 1 [board's] office's annual report pursuant to subdivision twenty of
52- 2 section six hundred twenty-three of the executive law.
52- 3 § 30. Subdivision 7 of section 351.1 of the family court act, as added
52- 4 by chapter 418 of the laws of 1986, is amended to read as follows:
52- 5 7. The probation services which prepare the investigation reports
52- 6 shall be responsible for the collection and transmission to the state
52- 7 division of probation and correctional alternatives, of data on the
52- 8 number of victim impact statements prepared[, pursuant to regulations of]
52- 9 [the division]. Such information shall be transmitted annually to the
52-10 [crime victims board] office of victim services and included in the
52-11 [board's] office's annual report pursuant to subdivision twenty of
52-12 section six hundred twenty-three of the executive law.
52-13 § 31. Subdivision 1 of section 640 of the executive law, as amended by
52-14 chapter 414 of the laws of 1985, is amended to read as follows:
52-15 1. The commissioner of the division of criminal justice services, in
52-16 consultation with the [chairman of the crime victims board] director of
52-17 the office of victim services and other appropriate officials, shall
52-18 promulgate standards for the treatment of the innocent victims of crime
52-19 by the agencies which comprise the criminal justice system of the state.
52-20 § 32. The article heading of article 22 of the executive law, as
52-21 amended by chapter 17 of the laws of 1982, is amended to read as
52-22 follows:
52-23 [CRIME VICTIMS BOARD] OFFICE OF VICTIM SERVICES
52-24 § 33. Section 644 of the executive law, as added by chapter 94 of the

52-25 laws of 1984, is amended to read as follows:

52-26 § 644. Implementation. The commissioner of the division of criminal
52-27 justice services and the [chairman of the crime victims board] director
52-28 of the office of victim services shall assist criminal justice agencies
52-29 in implementing the guidelines promulgated by the commissioner.

52-30 § 34. Section 645 of the executive law, as added by chapter 893 of the
52-31 laws of 1986, is amended to read as follows:

52-32 § 645. Fair treatment standards for crime victims in the courts. The
52-33 chief administrator of the courts, in consultation with the commissioner
52-34 of the division of criminal justice services, the [chairman of the crime]
52-35 [victims board] director of the office of victim services and other
52-36 appropriate officials, shall promulgate standards for the treatment of
52-37 the innocent victims of crime by the unified court system. These stand-
52-38 ards shall conform to and be consistent with the regulations promulgated
52-39 pursuant to section six hundred forty of this article.

52-40 § 35. Subdivisions 1, 3 and 4 of section 646-a of the executive law,
52-41 subdivisions 1 as amended and 4 as added by chapter 173 of the laws of
52-42 2006 and subdivision 3 as added by chapter 67 of the laws of 1994, are
52-43 amended to read as follows:

52-44 1. The district attorney shall provide the victim, at the earliest
52-45 time possible, with an informational pamphlet detailing the rights of
52-46 crime victims which shall be prepared by the division of criminal
52-47 justice services in [cooperation with the crime victims board,] consul-
52-48 tation with the director of the office of victim services and distrib-
52-49 uted to each district attorney's office.

52-50 3. This pamphlet shall provide space for the insertion of the follow-
52-51 ing information:

52-52 (a) the address and phone number of the [nearest crime victims board]
52-53 office of victim services;

52-54 (b) the address and phone numbers of local victim service programs,
52-55 where appropriate;

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53- 1 (c) the name, phone number and office location of the person in the
53- 2 district attorney's office to whom inquiries concerning the victims case
53- 3 may be directed; and

53- 4 (d) any other information the division deems appropriate.

53- 5 4. (a) The commissioner of the division of criminal justice services
53- 6 in [cooperation] consultation with the [crime victims board] director of
53- 7 the office of victim services shall develop and prepare a standardized
53- 8 form for the use of district attorney offices for the purpose of report-
53- 9 ing compliance with this section. The form is to be distributed to each
53-10 district attorney. Every district attorney's office in the state shall
53-11 complete the reporting form annually and send it to the [chair of the]
53-12 [crime victims board] director of the office of victim services by the
53-13 first day of January each year subsequent to the effective date of this
53-14 subdivision.

53-15 (b) A copy of the report shall be retained by the district attorney
53-16 and upon request, a victim of a crime or relative of a victim shall be
53-17 entitled to receive from the district attorney a copy of their district
53-18 attorney's annual report without charge. Any other person requesting a
53-19 copy of the report shall pay a fee not to exceed the actual cost of
53-20 reproduction.

53-21 § 36. Paragraph (a) of subdivision 2 and subdivision 3-a of section
53-22 844-b of the executive law, paragraph (a) of subdivision 2 as amended by
53-23 chapter 393 of the laws of 1995 and subdivision 3-a as added by chapter
53-24 626 of the laws of 1997, are amended to read as follows:

53-25 (a) The committee shall consist of a representative of the commission-
53-26 er, representative of the superintendent of the New York state police,
53-27 two representatives of the New York state sheriffs association, two
53-28 representatives of the New York state association of chiefs of police,
53-29 two representatives of the New York state district attorneys' associ-
53-30 ation, a representative of the attorney general, a representative of the

53-31 [chairperson of the crime victims board] director of the office of
53-32 victim services, a representative of the director of the state office
53-33 for the aging, a representative of the commissioner of social services,
53-34 a representative of the commissioner of the New York city police depart-
53-35 ment, a representative of the New York state crime prevention coalition
53-36 and two elderly representatives one to be appointed by the temporary
53-37 president of the senate and the other by the speaker of the assembly.
53-38 The commissioner shall make appointments to the committee in accordance
53-39 with nominations submitted by the relevant agencies or organizations.
53-40 Each member of the committee shall be appointed by the commissioner to
53-41 serve a two year term. Any member appointed by the commissioner may be
53-42 reappointed for additional terms. Any vacancies shall be filled in the
53-43 same manner as the original appointment and vacancies created otherwise
53-44 than by expiration of term shall be filled for the remainder of that
53-45 unexpired term.

53-46 3-a. Reports. On or before March first, nineteen hundred ninety-eight
53-47 and annually thereafter the committee shall report to the temporary
53-48 president of the senate, the speaker of the assembly, the chair of the
53-49 assembly committee on aging and the chair of the senate committee on
53-50 aging, on the incidence of reports of abuse of elderly persons. Such
53-51 report shall consist of information from reports forwarded to the
53-52 committee by local law enforcement agencies pursuant to section 140.10
53-53 of the criminal procedure law including number of reported incidents,
53-54 ages of victims and alleged offenders, circumstances of the incident
53-55 whether arrests were made and the sentence, if any, of the offenders.
53-56 Such report shall also recommend policies and programs to aid law
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54- 1 enforcement agencies, the courts and the New York state [crime victims]
54- 2 [board] office of victim services in efforts to assist elder victims of
54- 3 domestic violence. The report shall also include recommendations
54- 4 designed to assist law enforcement agencies in implementing "Triad
54- 5 Programs".

54- 6 § 37. Subdivision 12-g of section 8 of the state finance law, as added
54- 7 by chapter 62 of the laws of 2001, is amended to read as follows:

54- 8 12-g. Notwithstanding any other provision of the court of claims act
54- 9 or any other law to the contrary, thirty days before the comptroller
54-10 issues a check for payment to an inmate serving a sentence of imprison-
54-11 ment with the state department of correctional services or to a prisoner
54-12 confined at a local correctional facility for any reason, including a
54-13 payment made in satisfaction of any damage award in connection with any
54-14 lawsuit brought by or on behalf of such inmate or prisoner against the
54-15 state or any of its employees in federal court or any other court, the
54-16 comptroller shall give written notice, if required pursuant to subdivi-
54-17 sion two of section six hundred thirty-two-a of the executive law, to
54-18 the [state crime victims board] office of victim services that such
54-19 payment shall be made thirty days after the date of such notice.

54-20 § 38. Subdivision 3 of section 97-bb of the state finance law, as
54-21 amended by section 1 of part A of chapter 56 of the laws of 2009, is
54-22 amended to read as follows:

54-23 3. Monies of the criminal justice improvement account, following
54-24 appropriation by the legislature and allocation by the director of the
54-25 budget shall be made available for local assistance services and
54-26 expenses of programs to provide services to crime victims and witnesses,
54-27 including operations of the [crime victims board] office of victim
54-28 services, and for payments to victims in accordance with the federal
54-29 crime control act of 1984, as administered pursuant to article twenty-
54-30 two of the executive law.

54-31 § 39. Paragraph (c) of subdivision 1 of section 2805-i of the public
54-32 health law, as added by chapter 571 of the laws of 2007, is amended to
54-33 read as follows:

54-34 (c) offering and making available appropriate HIV post-exposure treat-
54-35 ment therapies in cases where it has been determined, in accordance with

54-36 guidelines issued by the commissioner, that a significant exposure to
54-37 HIV has occurred, and informing the victim that payment assistance for
54-38 such therapies may be available from the [crime victims board] office of
54-39 victim services pursuant to the provisions of article twenty-two of the
54-40 executive law.

54-41 § 40. Section 70 of the general municipal law, as amended by chapter
54-42 62 of the laws of 2001, is amended to read as follows:

54-43 § 70. Payment of judgments against municipal corporation. When a final
54-44 judgment for a sum of money shall be recovered against a municipal
54-45 corporation, and the execution thereof shall not be stayed pursuant to
54-46 law, or the time for such stay shall have expired, the treasurer or
54-47 other financial officer of such corporation having sufficient moneys in
54-48 his hands belonging to the corporation not otherwise specifically appro-
54-49 priated, shall pay such judgment upon the production of a certified copy
54-50 of the docket thereof. Notwithstanding the provisions of any other law
54-51 to the contrary, in any case where payment for any reason is to be made
54-52 to an inmate serving a sentence of imprisonment with the state depart-
54-53 ment of correctional services or to a prisoner confined at a local
54-54 correctional facility, the treasurer or other financial officer shall
54-55 give written notice, if required pursuant to subdivision two of section
54-56 six hundred thirty-two-a of the executive law, to the [state crime]

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55- 1 [victims board] office of victim services that such payment shall be made
55- 2 thirty days after the date of such notice.

55- 3 § 41. Paragraph (b) of subdivision 4 of section 60.27 of the penal
55- 4 law, as amended by chapter 619 of the laws of 2002, is amended to read
55- 5 as follows:

55- 6 (b) the term "victim" shall include the victim of the offense, the
55- 7 representative of a crime victim as defined in subdivision six of
55- 8 section six hundred twenty-one of the executive law, an individual whose
55- 9 identity was assumed or whose personal identifying information was used
55-10 in violation of section 190.78, 190.79 or 190.80 of this chapter, or any
55-11 person who has suffered a financial loss as a direct result of the acts
55-12 of a defendant in violation of section 190.78, 190.79, 190.80, 190.82 or
55-13 190.83 of this chapter, a good samaritan as defined in section six
55-14 hundred twenty-one of the executive law and the [crime victims' board]
55-15 office of victim services or other governmental agency that has received
55-16 an application for or has provided financial assistance or compensation
55-17 to the victim.

55-18 § 42. Section 116 of the correction law, as amended by chapter 62 of
55-19 the laws of 2001, is amended to read as follows:

55-20 § 116. Inmates' funds. The warden or superintendent of each of the
55-21 institutions within the jurisdiction of the department of correction
55-22 shall deposit at least once in each week to his credit as such warden,
55-23 or superintendent, in such bank or banks as may be designated by the
55-24 comptroller, all the moneys received by him as such warden, or super-
55-25 intendent, as inmates' funds, and send to the comptroller and also to
55-26 the commissioner of correction monthly, a statement showing the amount
55-27 so received and deposited. Such statement of deposits shall be certified
55-28 by the proper officer of the bank receiving such deposit or deposits.
55-29 The warden, or superintendent, shall also verify by his affidavit that
55-30 the sum so deposited is all the money received by him as inmates' funds
55-31 during the month. Any bank in which such deposits shall be made shall,
55-32 before receiving any such deposits, file a bond with the comptroller of
55-33 the state, subject to his approval, for such sum as he shall deem neces-
55-34 sary. Upon a certificate of approval issued by the director of the budg-
55-35 et, pursuant to the provisions of section fifty-three of the state
55-36 finance law, the amount of interest, if any, heretofore accrued and
55-37 hereafter to accrue on moneys so deposited, heretofore and hereafter
55-38 credited to the warden, or superintendent, by the bank from time to
55-39 time, shall be available for expenditure by the warden, or superinten-
55-40 dent, subject to the direction of the commissioner, for welfare work
55-41 among the inmates in his custody. The withdrawal of moneys so deposited

55-42 by such warden, or superintendent, as inmates' funds, including any
55-43 interest so credited, shall be subject to his check. Each warden, or
55-44 superintendent, shall each month provide the comptroller and also the
55-45 commissioner with a record of all withdrawals from inmates' funds. As
55-46 used in this section, the term "inmates' funds" means the funds in the
55-47 possession of the inmate at the time of his admission into the institu-
55-48 tion, funds earned by him as provided in section one hundred eighty-sev-
55-49 en of this chapter and any other funds received by him or on his behalf
55-50 and deposited with such warden or superintendent in accordance with the
55-51 rules and regulations of the commissioner. Whenever the total unencum-
55-52 bered value of funds in an inmate's account exceeds ten thousand
55-53 dollars, the superintendent shall give written notice to the [state]
55-54 [crime victims board] office of victim services.

55-55 § 43. Subdivisions 7 and 8 of section 500-c of the correction law, as
55-56 added by chapter 62 of the laws of 2001, are amended to read as follows:
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56- 1 7. A sheriff, the New York city commissioner of correction, or the
56- 2 Westchester county commissioner of correction, as the case may be, shall
56- 3 maintain an institutional fund account on behalf of every lawfully
56- 4 sentenced inmate or prisoner in his custody and shall for the benefit of
56- 5 the person make deposits into said accounts of any prisoner funds. As
56- 6 used in this section, the term "prisoner funds" means (i) funds in the
56- 7 possession of the prisoner at the time of admission into the institu-
56- 8 tion; (ii) funds earned by a prisoner as provided in section one hundred
56- 9 eighty-seven of this chapter; and (iii) any other funds received by or
56-10 on behalf of the prisoner and deposited with such sheriff or municipal
56-11 official in accordance with the written procedures established by the
56-12 commission. Whenever the total value of unencumbered funds in a prison-
56-13 er's account exceeds ten thousand dollars, such sheriff or official
56-14 shall give written notice to the [state crime victims board] office of
56-15 victim services.

56-16 8. A sheriff, the New York city commissioner of correction, or the
56-17 Westchester county commissioner of correction, as the case may be, shall
56-18 provide written notice to all inmates serving a definite sentence for a
56-19 specified crime defined in paragraph (e) of subdivision one of section
56-20 six hundred thirty-two-a of the executive law who may be subject to any
56-21 requirement to report to the [crime victims board] office of victim
56-22 services any funds of a convicted person as defined in section six
56-23 hundred thirty-two-a of the executive law, the procedures for such
56-24 reporting and any potential penalty for a failure to comply.

56-25 § 44. Subdivision 3 of section 410.10 of the criminal procedure law,
56-26 as added by chapter 62 of the laws of 2001, is amended to read as
56-27 follows:

56-28 3. When the court pronounces a sentence of probation or conditional
56-29 discharge for a specified crime defined in paragraph (e) of subdivision
56-30 one of section six hundred thirty-two-a of the executive law, in addi-
56-31 tion to specifying the conditions of the sentence, the court shall
56-32 provide written notice to such defendant concerning any requirement to
56-33 report to the [crime victims board] office of victim services funds of a
56-34 convicted person as defined in section six hundred thirty-two-a of the
56-35 executive law, the procedures for such reporting and any potential
56-36 penalty for a failure to comply.

56-37 § 45. Section 2222-a of the surrogate's court procedure act, as added
56-38 by chapter 62 of the laws of 2001, is amended to read as follows:

56-39 § 2222-a. Notice of legacy or distributive share payable to inmate or
56-40 prisoner

56-41 Where the legatee, distributee or beneficiary is an inmate serving a
56-42 sentence of imprisonment with the state department of correctional
56-43 services or a prisoner confined at a local correctional facility, the
56-44 court shall give prompt written notice to the [state crime victims]
56-45 [board] office of victim services, and at the same time direct that no
56-46 payment be made to such inmate or prisoner for a period of thirty days

56-47 following the date of entry of the order containing such direction.
56-48 § 46. Subdivision 6-a of section 20 of the court of claims act, as
56-49 added by chapter 62 of the laws of 2001, is amended to read as follows:
56-50 6-a. Notwithstanding the provisions of subdivisions five, five-a and
56-51 six of this section, in any case where a judgment or any part thereof is
56-52 to be paid to an inmate serving a sentence of imprisonment with the
56-53 state department of correctional services or to a prisoner confined at a
56-54 local correctional facility, the comptroller shall give written notice,
56-55 if required pursuant to subdivision two of section six hundred thirty-
56-56 two-a of the executive law, to the [state crime victims board] office of
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57- 1 victim services that such judgment shall be paid thirty days after the
57- 2 date of such notice.
57- 3 § 47. Subdivision 11 of section 1311 of the civil practice law and
57- 4 rules, as added by chapter 655 of the laws of 1990, is amended to read
57- 5 as follows:
57- 6 11. (a) Any stipulation or settlement agreement between the parties to
57- 7 a forfeiture action shall be filed with the clerk of the court in which
57- 8 the forfeiture action is pending. No stipulation or settlement agreement
57- 9 shall be accepted for filing unless it is accompanied by an affidavit
57-10 from the claiming authority that written notice of the stipulation or
57-11 settlement agreement, including the terms of such, has been given to the
57-12 [state crime victims board] office of victim services, the state divi-
57-13 sion of criminal justice services, and in the case of a forfeiture based
57-14 on a felony defined in article two hundred twenty or section 221.30 or
57-15 221.55 of the penal law, to the state division of substance abuse
57-16 services.
57-17 (b) No judgment or order of forfeiture shall be accepted for filing
57-18 unless it is accompanied by an affidavit from the claiming authority
57-19 that written notice of judgment or order, including the terms of such,
57-20 has been given to the [state crime victims board] office of victim
57-21 services, the state division of criminal justice services, and in the
57-22 case of a forfeiture based on a felony defined in article two hundred
57-23 twenty or section 221.30 or 221.55 of the penal law, to the state divi-
57-24 sion of substance abuse services.
57-25 (c) Any claiming authority or claiming agent which receives any prop-
57-26 erty pursuant to chapter thirteen of the food and drug laws (21 U.S.C.
57-27 §801 et seq.) of the United States and/or chapter four of the customs
57-28 duties laws (19 U.S.C. §1301 et seq.) of the United States and/or chap-
57-29 ter 96 of the crimes and criminal procedure laws (18 U.S.C. §1961 et
57-30 seq.) of the United States shall provide an affidavit to the commis-
57-31 sioner of the division of criminal justice services stating the estimated
57-32 present value of the property received.
57-33 § 48. Subdivision 4 of section 1349 of the civil practice law and
57-34 rules, as added by chapter 655 of the laws of 1990, is amended to read
57-35 as follows:
57-36 4. The claiming authority shall report the disposal of property and
57-37 collection of assets pursuant to this section to the [state crime]
57-38 [victims board] office of victim services, the state division of criminal
57-39 justice services and the state division of substance abuse services.
57-40 § 49. Subdivision (d) of section 4510 of the civil practice law and
57-41 rules, as added by chapter 432 of the laws of 1993, is amended to read
57-42 as follows:
57-43 (d) Limitation on waiver. A client who, for the purposes of obtaining
57-44 compensation under article twenty-two of the executive law or insurance
57-45 benefits, authorizes the disclosure of any privileged communication to
57-46 an employee of the [crime victims board] office of victim services or an
57-47 insurance representative shall not be deemed to have waived the privi-
57-48 lege created by this section.
57-49 § 50. Section 5011 of the civil practice law and rules, as amended by
57-50 chapter 62 of the laws of 2001, is amended to read as follows:
57-51 § 5011. Definition and content of judgment. A judgment is the determi-

57-52 nation of the rights of the parties in an action or special proceeding
57-53 and may be either interlocutory or final. A judgment shall refer to, and
57-54 state the result of, the verdict or decision, or recite the default upon
57-55 which it is based. A judgment may direct that property be paid into
57-56 court when the party would not have the benefit or use or control of
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58- 1 such property or where special circumstances make it desirable that
58- 2 payment or delivery to the party entitled to it should be withheld. In
58- 3 any case where damages are awarded to an inmate serving a sentence of
58- 4 imprisonment with the state department of correctional services or to a
58- 5 prisoner confined at a local correctional facility, the court shall give
58- 6 prompt written notice to the [state crime victims board] office of
58- 7 victim services, and at the same time shall direct that no payment be
58- 8 made to such inmate or prisoner for a period of thirty days following
58- 9 the date of entry of the order containing such direction.

58-10 § 51. Subdivision 2 of section 459-b of the real property tax law, as
58-11 added by chapter 269 of the laws of 1996, is amended to read as follows:

58-12 2. To qualify as a physically disabled crime victim or good samaritan
58-13 for the purposes of this section, an individual shall submit to the
58-14 assessor a certified statement from a physician licensed to practice in
58-15 the state of New York on a form prescribed and made available by the
58-16 state board which states that the individual has a permanent physical
58-17 impairment which substantially limits one or more of such individual's
58-18 major life activities, except that an individual who has obtained a
58-19 certificate from the state commission for the blind and visually hand-
58-20 icapped stating that such individual is legally blind may submit such
58-21 certificate in lieu of a physician's certified statement. In addition, a
58-22 copy of a police report pertaining to the crime from which the injury
58-23 resulted, a report from the [crime victims board] office of victim
58-24 services or other evidence or documentation which would tend to substan-
58-25 tiate that a physical disability was inflicted upon an individual as the
58-26 result of a crime shall also be submitted to the assessor.

58-27 § 52. Paragraph 2 of subdivision c of section 17-193 of the adminis-
58-28 trative code of the city of New York, as added by local law number 62 of
58-29 the city of New York for the year 2007, is amended to read as follows:

58-30 2. contact information for the New York state [crime victims board]
58-31 office of victim services and information indicating how such owner,
58-32 resident or occupant can apply to such [board] office for financial
58-33 assistance to help cover the cost of professional clean up of a trauma
58-34 scene, including how application forms can be obtained at the [board's]
58-35 office's local office or website;

58-36 § 53. Transfer of records. The crime victims board shall deliver to
58-37 the office of victim services all books, papers, records, and property
58-38 as requested by the office of victim services pursuant to this act.

58-39 § 54. Completion of unfinished business. Any business or other matter
58-40 undertaken or commenced by the crime victims board pertaining to or
58-41 connected with the functions, powers, obligations and duties hereby
58-42 transferred and assigned to the office of victim services and pending on
58-43 the effective date of this act may be conducted and completed by the
58-44 office of victim services in the same manner and under the same terms
58-45 and conditions and with the same effect as if conducted and completed by
58-46 the former crime victims board; provided, however, that claims accepted
58-47 by the crime victims board but not determined before the effective date
58-48 of this act shall be determined by the office of victim services pursu-
58-49 ant to the regulations promulgated pursuant to section 627 of the execu-
58-50 tive law as added by section eighteen of this act.

58-51 § 55. Terms occurring in laws, contracts and other documents. Whenever
58-52 the crime victims board is referred to or designated in any law,
58-53 contract or documents pertaining to the functions, powers, obligations
58-54 and duties hereby transferred and assigned to the office of victim
58-55 services, such reference or designation shall be deemed to refer to the
58-56 office of victim services.

59- 1 § 56. Existing rights and remedies preserved. No existing right or
59- 2 remedy of any character shall be lost, impaired or affected by reason of
59- 3 this act.

59- 4 § 57. Pending actions and proceedings. No action or proceeding pending
59- 5 at the time when this act shall take effect brought by or against the
59- 6 crime victims board relating to the functions, powers, obligations or
59- 7 duties transferred to or devolved upon the office of victim services
59- 8 shall be affected by this act, but the same may be prosecuted or
59- 9 defended in the name of the office of victim services and, upon applica-
59-10 tion to the court, the office of victim services shall be substituted as
59-11 a party.

59-12 § 58. This act shall take effect immediately; provided, however, that:

59-13 (a) the amendments to subdivision (a) of section 483-ee of the social
59-14 services law made by section five of this act shall not affect the
59-15 repeal of such section and shall be deemed repealed therewith; and

59-16 (b) the amendments to subdivisions 7 and 8 of section 500-c of the
59-17 correction law made by section forty-three of this act shall not affect
59-18 the repeal of such section and shall be deemed repealed therewith.

59-19

PART B

59-20 Section 1. Section 20 of the executive law, as added by chapter 640 of
59-21 the laws of 1978, paragraph a of subdivision 2 as amended by chapter 781
59-22 of the laws of 1988, is amended to read as follows:

59-23 § 20. Natural and man-made disasters; policy; definitions. 1. It shall
59-24 be the policy of the state that:

59-25 a. local government and emergency service organizations continue their
59-26 essential role as the first line of defense in times of disaster, and
59-27 that the state provide appropriate supportive services to the extent
59-28 necessary;

59-29 b. local chief executives take an active and personal role in the
59-30 development and implementation of disaster preparedness programs and be
59-31 vested with authority and responsibility in order to insure the success
59-32 of such programs;

59-33 c. state and local natural disaster and emergency response functions
59-34 be coordinated using recognized practices in incident management in
59-35 order to bring the fullest protection and benefit to the people;

59-36 d. state resources be organized and prepared for immediate effective
59-37 response to disasters which are beyond the capability of local govern-
59-38 ments and emergency service organizations; and

59-39 e. state and local plans, organizational arrangements, and response
59-40 capability required to execute the provisions of this article shall at
59-41 all times be the most effective that current circumstances and existing
59-42 resources allow.

59-43 2. As used in this article the following terms shall have the follow-
59-44 ing meanings:

59-45 a. "disaster" means occurrence or imminent threat of wide spread or
59-46 severe damage, injury, or loss of life or property resulting from any
59-47 natural or man-made causes, including, but not limited to, fire, flood,
59-48 earthquake, hurricane, tornado, high water, landslide, mudslide, wind,
59-49 storm, wave action, volcanic activity, epidemic, air contamination,
59-50 terrorism, cyber event, blight, drought, infestation, explosion, radio-
59-51 logical accident, nuclear, chemical, biological, or bacteriological
59-52 release, water contamination, bridge failure or bridge collapse.

60- 1 b. "state disaster emergency" means a period beginning with a declara-
60- 2 tion by the governor that a disaster exists and ending upon the termi-
60- 3 nation thereof.

60- 4 c. "municipality" means a public corporation as defined in subdivision
60- 5 one of section sixty-six of the general construction law and a special

60- 6 district as defined in subdivision sixteen of section one hundred two of
60- 7 the real property tax law.

60- 8 d. "commission" means the disaster preparedness commission created
60- 9 pursuant to section twenty-one of this article.

60-10 e. "emergency services organization" means a public or private agency,
60-11 voluntary organization or group organized and functioning for the
60-12 purpose of providing fire, medical, ambulance, rescue, housing, food or
60-13 other services directed toward relieving human suffering, injury or loss
60-14 of life or damage to property as a result of an emergency, including
60-15 non-profit and governmentally-supported organizations, but excluding
60-16 governmental agencies.

60-17 f. "chief executive" means:

60-18 (1) a county executive or manager of a county;

60-19 (2) in a county not having a county executive or manager, the chairman
60-20 or other presiding officer of the county legislative body;

60-21 (3) a mayor of a city or village, except where a city or village has a
60-22 manager, it shall mean such manager; and

60-23 (4) a supervisor of a town, except where a town has a manager, it
60-24 shall mean such manager.

60-25 g. "Disaster emergency response personnel" means agencies, public
60-26 officers, employees, or affiliated volunteers having duties and respon-
60-27 sibilities under or pursuant to a comprehensive emergency management
60-28 plan.

60-29 h. "Emergency management director" means the government official
60-30 responsible for emergency preparedness, response and recovery for a
60-31 county, city, town, or village.

60-32 § 2. Section 21 of the executive law, as added by chapter 640 of the
60-33 laws of 1978, subdivision 1 as amended by chapter 346 of the laws of
60-34 2002, subdivision 2 as amended by chapter 158 of the laws of 1994, para-
60-35 graph c of subdivision 3 as amended by chapter 42 of the laws of 2004,
60-36 and paragraphs f, g, h, i, and j of subdivision 3 as amended and para-
60-37 graph k of subdivision 3 as added by chapter 171 of the laws of 2006, is
60-38 amended to read as follows:

60-39 § 21. Disaster preparedness commission established; meetings; powers
60-40 and duties. 1. There is hereby created in the executive department a
60-41 disaster preparedness commission consisting of the commissioners of
60-42 transportation, health, division of criminal justice services, educa-
60-43 tion, social services, economic development, agriculture and markets,
60-44 housing and community renewal, general services, labor, environmental
60-45 conservation, mental health, parks, recreation and historic preserva-
60-46 tion, correctional services and children and family services, the presi-
60-47 dent of the New York state energy research and development authority,
60-48 the superintendents of state police, insurance, banking, the secretary
60-49 of state, the state fire administrator, the chair of the public service
60-50 commission, the adjutant general, the [director] directors of the
60-51 [state] offices within the division of homeland security and emergency
60-52 services, the office for technology, and the [chairman] office of victim
60-53 services, the chairs of the thruway authority, the metropolitan trans-
60-54 portation authority, the port authority of New York and New Jersey, the
60-55 chief professional officer of the state coordinating chapter of the
60-56 American Red Cross and three additional members, to be appointed by the

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61- 1 governor, two of whom shall be chief executives. Each member agency may
61- 2 designate an officer of that agency, with responsibility for disaster
61- 3 preparedness matters, who may represent that agency on the commission.
61- 4 The commissioner of the division of homeland security and emergency
61- 5 services shall serve as chair of the commission, and the governor shall
61- 6 designate the vice chair of the commission. The members of the commis-
61- 7 sion, except those who serve ex officio, shall be allowed their actual
61- 8 and necessary expenses incurred in the performance of their duties under
61- 9 this article but shall receive no additional compensation for services
61-10 rendered pursuant to this article.

61-11 2. The commission, on call of the chairperson, shall meet at least
61-12 twice each year and at such other times as may be necessary. The agenda
61-13 and meeting place of all regular meetings shall be made available to the
61-14 public in advance of such meetings and all such meetings shall be open
61-15 to the public. The commission shall establish quorum requirements and
61-16 other rules and procedures regarding conduct of its meetings and other
61-17 affairs. [The adjutant general shall serve as secretary to the commis-]
61-18 [sion and provide staff services as may be necessary through the state]
61-19 [emergency management office.]

61-20 3. The commission shall have the following powers and responsibil-
61-21 ities:

61-22 a. study all aspects of man-made or natural disaster prevention,
61-23 response and recovery;

61-24 b. request and obtain from any state or local officer or agency any
61-25 information necessary to the commission for the exercise of its respon-
61-26 sibilities;

61-27 c. prepare [state disaster preparedness plans, to be approved by the]
61-28 [governor, and review such plans and report thereon] and, as appropriate,
61-29 revise a state comprehensive emergency management plan. The commission
61-30 shall report all revisions to such plan by March thirty-first of each
61-31 year to the governor, the legislature and the chief judge of the state,
61-32 unless a current version of the plan is available to the public on the
61-33 website of the division of homeland security and emergency services. In
61-34 preparing such plans, the commission shall consult with federal and
61-35 local officials, emergency service organizations including both volun-
61-36 teer and commercial emergency response organizations, and the public as
61-37 it deems appropriate. To the extent such plans impact upon adminis-
61-38 tration of the civil and criminal justice systems of the state, includ-
61-39 ing their operational and fiscal needs in times of disaster emergency,
61-40 the commission, its staff and any working group, task force, agency or
61-41 other instrumentality to which it may delegate responsibility to assist
61-42 it in its duties shall consult with the chief administrator of the
61-43 courts and coordinate their preparation with him or her or with his or
61-44 her representatives;

61-45 d. prepare, keep current and distribute to chief executives and others
61-46 an inventory of programs directly relevant to prevention, minimization
61-47 of damage, readiness, operations during disasters, and recovery follow-
61-48 ing disasters;

61-49 e. direct state disaster operations and coordinate state disaster
61-50 operations with local disaster operations following the declaration of a
61-51 state disaster emergency;

61-52 f. unless it deems it unnecessary, create, following the declaration
61-53 of a state disaster emergency, a temporary organization in the disaster
61-54 area to provide for integration and coordination of efforts among the
61-55 various federal, state, municipal and private agencies involved. The
61-56 commission, upon a finding that a municipality is unable to manage local

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62- 1 disaster operations, may, with the approval of the governor, direct the
62- 2 temporary organization to assume direction of the local disaster oper-
62- 3 ations of such municipality, for a specified period of time, and in such
62- 4 cases such temporary organization shall assume direction of such local
62- 5 disaster operations, subject to the supervision of the commission. In
62- 6 such event, such temporary organization may utilize such municipality's
62- 7 local resources, provided, however, that the state shall not be liable
62- 8 for any expenses incurred in using such municipality's resources;

62- 9 g. assist in the coordination of federal recovery efforts and coordi-
62-10 nate recovery assistance by state and private agencies;

62-11 h. provide for periodic briefings, drills, exercises or other means to
62-12 assure that all state personnel with direct responsibilities in the
62-13 event of a disaster are fully familiar with response and recovery plans
62-14 and the manner in which they shall carry out their responsibilities, and
62-15 coordinate with federal, local or other state personnel. Such activities

62-16 may take place on a regional or county basis, and local and federal
62-17 participation shall be invited and encouraged;
62-18 i. submit to the governor, the legislature and the chief judge of the
62-19 state by March thirty-first of each year an annual report which shall
62-20 include but need not be limited to:
62-21 (1) a summary of commission and state agency activities for the year
62-22 and plans for the ensuing year with respect to the duties and responsi-
62-23 bilities of the commission;
62-24 (2) recommendations on ways to improve state and local capability to
62-25 prevent, prepare for, respond to and recover from disasters;
62-26 (3) the status of the state and local plans for disaster preparedness
62-27 and response, including the name of any locality which has failed or
62-28 refused to develop and implement its own disaster preparedness plan and
62-29 program; and the extent to which all forms of local emergency response
62-30 assets have been included, and accounted for in planning and preparation
62-31 for disaster preparedness and response; and
62-32 j. [coordinate and, to the extent possible and feasible, integrate]
62-33 [commission activities, responsibilities and duties with those of the]
62-34 [civil defense commission; and]
62-35 [k.] develop public service announcements to be distributed to tele-
62-36 vision and radio stations and other media throughout the state informing
62-37 the public how to prepare and respond to disasters. Such public service
62-38 announcements shall be distributed in English and such other languages
62-39 as such commission deems appropriate.
62-40 4. All powers of the state civil defense commission are assigned to
62-41 the commission.
62-42 5. The office of emergency management within the division of homeland
62-43 security and emergency services shall serve as the staff arm of the
62-44 commission and shall be responsible for implementing provisions of this
62-45 article and the rules and policies adopted by the commission.
62-46 § 3. Subdivision 3 of section 22 of the executive law, as added by
62-47 chapter 640 of the laws of 1978, subparagraph 8 of paragraph b as
62-48 amended by chapter 42 of the laws of 2004 and subparagraphs 14 and 15 of
62-49 paragraph b as amended and subparagraph 16 of paragraph b as added by
62-50 chapter 677 of the laws of 2006, is amended to read as follows:
62-51 3. Such plans shall be prepared with such assistance from other agen-
62-52 cies as the commission deems necessary, and shall include, but not be
62-53 limited to:
62-54 a. Disaster prevention and mitigation. Plans to prevent and minimize
62-55 the effects of disasters shall include, but not be limited to:

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63- 1 (1) identification of [potential disasters and disaster sites] hazards
63- 2 and assessment of risk;
63- 3 (2) recommended disaster prevention and mitigation projects, policies,
63- 4 priorities and programs, with suggested implementation schedules, which
63- 5 outline federal, state and local roles;
63- 6 (3) suggested revisions and additions to building and safety codes,
63- 7 and zoning and other land use programs;
63- 8 (4) suggested ways in which state agencies can provide technical
63- 9 assistance to municipalities in the development of local disaster
63-10 prevention and mitigation plans and programs;
63-11 (5) such other measures as reasonably can be taken to [prevent disas-]
63-12 [ters or mitigate their impact] protect lives, prevent disasters, and
63-13 reduce the impact of disasters.
63-14 b. Disaster response. Plans to coordinate the use of resources and
63-15 manpower for service during and after disaster emergencies and to deliv-
63-16 er services to aid citizens and reduce human suffering resulting from a
63-17 disaster emergency shall include, but not be limited to:
63-18 (1) [centralized] coordination of resources, manpower and services,
63-19 using recognized practices in incident management and utilizing existing
63-20 organizations and lines of authority and centralized direction of
63-21 requests for assistance;

- 63-22 (2) the location, procurement, construction, processing, transporta-
63-23 tion, storing, maintenance, renovation, distribution, disposal or use of
63-24 materials, including those donated, and facilities and services;
63-25 (3) a system for warning populations who are or may be endangered;
63-26 (4) arrangements for activating state, municipal and volunteer forces,
63-27 through normal chains of command so far as possible and for continued
63-28 communication and reporting;
63-29 (5) a specific plan for rapid and efficient communication, and for the
63-30 integration of state communication facilities during a state disaster
63-31 emergency, including the assignment of responsibilities and the estab-
63-32 lishment of communication priorities, and liaison with municipal,
63-33 private and federal communication facilities;
63-34 (6) a plan for coordinated evacuation procedures, including the estab-
63-35 lishment of temporary housing and other necessary facilities;
63-36 (7) criteria for establishing priorities with respect to the restora-
63-37 tion of vital services and debris removal;
63-38 (8) plans for the continued effective operation of the civil and crim-
63-39 inal justice systems;
63-40 (9) provisions for training state and local government personnel and
63-41 volunteers in disaster response operations;
63-42 (10) providing information to the public;
63-43 (11) care for the injured and needy and identification and disposition
63-44 of the dead;
63-45 (12) utilization and coordination of programs to assist victims of
63-46 disasters, with particular attention to the needs of the poor, the
63-47 elderly, [the handicapped] individuals with disabilities and other
63-48 groups which may be especially affected;
63-49 (13) control of ingress and egress to and from a disaster area;
63-50 (14) arrangements to administer federal disaster assistance;
63-51 (15) a system for obtaining and coordinating [disaster information]
63-52 situational awareness including the centralized assessment of disaster
63-53 effects and resultant needs; and
63-54 (16) utilization and coordination of programs to assist individuals
63-55 with household pets and service animals following a disaster, with
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- 64- 1 particular attention to means of evacuation, shelter and transportation
64- 2 options.
64- 3 c. Recovery. Plans to provide for recovery and redevelopment after
64- 4 disaster emergencies shall include, but not be limited to:
64- 5 (1) measures to coordinate state agency assistance in recovery
64- 6 efforts;
64- 7 (2) arrangements to administer federal recovery assistance; and
64- 8 (3) such other measures as reasonably can be taken to assist in the
64- 9 development and implementation of local disaster recovery plans.
64-10 § 4. Section 23 of the executive law, as added by chapter 640 of the
64-11 laws of 1978, subdivision 1 as amended by chapter 603 of the laws of
64-12 1993, subdivision 5 and subparagraph 8 of paragraph b of subdivision 7
64-13 as amended by chapter 42 of the laws of 2004, and subparagraphs 16 and
64-14 17 of paragraph b of subdivision 7 as amended and subparagraph 18 of
64-15 paragraph b of subdivision 7 as added by chapter 677 of the laws of
64-16 2006, is amended to read as follows:
64-17 § 23. Local [disaster preparedness] comprehensive emergency management
64-18 plans. 1. Each county, except those contained within the city of New
64-19 York, and each city, town and village is authorized to prepare [disaster]
64-20 [preparedness] comprehensive emergency management plans. The disaster
64-21 preparedness commission shall provide assistance and advice for the
64-22 development of such plans. City, town and village plans shall be coordi-
64-23 nated with the county plan.
64-24 2. The purpose of such plans shall be to minimize the effect of disas-
64-25 ters by (i) identifying appropriate local measures to prevent disasters,
64-26 (ii) developing mechanisms to coordinate the use of local resources and
64-27 manpower for service during and after disasters and the delivery of

64-28 services to aid citizens and reduce human suffering resulting from a
64-29 disaster, and (iii) providing for recovery and redevelopment after
64-30 disasters.

64-31 3. Plans for coordination of resources, manpower and services shall
64-32 provide for a centralized coordination and direction of requests for
64-33 assistance.

64-34 4. Plans for coordination of assistance shall provide for utilization
64-35 of existing organizations and lines of authority.

64-36 5. In preparing such plans, cooperation, advice and assistance shall
64-37 be sought from local government officials, regional and local planning
64-38 agencies, police agencies, fire departments and fire companies, local
64-39 [civil defense] emergency management agencies, commercial and volunteer
64-40 ambulance services, health and social services officials, community
64-41 action agencies, the chief administrator of the courts, organizations
64-42 for the elderly and the handicapped, other interested groups and the
64-43 general public. Such advice and assistance may be obtained through
64-44 public hearings held on public notice, or through other appropriate
64-45 methods.

64-46 6. All plans for [disaster preparedness] comprehensive emergency
64-47 management developed by local governments or any revisions thereto shall
64-48 be submitted to the commission by December thirty-first of each year to
64-49 facilitate state coordination of disaster operations.

64-50 7. Such plans shall include, but not be limited to:

64-51 a. Disaster prevention and mitigation. Plans to prevent and minimize
64-52 the effects of disasters shall include, but not be limited to:

64-53 (1) [identification of potential disasters and disaster sites] iden-
64-54 tification of hazards and assessment of risk;

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65- 1 (2) recommended disaster prevention and mitigation projects, policies,
65- 2 priorities and programs, with suggested implementation schedules, which
65- 3 outline federal, state and local roles;

65- 4 (3) suggested revisions and additions to building and safety codes and
65- 5 zoning and other land use programs;

65- 6 (4) such other measures as reasonably can be taken to [prevent disas-]
65- 7 [ters or mitigate their impact] protect lives, prevent disasters, and
65- 8 reduce their impact.

65- 9 b. Disaster response. Plans to coordinate the use of resources and
65-10 manpower for service during and after disasters and to deliver services
65-11 to aid citizens and reduce human suffering resulting from a disaster
65-12 shall include, but not be limited to:

65-13 (1) [centralized] coordination of resources, manpower and services,
65-14 using recognized practices in incident management, utilizing existing
65-15 organizations and lines of authority and centralized direction of
65-16 requests for assistance;

65-17 (2) the location, procurement, construction, processing, transporta-
65-18 tion, storing, maintenance, renovation, distribution, disposal or use of
65-19 materials, including those donated, and facilities and services which
65-20 may be required in time of disaster;

65-21 (3) a system for warning populations who are or may be endangered;

65-22 (4) arrangements for activating municipal and volunteer forces,
65-23 through normal chains of command so far as possible, and for continued
65-24 communication and reporting;

65-25 (5) a specific plan for rapid and efficient communication and for the
65-26 integration of local communication facilities during a disaster includ-
65-27 ing the assignment of responsibilities and the establishment of communi-
65-28 cation priorities and liaison with municipal, private, state and federal
65-29 communication facilities;

65-30 (6) a plan for coordination evacuation procedures including the estab-
65-31 lishment of temporary housing and other necessary facilities;

65-32 (7) criteria for establishing priorities with respect to the restora-
65-33 tion of vital services and debris removal;

65-34 (8) plans for the continued effective operation of the civil and crim-

65-35 inal justice systems;
65-36 (9) provisions for training local government personnel and volunteers
65-37 in disaster response operations;
65-38 (10) providing information to the public;
65-39 (11) care for the injured and needy and identification and disposition
65-40 of the dead;
65-41 (12) utilization and coordination of programs to assist victims of
65-42 disasters, with particular attention to the needs of the poor, the
65-43 elderly, [the handicapped] individuals with disabilities and other
65-44 groups which may be especially affected;
65-45 (13) control of ingress and egress to and from a disaster area;
65-46 (14) arrangements to administer state and federal disaster assistance;
65-47 (15) procedures under which the county, city, town, village or other
65-48 political subdivision and emergency organization personnel and resources
65-49 will be used in the event of a disaster;
65-50 (16) a system for obtaining and coordinating disaster information
65-51 including the centralized assessment of local disaster effects and
65-52 resultant needs;
65-53 (17) continued operation of governments of political subdivisions; and
65-54 (18) utilization and coordination of programs to assist individuals
65-55 with household pets and service animals following a disaster, with
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66- 1 particular attention to means of evacuation, shelter and transportation
66- 2 options.
66- 3 c. Recovery. Local plans to provide for recovery and redevelopment
66- 4 after disasters shall include, but not be limited to:
66- 5 (1) recommendations for replacement, reconstruction, removal or relo-
66- 6 cation of damaged or destroyed public or private facilities, proposed
66- 7 new or amendments to zoning, subdivision, building, sanitary or fire
66- 8 prevention regulations and recommendations for economic development and
66- 9 community development in order to minimize the impact of any potential
66-10 future disasters on the community.
66-11 (2) provision for cooperation with state and federal agencies in
66-12 recovery efforts.
66-13 (3) provisions for training and educating local disaster officials or
66-14 organizations in the preparation of applications for federal and state
66-15 disaster recovery assistance.
66-16 § 5. Paragraph f of subdivision 1 of section 24 of the executive law,
66-17 as added by chapter 158 of the laws of 1994, is amended to read as
66-18 follows:
66-19 f. the establishment or designation of emergency shelters [and/or],
66-20 emergency medical shelters, and in consultation with the state commis-
66-21 sioner of health, alternate medical care sites;
66-22 § 6. Subdivisions 2 and 3 of section 26 of the executive law, subdivi-
66-23 sion 2 as added by chapter 640 of the laws of 1978 and subdivision 3 as
66-24 amended by chapter 158 of the laws of 1994, are amended to read as
66-25 follows:
66-26 2. Coordination of assistance shall utilize existing organizations and
66-27 lines of authority and shall utilize any [disaster preparedness or civil]
66-28 [defense plans] comprehensive emergency management plans prepared by the
66-29 affected municipality.
66-30 3. A chief executive or any elected or appointed county, city, town or
66-31 village official shall not be held responsible for acts or omissions of
66-32 municipal employees, disaster preparedness forces or civil defense forc-
66-33 es when performing disaster assistance pursuant to a declared disaster
66-34 emergency or when exercising [disaster preparedness] comprehensive emer-
66-35 gency management plans.
66-36 § 7. Section 29-b of the executive law, as added by chapter 640 of the
66-37 laws of 1978, is amended to read as follows:
66-38 § 29-b. Use of [civil defense forces] disaster emergency response
66-39 personnel in disasters. 1. The governor may, in his or her discretion,
66-40 direct the state [civil defense commission] disaster preparedness

66-41 commission to conduct [a civil defense drill] an emergency exercise or
66-42 drill, under its direction, in which all or any of the [civil defense]
66-43 [forces] personnel and resources of the agencies of the commission of the
66-44 state may be utilized to perform the duties assigned to them in a [civil]
66-45 [defense emergency] disaster, for the purpose of protecting and preserv-
66-46 ing human life or property in a disaster. [In such event, civil defense]
66-47 [forces] During a disaster or such drill or exercise, disaster emergency
66-48 response personnel in the state shall operate under the direction and
66-49 command of the [state director of civil defense] chair of such commis-
66-50 sion, and shall possess the same powers, duties, rights, privileges and
66-51 immunities as are applicable in a civil defense drill held at the direc-
66-52 tion of the state civil defense commission under the provisions of the
66-53 New York state defense emergency act.

66-54 2. Local use of [civil defense forces] disaster emergency response
66-55 personnel. a. Upon the threat or occurrence of a disaster, and during
66-56 and immediately following the same, and except as otherwise provided in
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67- 1 paragraph d of this subdivision, the county chief executive may direct
67- 2 the [civil defense director] emergency management director of a county
67- 3 to assist in the protection and preservation of human life or property
67- 4 by [holding a civil defense drill and training exercise at the scene of]
67- 5 [the disaster and at any other appropriate places within the county, in]
67- 6 [which all or any civil defense forces may be called upon] calling upon
67- 7 disaster emergency response personnel employed by or supporting that
67- 8 county, as specified in the county comprehensive emergency management
67- 9 plan, to perform the [civil defense] emergency response duties assigned
67-10 to them.

67-11 b. The [civil defense forces] disaster emergency response personnel of
67-12 the county shall be regarded as a reserve disaster force to be acti-
67-13 vated, in whole [in] or in part, by the county [civil defense director]
67-14 emergency management director upon the direction of the county chief
67-15 executive when the county chief executive, in his or her discretion, is
67-16 convinced that the personnel and resources of local municipal and
67-17 private agencies normally available for disaster assistance are insuffi-
67-18 cient adequately to cope with the disaster.

67-19 c. Except as provided in paragraph d of this subdivision, the county
67-20 chief executive may exercise the power conferred upon him in paragraph a
67-21 of this subdivision, or may deactivate the [civil defense forces] disas-
67-22 ter emergency response personnel of the county in whole or in part, on
67-23 his own motion or upon the request of the chief executive officer of a
67-24 village, town or city located within the county of which he is an offi-
67-25 cer.

67-26 d. Where the local office of [civil defense] public safety or emergen-
67-27 cy management in a city is independent of the county office of [civil]
67-28 [defense] public safety or emergency management and is not consolidated
67-29 therewith, the county chief executive may direct the [civil defense]
67-30 [director] emergency management director of the county to render assist-
67-31 ance within such city only when the chief executive officer of such city
67-32 has certified to him that the [civil defense forces] disaster emergency
67-33 response personnel of the city have been activated pursuant to the
67-34 provisions of subdivision three of this section and that all resources
67-35 available locally are insufficient adequately to cope with the disaster.

67-36 e. When performing disaster assistance pursuant to this section, coun-
67-37 ty [civil defense forces] disaster emergency response personnel shall
67-38 operate under the direction and command of the county [civil defense]
67-39 emergency management director and his or her duly authorized deputies,
67-40 and shall possess the same powers, duties, rights, privileges and immu-
67-41 nities they would possess when performing their duties in a locally
67-42 sponsored civil defense drill or training exercise in the civil or poli-
67-43 tical subdivision in which they are enrolled, employed or assigned
67-44 [civil defense] emergency response responsibilities.

67-45 f. The chief executive officer of a city shall be responsible for the

67-46 conduct of disaster operations within the city, including the operations
67-47 directed by the county [civil defense] emergency management director
67-48 when rendering disaster assistance within a city pursuant to this
67-49 section.

67-50 g. Outside of a city, the sheriff of the county, and in Nassau county
67-51 the commissioner of police of the county of Nassau, shall supervise the
67-52 operations of the [civil defense director] emergency management director
67-53 when rendering peace officer duties incident to disaster assistance. The
67-54 sheriff and such commissioner may delegate such supervisory power to an
67-55 elected or appointed town or village official in the area affected.

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68- 1 h. Neither the chief executive officer of a city, nor the county chief
68- 2 executive, nor any elected or appointed town or village official to whom
68- 3 the county chief executive has delegated supervisory power as aforesaid
68- 4 shall be held responsible for acts or omissions of [civil defense forc-]
68- 5 [es] disaster emergency response personnel when performing disaster
68- 6 assistance.

68- 7 3. City use of [civil defense forces] disaster emergency response
68- 8 personnel. a. Upon the threat or occurrence of a disaster, and during
68- 9 and immediately following the same, and except as otherwise provided in
68-10 paragraph d of this subdivision, the chief executive of a city may
68-11 direct the [civil defense] emergency management director of the city to
68-12 assist in the protection and preservation of human life or property by
68-13 [holding a civil defense drill and training exercise at the scene of the]
68-14 [disaster and at any other appropriate places within the city, in which]
68-15 [all or any civil defense forces may be called upon] calling upon city
68-16 disaster emergency response personnel to perform the [civil defense]
68-17 emergency response duties assigned to them.

68-18 b. The [civil defense forces] disaster emergency response personnel of
68-19 the city shall be regarded as a reserve disaster force to be activated,
68-20 in whole or in part, by the city [civil defense] emergency management
68-21 director upon the direction of the chief executive officer of the city
68-22 when the latter, in his or her discretion, is convinced that the person-
68-23 nel and resources of local municipal and private agencies normally
68-24 available for disaster assistance are insufficient adequately to cope
68-25 with the disaster.

68-26 c. Except as provided in paragraph d of this subdivision, the chief
68-27 executive officer of a city may exercise the power conferred upon him in
68-28 paragraph a of this subdivision, or may deactivate the [civil defense]
68-29 [forces] disaster emergency response personnel of the city in whole or in
68-30 part, on his own motion or upon the request of the head of the city
68-31 police force.

68-32 d. Where the local office of [civil defense] emergency management in a
68-33 city is under the jurisdiction of a consolidated county office of civil
68-34 defense as provided in the New York state defense emergency act, the
68-35 chief executive officer of such city seeking the assistance of [civil]
68-36 [defense forces] disaster emergency response personnel in the protection
68-37 and preservation of human life or property within such city because of
68-38 such disaster, must request the same from the county chief executive in
68-39 which such city is located, in the same manner as provided for assist-
68-40 ance to towns and villages in subdivision two of this section.

68-41 e. When performing disaster assistance pursuant to this subdivision,
68-42 [city civil defense forces] disaster emergency response personnel shall
68-43 operate under the direction and command of the city [civil defense]
68-44 [director] emergency management director and his or her duly authorized
68-45 deputies, and shall possess the same powers, duties, rights, privileges,
68-46 and immunities they would possess when performing their duties in a
68-47 locally sponsored civil defense drill or training exercise in the city
68-48 in which they are enrolled, employed or assigned [civil defense] emer-
68-49 gency response responsibilities.

68-50 f. Where the city [civil defense forces] disaster emergency response
68-51 personnel have been directed to assist in local disaster operations

68-52 pursuant to paragraph a of this subdivision, and the chief executive
68-53 officer of the city is convinced that the personnel and resources of
68-54 local municipal and private agencies normally available for disaster
68-55 assistance, including local [civil defense forces] disaster emergency
68-56 response personnel, are insufficient adequately to cope with the disas-
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69- 1 ter, he or she may certify the fact to the county chief executive and
69- 2 request the county chief executive to direct the county [civil defense]
69- 3 emergency management director to render assistance in the city, as
69- 4 provided in subdivision two of this section.

69- 5 g. The chief executive officer of a city shall be responsible for the
69- 6 conduct of disaster operations within the city, including the operations
69- 7 directed by the county [civil defense] emergency management director,
69- 8 when rendering disaster assistance within a city pursuant to this subdi-
69- 9 vision.

69-10 h. Neither the chief executive officer of a city, nor the county chief
69-11 executive, shall be held responsible for acts or omissions of [civil]
69-12 [defense forces] disaster emergency response personnel when performing
69-13 disaster assistance.

69-14 § 8. Paragraph (e) of subdivision 1 of section 29-e of the executive
69-15 law, as added by chapter 603 of the laws of 1993, is amended to read as
69-16 follows:

69-17 (e) "The [state] office of emergency management [office]" shall mean
69-18 the office within the [office of military and naval affairs that assists]
69-19 [the disaster preparedness commission in implementing the powers and]
69-20 [duties of the disaster preparedness commission] division of homeland
69-21 security and emergency services.

69-22 § 9. Paragraphs (a), (f) and (g) of subdivision 3 of section 29-e of
69-23 the executive law, as added by chapter 603 of the laws of 1993, are
69-24 amended to read as follows:

69-25 (a) Upon the issuance of a declaration of significant economic
69-26 distress due to unanticipated natural disaster by the governor, a muni-
69-27 cipality recognized by the governor as being affected by such disaster
69-28 which occurred on or after December first, nineteen hundred ninety-two,
69-29 may apply to the [state emergency management office] division of home-
69-30 land security and emergency services on a form prescribed by such
69-31 office, for reimbursement from the state's contingency reserve fund for
69-32 reimbursement of extraordinary and unanticipated costs associated with
69-33 the reconstruction or repair of public buildings, facilities or infras-
69-34 tructure.

69-35 (f) In providing assistance pursuant to this section, the [state emer-]
69-36 [gency management office] division of homeland security and emergency
69-37 services may give preference to applicants which demonstrate the great-
69-38 est need or which document that such assistance will be utilized to
69-39 bring the applicant into compliance with federal or state law.

69-40 (g) In the event that amounts appropriated are insufficient to provide
69-41 for full reimbursement of all extraordinary and unanticipated costs
69-42 incurred by such municipality approved for reimbursement pursuant to
69-43 this section, the [state emergency management office] division of home-
69-44 land security and emergency services is authorized to provide a pro rata
69-45 share of the appropriations, appropriated herein, to such municipality.

69-46 § 10. Paragraphs (a) and (b) of subdivision 4 of section 29-e of the
69-47 executive law, as added by chapter 603 of the laws of 1993, are amended
69-48 to read as follows:

69-49 (a) The [adjutant general] commissioner of the division of homeland
69-50 security and emergency services as defined in article [nine] twenty-six
69-51 of this chapter with the [advise] advice and consent of the disaster
69-52 preparedness commission created pursuant to this article, shall have the
69-53 power to make such rules and regulations as may be necessary and proper
69-54 to effectuate the purposes of this section.

69-55 (b) The [adjutant general] commissioner of the division of homeland
69-56 security and emergency services shall by March fifteenth of each year

70- 1 report to the governor and the legislature describing the activities and
70- 2 operation of the program authorized by this section. Such report shall
70- 3 set forth the number of reimbursement applications received and
70- 4 approved; the identities of the counties, cities, towns and villages
70- 5 receiving reimbursement together with the amount and purpose of the
70- 6 reimbursement.

70- 7 § 10-a. The executive law is amended by adding a new section 29-h to
70- 8 read as follows:

70- 9 § 29-h. Intrastate mutual aid program. 1. Creation. There is hereby
70-10 created the intrastate mutual aid program to complement existing mutual
70-11 aid agreements in the event of a disaster that results in a formal
70-12 declaration of an emergency by a participating local government. All
70-13 local governments within the state, excepting those which affirmatively
70-14 choose not to participate in accordance with subdivision four of this
70-15 section, are deemed to be participants in the program.

70-16 2. Definitions. As used in this section, the following terms shall
70-17 have the following meanings:

70-18 a. "Employee" means any person holding a position by election,
70-19 appointment, or employment by a local government;

70-20 b. "Local government" means any county, city, town or village of the
70-21 state;

70-22 c. "Local emergency management officer" means the local government
70-23 official responsible for emergency preparedness, response and recovery;

70-24 d. "Requesting local government" means the local government that asks
70-25 another local government for assistance during a declared emergency, or
70-26 for the purposes of conducting training, or undertaking a drill or exer-
70-27 cise;

70-28 e. "Assisting local government" means one or more local governments
70-29 that provide assistance pursuant to a request for assistance from a
70-30 requesting local government during a declared emergency, or for the
70-31 purposes of conducting training, or undertaking a drill or exercise; and

70-32 f. "Disaster" shall have the same meaning as in section twenty of this
70-33 article.

70-34 3. Intrastate mutual aid program committee established; meetings;
70-35 powers and duties. a. There is hereby created within the disaster
70-36 preparedness commission an intrastate mutual aid program committee, for
70-37 purposes of this section to be referred to as the committee, which shall
70-38 be chaired by the commissioner of the division of homeland security and
70-39 emergency services, and shall include the state fire administrator, the
70-40 commissioner of health, and the commissioner of agriculture and markets,
70-41 provided that each such official may appoint a designee to serve in his
70-42 or her place on the committee. The committee shall also include five
70-43 representatives from local public safety or emergency response agencies,
70-44 who shall serve a maximum two-year term, to be appointed by the commis-
70-45 sioner of the division of homeland security and emergency services, with
70-46 regard to a balance of geographic representation and discipline exper-
70-47 tise.

70-48 b. The committee, on the call of the chairperson, shall meet at least
70-49 twice each year and at such other times as may be necessary. The agenda
70-50 and meeting place of all regular meetings shall be made available to the
70-51 public in advance of such meetings and all such meetings shall be open
70-52 to the public.

70-53 c. The committee shall have the following powers and responsibilities:

70-54 (1) to promulgate rules and regulations, acting through the division
70-55 of homeland security and emergency services, to implement the intrastate
70-56 mutual aid program as described in this section;

71- 1 (2) to develop policies, procedures and guidelines associated with the
71- 2 program, including a process for the reimbursement of assisting local
71- 3 governments by requesting local governments;

71- 4 (3) to evaluate the use of the intrastate mutual aid program;
71- 5 (4) to examine issues facing participating local governments regarding
71- 6 the implementation of the intrastate mutual aid program; and
71- 7 (5) to prepare reports to the disaster preparedness commission
71- 8 discussing the effectiveness of mutual aid in the state and making
71- 9 recommendations for improving the efficacy of the system, if appropriate.
71-10

71-11 4. Local government participation in the intrastate mutual aid
71-12 program. a. A local government may elect not to participate in the
71-13 intrastate mutual aid program, or to withdraw from the program, by its
71-14 governing body enacting a resolution declaring that it elects not to
71-15 participate in the program and providing such resolution to the division
71-16 of homeland security and emergency services. Participation in the
71-17 program will continue until a copy of such resolution is received and
71-18 confirmed by the division of homeland security and emergency services.

71-19 b. A local government that has declined to participate in the program
71-20 may, acting by resolution through its governing body and providing a
71-21 copy of the resolution to the division of homeland security and emergency
71-22 services, elect to participate in the program.

71-23 c. Nothing in this section shall preclude a local government from
71-24 entering into mutual aid agreements with other local governments or
71-25 other entities with terms that supplement or differ from the provisions
71-26 of this section.

71-27 d. Nothing in this section shall affect any other agreement to which a
71-28 local government may currently be a party, or later enter into, including,
71-29 but not limited to, the state fire mobilization and mutual aid
71-30 plan.

71-31 5. Fire related resources. Notwithstanding the authority vested
71-32 pursuant to this section, all fire related resources shall be administered
71-33 pursuant to section two hundred nine-e of the general municipal
71-34 law.

71-35 6. Requesting assistance under the intrastate mutual aid program. a. A
71-36 participating local government may request assistance of other participating
71-37 local governments in preventing, mitigating, responding to and
71-38 recovering from disasters that result in locally-declared emergencies,
71-39 or for the purpose of conducting multi-jurisdictional or regional training,
71-40 drills or exercises. Requests for assistance may be made verbally
71-41 or in writing; verbal requests shall be memorialized in writing as soon
71-42 thereafter as is practicable.

71-43 b. Once an emergency is declared at the county level, all requests and
71-44 offers for assistance, to the extent practical, shall be made through
71-45 the county emergency management office, or in the case of the city of
71-46 New York, through the city emergency management office. All requests
71-47 for assistance should include:

71-48 (1) a description of the disaster;
71-49 (2) a description of the assistance needed;
71-50 (3) a description of the mission for which assistance is requested;
71-51 (4) an estimate of the length of time the assistance will be needed;
71-52 (5) the specific place and time for staging of the assistance and a
71-53 point of contact at that location; and

71-54 (6) any other information that will enable an assisting local government
71-55 to respond appropriately to the request.

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72- 1 c. Assisting local governments shall submit to the requesting local
72- 2 government an inventory of the resources being deployed.

72- 3 d. The written request for assistance and all inventories of resources
72- 4 being deployed shall be submitted to the division of homeland security
72- 5 and emergency services within three calendar days of the request for or
72- 6 deployment of such resources.

72- 7 7. Division of homeland security and emergency services responsibilities
72- 8 under the intrastate mutual aid program. The division of homeland
72- 9 security and emergency services shall provide notification by mail to

72-10 each local government with a comprehensive description of the intrastate
72-11 mutual aid program, including a statement that all local governments are
72-12 participants of the program unless they expressly opt out pursuant to
72-13 subdivision four of this section; maintain a current list of participat-
72-14 ing local governments with their authorized representatives and contact
72-15 information, and provide a copy of the list to each of the participating
72-16 local governments on an annual basis during the second quarter of each
72-17 calendar year; monitor and report to the intrastate mutual aid program
72-18 committee on the use of the intrastate mutual aid program; coordinate
72-19 the provision of mutual aid resources in accordance with the compre-
72-20 hensive emergency management plan and supporting protocols; identify mutual
72-21 aid best practices; when practical, provide the committee with statisti-
72-22 cal information related to the use of mutual aid during recent
72-23 regional disaster responses; and assist with the development, implemen-
72-24 tation and management of a state-wide resource typing system.

72-25 8. Reimbursement of assisting jurisdiction by requesting jurisdiction;
72-26 resolving disputes regarding reimbursement. a. Any assisting local
72-27 government requesting aid under this program for loss, damage or
72-28 expenses incurred in connection with the provision of aid that seeks
72-29 reimbursement by the requesting local government shall make such request
72-30 in accordance with procedures developed by the intrastate mutual aid
72-31 committee.

72-32 b. Where a dispute arises between an assisting local government and a
72-33 requesting local government regarding reimbursement for loss, damages or
72-34 expenses incurred in connection with the provision of aid, the parties
72-35 will make every effort to resolve the dispute within thirty business
72-36 days of written notice of the dispute by the party asserting noncompli-
72-37 ance.

72-38 9. Liability. a. Each local government is responsible for procuring
72-39 and maintaining insurance or other coverage as it deems appropriate.

72-40 b. Nothing in this section shall be construed to provide any
72-41 protection against liability, or to create any liability, for an indi-
72-42 vidual who responds to a state of emergency where aid has not been
72-43 requested, or where aid has not been authorized by the individual's
72-44 local government.

72-45 10. Obligation of insurers. Nothing in this section shall impair,
72-46 alter, limit or modify the rights or obligations of any insurer under
72-47 any policy of insurance.

72-48 § 11. Section 31 of the executive law, as amended by chapter 37 of
72-49 the laws of 1962, subdivision 11 as amended by chapter 827 of the laws
72-50 of 1972 and subdivision 13 as added by chapter 430 of the laws of 1997,
72-51 is amended to read as follows:

72-52 § 31. Divisions. There shall be in the executive department the
72-53 following divisions:

- 72-54 1. The division of the budget.
- 72-55 2. The division of military and naval affairs.
- 72-56 3. The office of general services.

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- 73- 1 4. The division of state police.
- 73- 2 5. The division of parole.
- 73- 3 6. The division of housing.
- 73- 4 7. The division of alcoholic beverage control.
- 73- 5 8. [Commission against discrimination] The division of human rights.
- 73- 6 9. [The division of safety.]
- 73- 7 [10.] The division of veterans' affairs.
- 73- 8 [11. The office of planning services.]
- 73- 9 [12. State civil defense commission] 10. The division of homeland secu-
73-10 rity and emergency services.
- 73-11 [13.] 11. Office for technology.
- 73-12 The governor may establish, consolidate, or abolish additional divi-
73-13 sions and bureaus.
- 73-14 § 12. (a) Findings. The functions of the office for fire prevention

73-15 and control and the state office of emergency management are critical to
73-16 public health and safety, as is the function of the office of homeland
73-17 security. The purpose of this section is to preserve and enhance these
73-18 functions by consolidating these agencies. The goal of consolidation is
73-19 not to reduce the performance of either function, but rather to inte-
73-20 grate them so as to perform them in the most effective possible way.

73-21 (b) Consolidation. The powers, duties and unfinished business of the
73-22 state emergency management office in the executive department and the
73-23 office for fire prevention and control in the department of state are
73-24 transferred to the division of homeland security and emergency services,
73-25 created in article 26 of the executive law and formerly known as the
73-26 office of homeland security. All assets, liabilities and records of the
73-27 state emergency management office and the office for fire prevention and
73-28 control are transferred to the division of homeland security and emer-
73-29 gency services. For the purpose of succession to functions, powers,
73-30 duties and obligations transferred and assigned to, devolved upon and
73-31 assumed by it pursuant to this act, the division of homeland security
73-32 and emergency services shall be deemed and held to constitute the
73-33 continuation of the state emergency management office, and the office
73-34 for fire prevention and control.

73-35 (c) Transfer of employees. (i) All employees of the state emergency
73-36 management office shall be transferred to the division of homeland secu-
73-37 rity and emergency services. This transfer of employees shall be deemed
73-38 to be a transfer of function pursuant to subdivision 2 of section 70 of
73-39 the civil service law. Officers and employees of the state emergency
73-40 management office who are in the classified service shall be transferred
73-41 without further examination or qualification, and shall retain their
73-42 respective civil service classification, status and bargaining unit
73-43 representation. Officers and employees of the state emergency manage-
73-44 ment office in the unclassified service of the state shall be trans-
73-45 ferred to the division of homeland security and emergency services in
73-46 accordance with the provisions of section 45 of the civil service law as
73-47 if the state had taken over a private entity.

73-48 (ii) Those employees in the department of state substantially engaged
73-49 in the performance of fire prevention and control shall be transferred
73-50 to the division of homeland security and emergency services. This trans-
73-51 fer of employees shall be deemed to be a transfer of function pursuant
73-52 to subdivision 2 of section 70 of the civil service law. The heads of
73-53 the department of state and the division of homeland security and emer-
73-54 gency services shall confer to determine the officers and employees who
73-55 are substantially engaged in the performance of such function. Officers
73-56 and employees identified as substantially engaged in such function shall

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74- 1 be transferred without further examination or qualification, and shall
74- 2 retain their respective civil service classification, status and
74- 3 bargaining unit representation.

74- 4 (iii) Those employees of the office for technology substantially
74- 5 engaged in interoperable and emergency communications shall be trans-
74- 6 ferred to the division of homeland security and emergency services. This
74- 7 transfer of employees shall be deemed to be a transfer of function
74- 8 pursuant to subdivision 2 of section 70 of the civil service law. The
74- 9 heads of the office for technology and the division of homeland security
74-10 and emergency services shall confer to determine the officers and
74-11 employees who are substantially engaged in the performance of such func-
74-12 tion. Officers and employees identified as substantially engaged in
74-13 such function shall be transferred without further examination or quali-
74-14 fication, and shall retain their respective civil service classifica-
74-15 tion, status and bargaining unit representation.

74-16 (d) Pending actions and proceedings. No action pending as of the
74-17 effective date of this act brought by or against the state office of
74-18 emergency management or the office for fire prevention and control or
74-19 their directors shall be affected by any provision of this act, but the

74-20 same may be prosecuted or defended in the name of the commissioner of
74-21 the division of homeland security and emergency services who shall, upon
74-22 application to the court, be substituted as a party.

74-23 (e) Continuation of rules and regulations. All rules, regulations,
74-24 acts, determinations and decisions of the state office of emergency
74-25 management or office for fire prevention and control in force at the
74-26 time of the effective date of this act shall continue in force and
74-27 effect as rules, regulations, acts, determinations and decisions of the
74-28 commissioner of the division of homeland security and emergency services
74-29 until duly modified or abrogated by the commissioner of the division of
74-30 homeland security and emergency services.

74-31 (f) Transfer of appropriations. All appropriations and reappropriations
74-32 heretofore made to the state office of emergency management, to
74-33 the extent of remaining unexpended or unencumbered balances thereof,
74-34 whether allocated or unallocated and whether obligated or unobligated,
74-35 shall be transferred to and made available for use and expenditure by
74-36 the division of homeland security and emergency services.

74-37 § 13. The article heading of article 26 of the executive law, as added
74-38 by section 1 of part B of chapter 1 of the laws of 2004, is amended to
74-39 read as follows:

[STATE OFFICE OF HOMELAND SECURITY]

DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES

74-41 § 14. Section 709 of the executive law, as added by section 2 of part
74-42 B of chapter 1 of the laws of 2004, paragraphs (p) and (q) of subdivi-
74-43 sion 2 as amended and paragraph (r) of subdivision 2 as added by chapter
74-44 620 of the laws of 2005, paragraph (q) of subdivision 2 as separately
74-45 amended and paragraph (r) of subdivision 2 as added by chapter 537 of
74-46 the laws of 2005, is amended to read as follows:

74-47 § 709. [State office of homeland security] Division of homeland secu-
74-48 rity and emergency services; creation; powers and duties. 1. There is
74-49 hereby created within the executive department the [office of homeland]
74-50 [security] division of homeland security and emergency services, which
74-51 shall have and exercise the powers and duties set forth in this article.
74-52 Any reference to the 'office of public security', the 'office of home-
74-53 land security', the 'state emergency management office', the 'office of
74-54 cyber security' or the 'office of fire prevention and control' in the
74-55 laws of New York state, executive orders, or contracts entered into on
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75- 1 behalf of the state shall be deemed to refer to the [state office of]
75- 2 [homeland security] division of homeland security and emergency services.

75- 3 2. The [office] division shall have the power and duty to:

75- 4 (a) oversee and coordinate the state's homeland security and compre-
75- 5 hensive emergency management resources, subject to any laws, rules or
75- 6 regulations governing the budgeting and appropriation of funds;

75- 7 (b) review homeland security and comprehensive emergency management
75- 8 policies, protocols and strategies of state agencies. The agencies shall
75- 9 include, but not be limited to, [the division of state police, division]
75-10 [of military and naval affairs, state emergency management office,]
75-11 [department of health, department of environmental conservation, division]
75-12 [of criminal justice services, department of state, office for technolo-]
75-13 [gy, and the department of transportation] the state agencies included on
75-14 the disaster preparedness commission as identified in section twenty-one
75-15 of this chapter;

75-16 (c) develop policies, protocols and strategies, which may be used to
75-17 prevent, detect, respond to and recover from terrorist acts or threats
75-18 and other natural and man-made disasters, which for purposes of this
75-19 section shall have the same meaning as defined in article two-B of this
75-20 chapter;

75-21 (d) identify potential inadequacies in the state's policies, protocols
75-22 and strategies to detect, respond to and recover from terrorist acts or
75-23 threats and other natural and man-made disasters;

75-24 (e) undertake periodic drills and simulations designed to assess and

75-25 prepare responses to terrorist acts or threats and other natural and
75-26 man-made disasters;
75-27 (f) coordinate state resources for the collection and analysis of
75-28 information relating to terrorist threats and terrorist activities and
75-29 other natural and man-made disasters throughout the state subject to any
75-30 applicable laws, rules, or regulations;
75-31 (g) coordinate and facilitate information sharing among local, state,
75-32 and federal law enforcement agencies to ensure appropriate intelligence
75-33 to assist in the early identification of and response to potential
75-34 terrorist activities and other natural and man-made disasters, subject
75-35 to any applicable laws, rules, or regulations governing the release,
75-36 disclosure or sharing of any such information;
75-37 (h) assess the preparedness of state and local public health systems
75-38 to respond to terrorist acts and other natural and man-made disasters,
75-39 including ensuring the availability of early warning systems designed to
75-40 detect potential threats and determining adequacy and availability of
75-41 necessary vaccines and pharmaceuticals and hospital capacity;
75-42 (i) coordinate strategies, protocols and first-responder equipment
75-43 needs that may be used to monitor, detect, respond to and mitigate the
75-44 consequences of a potential biological, chemical or radiological terror-
75-45 ist act or threat;
75-46 (j) work with local, state and federal agencies and private entities
75-47 to conduct assessments of the vulnerability of critical infrastructure
75-48 to terrorist attack and other natural and man-made disasters, including,
75-49 but not limited to, nuclear facilities, power plants, telecommunications
75-50 systems, mass transportation systems, public roadways, railways, bridges
75-51 and tunnels, and develop strategies that may be used to protect such
75-52 infrastructure from terrorist attack and other natural and man-made
75-53 disasters;
75-54 (k) develop plans that may be used to promote rapid recovery from
75-55 terrorist attacks and other natural and man-made disasters, to ensure
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76- 1 prompt restoration of transportation, utilities, critical communications
76- 2 and information systems and to protect such infrastructure;
76- 3 (l) develop plans that may be used to contain and remove hazardous
76- 4 materials used in a terrorist attack or released as a result of natural
76- 5 or man-made disaster;
76- 6 (m) act as primary contact with the federal department of homeland
76- 7 security;
76- 8 (n) adopt, promulgate, amend and rescind rules and regulations to
76- 9 effectuate the provisions and purposes of this article and the powers
76-10 and duties of the [office] division in connection therewith;
76-11 (o) consult with appropriate state and local governments, institutions
76-12 of higher learning, first responders, health care providers and private
76-13 entities as necessary to effectuate the provisions of this article, and
76-14 work with those entities to establish, facilitate and foster cooperation
76-15 to better prepare the state to prevent and respond to threats and acts
76-16 of terrorism and other natural and man-made disasters;
76-17 (p) to serve as a clearinghouse for the benefit of municipalities
76-18 regarding information relating to available federal, state and regional
76-19 grant programs in connection with homeland security, disaster prepared-
76-20 ness, communication infrastructure and emergency first responder
76-21 services, and to promulgate rules and regulations necessary to ensure
76-22 that grant information is timely posted on the [office's] division's
76-23 website;
76-24 (q) request from any department, division, office, commission or other
76-25 agency of the state or any political subdivision thereof, and the same
76-26 are authorized to provide, such assistance, services and data as may be
76-27 required by the [office of homeland security] division of homeland secu-
76-28 rity and emergency services in carrying out the purposes of this arti-
76-29 cle, subject to applicable laws, rules, and regulations; [and]
76-30 (r) develop standards and a certification process for training

76-31 programs for training of private security officers in commercial build-
76-32 ings which shall:
76-33 (i) improve observation, detection and reporting skills;
76-34 (ii) improve coordination with local police, fire and emergency
76-35 services;
76-36 (iii) provide and improve skills in working with advanced security
76-37 technology including surveillance and access control procedures;
76-38 (iv) require at least forty hours of training including three hours of
76-39 training devoted to terrorism awareness; and
76-40 (v) have been certified as a qualified program by the [state office of]
76-41 [homeland security.] division of homeland security and emergency
76-42 services;
76-43 [(r)] (s) work in consultation with or make recommendations to the
76-44 commissioner of agriculture and markets in developing rules and regu-
76-45 lations relating to ammonium nitrate security[.]; and
76-46 (t) develop, maintain, and deploy state, regional and local all-hazard
76-47 incident management teams.
76-48 3. The division of homeland security and emergency services shall
76-49 consist of several offices including, but not limited to, the office of
76-50 counterterrorism, which shall have the powers, and be responsible for
76-51 carrying out the duties, including but not limited to those set forth in
76-52 section seven hundred nine-a of this article; the office of emergency
76-53 management, which shall have the powers, and be responsible for carrying
76-54 out the duties, including but not limited to those set forth in article
76-55 two-B of this chapter; the office of fire prevention and control, which
76-56 shall have the powers, and be responsible for carrying out the duties,
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77- 1 including but not limited to those set forth in article six-C of this
77- 2 chapter; the office of cyber security, which shall have the powers, and
77- 3 be responsible for carrying out the duties, including but not limited to
77- 4 those set forth in section seven hundred fifteen of this article; and
77- 5 the office of interoperable and emergency communications, which shall
77- 6 have the powers, and be responsible for carrying out the duties, includ-
77- 7 ing but not limited to those set forth in section seven hundred seven-
77- 8 teen of this article.
77- 9 4. As set forth in section seven hundred ten of this article, the
77-10 commissioner of the division of homeland security and emergency services
77-11 shall be appointed by the governor, with the advice and consent of the
77-12 senate, and hold office at the pleasure of the governor. The directors
77-13 of the offices of counterterrorism, emergency management, fire
77-14 prevention and control, cyber security, and interoperable and emergency
77-15 communications, and such other offices as may be established, shall be
77-16 appointed by, and hold office at the pleasure of, the governor and they
77-17 shall report to the commissioner of the division of homeland security
77-18 and emergency services.
77-19 5. The directors of the offices of counterterrorism, emergency manage-
77-20 ment, fire prevention and control, cyber security, interoperable and
77-21 emergency communications, and of such other offices as may be estab-
77-22 lished, shall, in consultation with the commissioner, have the authority
77-23 to promulgate rules and regulations to carry out the duties of their
77-24 office, including the establishment of fees necessary to compensate for
77-25 costs associated with the delivery of training and services.
77-26 6. The directors of the offices of counterterrorism, emergency manage-
77-27 ment, fire prevention and control, cyber security, interoperable and
77-28 emergency communications, and such other offices as may be established,
77-29 shall have the authority to enter into contracts with any person, firm,
77-30 corporation, municipality, or government entity.
77-31 7. Annual report of the division. The commissioner of the division of
77-32 homeland security and emergency services shall, on or before January
77-33 first in each year, submit to the governor, the temporary president of
77-34 the senate, and the speaker of the assembly, a report concerning the
77-35 performance of the division with respect to outreach to businesses,

77-36 not-for-profit organizations, and the general public, which shall
77-37 include information regarding the content and scope of seminars, confer-
77-38 ences, surveys, programs, and other programmatic means of engaging such
77-39 parties to identify and meet the needs of such parties with respect to
77-40 emergency mitigation, preparedness, response, and recovery, and the
77-41 participation of such parties therein.

77-42 § 15. Section 710 of the executive law, as added by section 2 of part
77-43 B of chapter 1 of the laws of 2004, is amended to read as follows:

77-44 § 710. [Director of the office of homeland security] Commissioner of
77-45 the division of homeland security and emergency services; appointment of
77-46 the [director] commissioner; powers and duties. 1. The [director of the]
77-47 [office of homeland security (director)] commissioner of the division of
77-48 homeland security and emergency services (commissioner) shall be
77-49 appointed by the governor, by and with the advice and consent of the
77-50 senate, and hold office at the pleasure of the governor. [The salary of]
77-51 [the director shall be fixed at a level commensurate with that of the]
77-52 [state officers identified in paragraph (a) of subdivision one of section]
77-53 [one hundred sixty-nine of this chapter.]

77-54 2. The [director] commissioner, acting by and through the [office]
77-55 division, shall have the power and duty to:

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78- 1 (a) administer the duties of the [office] division pursuant to this
78- 2 section;

78- 3 (b) administer such other duties as may be devolved upon the [office]
78- 4 division from time to time pursuant to law;

78- 5 (c) cooperate with and assist other state and federal departments,
78- 6 boards, commissions, agencies and public authorities in the development
78- 7 and administration of policies and protocols which will enhance the
78- 8 safety and security of the citizens of the state;

78- 9 (d) enter into contracts with any person, firm, corporation or govern-
78-10 mental agency, and do all things necessary to carry out the functions,
78-11 powers and duties expressly set forth in this article, subject to any
78-12 applicable laws, rules or regulations;

78-13 (e) establish offices, departments and bureaus and make changes there-
78-14 in as he or she may deem necessary to carry out the functions of the
78-15 [office] division[. One of the divisions within the office shall be the]
78-16 [office of cyber security and critical infrastructure coordination which]
78-17 [shall be dedicated to the identification and mitigation of the state's]
78-18 [cyber security infrastructure vulnerabilities]; [and]

78-19 (f) subject to the provisions of this article and the civil service
78-20 law, and the rules and regulations adopted pursuant thereto, the [direc-]
78-21 [tor] commissioner may appoint other officers, employees, agents and
78-22 consultants as may be necessary, prescribe their duties, fix their
78-23 compensation, and provide for payment of their reasonable expenses, all
78-24 within amounts available therefor by appropriation. The [director]
78-25 commissioner may transfer officers or employees from their positions to
78-26 other positions in the [office] division, or abolish or consolidate such
78-27 positions[.]; and

78-28 (g) accept and contract as agent of the state for any gift to support
78-29 the development and training missions of the division of homeland secu-
78-30 rity and emergency services.

78-31 § 15-a. The executive law is amended by adding a new section 709-a to
78-32 read as follows:

78-33 § 709-a. Office of counterterrorism. The office of counterterrorism
78-34 shall develop and analyze the state's policies, protocols and strategies
78-35 relating to the prevention and detection of terrorist acts and terrorist
78-36 threats. The office shall also be responsible for the collection, analy-
78-37 sis and sharing of information relating to terrorist threats and terror-
78-38 ist activities throughout the state; coordinating strategies, protocols
78-39 and first responder equipment needs to detect a biological, chemical or
78-40 radiological terrorist act or threat; working with private entities and
78-41 local, state and federal agencies to conduct assessments of the vulner-

78-42 ability of critical infrastructure to terrorist attack; and consulting
78-43 with appropriate state and local governments and private entities to
78-44 facilitate and foster cooperation to better prepare the state to prevent
78-45 and detect threats and acts of terrorism.

78-46 § 16. Section 713 of the executive law, as added by chapter 403 of the
78-47 laws of 2003, paragraphs (a) and (b) of subdivision 2 as amended by
78-48 chapter 426 of the laws of 2004, and such section as renumbered by
78-49 section 2 of part B of chapter 1 of the laws of 2004, is amended to read
78-50 as follows:

78-51 § 713. Protection of critical infrastructure including energy generat-
78-52 ing and transmission facilities. 1. Notwithstanding any other provision
78-53 of law, the [director of public security] commissioner of the division
78-54 of homeland security and emergency services shall conduct a review and
78-55 analysis of measures being taken by the public service commission and
78-56 any other agency or authority of the state or any political subdivision
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79- 1 thereof and, to the extent practicable, of any federal entity, to
79- 2 protect the security of critical infrastructure related to energy gener-
79- 3 ation and transmission located within the state. The [director of public]
79- 4 [security] commissioner of the division of homeland security and emergen-
79- 5 cy services shall have the authority to review any audits or reports
79- 6 related to the security of such critical infrastructure, including
79- 7 audits or reports conducted at the request of the public service commis-
79- 8 sion or any other agency or authority of the state or any political
79- 9 subdivision thereof or, to the extent practicable, of any federal enti-
79-10 ty. The owners and operators of such energy generating or transmission
79-11 facilities shall, in compliance with any federal and state requirements
79-12 regarding the dissemination of such information, provide access to the
79-13 [director of public security] commissioner of the division of homeland
79-14 security and emergency services to such audits or reports regarding such
79-15 critical infrastructure provided, however, that exclusive custody and
79-16 control of such audits and reports shall remain solely with the owners
79-17 and operators of such energy generating or transmission facilities. For
79-18 the purposes of this article, the term "critical infrastructure" has the
79-19 meaning ascribed to that term in subdivision five of section eighty-six
79-20 of the public officers law.

79-21 2. (a) On or before December thirty-first, two thousand four, and not
79-22 later than three years after such date, and every five years thereafter,
79-23 the [director of public security] commissioner of the division of home-
79-24 land security and emergency services shall report to the governor, the
79-25 temporary president of the senate, the speaker of the assembly, the
79-26 chairperson of the public service commission and the chief executive of
79-27 any such affected generating or transmission company or his or her
79-28 designee. Such report shall review the security measures being taken
79-29 regarding critical infrastructure related to energy generating and tran-
79-30 smission facilities, assess the effectiveness thereof, and include
79-31 recommendations to the legislature or the public service commission if
79-32 the [director of public security] commissioner of the division of home-
79-33 land security and emergency services determines that additional measures
79-34 are required to be implemented, considering, among other factors, the
79-35 unique characteristics of each energy generating or transmission facili-
79-36 ty. [On or before April thirtieth, two thousand four, the director of]
79-37 [public security shall make a preliminary report to the governor, the]
79-38 [temporary president of the senate, the speaker of the assembly, the]
79-39 [chairman of the public service commission, and the chief executive of]
79-40 [any such affected generating or transmission company or his or her]
79-41 [designee.]

79-42 (b) Before the receipt of such report identified in paragraph (a) of
79-43 this subdivision, each recipient of such report shall develop confiden-
79-44 tiality protocols, which shall be binding upon the recipient who issues
79-45 the protocols and anyone to whom the recipient shows a copy of the
79-46 report, in consultation with the [director of public security] commis-

79-47 sioner of the division of homeland security and emergency services for
79-48 the maintenance and use of such report so as to ensure the confidential-
79-49 ity of the report and all information contained therein, provided,
79-50 however, that such protocols shall not be binding upon a person who is
79-51 provided access to such report or any information contained therein
79-52 pursuant to section eighty-nine of the public officers law after a final
79-53 determination that access to such report or any information contained
79-54 therein could not be denied pursuant to subdivision two of section
79-55 eighty-seven of the public officers law. The [director of public secu-]
79-56 [rity] commissioner of the division of homeland security and emergency
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80- 1 services shall also develop protocols for his or her office related to
80- 2 the maintenance and use of such report so as to ensure the confidential-
80- 3 ity of the report and all information contained therein. On each report,
80- 4 the [director of public security] commissioner of the division of home-
80- 5 land security and emergency services shall prominently display the
80- 6 following statement: "this report may contain information that if
80- 7 disclosed could endanger the life or safety of the public, and there-
80- 8 fore, pursuant to section seven hundred [ten] eleven of the executive
80- 9 law, this report is to be maintained and used in a manner consistent
80-10 with protocols established to preserve the confidentiality of the infor-
80-11 mation contained herein in a manner consistent with law".

80-12 (c) Except in the case of federally licensed electric generating
80-13 facilities, the public service commission shall have the discretion to
80-14 require that the recommendations of the [director of public security]
80-15 commissioner of the division of homeland security and emergency services
80-16 be implemented by any owner or operator of an energy generating or tran-
80-17 smission facility. Recommendations regarding federally licensed electric
80-18 generating facilities shall instead only be made available by the
80-19 [director of public security] commissioner of the division of homeland
80-20 security and emergency services to the appropriate federal agency in
80-21 compliance with any federal and state requirements regarding the dissem-
80-22 ination of such information.

80-23 3. Any reports prepared pursuant to this article shall not be subject
80-24 to disclosure pursuant to section eighty-eight of the public officers
80-25 law.

80-26 § 17. Section 714 of the executive law, as added by section 1 of part
80-27 C of chapter 1 of the laws of 2004, is amended to read as follows:

80-28 § 714. Protection of critical infrastructure; storage facilities for
80-29 hazardous substances. 1. Notwithstanding any other provision of law and
80-30 subject to the availability of an appropriation, the [director of the]
80-31 [office of homeland security] commissioner of the division of homeland
80-32 security and emergency services shall conduct a review and analysis of
80-33 measures being taken by the owners and operators of facilities identi-
80-34 fied pursuant to paragraph (b) of subdivision two of this section to
80-35 protect the security of critical infrastructure related to such facili-
80-36 ties. The [director of the office of homeland security] commissioner of
80-37 the division of homeland security and emergency services shall have the
80-38 authority to review all audits or reports related to the security of
80-39 such critical infrastructure, including all such audits or reports
80-40 mandated by state and federal law or regulation, including spill
80-41 prevention reports and risk management plans, audits and reports
80-42 conducted at the request of the department of environmental conservation
80-43 or at the request of any federal entity, or any other agency or authori-
80-44 ty of the state or any political subdivision thereof, and reports
80-45 prepared by owners and operators of such facilities as required in this
80-46 subdivision. The owners and operators of such facilities shall, in
80-47 compliance with any federal and state requirements regarding the dissem-
80-48 ination of such information, provide access to the [director of the]
80-49 [office of homeland security] commissioner of the division of homeland
80-50 security and emergency services to such audits and reports regarding
80-51 such critical infrastructure provided, however, exclusive custody and

80-52 control of such audits and reports shall remain solely with the owners
80-53 and operators of such facilities to the extent not inconsistent with any
80-54 other law. For the purposes of this section, the term "critical infras-
80-55 tructure" has the meaning ascribed to that term in subdivision five of
80-56 section eighty-six of the public officers law.

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81- 1 2. To effectuate his or her duties pursuant to this section and iden-
81- 2 tify risks to the public, the [director of the office of homeland secu-]
81- 3 [rity] commissioner of the division of homeland security and emergency
81- 4 services shall:

81- 5 (a) within six months of the effective date of this section, in
81- 6 consultation with the commissioner of environmental conservation, the
81- 7 commissioner of health, and such representatives of the chemical indus-
81- 8 try and higher education as may be appropriate, prepare a list that
81- 9 identifies toxic or hazardous substances, including but not limited to
81-10 those substances listed as hazardous to public health, safety or the
81-11 environment in regulations promulgated pursuant to article thirty-seven
81-12 of the environmental conservation law, as well as those substances for
81-13 which the state possesses insufficient or limited toxicological informa-
81-14 tion but for which there exists preliminary evidence that the substance
81-15 or the class of chemicals with similar physical and chemical properties
81-16 to which it belongs has the potential to cause death, injury, or serious
81-17 adverse effects to human health or the environment, based on the severi-
81-18 ty of the threat posed to the public by the unauthorized release of such
81-19 substances. Such list will be promulgated in accord with the provisions
81-20 of the state administrative procedure act;

81-21 (b) upon completion of the list required pursuant to paragraph (a) of
81-22 this subdivision, but no later than one hundred twenty days after such
81-23 date, in consultation with the commissioner of environmental conserva-
81-24 tion, the commissioner of health and such representatives of the chemi-
81-25 cal industry and any state, local and municipal officials as may be
81-26 appropriate, identify facilities, including facilities regulated pursu-
81-27 ant to title nine and title eleven of article twenty-seven and article
81-28 forty of the environmental conservation law, but excluding facilities
81-29 that hold liquified petroleum gas for fuel at retail sale as described
81-30 in section 112(1)(4)(B) of the Clean Air Act (42 U.S.C. section
81-31 7412(r)(4)(b)) and those facilities that are defined as "water suppli-
81-32 ers" in subdivision one of section eleven hundred twenty-five of the
81-33 public health law, which because of their storage of or relationship to
81-34 such substances identified pursuant to paragraph (a) of this subdivision
81-35 pose risks to the public should an unauthorized release of such hazard-
81-36 ous substances occur; and

81-37 (c) require such facilities identified pursuant to paragraph (b) of
81-38 this subdivision, as the [director] commissioner so determines, to
81-39 prepare a vulnerability assessment of the security measures taken by
81-40 such facilities to prevent and respond to the unauthorized release of
81-41 hazardous substances as may be stored therein, which assessments the
81-42 [director of the office of homeland security] commissioner of the divi-
81-43 sion of homeland security and emergency services shall review and
81-44 consider in light of the seriousness of the risk posed and vulnerability
81-45 of such facility and, where appropriate, make recommendations with
81-46 respect thereto.

81-47 3. (a) On or before June first, two thousand five, the [director of]
81-48 [homeland security] commissioner of the division of homeland security and
81-49 emergency services shall make a preliminary report to the governor, the
81-50 temporary president of the senate, the speaker of the assembly, the
81-51 commissioner of environmental conservation, the commissioner of health
81-52 and the chief executive officer of any such affected facility or his or
81-53 her designee, and on or before December thirty-first, two thousand five,
81-54 and not later than three years after such date, and every five years
81-55 thereafter, the [director of the office of homeland security] commis-
81-56 sioner of the division of homeland security and emergency services shall

82- 1 report to the governor, the temporary president of the senate, the
82- 2 speaker of the assembly, the commissioner of environmental conservation,
82- 3 the commissioner of health and the chief executive officer of any such
82- 4 affected facility or his or her designee. Such report shall review the
82- 5 security measures being taken regarding critical infrastructure related
82- 6 to such facilities, assess the effectiveness thereof, and include recom-
82- 7 mendations to the legislature, the department of environmental conserva-
82- 8 tion or the department of health if the [director of the office of home-]
82- 9 [land security] commissioner of the division of homeland security and
82-10 emergency services determines that additional measures are required to
82-11 be implemented.

82-12 (b) Before the receipt of such report identified in paragraph (a) of
82-13 this subdivision, each recipient of such report shall develop confiden-
82-14 tiality protocols which shall be binding upon the recipient who issues
82-15 the protocols and anyone to whom the recipient shows a copy of the
82-16 report in consultation with the [director of the office of homeland]
82-17 [security] commissioner of the division of homeland security and emergen-
82-18 cy services, for the maintenance and use of such report so as to ensure
82-19 the confidentiality of the report and all information contained therein,
82-20 provided, however, that such protocols shall not be binding upon a
82-21 person who is provided access to such report or any information
82-22 contained therein pursuant to section eighty-nine of the public officers
82-23 law after a final determination that access to such report or any infor-
82-24 mation contained therein could not be denied pursuant to subdivision two
82-25 of section eighty-seven of the public officers law. The [director of the]
82-26 [office of homeland security] commissioner of the division of homeland
82-27 security and emergency services shall also develop protocols for such
82-28 [office] division related to the maintenance and use of such report so
82-29 as to ensure the confidentiality of all sensitive information contained
82-30 in such report. On each report, the [director of the office of homeland]
82-31 [security] commissioner of the division of homeland security and emergen-
82-32 cy services shall prominently display the following statement: "This
82-33 report may contain information that if disclosed could endanger the life
82-34 or safety of the public, and therefore, pursuant to section seven
82-35 hundred eleven of the executive law[, as added by a chapter of the laws]
82-36 [of two thousand four], this report is to be maintained and used in a
82-37 manner consistent with protocols established to preserve the confiden-
82-38 tiality of the information contained herein in a manner consistent with
82-39 law."

82-40 (c) The department of environmental conservation shall have the
82-41 discretion to require that recommendations of the [director of the]
82-42 [office of homeland security] commissioner of the division of homeland
82-43 security and emergency services be implemented by any owner or operator
82-44 of a hazardous substances storage facility as defined in this section.

82-45 § 18. Section 715 of the executive law, as added by chapter 604 of the
82-46 laws of 2007, is amended to read as follows:

82-47 § 715. [Records and data] Office of cyber security. 1. The office of
82-48 cyber security shall be dedicated to the protection of the state's cyber
82-49 security infrastructure, including, but not limited to, the identifica-
82-50 tion and mitigation of vulnerabilities, deterring and responding to
82-51 cyber events, and promoting cyber security awareness within the state.
82-52 The office shall also be responsible for statewide policies, standards,
82-53 programs, and services relating to cyber security and geographic infor-
82-54 mation systems, including the statewide coordination of geographically
82-55 referenced critical infrastructure information. The director of the
82-56 office shall be the chief cyber security officer of New York state.

83- 1 2. The director may request and receive from any department, division,
83- 2 board, bureau, commission or other agency of the state or any political
83- 3 subdivision thereof or any public authority such assistance, information

83- 4 and data as will enable the office properly to carry out its functions,
83- 5 powers and duties.

83- 6 3. The director of the office [of cyber security and critical infras-]
83- 7 [tructure coordination] is authorized to maintain, in electronic or paper
83- 8 formats, maps, geographic images, geographic data and metadata.

83- 9 [2.] 4. The director of the office [of cyber security and critical]
83-10 [infrastructure coordination] is authorized to promulgate any rules and
83-11 regulations necessary to implement the provisions of this section.

83-12 5. Notwithstanding the provisions of subparagraphs (i) and (ii) of
83-13 paragraph (a) of subdivision eight of section seventy-three of the
83-14 public officers law, former officers or employees of the office of cyber
83-15 security employed by the not-for-profit corporation that operates the
83-16 multi-state information sharing and analysis center may appear before
83-17 and render services to any federal, state, local, territorial or tribal
83-18 government relating to cyber security.

83-19 6. Notwithstanding the provisions of section one hundred sixty-three
83-20 of the state finance law, section one hundred three of the general
83-21 municipal law, article four-C of the economic development law, or any
83-22 other provision of law relating to the award of public contracts, any
83-23 officer, body, or agency of New York state, public corporation, or other
83-24 public entity subject to such provisions of law shall be authorized to
83-25 enter individually or collectively into contracts with the not-for-pro-
83-26 fit corporation that operates the multi-state information sharing and
83-27 analysis center for the provision of services through September thirti-
83-28 eth, two thousand thirteen related to cyber security including, but not
83-29 limited to, monitoring, detecting, and responding to cyber incidents,
83-30 and such contracts may be awarded without compliance with the procedures
83-31 relating to the procurement of services set forth in such provisions of
83-32 law. Such contracts shall, however, be subject to the comptroller's
83-33 existing authority to approve contracts where such approval is required
83-34 by section one hundred twelve of the state finance law or otherwise.
83-35 Such officers, bodies, or agencies may pay the fees or other amounts
83-36 specified in such contracts in consideration of the cyber security
83-37 services to be rendered pursuant to such contracts.

83-38 § 19. Section 715 of the executive law, as added by chapter 630 of the
83-39 laws of 2007, is amended to read as follows:

83-40 § [715.] 716. Protection of critical infrastructure; commercial
83-41 aviation, petroleum and natural gas fuel transmission facilities and
83-42 pipelines. 1. Notwithstanding any other provision of law, the [director]
83-43 [of the office of homeland security] commissioner of the division of
83-44 homeland security and emergency services shall conduct a review and
83-45 analysis of measures being taken by any other agency or authority of the
83-46 state or any political subdivision thereof and, to the extent practica-
83-47 ble, of any federal entity, to protect the security of critical infras-
83-48 tructure related to commercial aviation fuel, petroleum and natural gas
83-49 transmission facilities and pipelines in this state which are not
83-50 located upon the premises of a commercial airport. As deemed appropriate
83-51 by such [director] commissioner, the [office of homeland security] divi-
83-52 sion of homeland security and emergency services shall have the authori-
83-53 ty to physically inspect the premises and review any audits or reports
83-54 related to the security of such critical infrastructure, including
83-55 audits or reports conducted at the request of any other agency or
83-56 authority of the state or any political subdivision thereof or, to the

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84- 1 extent practicable, of any federal entity. The operators of such commer-
84- 2 cial aviation fuel, petroleum or natural gas transmission facilities and
84- 3 pipelines shall, in compliance with any federal and state requirements
84- 4 regarding the dissemination of such information, provide access to the
84- 5 [director of the office of homeland security] commissioner of the divi-
84- 6 sion of homeland security and emergency services to such audits or
84- 7 reports regarding such critical infrastructure provided, however, that
84- 8 exclusive custody and control of such audits and reports shall remain

84- 9 solely with the operators of such commercial aviation fuel, petroleum or
84-10 natural gas transmission facilities and pipelines. For the purposes of
84-11 this article, the term "critical infrastructure" has the meaning
84-12 ascribed to that term in subdivision five of section eighty-six of the
84-13 public officers law.

84-14 2. (a) On or before December thirty-first, two thousand [eight, and]
84-15 [not later than three years after such date] eleven, and every five years
84-16 thereafter, the [director of the office of homeland security] commis-
84-17 sioner of the division of homeland security and emergency services shall
84-18 report to the governor, the temporary president of the senate, the
84-19 speaker of the assembly, the public service commission, and the operator
84-20 of any such affected commercial aviation fuel, petroleum or natural gas
84-21 transmission facility or pipeline. Such report shall review the security
84-22 measures being taken regarding critical infrastructure related to
84-23 commercial aviation fuel, petroleum or natural gas transmission facili-
84-24 ties and pipelines, assess the effectiveness thereof, and include recom-
84-25 mendations to the legislature, the public service commission, or the
84-26 operator of a commercial aviation fuel, petroleum or natural gas trans-
84-27 mission facility or pipeline, or any appropriate state or federal regu-
84-28 lating entity or agency if the [director of the office of homeland secu-]
84-29 [rity] commissioner of the division of homeland security and emergency
84-30 services determines that additional measures are required to be imple-
84-31 mented, considering among other factors, the unique characteristics of
84-32 each commercial aviation fuel, petroleum or natural gas transmission
84-33 facility or pipeline. [On or before April thirtieth, two thousand eight,]
84-34 [the director of the office of homeland security shall make a preliminary]
84-35 [report to the governor, the temporary president of the senate, the]
84-36 [speaker of the assembly, the public service commission, and the operator]
84-37 [of any such affected commercial aviation fuel, petroleum or natural gas]
84-38 [transmission facility or pipeline.]

84-39 (b) Before the receipt of such report identified in paragraph (a) of
84-40 this subdivision, each recipient of such report shall develop confiden-
84-41 tiality protocols, which shall be binding upon the recipient who issues
84-42 the protocols and anyone to whom the recipient shows a copy of the
84-43 report, in consultation with the [director of the office of homeland]
84-44 [security] commissioner of the division of homeland security and emergen-
84-45 cy services for the maintenance and use of such report so as to ensure
84-46 the confidentiality of the report and all information contained therein,
84-47 provided, however, that such report and any information contained or
84-48 used in its preparation shall be exempt and not made available pursuant
84-49 to article six of the public officers law. The [director of the office]
84-50 [of homeland security] commissioner of the division of homeland security
84-51 and emergency services shall also develop protocols for his or her
84-52 office related to the maintenance and use of such report so as to ensure
84-53 the confidentiality of the report and all information contained therein.
84-54 On each report, the [director of the office of homeland security]
84-55 commissioner of the division of homeland security and emergency services
84-56 shall prominently display the following statement: "this report may

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85- 1 contain information that if disclosed could endanger the life or safety
85- 2 of the public, and therefore, pursuant to section seven hundred [ten]
85- 3 eleven of the executive law, this report is to be maintained and used in
85- 4 a manner consistent with protocols established to preserve the confiden-
85- 5 tiality of the information contained herein in a manner consistent with
85- 6 law".

85- 7 (c) The public service commission shall have the discretion to
85- 8 require, through regulation or otherwise, that the recommendations of
85- 9 the [director of the office of homeland security] commissioner of the
85-10 division of homeland security and emergency services be implemented at
85-11 an affected commercial aviation fuel, petroleum or natural gas trans-
85-12 mission facility or pipeline.

85-13 (d) The [office of homeland security] division of homeland security

85-14 and emergency services shall receive necessary appropriations for the
85-15 performance of its duties pursuant to this section.

85-16 § 20. Paragraph (a) of subdivision 1 of section 169 of the executive
85-17 law, as amended by section 1 of part F of chapter 56 of the laws of
85-18 2005, is amended to read as follows:

85-19 (a) commissioner of correctional services, commissioner of education,
85-20 commissioner of health, commissioner of mental health, commissioner of
85-21 mental retardation and developmental disabilities, commissioner of chil-
85-22 dren and family services, commissioner of temporary and disability
85-23 assistance, chancellor of the state university of New York, commissioner
85-24 of transportation, commissioner of environmental conservation, super-
85-25 intendent of state police, [and] commissioner of general services and
85-26 commissioner of the division of homeland security and emergency
85-27 services;

85-28 § 21. The executive law is amended by adding a new section 717 to read
85-29 as follows:

85-30 § 717. Office of interoperable and emergency communications. 1. The
85-31 office of interoperable and emergency communications shall be the prin-
85-32 cipal state agency for all interoperable and emergency communications
85-33 issues and oversee and direct the development, coordination and imple-
85-34 mentation of policies, plans, standards, programs and services related
85-35 to interoperable and emergency communications, including those related
85-36 to public safety land mobile radio communications. The office shall
85-37 coordinate with federal, state, local, tribal, non-governmental and
85-38 other appropriate entities.

85-39 2. The office shall be responsible for coordinating relevant grant
85-40 programs and other funding sources to enhance interoperable and emergen-
85-41 cy communications, as consistent with the mission of the division. The
85-42 director shall make final determinations regarding the distribution of
85-43 grants, in consultation with the board.

85-44 3. The director of this office shall serve as the statewide interoper-
85-45 able and emergency communications coordinator.

85-46 4. To ensure appropriate coordination and consultation with relevant
85-47 entities, the director shall be the chairperson of the statewide inter-
85-48 operable and emergency communication board as defined in section three
85-49 hundred twenty-seven of the county law, and whose duties shall include,
85-50 but not be limited to all the duties regularly assigned to the board as
85-51 defined by section three hundred twenty-eight of the county law.

85-52 5. The commissioner, in consultation with the director of the office,
85-53 shall promulgate rules and regulations which require municipalities to
85-54 report, no less than annually, on prior and planned expenditures to
85-55 develop and operate interoperable and emergency communications. The
85-56 regulations shall permit municipalities which participate in county or

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86- 1 multi-county regional coordinated interoperability efforts to submit a
86- 2 single report to the division for all participating municipalities, so
86- 3 long as all expenses which would have been reported if the participating
86- 4 municipalities had submitted individual reports are contained in the
86- 5 combined report. The regulations shall not require a municipality that
86- 6 incurred no relevant expenses and anticipates no relevant expenses to
86- 7 submit such a report. The division shall include a summary of such
86- 8 information in its annual report to the governor, temporary president of
86- 9 the senate, and speaker of the assembly provided for in subdivision
86-10 seven of section seven hundred nine of this article, as well as submit-
86-11 ting such information at the same time to the state comptroller.

86-12 § 22. Subdivision 2 of section 709 of the executive law is amended by
86-13 adding a new paragraph (u) to read as follows:

86-14 (u) Notwithstanding article six-C of this chapter, or any other
86-15 provision of law to the contrary, the division of homeland security and
86-16 emergency services shall establish best practices regarding training and
86-17 education for firefighters and first responders which shall include but
86-18 not be limited to: minimum basic training for firefighters and first

86-19 responders; in-service training and continuing education; and special-
86-20 ized training as it may apply to the specific duties of a category of
86-21 emergency personnel.

86-22 § 23. Section 155 of the executive law, as added by chapter 225 of the
86-23 laws of 1979, is amended to read as follows:

86-24 § 155. Office of fire prevention and control; creation; state fire
86-25 administrator; employees. There is hereby created in the [department of]
86-26 [state] division of homeland security and emergency services an office of
86-27 fire prevention and control. The head of such office shall be the state
86-28 fire administrator, who shall be appointed by the [secretary of state]
86-29 governor and shall hold office during the pleasure of the [secretary of]
86-30 [state] governor. He shall receive an annual salary to be fixed by the
86-31 [secretary of state] commissioner of the division of homeland security
86-32 and emergency services within the amount available by appropriation. He
86-33 shall also be entitled to receive reimbursement for expenses actually
86-34 and necessarily incurred by him in the performance of his duties within
86-35 the amount available by appropriation. [The state fire administrator]
86-36 [may, from time to time, with the approval of the secretary of state,]
86-37 [create, abolish, transfer and consolidate divisions, bureaus, and other]
86-38 [units within the office of fire prevention and control as he may deter-]
86-39 [mine necessary for the efficient operation of such office. The state]
86-40 [fire administrator may, with the approval of the secretary of state,]
86-41 [appoint such deputies, directors and others within the office as he may]
86-42 [deem necessary to the proper implementation of this article, prescribe]
86-43 [their duties, fix their compensation and provide for reimbursement of]
86-44 [their actual and necessary expenses within the amounts available by]
86-45 [appropriation.]

86-46 § 24. Intentionally omitted.

86-47 § 25. Intentionally omitted.

86-48 § 26. Section 156-g of the executive law, as added by chapter 303 of
86-49 the laws of 2007, is amended to read as follows:

86-50 § 156-g. Establishment of teams for urban search and rescue, specialty
86-51 rescue and incident support. 1. Authorization to establish urban search
86-52 and rescue task force teams, specialty rescue teams, and incident
86-53 support teams. The [state fire administrator] commissioner of the divi-
86-54 sion of homeland security and emergency services after consultation with
86-55 the state fire administrator shall have the authority to establish,
86-56 organize, administer, support, train, and fund urban search and rescue

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87- 1 task force teams, specialty rescue teams, and incident support teams
87- 2 created pursuant to this section.

87- 3 2. Definitions. For the purposes of this section, the following terms
87- 4 shall have the following meanings:

87- 5 (a) "urban search and rescue task force team" shall mean a specialized
87- 6 team or group of teams, formed pursuant to this section, organized with
87- 7 capabilities equivalent to urban search and rescue task force teams
87- 8 established under the federal emergency management agency in order to
87- 9 assist in the removal of trapped victims in emergency situations includ-
87-10 ing, but not limited to, collapsed structures, trench excavations,
87-11 elevated locations, and other technical rescue situations.

87-12 (b) "specialty rescue team" shall mean a specialized team, formed
87-13 pursuant to this section, organized to provide technical rescue assist-
87-14 ance to first responders including, but not limited to, canine search
87-15 and rescue/disaster response, cave search and rescue, collapse search
87-16 and rescue, mine and tunnel search and rescue, and swift water/flood
87-17 search and rescue teams. Such teams shall be aligned with one or more of
87-18 the search and rescue categories within the federal emergency management
87-19 agency's national resource typing system.

87-20 (c) "incident support team" shall mean a team of trained response
87-21 personnel, formed pursuant to this section, organized to provide coordi-
87-22 nation with governmental agencies and non-governmental organizations as
87-23 well as technical, and logistical support to urban search and rescue

87-24 task force teams and specialty rescue teams.

87-25 3. Appointment and training of team members; equipment. (a) The [state]
87-26 [fire administrator] commissioner of the division of homeland security
87-27 and emergency services is hereby authorized to appoint members to any
87-28 team created pursuant to this section. Team membership shall consist of
87-29 local emergency response personnel, state agency personnel and specialty
87-30 personnel as required.

87-31 (b) The [state fire administrator] commissioner of the division of
87-32 homeland security and emergency services shall be responsible for train-
87-33 ing and equipping the teams established pursuant to this section and for
87-34 training such other teams located within the state for response to man-
87-35 made or natural disasters to the extent appropriations are provided.
87-36 The [state fire administrator] commissioner of the division of homeland
87-37 security and emergency services shall support the capabilities of each
87-38 team established pursuant to this section with the necessary training
87-39 and equipment to ensure mobilization and deployment for rapid response
87-40 to emergencies and disasters to the extent appropriations are provided.

87-41 4. Accreditation of teams. The [state fire administrator] commissioner
87-42 of the division of homeland security and emergency services shall have
87-43 the authority to establish an accreditation program to review and evalu-
87-44 ate new and existing local and regional technical rescue capabilities,
87-45 and provide recommendations for capability enhancement in accordance
87-46 with the national incident management system, the national response
87-47 plan, and nationally recognized standards.

87-48 5. Defense, indemnification and insurance coverage of team members.
87-49 Members of the teams formed pursuant to this section who are volunteer
87-50 firefighters, volunteer ambulance workers, municipal or state employees,
87-51 or employees of a non-governmental entity shall be provided coverage by
87-52 their respective municipalities, organizations, and entities for
87-53 purposes of sections seventeen and eighteen of the public officers law
87-54 and/or other defense and indemnification coverage and workers' compen-
87-55 sation coverage pursuant to applicable provisions of the workers'
87-56 compensation law or benefits pursuant to applicable provisions of the

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88- 1 volunteer firefighters' [benefits] benefit law or the volunteer ambu-
88- 2 lance workers' benefit law. Individuals appointed to an urban search and
88- 3 rescue task force team, a specialty rescue team or an incident support
88- 4 team, for which such coverage is not available, shall be deemed volun-
88- 5 teer state employees for purposes of section seventeen of the public
88- 6 officers law and section three of the workers' compensation law.

88- 7 6. Rules and regulations. The [state fire administrator] commissioner
88- 8 of the division of homeland security and emergency services after
88- 9 consultation with the state fire administrator shall have the authority
88-10 to promulgate rules and regulations as deemed necessary relating to the
88-11 accreditation of urban search and rescue task force teams, specialty
88-12 rescue teams, and incident support teams and to the formation and opera-
88-13 tion of all teams established pursuant to this section.

88-14 7. Funding. The [secretary of state and the state fire administrator]
88-15 division of homeland security and emergency services shall expend the
88-16 necessary monies for training, equipment, and other items necessary to
88-17 support the operations of urban search and rescue task force teams,
88-18 specialty rescue teams and incident support teams within appropriations
88-19 provided. The [secretary of state and the state fire administrator]
88-20 division of homeland security and emergency services also may, pursuant
88-21 to applicable rules and regulations approved by the director of the
88-22 division of the budget, approve grants of funds from monies allocated
88-23 and appropriated for any or all such teams.

88-24 § 27. Section 157 of the executive law, as added by chapter 225 of the
88-25 laws of 1979, is amended to read as follows:

88-26 § 157. Granting authority. The [office of fire prevention and control,]
88-27 [by and through the state fire administrator] division of homeland secu-
88-28 rity and emergency services by and through the commissioner of the divi-

88-29 sion of homeland security and emergency services or his duly authorized
88-30 officers and employees, shall administer, carry out and approve grants
88-31 of funds from moneys allocated and appropriated therefor, for authorized
88-32 arson, fire prevention and control expenditures as defined herein, that
88-33 are conducted by municipal corporations. "Authorized arson, fire
88-34 prevention and control expenditures" shall mean those expenditures
88-35 utilized by a municipal corporation for fire or arson prevention, fire
88-36 or arson investigation and arson prosecution. No expenditure which has
88-37 not been specifically designated by the local legislative body for
88-38 arson, fire prevention and control and approved by the office of fire
88-39 prevention and control pursuant to rules and regulations promulgated
88-40 thereby shall be considered an "authorized arson, fire prevention and
88-41 control expenditure." The [office of fire prevention and control] divi-
88-42 sion of homeland security and emergency services shall adopt, amend and
88-43 rescind such rules, regulations and guidelines as may be necessary for
88-44 the performance of its functions, powers and duties under this section.
88-45 The [office of fire prevention and control] division of homeland securi-
88-46 ty and emergency services shall allocate grants under this article among
88-47 the municipalities whose applications have been approved in such a
88-48 manner as will most nearly provide an equitable distribution of the
88-49 grants among municipalities, taking into consideration such factors as
88-50 the level of suspected arson activity, population and population densi-
88-51 ty, the need for state funding to carry out local programs, and the
88-52 potential of the municipalities to effectively employ such grants.
88-53 § 28. Section 158 of the executive law is REPEALED and a new section
88-54 158 is added to read as follows:
88-55 § 158. Firefighting training. 1. For the purpose of this section, the
88-56 term fire fighter shall mean a member of a fire department whose duties

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89- 1 include fire service as defined in paragraph d of subdivision eleven of
89- 2 section three hundred two of the retirement and social security law.
89- 3 2. In addition to the functions, powers and duties otherwise provided
89- 4 by this article, the state fire administrator may promulgate rules and
89- 5 regulations with respect to:
89- 6 (a) The approval, or revocation thereof, of fire training programs for
89- 7 fire fighters;
89- 8 (b) Minimum courses of study, attendance requirements, and equipment
89- 9 and facilities to be required for approved fire training programs for
89-10 fire fighters;
89-11 (c) Minimum qualifications for instructors for approved fire training
89-12 programs for fire fighters;
89-13 (d) The requirements of minimum basic training which fire fighters
89-14 appointed to probationary terms shall complete before being eligible for
89-15 permanent appointment, and the time within which such basic training
89-16 must be completed following such appointment to a probationary term;
89-17 (e) The requirements of minimum basic training which fire fighters not
89-18 appointed for probationary terms but appointed on other than a permanent
89-19 basis shall complete in order to be eligible for continued employment or
89-20 permanent appointment, and the time within which such basic training
89-21 must be completed following such appointment on a non-permanent basis;
89-22 (f) The requirements for in-service training programs designed to
89-23 assist fire fighters in maintaining skills and being informed of techno-
89-24 logical advances;
89-25 (g) Categories or classifications of advanced in-service training
89-26 programs and minimum courses of study and attendance requirements with
89-27 respect to such categories or classifications;
89-28 (h) Exemptions from particular provisions of this article in the case
89-29 of any county, city, town, village or fire district, if in the opinion
89-30 of the state fire administrator the standards of fire training estab-
89-31 lished and maintained by such county, city, town, village or fire
89-32 district are equal to or higher than those established pursuant to this
89-33 article; or revocation in whole or in part of such exemption, if in his

89-34 or her opinion the standards of fire training established and maintained
89-35 by such county, city, town, village or fire district are lower than
89-36 those established pursuant to this article; and

89-37 (i) Education, health and physical fitness requirements for eligibil-
89-38 ity of persons for provisional or permanent appointment in the compet-
89-39 itive class of the civil service as fire fighters as it deems necessary
89-40 and proper for the efficient performance of such duties;

89-41 3. In furtherance of his or her functions, powers and duties as set
89-42 forth in this section, the state fire administrator may:

89-43 (a) Recommend studies, surveys and reports to be made by the state
89-44 fire administrator regarding the carrying out of the objectives and
89-45 purposes of this section;

89-46 (b) Visit and inspect any fire training programs approved by the state
89-47 fire administrator or for which application for such approval has been
89-48 made; and

89-49 (c) Recommend standards for promotion to supervisory positions.

89-50 4. In addition to the functions, powers and duties otherwise provided
89-51 by this section, the state fire administrator shall:

89-52 (a) Approve fire training programs for fire fighters and issue certif-
89-53 icates of approval to such programs, and revoke such approval or certif-
89-54 icate;

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90- 1 (b) Certify, as qualified, instructors for approved fire training
90- 2 programs for fire fighters and issue appropriate certificates to such
90- 3 instructors;

90- 4 (c) Certify fire fighters who have satisfactorily completed basic
90- 5 training programs and in-service training programs, and issue appropri-
90- 6 ate certificates to such fire fighters and revoke such certificates;

90- 7 (d) Cause studies and surveys to be made relating to the establish-
90- 8 ment, operation, effectiveness and approval of fire training programs;

90- 9 (e) Cause studies and surveys to be made relating to the completion or
90-10 partial completion of training programs by video or computer to the
90-11 maximum extent practicable; and

90-12 (f) Consult with and cooperate with the state university of New York
90-13 and private universities, colleges and institutes in the state for the
90-14 development of specialized courses of study for fire fighters in fire
90-15 science and fire administration.

90-16 § 29. The executive law is amended by adding a new section 376-a to
90-17 read as follows:

90-18 § 376-a. Code enforcement training. 1. For the purpose of this
90-19 section, the term code enforcement personnel shall mean a code enforce-
90-20 ment official charged with enforcement of the uniform fire prevention
90-21 and building code or the state energy conservation construction code.

90-22 2. In addition to the functions, powers and duties otherwise provided
90-23 by this article, the secretary of state may promulgate rules and regu-
90-24 lations with respect to:

90-25 (a) The approval, or revocation thereof, of code enforcement training
90-26 programs for code enforcement personnel;

90-27 (b) Minimum courses of study, attendance requirements, and equipment
90-28 and facilities to be required for approved code enforcement training
90-29 programs for code enforcement personnel;

90-30 (c) Minimum qualifications for instructors for approved code enforce-
90-31 ment training programs for code enforcement personnel;

90-32 (d) The requirements of minimum basic training which code enforcement
90-33 personnel shall complete in order to be eligible for continued employ-
90-34 ment or permanent appointment, and the time within which such basic
90-35 training must be completed following such appointment;

90-36 (e) The requirements for in-service training programs designed to
90-37 assist code enforcement personnel in maintaining skills and being
90-38 informed of technological advances;

90-39 (f) Categories or classifications of advanced in-service training
90-40 programs and minimum courses of study and attendance requirements with

90-41 respect to such categories or classifications;
90-42 (g) Exemptions from particular provisions of this article in the case
90-43 of any county, city, town, or village if in the opinion of the secretary
90-44 of state the standards of code enforcement training established and
90-45 maintained by such county, city, town, or village are equal to or higher
90-46 than those established pursuant to this article; or revocation in whole
90-47 or in part of such exemption, if in his or her opinion the standards of
90-48 code enforcement training established and maintained by such county,
90-49 city, town, or village are lower than those established pursuant to this
90-50 article;
90-51 3. In furtherance of his or her functions, powers and duties as set
90-52 forth in this section, the secretary of state may:
90-53 (a) Recommend studies, surveys and reports to be made by the depart-
90-54 ment of state regarding the carrying out of the objectives and purposes
90-55 of this section;

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91- 1 (b) Visit and inspect any code enforcement training programs approved
91- 2 by the secretary of state or for which application for such approval has
91- 3 been made; and
91- 4 (c) Recommend standards for promotion to supervisory positions.
91- 5 4. In addition to the functions, powers and duties otherwise provided
91- 6 by this section, the secretary of state shall:
91- 7 (a) Approve code enforcement training programs for code enforcement
91- 8 personnel and issue certificates of approval to such programs, and
91- 9 revoke such approval or certificate;
91-10 (b) Certify, as qualified, instructors for approved code enforcement
91-11 training programs for code enforcement personnel and issue appropriate
91-12 certificates to such instructors;
91-13 (c) Certify code enforcement personnel who have satisfactorily
91-14 completed basic training programs and in-service training programs, and
91-15 issue appropriate certificates to such code enforcement personnel, and
91-16 revoke such certificate;
91-17 (d) Cause studies and surveys to be made relating to the establish-
91-18 ment, operation, effectiveness and approval of code enforcement training
91-19 programs;
91-20 (e) Cause studies and surveys to be made relating to the completion or
91-21 partial completion of training programs by video or computer to the
91-22 maximum extent practicable;
91-23 (f) Consult with and cooperate with the state university of New York
91-24 and private universities, colleges and institutes in the state for the
91-25 development of specialized courses of study for code enforcement person-
91-26 nel.
91-27 § 29-a. Sections 159, 159-a, 159-b, 159-c, and 159-d of the executive
91-28 law are REPEALED.
91-29 § 29-b. The executive law is amended by adding a new section 159 to
91-30 read as follows:
91-31 § 159. Advisory council for fire prevention and control. 1. There is
91-32 hereby created within the division of homeland security and emergency
91-33 services an advisory council for fire prevention and control for the
91-34 purpose of advising the commissioner and the state fire administrator
91-35 with regard to: (a) execution of the functions, powers and duties of the
91-36 office with respect to fire and arson prevention and control services,
91-37 policies and programs; (b) recommendations on courses of instruction and
91-38 standards for training of firefighters of fire departments, fire compa-
91-39 nies, municipal corporations, districts, and private industry of the
91-40 state; (c) recommendations on federal and state legislation and programs
91-41 relating to fire and arson prevention services, policies and programs;
91-42 and (d) recommendations upon such other matters as the commissioner and
91-43 the state fire administrator may request.
91-44 2. The council shall be composed of the state fire administrator, as
91-45 chair, or his or her designee, and twelve other members appointed as
91-46 follows: six members appointed by the governor; two members appointed by

91-47 the temporary president of the senate; one member appointed by the
91-48 minority leader of the senate; two members appointed by the speaker of
91-49 the assembly; one member appointed by the minority leader of the assem-
91-50 bly. Members of the fire safety advisory board, the arson board and the
91-51 firefighting and code enforcement personnel standard and education
91-52 commission may be appointed to this advisory council.

91-53 3. Membership of such council shall consist of representatives from
91-54 the volunteer and career fire service, at least half of which shall
91-55 serve at the municipal level.

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92- 1 4. Members of the council, other than the state fire administrator,
92- 2 shall serve for terms of three years, with such terms to commence on
92- 3 April first and expire on March thirty-first.

92- 4 5. No member of the council shall be disqualified from holding any
92- 5 other public office or employment, nor shall he or she forfeit any such
92- 6 office or employment by reason of the appointment hereunder, notwith-
92- 7 standing the provisions of any general, special or local law, ordinance
92- 8 or city charter.

92- 9 6. The council shall meet at least twice a year. Special meetings may
92-10 be called by the chairperson. The agenda and meeting place of all regu-
92-11 lar or special meetings shall be made available to the public in advance
92-12 of such meeting.

92-13 7. Members of the council shall serve without salary or per diem
92-14 allowance, but shall be entitled to reimbursement for actual and neces-
92-15 sary expenses incurred in the performance of official duties under this
92-16 section, provided, however, that such members are not, at the time such
92-17 expenses are incurred, public employees otherwise entitled to such
92-18 reimbursement.

92-19 8. The chairperson may create subcommittees as he or she may from time
92-20 to time deem appropriate to provide the council with advice and recom-
92-21 mendations. Members of such subcommittees shall be entitled to
92-22 reimbursement for actual and necessary expenses incurred in the perform-
92-23 ance of official duties under this section, provided, however, that such
92-24 members are not, at the time such expenses are incurred, public employ-
92-25 ees otherwise entitled to such reimbursement.

92-26 § 30. Section 97-pp of the state finance law, as amended by chapter
92-27 631 of the laws of 1994, subdivisions 4, 5 and 6 as amended by chapter
92-28 72 of the laws of 2006, is amended to read as follows:

92-29 § 97-pp. New York state emergency services revolving loan account. 1.
92-30 There is hereby established within the combined expendable trust
92-31 fund-020 in the custody of the state comptroller a new account to be
92-32 known as the "New York state emergency services revolving loan account".

92-33 2. The account shall consist of all moneys appropriated for its
92-34 purpose, all moneys transferred to such account pursuant to law, and all
92-35 moneys required by this section or any other law to be paid into or
92-36 credited to this account, including all moneys received by the account
92-37 or donated to it, payments of principal and interest on loans made from
92-38 the account, and any interest earnings which may accrue from the invest-
92-39 ment or reinvestment of moneys from the account.

92-40 3. Moneys of the account, when allocated, shall be available to the
92-41 [secretary of state] commissioner of the division of homeland security
92-42 and emergency services to make loans as provided in this section. Up to
92-43 five percent of the moneys of the account or two hundred fifty thousand
92-44 dollars, whichever is less, may be used to pay the expenses, including
92-45 personal service and maintenance and operation, in connection with the
92-46 administration of such loans.

92-47 4. (a) The [secretary of state] commissioner of the division of home-
92-48 land security and emergency services, on recommendation of the [emergen-]
92-49 [cy services loan board] state fire administrator, may make, upon appli-
92-50 cation duly made, up to the amounts available by appropriation, loans
92-51 for:

92-52 (i) Purchasing fire fighting apparatus. A loan for purchasing fire

92-53 fighting apparatus shall not exceed the lesser of two hundred twenty-
92-54 five thousand dollars or seventy-five percent of the cost of the fire
92-55 fighting apparatus; provided, however, that loans issued in response to
92-56 a joint application shall not exceed the lesser of four hundred thousand
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93- 1 dollars or seventy-five percent of the cost of the fire fighting appara-
93- 2 tus.

93- 3 (ii) Purchasing ambulances or rescue vehicles. A loan for purchasing
93- 4 an ambulance or a rescue vehicle shall not exceed the lesser of one
93- 5 hundred fifty thousand dollars or seventy-five percent of the cost of
93- 6 the ambulance or rescue vehicle; provided, however, that loans issued in
93- 7 response to a joint application shall not exceed the lesser of two
93- 8 hundred sixty-five thousand dollars or seventy-five percent of the cost
93- 9 of the ambulance or rescue vehicle.

93-10 (iii) Purchasing protective equipment or communication equipment. A
93-11 loan for purchasing protective equipment or communication equipment or
93-12 both shall not exceed one hundred thousand dollars. Communication equip-
93-13 ment purchased with such loan shall, to the maximum extent practicable,
93-14 be compatible with the communication equipment of adjacent services and
93-15 jurisdictions; provided, however, that loans issued in response to a
93-16 joint application shall not exceed one hundred sixty-five thousand
93-17 dollars.

93-18 (iv) Repairing or rehabilitating fire fighting apparatus, ambulances,
93-19 or rescue vehicles. A loan for repairing or rehabilitating fire fighting
93-20 apparatus, ambulances, or rescue vehicles shall not exceed the lesser of
93-21 seventy-five thousand dollars or one hundred percent of the cost of the
93-22 repair or rehabilitation; provided, however, that loans issued in
93-23 response to a joint application shall not exceed the lesser of one
93-24 hundred thirty-five thousand dollars or one hundred percent of the cost
93-25 of the repair or rehabilitation.

93-26 (v) Purchasing accessory equipment. A loan for purchasing accessory
93-27 equipment shall not exceed seventy-five thousand dollars; provided,
93-28 however, that loans issued in response to a joint application shall not
93-29 exceed one hundred thirty-five thousand dollars.

93-30 (vi) Renovating, rehabilitating or repairing facilities that house
93-31 firefighting equipment, ambulances, rescue vehicles and related equip-
93-32 ment. A loan for this purpose shall not exceed the lesser of one hundred
93-33 fifty thousand dollars or seventy-five percent of the cost of the
93-34 project; provided, however, that loans issued in response to a joint
93-35 application shall not exceed the lesser of two hundred sixty-five thou-
93-36 sand dollars or seventy-five percent of the cost of the project.

93-37 (vii) Construction costs associated with the establishment of facili-
93-38 ties that house firefighting equipment, ambulances, rescue vehicles and
93-39 related equipment. A loan for this purpose shall not exceed the lesser
93-40 of three hundred thousand dollars or seventy-five percent of the cost of
93-41 the construction, or be used for the payment of fees for design, plan-
93-42 ning, preparation of applications or other costs not directly attribut-
93-43 able to land acquisitions or construction; provided, however, that loans
93-44 issued in response to a joint application shall not exceed the lesser of
93-45 five hundred twenty-five thousand dollars or seventy-five percent of the
93-46 cost of the construction, or be used for the payment of fees for design,
93-47 planning, preparation of applications or other costs not directly
93-48 attributable to land acquisitions or construction.

93-49 (viii) Construction costs associated with the establishment of facili-
93-50 ties for the purpose of live fire training. A loan for this purpose
93-51 shall not be granted if another live fire training facility is located
93-52 within the boundaries of the county or within twenty-five miles. A loan
93-53 for this purpose shall not exceed the lesser of one hundred fifty thou-
93-54 sand dollars or seventy-five percent of the cost of construction,
93-55 provided, however, joint applications shall not exceed the lesser of two
93-56 hundred sixty-five thousand dollars or seventy-five percent of the cost

94- 1 of construction or be used for the payment of fees for design, planning,
94- 2 preparation of applications or other costs not directly attributable to
94- 3 land acquisitions or construction.

94- 4 (b) No loan authorized by this section shall have an interest rate
94- 5 exceeding two and one-half percent. No applicant shall receive a loan
94- 6 for any purpose under paragraph (a) of this subdivision more than once
94- 7 in any five-year period; provided, however, that joint applicants may
94- 8 receive up to two loans in any five year period. The minimum amount of
94- 9 any loan shall be five thousand dollars. The period of any loan shall
94-10 not exceed the period of probable usefulness, prescribed by section
94-11 11.00 of the local finance law, for the emergency equipment to be
94-12 purchased with the proceeds of the loan or, if no period be there
94-13 prescribed, five years. The total amount of any interest earned by the
94-14 investment or reinvestment of all or part of the principal of any loan
94-15 made under this section shall be returned to the [secretary of state]
94-16 commissioner of the division of homeland security and emergency services
94-17 for deposit in the account and shall not be credited as payment of prin-
94-18 cipal or interest on the loan. The [secretary of state] commissioner of
94-19 the division of homeland security and emergency services may require
94-20 security for any loan and may specify the priority of liens against any
94-21 emergency equipment wholly or partially purchased with moneys loaned
94-22 under this section. The [secretary of state] commissioner of the divi-
94-23 sion of homeland security and emergency services may make loans under
94-24 this section subject to such other terms and conditions the [secretary]
94-25 commissioner of the division of homeland security and emergency services
94-26 deems proper.

94-27 (c) The [secretary of state] commissioner of the division of homeland
94-28 security and emergency services shall have the power to make such rules
94-29 and regulations as may be necessary and proper to effectuate the
94-30 purposes of this section.

94-31 (d) The [secretary of state] commissioner of the division of homeland
94-32 security and emergency services shall annually report by March fifteenth
94-33 to the governor and the legislature describing the activities and opera-
94-34 tion of the loan program authorized by this section. Such report shall
94-35 set forth the number of loan applications received and approved; the
94-36 number of joint applications received and approved; the names of coun-
94-37 ties, cities, towns, villages and fire districts receiving loans togeth-
94-38 er with the amount and purpose of the loan, the interest rate charged,
94-39 and the outstanding balance; and the balance remaining in the New York
94-40 state emergency services revolving loan account, along with fund reven-
94-41 ues and expenditures for the previous fiscal year, and projected reven-
94-42 ues and expenditures for the current and following fiscal years.

94-43 5. (a) Application for loans may be made by a town, village, city,
94-44 fire district, fire protection district, independent, not-for-profit
94-45 fire and ambulance corporation or county, other than a county wholly
94-46 contained within a city, provided that the application is otherwise
94-47 consistent with its respective powers. Applications may also be submit-
94-48 ted jointly by multiple applicants provided that the application is
94-49 otherwise consistent with each applicant's respective powers.

94-50 (b) Every application shall be in a form acceptable to the [secretary]
94-51 [of state] commissioner of the division of homeland security and emergen-
94-52 cy services. Every application shall accurately reflect the conditions
94-53 which give rise to the proposed expenditure and accurately reflect the
94-54 ability of the applicant to make such an expenditure without the
94-55 proceeds of a loan under this section.

95- 1 (c) (i) The [emergency services loan board] commissioner of the divi-
95- 2 sion of homeland security and emergency services shall give preference
95- 3 to those applications which demonstrate the greatest need, joint appli-
95- 4 cations, and to those applications the proceeds of which will be applied
95- 5 toward attaining compliance with federal and state laws and may disap-

95- 6 prove any application which contains no adequate demonstration of need
95- 7 or which would result in inequitable or inefficient use of the moneys in
95- 8 the account.

95- 9 (ii) In making determinations on loan applications, the [emergency]
95-10 [services loan board] commissioner of the division of homeland security
95-11 and emergency services shall assure that loan fund moneys are equitably
95-12 distributed among all sectors of the emergency services community and
95-13 all geographical areas of the state. Loans for the purpose of personal
95-14 protective firefighting equipment shall be given preference for a period
95-15 of two years from the date the first loan is made. Not less than fifty
95-16 percent of the loans annually made shall be made to applicants whose
95-17 fire protection or ambulance service is provided by a fire department or
95-18 ambulance service whose membership is comprised exclusively of volun-
95-19 teers and whose budget for the fiscal year immediately preceding did not
95-20 exceed one hundred thousand dollars.

95-21 (d) [An application or joint application shall be referred by the]
95-22 [secretary of state to the emergency services loan board. The board shall]
95-23 [consist of the following thirteen members: the secretary of state as]
95-24 [chair, or the secretary's designee, the state fire administrator, five]
95-25 [members appointed by the governor, two members appointed by the tempo-]
95-26 [rary president of the senate, two members appointed by the speaker of]
95-27 [the assembly, one member appointed by the minority leader of the senate,]
95-28 [and one member appointed by the minority leader of the assembly. Each]
95-29 [member of the board shall serve at the pleasure of the appointing offi-]
95-30 [cial. Members of the board shall serve without salary or per diem allow-]
95-31 [ance, but shall be entitled to reimbursement for actual and necessary]
95-32 [expenses incurred in the performance of official duties under this]
95-33 [section, provided, however, that such members are not, at the time such]
95-34 [expenses are incurred, public employees otherwise entitled to such]
95-35 [reimbursement. Notwithstanding any inconsistent provisions of law,]
95-36 [general, special or local, no officer or employee of the state, or poli-]
95-37 [tical subdivision of the state, any governmental entity operating any]
95-38 [public school or college or other public agency or instrumentality or]
95-39 [unit of government which exercises governmental powers under the laws of]
95-40 [the state, shall forfeit office or employment by reason of acceptance or]
95-41 [appointment as a member, representative, officer, employee or agent of]
95-42 [the board nor shall service as such member, representative, officer,]
95-43 [employee or agent of the board be deemed incompatible or in conflict]
95-44 [with such office or employment.]

95-45 [(e)] An application or joint application shall not be approved:

95-46 (i) if the applicant or applicants are in arrears on any prior loan
95-47 under this section,

95-48 (ii) if it shall be shown that at any time in the prior ten years the
95-49 applicant or applicants used state funds to repay all or part of any
95-50 loan made under this section.

95-51 [(f)] (e) The [emergency services loan board] commissioner of the
95-52 division of homeland security and emergency services shall, to the maxi-
95-53 mum extent feasible, and consistent with the other provisions of this
95-54 section, seek to provide that loans authorized by this section reflect
95-55 an appropriate geographic distribution, are distributed equitably and
95-56 encourage regional cooperation.

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96- 1 6. For purposes of this section, the following terms shall have the
96- 2 accompanying meanings:

96- 3 (a) "Fire companies" means (i) a fire company, the members of which
96- 4 are firefighters, volunteer, paid or both, of a county, city, town,
96- 5 village, fire district or fire department, or (ii) a fire corporation,
96- 6 the members of which are firefighters, volunteer, paid or both, provid-
96- 7 ing fire protection pursuant to a fire protection contract within a fire
96- 8 protection district of a town.

96- 9 (b) "Volunteer ambulance service" means an individual, partnership,
96-10 association, corporation, municipality or any legal or public entity or

96-11 subdivision thereof engaged in providing emergency medical services and
96-12 the transportation of sick, disabled or injured persons by motor vehi-
96-13 cle, aircraft or other form of transportation to or from facilities
96-14 providing hospital services which is (i) operating not for pecuniary
96-15 profit or financial gain, and (ii) no part of the assets or income of
96-16 which is distributable to, or inures to the benefit of, its members,
96-17 directors or officers.

96-18 (c) "Ambulance" means a motor vehicle designed, appropriately
96-19 equipped, and used for carrying sick or injured persons.

96-20 (d) "Accessory equipment" means equipment necessary to support the
96-21 ordinary functions of fire fighting, emergency medical services, or
96-22 rescue activities other than communication equipment, protective equip-
96-23 ment, and motor vehicles together with their fixtures and appointments.

96-24 (e) "Account" means the New York state emergency services revolving
96-25 loan account established by this section within the combined expendable
96-26 trust fund-020.

96-27 (f) "Communication equipment" means any voice or original transmission
96-28 system or telemetry system used to enhance fire fighter safety on the
96-29 grounds of a fire or other emergency.

96-30 (g) "Emergency equipment" means any or all of the following: ambu-
96-31 lances, accessory equipment, communication equipment, fire fighting
96-32 apparatus, protective equipment, and rescue vehicles.

96-33 (h) "Fire fighting apparatus" means elevated equipment, pumpers, tank-
96-34 ers, ladder trucks, hazardous materials emergency response vehicles, or
96-35 other such specially equipped motor vehicles used for fire protection,
96-36 together with the fixtures and appointments necessary to support their
96-37 functions.

96-38 (i) "Joint application" means an application submitted by two or more
96-39 towns, villages, cities, fire districts, fire protection districts,
96-40 not-for-profit fire and ambulance corporations or counties, other than a
96-41 county wholly contained within a city, for any purposes provided in
96-42 subdivision four of this section.

96-43 (j) "Protective equipment" means any clothing and devices that comply
96-44 with occupational safety and health administration standards (federal
96-45 occupational safety and health act regulations) used to protect person-
96-46 nel who provide emergency services from injury while performing their
96-47 functions, including, but not limited to, helmets, coats, boots, eyesh-
96-48 ields, gloves and self contained respiratory protection devices.

96-49 (k) "Rescue vehicle" means a motor vehicle, other than an ambulance or
96-50 fire fighting apparatus, appropriately equipped and used to support fire
96-51 department operations and includes a vehicle specifically for carrying
96-52 accessory equipment.

96-53 § 31. Section 326 of the county law, as added by section 1 of part G
96-54 of chapter 81 of the laws of 2002, is amended to read as follows:

96-55 § 326. New York state [911] interoperable and emergency communication
96-56 board. The "New York state [911] interoperable and emergency communi-
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97- 1 cation board" is hereby established within the [department of state]
97- 2 division of homeland security and emergency services. The board shall
97- 3 assist local governments, service suppliers, wireless telephone service
97- 4 suppliers and appropriate state agencies by facilitating the most effi-
97- 5 cient and effective routing of 911 emergency calls; developing minimum
97- 6 standards for public safety answering points; promoting the exchange of
97- 7 information, including emerging technologies; and encouraging the use of
97- 8 best practice standards among the public safety answering point communi-
97- 9 ty.

97-10 § 32. Section 328 of the county law is amended by adding a new subdi-
97-11 vision 10 to read as follows:

97-12 10. a. The New York state interoperable and emergency communication
97-13 board shall make recommendations to the commissioner of the division of
97-14 homeland security and emergency services on the expenditure of grants
97-15 and other funding programs related to interoperable and emergency commu-

97-16 nications. In carrying out this responsibility, and consistent with the
97-17 mission of the division of homeland security and emergency services, the
97-18 board will make recommendations related to the development, coordination
97-19 and implementation of policies, plans, standards, programs and services
97-20 related to interoperable and emergency communications, including but not
97-21 limited to ensuring compliance with federal mandates for interoperable
97-22 communications and compatibility with the National Incident Management
97-23 System.

97-24 b. The board, in fulfilling its role to provide ongoing guidance
97-25 regarding policies, plans, standards, programs and services related to
97-26 interoperable and emergency communications, shall:

97-27 (1) establish structures and guidelines to maintain interoperable
97-28 communications planning and coordination at the statewide level;

97-29 (2) establish, promulgate and revise standards for the operation of
97-30 public safety answering points; and

97-31 (3) establish guidelines regarding the creation of regionally based
97-32 radio communications systems compatible with the structures and guide-
97-33 lines created under subparagraph one of this paragraph and with federal
97-34 mandates and best practices.

97-35 § 33. Section 327 of the county law, as added by section 1 of part G
97-36 of chapter 81 of the laws of 2002, subdivision 5 as amended by section 2
97-37 of part Y of chapter 62 of the laws of 2003, is amended to read as
97-38 follows:

97-39 § 327. New York state [911] interoperable and emergency communication
97-40 board membership. 1. The board shall consist of [thirteen] twenty-five
97-41 members who shall be selected as follows:

97-42 (a) one shall be the [secretary of state] statewide interoperable and
97-43 emergency communication coordinator, or his or her designee, who shall
97-44 be the chairperson of the board;

97-45 (b) one shall be the commissioner of criminal justice services, or his
97-46 or her designee;

97-47 (c) [five] one shall be the superintendent of the state police, or his
97-48 or her designee;

97-49 (d) one shall be the adjutant general of the division of military and
97-50 naval affairs, or his or her designee;

97-51 (e) one shall be the commissioner of the division of homeland security
97-52 and emergency services, or his or her designee;

97-53 (f) one shall be the commissioner of the department of transportation,
97-54 or his or her designee;

97-55 (g) one shall be the commissioner of the department of health, or his
97-56 or her designee;

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98- 1 (h) one shall be the director of the office for technology, or his or
98- 2 her designee;

98- 3 (i) seven shall be appointed by the governor; provided, however, that
98- 4 no more than two such appointments made pursuant to this paragraph shall
98- 5 be from the same category of members as provided for in subdivision two
98- 6 of this section;

98- 7 [(d) three] (j) five shall be appointed by the governor upon the
98- 8 recommendation of the temporary president of the senate; provided,
98- 9 however, that no more than one such appointment made pursuant to this
98-10 paragraph shall be from the same category of members as provided for in
98-11 subdivision two of this section; and

98-12 [(e) three] (k) five shall be appointed by the governor upon the
98-13 recommendation of the speaker of the assembly; provided, however, that
98-14 no more than one such appointment made pursuant to this paragraph shall
98-15 be from the same category of members as provided for in subdivision two
98-16 of this section.

98-17 2. The members appointed upon the recommendation of the temporary
98-18 president of the senate and the speaker of the assembly, and the members
98-19 appointed by the governor pursuant to paragraph (c) of subdivision one
98-20 of this section, shall have experience with interoperable and emergency

98-21 communication issues, and shall be representative of chiefs of police,
98-22 sheriffs, fire chiefs and departments, ambulance service providers,
98-23 including proprietary or volunteer ambulance services, county 911 coordi-
98-24 nators, emergency managers, local elected officials, [wireless tele-]
98-25 [phone service suppliers, service suppliers] non-governmental organiza-
98-26 tions specializing in disaster relief, tribal nation representation, and
98-27 statewide first responder associations, or representatives of consumer
98-28 interests.

98-29 3. Each board member shall be appointed for a term of four years.
98-30 Vacancies in the board occurring otherwise than by expiration of a term
98-31 shall be filled for the unexpired term in the same manner as the
98-32 original appointment. The board shall meet as frequently as it may deem
98-33 necessary and at least four times each year on such dates as agreed upon
98-34 by the board. The board may approve and from time to time amend bylaws
98-35 in relation to its meetings and the transaction of its business. A
98-36 majority of the members of the board then in office shall constitute a
98-37 quorum for the transaction of any business or the exercise of any power
98-38 by the board.

98-39 4. Members of the board shall receive no compensation for their
98-40 services, but shall be reimbursed for actual and necessary expenses
98-41 incurred by them in the performance of their duties. Notwithstanding any
98-42 inconsistent provisions of law, no officer or employee of the state or
98-43 any political subdivision of the state shall forfeit such office or
98-44 employment by reason of acceptance or appointment as a member of the
98-45 board. For purposes of section thirteen of article thirteen of the state
98-46 constitution, membership on the board by a sheriff shall not constitute
98-47 public office.

98-48 5. Article two of the state administrative procedure act shall not
98-49 apply, provided, however, that the board shall publicly post the stand-
98-50 ards proposed pursuant to section three hundred twenty-eight of this
98-51 article no later than forty-five days prior to their adoption. Such
98-52 standards shall be posted in appropriate publications, the state regis-
98-53 ter and on the [department of state's] division of homeland security and
98-54 emergency services' website. During such forty-five day period, the
98-55 board shall receive and consider public comment on the proposed stand-
98-56 ards before adopting final standards. Upon final adoption, those stand-

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99- 1 ards adopted pursuant to section three hundred twenty-eight of this
99- 2 article shall be posted in appropriate publications, the state register
99- 3 and on the [department of state's] division of homeland security and
99- 4 emergency services' website.

99- 5 6. The board shall be subject to articles six and seven of the public
99- 6 officers law.

99- 7 § 34. Section 328-a of the county law is REPEALED.

99- 8 § 35. Section 328-b of the county law, as added by section 1 of part G
99- 9 of chapter 81 of the laws of 2002, is amended to read as follows:

99-10 § 328-b. Powers and duties of the chairperson. 1. The chairperson of
99-11 the board shall coordinate efforts among other executive agencies having
99-12 an interest in the duties of the board, and shall consult with such
99-13 agencies in carrying out the duties of the board.

99-14 2. The chairperson shall receive such assistance as required to carry
99-15 out its duties from staff of the [department of state] division of home-
99-16 land security and emergency services designated for such purposes, as
99-17 well as staff members recommended by other state agencies to the chair-
99-18 person.

99-19 3. The board may request and receive from any department, division,
99-20 board, bureau, commission, or other agency of the state or any political
99-21 subdivision thereof such assistance, information, and data as will
99-22 enable the board to properly carry out its functions, powers, and duties
99-23 under this article.

99-24 § 36. Section 331 of the county law is REPEALED.

99-25 § 37. Section 332 of the county law is REPEALED.

99-26 § 38. Paragraph (c) of subdivision 6 of section 186-f of the tax law,
99-27 as added by section 3 of part B of chapter 56 of the laws of 2009, is
99-28 amended to read as follows:

99-29 (c) [To fund costs associated with the design, construction, and oper-]
99-30 [ation of the statewide wireless network annually pursuant to appropri-]
99-31 [ation by the legislature] Up to the sum of seventy-five million dollars
99-32 annually may be used for the provision of grants or reimbursements to
99-33 counties for the development, consolidation, or operation of public
99-34 safety communications systems or networks designed to support statewide
99-35 interoperable communications for first responders, to be distributed
99-36 pursuant to standards and guidelines issued by the state. Annual grants
99-37 may consider costs borne by a municipality related to the issuance of
99-38 local public safety communications bonds pursuant to section twenty-four
99-39 hundred thirty-two of the public authorities law, when the municipality
99-40 has qualified as an approved participant in a statewide interoperable
99-41 communications system under the standards and guidelines issued by the
99-42 state, and maintains compliance with such standards and guidelines. The
99-43 grant amount will be prescribed pursuant to an agreement with the muni-
99-44 cipality, and may not exceed thirty percent of the annual cost borne by
99-45 the municipality in relation to such bonds;

99-46 § 39. Paragraphs (d) and (e) of subdivision 6 of section 186-f of the
99-47 tax law, as added by section 3 of part B of chapter 56 of the laws of
99-48 2009, are amended and a new paragraph (e) is added to read as follows:

99-49 (d) [Not less than the sum of ten million dollars annually must be]
99-50 [disbursed pursuant to article six-A of the county law and appropriated]
99-51 [by the legislature; and]

99-52 [(e)] To provide the costs of debt service for bonds and notes issued
99-53 to finance expedited deployment funding pursuant to the provisions of
99-54 section three hundred thirty-three of the county law and section sixteen
99-55 hundred eighty-nine-h of the public authorities law[.]; and

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100- 1 (e) services and expenses that support the operations and mission of
100- 2 the division of homeland security and emergency services as appropriated
100- 3 by the legislature.

100- 4 § 40. Section 156-e of the executive law, as added by section 2 of
100- 5 part A of chapter 81 of the laws of 2002, is amended to read as follows:

100- 6 § 156-e. College fire safety. 1. Notwithstanding the provisions of any
100- 7 law to the contrary, the office of fire prevention and control of the
100- 8 division of homeland security and emergency services, by and through the
100- 9 state fire administrator or their duly authorized officers and employ-
100-10 ees, shall have the responsibility to annually inspect buildings under
100-11 the jurisdiction of public colleges and independent colleges, as these
100-12 terms are defined in section eight hundred seven-b of the education law,
100-13 for compliance with and violations of the uniform fire prevention and
100-14 building code; or any other applicable code, rule or regulation pertain-
100-15 ing to fire safety. Buildings subject to inspection are all buildings
100-16 under the jurisdiction of such colleges used for classroom, dormitory,
100-17 fraternity, sorority, laboratory, physical education, dining, recre-
100-18 ational or other purposes.

100-19 2. a. The office of fire prevention and control shall have the power
100-20 to issue a notice of violation and orders requiring the remedying of any
100-21 condition found to exist in, on or about any such building which
100-22 violates the uniform fire prevention and building code, or any other
100-23 code, rule or regulation pertaining to fire safety, fire safety equip-
100-24 ment and fire safety devices. Such office is further authorized to
100-25 promulgate regulations regarding the issuance of violations, compliance
100-26 with orders, and providing for time for compliance, reinspection proce-
100-27 dures, and issuance of certificates of conformance.

100-28 b. Where any college authority in general charge of the operation of
100-29 any public or independent college buildings is served personally or by
100-30 registered or certified mail with an order of the office of fire
100-31 prevention and control to remedy any violation and fails to comply with

100-32 such order immediately or within such other time as specified in the
100-33 order, the office of fire prevention and control may avail itself of any
100-34 or all of the following remedies: (1) assess a civil penalty of up to
100-35 five hundred dollars per day until the violation is corrected; (2) order
100-36 immediate closure of the building, buildings or parts thereof where a
100-37 violation exists that poses an imminent threat to public health and
100-38 safety; (3) [exercise all of the authority conferred upon the secretary]
100-39 [of state pursuant to article eighteen of this chapter to obtain compli-]
100-40 [ance with its orders; or (4)] refer violations to the appropriate local
100-41 government authorities for enforcement pursuant to article eighteen of
100-42 this chapter.

100-43 c. The office of fire prevention and control [by and through the]
100-44 [secretary of state] is authorized to commence necessary proceedings in a
100-45 court of competent jurisdiction seeking enforcement of any of its orders
100-46 and payment of assessed penalties.

100-47 3. a. Except as provided herein, any county, city, town or village,
100-48 pursuant to resolution of their respective legislative bodies, may apply
100-49 to the office of fire prevention and control for delegation of all or
100-50 part of the duties, rights and powers conferred upon the office of fire
100-51 prevention and control by this section and section eight hundred seven-b
100-52 of the education law. Upon acceptable demonstration of adequate capabil-
100-53 ity, resources and commitment on the part of the applicant local govern-
100-54 ment, the office of fire prevention and control may make such deleg-
100-55 ation, in which case the local government shall also have all of the
100-56 rights, duties and powers provided to local governments in article eigh-

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101- 1 teen of this chapter and in any city charter or code. The authority
101- 2 granted in this section to assess civil penalties[,] and order closure
101- 3 of buildings [and take action possessed by the secretary of state under]
101- 4 [article eighteen of this chapter,] shall not be delegated to the local
101- 5 government. Such powers shall continue in the office of fire prevention
101- 6 and control which may exercise them in the case of violations, on its
101- 7 own volition or at the request of the delegee local government. The
101- 8 delegation shall expire after three years, and may be renewed at the
101- 9 discretion of the office of fire prevention and control. All inspection
101-10 reports conducted pursuant to a delegation of authority shall be prompt-
101-11 ly filed with the office of fire prevention and control. In the event
101-12 any such report is not filed or reasonable grounds exist to believe that
101-13 inspections or enforcement are inadequate or ineffective, the office of
101-14 fire prevention and control may revoke the delegation or continue it
101-15 subject to terms and conditions specified by the office of fire
101-16 prevention and control.

101-17 b. The authorities in a city having a population of one million or
101-18 more shall exercise all of the rights, powers and duties pertaining to
101-19 inspection of independent and public college buildings and enforcement
101-20 provided in this section and section eight hundred seven-b of the educa-
101-21 tion law, without impairing any existing authority of such city. A copy
101-22 of all inspection reports shall be filed with the office of fire
101-23 prevention and control by the authorities conducting inspections.

101-24 § 41. Subdivision 2 and paragraph (b) of subdivision 3 of section
101-25 837-o of the executive law, as amended by chapter 689 of the laws of
101-26 2002, are amended to read as follows:

101-27 2. Within ten business days of receipt from the applicant, the chief
101-28 of the fire company shall send the completed search request form to
101-29 either (i) the sheriff's department of the county in which the fire
101-30 company is located, or (ii) the [department of state,] office of fire
101-31 prevention and control, as follows:

101-32 (a) the sheriff's department of the county in which the fire company
101-33 is located shall be responsible for receiving the search requests and
101-34 processing the search requests with the division within ten business
101-35 days of receipt from the chief of the fire company, unless the county
101-36 legislative body adopts and files with the [secretary of state] office

101-37 of fire prevention and control pursuant to the municipal home rule law a
101-38 local law providing that the sheriff's department shall not have such
101-39 responsibility;
101-40 (b) in all other instances where a county legislative body has adopted
101-41 a local law pursuant to paragraph (a) of this subdivision, the [depart-]
101-42 [ment of state,] office of fire prevention and control shall be responsi-
101-43 ble for receiving search requests and forwarding the search requests to
101-44 the division.
101-45 The [department of state,] office of fire prevention and control is
101-46 hereby authorized to establish a communication network with the division
101-47 for the purpose of forwarding search requests and receiving search
101-48 results pursuant to paragraph (b) of this subdivision.
101-49 (b) The results of the search shall be communicated in writing, within
101-50 ten business days of receipt from the division, to the chief of the fire
101-51 company from which the search request originated by either the sheriff's
101-52 department or the [department of state,] office of fire prevention and
101-53 control, and shall be kept confidential by the chief, except as provided
101-54 in paragraph (c) of this subdivision. The results of the search shall
101-55 only state either that: (i) the applicant stands convicted of arson, or
101-56 (ii) the applicant has no record of conviction for arson. The results of
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102- 1 the search shall not divulge any other information relating to the crim-
102- 2 inal history of the applicant.
102- 3 § 42. Subdivisions 1 and 2 of section 225-a of the county law, as
102- 4 amended by chapter 225 of the laws of 1979, are amended to read as
102- 5 follows:
102- 6 1. In order to develop and maintain programs for fire training, fire
102- 7 service-related activities and mutual aid in cases of fire and other
102- 8 emergencies in which the services of firemen would be used and to coop-
102- 9 erate with the office of fire prevention and control [in the department]
102-10 [of state] in furthering such programs, the board of supervisors of any
102-11 county may create a county fire advisory board and may establish the
102-12 office of county fire coordinator.
102-13 2. A county fire advisory board shall consist of not less than five
102-14 nor more than twenty-one members, each of whom shall be appointed by the
102-15 board of supervisors for a term of not to exceed one year, two years or
102-16 three years. Such terms of office need not be the same for all members.
102-17 It shall be the duty of such board to cooperate with the office of fire
102-18 prevention and control [in the department of state] in relation to such
102-19 programs for fire training, fire service-related activities and mutual
102-20 aid; to act as an advisory body to the board of supervisors and to the
102-21 county fire coordinator, if any, in connection with the county partic-
102-22 ipation in such programs for fire training, fire service-related activ-
102-23 ities and mutual aid and in connection with the county establishment and
102-24 maintenance of a county fire training school and mutual aid programs in
102-25 cases of fire and other emergencies in which the services of firemen
102-26 would be used; to perform such other duties as the board of supervisors
102-27 may prescribe in relation to fire training, fire service-related activ-
102-28 ities and mutual aid in cases of fire and other emergencies in which the
102-29 services of firemen would be used. The members of such board shall be
102-30 county officers, and shall serve without compensation.
102-31 § 43. Section 399-n of the general business law, as added by chapter
102-32 576 of the laws of 1985, is amended to read as follows:
102-33 § 399-n. Approval of electrical devices. Whenever electrical devices
102-34 or electrical wiring or electrical apparatus are required to be approved
102-35 by underwriters laboratories for fire safety by any statute, law, rule
102-36 or regulation, of the state or any municipality thereof, approval by any
102-37 qualified laboratory or testing organization that tests for fire safety
102-38 in the state of New York will be deemed to be satisfaction of such
102-39 requirement. For the purposes of this section, a qualified laboratory or
102-40 testing organization is one which meets the criteria of (1) the American
102-41 Society for Testing Materials test E548-76, or (2) any rules or regu-

102-42 lations relating thereto that may be promulgated by [the office of fire]
102-43 [prevention and control of] the department of state.

102-44 § 44. Section 204-d of the general municipal law, as amended by chap-
102-45 ter 583 of the laws of 2006, is amended to read as follows:

102-46 § 204-d. Duties of the fire chief. The fire chief of any fire depart-
102-47 ment or company shall, in addition to any other duties assigned to him
102-48 by law or contract, to the extent reasonably possible determine or cause
102-49 to be determined the cause of each fire or explosion which the fire
102-50 department or company has been called to suppress. He shall file with
102-51 the office of fire prevention and control [of the department of state] a
102-52 report containing such determination and any additional information
102-53 required by such office regarding the fire or explosion. The report
102-54 shall be in the form designated by such office. He shall contact or
102-55 cause to be contacted the appropriate investigatory authority if he has
102-56 reason to believe the fire or explosion is of incendiary or suspicious
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103- 1 origin. For all fires that are suspected to have been ignited by a ciga-
103- 2 riette, within fourteen days after completing the investigation into such
103- 3 fire, the fire chief shall forward to the office of fire prevention and
103- 4 control information detailing, to the extent possible: (a) the specific
103- 5 brand and style of the cigarette suspected of having ignited such fire;
103- 6 (b) whether the cigarette package was marked as required by subdivision
103- 7 six of section one hundred fifty-six-c of the executive law; and (c) the
103- 8 location and manner in which such cigarette was purchased.

103- 9 § 45. Subdivisions 1 and 2 of section 209-e of the general municipal
103-10 law, as amended by chapter 225 of the laws of 1979, are amended to read
103-11 as follows:

103-12 1. Plan. The state fire administrator shall prepare a state fire mobi-
103-13 lization and mutual aid plan which may provide for the establishment of
103-14 fire mobilization and mutual aid zones of the state. Upon filing of the
103-15 plan in the office [of the department of state] of fire prevention and
103-16 control such plan shall become the state fire mobilization and mutual
103-17 aid plan. Such plan may be amended from time to time in the same manner
103-18 as originally adopted.

103-19 2. Regional fire administrators. The state fire administrator may
103-20 appoint and remove a regional fire administrator for each fire mobili-
103-21 zation and mutual aid zone established pursuant to the state fire mobili-
103-22 zation and mutual aid plan. Before he enters on the duties of the
103-23 office, each regional fire administrator shall take and subscribe before
103-24 an officer authorized by law to administer oaths the constitutional oath
103-25 of office, which shall be administered and certified by the officer
103-26 taking the same without compensation and shall be filed in the office of
103-27 [the department of state] fire prevention and control.

103-28 § 46. Subsection (b) of section 318 of the insurance law is amended to
103-29 read as follows:

103-30 (b) The information contained in such reports shall, in accordance
103-31 with such regulations, be available to law enforcement agencies, to tax
103-32 districts which have, pursuant to the provisions of section twenty-two
103-33 of the general municipal law, filed with the superintendent a notice of
103-34 intention to claim against the proceeds of a policy of fire insurance,
103-35 to the office of fire prevention and control [of the department of]
103-36 [state,] and to appropriate governmental agencies charged with the
103-37 responsibility for demolition of structures.

103-38 § 47. Section 54-e of the state finance law, as added by chapter 741
103-39 of the laws of 1978, paragraph g of subdivision 1 as amended by chapter
103-40 225 of the laws of 1979, is amended to read as follows:

103-41 § 54-e. State assistance to reimburse municipalities for firefighting
103-42 costs. 1. As used in this section, unless otherwise expressly stated:

103-43 a. "Normal operating expenses" shall mean those costs, losses and
103-44 expenses which are ordinarily associated with the maintenance, adminis-
103-45 tration and day-to-day operations of the fire department of a munici-
103-46 pality. Such expenses shall include, but not be limited to, the ordinary

103-47 wages of firefighters, administrative and other overhead costs, depreci-
103-48 ation, the costs of litigation and the costs of employee's benefits,
103-49 including insurance, disability, death, or health care whether or not
103-50 such costs are incurred as the result of firefighting services rendered
103-51 to property under the jurisdiction of the state of New York.
103-52 b. "Firefighting costs" shall mean those expenses and losses which
103-53 would not have been incurred had not the fire in question taken place.
103-54 Such costs shall include, but not be limited to, salaries for specially
103-55 employed personnel, costs of supplies expended, and the lesser of (1)
103-56 the cost of repairing any destroyed or damaged equipment or (2) the
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104- 1 value of such equipment immediately preceding the fire. Firefighting
104- 2 costs shall not include: normal operating expenses as defined herein,
104- 3 any firefighting cost for which the municipality is reimbursed under a
104- 4 policy of insurance or any costs associated with false alarms, regard-
104- 5 less of cause.
104- 6 c. "Claim" shall mean that amount which is equal to those firefighting
104- 7 costs incurred by a municipality to the extent that such costs exceed
104- 8 the sum of two hundred fifty dollars.
104- 9 d. "Fire" shall mean any instance of destructive and uncontrolled
104-10 burning on property under the jurisdiction of the state of New York
104-11 including scorch burns and explosions of combustible dust or solids,
104-12 flammable liquids and gases.
104-13 e. "Municipality" shall mean any county, city, village, town or fire
104-14 district, having a fire department consisting of personnel, apparatus
104-15 and equipment which has as its purpose protecting property and maintain-
104-16 ing the safety and welfare of the public from the dangers of fire, or,
104-17 in the case of a fire protection district or that portion of a town
104-18 outside a village or fire district, a fire company as defined in section
104-19 three of the volunteer [firemen's] firefighters' benefit law. The
104-20 personnel of any such fire department may be paid employees or unpaid
104-21 volunteers or any combination thereof.
104-22 f. "Property under the jurisdiction of the state of New York" shall
104-23 mean real property and improvements thereon and appurtenances thereto in
104-24 which the state of New York holds legal fee simple title and further,
104-25 any real property conveyed or made available to the New York state hous-
104-26 ing finance agency or the dormitory authority of the state of New York
104-27 under agreements for the financing and construction of facilities for
104-28 the state university of New York; provided however, with the exception
104-29 of property occupied by the state university of New York, such property
104-30 shall not include leasehold interest; provided further, such property
104-31 shall not include any property for which a municipality receives any
104-32 payments-in-lieu of taxes or any other payments, including real property
104-33 taxes, that are or may be used for providing fire protection to such
104-34 property.
104-35 [g. "Secretary" shall mean the secretary of state or the state fire]
104-36 [administrator as his designee.]
104-37 2. Any municipality whose fire department has responded to a fire on
104-38 property under the jurisdiction of the state of New York:
104-39 a. shall, within thirty days after such fire, submit a report, on a
104-40 form prescribed by the [secretary of state] office of fire prevention
104-41 and control, to the [secretary] office of fire prevention and control
104-42 stating the location of such a fire and the firefighting costs incurred
104-43 while fighting such a fire; and
104-44 b. may, within thirty days after such a fire, submit a claim, on a
104-45 form prescribed by the [secretary of state,] office of fire prevention
104-46 and control to the [secretary] office of fire prevention and control
104-47 pursuant to the provisions of this section.
104-48 3. The [secretary] office of fire prevention and control shall review
104-49 each claim to determine if such claim shall be approved, reduced,
104-50 amended or rejected and shall notify the municipality, within sixty days
104-51 of receipt of such claim, as to his determination. The municipality

104-52 shall notify the [secretary,] office of fire prevention and control
104-53 within thirty days after receipt of the [secretary's] office of fire
104-54 prevention and control's notification, as to its acceptance or rejection
104-55 of such determination. Failure to so notify the [secretary] office of
104-56 fire prevention and control shall constitute an acceptance of the deter-
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105- 1 mination. If accepted by the municipality, such acceptance shall consti-
105- 2 tute the final and conclusive determination for such claim. If rejected
105- 3 by the municipality, such municipality shall resubmit its claim, within
105- 4 thirty days after receipt of the [secretary's] office of fire prevention
105- 5 and control's notification, together with its reasons for objection and
105- 6 any additional documentation which may justify its claim. Upon receipt
105- 7 of a resubmitted claim, the [secretary] office of fire prevention and
105- 8 control shall review such claim and within sixty days of receipt of such
105- 9 resubmitted claim, make a final determination as to the amount to be
105-10 approved for such claim. If the municipality shall dispute such final
105-11 determination it may commence an action, within sixty days of such final
105-12 determination, in the court of claims which shall have jurisdiction to
105-13 adjudicate the claim and enter judgment, which judgment shall be a final
105-14 determination for purposes of this section and shall be payable in
105-15 accordance with the provisions of subdivisions four and five of this
105-16 section.

105-17 4. The [secretary] office of fire prevention and control shall certify
105-18 all claims for which a final determination has been made. The [secre-]
105-19 [tary] office of fire prevention and control shall submit all claims
105-20 certified during the preceding year to the comptroller of the department
105-21 of audit and control on or before April first of each year. Any claim
105-22 that has been received prior to April first of such year, but for which
105-23 no certification has been made, shall, for purposes of payment, be
105-24 considered as a claim for the year in which such certification is made.

105-25 5. All claims certified by the [secretary] office of fire prevention
105-26 and control shall be paid annually and shall be paid upon a warrant from
105-27 the comptroller from funds appropriated in the local assistance fund. In
105-28 the event such appropriation is insufficient to permit the aggregate
105-29 annual payments authorized under this section, each municipality's
105-30 payment for any claim or claims certified during the preceding year
105-31 shall be decreased proportionally until the total payments are equal to
105-32 the amount appropriated.

105-33 6. The chief fiscal officer of the municipality shall pay the amounts
105-34 received under this section into the fund or funds from which moneys
105-35 were expended to provide the firefighting services for which a
105-36 reimbursement was made under this section.

105-37 7. This section shall not in any way impair, limit or modify the
105-38 rights and obligations of any insurer under any policy of insurance.

105-39 8. The [secretary of state] office of fire prevention and control
105-40 shall annually prepare a report on the effectiveness of this section and
105-41 shall submit such report to the legislature. Such report shall include
105-42 the number and location of any fire on property under the jurisdiction
105-43 of the state of New York, the number of claims and the amount of each
105-44 such claim filed pursuant to this section and further, the total amount
105-45 of all claims filed and the total amount of payments made under the
105-46 provisions of this section. The first such report shall be submitted to
105-47 the legislature on or before June first, nineteen hundred seventy-nine.

105-48 § 48. Subdivisions 4 and 5 of section 99-q of the state finance law,
105-49 as added by chapter 490 of the laws of 2009, are amended to read as
105-50 follows:

105-51 4. Monies shall be payable from the fund on the audit and warrant of
105-52 the comptroller on vouchers approved and certified by the [secretary of]
105-53 [state upon the recommendation of the office of fire prevention and]
105-54 [control] state fire administrator.

106- 1 5. To the extent practicable, the [secretary of state] state fire
106- 2 administrator shall ensure that all monies received during a fiscal year
106- 3 are expended prior to the end of that fiscal year.

106- 4 § 49. Subdivision 1 of section 115-a of the vehicle and traffic law,
106- 5 as amended by chapter 225 of the laws of 1979, is amended to read as
106- 6 follows:

106- 7 1. a vehicle operated by officials of the office of fire prevention
106- 8 and control [in the department of state],

106- 9 § 50. Subdivision 79 of section 2.10 of the criminal procedure law, as
106-10 added by chapter 241 of the laws of 2004, is amended to read as follows:

106-11 79. Supervisors and members of the arson investigation bureau and fire
106-12 inspection bureau of the [department of state's] office of fire
106-13 prevention and control when acting pursuant to their special duties in
106-14 matters arising under the laws relating to fires, their prevention,
106-15 extinguishment, investigation thereof, and fire perils; provided, howev-
106-16 er, that nothing in this subdivision shall be deemed to authorize such
106-17 employees to carry, possess, repair, or dispose of a firearm unless the
106-18 appropriate license therefor has been issued pursuant to section 400.00
106-19 of the penal law.

106-20 § 51. Section 380 of the executive law, as added by section 707 of the
106-21 laws of 1981, is amended to read as follows:

106-22 § 380. Granting authority. The secretary[, by and through the office]
106-23 [of fire prevention and control,] shall administer a program of local
106-24 assistance to aid local governments in the administration and enforce-
106-25 ment of locally adopted or state promulgated building and fire codes.
106-26 Said program of local assistance shall conform to the requirements of
106-27 section fifty-four-g of the state finance law. The secretary shall
106-28 adopt, amend and rescind such rules, regulations and guidelines as may
106-29 be necessary for the performance of his or her functions, powers and
106-30 duties under this section.

106-31 § 52. Notwithstanding any law to the contrary, appropriations and
106-32 reappropriations made in chapter 50 of the laws of 2010 to the Division
106-33 of Homeland Security and Emergency Services for the Administration
106-34 Program, Cyber Security Program, Homeland Security Program, and Design
106-35 and Construction Supervision Capital Construction Program shall be
106-36 available to the current Office of Homeland Security for expenditure by
106-37 these same programs during the period of April 1, 2010 through December
106-38 31, 2010; appropriations and reappropriations made in chapter 50 of the
106-39 laws of 2010 to the Division of Homeland Security and Emergency Services
106-40 for the Disaster Assistance Program and the Emergency Management Program
106-41 shall be available to the Division of Military and Naval Affairs for
106-42 expenditure by these same programs during the period of April 1, 2010
106-43 through December 31, 2010; appropriations and reappropriations made in
106-44 chapter 50 of the laws of 2010 to the Division of Homeland Security and
106-45 Emergency Services for the Fire Prevention and Control Program shall be
106-46 available to the Department of State for expenditure by the Office of
106-47 Fire Prevention and Control during the period of April 1, 2010 through
106-48 December 31, 2010; and appropriations made in chapter 50 of the laws of
106-49 2010 to the Division of Homeland Security and Emergency Services for the
106-50 Interoperable Communications Program shall be available to the Office
106-51 for Technology for expenditure by State Interoperability Program Office
106-52 during the period of April 1, 2010 through December 31, 2010.

106-53 § 53. Annual report on merger. The commissioner of the division of
106-54 homeland security and emergency services shall, on or before January
106-55 first, two thousand eleven and two thousand twelve, submit to the gover-
106-56 nor, the temporary president of the senate, and the speaker of the

107- 1 assembly, a report concerning the progress of the merger of the former
107- 2 office of homeland security, state emergency management office, state
107- 3 911 board, office of cyber security and critical infrastructure coordi-
107- 4 nation, and office of fire prevention and control. Such report shall
107- 5 include a current and projected organizational chart, identify and

107- 6 account for cost savings achieved or costs incurred as a result of such
107- 7 merger, evaluate progress made toward (a) improved cooperation with
107- 8 local and federal partners, (b) improved flow of information among the
107- 9 merged entities, (c) development of regional interoperable communication
107-10 networks, (d) restructuring of the 911 board, (e) creation of a state-
107-11 of-the-art training facility for first responders, (f) greater efficien-
107-12 cy of public safety functions at the local level, (g) standardization
107-13 and streamlining of grant operations, (h) efficiencies and savings due
107-14 to combined administrative functions and shared service centers, and
107-15 provide other information which, in the opinion of the commissioner, is
107-16 pertinent to an assessment of the performance and cost-effectiveness of
107-17 the merger in the previous year.

107-18 § 54. This act shall take effect July 1, 2010; provided however that
107-19 sections thirty-six and thirty-seven of this act shall take effect on
107-20 July 1, 2010 so long as nothing in this act may adversely affect any
107-21 state agency from distributing funds to political subdivisions of the
107-22 state in a like manner as the year prior; provided, however, that if
107-23 anything in this act adversely affects any state agency from distribut-
107-24 ing funds to political subdivisions of this state in a like manner as
107-25 the year prior then sections thirty-six and thirty-seven of this act
107-26 shall take effect upon the cessation of such adverse effects, provided
107-27 that the director of the division of the budget shall notify the legis-
107-28 lative bill drafting commission upon the cessation of such adverse
107-29 effects provided for in this section in order that the commission may
107-30 maintain an accurate and timely effective data base of the official text
107-31 of the laws of the state of New York in furtherance of effectuating the
107-32 provisions of section 44 of the legislative law and section 70-b of the
107-33 public officers law; and provided further that agencies are hereby
107-34 authorized to promulgate and establish any rules and regulations that
107-35 are necessary for the implementation of this act on its effective date.

107-36 PART C

107-37 Intentionally omitted.

107-38 PART D

107-39 Section 1. Intentionally omitted.

107-40 § 2. Intentionally omitted.

107-41 § 3. The opening paragraph of subdivision 6 of section 390.50 of the
107-42 criminal procedure law, as added by chapter 866 of the laws of 1980, is
107-43 amended to read as follows:

107-44 Professional licensing agencies. Probation departments shall provide a
107-45 copy of presentence reports prepared in the case of individuals who are
107-46 known to be licensed pursuant to title eight of the education law to the
107-47 state department of health if the licensee is a physician, a special-
107-48 ist's assistant or a physician's assistant, and to the state education
107-49 department with respect to all other such licensees. Such reports shall
107-50 be accumulated and forwarded every three months, shall be in writing,
107-51 may be submitted in a hard copy or electronically, and shall contain the
107-52 following information:

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108- 1 § 4. Intentionally omitted.

108- 2 § 5. Intentionally omitted.

108- 3 § 6. Intentionally omitted.

108- 4 § 7. Section 60.27 of the penal law is amended by adding a new subdi-
108- 5 vision 14 to read as follows:

108- 6 14. Where a transfer of probation has occurred pursuant to section
108- 7 410.80 of the criminal procedure law and the probationer is subject to a
108- 8 restitution condition, the department of probation in the county in
108- 9 which the order of restitution was imposed shall notify the appropriate
108-10 district attorney. Upon notification by the department of probation,

108-11 such district attorney shall file a certified copy of the judgment with
108-12 the clerk of the county in the receiving jurisdiction for purposes of
108-13 establishing a first lien and to permit institution of civil proceedings
108-14 pursuant to the provisions of subdivision six of section 420.10 of the
108-15 criminal procedure law.

108-16 § 8. Paragraph (b) of subdivision 3 of section 65.10 of the penal law
108-17 is amended to read as follows:

108-18 (b) Remain within the jurisdiction of the court unless granted permis-
108-19 sion to leave by the court or the probation officer[; and]. Where a
108-20 defendant is granted permission to move or travel outside the jurisdic-
108-21 tion of the court, the defendant shall sign a written waiver of extradi-
108-22 tion agreeing to waive extradition proceedings where such proceedings
108-23 are the result of the issuance of a warrant by the court pursuant to
108-24 subdivision two of section 410.40 of the criminal procedure law based on
108-25 an alleged violation of probation. Where any county or the city of New
108-26 York incurs costs associated with the return of any probationer based on
108-27 the issuance of a warrant by the court pursuant to subdivision two of
108-28 section 410.40 of the criminal procedure law, the jurisdiction may
108-29 collect the reasonable and necessary expenses involved in connection
108-30 with his or her transport, from the probationer; provided that where the
108-31 sentence of probation is not revoked pursuant to section 410.70 of the
108-32 criminal procedure law no such expenses may be collected.

108-33 § 9. Intentionally omitted.

108-34 § 10. The section heading and subdivisions 1, 2, 3 and 4 of section
108-35 246 of the executive law, the section heading and subdivisions 2 and 4
108-36 as added by chapter 479 of the laws of 1970, subdivisions 1 and 3 as
108-37 amended by chapter 134 of the laws of 1985, and the second undesignated
108-38 paragraph of subdivision 4 as amended by chapter 55 of the laws of 1992,
108-39 are amended to read as follows:

108-40 State [reimbursement] aid for probation services. 1. The program of
108-41 state aid to county probation services shall be [continued. It shall be]
108-42 administered by the division of [probation and correctional alterna-]
108-43 [tives] criminal justice services with the advice of the state probation
108-44 commission and the director of the office of probation and correctional
108-45 alternatives. Funds appropriated to the division for distribution as
108-46 state aid to county probation services and to the probation services of
108-47 New York city shall be distributed by the division in accordance with
108-48 [the provisions of this section, and] rules and regulations adopted by
108-49 the [director] commissioner of the division of criminal justice services
108-50 after consultation with the state probation commission and the director
108-51 of the office of probation and correctional alternatives.

108-52 2. State aid shall be granted to the city of New York and the respec-
108-53 tive counties outside the city of New York [only to the extent of reim-]
108-54 [bursing fifty per centum of the approved] for expenditures to be
108-55 incurred by the county or city in maintaining and improving local
108-56 probation services subject to amounts appropriated for this purpose.

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109- 1 [It] State aid grants shall not [include] be used for expenditures for
109- 2 capital additions or improvements, or for debt service costs for capital
109- 3 improvements.

109- 4 State aid shall be granted by the [director] commissioner of the divi-
109- 5 sion of criminal justice services after consultation with the state
109- 6 probation commission and the director of the office of probation and
109- 7 correctional alternatives, provided the respective counties or the city
109- 8 of New York conform to standards relating to the administration of
109- 9 probation services as adopted by the [director] commissioner of the
109-10 division of criminal justice services after consultation with the state
109-11 probation commission and the director of the office of probation and
109-12 correctional alternatives.

109-13 3. Applications from counties or the city of New York for state aid
109-14 under this section shall be made by filing with the division of
109-15 [probation and correctional alternatives] criminal justice services, a

109-16 detailed plan, including cost estimates covering probation services for
109-17 the fiscal year or portion thereof for which aid is requested. Included
109-18 in such estimates shall be clerical costs and maintenance and operation
109-19 costs as well as salaries of probation personnel and such other perti-
109-20 nent information as the [director] commissioner of the division of crim-
109-21 inal justice services may require. Items for which [reimbursement] state
109-22 aid is requested under this section shall be duly designated in the
109-23 estimates submitted. The [director] commissioner of the division of
109-24 criminal justice services, after consultation with the state probation
109-25 commission and the director of the office of probation and correctional
109-26 alternatives, shall approve such plan if it conforms to standards relat-
109-27 ing to the administration of probation services as specified in the
109-28 rules adopted by him or her.

109-29 4. An approved plan and compliance with standards relating to the
109-30 administration of probation services promulgated by the [director]
109-31 commissioner of the division of criminal justice services shall be a
109-32 prerequisite to eligibility for [reimbursement] state aid. [At the end]
109-33 [of each quarter, each county outside the city of New York approved as]
109-34 [eligible for reimbursement under this section, and the city of New York]
109-35 [if approved as eligible for reimbursement under this section, shall]
109-36 [submit to the division, in such form as the director requires, a veri-]
109-37 [fied accounting of all expenditures made by the county, or the city of]
109-38 [New York, in providing probation services. Such accounting shall desig-]
109-39 [nate those items for which reimbursement is claimed, and shall be]
109-40 [presented together with a claim for reimbursement.]

109-41 [In submitting a claim for reimbursement each] The commissioner of the
109-42 division of criminal justice services may take into consideration grant-
109-43 ing additional state aid from an appropriation made for state aid for
109-44 county probation services for counties or the city of New York when a
109-45 county or the city of New York demonstrates that additional probation
109-46 services were dedicated to intensive supervision programs, intensive
109-47 programs for sex offenders or programs defined as juvenile risk inter-
109-48 vention services. The administration of such additional grants shall be
109-49 made according to rules and regulations promulgated by the commissioner
109-50 of the division of criminal justice services. Each county and the city
109-51 of New York shall certify the total amount collected pursuant to section
109-52 two hundred fifty-seven-c of this chapter [during the period for which]
109-53 [such reimbursement is claimed]. The [director] commissioner of the divi-
109-54 sion of criminal justice services shall thereupon certify to the comp-
109-55 troller for payment by the state out of funds appropriated for that

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110- 1 purpose, the amount to which the county or the city of New York shall be
110- 2 entitled under this section.

110- 3 § 11. Intentionally omitted.

110- 4 § 12. This act shall take effect immediately; provided, however, that:
110- 5 (a) sections three, seven and eight of this act shall take effect on
110- 6 the ninetieth day after it shall have become a law; and

110- 7 (b) the amendments to the second undesignated paragraph of subdivision
110- 8 4 of section 246 of the executive law made by section ten of this act
110- 9 shall not affect the expiration and reversion of such undesignated para-
110-10 graph and shall expire therewith.

110-11 PART E

110-12 Section 1. The executive law is amended by adding a new article 30 to
110-13 read as follows:

110-14 ARTICLE 30
110-15 INDIGENT LEGAL SERVICES

110-16 Section 832. Office of indigent legal services.

110-17 833. Indigent legal services board.

110-18 § 832. Office of indigent legal services. 1. There is hereby created
110-19 within the executive department the office of indigent legal services,
110-20 hereinafter referred to in this section as the "office". The purpose of
110-21 such office is to monitor, study and make efforts to improve the quality
110-22 of services provided pursuant to article eighteen-B of the county law.
110-23 The office shall report to the indigent legal services board established
110-24 pursuant to section eight hundred thirty-three of this article,
110-25 provided, however, that administrative matters of general application
110-26 within the executive department shall also be applicable to such office.

110-27 2. (a) Following the initial appointment of the members of the indi-
110-28 gent legal services board established pursuant to section eight hundred
110-29 thirty-three of this article, such board shall promptly nominate a full-
110-30 time director of the office and notify the governor of such nomination.
110-31 After approval or disapproval of the first nominee as director of the
110-32 office, or at any time thereafter when a vacancy shall exist or is
110-33 anticipated in the position of director of the office, the indigent
110-34 legal services board shall promptly nominate a full-time director of the
110-35 office, and notify the governor of such nomination. Nothing in this
110-36 paragraph shall prohibit the board from appointing an interim director
110-37 if there is a vacancy.

110-38 (b) The governor, within thirty days after receiving written notice of
110-39 any nomination of a director made pursuant to paragraph (a) of this
110-40 subdivision, may approve or disapprove the nomination. If the governor
110-41 approves such nomination, or fails to act on such nomination within such
110-42 thirty day period, the nominee shall thereupon commence his or her term
110-43 as director of the office. If, within such thirty day period, the gover-
110-44 nor serves upon the chair of such board a written notice disapproving
110-45 such nomination, the nominee shall not be authorized to serve as direc-
110-46 tor of the office provided, however, that such board may authorize an
110-47 interim director appointed pursuant to paragraph (a) of this subdivision
110-48 to serve or continue to serve as interim director until such time as a
110-49 director of the office is approved, or not timely disapproved, by the
110-50 governor. Following any disapproval, the board shall have sixty days to
110-51 submit another nominee, although such period may be extended, upon
110-52 request of the board, by the governor. A person appointed as interim

111- 1 director may exercise all of the powers available to the director of
111- 2 such office.

111- 3 (c) The director of the office shall serve full-time and for a term of
111- 4 five years. The director may be removed during this term for good cause
111- 5 shown, after notice and an opportunity to be heard, by a vote of two-
111- 6 thirds or more of the nine members of such board. The person serving as
111- 7 director shall, upon assuming such position, be admitted to practice law
111- 8 and shall have not less than five years professional experience in the
111- 9 area of public defense services, and have a demonstrated commitment to
111-10 the provision of quality public defense representation and to the commu-
111-11 nities served by public defense providers.

111-12 (d) The director shall appoint employees and perform such other func-
111-13 tions as are appropriate to ensure the efficient operation of the office
111-14 within the amounts available therefor by appropriation.

111-15 3. Duties and responsibilities. The office shall, in consultation with
111-16 the indigent legal services board established pursuant to section eight
111-17 hundred thirty-three of this article, have the following duties and
111-18 responsibilities:

111-19 (a) to examine, evaluate and monitor services provided in each county
111-20 pursuant to article eighteen-B of the county law;

111-21 (b) to collect and receive information and data regarding the
111-22 provision of services pursuant to article eighteen-B of the county law
111-23 including, but not limited to:

111-24 (i) the types and combinations of such services being utilized in each
111-25 county;

111-26 (ii) the salaries and other compensation paid to individual adminis-

111-27 trators, attorneys and staff providing such services;
111-28 (iii) the actual caseloads of attorneys providing such services pursu-
111-29 ant to article eighteen-B of the county law;
111-30 (iv) how the caseloads of attorneys providing such services compare
111-31 with the caseloads of attorneys providing prosecution-related services
111-32 in each county;
111-33 (v) the types, nature and timing of dispositions of cases handled by
111-34 attorneys providing such services and attorneys providing prosecution-
111-35 related services;
111-36 (vi) the actual expenditures currently being made in each county on
111-37 such services and prosecution-related services;
111-38 (vii) the time, funds and in-kind resources currently being spent on
111-39 such services and prosecution-related services and the amount being
111-40 spent on ancillary services such as investigators, support staff, social
111-41 workers and expert witnesses, including consideration of all funds
111-42 received for such services from all sources;
111-43 (viii) the criteria and procedures used to determine whether a person
111-44 is eligible to receive such services, the number of persons considered
111-45 for and applicants denied such services, the reasons for the denials,
111-46 and the results of any review of such denials, including the number of
111-47 orders issued pursuant to section seven hundred twenty-two-d of the
111-48 county law; and
111-49 (ix) the standards and criteria used in programs and by each county to
111-50 determine whether individual attorneys are qualified to provide indigent
111-51 legal services, on a case by case basis;
111-52 (c) to analyze and evaluate the collected data, and undertake any
111-53 necessary research and studies, in order to consider and recommend meas-
111-54 ures to enhance the provision of indigent legal services and to ensure
111-55 that recipients of services provided pursuant to article eighteen-B of
111-56 the county law are provided with quality representation from fiscally
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112- 1 responsible providers, which shall include but not be limited to: estab-
112- 2 lishing criteria and procedures to guide courts in determining whether a
112- 3 person is eligible for such representation; establishing standards,
112- 4 criteria and a process for qualifying and re-qualifying attorneys to
112- 5 provide such services pursuant to article eighteen-B of the county law;
112- 6 (d) to establish standards and criteria for the provision of such
112- 7 services in cases involving a conflict of interest and to assist coun-
112- 8 ties to develop plans consistent with such standards and criteria;
112- 9 (e) to develop recommendations to improve the delivery of such
112-10 services in a manner that is consistent with the needs of the counties,
112-11 the efficiency and adequacy of the public defense plan operated in the
112-12 counties and the quality of representation offered, which may include
112-13 receiving applications for and distributing grants pursuant to specified
112-14 criteria;
112-15 (f) to develop recommendations regarding the distribution and expendi-
112-16 ture of any monies appropriated for indigent legal services, including
112-17 but not limited to monies from the indigent legal services fund created
112-18 pursuant to section ninety-eight-b of the state finance law, for consid-
112-19 eration by the indigent legal services board established pursuant to
112-20 section eight hundred thirty-three of this article; and, in making such
112-21 recommendations, may consider, in addition to measures of performance,
112-22 the commitment of local resources to such services and the changes ther-
112-23 eto; the geographic balance of funding among the regions of the state,
112-24 population, crime rates, poverty rates and individual community needs;
112-25 (g) to target grants in support of innovative and cost effective
112-26 solutions that enhance the provision of quality indigent legal services,
112-27 including collaborative efforts serving multiple counties;
112-28 (h) to investigate and monitor any other matter related to indigent
112-29 legal services that the director deems important;
112-30 (i) to request and receive from any department, division, board,
112-31 bureau, commission or other agency of the state or any political subdi-

112-32 vision of the state or any public authority such assistance, information
112-33 and data, subject to limitations on the disclosure of information
112-34 provided confidentially to indigent legal service providers, as will
112-35 enable the office to properly carry out its functions, powers and
112-36 duties;
112-37 (j) to establish measures of performance which programs and counties
112-38 shall regularly report to the office, to assist the office in monitoring
112-39 the quality of indigent legal services;
112-40 (k) to apply for and accept any grant or gift for any of the purposes
112-41 of the office or the indigent legal services board. Any monies so
112-42 received may be expended by the office to effectuate any such purpose,
112-43 subject to the same limitations as to approval of expenditures and audit
112-44 as are prescribed for state monies appropriated for such purposes;
112-45 (l) to present findings and make recommendations for consideration by
112-46 the indigent legal services board established pursuant to section eight
112-47 hundred thirty-three of this article; and
112-48 (m) to execute decisions of the indigent legal services board estab-
112-49 lished pursuant to section eight hundred thirty-three of this article,
112-50 including the distribution of funds.
112-51 § 833. Indigent legal services board. 1. There is hereby created the
112-52 indigent legal services board hereinafter referred to in this section as
112-53 the "board". The purpose of such board shall be to monitor, study and
112-54 make efforts to improve the quality of services provided pursuant to
112-55 article eighteen-B of the county law. No active prosecutor, law enforce-
112-56 ment official or person providing prosecution-related services, or
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113- 1 employee of such a prosecutor, official or person, shall be appointed to
113- 2 or serve on such board. The board shall consist of nine members who
113- 3 shall be appointed as follows:
113- 4 (a) one shall be the chief judge of the court of appeals, who shall be
113- 5 the chair of the board;
113- 6 (b) one shall be appointed by the governor on the recommendation of
113- 7 the temporary president of the senate;
113- 8 (c) one shall be appointed by the governor on the recommendation of
113- 9 the speaker of the assembly;
113-10 (d) one shall be appointed by the governor from a list of at least
113-11 three attorney nominees submitted by the New York state bar association;
113-12 (e) two shall be appointed by the governor from a list of at least
113-13 four nominees submitted by the New York state association of counties;
113-14 (f) one shall be appointed by the governor and shall be an attorney
113-15 who has provided public defense services for at least five years;
113-16 (g) one attorney who shall be appointed by the governor; and
113-17 (h) one shall be appointed by the governor, from a list of no more
113-18 than two nominees submitted by the chief administrator of the courts,
113-19 each of whom shall be a judge or justice, or retired judge or justice,
113-20 who was elected to the supreme, county or family court, or appointed to
113-21 the criminal court or family court in the city of New York, and has
113-22 substantial experience presiding as such a judge or justice in trial
113-23 matters before such court.
113-24 2. All members of the board shall be appointed for terms of three
113-25 years such terms to commence on August first, and expire July thirty-
113-26 first, provided, however, that the chief judge of the court of appeals
113-27 shall serve ex officio; and provided further, that the initial term of
113-28 the member appointed pursuant to paragraph (d), the first of the two
113-29 members appointed pursuant to paragraph (e) and the member appointed
113-30 under paragraph (g) of subdivision one of this section shall be for two
113-31 years. Initial appointments must be made within sixty days of the effec-
113-32 tive date of this subdivision. Any member chosen to fill a vacancy
113-33 created otherwise than by expiration of term shall be appointed for the
113-34 unexpired term of the member whom he or she is to succeed. Vacancies
113-35 caused by expiration of a term or otherwise shall be filled promptly and
113-36 in the same manner as original appointments. Any member may be reap-

113-37 pointed for additional terms.

113-38 A member of the board shall continue in such position upon the expira-
113-39 tion of his or her term until such time as he or she is reappointed or
113-40 his or her successor is appointed, as the case may be.

113-41 3. Membership on the board shall not constitute the holding of an
113-42 office, and members of the board shall not be required to take and file
113-43 oaths of office before serving on the board. The board shall not have
113-44 the right to exercise any portion of the sovereign power of the state.

113-45 4. The board shall meet at least four times in each year. The first
113-46 meeting of the board shall be held within thirty days of the appointment
113-47 of the full board or within sixty days after the effective date of this
113-48 subdivision, whichever occurs earlier. Special meetings may be called by
113-49 the chair and shall be called by the chair upon the request of five
113-50 members of the board. The board may establish its own procedures with
113-51 respect to the conduct of its meetings and other affairs; provided,
113-52 however, that the quorum and majority provisions of section forty-one of
113-53 the general construction law shall govern all actions taken by the
113-54 board.

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114- 1 5. The members of the board shall receive no compensation for their
114- 2 services but shall be allowed their actual and necessary expenses
114- 3 incurred in the performance of their functions hereunder.

114- 4 6. No member of the board shall be disqualified from holding any
114- 5 public office or employment, nor shall he or she forfeit any such office
114- 6 or employment, by reason of his or her appointment pursuant to this
114- 7 section, notwithstanding the provisions of any other general, special or
114- 8 local law, ordinance or city charter.

114- 9 7. The board shall have the following duties and responsibilities:

114-10 (a) To evaluate existing indigent legal services programs and deter-
114-11 mine the type of indigent legal services that should be provided in New
114-12 York state to best serve the interests of persons receiving such
114-13 services;

114-14 (b) To consult with and advise the office of indigent legal services
114-15 in carrying out the duties and responsibilities of such office;

114-16 (c) To accept, reject or modify recommendations made by the office of
114-17 indigent legal services regarding the allocation of funds and the award-
114-18 ing of grants, including incentive grants, from the indigent legal
114-19 services fund created pursuant to section ninety-eight-b of the state
114-20 finance law. When acting on such a recommendation, the board shall set
114-21 forth the basis for its determination; and

114-22 (d) To advise and to make an annual report to the governor, legisla-
114-23 ture and judiciary.

114-24 § 2. Section 98-b of the state finance law, as added by section 12 of
114-25 part J of chapter 62 of the laws of 2003, subdivision 3 as amended by
114-26 section 1 of part H of chapter 56 of the laws of 2004 and paragraph (b)
114-27 of subdivision 3 as amended by section 1 of part G of chapter 56 of the
114-28 laws of 2005, is amended to read as follows:

114-29 § 98-b. Indigent legal services fund. 1. There is hereby established
114-30 in the joint custody of the comptroller and the commissioner of taxation
114-31 and finance a special fund to be known as the indigent legal services
114-32 fund.

114-33 2. Such fund shall consist of all moneys appropriated for the purpose
114-34 of such fund, all other moneys required to be paid into or credited to
114-35 such fund, and all moneys received by the fund or donated to it.

114-36 [3.] (a) [As provided in this subdivision, moneys received by the]
114-37 [indigent legal services fund each calendar year from January first]
114-38 [through December thirty-first shall be made available by the state comp-]
114-39 [troller in the immediately succeeding calendar year] The purpose of such
114-40 fund shall be to (i) assist counties and, in the case of a county wholly
114-41 contained within a city, such city, in providing legal representation
114-42 for persons who are financially unable to afford counsel pursuant to
114-43 article eighteen-B of the county law; [and] (ii) assist the state, in

114-44 improving the quality of public defense services and funding represen-
114-45 tation provided by assigned counsel paid in accordance with section
114-46 thirty-five of the judiciary law; and (iii) provide support for the
114-47 operations, duties, responsibilities and expenses of the office of indig-
114-48 ent legal services and the indigent legal services board established,
114-49 respectively, pursuant to sections eight hundred thirty-two and eight
114-50 hundred thirty-three of the executive law. [Moneys from the fund shall]
114-51 [be distributed at the direction of the state comptroller in accordance]
114-52 [with the provisions of this subdivision.]
114-53 [(b) (i) Commencing on March thirty-first, two thousand five, moneys]
114-54 [from such fund shall first be made available, in the calendar year next]
114-55 [succeeding the calendar year in which collected, to reimburse the state]
114-56 [for payments, made in the previous calendar year, for,]
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115- 1 (b) State funds received by a county or city from such fund shall be
115- 2 used to supplement and not supplant any local funds which such county or
115- 3 city would otherwise have had to expend for the provision of counsel and
115- 4 expert, investigative and other services pursuant to article eighteen-B
115- 5 of the county law. All such state funds received by a county or city
115- 6 shall be used to improve the quality of services provided pursuant to
115- 7 article eighteen-B of the county law. Nothing in this paragraph shall
115- 8 preclude a county from decreasing local funds as long as the county
115- 9 demonstrates to the office of indigent legal services established by
115-10 section eight hundred thirty-two of the executive law that the quality
115-11 of services has been maintained or enhanced notwithstanding the use of
115-12 state funds.

115-13 (c) As used in this section, "local funds" shall mean all funds appro-
115-14 priated or allocated by a county or, in the case of a county wholly
115-15 contained within a city, such city, for services and expenses in accord-
115-16 ance with article eighteen-B of the county law, other than funds
115-17 received from: (i) the federal government or the state; or (ii) a
115-18 private source, where such city or county does not have authority or
115-19 control over the payment of such funds by such private source.

115-20 3. Amounts distributed from such fund shall be limited to amounts
115-21 appropriated therefor and shall be distributed as follows:

115-22 (a) The office of court administration may expend a portion of the
115-23 funds available in such fund to provide assigned counsel paid in accord-
115-24 ance with section thirty-five of the judiciary law, up to an annual sum
115-25 of twenty-five million dollars.

115-26 [(ii) Commencing with the payment on April first, two thousand five or]
115-27 [as soon thereafter as practicable, and subsequent quarterly payments]
115-28 [thereafter, moneys from such fund shall be available to reimburse the]
115-29 [state for providing funding for legal representation in periods and at]
115-30 [rates of compensation in effect after January first, two thousand four]
115-31 [in accordance with section thirty-five of the judiciary law, in an]
115-32 [amount equal to such funding provided during the preceding quarter, less]
115-33 [the amount of funding provided during that quarter in accordance with]
115-34 [such section at rates of compensation in effect immediately prior to]
115-35 [January first, two thousand four, up to but not exceeding six million]
115-36 [two hundred fifty thousand dollars per quarter.]

115-37 [(c) The balance of moneys received by such fund shall be distributed]
115-38 [by the state comptroller, in the calendar year next succeeding the]
115-39 [calendar year in which collected, to counties and, in the case of a]
115-40 [county wholly contained within a city, such city, to assist such coun-]
115-41 [ties and such city in providing representation pursuant to article eigh-]
115-42 [teen-B of the county law. The amount to be made available each year to]
115-43 [such counties and such city shall be calculated by the state comptroller]
115-44 [as follows:]

115-45 [(i) The county executive or chief executive officer of each county or,]
115-46 [in the case of a county wholly contained within a city, such city shall,]
115-47 [in accordance with subdivision two of section seven hundred twenty-two-f]
115-48 [of the county law, certify to the state comptroller, by March first of]

115-49 [each year, the total expenditure of local funds by each such county or]
115-50 [city, during the period January first through December thirty-first of]
115-51 [the previous calendar year, for providing legal representation to]
115-52 [persons who were financially unable to afford counsel, pursuant to arti-]
115-53 [cle eighteen-B of the county law.]

115-54 [(ii) The state comptroller shall then total the amount of local funds]
115-55 [expended by all such counties and such city to determine the sum of such]
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116- 1 [moneys expended by all such counties and such city for providing such]
116- 2 [representation in such calendar year.]

116- 3 [(iii) The state comptroller shall then calculate the percentage share]
116- 4 [of the statewide sum of such expenditures for each county and such city]
116- 5 [for such calendar year.]

116- 6 [(iv) The state comptroller shall then determine:]

116- 7 [(A) the fund amount available to be distributed pursuant to this para-]
116- 8 [graph, which shall be the amount received by the indigent legal services]
116- 9 [fund in the immediately preceding calendar year, minus the amount to be]
116-10 [distributed to the state under paragraph (b) of this subdivision]
116-11 [provided, however, that with respect to the first payment made to coun-]
116-12 [ties and such city on March thirty-first, two thousand five, such]
116-13 [payment shall be made from the amounts received by the indigent legal]
116-14 [services fund in the immediately preceding two calendar years, minus the]
116-15 [amount to be distributed to the state under paragraph (b) of this subdi-]
116-16 [vision; and]

116-17 [(B) the annual payment amount to be paid to each county and such city]
116-18 [pursuant to this subdivision, which shall be the product of the percent-]
116-19 [age share of statewide local funds expended by each such county and]
116-20 [city, as determined pursuant to subparagraph (iii) of this paragraph,]
116-21 [multiplied by the fund amount available for distribution, as determined]
116-22 [pursuant to clause (A) of this subparagraph.]

116-23 [(d) All payments from this account shall be made upon vouchers]
116-24 [approved and certified and upon audit and warrant of the state comp-]
116-25 [troller. The state comptroller shall, as soon as practicable, make such]
116-26 [payments to the state and each county and each city in a lump sum]
116-27 [payment.]

116-28 [4. Maintenance of effort. (a) As used in this section, "local funds"]
116-29 [shall mean all funds appropriated or allocated by a county or, in the]
116-30 [case of a county wholly contained within a city, such city, for services]
116-31 [and expenses in accordance with article eighteen-B of the county law,]
116-32 [other than funds received from: (i) the federal government or the state;]
116-33 [or (ii) a private source, where such city or county does not have]
116-34 [authority or control over the payment of such funds by such private]
116-35 [source.]

116-36 [(b) State funds received by a county or city pursuant to subdivision]
116-37 [three of this section shall be used to supplement and not supplant any]
116-38 [local funds which such county or city would otherwise have had to expend]
116-39 [for the provision of counsel and expert, investigative and other]
116-40 [services pursuant to article eighteen-B of the county law. All such]
116-41 [state funds received by a county or city shall be used to improve the]
116-42 [quality of services provided pursuant to article eighteen-B of the coun-]
116-43 [ty law.]

116-44 [(c) Notwithstanding the provisions of any other law, as a precondition]
116-45 [for receiving state assistance pursuant to subdivision three of this]
116-46 [section, a county or city shall be required pursuant to this paragraph]
116-47 [to demonstrate compliance with the maintenance of effort provisions of]
116-48 [paragraph (b) of this subdivision. Such compliance shall be shown as a]
116-49 [part of the annual report submitted by the county or city in accordance]
116-50 [with subdivision two of section seven hundred twenty-two-f of the county]
116-51 [law. Such maintenance of effort shall be shown by demonstrating with]
116-52 [specificity:]

116-53 [(i) that the total amount of local funds expended for services and]
116-54 [expenses pursuant to article eighteen-B of the county law during the]
116-55 [applicable calendar year reporting period did not decrease from the]

116-56 [amount of such local funds expended during the previous calendar year]
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117- 1 [provided, however, that with respect to the report filed in two thousand]
117- 2 [six regarding calendar year two thousand five, such maintenance of]
117- 3 [effort shall be shown by demonstrating with specificity that the total]
117- 4 [amount of local funds expended for services and expenses pursuant to]
117- 5 [article eighteen-B of the county law during the two thousand five calen-]
117- 6 [dar year did not decrease from the amount of such local funds expended]
117- 7 [during calendar year two thousand two; or]
117- 8 [(ii) where the amount of local funds expended for such services]
117- 9 [decreased over such period, that all state funds received during the]
117-10 [most recent state fiscal year pursuant to subdivision three of this]
117-11 [section were used to assure an improvement in the quality of services]
117-12 [provided in accordance with article eighteen-B of the county law and]
117-13 [have not been used to supplant local funds. For purposes of this subpar-]
117-14 [agraph, whether there has been an improvement in the quality of such]
117-15 [services shall be determined by considering the expertise, training and]
117-16 [resources made available to attorneys, experts and investigators provid-]
117-17 [ing such services; the total caseload handled by such attorneys, experts]
117-18 [and investigators as such relates to the time expended in each case and]
117-19 [the quality of services provided; the system by which attorneys were]
117-20 [matched to cases with a degree of complexity suitable to each attorney's]
117-21 [training and experience; the provision of timely and confidential access]
117-22 [to such attorneys and expert and investigative services; and any other]
117-23 [similar factors related to the delivery of quality public defense]
117-24 [services.]

117-25 (b) An annual amount of forty million dollars shall be made available
117-26 to the city of New York from such fund for the provision of services
117-27 pursuant to article eighteen-B of the county law; provided that the city
117-28 of New York shall continue to provide at minimum the aggregate amount of
117-29 funding for public defense services including, but not limited to, the
117-30 amount of funding for contractors of public defense services and indi-
117-31 vidual defense attorneys, that it provided, pursuant to article eigh-
117-32 teen-B of the county law during its two thousand nine--two thousand ten
117-33 fiscal year.

117-34 (c) Within the first fifteen days of March two thousand eleven, each
117-35 county other than a county wholly contained within the city of New York,
117-36 shall receive ninety percent of the amount paid to such county in March
117-37 two thousand ten. Within the first fifteen days of March two thousand
117-38 twelve, each county other than a county wholly contained within the city
117-39 of New York shall receive seventy-five percent of the amount paid to
117-40 such county in March two thousand ten. Within the first fifteen days of
117-41 March two thousand thirteen, each county other than a county wholly
117-42 contained within the city of New York shall receive fifty percent of the
117-43 amount paid to such county in March two thousand ten. Within the first
117-44 fifteen days of March two thousand fourteen, each county other than a
117-45 county wholly contained within the city of New York shall receive twen-
117-46 ty-five percent of the amount paid to such county in March two thousand
117-47 ten. For all state fiscal years following the two thousand thirteen--
117-48 two thousand fourteen fiscal year, there shall be no required annual
117-49 payments pursuant to this paragraph. Notwithstanding the provisions of
117-50 this paragraph, for each of the four required payments made to counties
117-51 within the first fifteen days of March two thousand eleven, two thousand
117-52 twelve, two thousand thirteen and two thousand fourteen, Hamilton and
117-53 Orleans counties shall receive such percentage payments based on the
117-54 amounts that each county would have received in March two thousand ten
117-55 had it satisfied the maintenance of effort requirement set forth in
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118- 1 paragraph (c) of subdivision four of this section in effect on such
118- 2 date.
118- 3 (d) Remaining amounts within such fund, after accounting for annual
118- 4 payments required in paragraphs (a), (b) and (c) of this subdivision and

118- 5 subparagraph (iii) of paragraph (a) of subdivision two of this section
118- 6 shall be distributed in accordance with sections eight hundred thirty-
118- 7 two and eight hundred thirty-three of the executive law.

118- 8 § 3. Subdivision 3 of section 722 of the county law, as amended by
118- 9 chapter 682 of the laws of 1977, is amended to read as follows:

118-10 3. (a) Representation by counsel furnished pursuant to either or both
118-11 of the following: a plan of a bar association in each county or the city
118-12 in which a county is wholly contained whereby: (i) the services of
118-13 private counsel are rotated and coordinated by an administrator, and
118-14 such administrator may be compensated for such service; or (ii) such
118-15 representation is provided by an office of conflict defender.

118-16 (b) Any plan of a bar association must receive the approval of the
118-17 state administrator before the plan is placed in operation. In the coun-
118-18 ty of Hamilton, [such] representation pursuant to a plan of a bar asso-
118-19 ciation in accordance with subparagraph (i) of paragraph (a) of this
118-20 subdivision may be by counsel furnished by the Fulton county bar associ-
118-21 ation pursuant to a plan of the Fulton county bar association, following
118-22 approval of the state administrator. When considering approval of an
118-23 office of conflict defender pursuant to this section, the state adminis-
118-24 trator shall employ the guidelines established by the office of indigent
118-25 legal services pursuant to paragraph (d) of subdivision three of section
118-26 eight hundred thirty-two of the executive law.

118-27 (c) Any county operating an office of conflict defender, as described
118-28 in subparagraph (ii) of paragraph (a) of this subdivision, as of March
118-29 thirty-first, two thousand ten may continue to utilize the services
118-30 provided by such office provided that the county submits a plan to the
118-31 state administrator within one hundred eighty days after the promulga-
118-32 tion of criteria for the provision of conflict defender services by the
118-33 office of indigent legal services. The authority to operate such an
118-34 office pursuant to this paragraph shall expire when the state adminis-
118-35 trator approves or disapproves such plan. Upon approval, the county is
118-36 authorized to operate such office in accordance with paragraphs (a) and
118-37 (b) of this subdivision.

118-38 § 4. This act shall take effect immediately.

118-39 PART F

118-40 Intentionally omitted.

118-41 PART G

118-42 Intentionally omitted.

118-43 PART H

118-44 Intentionally omitted.

118-45 PART I

118-46 Intentionally omitted.

118-47 PART J
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119- 1 Intentionally omitted.

119- 2 PART K

119- 3 Section 1. Paragraph 2 of subdivision (a) of section 1911 of the
119- 4 uniform district court act, as amended by section 33 of part J of chap-
119- 5 ter 62 of the laws of 2003, is amended and two new paragraphs 2-a and 10
119- 6 are added to read as follows:

119- 7 (2) Upon filing the first paper in an action or proceeding, including

119- 8 a special proceeding for the settlement of a claim of an infant or
119- 9 incompetent, forty-five dollars, unless there has been paid a fee of
119-10 forty-five dollars for the issuance of a summons, order of arrest or
119-11 attachment, requisition or warrant of seizure, or a notice of petition
119-12 or order to show cause in lieu thereof in a summary proceeding, as
119-13 provided for by [subparagraph (1) hereof] paragraph one of this subdivi-
119-14 sion.

119-15 (2-a) Upon filing the first paper in an action or proceeding arising
119-16 out of a consumer credit transaction as defined in subdivision (f) of
119-17 section one hundred five of the civil practice law and rules, an addi-
119-18 tional ninety-five dollars.

119-19 (10) Upon the filing of a judgment by a plaintiff on or after Septem-
119-20 ber first, two thousand ten in an action or proceeding arising out of a
119-21 consumer credit transaction as defined in subdivision (f) of section one
119-22 hundred five of the civil practice law and rules, ninety-five dollars;
119-23 provided such action or proceeding was commenced prior to such date and
119-24 no additional fee was paid therein pursuant to paragraph two-a of this
119-25 subdivision.

119-26 § 2. Paragraph 1 of subdivision (a) of section 1911 of the uniform
119-27 city court act, as amended by section 5 of part B of chapter 686 of the
119-28 laws of 2003, is amended and two new paragraphs 1-a and 12 are added to
119-29 read as follows:

119-30 (1) Upon the filing of the first paper in any action or proceeding,
119-31 forty-five dollars, unless there has already been paid a fee of forty-
119-32 five dollars as provided for by paragraph [(11) hereof] eleven of this
119-33 subdivision.

119-34 (1-a) Upon filing the first paper in an action or proceeding arising
119-35 out of a consumer credit transaction as defined in subdivision (f) of
119-36 section one hundred five of the civil practice law and rules, an addi-
119-37 tional ninety-five dollars.

119-38 (12) Upon the filing of a judgment by a plaintiff on or after Septem-
119-39 ber first, two thousand ten in an action or proceeding arising out of a
119-40 consumer credit transaction as defined in subdivision (f) of section one
119-41 hundred five of the civil practice law and rules, ninety-five dollars,
119-42 provided such action or proceeding was commenced prior to such date and
119-43 no additional fee was paid therein pursuant to paragraph (one-a) of this
119-44 subdivision.

119-45 § 3. Subdivision (b) of section 1911 of the New York city civil court
119-46 act, as amended by section 36 of part J of chapter 62 of the laws of
119-47 2003, is amended and two new subdivisions (b-1) and (n) are added to
119-48 read as follows:

119-49 (b) Upon filing summons with proof of service thereof, or upon filing
119-50 of the first paper in that county in any action or proceeding, forty-
119-51 five dollars, unless there has been paid in that county a fee of forty-
119-52 five dollars pursuant to subdivision (a) [hereof] of this section.

119-53 (b-1) Upon filing the first paper in an action or proceeding arising
119-54 out of a consumer credit transaction as defined in subdivision (f) of
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120- 1 section one hundred five of the civil practice law and rules, an addi-
120- 2 tional ninety-five dollars.

120- 3 (n) Upon the filing of a judgment by a plaintiff on or after September
120- 4 first, two thousand ten in an action or proceeding arising out of a
120- 5 consumer credit transaction as defined in subdivision (f) of section one
120- 6 hundred five of the civil practice law and rules, ninety-five dollars,
120- 7 provided such action or proceeding was commenced prior to such date and
120- 8 no additional fee was paid therein pursuant to subdivision (b-1) of this
120- 9 section.

120-10 § 4. Paragraph (e) of subdivision 2 of section 39 of the judiciary
120-11 law, as amended by section 22 of part J of chapter 62 of the laws of
120-12 2003, is amended to read as follows:

120-13 (e) All fees collected pursuant to sections eighteen hundred three,
120-14 eighteen hundred three-A and nineteen hundred eleven of the New York

120-15 city civil court act, all fees collected pursuant to state law by the
120-16 county clerks in the city of New York, except as otherwise provided
120-17 herein with respect to fees collected pursuant to subdivision (a) of
120-18 section eight thousand eighteen of the civil practice law and rules and
120-19 except those fees collected by the clerk of Richmond county which in the
120-20 other counties of the city of New York are collected by the city regis-
120-21 ters, all fees collected pursuant to section eight thousand eighteen of
120-22 the civil practice law and rules except only to the extent of one
120-23 hundred sixty-five dollars of any fee collected pursuant to subparagraph
120-24 (i) of paragraph one of subdivision (a) of such section and except for
120-25 those collected pursuant to subparagraph (ii) of paragraph one of para-
120-26 graph three of such subdivision (a), all fees collected pursuant to
120-27 section eight thousand twenty of the civil practice law and rules except
120-28 for those collected pursuant to subdivisions (f), (g) and (h) of said
120-29 section, all fees collected pursuant to section eight thousand twenty-
120-30 two of the civil practice law and rules, all fees collected pursuant to
120-31 section twenty-four hundred two of the surrogate's court procedure act,
120-32 all fees collected pursuant to section eighteen hundred three, eighteen
120-33 hundred three-A and subdivision (a) of section nineteen hundred eleven
120-34 of the uniform district court act, all fees collected pursuant to
120-35 section eighteen hundred three, eighteen hundred three-A and subdivision
120-36 (a) of section nineteen hundred eleven of the uniform city court act and
120-37 all fines, penalties and forfeitures collected pursuant to subdivision
120-38 eight of section eighteen hundred three of the vehicle and traffic law,
120-39 except such fines, penalties and forfeitures collected by the Nassau
120-40 county traffic and parking violations agency, section 71-0211 of the
120-41 environmental conservation law, section two hundred one of the naviga-
120-42 tion law and subdivision one of section 27.13 of the parks, recreation
120-43 and historic preservation law shall be paid to the state commissioner of
120-44 taxation and finance on a monthly basis no later than ten days after the
120-45 last day of each month. The additional fee of five dollars collected by
120-46 county clerks in New York city pursuant to paragraph three of subdivi-
120-47 sion (a) of section eight thousand eighteen of the civil practice law
120-48 and rules shall be distributed monthly by the county clerks as follows:
120-49 four dollars and seventy-five cents to the commissioner of education for
120-50 deposit into the local government records management improvement funds;
120-51 and twenty-five cents to the city of New York.

120-52 § 5. Paragraph 1 of subdivision (a) of section 8018 of the civil prac-
120-53 tice law and rules, as amended by section 23 of part J of chapter 62 of
120-54 the laws of 2003, is amended to read as follows:

120-55 1. A county clerk is entitled, for the assignment of an index number
120-56 to an action pending in a court of which he or she is clerk, to a fee
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121- 1 of: (i) one hundred ninety dollars[, payable in advance]; and (ii) in an
121- 2 action to foreclose pursuant to article thirteen of the real property
121- 3 actions and proceedings law, such clerk is entitled to collect an addi-
121- 4 tional fee of one hundred ninety dollars. Such fees are payable in
121- 5 advance.

121- 6 § 6. Subdivision 1 of section 465 of the judiciary law, as amended by
121- 7 chapter 166 of the laws of 1991, is amended to read as follows:

121- 8 1. Every person applying for examination for admission to practice as
121- 9 an attorney and [counsellor] counselor at law shall pay a fee of two
121-10 hundred fifty dollars, or seven hundred fifty dollars if, to qualify to
121-11 take the bar examination, the person must satisfy the rules of the court
121-12 of appeals for the admission of attorneys and counselors at law govern-
121-13 ing the study of law in a foreign country, for each taking or retaking
121-14 of the examination, or if dispensation has been received from the taking
121-15 of the examination, four hundred dollars for credential review for
121-16 admission on motion. All such fees shall be paid into the state treasury
121-17 in the manner provided by section one hundred twenty-one of the state
121-18 finance law.

121-19 § 7. Section 14 of part J of chapter 62 of the laws of 2003 amending

121-20 the county law and other laws relating to fees collected, as amended by
121-21 section 1 of part CC of chapter 56 of the laws of 2008, is amended to
121-22 read as follows:

121-23 § 14. Notwithstanding the provisions of any other law: (a) the fee
121-24 collected by the office of court administration for the provision of
121-25 criminal history searches and other searches for data kept electron-
121-26 ically by the unified court system shall be [fifty-five] sixty-five
121-27 dollars; (b) [twenty-seven] thirty-five dollars of each such fee
121-28 collected shall be deposited in the indigent legal services fund estab-
121-29 lished by section 98-b of the state finance law, as added by section
121-30 twelve of this act, (c) nine dollars of each such fee collected shall be
121-31 deposited in the legal services assistance fund established by section
121-32 98-c of the state finance law, as added by section nineteen of this act,
121-33 (d) sixteen dollars of each such fee collected shall be deposited to the
121-34 judiciary data processing offset fund established by section 94-b of the
121-35 state finance law, and (e) the remainder shall be deposited in the
121-36 general fund.

121-37 § 8. Notwithstanding any other provision of law, the monies collected
121-38 from the imposition of fees charged pursuant to paragraphs (2-a) and
121-39 (10) of subdivision (a) of section 1911 of the uniform district court
121-40 act, paragraphs (1-a) and (12) of subdivision (a) of section 1911 of the
121-41 uniform city court act, and subdivisions (b-1) and (n) of the New York
121-42 city civil court act shall be deposited to the credit of the general
121-43 fund.

121-44 § 9. Subdivision 4 of section 468-a of the judiciary law, as amended
121-45 by section 17 of part J of chapter 62 of the laws of 2003, is amended to
121-46 read as follows:

121-47 4. The biennial registration fee shall be three hundred [fifty] seven-
121-48 ty-five dollars, sixty dollars of which shall be allocated to and be
121-49 deposited in a fund established pursuant to the provisions of section
121-50 ninety-seven-t of the state finance law, fifty dollars of which shall be
121-51 allocated to and shall be deposited in a fund established pursuant to
121-52 the provisions of section ninety-eight-b of the state finance law, twenty-
121-53 ty-five dollars of which shall be allocated to be deposited in a fund
121-54 established pursuant to the provisions of section ninety-eight-c of the
121-55 state finance law, and the remainder of which shall be deposited in the
121-56 attorney licensing fund. Such fee shall be required of every attorney

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122- 1 who is admitted and licensed to practice law in this state, whether or
122- 2 not the attorney is engaged in the practice of law in this state or
122- 3 elsewhere, except attorneys who certify to the chief administrator of
122- 4 the courts that they have retired from the practice of law.

122- 5 § 10. This act shall take effect July 1, 2010; provided that sections
122- 6 one, two, three, four, five, eight and nine of this act shall take
122- 7 effect September 1, 2010.

122- 8

PART L

122- 9 Section 1. Subdivision 1 of section 106 of the uniform justice court
122-10 act, as amended by chapter 499 of the laws of 1977, is amended to read
122-11 as follows:

122-12 1. A justice may hold court anywhere in the municipality including in
122-13 the case of a town justice anywhere within a village wholly or partly
122-14 contained within the town of which he is a justice regardless of whether
122-15 or not said village has a village court and in the event two or more
122-16 contiguous villages maintain offices in the same building, a village
122-17 justice of any such village may hold court in such building, notwith-
122-18 standing that the building is outside the boundaries of such village. A
122-19 town justice may hold court in an adjacent town providing such justice
122-20 has been elected or holds office pursuant to a plan established by
122-21 resolution which was adopted pursuant to the provisions of section one
122-22 hundred six-a of this [chapter] article or the provisions of section one

122-23 hundred six-b of this article. A justice may hold court in one or more
122-24 municipalities that form a contiguous geographic area, including in a
122-25 town and one or more villages each of which is wholly or partly
122-26 contained within such town, within the same county providing there is an
122-27 agreement between such municipalities pursuant to article five-g of the
122-28 general municipal law to hold all court proceedings in any of the such
122-29 municipalities in a courtroom or other suitable facility open to the
122-30 public.

122-31 § 2. Subdivision 1 of section 106-a of the uniform justice court act,
122-32 as amended by chapter 237 of the laws of 2007, is amended to read as
122-33 follows:

122-34 1. The town boards of two or more towns that form a contiguous
122-35 geographic area within the same county are hereby authorized to estab-
122-36 lish a single town court to be comprised of town justices to be elected
122-37 from each of such towns in the same manner and for the same terms as
122-38 town justices are so elected except that [such terms shall not expire]
122-39 [during the same year] the number of such terms expiring in any one year
122-40 may not exceed by more than one the number of terms expiring in any
122-41 other year in which terms expire. The procedure to establish such
122-42 single court may be initiated by the town board or may be initiated by
122-43 petition. In the event the procedure is initiated by petition, the peti-
122-44 tion shall be addressed to each town board and shall be signed by at
122-45 least twenty percent of the registered voters in such towns.

122-46 § 3. Subdivision 3 of section 106-a of the uniform justice court act,
122-47 as amended by chapter 237 of the laws of 2007, is amended to read as
122-48 follows:

122-49 3. Such petition shall be filed in the office of the town clerk of one
122-50 of such towns and a certified copy shall be filed in the office of the
122-51 town clerk of the other town or towns.

122-52 § 4. Subdivision 8 of section 106-a of the uniform justice court act,
122-53 as amended by chapter 237 of the laws of 2007, is amended to read as
122-54 follows:

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123- 1 8. In the event that each respective town board approves such resol-
123- 2 ution or petition, such boards shall prepare a joint resolution which
123- 3 shall provide that the office of one justice in each town shall be abol-
123- 4 ished and that the remaining justice in each town shall have jurisdic-
123- 5 tion in each town to the same extent as if each such justice was elected
123- 6 in each town. Such joint resolution shall provide for the election of at
123- 7 least one town justice every two years but in no case shall the number
123- 8 of terms expiring in any one year exceed by more than one the number of
123- 9 terms expiring in any other year in which terms expire, and shall iden-
123-10 tify each justice whose office shall be abolished, and shall identify
123-11 each justice whose office shall be continued [to so provide for the]
123-12 [election of one justice every two years].

123-13 § 5. Subdivision 9 of section 106-a of the uniform justice court act,
123-14 as amended by chapter 237 of the laws of 2007, is amended to read as
123-15 follows:

123-16 9. In the event no agreement can be reached as to which offices shall
123-17 be abolished, the [office] offices to be [first] abolished by such
123-18 resolution shall be chosen from each of the offices of town justice by
123-19 lot. [In the event it is determined by lot that the office of justice to]
123-20 [be first abolished is an office, the term of which will expire in more]
123-21 [than two years, such office shall be abolished as provided in such]
123-22 [resolution. The office of town justice that shall also then be abolished]
123-23 [in the other town shall be that office which would have expired in less]
123-24 [than two years. In the event it is determined by lot that the office of]
123-25 [town justice to be abolished is an office, the term of which will expire]
123-26 [in less than two years, such office shall be abolished as provided in]
123-27 [such resolution. The office of town justice that shall also be abol-]
123-28 [ished in any town shall be that office which would have expired in more]
123-29 [than two years] However in no case shall an office be chosen by lot to

123-30 be abolished that would cause the remaining offices to violate the
123-31 requirements of subdivision eight of this section.

123-32 § 6. Subdivision 11 of section 106-a of the uniform justice court act,
123-33 as added by chapter 499 of the laws of 1977, is amended to read as
123-34 follows:

123-35 11. If such resolution is approved by a majority of the qualified
123-36 persons voting thereon in each town such resolution shall be deemed to
123-37 be adopted and the plan to establish a single town court shall be imple-
123-38 mented in the manner provided in such resolution. If such resolution is
123-39 disapproved by a majority of the qualified persons voting thereon in one
123-40 [town] or [in both] more towns, such resolution shall be defeated and no
123-41 further action shall be taken to implement such plan.

123-42 § 7. Subdivision 12 of section 106-a of the uniform justice court act,
123-43 as added by chapter 499 of the laws of 1977, is amended to read as
123-44 follows:

123-45 12. Any town justice continuing in office pursuant to such plan and
123-46 any town justice hereafter elected pursuant to the plan established in
123-47 such resolution shall have jurisdiction in each [adjacent] town in the
123-48 contiguous geographic area to the same extent and effect as if such town
123-49 justice were elected in each such town.

123-50 § 8. This act shall take effect April 1, 2010.

123-51 PART M

123-52 Intentionally omitted.

123-53 PART N
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124- 1 Section 1. Section 2431 of the public authorities law is amended by
124- 2 adding a new closing paragraph to read as follows:

124- 3 It is further declared to be in the public interest and it is the
124- 4 policy of the state to provide a means by which state and local first-
124- 5 responder public safety agencies can establish regional communications
124- 6 capabilities, intended to serve as a part of a statewide interoperable
124- 7 network, and to do so by authorizing a state instrumentality to borrow
124- 8 money and use the proceeds to purchase obligations issued by a munici-
124- 9 pality to fund these communications capabilities, thereby resulting in
124-10 savings for taxpayers.

124-11 § 2. Subdivisions 2, 3 and 10 of section 2432 of the public authori-
124-12 ties law, as amended by section 2 of part E of chapter 494 of the laws
124-13 of 2009, are amended, subdivisions 25 and 26 are renumbered subdivisions
124-14 26 and 27 and two new subdivisions 25 and 28 are added to read as
124-15 follows:

124-16 (2) "Bonds" and "Notes". The bonds and notes, including any special
124-17 program bonds, special school purpose bonds, [and] recovery act bonds,
124-18 and public safety communications bonds respectively issued by the agency
124-19 pursuant to this title. Bonds and notes shall not include any tax lien
124-20 collateralized securities issued pursuant to this title.

124-21 (3) "Municipal Bond". A bond or note or evidence of debt payable from
124-22 any local revenues, including taxes, assessments and rents, which a
124-23 municipality may lawfully issue to finance local improvements and public
124-24 purposes, including local ARRA bonds and local public safety communi-
124-25 cations bonds, but does not include (a) any bond or note or evidence of
124-26 debt issued by any other state or any public body or municipal corpo-
124-27 ration thereof, (b) any special program agreement, or (c) any special
124-28 school purpose agreement or any special school deficit program agree-
124-29 ment.

124-30 (10) "Debt Service Reserve Fund Requirement". With respect to any debt
124-31 service reserve fund created by section twenty-four hundred thirty-nine
124-32 of this title relating to bonds other than special program bonds or
124-33 special school purpose bonds or special school deficit program bonds or
124-34 recovery act bonds or public safety communications bonds, as of any

124-35 particular date of computation, an amount of money equal to the greatest
124-36 of the respective amounts, for the then current or any succeeding calen-
124-37 dar year, of annual debt service payments required to be made to the
124-38 agency on all municipal bonds purchased with the proceeds of bonds which
124-39 bonds are secured by such debt service reserve fund, such annual debt
124-40 service payments for any calendar year being an amount of money equal to
124-41 the aggregate of (a) all interest payable during such calendar year on
124-42 all municipal bonds purchased by the agency and then outstanding on said
124-43 date of computation which are secured by such debt service reserve fund,
124-44 plus (b) the principal amount of all municipal bonds purchased by the
124-45 agency and then outstanding on said date of computation which mature
124-46 during such calendar year and are secured by such debt service reserve
124-47 fund; and with respect to any debt service reserve fund created by
124-48 section twenty-four hundred thirty-nine of this title relating to an
124-49 issue or issues of special program bonds or special school purpose bonds
124-50 or special school deficit program bonds or recovery act bonds or public
124-51 safety communications bonds, such amount as shall be determined by the
124-52 agency.

124-53 (25) "Public safety communications bonds". Bonds of the agency, all or
124-54 a portion of the proceeds of which are used to purchase a local public
124-55 safety communication bond. The amount of such bonds issued by the agen-
124-56 cy shall not exceed one billion dollars.

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125- 1 (28) "Local public safety communications bonds". A municipal bond
125- 2 issued to finance or fund all or a portion of the costs of building
125- 3 regional, interoperable public communications networks for statewide use
125- 4 by first-responder agencies in the state, including equipment and inci-
125- 5 dental costs. Local public safety communication bonds may also be
125- 6 issued to refinance outstanding bonds issued by municipalities for the
125- 7 purposes described herein provided that present value savings are real-
125- 8 ized from such a refunding.

125- 9 § 3. Section 2434 of the public authorities law is amended by adding a
125-10 new subdivision 7-c to read as follows:

125-11 (7-c) To acquire and contract to acquire, and to enter into arrange-
125-12 ments with a municipality for the purchase of its local public safety
125-13 communications bonds.

125-14 § 4. Subdivision 1 of section 2435 of the public authorities law, as
125-15 amended by section 4 of part E of chapter 494 of the laws of 2009, is
125-16 amended to read as follows:

125-17 1. The agency may purchase, and contract to purchase, municipal bonds
125-18 from municipalities at such price or prices, upon such terms and condi-
125-19 tions and in such manner, not inconsistent with the provisions of the
125-20 local finance law, as the agency shall deem advisable; provided, howev-
125-21 er, that the average interest rate payable on all municipal bonds (taken
125-22 as a group) purchased with the proceeds of an issue of bonds shall equal
125-23 or exceed the interest rate on such issue of bonds. The agency shall not
125-24 purchase the municipal bonds of any municipality if (i) the aggregate
125-25 principal amount thereof, together with the aggregate principal balances
125-26 of the municipal bonds of such municipality then outstanding and held by
125-27 the agency, exceed an amount equal to ten percent of the aggregate prin-
125-28 cipal amount of the statutory authorization at the time for the issuance
125-29 of bonds and notes, as provided in section twenty-four hundred thirty-
125-30 eight of this title, and (ii) the aggregate principal amount thereof
125-31 exceeds an amount equal to fifty percent of the aggregate principal
125-32 amount of all municipal bonds proposed to be so purchased at the time;
125-33 provided, however, that this sentence shall not apply to local ARRA
125-34 bonds or local public safety communications bonds.

125-35 § 5. The public authorities law is amended by adding a new section
125-36 2436-c to read as follows:

125-37 § 2436-c. Local public safety communications bonds. (1) The agency may
125-38 purchase local public safety communications bonds using the proceeds of
125-39 public safety communication bonds, subject to the provisions of this

125-40 section and to any other provision of law applicable to the municipality
125-41 and bonds it issues, including any debt limitation applicable to the
125-42 municipality that issued the local public safety communications bond, as
125-43 well as to the other provisions of this title. To the extent that any
125-44 such other provision of law conflicts with a provision of this section,
125-45 the provision of this section shall control, except as otherwise stated.

125-46 (2) Local public safety communications bonds shall be payable from
125-47 funds provided by a municipality for payment thereof as well as any
125-48 monies available from special public safety communications agreements.

125-49 (3) The agency's public safety communications bonds secured by
125-50 payments of principal and interest due with respect to local public
125-51 safety communications bonds shall not be a debt of either the state or
125-52 any municipality, and neither the state nor any municipality shall be
125-53 liable thereon, nor shall they be payable out of any funds other than
125-54 those of the agency; and such local public safety communications bonds
125-55 shall contain on the face thereof a statement to such effect.

126- 1 (4) Subject to the provisions of any contract with holders of bonds,
126- 2 notes or other obligations, proceeds of public safety communications
126- 3 bonds to be paid to a municipality to purchase its local public safety
126- 4 communications bonds shall be paid to the municipality and shall not be
126- 5 commingled with any other money of the agency.

126- 6 (5) Nothing contained in this title shall be construed to create a
126- 7 debt of the state within the meaning of any constitutional or statutory
126- 8 provisions.

126- 9 (6) (a) A municipality may covenant and agree that the municipality
126-10 will not limit, alter or impair the rights hereby vested in the agency
126-11 to fulfill the terms of any agreements made with holders of the agency's
126-12 public safety communications bonds, the proceeds of which were used to
126-13 purchase the municipality's local public safety communications bonds, or
126-14 in any way impair the rights and remedies of such holders or the securi-
126-15 ty for such bonds, until such bonds, together with the interest thereon
126-16 and all costs and expenses in connection with any action or proceeding
126-17 by or on behalf of such holders, are fully paid and discharged.

126-18 (b) Any such agreement with a municipality may be pledged by the agen-
126-19 cy to secure its public safety communications bonds used to purchase
126-20 local public safety communications bonds issued by that municipality and
126-21 may not be modified thereafter except as provided by the terms of the
126-22 pledge or subsequent agreements with the holders of such public safety
126-23 communications bonds.

126-24 § 6. Subdivision 5 of section 2437 of the public authorities law, as
126-25 amended by section 6 of part E of chapter 494 of the laws of 2009, is
126-26 amended to read as follows:

126-27 (5) Any bonds or notes of the agency other than special program bonds,
126-28 special school purpose bonds, special school deficit program bonds [or],
126-29 recovery act bonds or public safety communications bonds shall be sold
126-30 at public sale and from time to time upon such terms and at such prices
126-31 as may be determined by the agency, and the agency may pay all expenses,
126-32 premiums and commissions which it may deem necessary or advantageous in
126-33 connection with the issuance and sale thereof. Any special program
126-34 bonds, special school purpose bonds, special school deficit program
126-35 bonds [or], recovery act bonds or public safety communications bonds
126-36 shall be sold at public or private sale and from time to time upon such
126-37 terms and at such prices as may be determined by the agency, and the
126-38 agency may pay all expenses, premiums and commissions which it may deem
126-39 necessary or advantageous in connection with the issuance and sale ther-
126-40 eof provided, however, that special program bonds relating to a special
126-41 program agreement entered for the purpose described in paragraph (b) of
126-42 subdivision one of section twenty-four hundred thirty-five-a of this
126-43 title shall be sold on or before June thirtieth, two thousand one. No
126-44 special program bonds, special school purpose bonds, special school
126-45 deficit program bonds, or recovery act bonds, or public safety communi-

126-46 cations bonds of the agency may be sold by the agency at private sale,
126-47 however, unless such sale and the terms thereof have been approved in
126-48 writing by (a) the comptroller, where such sale is not to the comp-
126-49 troller, or (b) the director of the budget, where such sale is to the
126-50 comptroller.

126-51 § 7. Subdivision 1 of section 2438 of the public authorities law, as
126-52 amended by section 7 of part E of chapter 494 of the laws of 2009, is
126-53 amended to read as follows:

126-54 (1) The agency shall not issue bonds and notes in an aggregate princi-
126-55 pal amount at any one time outstanding exceeding one billion dollars,
126-56 excluding tax lien collateralized securities, special school purpose
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127- 1 bonds, special school deficit program bonds, special program bonds
127- 2 issued to finance the reconstruction, rehabilitation or renovation of an
127- 3 educational facility pursuant to the provisions of subdivision (b) of
127- 4 section sixteen of chapter six hundred five of the laws of two thousand,
127- 5 special program bonds issued to finance the cost of a project for
127- 6 design, reconstruction or rehabilitation of a school building pursuant
127- 7 to the provisions of section fourteen of the city of Syracuse and the
127- 8 board of education of the city school district of the city of Syracuse
127- 9 cooperative school reconstruction act, recovery act bonds, public safety
127-10 communications bonds and bonds and notes issued to refund outstanding
127-11 bonds and notes.

127-12 § 8. This act shall take effect immediately.

127-13 PART 0

127-14 Section 1. Subdivision 5 of section 205 of the civil service law is
127-15 amended by adding a new paragraph (m) to read as follows:

127-16 (m) To administer the provisions of article twenty of the labor law to
127-17 the extent provided for in such article, and to serve all the functions
127-18 of the board as defined in section seven hundred one of the labor law,
127-19 including to make, amend and rescind such rules and regulations as may
127-20 be necessary to carry out the provisions of such article.

127-21 § 2. Subdivisions 1, 2, 3 and 4 of section 205 of the civil service
127-22 law, subdivision 1 as amended by chapter 391 of the laws of 1969, subdivi-
127-23 sion 2 as added by chapter 392 of the laws of 1967, subdivision 3 as
127-24 amended by chapter 307 of the laws of 1979 and subdivision 4 as amended
127-25 by chapter 503 of the laws of 1971, are amended to read as follows:

127-26 1. There is hereby created in the [state] department [of civil]
127-27 [service] a board, to be known as the public employment relations board,
127-28 which shall consist of three members appointed by the governor, by and
127-29 with the advice and consent of the senate from persons representative of
127-30 the public. Not more than two members of the board shall be members of
127-31 the same political party. Each member shall be appointed for a term of
127-32 six years, except that of the members first appointed, one shall be
127-33 appointed for a term to expire on May thirty-first, nineteen hundred
127-34 sixty-nine, one for a term to expire on May thirty-first, nineteen
127-35 hundred seventy-one, and one for a term to expire on May thirty-first,
127-36 nineteen hundred seventy-three. The governor shall designate one member
127-37 who shall serve as [chairman] chairperson of the board until the expira-
127-38 tion of his or her term. A member appointed to fill a vacancy shall be
127-39 appointed for the unexpired term of the member whom he or she is to
127-40 succeed.

127-41 2. Members of the board shall hold no other public office or public
127-42 employment in the state. The [chairman] chairperson shall give his or
127-43 her whole time to his or her duties.

127-44 3. Members of the board other than the [chairman] chairperson shall,
127-45 when performing the work of the board, be compensated at the rate of two
127-46 hundred [and] fifty dollars per day, together with an allowance for
127-47 actual and necessary expenses incurred in the discharge of their duties
127-48 hereunder. The [chairman] chairperson shall receive an annual salary to

127-49 be fixed within the amount available therefor by appropriation, in addi-
127-50 tion to an allowance for expenses actually and necessarily incurred by
127-51 him or her in the performance of his or her duties.

127-52 4. (a) The chairperson of the board may appoint an executive director
127-53 and such other persons, including but not limited to attorneys, media-
127-54 tors, members of fact-finding boards and representatives of employee
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128- 1 organizations and public employers to serve as technical advisers to
128- 2 such fact-finding boards, as it may from time to time deem necessary for
128- 3 the performance of its functions, prescribe their duties, fix their
128- 4 compensation and provide for reimbursement of their expenses within the
128- 5 amounts made available therefor by appropriation. Attorneys appointed
128- 6 under this section may, at the direction of the chairperson of the
128- 7 board, appear for and represent the board in any case in court.

128- 8 (b) No member of the board or its appointees pursuant to this subdivi-
128- 9 sion, including without limitation any mediator or fact-finder employed
128-10 or retained by the board, shall, except as required by this article, be
128-11 compelled to nor shall he or she voluntarily disclose to any administra-
128-12 tive or judicial tribunal or at the legislative hearing, held pursuant
128-13 to subparagraph (iii) of paragraph (e) of subdivision three of section
128-14 two hundred nine of this article, any information relating to the resolu-
128-15 tion of a particular dispute in the course of collective negotiations
128-16 acquired in the course of his or her official activities under this
128-17 article, nor shall any reports, minutes, written communications, or
128-18 other documents pertaining to such information and acquired in the
128-19 course of his or her official activities under this article be subject
128-20 to subpoena or voluntarily disclosed; except that where the information
128-21 so required indicates that the person appearing or who has appeared
128-22 before the board has been the victim of, or otherwise involved in, a
128-23 crime, other than a criminal contempt in a case involving or growing out
128-24 of a violation of this article, said members of the board and its
128-25 appointees may be required to testify fully in relation thereto upon any
128-26 examination, trial, or other proceeding in which the commission of such
128-27 crime is the subject of inquiry.

128-28 § 3. Subdivision 9 of section 701 of the labor law, as amended by
128-29 chapter 166 of the laws of 1991, is amended to read as follows:

128-30 9. The term "board" means the public employment relations board
128-31 created by section [seven hundred two of this article] two hundred five
128-32 of the civil service law, in carrying out its functions under this arti-
128-33 cle.

128-34 § 4. Section 702 of the labor law is REPEALED, and a new section 702
128-35 is added to read as follows:

128-36 § 702. Special mediators. The board may, when necessary, appoint or
128-37 designate special mediators who shall have the authority and power of
128-38 members of the board with regard to such matter, provided that their
128-39 authority and power to act for the board shall cease upon the conclusion
128-40 of the specific matter so assigned to them or by revocation by the board
128-41 of their appointment or designation. Such special mediators shall, when
128-42 performing the work of the board as aforesaid, be compensated at a rate
128-43 to be determined by the board subject to the approval of the director of
128-44 the budget, together with an allowance for actual and necessary expenses
128-45 incurred in the discharge of their duties hereunder.

128-46 § 5. Subdivisions 3 and 4 of section 707 of the labor law, subdivision
128-47 3 as amended by chapter 210 of the laws of 1942 and subdivision 4 as
128-48 amended by chapter 676 of the laws of 1963, are amended to read as
128-49 follows:

128-50 3. The jurisdiction of the supreme court shall be exclusive and its
128-51 judgment and decree shall be final, except that appeals shall lie to the
128-52 appellate division of said court and to the court of appeals, in the
128-53 manner and subject to the limitations provided in the civil practice
128-54 [act] law and rules irrespective of the nature of the decree or judgment
128-55 or the amount involved.

129- 1 4. Any person aggrieved by a final order of the board granting or
 129- 2 denying in whole or in part the relief sought may obtain a review of
 129- 3 such order in the supreme court of the county where the unfair labor
 129- 4 practice in question was alleged to have been engaged in or wherein such
 129- 5 person resides or transacts business by filing in such court a written
 129- 6 petition praying that the order of the board be modified or set aside,
 129- 7 or if such court be on vacation or in recess, then to the supreme court
 129- 8 of any county adjoining the county wherein the unfair labor practice in
 129- 9 question occurred or wherein any such person resides or [tranacts] tran-
 129-10 sacts business. A copy of such petition shall be forthwith served upon
 129-11 the board, and thereupon the aggrieved party shall file in the court a
 129-12 transcript of the entire record in the proceeding, certified by the
 129-13 board, including the pleading and testimony and order of the board. Upon
 129-14 such filing, the court shall proceed in the same manner as in the case
 129-15 of an application by the board under subdivision one of this section,
 129-16 and shall have the same exclusive jurisdiction to grant to the board
 129-17 such temporary relief or restraining order as it deems just and proper,
 129-18 and in like manner to make and enter a decree enforcing, modifying and
 129-19 enforcing as so modified, or setting aside in whole or in part the order
 129-20 of the board; and the findings of the board as to the facts shall in
 129-21 like manner be conclusive.

129-22 § 6. Subdivision 1 of section 708 of the labor law, as added by chap-
 129-23 ter 443 of the laws of 1937, is amended to read as follows:

129-24 1. The board, or its duly authorized agents or agencies, shall at all
 129-25 reasonable times have access to, for the purposes of examination, and
 129-26 the right to examine, copy or photograph any evidence, including
 129-27 payrolls or lists of employees, of any person being investigated or
 129-28 proceeded against that relates to any matter under investigation or in
 129-29 question. [Any member of the] The board shall have power to issue
 129-30 subpoenas requiring the attendance and testimony of witnesses and the
 129-31 production of any evidence that relates to any matter under investi-
 129-32 gation or in question before the board, its member, agent, or agency,
 129-33 conducting the hearing or investigation. Any member of the board, or any
 129-34 agent or agency designated by the board for such purposes, may adminis-
 129-35 ter oaths and affirmations, examine witnesses, and receive evidence.

129-36 § 7. Section 710 of the labor law, as added by chapter 443 of the laws
 129-37 of 1937, is amended to read as follows:

129-38 § 710. Public records and proceedings. Subject to rules and regu-
 129-39 lations to be made by the board consistent with article six of the
 129-40 public officers law, the complaints, orders and testimony relating to a
 129-41 proceeding instituted by the board under section seven hundred six of
 129-42 this article may be made public records and be made available for
 129-43 inspection or copying. All proceedings pursuant to section seven hundred
 129-44 [and] six of this article shall be open to the public.

129-45 § 8. Section 717 of the labor law, as added by chapter 166 of the laws
 129-46 of 1991, is amended to read as follows:

129-47 § 717. State mediation board [and], state labor relations board, and
 129-48 state employment relations board abolished. The state mediation board
 129-49 created by chapter five hundred sixty-nine of the laws of nineteen
 129-50 hundred sixty-eight [and], the New York state labor relations board
 129-51 created by chapter four hundred forty-three of the laws of nineteen
 129-52 hundred thirty-seven, and the state employment relations board created
 129-53 by chapter one hundred sixty-six of the laws of nineteen hundred nine-
 129-54 ty-one are hereby abolished. All the functions, powers and duties of
 129-55 such boards are hereby assigned to and shall hereafter be exercised and
 129-56 performed by and through the board. Any controversy, proceeding or other

130- 1 matter pending before the New York state board of mediation [or], the
 130- 2 state labor relations board or the state employment relations board at
 130- 3 the time this section takes effect, may be conducted and completed by

130- 4 the board and for such purposes the board shall be deemed to be a
130- 5 continuation of the functions, powers and duties of the New York state
130- 6 board of mediation [or], the state labor relations board or the state
130- 7 employment relations board, respectively, and not a new entity. Upon the
130- 8 transfer of functions to the board pursuant to this section, all appro-
130- 9 priations and reappropriations heretofore or hereafter made to the
130-10 department of labor relating to the state board of mediation or the
130-11 state labor relations board or segregated pursuant to law, to the extent
130-12 of remaining unexpended or unencumbered balances thereof, whether allo-
130-13 cated or unallocated and whether obligated or unobligated are hereby
130-14 made available for use and expenditure by the board for the same
130-15 purposes for which originally appropriated or reappropriated. Whenever
130-16 the state board of mediation or the state labor relations board or the
130-17 chairman of the state board of mediation or of the state labor relations
130-18 board or the state employment relations board is referred to or desig-
130-19 nated in any general, special or local law or in any rule, regulation,
130-20 contract or other document, such reference or designation shall be
130-21 deemed to refer to the board and the chairman thereof, respectively.

130-22 § 9. Subdivisions (a) and (b) of section 12 of the executive law, as
130-23 added by section 2 of part B of chapter 383 of the laws of 2001, are
130-24 amended to read as follows:

130-25 (a) Notwithstanding any other law, the state, through the governor,
130-26 may execute a tribal-state compact with the Seneca Nation of Indians
130-27 pursuant to the Indian Gaming Regulatory Act of 1988 (P.L. 100-497; 25
130-28 U.S.C. [§§]§§ 2701-2721 and 18 U.S.C. [§§]§§ 1166-1168) consistent with
130-29 a memorandum of understanding between the governor and the president of
130-30 the Seneca Nation of Indians executed on June twentieth, two thousand
130-31 one and filed with the department of state on June twenty-first, two
130-32 thousand one. Such tribal-state compact shall be deemed ratified by the
130-33 legislature upon the governor's certification to the temporary president
130-34 of the senate, the speaker of the assembly, and the secretary of state,
130-35 that such compact, through its terms, by a memorandum of understanding
130-36 or other agreement between the state and Nation, by a Nation's ordinance
130-37 or resolution, by statute, by executive order, or by the terms of any
130-38 other agreement entered into by or on behalf of the Nation, provides:
130-39 (i) assurances that the Nation will provide (1) reasonable access to the
130-40 gaming and related facilities to labor union organizers for purposes of
130-41 a campaign to solicit employee support for labor union representation;
130-42 (2) permission for labor union organizers to distribute labor union
130-43 authorization cards on site for the purpose of soliciting employee
130-44 support for labor union representation; and (3) recognition of labor
130-45 unions as the exclusive collective bargaining representatives of employ-
130-46 ees in appropriate bargaining units based upon a demonstration of major-
130-47 ity employee support of such labor unions by union authorization card
130-48 check as verified, if necessary, by an independent arbitrator appointed
130-49 by the [State] Public Employment Relations Board in consultation with
130-50 the Nation and the labor union; (ii) assurances that the Nation has an
130-51 adequate civil recovery system which guarantees fundamental due process
130-52 to visitors and guests of the facility and related facilities; and (iii)
130-53 assurances that the Nation will maintain during the term of the compact
130-54 sufficient liability insurance to assure that visitors and guests will
130-55 be compensated for their injuries.

131- 1 (b) Notwithstanding any other law, the state, through the governor,
131- 2 may execute tribal-state compacts pursuant to the Indian Gaming Regula-
131- 3 tory Act of 1988 (P.L. 100-497; 25 U.S.C. [§§]§§ 2701-2721 and 18 U.S.C.
131- 4 [§§]§§ 1166-1168) authorizing up to three Class III gaming facilities in
131- 5 the counties of Sullivan and Ulster. Such tribal-state compact shall be
131- 6 deemed ratified by the legislature upon the governor's certification to
131- 7 the temporary president of the senate, the speaker of the assembly and
131- 8 the secretary of state, that such compact, through its terms, by a memo-
131- 9 randum of understanding or other agreement between the state and Nation,

131-10 by a Nation's ordinance or resolution, by statute, by executive order,
131-11 or by the terms of any other agreement entered into by or on behalf of
131-12 the Nation, provides: (i) assurances that the Nation will provide (1)
131-13 reasonable access to the gaming and related facilities to labor union
131-14 organizers for purposes of a campaign to solicit employee support for
131-15 labor union representation; (2) permission for labor union organizers to
131-16 distribute labor union authorization cards on site for the purpose of
131-17 soliciting employee support for labor union representation; (3)
131-18 provision of employees' names and addresses to labor union represen-
131-19 tatives and tribal/employer/management neutrality in labor union organ-
131-20 izing campaigns; (4) recognition of labor unions as the exclusive
131-21 collective bargaining representatives of employees in appropriate
131-22 bargaining units based upon a demonstration of majority employee support
131-23 of such labor unions by union authorization card check as verified, if
131-24 necessary, by an independent arbitrator appointed by the [State] Public
131-25 Employment Relations Board in consultation with the Nation and the labor
131-26 union; and (5) final and binding arbitration of organized labor matters
131-27 or disputes including negotiations for collective bargaining agreements
131-28 with arbitrators' awards enforceable in a state or federal court of
131-29 competent jurisdiction; (ii) assurances that the Nation has an adequate
131-30 civil recovery system which guarantees fundamental due process to visi-
131-31 tors and guests of the facility and related facilities; and (iii) assur-
131-32 ances that the Nation will maintain during the term of the compact
131-33 sufficient liability insurance to assure that visitors and guests will
131-34 be compensated for their injuries.

131-35 § 10. Paragraphs (e) and (f) of subdivision 1 of section 169 of the
131-36 executive law, paragraph (e) as amended by chapter 437 of the laws of
131-37 1995 and paragraph (f) as amended by chapter 83 of the laws of 1995, are
131-38 amended to read as follows:

131-39 (e) chairman of state athletic commission, chairman and executive
131-40 director of consumer protection board, member-chairman of crime victims
131-41 board, chairman of human rights appeal board, chairman of the industrial
131-42 board of appeals, [chairman of the employment relations board,] chairman
131-43 of the state commission of correction, members of the board of parole,
131-44 members of the state racing and wagering board, member-chairman of unem-
131-45 ployment insurance appeal board, director of veterans' affairs, and
131-46 vice-chairman of the workers' compensation board;

131-47 (f) executive director of adirondack park agency, commissioners of the
131-48 state liquor authority, commissioners of the state civil service commis-
131-49 sion, members of state commission of correction, [members of the employ-]
131-50 [ment relations board,] members of crime victims board, members of unem-
131-51 ployment insurance appeal board, and members of the workers'
131-52 compensation board.

131-53 § 11. This act shall not revoke or rescind any regulations or opinions
131-54 issued by the state employment relations board in effect upon the effec-
131-55 tive date of this act, to the extent that such regulations or opinions
131-56 are not inconsistent with any law of the state of New York. The public
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132- 1 employment relations board shall undertake a comprehensive review of all
132- 2 such regulations and opinions, which will address the consistency of
132- 3 such regulations and opinions among each other and will propose any
132- 4 regulatory changes necessitated by such review.

132- 5 § 12. This act shall take effect on the thirtieth day after it shall
132- 6 have become a law; provided, however, that effective immediately, the
132- 7 chair of the public employment relations board and the chair of the
132- 8 state employment relations board are hereby authorized to take such
132- 9 actions as are necessary and proper to prepare for an orderly transition
132-10 of the functions, powers and duties as herein provided.

132-11 PART P

132-12 Section 1. Section 163-c of the state finance law is REPEALED.

132-13 § 2. This act shall take effect immediately.

132-14 PART Q

132-15 Section 1. (a) For the purpose of this section, "insurance carrier,"
132-16 and "workers' compensation rating board" shall have the meaning set
132-17 forth in section 2 of the workers' compensation law.

132-18 (b) For the purposes of this section, "excess assessment funds" shall
132-19 mean any excess of the amount collected by an insurance carrier from its
132-20 policy holders in accordance with a calculation provided by the workers'
132-21 compensation rating board pursuant to subdivision 8 of section 15,
132-22 subdivision 3 of section 25-a or section 151 of the workers' compen-
132-23 sation law attributable to the period April 1, 2008, through March 31,
132-24 2009, over the amount paid to the workers' compensation board pursuant
132-25 to subdivision 8 of section 15, subdivision 3 of section 25-a or section
132-26 151 of the workers' compensation law attributable to the period April 1,
132-27 2008, through March 31, 2009. The board may issue guidelines regarding
132-28 the construction of this section, provided such guidelines are consist-
132-29 ent with this section and with part QQ of chapter 56 of the laws of
132-30 2009.

132-31 (c) Any insurance carrier or affiliated group of insurance carriers
132-32 that has collected excess assessment funds shall pay over to the chair
132-33 of the workers' compensation board, within sixty days of the effective
132-34 date of this subdivision, the amount of such funds. Such funds shall be
132-35 credited to the workers' compensation account. Any amounts collected
132-36 pursuant to this section shall be transferred by the comptroller to the
132-37 general fund, at the request of the director of the budget.

132-38 § 2. This act shall take effect immediately.

132-39 PART R

132-40 Section 1. Subdivisions 2 and 3 of section 50-a of the workers'
132-41 compensation law, as added by chapter 139 of the laws of 2008, are
132-42 amended to read as follows:

132-43 2. At any time prior to April first, two thousand [nine] eleven, the
132-44 chair may withdraw funds from the uninsured employers fund provided for
132-45 under section twenty-six-a of this chapter, up to such amount as the
132-46 chair determines is sufficient to fund any anticipated additional
132-47 expenses of such fund, taking into account anticipated available reven-
132-48 ues, but in no event to exceed [fifty-two] seventy-five million dollars
132-49 in the aggregate. Such funds shall be deposited into the group self-in-
132-50 surer offset fund, and used in accordance with subdivision one of this
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133- 1 section. As consistent with this section, the chair may set the timing
133- 2 of such withdrawals in its discretion.

133- 3 3. Beginning on January first, two thousand [ten] twelve, and each
133- 4 year thereafter, the chair shall add to the total of each annual assess-
133- 5 ment made under paragraph g of subdivision five of section fifty of this
133- 6 article the sum of up to three million dollars, to be allocated to
133- 7 private group and individual self-insurers in accordance with such para-
133- 8 graph. The chair shall assess additional funds under this paragraph as
133- 9 necessary to insure that there are sufficient funds in the fund for
133-10 uninsured employers to meet its liabilities, or if necessary in accord-
133-11 ance with section one hundred fifty-one of this chapter. Such funds as
133-12 are collected pursuant to this subdivision shall be deposited into the
133-13 uninsured employer fund until all funds withdrawn therefrom under subdivi-
133-14 sion one of this section are returned with interest calculated at an
133-15 annual rate equal to the rate of return on funds in the fund for unin-
133-16 sured employers from the prior year.

133-17 § 2. Section 1108 of the insurance law is amended by adding a new
133-18 subsection (j) to read as follows:

133-19 (j) Any group of employers authorized by the workers' compensation

133-20 board to provide workers' compensation benefits for the employees of all
133-21 member employers pursuant to subdivision three-a of section fifty of the
133-22 workers' compensation law.

133-23 § 3. The second undesignated paragraph of subdivision 3 of section 50
133-24 of the workers' compensation law, as amended by chapter 6 of the laws of
133-25 2007, is amended to read as follows:

133-26 If for any reason the status of an employer under this subdivision is
133-27 terminated, the securities or the surety bond, or the securities, cash,
133-28 or irrevocable letters of credit and surety bond, on deposit referred to
133-29 herein shall remain in the custody of the chair for [a period of at]
133-30 [least twenty-six months. At the expiration of] such time [or such]
133-31 [further time period] as the chair may deem proper and warranted under
133-32 the circumstances[, and so designates, the chair may accept in]. In
133-33 lieu thereof, [and for the additional purpose of] and at the discretion
133-34 of the chair, the employer, his or her heirs or assigns or others carry-
133-35 ing on or liquidating such business, may execute an assumption of work-
133-36 ers' compensation liability insurance policy securing such further and
133-37 future contingent liability as may arise from prior injuries to workers
133-38 and be incurred by reason of any change in condition of such workers
133-39 warranting the board making subsequent awards for payment of additional
133-40 compensation[, a policy of insurance furnished by the employer, his]
133-41 [heirs or assigns or others carrying on or liquidating such business].
133-42 Such policy shall be in a form approved by the superintendent of insur-
133-43 ance and issued by the state fund or any insurance company licensed to
133-44 issue this class of insurance in this state. In the event that such
133-45 policy is issued by an insurance company other than the state fund, then
133-46 said policy shall be deemed of the kind specified in paragraph fifteen
133-47 of subsection (a) of section one thousand one hundred thirteen of the
133-48 insurance law and covered by the workers' compensation security fund as
133-49 created and governed by article six-A of this chapter. It shall only be
133-50 issued for a single complete premium payment in advance by the employer
133-51 and in an amount deemed acceptable by the chair and the superintendent
133-52 of insurance. In lieu of the applicable premium charge ordinarily
133-53 required to be imposed by a carrier, said premium shall include a
133-54 surcharge in an amount to be determined by the chair to: (i) satisfy
133-55 all assessment liability due and owing to the board and/or the chair
133-56 under this chapter; and (ii) satisfy all future assessment liability

134- 1 under this section. Said surcharge shall be payable to the board simul-
134- 2 taneous to the execution of the assumption of workers' compensation
134- 3 liability insurance policy. However, the payment of said surcharge does
134- 4 not relieve the carrier from any other liability, including liability
134- 5 owed to the superintendent of insurance pursuant to article six-a of
134- 6 this chapter. [It shall be given in an amount to be determined by the]
134- 7 [chair and when] When issued such policy shall be non-cancellable without
134- 8 recourse for any cause during the continuance of the liability secured
134- 9 and so covered.

134-10 § 4. Paragraph 7 of subdivision 3-a of section 50 of the workers'
134-11 compensation law, as amended by chapter 139 of the laws of 2008, is
134-12 amended to read as follows:

134-13 (7) (a) If for any reason, the status of a group self-insurer under
134-14 this subdivision is terminated, the securities or cash or the surety
134-15 bond on deposit referred to herein shall remain in the custody of the
134-16 chair for [a period of at least twenty-six months. At the expiration of]
134-17 such time [or such further period] as the chair may deem proper and
134-18 warranted[, he or she may accept in]. In lieu thereof, [and for the]
134-19 [additional purpose of] and at the discretion of the chair, the group
134-20 self-insurer, its heirs or assigns or others carrying on or liquidating
134-21 such group self-insurer, including the chair on the group self-insurer's
134-22 behalf, may execute an assumption of workers' compensation liability
134-23 insurance policy securing such further and future contingent liability
134-24 as may arise from prior injuries to workers and be incurred by reason of

134-25 any change in the condition of such workers warranting the board making
134-26 subsequent awards for payment of additional compensation[, a policy of]
134-27 [insurance furnished by the group self-insurer, its successor or assigns]
134-28 [or others carrying on or liquidating such group self-insurer]. Such
134-29 policy shall be in a form approved by the superintendent of insurance
134-30 and issued by the state fund or any insurance company licensed to issue
134-31 this class of insurance in this state. In the event that such policy is
134-32 issued by an insurance company other than the state fund, then said
134-33 policy shall be deemed of the kind specified in paragraph fifteen of
134-34 subsection (a) of section one thousand one hundred thirteen of the
134-35 insurance law and covered by the workers' compensation security fund as
134-36 created and governed by article six-A of this chapter. It shall only be
134-37 issued for a single complete premium payment in advance by the group
134-38 self-insurer and in an amount deemed acceptable by the chair and the
134-39 superintendent of insurance. In lieu of the applicable premium charge
134-40 ordinarily required to be imposed by a carrier, said premium shall
134-41 include a surcharge in an amount to be determined by the chair to: (i)
134-42 satisfy all assessment liability due and owing to the board and/or the
134-43 chair under this chapter; and (ii) satisfy all future assessment liabil-
134-44 ity under this section. Said surcharge shall be payable to the board
134-45 simultaneous to the execution of the assumption of workers' compensation
134-46 liability insurance policy. However, the payment of said surcharge does
134-47 not relieve the carrier from any other liability, including liability
134-48 owed to the superintendent of insurance pursuant to article six-A of
134-49 this chapter. [It shall be given in an amount to be determined by the]
134-50 [chair and when] When issued such policy shall be noncancellable without
134-51 recourse for any cause during the continuance of the liability secured
134-52 and so covered.

134-53 (b) The chair shall levy an assessment on the members of a defaulted
134-54 group self-insurer within one hundred twenty days of such default or of
134-55 the effective date of the chapter of the laws of two thousand eight
134-56 which amended this subdivision, whichever is later, and against the

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135- 1 members of any other terminated group self-insurer when necessary, for
135- 2 such an amount as he or she determines to be necessary to discharge all
135- 3 liabilities of the group self-insurer, including the reasonable cost of
135- 4 liquidation such as claims administration costs, actuarial and account-
135- 5 ing services, and the value of future assessments on members of such
135- 6 group self-insurer. The chair may impose subsequent deficit assessments,
135- 7 or return funds to members, to adjust the moneys collected to reflect
135- 8 the time of participation, and percent of group self-insurer liabilities
135- 9 for such time. Notwithstanding any such action by the chair, each member
135-10 of the group self-insurer shall remain jointly and severally responsible
135-11 for all liabilities provided by this chapter including but not limited
135-12 to outstanding and estimated future liabilities and assessments.
135-13 Further, separate and apart from, and in addition to a member's joint
135-14 and several liability and notwithstanding any payments made by any other
135-15 members of the group self-insurer pursuant to this subparagraph, in the
135-16 event that a member neglects or fails to pay an assessment levied pursu-
135-17 ant to this subparagraph, the member shall be deemed in default in the
135-18 payment of compensation. Such defaulting member is subject to the
135-19 enforcement provisions of section twenty-six of this chapter for the
135-20 payment of all compensation relative to awards due and owing on claims
135-21 filed by the employees of such member that have neither been paid by the
135-22 member or the group self-insurer. Nothing in this paragraph shall
135-23 prevent the chair from offering payment plans or settling claims against
135-24 members of any group self-insurer as necessary to facilitate collection.

135-25 (c) Upon the assumption of the assets and liabilities of a group self-
135-26 insurer by the chair or his or her designee pursuant to regulation of
135-27 the chair, all records, documents and files of whatever nature, pertain-
135-28 ing to the group self-insurer, be they in the possession of the group
135-29 self-insurer or a third party, and all remaining assets of the group

135-30 self-insurer, shall become the property of the chair. All custodians of
135-31 such records and/or funds shall turn over to the chair or his designee
135-32 all such original records upon demand.

135-33 § 5. Subdivision 4 of section 50 of the workers' compensation law is
135-34 amended by adding a new paragraph e to read as follows:

135-35 e. If for any reason the status of a county, city, village, town,
135-36 school district, fire district or other political subdivision of state
135-37 is terminated, at the discretion of the chair, the county, city,
135-38 village, town, school district, fire district or other political subdivi-
135-39 sion of state, may execute an assumption of workers' compensation
135-40 liability insurance policy securing such further and future contingent
135-41 liability as may arise from prior injuries to workers and be incurred by
135-42 reason of any change in the condition of such workers warranting the
135-43 board making subsequent awards for payment of additional compensation.
135-44 Such policy shall be in a form approved by the superintendent of insur-
135-45 ance and shall be issued by the state fund or any insurance company
135-46 licensed to issue this class of policy in this state. In the event that
135-47 such policy is issued by an insurance company other than the state fund,
135-48 then said policy shall be deemed to be insurance of the kind specified
135-49 in paragraph fifteen of subsection (a) of section one thousand one
135-50 hundred thirteen of the insurance law and covered by the workers'
135-51 compensation security fund as created and governed by article six-A of
135-52 this chapter. It shall only be issued for a single complete premium
135-53 payment in advance by the county, city, village, town, school district,
135-54 fire district or other political subdivision of state and in an amount
135-55 deemed acceptable by the chair and the superintendent of insurance. In
135-56 lieu of the applicable premium charge ordinarily required to be imposed

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136- 1 by a carrier, said premium shall include a surcharge in an amount to be
136- 2 determined by the chair to satisfy all assessment liability due and
136- 3 owing to the board and/or the chair under this chapter. Said surcharge
136- 4 shall be payable to the board simultaneous to the execution of the
136- 5 assumption of workers' compensation liability insurance policy. However,
136- 6 the payment of said surcharge does not relieve the carrier from any
136- 7 other liability, including liability owed to the superintendent of
136- 8 insurance pursuant to article six-A of this chapter. When issued such
136- 9 policy shall be non-cancellable without recourse for any cause during
136-10 the continuance of the liability secured and so covered.

136-11 § 6. Section 73 of the workers' compensation law, as added by chapter
136-12 849 of the laws of 1955, is amended to read as follows:

136-13 § 73. Abandonment of plan. The board of supervisors of a county may by
136-14 local law provide for the abandonment of a plan, effective as of the
136-15 close of the calendar year then in progress. Such plan, however, shall
136-16 continue to operate thereafter until all liabilities of the plan
136-17 incurred prior to such effective date shall have been satisfied and all
136-18 advances to the county self-insurance fund shall have been repaid. Such
136-19 local law shall provide a method for the distribution of any assets of
136-20 the plan remaining after all such liabilities have been satisfied. The
136-21 provisions of this section shall not apply to any plan abandoned pursu-
136-22 ant to section sixty-one of this chapter. At the discretion of the
136-23 chair, the board of supervisors of a county may execute an assumption of
136-24 workers' compensation liability insurance policy securing such further
136-25 and future contingent liability as may arise from prior injuries to
136-26 workers and be incurred by reason of any change in the condition of such
136-27 workers warranting the board making subsequent awards for payment of
136-28 additional compensation. Such policy shall be in a form approved by the
136-29 superintendent of insurance and shall be issued by the state fund or any
136-30 insurance company licensed to issue this class of insurance in this
136-31 state. In the event that such policy is issued by an insurance company
136-32 other than the state fund, then said policy shall be deemed to be of the
136-33 kind specified in paragraph fifteen of subsection (a) of section one
136-34 thousand one hundred thirteen of the insurance law and covered by the

136-35 workers' compensation security fund as created and governed by article
136-36 six-A of this chapter. It shall only be issued for a single complete
136-37 premium payment in advance by the county, city, village, town, school
136-38 district, fire district or other political subdivision of state and in
136-39 an amount deemed acceptable by the chair and the superintendent of
136-40 insurance. In lieu of the applicable premium charge ordinarily required
136-41 to be imposed by a carrier, said premium shall include a surcharge in an
136-42 amount to be determined by the chair to satisfy all assessment liability
136-43 due and owing to the board and/or the chair under this chapter. Said
136-44 surcharge shall be payable to the board simultaneous to the execution of
136-45 the assumption of workers' compensation liability insurance policy.
136-46 However, the payment of said surcharge does not relieve the carrier from
136-47 any other liability, including liability owed to the superintendent of
136-48 insurance pursuant to article six-A of this chapter. When issued such
136-49 policy shall be non-cancellable without recourse for any cause during
136-50 the continuance of the liability secured and so covered.

136-51 § 7. The eighth undesignated paragraph of section 106 of the workers'
136-52 compensation law, as amended by chapter 598 of the laws of 2000, is
136-53 amended to read as follows:

136-54 "Carrier" means a stock or mutual corporation or a reciprocal insurer
136-55 or a nonprofit property/casualty insurance company, if such corporation
136-56 or insurer is authorized to transact the business of workers' compen-
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137- 1 sation insurance in this state, including but not limited to the issu-
137- 2 ance of an assumption of workers' compensation liability insurance poli-
137- 3 cy, but not including any such corporation or insurer which is
137- 4 insolvent.

137- 5 § 8. This act shall take effect immediately.

137- 6 PART S

137- 7 Section 1. The division of the budget and office of the state comp-
137- 8 troller may dedicate such officers and employees as may be needed to a
137- 9 joint project, which shall be known as the state financial system
137-10 project, and which shall be responsible for the development, implementa-
137-11 tion and maintenance of a single, statewide financial management system
137-12 for use by the state comptroller and all agencies. The division of the
137-13 budget and the office of the state comptroller shall serve jointly as
137-14 the appointing authority for all titles within the project, and shall
137-15 jointly appoint a project manager therefor. For purposes of appointment
137-16 and promotion under the civil service law, the state financial system
137-17 project shall be treated as if it were a single department.

137-18 § 2. This act shall take effect immediately.

137-19 PART T

137-20 Section 1. The section heading and subdivision 1 of section 160 of the
137-21 civil service law, as amended by chapter 329 of the laws of 1960, are
137-22 amended to read as follows:

137-23 Regulations governing the health [insurance] benefit plan; advisory
137-24 committee. 1. The president, subject to the provisions of this article,
137-25 is hereby empowered to establish regulations relating to:

137-26 (1) the eligibility of (a) active and (b) retired employees to partic-
137-27 ipate in the health [insurance] benefit plan authorized by this article,

137-28 (2) the terms and conditions of the insurance and/or plan administra-
137-29 tor contract or contracts, as applied to (a) active employees and (b)
137-30 retired employees, and

137-31 (3) the purchase of such insurance and/or plan administrator contract
137-32 or contracts and the administration of such health [insurance] benefit
137-33 plan.

137-34 The president shall adopt such further regulations as may be required
137-35 for the effective administration of this article, including the right to

137-36 require advance payments of any portion of the amount required to be
137-37 paid by any participating employer as its share in connection with the
137-38 operation of the health [insurance] benefit plan hereunder.

137-39 § 2. Subdivisions 1 and 3 of section 161 of the civil service law, as
137-40 amended by chapter 329 of the laws of 1960, are amended to read as
137-41 follows:

137-42 1. The president is hereby authorized and directed to establish a
137-43 health [insurance] benefit plan for state officers and employees and
137-44 their dependents and officers and employees of the state colleges of
137-45 agriculture, home economics, industrial labor relations and veterinary
137-46 medicine, the state agricultural experiment station at Geneva, and any
137-47 other institution or agency under the management and control of Cornell
137-48 university as the representative of the board of trustees of the state
137-49 university of New York, and the state college of ceramics under the
137-50 management and control of Alfred university as the representative of the
137-51 board of trustees of the state university of New York and their depen-
137-52 dents which, subject to the conditions and limitations contained in this

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138- 1 article, and in the regulations of the president, will provide for group
138- 2 hospitalization, surgical and medical insurance against the financial
138- 3 costs of hospitalization, surgery, medical treatment and care, and may
138- 4 include, among other things prescribed drugs, medicines, prosthetic
138- 5 appliances, hospital in-patient and out-patient service benefits and
138- 6 medical expense indemnity benefits.

138- 7 3. The health [insurance] benefit plan shall be designed by the presi-
138- 8 dent (1) to provide a reasonable relationship between the hospital,
138- 9 surgical and medical benefits to be included, and the expected distrib-
138-10 ution of expenses of each such type to be incurred by the covered
138-11 employees and dependents, and (2) to include reasonable controls, which
138-12 may include deductible and coinsurance provisions applicable to some or
138-13 all of the benefits, to reduce unnecessary utilization of the various
138-14 hospital, surgical and medical services to be provided and to provide
138-15 reasonable assurance of stability in future years of the plan, and (3)
138-16 to provide benefits on a non-discriminatory basis to the extent possi-
138-17 ble, to active members throughout the state, wherever located.

138-18 § 3. The section heading and subdivisions 1 and 2 of section 162 of
138-19 the civil service law, the section heading and subdivision 2 as amended
138-20 by chapter 329 of the laws of 1960 and subdivision 1 as amended by chap-
138-21 ter 805 of the laws of 1984, are amended to read as follows:

138-22 Contract for health [insurance] benefits. 1. The president is hereby
138-23 authorized and directed to purchase a contract or contracts to provide
138-24 the benefits under the plan of health [insurance] benefits determined
138-25 upon in accordance with the provisions of this article. Such contract or
138-26 contracts shall be purchased from one or more corporations licensed to
138-27 transact accident and health insurance business in this state or subject
138-28 to article forty-three of the insurance law.

138-29 (a) Alternatively, the president may provide health benefits directly
138-30 to plan participants, in which case the president is hereby authorized
138-31 to purchase a contract or contracts with one or more firms qualified to
138-32 administer, on New York state health benefit plan's behalf, the plan of
138-33 benefits required under this article.

138-34 (b) In the event the president elects to provide health benefits
138-35 directly to plan participants in accordance with paragraph (a) of this
138-36 subdivision:

138-37 (i) Any and all health insurance coverage mandated by any law, rule or
138-38 regulation, including but not limited to coverage mandated pursuant to
138-39 article forty-three of the insurance law, applicable to contracts for
138-40 health insurance entered into under this section shall be provided in a
138-41 manner assuring uninterrupted continuance of coverage for all covered
138-42 persons. For the purposes of this paragraph "coverage" shall include but
138-43 shall not be limited to all benefits, services, rights, privileges and
138-44 guarantees allowed by law;

138-45 (ii) Plan participants shall be afforded all internal and external
138-46 review and appeal rights as described in article forty-nine of the
138-47 insurance law;
138-48 (iii) A plan participant receiving covered services rendered by a
138-49 health care provider prior to the date upon which the president elects
138-50 to provide health benefits directly to plan participants in accordance
138-51 with paragraph (a) of this subdivision shall be permitted to continue
138-52 receiving services from such health care provider after the effective
138-53 date of the election at the discretion of such plan participant.
138-54 Services provided by such health care provider after the effective date
138-55 of the election as described in this paragraph shall be covered in a
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139- 1 manner consistent with covered services provided directly to plan
139- 2 participants in accordance with paragraph (a) of this subdivision; and
139- 3 (iv) Notwithstanding the provisions of this subdivision, the presi-
139- 4 dent's election to provide health benefits directly to plan participants
139- 5 shall not constitute the doing of insurance business within the meaning
139- 6 of article eleven of the insurance law; provided however, the provision
139- 7 of direct benefits as per this subdivision shall be subject to review by
139- 8 the superintendent of insurance for the purposes of ensuring compliance
139- 9 with applicable insurance law and any and all associated insurance rules
139-10 and regulations as noted in this subdivision.

139-11 (c) All of the benefits to be provided under this article may be
139-12 included in one or more similar contracts, or the benefits may be clas-
139-13 sified into different types with each type included under one or more
139-14 similar contracts issued by the same or different companies.

139-15 2. A reasonable time before entering into any insurance contract or
139-16 contract with an administrator or administrators hereunder, the presi-
139-17 dent shall invite proposals from such qualified insurers or administra-
139-18 tors as in his or her opinion would desire to accept any part of the
139-19 insurance coverage or administrative services authorized by this arti-
139-20 cle.

139-21 § 4. Subdivisions 1, 2, 5, 7 and 8 of section 163 of the civil service
139-22 law, subdivisions 1 and 5 as amended by chapter 329 of the laws of 1960,
139-23 subdivision 2 as amended by chapter 71 of the laws of 2010, subdivision
139-24 7 as amended by chapter 198 of the laws of 1966 and subdivision 8 as
139-25 added by chapter 394 of the laws of 1984, are amended to read as
139-26 follows:

139-27 1. All persons in the service of the state, whether elected, appointed
139-28 or employed, who elect to participate in such health [insurance] benefit
139-29 plan shall be eligible to participate therein, provided, however, that
139-30 the president may adopt such regulations as he or she may deem appropri-
139-31 ate excluding temporary, part time or intermittent employment.

139-32 2. The contract or contracts shall provide for health [insurance]
139-33 benefits for retired employees of the state and of the state colleges of
139-34 agriculture, home economics, industrial labor relations and veterinary
139-35 medicine, the state agricultural experiment station at Geneva, and any
139-36 other institution or agency under the management and control of Cornell
139-37 university as the representative of the board of trustees of the state
139-38 university of New York, and the state college of ceramics under the
139-39 management and control of Alfred university as the representative of the
139-40 board of trustees of the state university of New York, and their spouses
139-41 and dependent children as defined by the regulations of the president,
139-42 on such terms as the president may deem appropriate, and the president
139-43 may authorize the inclusion in the plan of the employees and retired
139-44 employees of public authorities, public benefit corporations, school
139-45 districts, special districts, district corporations, municipal corpo-
139-46 rations excluding active employees and retired employees of cities
139-47 having a population of one million or more inhabitants whose compen-
139-48 sation is or was before retirement paid out of the city treasury, or
139-49 other appropriate agencies, subdivisions or quasi-public organizations
139-50 of the state, including active members of volunteer fire and volunteer

139-51 ambulance companies serving one or more municipal corporations pursuant
139-52 to subdivision seven of section ninety-two-a of the general municipal
139-53 law, and their spouses and dependent children as defined by the regu-
139-54 lations of the president. Any such corporation, district, agency or
139-55 organization electing to participate in the plan shall be required to
139-56 pay its proportionate share of the expenses of administration of the
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140- 1 plan in such amounts and at such times as determined and fixed by the
140- 2 president. All amounts payable for such expenses of administration shall
140- 3 be paid to the commissioner of taxation and finance and shall be applied
140- 4 to the reimbursement of funds previously advanced for such purposes.
140- 5 Neither the state nor any other participant in the plan shall be charged
140- 6 with the particular experience attributable to the employees of the
140- 7 participant, and all dividends or retroactive rate credits shall be
140- 8 distributed pro-rata based upon the number of employees of such partic-
140- 9 ipant covered by the plan.

140-10 5. The chief fiscal officer of any such participating employer shall
140-11 be authorized to deduct from the wages or salary paid to its employees
140-12 who are participants in such health [insurance] benefit plan the sums
140-13 required to be paid by them under such plan. Each such participating
140-14 employer is authorized to appropriate such sums as are required to be
140-15 paid by it as its share in connection with the operation of such plan.

140-16 7. For purposes of eligibility for participation in the health [insur-]
140-17 [ance] benefit plan no person shall be deemed to be a state officer or
140-18 employee or to be in the service of the state unless his salary or
140-19 compensation is paid directly by the state, and no person shall be
140-20 deemed to be a retired officer or employee of the state unless his sala-
140-21 ry or compensation immediately preceding his retirement was paid direct-
140-22 ly by the state; provided, however, that all active and retired
140-23 justices, judges, officers and employees of the supreme court, surro-
140-24 gate's court, county court, family court, civil court of the city of New
140-25 York, criminal court of the city of New York and district court in any
140-26 county, officers and employees of the office of probation for the courts
140-27 of New York city shall be eligible for participation in the health
140-28 [insurance] benefit plan whether or not their salaries are paid or
140-29 before retirement were paid directly by the state.

140-30 8. Notwithstanding any other law, rule or regulation to the contrary,
140-31 where the state and an employee organization representing state officers
140-32 and employees who are in positions which are in the collective negotiat-
140-33 ing unit established by chapter four hundred three of the laws of nine-
140-34 teen hundred eighty-three enter into a collectively negotiated agreement
140-35 pursuant to article fourteen of this chapter providing that officers and
140-36 employees who hold positions in such unit on or after April first, nine-
140-37 teen hundred eighty-four and who immediately upon termination from such
140-38 position are eligible to receive a retirement benefit from either the
140-39 New York state or New York city retirement systems shall continue to be
140-40 eligible to participate in the employee benefit fund established by
140-41 section two hundred six-a of the state finance law, such officers and
140-42 employees upon retirement shall continue to participate in and receive
140-43 the benefits of such fund as provided in such collectively negotiated
140-44 agreement and shall not be eligible to receive and shall not receive
140-45 from the statewide health [insurance] benefit plan established pursuant
140-46 to this article coverage for benefits covered by such employee benefit
140-47 fund.

140-48 § 4-a. Section 163-a of the civil service law, as added by chapter 302
140-49 of the laws of 1985, is amended to read as follows:

140-50 § 163-a. [Health insurance adjustment] Supplementary plan. 1. For the
140-51 purposes of this section, the term "supplementary plan" shall mean a
140-52 health [insurance] benefit plan which provides an adjustment to the
140-53 deductible or co-insurance liability or to the benefits provided by the
140-54 statewide health [insurance] benefit plan purchased pursuant to section
140-55 one hundred sixty-two of this article.

141- 1 2. The president may require the insurer of a supplementary plan to
 141- 2 the statewide health [insurance] benefit plan, provided as a result of a
 141- 3 collectively negotiated agreement pursuant to article fourteen of this
 141- 4 chapter, to make a comparable supplementary plan available to partic-
 141- 5 ipating employers as of the implementation date of the state employees'
 141- 6 supplementary plan. The comparable supplementary plan shall be experi-
 141- 7 ence rated as to those participating employers electing it, with the
 141- 8 costs thereof allocated equitably among them.

141- 9 3. Every participating employer which, on or before July first, nine-
 141-10 teen hundred eighty-five, entered into a collectively negotiated agree-
 141-11 ment pursuant to article fourteen of this chapter with employee organ-
 141-12 izations representing its employees to provide the statewide health
 141-13 [insurance] benefit plan shall provide such comparable supplementary
 141-14 plan on the date established by the president until the expiration of
 141-15 such negotiated agreement.

141-16 § 5. Section 165 of the civil service law, as amended by chapter 810
 141-17 of the laws of 1964, subdivision 2 as amended by chapter 608 of the laws
 141-18 of 1977, is amended to read as follows:

141-19 § 165. Termination of active employment. 1. The health [insurance]
 141-20 benefit coverage of any employee and his or her dependents, if any,
 141-21 shall cease upon the discontinuance of his or her term of office or
 141-22 employment, subject to regulations which may be prescribed by the presi-
 141-23 dent for extension of coverage and for conversion to an individual
 141-24 contract providing for such of the benefits provided under this article
 141-25 as may be provided under such individual contracts, under terms approved
 141-26 by the president, the total cost of any such contract to be borne by the
 141-27 employee.

141-28 2. In the event of death of an employee having coverage at the time of
 141-29 death for himself or herself and his or her dependents, and where the
 141-30 circumstances of death are such that beneficiaries or dependents of such
 141-31 deceased employee are entitled to an accidental death benefit payable by
 141-32 a retirement system or pension plan administered by the state or a civil
 141-33 division thereof on account of death resulting from an accident
 141-34 sustained in the performance of his or her duties or to death benefits
 141-35 provided for under the [workmen's] workers' compensation law, the unre-
 141-36 married spouse of such employee covered at the time of his or her death
 141-37 and his or her covered dependents, for so long as they would otherwise
 141-38 qualify as dependents eligible for coverage under the regulations of the
 141-39 president, shall be eligible to continue full coverage under the health
 141-40 [insurance] benefit plan upon payment at intervals determined by the
 141-41 president of the full cost of such coverage; provided, however, that the
 141-42 state shall pay and any participating employer may elect to pay the full
 141-43 cost of such coverage, except that in the case of those enrolled in an
 141-44 optional benefit plan, the employer shall contribute not more than the
 141-45 same dollar amount which would be paid if such unremarried spouse and
 141-46 dependents were enrolled in the basic statewide health [insurance] bene-
 141-47 fit plan. The president shall adopt such regulations as may be required
 141-48 to carry out the provisions of this subdivision which shall include, but
 141-49 need not be limited to, provisions for filing application for continued
 141-50 coverage, including reasonable time limits therefor, and provisions for
 141-51 continued coverage of spouse and dependents pending determination of an
 141-52 application for accidental death benefits from a retirement system or
 141-53 pension plan administered by the state or a civil division thereof or
 141-54 pending determination of a claim for death benefits under the [work-]
 141-55 [men's] workers' compensation law.

142- 1 § 6. Section 165-a of the civil service law, as amended by chapter 467
 142- 2 of the laws of 1991, the closing paragraph as added by chapter 105 of
 142- 3 the laws of 2005, is amended to read as follows:

142- 4 § 165-a. Continuation of state health [insurance] benefit plans for

142- 5 survivors of employees of the state and/or of a political subdivision or
142- 6 of a public authority. Notwithstanding any other provision of law to the
142- 7 contrary, the president shall permit the unremarried spouse and the
142- 8 dependents, otherwise qualified as eligible for coverage under regu-
142- 9 lations of the president, of a person who was an employee of the state
142-10 and/or of a political subdivision thereof or of a public authority for
142-11 not less than ten years, provided however, that the ten-year service
142-12 requirement shall not apply to such employees on active military duty in
142-13 connection with the Persian Gulf conflict who die on or after August
142-14 second, nineteen hundred ninety while in the Persian Gulf combat zone or
142-15 while performing such military duties, who had been a participant in any
142-16 of the state health [insurance] benefit plans, to continue under the
142-17 coverage which such deceased employee had in effect at the time of
142-18 death, upon the payment at intervals determined by the president of the
142-19 full cost of such coverage, provided, however, that the unremarried
142-20 spouse of an active employee of the State who died on or after April
142-21 first nineteen hundred seventy-five and before April first nineteen
142-22 hundred seventy-nine who timely elected to continue dependent coverage,
142-23 or such unremarried spouse who timely elected individual coverage shall
142-24 continue to pay at intervals determined by the president one-quarter of
142-25 the full cost of dependent coverage and provided further, that, with
142-26 regard to employees of the State, where and to the extent that an agree-
142-27 ment pursuant to article fourteen of this chapter so provides, or where
142-28 the director of employee relations, with respect to employees of the
142-29 State who are not included within a negotiating unit so recognized or
142-30 certified pursuant to article fourteen of this chapter whom the director
142-31 of employee relations determines should be declared eligible for the
142-32 continuation of health [insurance] benefit plans for the survivors of
142-33 such employees of the State, the president shall adopt regulations
142-34 providing for the continuation of such health [insurance] benefit or
142-35 benefits by the unremarried spouse of an active employee of the State
142-36 who died on or after April first nineteen hundred seventy-nine who
142-37 elects to continue dependent coverage, or such unremarried spouse who
142-38 elects individual coverage, and upon such election shall pay at inter-
142-39 vals determined by the president one-quarter of the full cost of depend-
142-40 ent coverage and, provided further with respect to enrolled employees of
142-41 a political subdivision or public authority in a negotiating unit recog-
142-42 nized or certified pursuant to article fourteen of this chapter, where
142-43 an agreement negotiated pursuant to said article so provides, and with
142-44 respect to enrolled employees of a political subdivision or public
142-45 authority not included within a negotiating unit so recognized or certi-
142-46 fied, at the discretion of the appropriate political subdivision or
142-47 public authority, the unremarried spouse of an active employee of the
142-48 political subdivision or of the public authority who died on or after
142-49 April first nineteen hundred seventy-five, may elect to continue depend-
142-50 ent coverage or such unremarried spouse may elect individual coverage
142-51 and upon such election shall pay at intervals determined by the presi-
142-52 dent one-quarter of the full cost of dependent coverage.

142-53 The president shall adopt such regulations as may be required to carry
142-54 out the provisions of this subdivision which shall include, but need not
142-55 be limited to, provisions for filing application for continued coverage.

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143- 1 Notwithstanding any law to the contrary, the survivors of any employee
143- 2 subject to this section shall be entitled to the health [insurance]
143- 3 benefits granted pursuant to this section, provided that such employee
143- 4 died while on active duty other than for training purposes, pursuant to
143- 5 Title 10 of the United States Code, with the armed forces of the United
143- 6 States, and such member died on such active duty on or after the effec-
143- 7 tive date of [the] chapter one hundred five of the laws of two thousand
143- 8 five [which added this paragraph] as a result of injuries, disease or
143- 9 other medical condition sustained or contracted in such active duty with
143-10 the armed forces of the United States.

143-11 § 7. Paragraph (a) of subdivision 1 and subdivisions 2, 4, 5 and 6 of
143-12 section 167 of the civil service law, paragraph (a) of subdivision 1 as
143-13 amended by chapter 582 of the laws of 1988, subdivision 2 as amended by
143-14 chapter 534 of the laws of 1998, subdivision 4 as amended by chapter 407
143-15 of the laws of 1970, subdivision 5 as amended by chapter 617 of the laws
143-16 of 1967, and subdivision 6 as amended by section 2 of part C of chapter
143-17 56 of the laws of 2006, are amended to read as follows:

143-18 (a) The full cost of premium or subscription charges for the coverage
143-19 of retired state employees who are enrolled in the statewide and the
143-20 supplementary health [insurance] benefit plans established pursuant to
143-21 this article and who retired prior to January first, nineteen hundred
143-22 eighty-three shall be paid by the state. Nine-tenths of the cost of
143-23 premium or subscription charges for the coverage of state employees and
143-24 retired state employees retiring on or after January first, nineteen
143-25 hundred eighty-three who are enrolled in the statewide and supplementary
143-26 health [insurance] benefit plans shall be paid by the state. Three-
143-27 quarters of the cost of premium or subscription charges for the coverage
143-28 of dependents of such state employees and retired state employees shall
143-29 be paid by the state. Except as provided in paragraph (b) of this subdivi-
143-30 sion, the state shall contribute toward the premium or subscription
143-31 charges for the coverage of each state employee or retired state employ-
143-32 ee who is enrolled in an optional benefit plan and for the dependents of
143-33 such state employee or retired state employee the same dollar amount
143-34 which would be paid by the state for the premium or subscription charges
143-35 for the coverage of such state employee or retired state employee and
143-36 his or her dependents if he or she were enrolled in the statewide and
143-37 the supplementary health [insurance] benefit plans, but not in excess of
143-38 the premium or subscription charges for the coverage of such state
143-39 employee or retired state employee and his or her dependents under such
143-40 optional benefit plan. For purposes of this subdivision, employees of
143-41 the state colleges of agriculture, home economics, industrial labor
143-42 relations, and veterinary medicine, the state agricultural experiment
143-43 station at Geneva, and any other institution or agency under the manage-
143-44 ment and control of Cornell university as the representative of the
143-45 board of trustees of the state university of New York, and employees of
143-46 the state college of ceramics under the management and control of Alfred
143-47 university as the representative of the board of trustees of the state
143-48 university of New York, shall be deemed to be state employees whose
143-49 salaries or compensation are paid directly by the state.

143-50 2. Each participating employer shall be required to pay not less than
143-51 fifty percentum of the cost of premium or subscription charges for the
143-52 coverage of its employees and retired employees who are enrolled in the
143-53 statewide only or the statewide and comparable supplementary health
143-54 [insurance] benefit plans established pursuant to this article. Such
143-55 employer shall be required to pay not less than thirty-five percentum of
143-56 the cost of premium or subscription charges for the coverage of depen-

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144- 1 dents of such employees and retired employees. Such employer shall
144- 2 contribute toward the premium or subscription charges for the coverage
144- 3 of each employee or retired employee who is enrolled in an optional
144- 4 benefit plan and for the dependents of such employee or retired employee
144- 5 the same dollar amount which would be paid by such employer for the
144- 6 premium or subscription charges for the coverage of such employee or
144- 7 retired employee and his or her dependents if he or she were enrolled in
144- 8 the statewide health [insurance] benefit plan, but not in excess of the
144- 9 premium or subscription charges for the coverage of such employee or
144-10 retired employee and his or her dependents under such optional benefit
144-11 plan. Such employer shall not be required to pay the cost of premium or
144-12 subscription charges for the coverage of unpaid elected officials, or
144-13 unpaid board members of a public authority, or their dependents,
144-14 provided, however that no unpaid board member of a public authority
144-15 shall be eligible to participate in such [insurance] benefit plan until

144-16 he or she has served in such position for at least six months. Subject
144-17 to such regulations as the president may prescribe, any participating
144-18 employer may elect to pay higher rates of contribution for the coverage
144-19 of employees, retired employees and their dependents; provided, however,
144-20 that if a participating employer elects to pay a higher or lower rate of
144-21 contribution for its retired employees or their dependents, or both,
144-22 than that paid by the state for its retired employees or their depen-
144-23 dents, or both, amounts withheld from the retirement allowances of such
144-24 retired employees for their share of premium or subscription charges, if
144-25 any, shall, if the president so requires, be paid to such participating
144-26 employer which shall pay into the health insurance fund the full cost of
144-27 premium or subscription charges for the coverage of such retired employ-
144-28 ees and their dependents. Such election shall be exercised by the
144-29 adoption of a resolution by its governing body which, if required by law
144-30 to be approved by any other body or officer, shall have been so
144-31 approved.

144-32 4. Upon the retirement, on or after July first, nineteen hundred
144-33 sixty-five, of a state employee whose salary or compensation is paid
144-34 directly by the state, who is subject to a plan established by law,
144-35 rule, regulation, written order or written policy which provides for the
144-36 regular earning and accumulation of sick leave, and who is eligible to
144-37 continue coverage under the health [insurance] benefit plan after
144-38 retirement, the department [of civil service] shall determine, based on
144-39 the employee's age at the time of retirement, the actuarial equivalent
144-40 in monthly installments for the remaining life expectancy of such
144-41 retired employee, of the dollar value of the earned and accumulated but
144-42 unused sick leave standing to his or her credit at the time of retire-
144-43 ment, without interest. Such dollar value shall be based on the employ-
144-44 ee's salary at the time of retirement. In addition to regular employer
144-45 contributions, contributions in the amount of such monthly installments
144-46 shall be paid from the state's appropriation to the health insurance
144-47 fund and applied towards the charges for health [insurance] benefits on
144-48 account of such retired employee and his or her dependents, to the
144-49 extent necessary to pay such charges. The remaining amount, if any,
144-50 necessary to pay such charges shall be contributed by such retired
144-51 employee. On or after October first, nineteen hundred seventy when such
144-52 dollar value of such sick leave amounts to less than one hundred dollars
144-53 for a particular retired employee, in lieu of contributions which would
144-54 otherwise be required from such retired employee, additional contribu-
144-55 tions shall be paid for the state's appropriation to the health insur-
144-56 ance fund and applied towards the charges for health [insurance] bene-
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145- 1 fits on account of such retired employee and his or her dependents until
145- 2 the sum of such additional contributions equals such dollar value of
145- 3 such sick leave. The remaining amount, if any, necessary to pay such
145- 4 charges shall be contributed by such retired employee. For purposes of
145- 5 this subdivision, employees of the state colleges of agriculture, home
145- 6 economics, industrial labor relations, and veterinary medicine, the
145- 7 state agricultural experiment station at Geneva, and any other institu-
145- 8 tion or agency under the management and control of Cornell university as
145- 9 the representative of the board of trustees of the state university of
145-10 New York, and employees of the state college of ceramics under the
145-11 management and control of Alfred university as the representative of the
145-12 board of trustees of the state university of New York, shall be deemed
145-13 to be state employees whose salaries or compensation is paid directly by
145-14 the state.

145-15 5. Subject to such regulations as the president may prescribe, any
145-16 participating employer may elect to make additional contributions
145-17 towards charges for health [insurance] benefit coverage on account of
145-18 its retired employees and their dependents, based on the dollar value of
145-19 their sick leave accumulated but unused at the time of retirement. Such
145-20 election shall apply to employees in the service of the participating

145-21 employer who retire on or after the effective date of such election, who
145-22 are subject to a plan established by law, rule, regulation, written
145-23 order or written policy which provides for the regular earning and accu-
145-24 mulation of sick leave, and who are eligible to continue coverage under
145-25 the health [insurance] benefit plan after retirement. The participating
145-26 employer shall certify to the department [of civil service] the dollar
145-27 value of earned and accumulated but unused sick leave standing to the
145-28 credit of an employee at the time of his or her retirement. Additional
145-29 contributions shall be paid by such participating employer and applied
145-30 towards charges for health [insurance] benefits on account of its
145-31 retired employees and their dependents in the same manner as provided in
145-32 subdivision four of this section with respect to retired state employees
145-33 and their dependents.

145-34 6. There is hereby created a health insurance fund which shall be
145-35 available without fiscal year limitation for premium or subscription
145-36 charge payments, for payment of health benefits to plan participants,
145-37 and for administrative services under any contract or contracts
145-38 purchased in accordance with this article. The amounts withheld from
145-39 employees and retired employees under subdivision three of this section,
145-40 all amounts appropriated by the state to such health insurance fund, and
145-41 all amounts contributed by any participating employer pursuant to subdivi-
145-42 sion two of this section, shall be credited to such health insurance
145-43 fund. The income derived from any dividends, premium rate adjustments or
145-44 other refunds under any such contract or contracts shall be credited to
145-45 such fund and retained therein as a special reserve for adverse fluctu-
145-46 ation in future charges under any such contract or contracts. Any inter-
145-47 est earned by the investment of moneys in such health insurance fund
145-48 shall be added to such special reserve, become a part of such special
145-49 reserve, and be used for the purpose of such special reserve.

145-50 § 8. Section 167-a of the civil service law, as added by chapter 602
145-51 of the laws of 1966, is amended to read as follows:

145-52 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
145-53 from the coverage of the health [insurance] benefit plan of supplementa-
145-54 ry medical insurance benefits for which an active or retired employee or
145-55 a dependent covered by the health [insurance] benefit plan is or would
145-56 be eligible under the federal old-age, survivors and disability insur-

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146- 1 ance program, an amount equal to the premium charge for such supplemen-
146- 2 tary medical insurance benefits for such active or retired employee and
146- 3 his or her dependents, if any, shall be paid monthly or at other inter-
146- 4 vals to such active or retired employee from the health insurance fund.
146- 5 Where appropriate, such amount may be deducted from contributions paya-
146- 6 ble by the employee or retired employee; or where appropriate in the
146- 7 case of a retired employee receiving a retirement allowance, such amount
146- 8 may be included with payments of his or her retirement allowance.
146- 9 Employer contributions to the health insurance fund shall be adjusted as
146-10 necessary to provide for such payments.

146-11 § 9. Section 168 of the civil service law, as amended by chapter 329
146-12 of the laws of 1960, subdivisions 1 and 2 as amended by chapter 585 of
146-13 the laws of 1968 and subdivision 3 as amended by chapter 198 of the laws
146-14 of 1966, is amended to read as follows:

146-15 § 168. Assessment of certain costs. 1. If the salary or compensation
146-16 of any officers and employees of the state is paid from a special or
146-17 administrative fund or funds, other than the state purposes fund or the
146-18 local assistance fund of the general fund of the state or the capital
146-19 construction fund or an income fund of the state university or the
146-20 mental hygiene services fund, such fund or funds shall be charged, and
146-21 there shall be paid therefrom as [hereinafter] provided in this section
146-22 the employer's share of the premium for the coverage of such officers
146-23 and employees under the health [insurance] benefit plan. If the amounts
146-24 appropriated or allocable from such special or administrative fund or
146-25 funds are insufficient for such purpose, the director of the budget is

146-26 hereby authorized to allocate such additional sums from such fund or
146-27 funds as may be necessary therefor; provided, however, that no transfer
146-28 shall be made between two or more of such funds. Such amounts shall be
146-29 paid, at such times as shall be required by the president, to the
146-30 commissioner of taxation and finance and shall be credited to the health
146-31 insurance fund to pay, or reimburse the health insurance fund for the
146-32 payment of, the employer's share of the premium for coverage of such
146-33 officers and employees under the health [insurance] benefit plan.

146-34 2. If the salary or compensation of any officers and employees of the
146-35 state is payable from a special or administrative fund or funds, other
146-36 than the state purposes fund or the local assistance fund of the general
146-37 fund of the state or the capital construction fund or an income fund of
146-38 the state university or the mental hygiene services fund, a propor-
146-39 tionate share of the expenses of administration of the health [insur-]
146-40 [ance] benefit plan, on account of coverage of such officers and employ-
146-41 ees, shall be payable from such fund or funds. If the amounts
146-42 appropriated or allocable from such special or administrative fund or
146-43 funds are insufficient for such purpose, the director of the budget is
146-44 hereby authorized to allocate such additional sums from such funds or
146-45 funds as may be necessary therefor; provided, however, that no transfer
146-46 shall be made between two or more of such funds. The proportionate share
146-47 of the expenses of administration of the health [insurance] benefit plan
146-48 chargeable pursuant to this subdivision to any special or administrative
146-49 fund shall be determined by the president and shall be payable at such
146-50 times as may be fixed by him or her. Such sums shall be payable to the
146-51 commissioner of taxation and finance and shall be applied to the
146-52 reimbursement of funds previously advanced for the expenses of adminis-
146-53 tration of the health [insurance] benefit plan.

146-54 3. (a) If the salary or compensation of any justices, judges, officers
146-55 and employees of the supreme court, surrogate's court, county court,
146-56 family court, civil court of the city of New York, criminal court of the
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147- 1 city of New York and district court in any county, officers and employ-
147- 2 ees of the office of probation for the courts of New York city is not
147- 3 paid in whole or in part from the treasury of the state, but is paid
147- 4 directly from the treasury of a civil division, such civil division
147- 5 shall be required to pay the employer's share of the premium charges for
147- 6 the coverage of such justices, judges, officers and employees under the
147- 7 state health [insurance] benefit plan. The appropriate fiscal officer of
147- 8 such civil division shall deduct from the salary or wages paid to such
147- 9 justices, judges, officers and employees the sums required to be paid by
147-10 them under such plan. Such deductions and the corresponding employer's
147-11 share of premium charges shall be paid, at such times as required by the
147-12 president, to the commissioner of taxation and finance and shall be
147-13 credited to the health insurance fund.

147-14 (b) If the salary or compensation of any retired justices, judges,
147-15 officers and employees of the supreme court, surrogate's court, county
147-16 court, family court, civil court of the city of New York, criminal court
147-17 of the city of New York and district court in any county, officers and
147-18 employees of the office of probation for the courts of New York city
147-19 prior to retirement was not paid in whole or in part from the treasury
147-20 of the state but was paid directly from the treasury of a civil divi-
147-21 sion, such civil division shall be required to pay the employer's share
147-22 of the premium charges for the coverage of such retired justices, judg-
147-23 es, officers and employees under the state health [insurance] benefit
147-24 plan. If such retired justices, judges, officers and employees are
147-25 receiving retirement allowances from a pension or retirement plan or
147-26 system administered by such civil division, the amounts required to be
147-27 paid by such retired justices, judges, officers and employees as their
147-28 share of premium charges shall be deducted from their retirement allow-
147-29 ances. Such deductions and the employer's share of premium charges shall
147-30 be paid, at such times as required by the president, to the commissioner

147-31 of taxation and finance and shall be credited to the health insurance
147-32 fund.

147-33 (c) Any civil division required by this subdivision to pay the employ-
147-34 er's share of the premium charges for the coverage of active or retired
147-35 justices, judges, officers and employees of the supreme court, surro-
147-36 gate's court, county court, family court, civil court of the city of New
147-37 York, criminal court of the city of New York and district court in any
147-38 county, officers and employees of the office of probation for the courts
147-39 of New York city shall also be assessed and required to pay a propor-
147-40 tionate share of the expenses of administration of the health [insur-]
147-41 [ance] benefit plan in such amounts and at such times as determined by
147-42 the president. Such sums shall be payable to the commissioner of taxa-
147-43 tion and finance and shall be applied to the reimbursement of funds
147-44 previously advanced for the expenses of administration of the health
147-45 [insurance] benefit plan.

147-46 § 10. Subdivisions 1 and 3 of section 161-a of the civil service law,
147-47 subdivision 1 as amended by chapter 302 of the laws of 1985 and subdivi-
147-48 sion 3 as added by chapter 307 of the laws of 1979, are amended to read
147-49 as follows:

147-50 1. Where, and to the extent that, an agreement between the state and
147-51 an employee organization entered into pursuant to article fourteen of
147-52 this chapter provides for health [insurance] benefits, the president,
147-53 after receipt of written directions from the director of employee
147-54 relations, shall implement the provisions of such agreement consistent
147-55 with the terms thereof and to the extent necessary shall adopt regu-
147-56 lations providing for the benefits to be thereunder provided. The presi-
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148- 1 dent, with the approval of the director of the budget, may extend such
148- 2 benefits, in whole or in part, to employees not subject to the
148- 3 provisions of such agreement.

148- 4 3. There is hereby created a council on employee health insurance to
148- 5 supervise the administration of changes to the health [insurance] bene-
148- 6 fit plan negotiated in collective negotiations and to provide continuing
148- 7 policy direction to insurance plans administered by the state the
148- 8 provisions of any other law to the contrary notwithstanding. The council
148- 9 shall consist of the president [of the civil service commission], the
148-10 director of the division of the budget, and the director of employee
148-11 relations.

148-12 § 11. Paragraph (a) of subdivision 1 of section 11 of the civil
148-13 service law, as amended by chapter 299 of the laws of 1968, is amended
148-14 to read as follows:

148-15 (a) The term "expenses of administration" means the total cost of
148-16 administration of the department [of civil service], excluding costs of
148-17 providing services to municipalities and costs of administration of the
148-18 health [insurance] benefit plan, and excluding costs of special programs
148-19 or activities of the department as may be determined by the president,
148-20 subject to approval of the director of the budget, which do not serve
148-21 generally all state departments and agencies under the jurisdiction of
148-22 the department;

148-23 § 12. Section 158 of the civil service law, as added by chapter 1047
148-24 of the laws of 1973, subdivision 1 as amended by section 4 of part C of
148-25 chapter 56 of the laws of 2006, is amended to read as follows:

148-26 § 158. Group term life insurance plan and group accident and health
148-27 [insurance] benefit plan. 1. The president, subject to the provisions of
148-28 this section, is hereby empowered to establish regulations relating to,
148-29 and to enter into and administer contracts providing for, a group term
148-30 life insurance plan, and a group accident and health [insurance] benefit
148-31 plan on behalf of legislators, employees of the legislature hired on an
148-32 annual basis, judges and justices of the unified court system, and state
148-33 employees and retired employees who, for the purposes of article four-
148-34 teen of this chapter, have been for a period of time prescribed by the
148-35 regulations and, except for such retirees, continue to be in positions

148-36 designated as managerial or confidential positions. The president may
148-37 authorize the inclusion in the plan of such employees and retired
148-38 employees of other governments or public employers as defined in subdivi-
148-39 sion [seven] six of section two hundred one of this chapter. The pres-
148-40 ident may adopt whatever other regulations which may be necessary to
148-41 fulfill the intentions of this section. No regulation shall be adopted,
148-42 repealed or amended, and no other action taken with respect to such
148-43 employees affecting the amount of, or eligibility for, benefits or rates
148-44 of contribution under this section without the approval of the director
148-45 of employee relations.

148-46 The full costs of any insurance program or programs established pursu-
148-47 ant to this subdivision, excluding administrative costs, shall be borne
148-48 by insureds and retirees. Any interest earned by the moneys in the life
148-49 insurance fund shall be added to such fund, become a part of such fund,
148-50 be used for the purpose of such fund, and be available without fiscal
148-51 year limitation.

148-52 2. The regulations of the president authorized by this section shall
148-53 provide that the entire cost of premiums or subscription charges for
148-54 coverage under the insurance plans established pursuant to such regu-
148-55 lations shall be borne by the employees electing such coverage. Such
148-56 regulations may provide for the allocation of any administrative

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149- 1 expenses, other than those of the insurer, among employers or employees
149- 2 or retired employees participating in such coverage.

149- 3 § 13. Subdivision 1 of section 174 of the civil service law, as added
149- 4 by chapter 585 of the laws of 1998, is amended to read as follows:

149- 5 1. All persons who, as of the effective date of this article, are or
149- 6 shall become eligible to participate in the state health [insurance]
149- 7 benefit plan established under article eleven of this chapter, shall be
149- 8 eligible to participate in the long term care insurance plan established
149- 9 under this article. The president shall adopt regulations prescribing
149-10 the conditions under which an eligible individual may elect to partic-
149-11 ipate in the long term care insurance plan.

149-12 § 14. The article heading of article 11 of the civil service law, as
149-13 added by chapter 461 of the laws of 1956 and such article as renumbered
149-14 by chapter 790 of the laws of 1958, is amended to read as follows:

149-15 HEALTH [INSURANCE] BENEFITS FOR STATE AND RETIRED STATE EMPLOYEES

149-16 § 15. Subparagraph (i) of paragraph f of subdivision 2 of section 5 of
149-17 the state finance law, as added by section 1 of part E of chapter 56 of
149-18 the laws of 2000, is amended to read as follows:

149-19 (i) in the unclassified service of the state and, notwithstanding any
149-20 other provision of law to the contrary, shall be designated managerial
149-21 and, as such, eligible for benefits provided by subdivision two of
149-22 section eleven and subdivision (a) of section twelve of chapter four
149-23 hundred sixty of the laws of nineteen hundred eighty-two, as amended;
149-24 section one hundred fifty-eight of the civil service law; eligible to
149-25 participate in the state deferred compensation plan, the New York state
149-26 and local employees' retirement system; the health [insurance] benefit
149-27 plan for state employees; and subject to coverage under sections seven-
149-28 teen and eighteen of the public officers law, or

149-29 § 16. Subdivisions 1 and 3 of section 99-c of the state finance law,
149-30 as added by chapter 55 of the laws of 1977, are amended to read as
149-31 follows:

149-32 1. In the event a county, city, town, village or school district which
149-33 has elected to receive distribution or distributions from the health
149-34 insurance reserve receipts fund, pursuant to an agreement between such
149-35 municipality or school district and the state and which has elected to
149-36 terminate its contractual agreement for health [insurance] benefits with
149-37 the New York state department of civil service, or if called upon by the
149-38 New York state department of civil service, pursuant to such agreement,
149-39 to return such distribution within the time period and under the condi-
149-40 tions specified in such agreement, shall be in default of its obligation

149-41 to repay such distribution, the allotment, apportionment, and payment of
149-42 local assistance aid, education aid or other state aid as appropriate
149-43 and as determined by the comptroller shall be withheld by the state upon
149-44 the following terms and conditions.

149-45 3. Notwithstanding any inconsistent provisions of law, the comptroller
149-46 shall establish a fund, to be called the health insurance reserve
149-47 receipts fund, to receive transfers of funds from the health insurance
149-48 carriers or the plan administrator or administrators of the New York
149-49 state employee health [insurance] benefit plan, pursuant to contractual
149-50 agreements between such carriers and the New York state department of
149-51 civil service and/or from the health insurance fund. Moneys returned by
149-52 the municipalities and school districts or withheld from state aid by
149-53 the comptroller pursuant to provisions governing termination of the
149-54 contractual agreements shall be deposited in this fund. Disbursements
149-55 from the health insurance reserve receipts fund shall be [for the]
149-56 [purpose of returning to participating governments and school districts]

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150- 1 [the appropriate share of moneys remitted by such health insurance carri-]
150- 2 [ers and/or] for the purpose of remitting to the carriers any moneys due
150- 3 them as a result of termination of the state's contract with the carri-
150- 4 ers or termination of agreements between the state and municipalities
150- 5 and school districts and/or for the purpose of transferring funds to the
150- 6 health insurance fund. Disbursements from such fund shall be made pursu-
150- 7 ant to the procedures for authorization of expenditures contained in
150- 8 article [XI] eleven of the civil service law upon the issuance of a
150- 9 certificate of approval of availability by the director of the budget
150-10 and subject to audit and warrant of the comptroller.

150-11 § 17. Subdivision 2 of section 9.09 of the parks, recreation and
150-12 historic preservation law is amended to read as follows:

150-13 2. For the purposes of eligibility for participation in the state
150-14 health [insurance] benefit plan under article eleven of the civil
150-15 service law and for survivor's benefits for active and retired state
150-16 employees [as provided by sections one hundred fifty-four and one]
150-17 [hundred fifty-five of the civil service law], employees of the commis-
150-18 sion, to the extent to which the compensation paid for their services is
150-19 derived from funds appropriated by this state, shall be deemed to be
150-20 employees of this state and qualified for such participation and bene-
150-21 fits. For the purpose of determining their rights under the [workmen's]
150-22 workers' compensation law of this state, employees of the commission
150-23 employed wholly or partly in this state shall be deemed to be employees
150-24 of this state provided, however, that the amount of any payment made
150-25 under such compensation law to an employee of the commission employed
150-26 only partly in this state shall be only in such proportion as the amount
150-27 of his or her salary paid by the state of New York shall bear to his or
150-28 her total salary.

150-29 § 18. Subsection (b) of section 1101 of the insurance law is amended
150-30 by adding a new subparagraph 6 to read as follows:

150-31 (6) Notwithstanding the foregoing, the election by the president of
150-32 the civil service commission to provide health benefits directly to New
150-33 York state health benefit plan participants shall not constitute the
150-34 doing of insurance business within the meaning of article eleven of the
150-35 insurance law.

150-36 § 19. This act shall take effect immediately and shall be deemed to
150-37 have been in full force and effect on and after April 1, 2010.

150-38 PART U

150-39 Section 1. Section 167-a of the civil service law, as added by chapter
150-40 602 of the laws of 1966, is amended to read as follows:

150-41 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
150-42 from the coverage of the health insurance plan of supplementary medical
150-43 insurance benefits for which an active or retired employee or a depend-
150-44 ent covered by the health insurance plan is or would be eligible under

150-45 the federal old-age, survivors and disability insurance program, an
150-46 amount equal to the premium charge for such supplementary medical insur-
150-47 ance benefits for such active or retired employee and his or her depen-
150-48 dents, if any, shall be paid monthly or at other intervals to such
150-49 active or retired employee from the health insurance fund. Where appro-
150-50 priate, such amount may be deducted from contributions payable by the
150-51 employee or retired employee; or where appropriate in the case of a
150-52 retired employee receiving a retirement allowance, such amount may be
150-53 included with payments of his or her retirement allowance. [Employer]
150-54 All state employer, employee, retired employee and dependent contrib-
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151- 1 utions to the health insurance fund shall be adjusted as necessary to
151- 2 cover the cost of reimbursing federal old-age, survivors and disability
151- 3 insurance program premium charges under this section. This cost shall
151- 4 be included in the calculation of premium or subscription charges for
151- 5 health coverage provided to state employees and retired state employees;
151- 6 provided, however, the state shall remain obligated to pay no less than
151- 7 its share of such increased cost consistent with its share of premium or
151- 8 subscription charges provided for by this article. All other employer
151- 9 contributions to the health insurance fund shall be adjusted as neces-
151-10 sary to provide for such payments.

151-11 § 2. This act shall take effect immediately and shall be deemed to
151-12 have been in full force and effect on and after April 1, 2010.

151-13 PART V

151-14 Intentionally omitted.

151-15 PART W

151-16 Section 1. (a) The purpose of this act is to provide for an orderly
151-17 transfer of responsibilities relating to real property tax adminis-
151-18 tration to the commissioner of taxation and finance and the department
151-19 of taxation and finance, from the state board of real property services
151-20 and the state office of real property services.

151-21 (b) Wherever the terms "state board of real property services," "state
151-22 board" or "state office of real property services" appear in the real
151-23 property tax law, such terms are hereby changed to "commissioner",
151-24 provided that in sections 204, 206, 208, 614, 816, 818, 1253 and 1263 of
151-25 the real property tax law, such terms shall be changed to "state board
151-26 of real property tax services," and provided further that the text of
151-27 sections 200, 202, 216, 489-o, 489-11, 1210 and 1218 of the real prop-
151-28 erty tax law shall be changed only as provided by the ensuing provisions
151-29 of this act, and provided further that the provisions of this subdivi-
151-30 sion shall not apply to the text of sections 200-a, 201 and 203 of the
151-31 real property tax law as added by sections five and seven of this act.

151-32 (c) Wherever the terms "state board of real property services," "state
151-33 board" or "state office of real property services" appear in the tax
151-34 law, such terms are hereby changed to "commissioner", provided further
151-35 that the text of subdivision (e) of section 15, paragraph 5 of subdivi-
151-36 sion (b) of section 22, subdivision 25th of section 171 and sections
151-37 171-o, 697, and 1564 of the tax law shall only be changed to the extent
151-38 provided by the ensuing provisions of this act.

151-39 (d) Wherever the term "state board of real property services" or
151-40 "state office of real property services" appears in the consolidated or
151-41 unconsolidated laws of this state other than the real property tax law
151-42 or the tax law, such term is hereby changed to "commissioner of taxation
151-43 and finance". Wherever the term "state board of real property services"
151-44 is followed by the term "state board" in such a statute, such term is
151-45 hereby changed to "commissioner".

151-46 (e) The legislative bill drafting commission is hereby directed to
151-47 effectuate this provision, and shall be guided by a memorandum of

151-48 instruction setting forth the specific provisions of law to be amended.
151-49 Such memorandum shall be transmitted to the legislative bill drafting
151-50 commission within sixty days of enactment of this provision. Such memo-
151-51 randum shall be issued jointly by the governor, the temporary president
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152- 1 of the senate, and the speaker of the assembly, or by the delegate of
152- 2 each.

152- 3 § 2. Paragraph (c) of subdivision 1 of section 169 of the executive
152- 4 law, as amended by chapter 634 of the laws of 1998, is amended to read
152- 5 as follows:

152- 6 (c) commissioner of agriculture and markets, commissioner of alcohol-
152- 7 ism and substance abuse services, adjutant general, commissioner and
152- 8 president of state civil service commission, commissioner of economic
152- 9 development, chair of the energy research and development authority,
152-10 [executive director of the board of real property services,] president
152-11 of higher education services corporation, commissioner of motor vehi-
152-12 cles, member-chair of board of parole, director of probation and correc-
152-13 tional alternatives, chair of public employment relations board, secre-
152-14 tary of state, chair of the state racing and wagering board,
152-15 commissioner of alcoholism and substance abuse services, executive
152-16 director of the housing finance agency, commissioner of housing and
152-17 community renewal, executive director of state insurance fund, commis-
152-18 sioner-chair of state liquor authority, chair of the workers' compen-
152-19 sation board;

152-20 § 3. Subdivision 18 of section 102 of the real property tax law, as
152-21 amended by chapter 385 of the laws of 1994, is amended and two new
152-22 subdivisions 5-a and 9-b are added to read as follows:

152-23 18. "State board" or "board" means the state board of real property
152-24 tax services.

152-25 5-a. "Commissioner" means the commissioner of taxation and finance.
152-26 9-b. "Department" means the department of taxation and finance.

152-27 § 4. Sections 201, 210, 212 and 214 of the real property tax law are
152-28 REPEALED.

152-29 § 4-a. Section 200 of the real property tax law, as amended by chapter
152-30 403 of the laws of 1997, is amended to read as follows:

152-31 § 200. State board. There is hereby created in the [executive]
152-32 department of taxation and finance a separate and independent state
152-33 board of real property tax services, to consist of five members to be
152-34 appointed by the governor, by and with the advice and consent of the
152-35 senate. Of those five members appointed by the governor, one such person
152-36 shall be an individual actively engaged in the commercial production for
152-37 sale of agricultural crops, livestock and livestock products of an aver-
152-38 age gross sales value of ten thousand dollars or more. Said individual
152-39 shall be appointed in the first instance to a term of eight years upon
152-40 expiration of an existing term. Said initial term shall commence on the
152-41 first day of January next succeeding the year in which the existing term
152-42 shall expire. The governor shall designate one of the members as the
152-43 chairman of the board, who shall serve as chairman at the pleasure of
152-44 the governor. The members of the board shall be appointed for terms of
152-45 eight years, commencing on the first day of January next following the
152-46 year in which the term of his predecessor expired, except that the terms
152-47 of the members first appointed shall expire as follows: one on December
152-48 thirty-first, nineteen hundred sixty-one, one on December thirty-first,
152-49 nineteen hundred sixty-three, one on December thirty-first, nineteen
152-50 hundred sixty-five, one on December thirty-first, nineteen hundred
152-51 sixty-seven, and one on December thirty-first, nineteen hundred eighty-
152-52 two. Vacancies occurring otherwise than by expiration of term shall be
152-53 filled for the unexpired term. All members shall receive necessary
152-54 expenses incurred in the performance of their duties.

152-55 § 5. The real property tax law is amended by adding a new section 201
152-56 to read as follows:

153- 1 § 201. Assumption of responsibilities by the department of taxation
153- 2 and finance. 1. On and after the effective date of this section, the
153- 3 functions, powers and duties of the state board of real property
153- 4 services as formerly established by this chapter shall be considered
153- 5 functions, powers and duties of the commissioner of taxation and
153- 6 finance, except to the extent provided by section two hundred-a of this
153- 7 article.

153- 8 2. On and after the effective date of this section, the functions,
153- 9 powers and duties of the office of real property services as formerly
153-10 established by this chapter shall be considered functions, powers and
153-11 duties of the commissioner of taxation and finance.

153-12 3. Notwithstanding any other provision of law, rule, or regulation to
153-13 the contrary, upon the transfer of functions from the office of real
153-14 property services to the department of taxation and finance pursuant to
153-15 this section, all employees of the office of real property services
153-16 substantially engaged in the performance of the transferred functions
153-17 shall be transferred to the department of taxation and finance. Employ-
153-18 ees transferred pursuant to this section shall be transferred without
153-19 further examination or qualification and shall retain their respective
153-20 civil service classifications, status and collective bargaining unit
153-21 designations and collective bargaining agreements.

153-22 4. All books, papers, and property of the office of real property
153-23 services shall be delivered to the commissioner. All books, papers, and
153-24 property of the office of real property services shall continue to be
153-25 maintained by the department.

153-26 5. For the purpose of succession of all functions, powers, duties and
153-27 obligations transferred and assigned to, devolved upon and assumed by it
153-28 pursuant to this section, the department shall be deemed and held to
153-29 constitute the continuation of the office of real property services.

153-30 6. Any business or other matter undertaken or commenced by the state
153-31 board of real property services, the office of real property services or
153-32 the executive director thereof pertaining to or connected with the func-
153-33 tions, powers, obligations and duties hereby transferred and assigned to
153-34 the commissioner or the department and pending on the effective date of
153-35 this section, may be conducted and completed by the commissioner or the
153-36 department in the same manner and under the same terms and conditions
153-37 and with the same effect as if conducted and completed by the state
153-38 board of real property services, the office of real property services or
153-39 its executive director.

153-40 7. (a) All rules, regulations, acts, orders, determinations, and deci-
153-41 sions of the state board of real property services or the office of real
153-42 property services, in force at the time of such transfer and assumption,
153-43 shall continue in full force and effect as rules, regulations, acts,
153-44 orders, determinations and decisions of the department until duly modi-
153-45 fied or abrogated by the commissioner or the department.

153-46 (b) All acts, orders, determinations, and decisions of the state board
153-47 of real property services pertaining to the functions and powers
153-48 provided in section two hundred-a of this article shall continue in full
153-49 force and effect as acts, orders, determinations and decisions of the
153-50 state board of real property tax services.

153-51 8. Whenever the state board of real property services, the office of
153-52 real property services or its executive director is referred to or
153-53 designated in any law, contract or document pertaining to the functions,
153-54 powers, obligations and duties hereby transferred to and assigned to the
153-55 commissioner or the department, such reference or designation shall be

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154- 1 deemed to refer to the commissioner or department, as applicable or
154- 2 indicated by the context.

154- 3 9. No existing right or remedy of any character shall be lost,
154- 4 impaired or affected by any provisions of this section.

154- 5 10. No action or proceeding pending on the effective date of this

154- 6 section, brought by or against the state board of real property
154- 7 services, the office of real property services or its executive director
154- 8 shall be affected by any provision of this section, but the same may be
154- 9 prosecuted or defended in the name of the commissioner or the depart-
154-10 ment. In all such actions and proceedings, the commissioner, upon appli-
154-11 cation of the court, shall be substituted as a party.

154-12 11. All appropriations or reappropriations made to the office of real
154-13 property services to the extent of remaining unexpended or unencumbered
154-14 balance thereof, whether allocated or unallocated and whether obligated
154-15 or unobligated, are hereby transferred to and made available for use and
154-16 expenditure by the department subject to the approval of the director of
154-17 the budget for the same purposes for which originally appropriated or
154-18 reappropriated and shall be payable on vouchers certified or approved by
154-19 the commissioner on audit and warrant of the comptroller.

154-20 12. All assets and liabilities of the office of real property services
154-21 are hereby transferred to and assumed by the department.

154-22 § 6. Section 202 of the real property tax law, paragraph (c) of subdivi-
154-23 sion 1 as amended by chapter 615 of the laws of 1972, paragraph (h) of
154-24 subdivision 1 as amended by chapter 261 of the laws of 1992, paragraph
154-25 (k) of subdivision 1 as amended, paragraph (m) of subdivision 1 as added
154-26 and paragraph (n) of subdivision 1 as relettered by chapter 833 of the
154-27 laws of 1960, paragraph (o) of subdivision 1 as added by chapter 716 of
154-28 the laws of 1990, paragraph (p) of subdivision 1 as added by chapter 166
154-29 of the laws of 1991, paragraph (q) of subdivision 1 as added by chapter
154-30 450 of the laws of 2004, subdivision 1-a as added by chapter 739 of the
154-31 laws of 1978, subdivision 1-b as added by chapter 237 of the laws of
154-32 1995, subdivision 2 as added by chapter 522 of the laws of 1981, the
154-33 opening paragraph of subdivision 2 as amended by chapter 385 of the laws
154-34 of 1994, and paragraph (a) of subdivision 2 as amended by chapter 776 of
154-35 the laws of 1988, is amended to read as follows:

154-36 § 202. Powers and duties of [state board] the commissioner in relation
154-37 to real property tax administration. 1. The [board] commissioner shall:

154-38 (a) Assess special franchises;

154-39 (b) Establish state equalization rates for each county, city, town and
154-40 village;

154-41 [(c) Hear and determine reviews relating to determinations made by]
154-42 [county equalization agencies;]

154-43 [(d)] (c) Approve assessments of state lands subject to taxation;

154-44 [(e)] (d) Have general supervision of the function of assessing
154-45 throughout the state;

154-46 [(f)] (e) Investigate, from time to time, the methods of assessment
154-47 throughout the state, and confer with, advise and assist assessors and
154-48 other officials whose duties relate to assessments;

154-49 [(g)] (f) Furnish assessors with such information and instructions as
154-50 may be necessary or proper to aid them in making assessments, which
154-51 instructions shall be followed and compliance with which may be enforced
154-52 by [the board] him or her;

154-53 [(h)] (g) Prescribe, and in [its] his or her discretion furnish to
154-54 assessors at the expense of the state, forms relating to assessments,
154-55 including applications for exemption from real property taxation, which
154-56 forms shall be used by the assessors and applicants for an exemption

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155- 1 granted pursuant to this or any other chapter, and the use of which
155- 2 shall be enforced by the [board] commissioner;

155- 3 [(i)] (h) Obtain from state and local officers, bodies or other agen-
155- 4 cies such information as may be necessary for the proper discharge of
155- 5 [its] the duties conferred upon him or her in relation to real property
155- 6 tax administration, which information shall be furnished on his or her
155- 7 demand [of the state board];

155- 8 [(j)] (i) Inquire into the provisions of the laws of other states and
155- 9 confer with the appropriate officials thereof regarding the most effec-
155-10 tual and equitable methods of assessing and taxing real property;

155-11 [(k)] (j) Prepare an annual report to the legislature which shall
155-12 include therein recommendations concerning amendments to existing law
155-13 and such other information as [it] he or she may deem advisable;

155-14 [(l)] (k) Adopt and amend such rules, regulations, orders and determi-
155-15 nations, not inconsistent with law, as may be necessary for the exercise
155-16 of [its] his or her powers and the performance of [its] his or her
155-17 duties under this chapter;

155-18 [(m)] (l) Establish railroad ceilings for railroad real property;

155-19 [(n)] (m) Exercise and perform such other powers and duties as may be
155-20 conferred or imposed on [it] him or her by law.

155-21 [(o) monitor] (n) Monitor the quality of local assessment practices by
155-22 individual assessing units.

155-23 [(p) impose,] (o) Impose, collect and receive such charges or fees as
155-24 may be authorized by statute.

155-25 [(q)] (p) Promulgate rules and regulations for the ascertainment and
155-26 reporting of "assessment record billing owner" information, as defined
155-27 in section one hundred three of the eminent domain procedure law, for
155-28 the purposes of the administration of [said] such law.

155-29 [1-a] 2. In any instance where an assessing unit has acted pursuant
155-30 to the rules, regulations, orders, determinations or instructions of the
155-31 [state board] commissioner acting pursuant to the authority conferred
155-32 upon him or her by this chapter, and such action is the subject of a
155-33 judicial review, the [state board] commissioner may upon request of the
155-34 assessing unit assist such assessing unit by the filing of a brief
155-35 amicus curiae or through such other means as may be appropriate.

155-36 [1-b] 3. The [state board] commissioner may adopt rules and regu-
155-37 lations, as necessary, to implement the computerized statewide school
155-38 district address match and income verification system set forth in
155-39 section one hundred seventy-one of the tax law.

155-40 [2. The members of the board, or a majority thereof, shall act as a]
155-41 [body when determining reviews relating to county equalization rates and]
155-42 [adopting and amending rules, regulations and orders in accordance with]
155-43 [law. The board may by resolution delegate to any officer or employee of]
155-44 [the office of real property services any other power or duty to be exer-]
155-45 [cised or performed by it under this chapter or any other law subject to]
155-46 [the following:]

155-47 [(a) Any resolution which delegates powers and duties relating to the]
155-48 [assessment of special franchises, the approval of assessments of state]
155-49 [lands subject to taxation, and the establishment of state equalization]
155-50 [rates pursuant to article twelve of this chapter shall be adopted annu-]
155-51 [ally. Any such resolution shall specify the assessment rolls for which]
155-52 [said delegation is made and shall set forth the full value standard]
155-53 [which shall be used. However, no such resolution may delegate the power]
155-54 [to make a final determination in a matter in which a complaint has been]
155-55 [filed pursuant to articles six and twelve of this chapter; provided,]
155-56 [however, that the power to adjust a final special franchise assessment]

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156- 1 [which is affected by a special equalization rate established pursuant to]
156- 2 [section twelve hundred twenty-two of this chapter may be delegated]
156- 3 [whether or not a complaint has been filed pursuant to article six of]
156- 4 [this chapter. The executive director shall report to the members of the]
156- 5 [board all actions taken pursuant to any such resolution within ten days]
156- 6 [of taking said actions. Within ten days of receipt of the report of the]
156- 7 [executive director, if any member of the board has an objection, a meet-]
156- 8 [ing of the board shall be convened for the purpose of considering the]
156- 9 [objection. Failure to make a report shall not, however, affect the]
156-10 [legality of any such actions.]

156-11 [(b) Any resolution which delegates powers and duties relating to the]
156-12 [establishment of special state equalization rates pursuant to sections]
156-13 [eight hundred six and thirteen hundred fourteen of this chapter and]
156-14 [special equalization ratios pursuant to articles twelve-A and twelve-B]
156-15 [of this chapter and certifications of changes in the level of assessment]
156-16 [pursuant to this chapter or any other law shall prescribe the policies]

156-17 [or criteria to be observed in the exercise of such powers and duties by]
156-18 [the officer or employee to whom they are delegated. However, no such]
156-19 [resolution may delegate the power to make a final determination in a]
156-20 [matter in which a complaint has been filed pursuant to articles twelve-A]
156-21 [and twelve-B of this chapter.]

156-22 4. Any records that come into the commissioner's custody in the course
156-23 of discharging the duties imposed upon him or her by this chapter shall
156-24 be subject to public access to the full extent provided by this chapter
156-25 and the public officers law, and shall not be subject to the secrecy
156-26 provisions of the tax law.

156-27 § 7. The real property tax law is amended by adding two new sections
156-28 200-a and 203 to read as follows:

156-29 § 200-a. Powers of the state board of real property tax services. 1.
156-30 The powers, functions, duties, and obligations of the state board of
156-31 real property tax services shall be separate from and independent of the
156-32 authority of the department of taxation and finance. Such board shall be
156-33 empowered to adopt such guidelines as may be necessary for the effective
156-34 management of its decision-making process.

156-35 2. The state board of real property tax services shall have the
156-36 following powers in relation to real property tax administration:

156-37 (a) The power to determine the final special franchise value, special
156-38 franchise assessment, railroad ceiling, state equalization rate or any
156-39 other equalization product established pursuant to this chapter for
156-40 which a complaint has been filed, as provided by sections four hundred
156-41 eighty-nine-o, four hundred eighty-nine-ll, six hundred fourteen, twelve
156-42 hundred ten, twelve hundred fifty-three, and twelve hundred sixty-three
156-43 of this chapter;

156-44 (b) The power to hear and determine reviews relating to determinations
156-45 made by county equalization agencies, as provided by sections eight
156-46 hundred sixteen and eight hundred eighteen of this chapter.

156-47 3. The provisions of section five hundred twenty-five of this chapter
156-48 shall apply so far as practicable to a hearing conducted by the board of
156-49 real property tax services pursuant to this chapter.

156-50 § 203. Office of real property tax services. There is hereby created
156-51 within the department of taxation and finance an office of real property
156-52 tax services. The head of the office shall be a deputy commissioner for
156-53 real property tax services, who shall also be the executive officer for
156-54 and secretary of the state board of real property tax services. The
156-55 deputy commissioner for real property tax services shall be appointed by
156-56 the governor. He or she shall exercise such powers and duties in

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157- 1 relation to real property tax administration as may be delegated to him
157- 2 or her by the commissioner, shall report directly to the commissioner on
157- 3 the activities of the office, and shall hold office at the pleasure of
157- 4 the commissioner. The commissioner may appoint such officers, employees,
157- 5 agents, consultants and special committees as he or she may deem neces-
157- 6 sary to carry out the provisions of this chapter, and shall prescribe
157- 7 their duties.

157- 8 § 8. Section 216 of the real property tax law, as added by chapter 490
157- 9 of the laws of 1988, subdivision 5 as amended by chapter 529 of the laws
157-10 of 1990, is amended to read as follows:

157-11 § 216. Powers of [board] commissioner upon neglect or refusal of offi-
157-12 cials to perform duties. 1. Whenever it appears to the satisfaction of
157-13 the [state board] commissioner that any assessor or other public offi-
157-14 cer, employee or board of assessment review whose duties relate directly
157-15 to real property tax administration has failed to comply with the
157-16 provisions of this chapter or any other law relating to such duties, or
157-17 the rules and regulations of the [board] commissioner made pursuant
157-18 thereto, after a hearing on the facts, the [board] commissioner may
157-19 issue an order directing such assessor, officer, employee or board of
157-20 assessment review to comply with such law, rule or regulation.

157-21 2. If any assessor or other public officer, employee or board of

157-22 assessment review whose duties relate directly to real property tax
157-23 administration shall [wilfully] willfully and intentionally refuse or
157-24 neglect to perform any duty or do any act required by or pursuant to
157-25 this chapter, in addition to any other penalty provided by law, such
157-26 assessor, public officer, employee or member of a board of assessment
157-27 review shall forfeit to the municipal corporation of which such asses-
157-28 sor, public officer, employee or member is an officer a sum not to
157-29 exceed fifty dollars for each [wilful] willful and intentional
157-30 violation, which may be recovered by the [state board] commissioner.

157-31 3. Where a property owner is, in a proceeding conducted pursuant to
157-32 this section, found to be directly affected by the violation of state
157-33 law or rule, the [board] commissioner in its order shall establish
157-34 procedures by which an assessor, officer, employee or board of assess-
157-35 ment review whose duties relate directly to real property tax adminis-
157-36 tration, whether or not a party to the proceeding, shall remedy the
157-37 failure to comply with such state law or rules with respect to an
157-38 assessment roll filed not more than three years prior to the commence-
157-39 ment of the proceeding. Such remedy may include reconvening the board of
157-40 assessment review, identifying the class of persons eligible to complain
157-41 when the board of assessment review reconvenes, and issuing instructions
157-42 to such board of assessment review on the law and any documentation
157-43 required of eligible complainants in relation to the findings of the
157-44 [state board] commissioner. A copy of such order shall be mailed to such
157-45 assessor, officer, employee or board of assessment review and to each
157-46 municipal corporation which utilizes such assessment roll. Such order
157-47 shall, where appropriate, require the assessing unit to mail a copy of
157-48 the order to each eligible complainant whose name and address is readily
157-49 ascertainable from the record of the proceeding.

157-50 4. (a) Where the [state board] commissioner has ordered the board of
157-51 assessment review to reconvene to receive complaints, a copy of the
157-52 order shall be mailed by the assessing unit to each eligible complain-
157-53 ant, which mailing shall be accompanied by the form prescribed by the
157-54 [state board] commissioner for complaints on tentative assessments or
157-55 such other form as may be prescribed [by the state board] for such
157-56 purpose. Included with such order and form shall be a notice stating the

158- 1 date, time and place at which the board of assessment review will recon-
158- 2 vene. This material shall be mailed to the eligible complainant no later
158- 3 than fifteen days prior to the meeting of the board of assessment
158- 4 review. On the date and time specified in such notice, the board of
158- 5 assessment review will reconvene to hear any complaints filed pursuant
158- 6 to such order and shall have the powers and duties set forth in section
158- 7 five hundred twenty-five of this chapter, except that it may receive
158- 8 only complaints with respect to assessments of those parcels to which
158- 9 the [state board's] commissioner's order applies. A petition for review
158-10 of the assessment of such property pursuant to either title one or one-A
158-11 of article seven of this chapter may be filed no later than thirty days
158-12 after the determination of the board of assessment review is mailed to
158-13 the petitioner, notwithstanding the provisions of section seven hundred
158-14 two or seven hundred thirty of this chapter.

158-15 (b) The assessor shall correct the assessment roll upon receipt of the
158-16 verified statement of changes from the board of assessment review. If
158-17 the assessor no longer has custody of the assessment roll when such
158-18 verified statement is received, he or she shall forward a copy of such
158-19 verified statement and a copy of the [state board's] commissioner's
158-20 order to the person having custody of the assessment roll or tax roll,
158-21 which person shall thereupon make the appropriate corrections. The
158-22 assessor shall also forward a copy of the verified statement of changes
158-23 to the clerk of each tax levying body which levies taxes on such assess-
158-24 ment roll.

158-25 (c) Where a tax, special assessment or special ad valorem levy has
158-26 been paid prior to the correction of the tax roll pursuant to this

158-27 section and the order of the board of assessment review results in a
158-28 reduction of the tax liability of a parcel, the tax levying body shall
158-29 refund to the person who paid such tax, special assessment or special ad
158-30 valorem levy the amount which exceeds the tax, special assessment, or
158-31 special ad valorem levy due upon the corrected tax roll. Any such refund
158-32 shall be a charge upon each municipal corporation or special district to
158-33 the extent that the taxes, special assessments or special ad valorem
158-34 levies were levied on its behalf or as is otherwise provided by law with
158-35 respect to Nassau and Suffolk counties; provided, however, that no
158-36 application need be made by the petitioner for such refund. The verified
158-37 statement of changes provided to the clerk of the tax district shall
158-38 constitute an application for refund for the purposes of this section.
158-39 Where a refund is not made within ninety days of the receipt of the
158-40 verified statement of changes, interest in the amount of one percent per
158-41 month shall be added to the amount to be refunded for each month or part
158-42 thereof in excess of ninety days and paid to the property owner.

158-43 (d) Where taxes, special assessments or special ad valorem levies have
158-44 been levied prior to the correction of the tax roll pursuant to this
158-45 section and the verified statement of changes of the board of assessment
158-46 review results in an increase in the tax liability of a parcel or the
158-47 imposition of a tax liability upon a parcel, the additional tax, special
158-48 assessment, or special ad valorem levy shall be levied, collected and
158-49 accounted for as provided in the [state board's] commissioner's order.

158-50 (e) The provisions of title three of article five of this chapter
158-51 shall apply as far as practicable to the correction of an assessment
158-52 roll or tax roll and, if applicable, to a refund of taxes pursuant to
158-53 this section; provided however that no application, except as provided
158-54 herein, need be made for such correction or refund.

158-55 5. If an assessor, or other public officer, employee or board of
158-56 assessment review whose duties relate directly to real property tax

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159- 1 administration fails or refuses to comply with the [state board's]
159- 2 commissioner's order within ten days after service of such order or
159- 3 within such time as is prescribed by the [state board] commissioner for
159- 4 compliance with its order, the [state board] commissioner may commence a
159- 5 special proceeding pursuant to article four of the civil practice law
159- 6 and rules to compel compliance with such order. Such special proceeding
159- 7 shall be commenced by the counsel to the [state board] department of
159- 8 taxation and finance, except that the attorney general of the state
159- 9 shall commence such proceeding on behalf of the [state board] department
159-10 if he or she deems it necessary.

159-11 § 9. Section 324 of the real property tax law is REPEALED.

159-12 § 10. Subparagraphs (iv) and (v) of paragraph (b) of subdivision 4 of
159-13 section 425 of the real property tax law, subparagraph (iv) as amended
159-14 by section 3 of part E of chapter 83 of the laws of 2002, subparagraph
159-15 (v) as amended by chapter 631 of the laws of 2006, are amended to read
159-16 as follows:

159-17 (iv) Effective with applications for the enhanced exemption on final
159-18 assessment rolls to be completed in two thousand three, the application
159-19 form shall indicate that the owners of the property and any owners'
159-20 spouses residing on the premises may authorize the assessor to have
159-21 their income eligibility verified annually thereafter by the state
159-22 department of taxation and finance, in lieu of furnishing copies of the
159-23 applicable income tax return or returns with the application. If the
159-24 owners of the property and any owners' spouses residing on the premises
159-25 elect to participate in this program, which shall be known as the STAR
159-26 income verification program, they must furnish their taxpayer identifi-
159-27 cation numbers in order to facilitate matching with records of the
159-28 department [of taxation and finance]. Thereafter, their income eligibil-
159-29 ity shall be verified annually by the [state] department [of taxation]
159-30 [and finance] and the assessor shall not request income documentation
159-31 from them, unless such department advises the assessor [through the]

159-32 [state board] that they do not satisfy the applicable income eligibility
159-33 requirements, or that it is unable to determine whether they satisfy
159-34 those requirements.

159-35 (v) (A) Except in the case of a city with a population of one million
159-36 or more, the assessor shall forward to the [state board] department, in
159-37 the time and manner required by the [state board] department, informa-
159-38 tion identifying the persons who have elected to participate in the STAR
159-39 income verification program. [The state board shall forward such infor-]
159-40 [mation to the department of taxation and finance in the manner provided]
159-41 [by the agreement executed pursuant to section one hundred seventy-one-o]
159-42 [of the tax law, and shall notify the assessor of the response or]
159-43 [responses it receives from such department pursuant to such agreement.]
159-44 After receiving [such] the department's response or responses, the
159-45 assessing authority shall cause notices to be mailed to participants as
159-46 provided by paragraph (b) of subdivision five of this section. Informa-
159-47 tion [obtained by the state board] provided to the department identify-
159-48 ing such persons, and responses obtained from such department shall be
159-49 confidential and shall not be subject to disclosure under article six of
159-50 the public officers law.

159-51 (B) In the case of a city of one million or more, the assessor shall
159-52 forward to the department of taxation and finance, in the time and
159-53 manner required by the department, information identifying the persons
159-54 who have elected to participate in the STAR income verification program.
159-55 The department shall advise the assessor of its findings in the manner
159-56 provided by the agreement executed pursuant to section one hundred

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160- 1 seventy-one-o of the tax law. After receiving such response or
160- 2 responses, the assessing authority shall cause notices to be mailed to
160- 3 participants as provided by paragraph (b) of subdivision five of this
160- 4 section. Information [obtained by the state board] provided to the
160- 5 department identifying such persons, and responses obtained from such
160- 6 department shall be confidential and shall not be subject to disclosure
160- 7 under article six of the public officers law.

160- 8 § 11. The opening paragraph of paragraph (b) of subdivision 5 of
160- 9 section 425 of the real property tax law, as amended by chapter 742 of
160-10 the laws of 2005, is amended to read as follows:

160-11 Informational notice for participants in the STAR income verification
160-12 program. In the case of a parcel which is owned by an owner or owners
160-13 who have elected to participate in the STAR income verification program,
160-14 the assessing authority shall cause a notice, preferably on a postcard,
160-15 to be mailed to such owner or owners after the assessor has been noti-
160-16 fied of their income eligibility by the department [of taxation and]
160-17 [finance through the state board]. Each such notice shall be mailed with-
160-18 out restrictions upon forwarding or delivery, and shall contain, in
160-19 language prescribed by the [state board] department, the substance of
160-20 one of the following statements, whichever is appropriate:

160-21 § 12. Paragraph (a) of subdivision 12 of section 425 of the real prop-
160-22 erty tax law, as amended by section 9 of part E of chapter 83 of the
160-23 laws of 2002, is amended to read as follows:

160-24 (a) Generally. In addition to discontinuing the exemption on the next
160-25 ensuing tentative assessment roll, if the assessor determines that the
160-26 property improperly received the exemption on one or more of the three
160-27 preceding assessment rolls, or is advised by the department [of taxation]
160-28 [and finance through the state board] that the applicable income standard
160-29 was not satisfied with regard to a property which received the enhanced
160-30 exemption on one or more of those rolls, he or she shall proceed to
160-31 revoke the improperly granted prior exemption or exemptions. If the
160-32 assessor is advised [through the state board] that the department [of]
160-33 [taxation and finance] was unable to verify the income eligibility of one
160-34 or more participants in the income verification program, the assessor
160-35 shall mail that person or those persons a notice in a form prescribed by
160-36 the [state board] department requesting that the person or persons docu-

160-37 ment their income in the same manner and to the same extent as if the
160-38 person or persons were submitting an initial application for the
160-39 enhanced STAR exemption. If such income documentation is not provided
160-40 within forty-five days of such request, or if the documentation provided
160-41 does not establish the eligibility of the person or persons to the
160-42 assessor's satisfaction, the assessor shall treat the exemption as an
160-43 improperly granted exemption and proceed in the manner provided by this
160-44 subdivision.

160-45 § 13. Section 489-o of the real property tax law, as added by chapter
160-46 86 of the laws of 1963, subdivision 2 as amended by chapter 735 of the
160-47 laws of 1983, and subdivision 3 as added by chapter 841 of the laws of
160-48 1986, is amended to read as follows:

160-49 § 489-o. Final determination of railroad ceiling; certificate. 1.
160-50 After the hearing provided for in section four hundred eighty-nine-n of
160-51 this [chapter] title, the state board of real property tax services
160-52 shall finally determine the railroad ceiling for the railroad real prop-
160-53 erty of each railroad company situated in each assessing unit. Whenever
160-54 upon complaint the state board shall revise the local reproduction cost
160-55 of a railroad company in an assessing unit, it shall revise the railroad
160-56 ceiling therefor to reflect such revision, but it shall not, on account
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161- 1 of such revision, modify any other determination with respect to the
161- 2 railroad ceilings for such railroad company for such year. Notwith-
161- 3 standing the fact that no complaint shall have been filed with respect
161- 4 to a tentative determination of a railroad ceiling, the state board
161- 5 shall give effect to any special equalization rate established, pursuant
161- 6 to subdivision two of section four hundred eighty-nine-l of this [chap-]
161- 7 [ter] title prior to the final determination of the railroad ceiling.

161- 8 2. Not later than ten days before the last date prescribed by law for
161- 9 the levy of taxes, the state board shall file a certificate setting
161-10 forth each railroad ceiling as finally determined with the assessor of
161-11 the appropriate assessing unit or the town or county assessor who
161-12 prepares a copy of the applicable part of the town or county assessment
161-13 roll for village tax purposes as provided in subdivision three of
161-14 section fourteen hundred two of this chapter, and at the same time
161-15 shall transmit to each railroad company for which such ceiling has been
161-16 determined a duplicate copy of such certificate.

161-17 3. Any final determination of a railroad ceiling by the state board
161-18 pursuant to subdivision one of this section shall be subject to judicial
161-19 review in a proceeding under article seventy-eight of the civil practice
161-20 law and rules.

161-21 § 14. Subdivision 1 of section 489-ll of the real property tax law, as
161-22 added by chapter 920 of the laws of 1977, is amended to read as follows:

161-23 1. After the hearing provided for in section four hundred eighty-
161-24 nine-kk of this [chapter] title, the state board of real property tax
161-25 services shall finally determine the railroad ceiling for the railroad
161-26 real property of each railroad company situated in each assessing unit.
161-27 Whenever upon complaint the state board shall revise the local repro-
161-28 duction cost of a railroad company in an assessing unit, it shall revise
161-29 the appropriate railroad ceiling to reflect such revision, but it shall
161-30 not, on account of such revision, modify any other determination with
161-31 respect to the railroad ceilings for such railroad company for such
161-32 year. Notwithstanding the fact that no complaint shall have been filed
161-33 with respect to a tentative determination of a railroad ceiling, the
161-34 state board shall give effect to any special equalization rate estab-
161-35 lished pursuant to subdivision two of section four hundred eighty-nine-
161-36 jj of this [chapter] title prior to the final determination of the rail-
161-37 road ceiling.

161-38 § 15. Section 614 of the real property tax law is amended to read as
161-39 follows:

161-40 § 614. Determination of final assessment of special franchises.
161-41 After [the hearing of complaints, if any, as provided in] receiving the

161-42 commissioner's report regarding any complaint filed pursuant to section
161-43 six hundred twelve of this [chapter] article, the state board of real
161-44 property tax services shall determine the final assessment of each
161-45 special franchise.

161-46 § 16. Subdivision 2 of section 740 of the real property tax law, as
161-47 added by chapter 732 of the laws of 1983, is amended to read as follows:

161-48 2. A petition and notice shall be served by delivering two copies to
161-49 [a member of the state board] the commissioner or to an officer or
161-50 employee authorized by [the board] him or her to accept service, not
161-51 more than sixty days after the written notice of the final assessment
161-52 prescribed by section six hundred eighteen of this chapter has been
161-53 served. Where a proceeding is commenced by an assessing unit in which a
161-54 special franchise is situated, an additional copy shall be filed by the
161-55 petitioner with the owner of that special franchise. Where a proceeding
161-56 is commenced by a special franchise owner, the petitioner, within ten

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162- 1 days after service, shall file an additional copy with the clerk of the
162- 2 city, town or village and with the clerk of the school district in which
162- 3 that special franchise is situated except a school district governed by
162- 4 the provisions of article fifty-two of the education law.

162- 5 § 17. Section 1210 of the real property tax law, as amended by chapter
162- 6 355 of the laws of 1990, is amended to read as follows:

162- 7 § 1210. Establishment of final state equalization rates, class ratios
162- 8 and class equalization rates. After [hearing the complaints, if any, as]
162- 9 [provided in] receiving the commissioner's report regarding any complaint
162-10 filed pursuant to section twelve hundred eight of this [chapter] title,
162-11 the state board of real property tax services shall establish the final
162-12 state equalization rate, class ratios, and class equalization rates, if
162-13 required, for each city, town, village, special assessing unit, or
162-14 approved assessing unit or eligible non-assessing unit village which has
162-15 adopted the provisions of section nineteen hundred three of this chap-
162-16 ter.

162-17 § 18. Section 1218 of the real property tax law, as amended by chapter
162-18 685 of the laws of 2004, is amended to read as follows:

162-19 § 1218. Review of final determinations of state board of real property
162-20 tax services relating to state equalization rates. A final determination
162-21 of the state board of real property tax services relating to state
162-22 equalization rates may be reviewed by commencing an action in the appel-
162-23 late division of the supreme court in the manner provided by article
162-24 seventy-eight of the civil practice law and rules upon application of
162-25 the county, city, town or village for which the rate or rates were
162-26 established. The standard of review in such a proceeding shall be as
162-27 specified in subdivision four of section seventy-eight hundred three of
162-28 the civil practice law and rules. Whenever a final order is issued in
162-29 such a proceeding directing a revised state equalization rate, any coun-
162-30 ty, village or school district that used the former rate in the appor-
162-31 tionment of taxes must, upon receipt of such final order, recalculate
162-32 the levy that used such former rate and credit or debit as appropriate
162-33 its constituent municipalities in its next levy. Any special franchise
162-34 assessments that were established using the former rate must, upon
162-35 receipt of such final order, be revised by the state board in accordance
162-36 with the new rate, and, if taxes have already been levied upon such
162-37 assessments, the affected special franchise owners shall either automat-
162-38 ically receive a refund if there is a decrease or be taxed on an
162-39 increase in the next levy in the manner provided for omitted parcels in
162-40 title three of article five of this chapter.

162-41 § 19. Subdivision (e) of section 15 of the tax law, as amended by
162-42 chapter 161 of the laws of 2005, is amended to read as follows:

162-43 (e) Eligible real property taxes. The term "eligible real property
162-44 taxes" means taxes imposed on real property which is owned by the QEZE
162-45 and located in an empire zone with respect to which the QEZE is certi-
162-46 fied pursuant to article eighteen-B of the general municipal law,

162-47 provided such taxes are paid by the QEZE which is the owner of the real
162-48 property or are paid by a tenant which either (i) does not meet the
162-49 eligibility requirements under section fourteen of this article to be a
162-50 QEZE or (ii) cannot treat such payment as eligible real property taxes
162-51 pursuant to this paragraph and such taxes become a lien on the real
162-52 property during a taxable year in which the owner of the real property
162-53 is both certified pursuant to article eighteen-B of the general municipal
162-54 law and a qualified empire zone enterprise. In addition, "eligible
162-55 real property taxes" shall include taxes paid by a QEZE which is a
162-56 lessee of real property if the following conditions are satisfied: (1)
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163- 1 the taxes must be paid by the lessee pursuant to explicit requirements
163- 2 in a written lease executed or amended on or after June first, two thou-
163- 3 sand five, (2) such taxes become a lien on the real property during a
163- 4 taxable year in which the lessee of the real property is both certified
163- 5 pursuant to article eighteen-B of the general municipal law and a quali-
163- 6 fied empire zone enterprise, and (3) the lessee has made direct payment
163- 7 of such taxes to the taxing authority and has received a receipt for
163- 8 such payment of taxes from the taxing authority. In addition, the term
163- 9 "eligible real property taxes" includes payments in lieu of taxes made
163-10 by the QEZE to the state, a municipal corporation or a public benefit
163-11 corporation pursuant to a written agreement entered into between the
163-12 QEZE and the state, municipal corporation, or public benefit corpo-
163-13 ration. Provided, however, a payment in lieu of taxes made by the QEZE
163-14 pursuant to a written agreement executed or amended on or after January
163-15 first, two thousand one, shall not constitute eligible real property
163-16 taxes in any taxable year to the extent that such payment exceeds the
163-17 product of (A) the greater of (i) the basis for federal income tax
163-18 purposes, calculated without regard to depreciation, determined as of
163-19 the effective date of the QEZE's certification pursuant to article eigh-
163-20 teen-B of the general municipal law of real property, including build-
163-21 ings and structural components of buildings, owned by the QEZE and
163-22 located in empire zones with respect to which the QEZE is certified
163-23 pursuant to such article eighteen-B of the general municipal law, and
163-24 provided that if such basis is further adjusted or reduced pursuant to
163-25 any provision of the internal revenue code, the QEZE may petition the
163-26 department[,] and the department of economic development [and the office]
163-27 [of real property services] to disregard such reduction or adjustment for
163-28 the purpose of this subdivision or (ii) the basis for federal income tax
163-29 purposes of such real property described in clause (i) of this subpara-
163-30 graph, calculated without regard to depreciation, on the last day of the
163-31 taxable year, and provided that if such basis is further adjusted or
163-32 reduced pursuant to any provision of the internal revenue code, the QEZE
163-33 may petition the department, the department of economic development and
163-34 the office of real property services to disregard such reduction or
163-35 adjustment for the purpose of this subdivision; and (B) the estimated
163-36 effective full value tax rate within the county in which such property
163-37 is located, as most recently [reported to] calculated by the commis-
163-38 sioner [by the secretary of the state board of real property services, or]
163-39 [his or her designee]. The [state board] commissioner shall annually
163-40 calculate estimated effective full value tax rates within each county
163-41 for this purpose based upon the most current information available to
163-42 [it] him or her in relation to county, city, town, village and school
163-43 district taxes.

163-44 § 20. Paragraph 5 of subdivision (b) of section 22 of the tax law, as
163-45 amended by section 4 of part H of chapter 577 of the laws of 2004, is
163-46 amended to read as follows:

163-47 (5) Eligible real property taxes. The term "eligible real property
163-48 taxes" means taxes imposed on real property which consists of a quali-
163-49 fied site owned by the developer, provided such taxes become a lien on
163-50 the real property in a period during which the real property is a quali-
163-51 fied site. In addition, the term "eligible real property taxes" includes

163-52 payments in lieu of taxes by the developer, with respect to a qualified
163-53 site, to the state, a municipal corporation or a public benefit corpo-
163-54 ration pursuant to a written agreement entered into between the develop-
163-55 er and the state, a municipal corporation or a public benefit corpo-
163-56 ration. Provided, however, such a payment in lieu of taxes shall not
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164- 1 constitute eligible real property taxes in any taxable year to the
164- 2 extent that such payment exceeds the product of (A) the greater of (i)
164- 3 the basis for federal income tax purposes, determined on the date the
164- 4 taxpayer becomes a developer as defined under this section, of real
164- 5 property, including buildings and structural components of buildings,
164- 6 owned by the developer and located on a qualified site with respect to
164- 7 which the taxpayer is a developer, or (ii) the basis for federal income
164- 8 tax purposes of such real property described in clause (i) of this
164- 9 subparagraph on the last day of the taxable year, and (B) the estimated
164-10 effective full value tax rate within the county in which such property
164-11 is located, as most recently [reported to] calculated by the commission-
164-12 er [by the secretary of the state board of real property services, or]
164-13 [his or her designee]. The [state board] commissioner shall annually
164-14 calculate estimated and effective full value tax rates within each coun-
164-15 ty for this purpose based upon the most current information available to
164-16 [it] him or her in relation to county, city, town, village and school
164-17 district taxes. Provided further, where the amount of the credit deter-
164-18 mined under paragraph two of this subdivision is the total product of
164-19 the factors and tax specified therein, the term "eligible real property
164-20 taxes" under this paragraph shall apply only to taxes imposed on real
164-21 property which is attributed to a qualified site located in an environ-
164-22 mental zone. Where the developer is a partner in a partnership or a
164-23 shareholder in a New York S corporation, such real property shall be
164-24 owned by the partnership or the New York S corporation, respectively.

164-25 § 20-a. Subdivision 2 of section 170 of the tax law, as amended by
164-26 chapter 282 of the laws of 1986, is amended and a new subdivision 7-a is
164-27 added to read as follows:

164-28 2. Existing divisions or bureaus in the department of taxation and
164-29 finance or transferred to the department shall continue until consol-
164-30 idated or abolished pursuant to this section. There shall be in the
164-31 department of taxation and finance a division of taxation, a division of
164-32 the treasury, a division of the lottery, an office of real property tax
164-33 services, and a division of tax appeals.

164-34 7-a. The head of the office of real property tax services shall be an
164-35 officer to be appointed and hold office as provided by section two
164-36 hundred three of the real property tax law.

164-37 § 21. Subdivision twenty-fifth of section 171 of the tax law, as
164-38 amended by chapter 170 of the laws of 1994, paragraph a as amended by
164-39 section 93 of part A of chapter 436 of the laws of 1997, paragraph b as
164-40 amended and paragraph c as added by chapter 474 of the laws of 1996, is
164-41 amended to read as follows:

164-42 Twenty-fifth. a. With respect to the income to be used in the computa-
164-43 tion of school aid payable in the school year nineteen hundred ninety-
164-44 four--ninety-five and thereafter, be required to design, develop and
164-45 implement a permanent computerized statewide school district address
164-46 match and income verification system in regard to each school district's
164-47 valuation of total New York adjusted gross income as determined by the
164-48 department, for use in determining state aid to education. The depart-
164-49 ment shall promulgate rules and regulations to effect the provisions of
164-50 this paragraph within ninety days of the enactment of the chapter of the
164-51 laws of nineteen hundred ninety-four amending this paragraph. Commencing
164-52 September first, nineteen hundred ninety-seven, the commissioner[,] and
164-53 the commissioner of education[, and the executive director of the office]
164-54 [of real property services], subject to the approval of the director of
164-55 the budget shall be required to enter into a cooperative agreement by
164-56 September first of each year, which will govern the validation and

165- 1 correction and completion of the total New York adjusted gross income of
 165- 2 school districts until September first of the following year. Such
 165- 3 agreement shall include, but not be limited to: (i) procedures to
 165- 4 improve the accuracy of school district income data, in a manner which
 165- 5 gives appropriate recognition to computerized processing capabilities,
 165- 6 administrative feasibility of manual processes and confidentiality
 165- 7 implications; (ii) procedures to verify the school district codes
 165- 8 reported by taxpayers; (iii) procedures to correct identified inaccura-
 165- 9 cies; (iv) procedures to assign school district codes based on the
 165-10 permanent residence addresses of taxpayers who failed to complete the
 165-11 school district code; (v) the schedule for the transmittal of electronic
 165-12 data between the agencies, as necessary, to implement such system; and
 165-13 (vi) beginning in the nineteen hundred ninety-six state fiscal year,
 165-14 procedures for the review process provided for in paragraph c of this
 165-15 subdivision. All state departments and agencies, and school districts
 165-16 and other local governments and agencies, shall cooperate with the
 165-17 parties to such agreement in its implementation.

165-18 b. 1. [With respect to income used in the computation of school aid]
 165-19 [payable in the school years nineteen hundred ninety-four--ninety-five]
 165-20 [through nineteen hundred ninety-seven--ninety-eight, be required to]
 165-21 [design, develop and implement a process whereby school districts may]
 165-22 [request a review of the assignment of taxpayer addresses to their school]
 165-23 [district. In addition to the cooperative agreement developed pursuant to]
 165-24 [paragraph a of this subdivision between the commissioner, the commis-]
 165-25 [sioner of education and the director of the office of real property]
 165-26 [services, the parties shall enter into a second cooperative agreement to]
 165-27 [establish procedures for such a review process. Such procedures shall]
 165-28 [include but not be limited to: (i) general criteria to be used for the]
 165-29 [purpose of evaluating suspected inaccuracies in the assignment of tax]
 165-30 [returns to school districts; (ii) a process for rating the requests for]
 165-31 [review, giving appropriate recognition to the relative incidence of]
 165-32 [suspected inaccuracies, the relative effect of suspected inaccuracies on]
 165-33 [the aggregate income, income per return and relative income per pupil of]
 165-34 [the school district, and the relative effect of suspected inaccuracies]
 165-35 [on state aid payable to the school district pursuant to the education]
 165-36 [law; (iii) a process for identifying the school districts for partic-]
 165-37 [ipation in the review process from the rated list of applicants; (iv)]
 165-38 [processes by which addresses assigned to identified school districts]
 165-39 [will be reviewed and by which corrections to inaccuracies will be iden-]
 165-40 [tified; (v) a process by which corrections to inaccurate assignments]
 165-41 [will be made to appropriate files; and (vi) deadlines by which school]
 165-42 [districts must submit requests for review to the commissioner of educa-]
 165-43 [tion and timelines for each of the procedures included in the agreement.]

165-44 [2. School districts requesting a review in accordance with the]
 165-45 [provisions of this paragraph shall be required, in consultation with the]
 165-46 [district superintendent of schools for the supervisory district in which]
 165-47 [the school district is located, appointed pursuant to section nineteen]
 165-48 [hundred fifty of the education law, to submit to the commissioner of]
 165-49 [education evidence in support of a contention that the assignment of tax]
 165-50 [returns to their district is inaccurate. Identified school districts may]
 165-51 [be required to review ordered listings, prepared by the department or]
 165-52 [the office of real property services or an authorized vendor contracted]
 165-53 [by the department, of the permanent resident address of selected taxpay-]
 165-54 [ers who filed personal income tax returns with the department reporting]
 165-55 [a school district code or address which indicates that the taxpayer was]
 165-56 [a resident of such identified school district at the close of the taxa-]

166- 1 [ble year for which the return was filed. In no case shall ordered]
 166- 2 [address listings for school district review include those addresses]
 166- 3 [which the school district had the opportunity to review pursuant to]
 166- 4 [paragraph a of this subdivision. District superintendents of schools]

166- 5 [appointed pursuant to section nineteen hundred fifty of the education]
166- 6 [law, having an identified school district within their supervisory]
166- 7 [district, shall be required to verify any suspected inaccuracies indi-]
166- 8 [cated by an identified district as a result of the district's review of]
166- 9 [ordered address listings pursuant to this paragraph.]

166-10 [3.] Any correction, pursuant to this paragraph, of verified inaccura-
166-11 cies of income data shall only result in the removal of such returns
166-12 from the identified school district.

166-13 [4.] 2. All state departments and agencies, and school districts and
166-14 other local governments and agencies, shall cooperate with the parties
166-15 to such agreement in the implementation of the review process provided
166-16 pursuant to this paragraph.

166-17 c. 1. With respect to income used in the computation of school aid
166-18 payable in the school years nineteen hundred ninety-eight--ninety-nine
166-19 and thereafter, be required to design, develop and implement a process
166-20 whereby school districts may request a review of the assignment of
166-21 taxpayer addresses to their school district. Procedures for such a
166-22 review process shall be included in the cooperative agreement entered
166-23 into pursuant to paragraph a of this subdivision.

166-24 2. School districts requesting a review in accordance with the
166-25 provisions of this paragraph shall be required, in consultation with the
166-26 district superintendent of schools for the supervisory district in which
166-27 the school district is located, appointed pursuant to section nineteen
166-28 hundred fifty of the education law, to submit to the commissioner of
166-29 education evidence in support of a contention that the assignment of tax
166-30 returns to their district is inaccurate. Identified school districts may
166-31 be required to review ordered listings, prepared by the department [or]
166-32 [the office of real property services] or an authorized vendor contracted
166-33 by the department, of the permanent resident address of selected taxpay-
166-34 ers who filed personal income tax returns with the department reporting
166-35 a school district code or address which indicates that the taxpayer was
166-36 a resident of such identified school district at the close of the taxa-
166-37 ble year for which the return was filed. In no case shall ordered
166-38 address listings for school district review include those addresses
166-39 which the school district had the opportunity to review pursuant to
166-40 paragraph a of this subdivision. District superintendents of schools
166-41 appointed pursuant to section nineteen hundred fifty of the education
166-42 law, having an identified school district within their supervisory
166-43 district, shall be required to verify any suspected inaccuracies indi-
166-44 cated by an identified district as a result of the district's review of
166-45 ordered address listings pursuant to this paragraph.

166-46 3. Any correction, pursuant to this paragraph, of verified inaccura-
166-47 cies of income data shall only result in the removal of such returns
166-48 from the identified school district.

166-49 4. All state departments and agencies, and school districts and other
166-50 local governments and agencies, shall cooperate with the parties to such
166-51 agreement in the implementation of the review process provided pursuant
166-52 to this paragraph.

166-53 § 22. Section 171-o of the tax law, as amended by chapter 631 of the
166-54 laws of 2006, is amended to read as follows:

166-55 § 171-o. Income verification for [the state board of real property]
166-56 [services and] a city with a population of one million or more. (1) The
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167- 1 department shall enter into an agreement with [the state board of real]
167- 2 [property services to verify, to the extent practicable, whether persons]
167- 3 [described in paragraph (b) of subdivision four of section four hundred]
167- 4 [twenty-five of the real property tax law meet the income eligibility]
167- 5 [requirements prescribed therein for the applicable income tax year,]
167- 6 [beginning with the income tax year ending in two thousand two. The]
167- 7 [department shall also enter into an agreement with] a city with a popu-
167- 8 lation of one million or more to verify, to the extent practicable,
167- 9 whether persons described in paragraph (b) of subdivision four of

167-10 section four hundred twenty-five of the real property tax law meet the
167-11 income eligibility requirements prescribed therein for the applicable
167-12 income tax year, beginning with the income tax year ending in two thou-
167-13 sand five. The department shall advise the [state board of real property]
167-14 [services, or] city[, as the case may be,] of its findings, stating in
167-15 each case either that such person or persons do or do not satisfy such
167-16 requirements, or that the eligibility of such person or persons cannot
167-17 be verified, whichever is appropriate. The department shall not provide
167-18 any other information about the income of such persons to the [state]
167-19 [board of real property services or] city.

167-20 (2) The provisions of article six of the public officers law shall not
167-21 apply to any information that the department obtains from or provides to
167-22 the [state board of real property services or] city pursuant to this
167-23 section.

167-24 (3) Any information furnished by the department pursuant to this
167-25 section shall be deemed confidential and the assessor, any municipal
167-26 officer or municipal employees are prohibited from disclosing any such
167-27 information, except for any disclosure necessary in the performance of
167-28 their official duties in connection with the school tax relief (STAR)
167-29 exemption pursuant to section four hundred twenty-five of the real prop-
167-30 erty tax law. Any unauthorized disclosure of such information shall be
167-31 deemed a violation of section eight hundred five-a of the general munic-
167-32 ipal law.

167-33 § 23. Paragraph 12 of subsection (e) of section 606 of the tax law is
167-34 REPEALED.

167-35 § 24. Paragraphs 3, 4 and 5 of subsection (k) of section 697 of the
167-36 tax law, as amended by chapter 237 of the laws of 1995, are amended to
167-37 read as follows:

167-38 [(3) Notwithstanding the provisions of subsection (e) of this section,]
167-39 [the department or authorized vendor contracted by the department shall]
167-40 [furnish annually, as required pursuant to subdivision twenty-fifth of]
167-41 [section one hundred seventy-one of this chapter, to the executive direc-]
167-42 [tor of the office of real property services, electronic file transfers]
167-43 [of the permanent residence address of each taxpayer who has filed a]
167-44 [personal income tax return with the department. Such transfers shall be]
167-45 [in accordance with the schedule established pursuant to the agreement]
167-46 [developed in accordance with paragraph d of subdivision twenty-fifth of]
167-47 [section one hundred seventy-one of this chapter. Similarly, the office]
167-48 [of real property services shall, subject to the availability of funds]
167-49 [appropriated for this purpose, verify or correct or determine the school]
167-50 [district for each such residence address provided by the department and]
167-51 [shall return such updated data to the department in accordance with the]
167-52 [provisions of such agreement.]

167-53 (4) Notwithstanding the provisions of subsection (e) of this section,
167-54 the department [or the office of real property services] or an author-
167-55 ized vendor contracted by the department shall furnish, as required
167-56 pursuant to subdivision twenty-fifth of section one hundred seventy-one
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168- 1 of this chapter, to the superintendents of schools of identified school
168- 2 districts and district superintendents of schools appointed pursuant to
168- 3 section nineteen hundred fifty of the education law, having an identi-
168- 4 fied school district within their supervisory district, an ordered list-
168- 5 ing, for such identified school districts electing to participate in the
168- 6 appeals process for a limited school district address review validation
168- 7 and correction process.

168- 8 (5) The information provided pursuant to this section and subdivision
168- 9 twenty-fifth of section one hundred seventy-one of this chapter shall be
168-10 used solely for the purpose of verifying the legal residence and school
168-11 district of a taxpayer in determining the distribution of state aid for
168-12 education and such information may only be disclosed by such commis-
168-13 sioner, [director,] superintendents and authorized vendor contracted by the
168-14 department for such purposes to employees of the state education depart-

168-15 ment, [employees of the state office of real property services] and to
168-16 employees under the control of such superintendents. In addition,
168-17 notwithstanding the provisions of subsection (e) of this section, the
168-18 department may furnish to an authorized vendor contracted by the depart-
168-19 ment the permanent resident address and school code data necessary for
168-20 the implementation of the temporary school district address review vali-
168-21 dation and correction process, the pilot computerized address match and
168-22 income verification project, or the permanent computerized statewide
168-23 school district address match and income verification system pursuant to
168-24 subdivision twenty-fifth of section one hundred seventy-one of this
168-25 chapter. Any violation of the provisions of this section shall be
168-26 punishable in the manner provided for in subsection (e) of this section.
168-27 Any information obtained by any agency or person pursuant to the
168-28 provisions of this section shall not be deemed a "record", as defined in
168-29 subdivision four of section eighty-six of the public officers law.

168-30 § 25. Subdivision 3 of section 1564 of the tax law, as amended by
168-31 chapter 17 of the laws of 2008, is amended to read as follows:

168-32 3. An exemption from the tax which is equal to the median sales price
168-33 of residential real property within the applicable town or city, as
168-34 determined by the [office of real property services pursuant to proce-]
168-35 [dures adopted for this purpose by the state board of real property]
168-36 [services established pursuant to article two of the real property tax]
168-37 [law] commissioner, shall be allowed on the consideration of the convey-
168-38 ance of improved or unimproved real property or an interest therein.

168-39 § 26. This act shall take effect immediately.

168-40

PART X

168-41 Section 1. Subdivision 1 of section 511 of the real property tax law,
168-42 as amended by chapter 319 of the laws of 1998, is amended to read as
168-43 follows:

168-44 1. In the year of a revaluation or update of assessments, if the state
168-45 equalization rate for the immediately preceding assessment roll was less
168-46 than eighty-five, the assessor shall, and in any other year may, not
168-47 later than sixty days prior to the date set by law for the filing of the
168-48 tentative assessment roll, mail to each owner of real property therein,
168-49 an assessment disclosure notice in the format provided in paragraph (a)
168-50 of subdivision two of this section. However, pursuant to a resolution
168-51 adopted by the governing board of the assessing unit, other than a
168-52 special assessing unit or an approved assessing unit which has adopted
168-53 the provisions of section nineteen hundred three of this chapter, such

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169- 1 assessment disclosure notice shall include in lieu thereof the items
169- 2 specified in paragraph (b) of subdivision two of this section.

169- 3 § 2. Section 511 of the real property tax law is amended by adding a
169- 4 new subdivision 9 to read as follows:

169- 5 9. A special assessing unit shall be deemed to be in compliance with
169- 6 the provisions of this section if it provides assessment disclosure
169- 7 notices to property owners in an alternative manner which includes, at a
169- 8 minimum, their tentative assessments, the market values upon which they
169- 9 were based, and the applicable level of assessment.

169-10 § 3. Subdivision 1 of section 1590 of the real property tax law, as
169-11 amended by chapter 316 of the laws of 1992, is amended to read as
169-12 follows:

169-13 1. A municipal corporation, other than a school district or a village,
169-14 which prepares assessment rolls by means of electronic data processing,
169-15 shall annually submit to the state board the data files used in the
169-16 preparation of each tentative and final assessment roll and summaries of
169-17 the information from the final assessment roll including as a minimum
169-18 the number of parcels, the total assessed value thereof, and the total
169-19 taxable assessed value thereof. Such information shall be submitted
169-20 within [thirty] ten days of the time of filing the tentative or final

169-21 assessment roll, as provided for pursuant to section five hundred six or
169-22 five hundred sixteen of this chapter or such other law as may be appli-
169-23 cable. In addition, if the assessing unit maintains a website, then
169-24 within ten days of the filing of the tentative assessment roll, it shall
169-25 post a copy of such roll on its website, with a link thereto prominently
169-26 displayed on its home page, and shall not remove the same before the
169-27 final assessment roll has been filed. In lieu of posting a copy of such
169-28 roll on its website, the assessing unit may cause such copy to be posted
169-29 on the website of the county in which it is located for the same period
169-30 of time as otherwise required by this subdivision, provided that a link
169-31 thereto shall be prominently displayed on the website of the assessing
169-32 unit.

169-33 § 4. Subdivision 5 of section 574 of the real property tax law, as
169-34 amended by chapter 257 of the laws of 1993, is amended to read as
169-35 follows:

169-36 5. [Forms or reports filed] Data collected pursuant to this section or
169-37 section three hundred thirty-three of the real property law shall be
169-38 made available for public inspection or copying in accordance with rules
169-39 promulgated by the state board, except that where the state board and
169-40 the department of taxation and finance have developed a combined process
169-41 for collecting data pursuant to paragraph viii of subdivision one-e of
169-42 section three hundred thirty-three of the real property law, any data so
169-43 collected which is not required to be furnished to the state board by
169-44 statute or by the state board's rules shall not be subject to inspection
169-45 or copying.

169-46 § 5. Paragraphs i and v of subdivision 1-e of section 333 of the real
169-47 property law, as amended by section 1 of part B of chapter 57 of the
169-48 laws of 2004 and paragraph i as separately amended by chapter 521 of the
169-49 laws of 2004, are amended and two new paragraphs vii and viii are added
169-50 to read as follows:

169-51 i. A recording officer shall not record or accept for record any
169-52 conveyance of real property affecting land in New York state unless
169-53 accompanied by a transfer report form prescribed by the state board of
169-54 real property services or in lieu thereof, confirmation from the state
169-55 board that the required data has been reported to it pursuant to para-

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170- 1 graph vii of this subdivision, and the fee prescribed pursuant to subdi-
170- 2 vision three of this section.

170- 3 v. The provisions of this subdivision shall not operate to invalidate
170- 4 any conveyance of real property where one or more of the items desig-
170- 5 nated as subparagraphs one through eight of paragraph ii of this subdivi-
170- 6 sion, have not been reported or which has been erroneously reported,
170- 7 nor affect the record contrary to the provisions of this subdivision,
170- 8 nor impair any title founded on such conveyance or record. Such form
170- 9 shall [be certified] contain an affirmation as to the accuracy of the
170-10 contents made both by the transferor or transferors and by the transfer-
170-11 ee or transferees. Provided, however, that if the conveyance of real
170-12 property occurs as a result of a taking by eminent domain, tax foreclo-
170-13 sure, or other involuntary proceeding such [form] affirmation may be
170-14 [certified] made only by either the condemnor, tax district, or other
170-15 party to whom the property has been conveyed, or by that party's attor-
170-16 ney. The affirmations required by this paragraph shall be made in the
170-17 form and manner prescribed by the state board, provided that notwith-
170-18 standing any provision of law to the contrary, affirmants may be
170-19 allowed, but shall not be required, to sign such affirmations elec-
170-20 tronically.

170-21 vi. Any deed executed and delivered prior to July first, nineteen
170-22 hundred ninety-four may nevertheless be recorded in the office of the
170-23 county clerk providing there is submitted therewith, and in place of
170-24 such form, a separate statement signed by the transferor or transferors
170-25 and the transferee or transferees or any person having sufficient know-
170-26 ledge to sign such form which contains the same information required by

170-27 the state board of real property services as set forth in subparagraphs
170-28 one through four of paragraph ii of this subdivision.

170-29 vii. The state board is hereby authorized to develop and oversee the
170-30 implementation of a system to allow the data required by this subdivi-
170-31 sion and section five hundred seventy-four of the real property tax law
170-32 to be reported to it electronically, notwithstanding any provision of
170-33 law to the contrary. The state board is further authorized to adopt any
170-34 rules necessary to implement such a system. Such rules shall set forth
170-35 such standards and procedures as may be needed for the effective and
170-36 efficient administration of the program, including standards for provid-
170-37 ing confirmation to recording officers of the reporting of required data
170-38 to the state board.

170-39 viii. Upon agreement between the state board of real property services
170-40 and the department of taxation and finance, the process for collecting
170-41 data pursuant to this subdivision and section five hundred seventy-four
170-42 of the real property tax law may be combined in whole or in part with
170-43 the process for collecting data pursuant to articles thirty-one, eleven,
170-44 twenty-two and subsection (a) of section six hundred sixty-three of the
170-45 tax law in connection with the real estate transfer tax, notwithstanding
170-46 any provision of law to the contrary. The state board and the commis-
170-47 sioner of taxation and finance are authorized to adopt any rules neces-
170-48 sary to implement the provisions of this paragraph, individually or
170-49 jointly.

170-50 § 6. Section 693 of the tax law is amended by adding a new subsection
170-51 (e) to read as follows:

170-52 (e) Notwithstanding the provisions of paragraph one of subsection (e)
170-53 of section six hundred ninety-seven of this part, the commissioner may
170-54 furnish to the state board of real property services information relat-
170-55 ing to real property transfers obtained or derived from returns filed
170-56 pursuant to this article in relation to the real estate transfer tax, to

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171- 1 the extent that such information is also required to be reported to the
171- 2 state board by section three hundred thirty-three of the real property
171- 3 law and section five hundred seventy-four of the real property tax law
171- 4 and the rules adopted thereunder, provided such information was
171- 5 collected through a combined process established pursuant to an agree-
171- 6 ment entered into with the state board pursuant to paragraph viii of
171- 7 subdivision one-e of section three hundred thirty-three of the real
171- 8 property law. The state board may redisclose such information to the
171- 9 extent authorized by section five hundred seventy-four of the real prop-
171-10 erty tax law.

171-11 § 7. Section 1418 of the tax law is amended by adding a new subdivi-
171-12 sion (h) to read as follows:

171-13 (h) Notwithstanding the provisions of subdivision (a) of this section,
171-14 the commissioner may furnish to the state board of real property
171-15 services information relating to real property transfers obtained or
171-16 derived from returns filed pursuant to this article in relation to the
171-17 real estate transfer tax, to the extent that such information is also
171-18 required to be reported to the state board by section three hundred
171-19 thirty-three of the real property law and section five hundred seventy-
171-20 four of the real property tax law and the rules adopted thereunder,
171-21 provided such information was collected through a combined process
171-22 established pursuant to an agreement entered into with the state board
171-23 pursuant to paragraph viii of subdivision one-e of section three hundred
171-24 thirty-three of the real property law. The state board may redisclose
171-25 such information to the extent authorized by section five hundred seven-
171-26 ty-four of the real property tax law.

171-27 § 8. This act shall take effect on the first of January next succeed-
171-28 ing the date on which it shall have become a law, provided that the
171-29 state board of real property services and the department of taxation and
171-30 finance are hereby authorized to adopt any rules needed to implement the
171-31 provisions of this act prior to such date.

171-33 Section 1. Paragraphs (a), (b) and (c) of subdivision 1 and subdivi-
 171-34 sion 2 of section 1573 of the real property tax law, paragraph (a) of
 171-35 subdivision 1 as amended and paragraphs (b) and (c) of subdivision 1 as
 171-36 added by chapter 309 of the laws of 1996, subdivision 2 as amended by
 171-37 chapter 655 of the laws of 2004 and paragraph (a) of subdivision 2 as
 171-38 amended by chapter 212 of the laws of 2006, are amended to read as
 171-39 follows:

171-40 (a) the assessing unit has satisfied standards of quality assessment
 171-41 administration, as established by the state board pursuant to regu-
 171-42 lations promulgated by the state board, subject to the approval of the
 171-43 director of the budget[. Such rules shall be based upon but not limited]
 171-44 [to the following criteria:]

171-45 [(i) quality and maintenance of valuation data;]

171-46 [(ii) presentation of public information and data;]

171-47 [(iii) administration of exemptions;]

171-48 [(iv) an acceptable level of assessment uniformity as measured annually]
 171-49 [by the state board; and]

171-50 [(v) compliance with statutes and rules.] and has implemented a revalu-
 171-51 ation pursuant to an approved plan as provided in this subdivision;

171-52 (b) [any revaluation or update of assessments, implemented on an]
 171-53 [assessment roll finalized after the first day of January, nineteen]
 171-54 [hundred ninety-six,] the revaluation is at one hundred percent of value;

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172- 1 however, in special assessing units the revaluation or update of assess-
 172- 2 ments must be at a uniform percentage of value for each class;

172- 3 (c) [the assessing unit has published, on the tentative assessment]
 172- 4 [roll, the uniform percentage of value at which all real property is]
 172- 5 [assessed, or in special assessing units, the uniform percentage of value]
 172- 6 [at which each class of property is assessed;] the revaluation was imple-
 172- 7 mented pursuant to a plan, approved pursuant to the rules of the state
 172- 8 board, of not less than four years that provides, at a minimum, for a
 172- 9 revaluation in the first and last year of such plan, but in no case less
 172-10 than once every four years, and for inventory data to be collected at
 172-11 least once every six years;

172-12 2. (a) State assistance pursuant to subdivision one of this section
 172-13 shall be payable [as follows] in an amount not to exceed five dollars
 172-14 per parcel for [each separately assessed parcel appearing on the appli-]
 172-15 [cable] an assessment roll[, excluding] upon which a revaluation is
 172-16 implemented in accordance with an approved plan, and not to exceed two
 172-17 dollars per parcel for any assessment roll upon which a revaluation is
 172-18 not implemented in accordance with an approved plan. The amount payable
 172-19 on a per parcel basis shall exclude parcels which are wholly exempt or
 172-20 assessed by the state board[: (a) Triennial aid shall be payable when]
 172-21 [the state board determines that the assessing unit has implemented a]
 172-22 [revaluation or update that includes the reinspection and reappraisal of]
 172-23 [all locally assessed properties. However, no assessing unit may qualify]
 172-24 [for this payment more than once in a three year period, and no aid may]
 172-25 [be paid pursuant to this paragraph with respect to any assessment roll]
 172-26 [filed after the year two thousand eleven.]

172-27 [(b) (i) Annual aid shall be payable when the state board determines]
 172-28 [that the assessing unit has maintained an equitable assessment roll.]
 172-29 [Such determination shall be made in accordance with standards estab-]
 172-30 [lished pursuant to regulations promulgated by the state board, subject]
 172-31 [to the approval of the director of the budget, and shall be based upon]
 172-32 [criteria including but not limited to:]

172-33 [(A) annually maintaining assessments at the percentage of value speci-]
 172-34 [fied in subdivision one of this section;]

172-35 [(B) annually conducting a systematic analysis of all locally assessed]
 172-36 [properties using a methodology specified in such regulations;]

172-37 [(C) annually revising assessments as necessary to maintain the stated]
172-38 [uniform percentage of value; and]
172-39 [(D) implementing a local program for physically inspecting and reap-]
172-40 [praising each parcel at least once every six years.]
172-41 [(E) Such standards shall contain ranges of acceptable performance as]
172-42 [determined by the state board in accordance with nationally recognized]
172-43 [assessment methods.]
172-44 [(ii) No aid shall be paid pursuant to this paragraph with respect to]
172-45 [any assessment roll which receives triennial aid pursuant to paragraph]
172-46 [(a) of this subdivision].
172-47 [(iii)] (b) Any assessing unit that fails to implement a revaluation
172-48 as prescribed in an approved plan shall remit to the state the full
172-49 amount of any state aid received pursuant to this subdivision for the
172-50 assessment rolls following the one upon which the most recent revalu-
172-51 ation was implemented.
172-52 (c) Nothing herein shall be deemed to prevent an assessing unit from
172-53 withdrawing from an approved plan. Any assessing unit that does so shall
172-54 only be responsible for remission of per parcel payments for non-revalu-
172-55 ation years.

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173- 1 (d) No grant awarded to any individual assessing unit in any given
173- 2 year pursuant to this subdivision shall exceed five hundred thousand
173- 3 dollars.
173- 4 § 2. This act shall take effect immediately and shall apply to assess-
173- 5 ment rolls with taxable status dates occurring on and after March 1,
173- 6 2010.

173- 7

PART Z

173- 8 Section 1. Clause 2 of subparagraph (viii) of paragraph a of subdivi-
173- 9 sion 10 of section 54 of the state finance law, as amended by section 5
173-10 of part GG of chapter 56 of the laws of 2009, is amended to read as
173-11 follows:

173-12 (2) for the state fiscal year commencing April first, two thousand
173-13 eight and in each state fiscal year thereafter, the base level grant
173-14 received in the immediately preceding state fiscal year pursuant to
173-15 paragraph b of this subdivision, excluding any deficit reduction adjust-
173-16 ment pursuant to paragraph e-1 of this subdivision, plus any additional
173-17 apportionments received in such year pursuant to paragraph d of this
173-18 subdivision and any per capita adjustments received in such year pursu-
173-19 ant to paragraph e of this subdivision plus any additional aid received
173-20 in such year pursuant to paragraph p of this subdivision.

173-21 § 2. Paragraph b of subdivision 10 of section 54 of the state finance
173-22 law, as amended by section 2 of part 0 of chapter 56 of the laws of
173-23 2008, is amended to read as follows:

173-24 b. Base level grants. (i) Within amounts appropriated in the state
173-25 fiscal year commencing April first, two thousand seven and in each state
173-26 fiscal year thereafter, there shall be apportioned and paid to a county
173-27 with a population of less than one million but more than nine hundred
173-28 twenty-five thousand according to the federal decennial census of two
173-29 thousand, cities with a population of less than one million, towns and
173-30 villages a base level grant in an amount equal to the prior year aid
173-31 received by such county, city, town or village.

173-32 (ii) Notwithstanding subparagraph (i) of this paragraph, within
173-33 amounts appropriated in the state fiscal year commencing April first,
173-34 two thousand ten, there shall be apportioned and paid to each munici-
173-35 pality a base level grant in an amount equal to the prior year aid
173-36 received by such municipality minus a base level grant adjustment calcu-
173-37 lated in accordance with clause two of this subparagraph.

173-38 (1) When used in this subparagraph, unless otherwise expressly stated:
173-39 (A) "2008-09 AIM funding" shall mean the sum of the base level grant
173-40 pursuant to this paragraph, additional annual apportionment pursuant to

173-41 paragraph d of this subdivision, per capita adjustment pursuant to para-
173-42 graph e of this subdivision and special aid and incentives to certain
173-43 eligible cities as appropriated in chapter fifty of the laws of two
173-44 thousand eight, as amended by chapter one of the laws of two thousand
173-45 nine, apportioned and paid to such municipality in the state fiscal year
173-46 commencing April first, two thousand eight.

173-47 (B) "2008 total revenues" shall mean "total revenues" for such munici-
173-48 pality as reported in the state comptroller's special report on local
173-49 government finances for New York state for local fiscal years ended in
173-50 two thousand eight.

173-51 (C) "AIM reliance" shall mean 2008-09 AIM funding expressed as a
173-52 percentage of 2008 total revenues.

173-53 (2) The base level grant adjustment shall equal:
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174- 1 (A) two percent of prior year aid if AIM reliance was at least ten
174- 2 percent, or

174- 3 (B) five percent of prior year aid if AIM reliance was less than ten
174- 4 percent.

174- 5 (iii) Notwithstanding subparagraph (i) of this paragraph, a county
174- 6 with a population of less than one million but more than nine hundred
174- 7 twenty-five thousand according to the federal decennial census of two
174- 8 thousand shall not receive a base level grant in the state fiscal year
174- 9 commencing April first, two thousand ten or in any state fiscal year
174-10 thereafter.

174-11 § 3. Paragraph i of subdivision 10 of section 54 of the state finance
174-12 law is amended by adding a new subparagraph (vii) to read as follows:

174-13 (vii) Notwithstanding subparagraph (i) of this paragraph, in the state
174-14 fiscal year commencing April first, two thousand ten, the base level
174-15 grant adjustment pursuant to subparagraph (ii) of paragraph b of this
174-16 subdivision shall be made on or before September twenty-fifth for a town
174-17 or village, on or before December fifteenth for a city whose fiscal year
174-18 begins January first, and on or before March fifteenth for a city whose
174-19 fiscal year does not begin on January first.

174-20 § 4. Paragraph j of subdivision 10 of section 54 of the state finance
174-21 law, as amended by section 3 of part D of chapter 503 of the laws of
174-22 2009, is amended to read as follows:

174-23 j. Special aid and incentives for municipalities to the city of New
174-24 York. In the state fiscal year commencing April first, two thousand
174-25 seven a city with a population of one million or more shall receive
174-26 twenty million dollars on or before December fifteenth. In the state
174-27 fiscal year commencing April first, two thousand eight, a city with a
174-28 population of one million or more shall receive two hundred forty-five
174-29 million nine hundred forty-four thousand eight hundred thirty-four
174-30 dollars payable on or before December fifteenth. In the state fiscal
174-31 [year] years commencing April first, two thousand nine and April first,
174-32 two thousand eleven, and in each state fiscal year thereafter, a city
174-33 with a population of one million or more shall receive three hundred one
174-34 million six hundred fifty-eight thousand four hundred ninety-five
174-35 dollars payable on or before December fifteenth. Special aid and incen-
174-36 tives for municipalities to the city of New York shall be apportioned
174-37 and paid as required as follows:

174-38 (i) Any amounts required to be paid to the city university
174-39 construction fund pursuant to the city university construction fund act;

174-40 (ii) Any amounts required to be paid to the New York city housing
174-41 development corporation pursuant to the New York city housing develop-
174-42 ment corporation act;

174-43 (iii) Five hundred thousand dollars to the chief fiscal officer of the
174-44 city of New York for payment to the trustees of the police pension fund
174-45 of such city;

174-46 (iv) Eighty million dollars to the special account for the municipal
174-47 assistance corporation for the city of New York in the municipal assist-
174-48 ance tax fund created pursuant to section ninety-two-d of this chapter

174-49 to the extent that such amount has been included by the municipal
174-50 assistance corporation for the city of New York in any computation for
174-51 the issuance of bonds on a parity with outstanding bonds pursuant to a
174-52 contract with the holders of such bonds prior to the issuance of any
174-53 other bonds secured by payments from the municipal assistance corpo-
174-54 ration for the city of New York in the municipal assistance state aid
174-55 fund created pursuant to section ninety-two-e of this chapter;
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175- 1 (v) The balance of the special account for the municipal assistance
175- 2 corporation for the city of New York in the municipal assistance state
175- 3 aid fund created pursuant to section ninety-two-e of this chapter;
175- 4 (vi) Any amounts to be refunded to the general fund of the state of
175- 5 New York pursuant to the annual appropriation enacted for the municipal
175- 6 assistance state aid fund;
175- 7 (vii) To the state of New York municipal bond bank agency to the
175- 8 extent provided by section twenty-four hundred thirty-six of the public
175- 9 authorities law; and
175-10 (viii) To the transit construction fund to the extent provided by
175-11 section twelve hundred twenty-five-i of the public authorities law, and
175-12 thereafter to the city of New York.
175-13 Notwithstanding any other law to the contrary, the amount paid to any
175-14 city with a population of one million or more on or before December
175-15 fifteenth shall be for an entitlement period ending the immediately
175-16 preceding June thirtieth.
175-17 § 5. Subdivision c of section 8 of section 4 of chapter 576 of the
175-18 laws of 1974 constituting the emergency tenant protection act of nine-
175-19 teen seventy-four, as amended by section 1 of part F of chapter 61 of
175-20 the laws of 2000, is amended to read as follows:
175-21 c. Whenever a city having a population of one million or more has
175-22 determined the existence of an emergency pursuant to section three of
175-23 this act, the provisions of this act and the New York city rent stabili-
175-24 zation law of nineteen hundred sixty-nine shall be administered by the
175-25 state division of housing and community renewal as provided in the New
175-26 York city rent stabilization law of nineteen hundred sixty-nine, as
175-27 amended, or as otherwise provided by law. The costs incurred by the
175-28 state division of housing and community renewal in administering such
175-29 regulation shall be paid by such city. All payments for such adminis-
175-30 tration shall be transmitted to the state division of housing and commu-
175-31 nity renewal as follows: on or after April first of each year commencing
175-32 with April, nineteen hundred eighty-four, the commissioner of housing
175-33 and community renewal shall determine an amount necessary to defray the
175-34 division's anticipated annual cost, and one-quarter of such amount shall
175-35 be paid by such city on or before July first of such year, one-quarter
175-36 of such amount on or before October first of such year, one-quarter of
175-37 such amount on or before January first of the following year and one-
175-38 quarter of such amount on or before March thirty-first of the following
175-39 year. After the close of the fiscal year of the state, the commissioner
175-40 shall determine the amount of all actual costs incurred in such fiscal
175-41 year and shall certify such amount to such city. If such certified
175-42 amount shall differ from the amount paid by the city for such fiscal
175-43 year, appropriate adjustments shall be made in the next quarterly
175-44 payment to be made by such city. In the event that the amount thereof is
175-45 not paid to the commissioner as herein prescribed, the commissioner
175-46 shall certify the unpaid amount to the comptroller, and the comptroller
175-47 shall, to the extent not otherwise prohibited by law, withhold such
175-48 amount from [the next succeeding payment of per capita assistance to be]
175-49 [apportioned] any state aid payable to such city. In no event shall the
175-50 amount imposed on the owners exceed ten dollars per unit per year.
175-51 § 6. Paragraph (a-1) of subdivision 2 of section 39 of the judiciary
175-52 law, as added by chapter 83 of the laws of 1995, is amended to read as
175-53 follows:
175-54 (a-1) (i) Effective for each state fiscal year beginning April first,

175-55 nineteen hundred ninety-five, the state comptroller shall, on or before
175-56 the end of that fiscal year: (1) deduct from any moneys payable to the
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176- 1 city of New York from the local assistance account as [per capita] state
176- 2 aid for the support of local government [pursuant to section fifty-four]
176- 3 [of the state finance law] the amount certified to him or her by the
176- 4 chief administrator of the courts immediately following the close of
176- 5 such fiscal year pursuant to subparagraph (ii) of this paragraph, and
176- 6 (2) transfer the amount of such deduction from the local assistance
176- 7 account to the New York city county clerks' operations offset fund.

176- 8 (ii) On or before March first in each year commencing with March
176- 9 first, nineteen hundred ninety-six, the chief administrator shall deter-
176-10 mine and certify to the comptroller the difference between (1) the
176-11 amount of the disbursements under the judiciary budget made during the
176-12 fiscal year ending the previous March thirty-first for the payment of
176-13 services and expenses incurred in that fiscal year by the offices of the
176-14 county clerks of the city of New York, excluding services and expenses
176-15 incurred by those offices in discharge of a county clerk's powers and
176-16 duties as commissioner of jurors, and (2) the aggregate receipts derived
176-17 by the state from the fees specified in paragraphs one and two of subdi-
176-18 vision (f) of section eight thousand twenty and section eight thousand
176-19 twenty-one of the civil practice law and rules during the fiscal year
176-20 commencing April first, nineteen hundred ninety.

176-21 (iii) On or before March first, nineteen hundred ninety-seven, and
176-22 each March first thereafter, the chief administrator shall determine the
176-23 actual difference between (1) the amount of the disbursements under the
176-24 judiciary budget made during the fiscal year ending the previous March
176-25 thirty-first for the payment of services and expenses incurred in that
176-26 fiscal year by the offices of the county clerks of the city of New York,
176-27 excluding services and expenses incurred by those offices in discharge
176-28 of a county clerk's powers and duties as commissioner of jurors and (2)
176-29 the aggregate receipts derived from the state from the fees specified in
176-30 paragraphs one and two of subdivision (f) of section eight thousand
176-31 twenty and section eight thousand twenty-one of the civil practice law
176-32 and rules during the preceding fiscal year. The chief administrator
176-33 shall compare this actual amount of difference with the projected amount
176-34 of difference calculated pursuant to subparagraph (ii) of this paragraph
176-35 and certify the difference between the two amounts to the comptroller.
176-36 Such amount shall be added to, or deleted from, as the case may be, the
176-37 amount of the deduction made from state [per capita] aid payments to the
176-38 city of New York pursuant to subparagraph (i) of this paragraph.

176-39 § 7. Notwithstanding any other law to the contrary, for the state
176-40 fiscal year beginning April 1, 2011, and in each state fiscal year ther-
176-41 eafter, twenty million eight hundred eight thousand nine hundred three
176-42 dollars (\$20,808,903) of aid and incentives for municipalities otherwise
176-43 due and payable to the city of Yonkers on or before March 31 shall be
176-44 paid on or before June 30 in such fiscal year upon written request by
176-45 the chief elected official of such city to the director of the budget,
176-46 provided such request is made no later than April 1, 2011.

176-47 § 8. This act shall take effect immediately and shall be deemed to
176-48 have been in full force and effect on and after April 1, 2010; provided,
176-49 however, that the amendments to subdivision c of section 8 of the emer-
176-50 gency tenant protection act of nineteen seventy-four made by section
176-51 five of this act shall not affect the expiration of such act and shall
176-52 expire therewith.

176-53 PART AA
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177- 1 Section 1. Subdivision 2 of section 54-l of the state finance law, as
177- 2 amended by section 1 of part KK of chapter 56 of the laws of 2009, is
177- 3 amended to read as follows:

177- 4 2. Within amounts appropriated therefor, an eligible city and an
177- 5 eligible municipality shall receive a state aid payment as follows:
177- 6 a. An eligible city shall receive: (i) for the state fiscal years
177- 7 commencing April first, two thousand seven and April first, two thousand
177- 8 eight, a state aid payment equal to three and one-half percent of the
177- 9 "estimated net machine income" generated by a video lottery gaming
177-10 facility located in such eligible city. Such state aid payment shall not
177-11 exceed twenty million dollars per eligible city; and (ii) for the state
177-12 fiscal year commencing April first, two thousand nine and for each state
177-13 fiscal year thereafter, an amount equal to the state aid payment
177-14 received in the state fiscal year commencing April first, two thousand
177-15 eight.
177-16 b. Eligible municipalities shall receive: (i) for the state fiscal
177-17 years commencing April first, two thousand seven and April first, two
177-18 thousand eight, a share of three and one-half percent of the "estimated
177-19 net machine income" generated by a video lottery gaming facility located
177-20 within such eligible municipality as follows: (1) twenty-five percent
177-21 shall be apportioned and paid to the county; and (2) seventy-five
177-22 percent shall be apportioned and paid on a pro rata basis to eligible
177-23 municipalities, other than the county, based upon the population of such
177-24 eligible municipalities. Such state aid payment shall not exceed twenty-
177-25 five percent of an eligible municipality's total expenditures as
177-26 reported in the statistical report of the comptroller in the preceding
177-27 state fiscal year pursuant to section thirty-seven of the general munic-
177-28 ipal law; [and] (ii) for the state fiscal year commencing April first,
177-29 two thousand nine [and for each state fiscal year thereafter]: (1) for
177-30 an eligible municipality which is located in a county that has a poverty
177-31 rate equal to or greater than seventy-five percent of the New York state
177-32 poverty rate, an amount equal to the state aid payment received in the
177-33 state fiscal year commencing April first, two thousand eight; and (2)
177-34 for an eligible municipality which is located in a county that has a
177-35 poverty rate less than seventy-five percent of the New York state pover-
177-36 ty rate, an amount equal to fifty percent of the state aid payment
177-37 received in the state fiscal year commencing April first, two thousand
177-38 eight; and (iii) for the state fiscal year commencing April first, two
177-39 thousand ten and for each state fiscal year thereafter, an amount equal
177-40 to ninety percent of the state aid payment received in the state fiscal
177-41 year commencing April first, two thousand nine.
177-42 § 2. This act shall take effect immediately and shall be deemed to
177-43 have been in full force and effect on and after April 1, 2010.

177-44 PART BB
177-45 Intentionally omitted.
177-46 PART CC
177-47 Intentionally omitted.
177-48 PART DD
177-49 Intentionally omitted.
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178- 1 PART EE
178- 2 Section 1. Section 180 of the agriculture and markets law, as added
178- 3 by chapter 874 of the laws of 1977, is amended to read as follows:
178- 4 § 180. Municipal directors of weights and measures. 1. There shall be
178- 5 a county director of weights and measures in each county, except where
178- 6 (a) a county is wholly embraced within a city there shall be a city
178- 7 director of weights and measures, or (b) where two or more counties have
178- 8 entered into an intermunicipal agreement, pursuant to article five-G of

178- 9 the general municipal law, to share the functions, powers, and duties of
178-10 one director of weights and measures. Any county or city having a popu-
178-11 lation of one million or more may elect to designate its commissioner of
178-12 consumer affairs as its director of weights and measures. Subdivision
178-13 four of this section shall not apply to a commissioner of consumer
178-14 affairs so designated.

178-15 2. No city may institute a weights and measures program. Provided,
178-16 that any city which maintained a weights and measures program on January
178-17 first, nineteen hundred seventy-six may continue such program under a
178-18 city director of weights and measures.

178-19 a. Any such city may contract with the legislature of the county in
178-20 which it is located for the county director of weights and measures to
178-21 perform the duties of and have the same powers within such city as the
178-22 city director. Such contract shall fix the amount to be paid annually by
178-23 the city to the county for such services. During the period such
178-24 contract is in force and effect, the office of city director of weights
178-25 and measures shall be abolished.

178-26 b. The county director shall not have jurisdiction in any city which
178-27 has a city director of weights and measures, except in the county of
178-28 Westchester the county director shall have concurrent jurisdiction with
178-29 city directors of weights and measures in such county.

178-30 3. Nothing contained herein shall prohibit the governing body of any
178-31 county or city from assigning to its municipal director powers and
178-32 duties in addition to the powers and duties prescribed by this article
178-33 provided such additional powers and duties deal primarily with services
178-34 designed to aid and protect the consumer and are not inconsistent with
178-35 the provisions of this article.

178-36 4. The municipal director shall be appointed by the appropriate
178-37 authority of the municipality in which he resides having the general
178-38 power of appointment of officers and employees. Where two or more coun-
178-39 ties have entered into an intermunicipal agreement, pursuant to article
178-40 five-G of the general municipal law, to share the functions, powers, and
178-41 duties of one director of weights and measures, such municipal director
178-42 may reside in any county that is a party to the intermunicipal agree-
178-43 ment. He shall be paid a salary determined by the appropriate authority
178-44 and shall be provided by such authority with the working standards of
178-45 weights, measures and other equipment as required by rules and regu-
178-46 lations promulgated in accordance with this article. The position of
178-47 municipal director shall be in the competitive class of the civil
178-48 service with respect to all persons appointed on or after the effective
178-49 date of this act.

178-50 § 2. Section 775 of the county law is amended to read as follows:

178-51 § 775. [County sealer] Director of weights and measures; duties. The
178-52 [county sealer] director of weights and measures shall perform the
178-53 duties prescribed by law for the enforcement of honest weights and meas-
178-54 ures. He shall perform such additional and related duties as may be
178-55 prescribed by law and directed by the board of supervisors.

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179- 1 § 3. Subdivision 7 of section 176-b of the town law, as separately
179- 2 amended by chapters 302, 314, 468 and 474 of the laws of 2009, is
179- 3 amended to read as follows:

179- 4 7. (a) The membership of any volunteer firefighter shall not be
179- 5 continued pursuant to subdivision five of this section, and persons
179- 6 shall not be elected to membership pursuant to subdivision six of this
179- 7 section, if, by so doing, the percentage of such non-resident members in
179- 8 the fire company would exceed forty-five per centum of the actual
179- 9 membership of the fire company, provided however, that the provisions of
179-10 this subdivision shall not apply to the memberships of the Shelter
179-11 Island Heights fire district, the Cherry Grove fire district, the Fire
179-12 Island Pines fire district, the Davis Park fire department, and the Cold
179-13 Spring Harbor fire district in Suffolk county, the New Hampton fire
179-14 district, the Mechanicstown fire district, the Pocatello fire district,

179-15 the Washington Heights fire district and the Good Will fire district in
179-16 Orange county, the Jericho fire district and the Westbury fire district
179-17 in Nassau county, the Orangeburg fire district in Rockland county, the
179-18 South Lockport Fire Company and the Terry's Corners volunteer fire
179-19 company in Niagara County, the Taunton fire district and the Onondaga
179-20 Hill fire department in Onondaga county, the Town of Batavia fire
179-21 department in Genesee County, the Schuyler Heights fire district and the
179-22 Slingerlands fire district I in Albany county, the town of Providence
179-23 fire district in Saratoga county, the River Road fire district, No. 3 in
179-24 Erie county, the Sir William Johnson Fire Company in Fulton county, the
179-25 Fort Johnson Fire district in Montgomery county or the memberships of
179-26 the Millwood fire district, the Purchase Fire District, the North Castle
179-27 South Fire District, No. 1 in Westchester county, the Thornwood fire
179-28 company, No. 1 in Westchester county and the Rockland Lake fire district
179-29 in Rockland county.

179-30 (b) Upon application by a fire district or fire company to the state
179-31 fire administrator, the requirements of paragraph (a) of this subdivi-
179-32 sion shall be waived, provided that no adjacent fire district objects
179-33 within sixty days of notice, published in the state register. Any such
179-34 objection shall be made in writing to the state fire administrator
179-35 setting forth the reasons such waiver should not be granted. In cases
179-36 where an objection is properly filed, the state fire administrator shall
179-37 have the authority to grant a waiver upon consideration of (1) the
179-38 difficulty of the fire company or district in retaining and recruiting
179-39 adequate personnel; (2) any alternative means available to the fire
179-40 company or district to address such difficulties; and (3) the impact of
179-41 such waiver on adjacent fire districts.

179-42 § 4. Section 578 of the real property tax law, as added by chapter 636
179-43 of the laws of 1970, is amended to read as follows:

179-44 § 578. County assistance under cooperative agreements. 1. The legis-
179-45 lative bodies of the counties and the governing boards of the cities,
179-46 towns, villages and school districts or appropriate officers thereof
179-47 authorized by such legislative body or governing board, as the case may
179-48 be, shall have power to enter into contracts with each other for data
179-49 processing and other mechanical assistance in the preparation of assess-
179-50 ment rolls, tax rolls, tax bills and other assessment and property tax
179-51 records and for supplies of field books, assessment rolls and other
179-52 assessment and property tax forms.

179-53 2. (a) The legislative body of a county and the governing body of any
179-54 city, town, village or school district therein shall have the power to
179-55 enter into contracts with each other for the collection of taxes by the
179-56 county treasurer. Such an agreement may either authorize the county

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180- 1 treasurer to collect taxes jointly and concurrently with the tax
180- 2 collecting officer of such city, town, village or school district, or
180- 3 may delegate to the county treasurer the sole and exclusive authority to
180- 4 collect taxes for such city, town, village or school district. Such an
180- 5 agreement shall be considered a municipal cooperation agreement for
180- 6 purposes of article five-G of the general municipal law and shall be
180- 7 subject to all provisions thereof. Any such agreement shall be approved
180- 8 by both the city, town, village or school district and the county, by a
180- 9 majority vote of the voting strength of each governing body.

180-10 (b) An agreement that authorizes the county treasurer to collect taxes
180-11 jointly and concurrently with the tax collecting officer of such city,
180-12 town, village or school district shall have no effect upon the tenure,
180-13 powers or duties of the incumbent tax collecting officer, except that
180-14 the county treasurer shall also be considered a tax collecting officer
180-15 of the city, town, village or school district, with all the powers and
180-16 duties thereof. In no case shall such an agreement be construed to
180-17 empower the tax collecting officer of a city, town, village or school
180-18 district to collect taxes that have been returned to the county treasur-
180-19 er as unpaid.

180-20 (c) An agreement that delegates to the county treasurer the sole and
180-21 exclusive authority to collect taxes for such city, town, village or
180-22 school district shall have the effect of making the county treasurer the
180-23 sole tax collecting officer of such city, town, village or school
180-24 district, and of abolishing the separate office of tax collecting offi-
180-25 cer in such city, town, village or school district, for as long as the
180-26 agreement shall be in effect. Provided, however, that if the office to
180-27 be abolished is elective, the agreement shall be submitted for the
180-28 approval of the electors of the contracting city, town or village in the
180-29 manner provided by section twenty-three of the municipal home rule law.
180-30 Provided further, that such an agreement shall not take effect during
180-31 the term of an incumbent tax collecting officer, unless the office
180-32 should become vacant prior to the expiration of such term. Upon the
180-33 termination of such an agreement, the office of tax collecting officer
180-34 shall be deemed reestablished as an appointive office of the city, town,
180-35 village or school district, unless such office has been abolished or its
180-36 functions transferred to another officer pursuant to law.

180-37 § 5. This act shall take effect immediately.

180-38 PART FF

180-39 Section 1. Subdivision 1 of section 103 of the general municipal law,
180-40 as amended by section 1 of part D of chapter 494 of the laws of 2009, is
180-41 amended to read as follows:

180-42 1. Except as otherwise expressly provided by an act of the legislature
180-43 or by a local law adopted prior to September first, nineteen hundred
180-44 fifty-three, all contracts for public work involving an expenditure of
180-45 more than thirty-five thousand dollars and all purchase contracts
180-46 involving an expenditure of more than [ten] twenty thousand dollars,
180-47 shall be awarded by the appropriate officer, board or agency of a poli-
180-48 tical subdivision or of any district therein including but not limited
180-49 to a soil conservation district, to the lowest responsible bidder
180-50 furnishing the required security after advertisement for sealed bids in
180-51 the manner provided by this section. In any case where a responsible
180-52 bidder's gross price is reducible by an allowance for the value of used
180-53 machinery, equipment, apparatus or tools to be traded in by a political
180-54 subdivision, the gross price shall be reduced by the amount of such

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181- 1 allowance, for the purpose of determining the low bid. In cases where
181- 2 two or more responsible bidders furnishing the required security submit
181- 3 identical bids as to price, such officer, board or agency may award the
181- 4 contract to any of such bidders. Such officer, board or agency may, in
181- 5 his or her or its discretion, reject all bids and readvertise for new
181- 6 bids in the manner provided by this section. In determining whether a
181- 7 purchase is an expenditure within the discretionary threshold amounts
181- 8 established by this subdivision, the officer, board or agency of a poli-
181- 9 tical subdivision or of any district therein shall consider the reason-
181-10 ably expected aggregate amount of all purchases of the same commodities,
181-11 services or technology to be made within the twelve-month period
181-12 commencing on the date of purchase. Purchases of commodities, services
181-13 or technology shall not be artificially divided for the purpose of
181-14 satisfying the discretionary buying thresholds established by this
181-15 subdivision. A change to or a renewal of a discretionary purchase shall
181-16 not be permitted if the change or renewal would bring the reasonably
181-17 expected aggregate amount of all purchases of the same commodities,
181-18 services or technology from the same provider within the twelve-month
181-19 period commencing on the date of the first purchase to an amount greater
181-20 than the discretionary buying threshold amount. For purposes of this
181-21 section, "sealed bids", as that term applies to purchase contracts,
181-22 shall include bids submitted in an electronic format including
181-23 submission of the statement of non-collusion required by section one
181-24 hundred three-d of this article, provided that the governing board of

181-25 the political subdivision or district, by resolution, has authorized the
181-26 receipt of bids in such format. Submission in electronic format may
181-27 [not, however], for technology contracts only, be required as the sole
181-28 method for the submission of bids. Bids submitted in an electronic
181-29 format shall be transmitted by bidders to the receiving device desig-
181-30 nated by the political subdivision or district. Any method used to
181-31 receive electronic bids shall comply with article three of the state
181-32 technology law, and any rules and regulations promulgated and guidelines
181-33 developed thereunder and, at a minimum, must (a) document the time and
181-34 date of receipt of each bid received electronically; (b) authenticate
181-35 the identity of the sender; (c) ensure the security of the information
181-36 transmitted; and (d) ensure the confidentiality of the bid until the
181-37 time and date established for the opening of bids. The timely submission
181-38 of an electronic bid in compliance with instructions provided for such
181-39 submission in the advertisement for bids and/or the specifications shall
181-40 be the responsibility solely of each bidder or prospective bidder. No
181-41 political subdivision or district therein shall incur any liability from
181-42 delays of or interruptions in the receiving device designated for the
181-43 submission and receipt of electronic bids.

181-44 § 2. Subdivision 1 of section 103 of the general municipal law, as
181-45 amended by chapter 413 of the laws of 1991, is amended to read as
181-46 follows:

181-47 1. Except as otherwise expressly provided by an act of the legislature
181-48 or by a local law adopted prior to September first, nineteen hundred
181-49 fifty-three, all contracts for public work involving an expenditure of
181-50 more than [twenty] thirty-five thousand dollars and all purchase
181-51 contracts involving an expenditure of more than [ten] twenty thousand
181-52 dollars, shall be awarded by the appropriate officer, board or agency of
181-53 a political subdivision or of any district therein including but not
181-54 limited to a soil conservation district, to the lowest responsible
181-55 bidder furnishing the required security after advertisement for sealed
181-56 bids in the manner provided by this section. In determining whether a

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182- 1 purchase is an expenditure within the discretionary threshold amounts
182- 2 established by this subdivision, the officer, board or agency of a poli-
182- 3 tical subdivision or of any district therein shall consider the reason-
182- 4 ably expected aggregate amount of all purchases of the same commodities,
182- 5 services or technology to be made within the twelve-month period
182- 6 commencing on the date of purchase. Purchases of commodities, services
182- 7 or technology shall not be artificially divided for the purpose of
182- 8 satisfying the discretionary buying thresholds established by this
182- 9 subdivision. A change to or a renewal of a discretionary purchase shall
182-10 not be permitted if the change or renewal would bring the reasonably
182-11 expected aggregate amount of all purchases of the same commodities,
182-12 services or technology from the same provider within the twelve-month
182-13 period commencing on the date of the first purchase to an amount greater
182-14 than the discretionary buying threshold amount. In any case where a
182-15 responsible bidder's gross price is reducible by an allowance for the
182-16 value of used machinery, equipment, apparatus or tools to be traded in
182-17 by a political subdivision, the gross price shall be reduced by the
182-18 amount of such allowance, for the purpose of determining the low bid. In
182-19 cases where two or more responsible bidders furnishing the required
182-20 security submit identical bids as to price, such officer, board or agen-
182-21 cy may award the contract to any of such bidders. Such officer, board or
182-22 agency may, in his, her or its discretion, reject all bids and readver-
182-23 tise for new bids in the manner provided by this section.

182-24 § 3. Subdivision 5 of section 103 of the general municipal law, as
182-25 amended by chapter 413 of the laws of 1991, is amended to read as
182-26 follows:

182-27 5. Upon the adoption of a resolution by a vote of at least three-
182-28 fifths of all the members of the governing body of a political subdivi-
182-29 sion or district therein stating that, for reasons of efficiency or

182-30 economy, there is need for standardization, purchase contracts for a
182-31 particular type or kind of equipment, material or supplies [of more than]
182-32 [ten thousand dollars] in excess of the monetary threshold fixed for
182-33 purchase contracts in this section may be awarded by the appropriate
182-34 officer, board or agency of such political subdivision or any such
182-35 district therein, to the lowest responsible bidder furnishing the
182-36 required security after advertisement for sealed bids therefor in the
182-37 manner provided in this section. Such resolution shall contain a full
182-38 explanation of the reasons for its adoption.

182-39 § 4. Section 103-d of the general municipal law, as amended by chapter
182-40 675 of the laws of 1966, is amended to read as follows:

182-41 § 103-d. Statement of non-collusion in bids and proposals to political
182-42 subdivision of the state. 1. Every bid or proposal hereafter made to a
182-43 political subdivision of the state or any public department, agency or
182-44 official thereof where competitive bidding is required by statute, rule,
182-45 regulation or local law, for work or services performed or to be
182-46 performed or goods sold or to be sold, shall contain the following
182-47 statement subscribed by the bidder and affirmed by such bidder as true
182-48 under the penalties of perjury: Non-collusive bidding certification.

182-49 "(a) By submission of this bid, each bidder and each person signing on
182-50 behalf of any bidder certifies, and in the case of a joint bid each
182-51 party thereto certifies as to its own organization, under penalty of
182-52 perjury, that to the best of knowledge and belief:

182-53 (1) The prices in this bid have been arrived at independently without
182-54 collusion, consultation, communication, or agreement, for the purpose of
182-55 restricting competition, as to any matter relating to such prices with
182-56 any other bidder or with any competitor;

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183- 1 (2) Unless otherwise required by law, the prices which have been quot-
183- 2 ed in this bid have not been knowingly disclosed by the bidder and will
183- 3 not knowingly be disclosed by the bidder prior to opening, directly or
183- 4 indirectly, to any other bidder or to any competitor; and

183- 5 (3) No attempt has been made or will be made by the bidder to induce
183- 6 any other person, partnership or corporation to submit or not to submit
183- 7 a bid for the purpose of restricting competition. "

183- 8 (a-1) Notwithstanding the foregoing, the statement of non-collusion
183- 9 may be submitted electronically in accordance with the provisions of
183-10 subdivision one of section one hundred three of the general municipal
183-11 law.

183-12 (b) A bid shall not be considered for award nor shall any award be
183-13 made where (a) (1) (2) and (3) above have not been complied with;
183-14 provided however, that if in any case the bidder cannot make the forego-
183-15 ing certification, the bidder shall so state and shall furnish with the
183-16 bid a signed statement which sets forth in detail the reasons therefor.
183-17 Where (a) (1) (2) and (3) above have not been complied with, the bid
183-18 shall not be considered for award nor shall any award be made unless the
183-19 head of the purchasing unit of the political subdivision, public depart-
183-20 ment, agency or official thereof to which the bid is made, or his desig-
183-21 nee, determines that such disclosure was not made for the purpose of
183-22 restricting competition.

183-23 The fact that a bidder (a) has published price lists, rates, or
183-24 tariffs covering items being procured, (b) has informed prospective
183-25 customers of proposed or pending publication of new or revised price
183-26 lists for such items, or (c) has sold the same items to other customers
183-27 at the same prices being bid, does not constitute, without more, a
183-28 disclosure within the meaning of subparagraph one (a).

183-29 2. Any bid hereafter made to any political subdivision of the state or
183-30 any public department, agency or official thereof by a corporate bidder
183-31 for work or services performed or to be performed or goods sold or to be
183-32 sold, where competitive bidding is required by statute, rule, regu-
183-33 lation, or local law, and where such bid contains the certification
183-34 referred to in subdivision one of this section, shall be deemed to have

183-35 been authorized by the board of directors of the bidder, and such
183-36 authorization shall be deemed to include the signing and submission of
183-37 the bid and the inclusion therein of the certificate as to non-collusion
183-38 as the act and deed of the corporation.

183-39 § 5. Intentionally omitted.

183-40 § 6. Intentionally omitted.

183-41 § 7. Intentionally omitted.

183-42 § 8. Intentionally omitted.

183-43 § 9. Intentionally omitted.

183-44 § 10. Subdivision 7 of section 163 of the state finance law, as sepa-
183-45 rately amended by sections 12 and 20 of chapter 137 of the laws of 2008,
183-46 is amended and a new subdivision 7-a is added to read as follows:

183-47 7. Method of procurement. Consistent with the requirements of subdivi-
183-48 sions three and four of this section, state agencies shall select among
183-49 permissible methods of procurement including, but not limited to, an
183-50 invitation for bid, request for proposals or other means of solicitation
183-51 pursuant to guidelines issued by the state procurement council. State
183-52 agencies may accept bids electronically including submission of the
183-53 statement of non-collusion required by section one hundred thirty-nine-d
183-54 of this chapter and may, for technology contracts [only,] and, in addi-
183-55 tion, for the period from July first, two thousand ten, to July first,
183-56 two thousand twelve, fuels (home heating, diesel, gasoline, natural

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184- 1 gas), road salt, recycled paper, tires, telecommunications equipment,
184- 2 industrial supplies (tools, equipment), bituminous materials, drainage
184- 3 and culvert pipe, and road aggregate (gravel), require electronic
184- 4 submission as the sole method for the submission of bids for the solici-
184- 5 tation, provided that the agency has made a determination, which shall
184- 6 be documented in the procurement record, that such method affords a fair
184- 7 and equal opportunity for offerers to submit responsive offers. Except
184- 8 where otherwise provided by law, procurements shall be competitive, and
184- 9 state agencies shall conduct formal competitive procurements to the
184-10 maximum extent practicable. State agencies shall document the determi-
184-11 nation of the method of procurement and the basis of award in the
184-12 procurement record. Where the basis for award is the best value offer,
184-13 the state agency shall document, in the procurement record and in
184-14 advance of the initial receipt of offers, the determination of the eval-
184-15 uation criteria, which whenever possible, shall be quantifiable, and the
184-16 process to be used in the determination of best value and the manner in
184-17 which the evaluation process and selection shall be conducted.

184-18 7-a. On or before February first, two thousand twelve, the commission-
184-19 er of the office of general services shall submit to the speaker of the
184-20 assembly and the temporary president of the senate a report describing:

184-21 (a) the number of times the office of general services required elec-
184-22 tronic submission as the sole method by which bids could be submitted
184-23 for the period from July first, two thousand ten through December thir-
184-24 ty-first, two thousand eleven;

184-25 (b) the estimated savings to the state as a result of the office of
184-26 general services requiring electronic submission as the sole method by
184-27 which bids could be submitted in response to a solicitation and the
184-28 basis on which the estimate is made;

184-29 (c) to the extent practicable, the size, minority- and women-owned
184-30 business enterprise composition and geographic distribution of those
184-31 vendors that submitted bids in response to an office of general services
184-32 solicitation where electronic submission was the sole method by which
184-33 bids could be submitted for the period from July first, two thousand ten
184-34 to December thirty-first, two thousand eleven; and

184-35 (d) to the extent practicable, the size, minority- and women-owned
184-36 business enterprise composition and geographic distribution of those
184-37 vendors that submitted bids in response to an office of general services
184-38 solicitation for those contracts described in subdivision seven of this
184-39 section for the period from July first, two thousand eight through June

184-40 thirtieth, two thousand ten.
184-41 § 11. Subdivision 1 of section 139-d of the state finance law is
184-42 amended by adding a new paragraph (a-1) to read as follows:
184-43 (a-1) Notwithstanding the foregoing, the statement of non-collusion
184-44 may be submitted electronically in accordance with the provisions of
184-45 subdivision seven of section one hundred sixty-three of the state
184-46 finance law.
184-47 § 12. Section 20 of the public buildings law, as amended by chapter
184-48 640 of the laws of 1989, is amended to read as follows:
184-49 § 20. Work done by special order. The commissioner of general
184-50 services shall determine when minor work of construction, recon-
184-51 struction, alteration or repair of any state building may be done by
184-52 special order. Special orders for such work shall be short-form
184-53 contracts approved by the attorney general and by the comptroller. No
184-54 work shall be done by special order in an amount in excess of [fifty]
184-55 one hundred thousand dollars and a bond shall not be required for
184-56 special orders. No work shall be done by special order unless the
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185- 1 commissioner has presented to the comptroller evidence that he has made
185- 2 a diligent effort to obtain competition sufficient to protect the inter-
185- 3 ests of the state prior to selecting the contractor to perform the work.
185- 4 Notwithstanding the provisions of subdivision two of section eight of
185- 5 this chapter, work done by special order under this section may be
185- 6 advertised solely through the regular public notification service of the
185- 7 office of general services. At least five days shall elapse between the
185- 8 first publication of such public notice and the date so specified for
185- 9 the public opening of bids. All payments on special orders shall be
185-10 made on the certificate of the commissioner of general services and
185-11 audited and approved by the state comptroller. All special orders shall
185-12 contain a clause that the special order shall only be deemed executory
185-13 to the extent of the moneys available and no liability shall be incurred
185-14 by the state beyond the moneys available for the purpose.
185-15 § 12-a. Intentionally omitted.
185-16 § 13. This act shall take effect immediately and shall apply to any
185-17 contract let or awarded on or after such date; provided, however, that:
185-18 1. the amendments to subdivision 1 of section 103 of the general
185-19 municipal law made by section one of this act shall not affect the expi-
185-20 ration and reversion of such subdivision as provided in subdivision (a)
185-21 of section 41 of part X of chapter 62 of the laws of 2003, as amended,
185-22 when upon such date the provisions of section two of this act shall take
185-23 effect; and
185-24 2. the amendments to section 103-d of the general municipal law made
185-25 by section four of this act shall expire and be deemed repealed on the
185-26 same date and in the same manner as section 4 of part X of chapter 62 of
185-27 the laws of 2003, as provided in subdivision (a) of section 41 of part X
185-28 of chapter 62 of the laws of 2003, as amended; and
185-29 3. the amendments to subdivision 7 of section 163 of the state finance
185-30 law made by section ten of this act shall not affect the repeal of such
185-31 subdivision and shall be deemed repealed therewith; and
185-32 4. the amendments to section 139-d of the state finance law made by
185-33 section eleven of this act shall expire and be deemed repealed on the
185-34 same date and in the same manner as section 33 of chapter 83 of the laws
185-35 of 1995, as provided in subdivision 5 of section 362 of chapter 83 of
185-36 the laws of 1995, as amended.

185-37 PART GG

185-38 Intentionally omitted.

185-39 PART HH

185-40 Intentionally omitted.

185-41

PART II

185-42 Intentionally omitted.

185-43

PART JJ

185-44

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:

185-45

185-46

185-47

185-48

1. Tuition reimbursement fund (050):

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186- 1

a. Tuition reimbursement account (01).

186- 2

b. Proprietary vocational school supervision account (02).

186- 3

2. Local government records management improvement fund (052):

186- 4

a. Local government records management account (01).

186- 5

3. Dedicated highway and bridge trust fund (072):

186- 6

a. Highway and bridge capital account (01).

186- 7

4. State University Residence Hall Rehabilitation Fund (074).

186- 8

5. State parks infrastructure trust fund (076):

186- 9

a. State parks infrastructure account (01).

186-10

6. Clean water/clean air implementation fund (079).

186-11

7. State lottery fund (160):

186-12

a. Education - New (03).

186-13

b. VLT - Sound basic education fund (06).

186-14

8. Medicaid management information system escrow fund (179).

186-15

9. Federal operating grants fund (290) federal capital grants fund

186-16

(291).

10. Sewage treatment program management and administration fund (300).

186-18

11. Environmental conservation special revenue fund (301):

186-19

a. Hazardous bulk storage account (F7).

186-20

b. Utility environmental regulation account (H4).

186-21

c. Low level radioactive waste siting account (K5).

186-22

d. Recreation account (K6).

186-23

e. Conservationist magazine account (S4).

186-24

f. Environmental regulatory account (S5).

186-25

g. Natural resource account (S6).

186-26

h. Mined land reclamation program account (XB).

186-27

i. Federal grants indirect cost recovery account (IC).

186-28

12. Environmental protection and oil spill compensation fund (303).

186-29

13. Hazardous waste remedial fund (312):

186-30

a. Site investigation and construction account (01).

186-31

b. Hazardous waste remedial clean up account (06).

186-32

14. Mass transportation operating assistance fund (313):

186-33

a. Public transportation systems account (01).

186-34

b. Metropolitan mass transportation (02).

186-35

15. Clean air fund (314):

186-36

a. Operating permit program account (01).

186-37

b. Mobile source account (02).

186-38

16. Centralized services fund (323).

186-39

17. State exposition special fund (325).

186-40

18. Agency enterprise fund (331):

186-41

a. OGS convention center account (55).

186-42

19. Agencies internal service fund (334):

186-43

a. Archives records management account (02).

186-44

b. Federal single audit account (05).

186-45

c. Civil service law: sec 11 admin account (09).

186-46

d. Civil service EHS occupational health program account (10).

186-47

e. Banking services account (12).

186-48

f. Cultural resources survey account (14).

186-49

g. Neighborhood work project (17).

186-50 h. Automation & printing chargeback account (18).
186-51 i. OFT NYT account (20).
186-52 j. Data center account (23).
186-53 k. Human service telecom account (24).
186-54 l. Centralized Technology services account (30).
186-55 m. OMRDD copy center account (26).
186-56 n. Intrusion detection account (27).

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187- 1 o. Domestic violence grant account (28).
187- 2 p. Learning management system account.
187- 3 20. Miscellaneous special revenue fund (339):
187- 4 a. Statewide planning and research cooperative system account (03).
187- 5 b. OMRDD provider of service account (05).
187- 6 c. New York state thruway authority account (08).
187- 7 d. Mental hygiene patient income account (13).
187- 8 e. Financial control board account (15).
187- 9 f. Regulation of racing account (16).
187-10 g. New York metropolitan transportation council account (17).
187-11 h. Quality of care account (20).
187-12 i. Cyber upgrade account (25).
187-13 j. Certificate of need account (26).
187-14 k. Hospital and nursing home management account (44).
187-15 l. State university dormitory income reimbursable account (47).
187-16 m. Energy research account (60).
187-17 n. Criminal justice improvement account (62).
187-18 o. Fingerprint identification and technology account (68).
187-19 p. Environmental laboratory reference fee account (81).
187-20 q. Clinical laboratory reference system assessment account (90).
187-21 r. Public employment relations board account (93).
187-22 s. Radiological health protection account (95).
187-23 t. Teacher certification account (A4).
187-24 u. Banking department account (A5).
187-25 v. Cable television account (A6).
187-26 w. Indirect cost recovery account (AH).
187-27 x. High school equivalency program account (AI).
187-28 y. Rail safety inspection account (AQ).
187-29 z. Child support revenue account (AX).
187-30 aa. Multi-agency training account (AY).
187-31 bb. Critical infrastructure account (B3).
187-32 cc. Insurance department account (B6).
187-33 dd. Bell jar collection account (BJ).
187-34 ee. Industry and utility service account (BK).
187-35 ff. Real property disposition account (BP).
187-36 gg. Parking account (BQ).
187-37 hh. Asbestos safety training program account (BW).
187-38 ii. Improvement of real property tax administration account (BZ).
187-39 jj. Public service account (C3).
187-40 kk. Batavia school for the blind account (D9).
187-41 ll. Investment services account (DC).
187-42 mm. Surplus property account (DE).
187-43 nn. OMRDD day services account (DH).
187-44 oo. Financial oversight account (DI).
187-45 pp. Regulation of indian gaming account (DT).
187-46 qq. Special conservation activities account (CU).
187-47 rr. Interest assessment account (DZ).
187-48 ss. Office of the professions account (E3).
187-49 tt. Rome school for the deaf account (E6).
187-50 uu. Seized assets account (E8).
187-51 vv. Administrative adjudication account (E9).
187-52 ww. Federal salary sharing account (EC).
187-53 xx. Cultural education account (EN).
187-54 yy. Examination and miscellaneous revenue account (ER).

187-55 zz. Transportation regulation account (F1).
 187-56 aaa. Local services account (G3).
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188- 1 bbb. Electronic benefit transfer and common benefit identification
 188- 2 card account (GD).
 188- 3 ccc. Housing special revenue account (H2).
 188- 4 ddd. Department of motor vehicles compulsory insurance account (H7).
 188- 5 eee. Housing Indirect cost recovery (HI).
 188- 6 fff. Housing credit agency application fee account (J5).
 188- 7 ggg. EPIC premium account (J6).
 188- 8 hhh. Federal gasoline and diesel fuel excise tax account (L6).
 188- 9 iii. OTDA earned revenue account (L7).
 188-10 jjj. Low income housing credit monitoring fee account (NG).
 188-11 kkk. Procurement opportunities newsletter account (P4).
 188-12 lll. Corporation administration account (P6).
 188-13 mmm. Montrose veteran's home account (Q6).
 188-14 nnn. Excelsior capital corporation reimbursement account (R1).
 188-15 ooo. Motor fuel quality account (R4).
 188-16 ppp. Deferred compensation administration account (R7).
 188-17 qqq. Rent revenue other account (RR).
 188-18 rrr. Batavia medicaid income account (S1).
 188-19 sss. Rent revenue account (S8).
 188-20 ttt. Tax revenue arrearage account (TR).
 188-21 uuu. Solid waste management account (W3).
 188-22 vvv. Occupational health clinics account (W4).
 188-23 www. Capacity contracting (XU).
 188-24 xxx. Point insurance reduction program account.
 188-25 yyy. Internet point insurance reduction program account.
 188-26 zzz. Mental hygiene program fund account (10).
 188-27 aaaa. Third party debt collection account.
 188-28 21. State university income fund (345):
 188-29 a. State university general income offset account (11).
 188-30 22. State police and motor vehicle law enforcement fund (354):
 188-31 a. State police motor vehicle law enforcement account (02).
 188-32 23. Youth facilities improvement fund (357):
 188-33 a. Youth facilities improvement account (01).
 188-34 24. Highway safety program fund (362):
 188-35 a. Highway safety program account (01).
 188-36 25. Drinking water program management and administration fund (366):
 188-37 a. EFC drinking water program account (01).
 188-38 b. DOH drinking water program account (02).
 188-39 26. New York city county clerks offset fund (368):
 188-40 a. NYCCC operating offset account (01).
 188-41 27. Housing assistance fund (374).
 188-42 28. Housing program fund (376).
 188-43 29. Department of transportation - engineering services fund (380):
 188-44 a. Highway facility purpose account (01).
 188-45 30. Miscellaneous capital projects fund (387):
 188-46 a. Clean air capital account (08).
 188-47 b. New York racing account.
 188-48 31. Mental hygiene facilities capital improvement fund (389).
 188-49 32. Joint labor/management administration fund (394):
 188-50 a. Joint labor/management administration fund (01).
 188-51 33. Audit and control revolving fund (395):
 188-52 a. Executive direction internal audit account (04).
 188-53 34. Health insurance internal service fund (396):
 188-54 a. Health insurance internal service account (00).
 188-55 b. Civil service employee benefits div admin (01).
 188-56 35. Correctional industries revolving fund (397).
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189- 1 36. Correctional facilities capital improvement fund (399).

- 189- 2 37. HCRA resources fund (061):
189- 3 a. EPIC premium account (J6).
189- 4 b. Maternal and child HIV services account (LC).
189- 5 c. Hospital based grants program account (AF).
189- 6 d. Child health plus program account (29).

189- 7 § 1-a. The state comptroller is hereby authorized and directed to loan
189- 8 money in accordance with the provisions set forth in subdivision 5 of
189- 9 section 4 of the state finance law to any account within the following
189-10 federal funds, provided the comptroller has made a determination that
189-11 sufficient federal grant award authority is available to reimburse such
189-12 loans:

- 189-13 1. Federal USDA-food nutrition services fund (261).
189-14 2. Federal health and human services fund (265).
189-15 3. Federal education grants fund (267).
189-16 4. Federal block grant fund (269).
189-17 5. Federal operating grants fund (290).
189-18 6. Federal capital projects fund (291).
189-19 7. Federal unemployment insurance administration fund (480).
189-20 8. Federal unemployment insurance occupational training fund (484).
189-21 9. Federal employment and training grants (486).

189-22 § 2. Notwithstanding any law to the contrary, and in accordance with
189-23 section 4 of the state finance law, the comptroller is hereby authorized
189-24 and directed to transfer, upon request of the director of the budget, on
189-25 or before March 31, 2011, up to the unencumbered balance or the follow-
189-26 ing amounts:

189-27 Economic Development and Public Authorities:

- 189-28 1. \$100,000 from the miscellaneous special revenue fund (339) under-
189-29 ground facilities safety training account (US), to the general fund.
189-30 2. An amount up to the unencumbered balance from the miscellaneous
189-31 special revenue fund (339), business and licensing services account
189-32 (AG), to the general fund.
189-33 3. \$14,810,000 from the miscellaneous special revenue fund (339), code
189-34 enforcement account (07), to the general fund.

189-35 Education:

- 189-36 1. \$2,231,000,000 from the general fund to the state lottery fund
189-37 (160), education account (03), as reimbursement for disbursements made
189-38 from such fund for supplemental aid to education pursuant to section
189-39 92-c of the state finance law that are in excess of the amounts deposit-
189-40 ed in such fund for such purposes pursuant to section 1612 of the tax
189-41 law.
189-42 2. \$862,000,000 from the general fund to the state lottery fund (160),
189-43 VLT education account (06), as reimbursement for disbursements made from
189-44 such fund for supplemental aid to education pursuant to section 92-c of
189-45 the state finance law that are in excess of the amounts deposited in
189-46 such fund for such purposes pursuant to section 1612 of the tax law.
189-47 3. Moneys from the state lottery fund (160) up to an amount deposited
189-48 in such fund pursuant to section 1612 of the tax law in excess of the
189-49 current year appropriation for supplemental aid to education pursuant to
189-50 section 92-c of the state finance law.
189-51 4. \$300,000 from the local government records management improvement
189-52 fund (052) to the archives partnership trust fund (024).
189-53 5. \$700,000 from the general fund to the miscellaneous special revenue
189-54 fund (339), Batavia school for the blind account (D9).
189-55 6. \$400,000 from the general fund to the miscellaneous special revenue
189-56 fund (339), Rome school for the deaf account (E6).

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- 190- 1 7. \$1,500,000 from the general fund for the private schools for the
190- 2 blind and deaf may be transferred to the department of health miscella-
190- 3 neous special revenue fund (339), quality assurance and audit revenue
190- 4 activities account (GB). Notwithstanding any other law, rule or regu-
190- 5 lation to the contrary, funds shall be available for transfer to the
190- 6 department of health miscellaneous special revenue fund (339), quality

190- 7 assurance and audit revenue activities account (GB), upon the approval
190- 8 by the director of the budget of a staffing and expenditure plan devel-
190- 9 oped by the department of health in consultation with the state educa-
190-10 tion department.

190-11 8. \$55,000,000 from the state university dormitory income fund (330)
190-12 to the state university residence hall rehabilitation fund (074).

190-13 9. \$315,000,000 from the state university dormitory income fund (330)
190-14 to the miscellaneous special revenue fund (339), state university dormi-
190-15 tory income reimbursable account (47).

190-16 10. \$1,000,000 from the miscellaneous special revenue fund (339),
190-17 cultural education account (EN), to the miscellaneous special revenue
190-18 fund (339), summer school of the arts account (38).

190-19 11. \$24,000,000 from any of the state education department special
190-20 revenue and internal service funds to the miscellaneous special revenue
190-21 fund (339), indirect cost recovery account (AH).

190-22 12. \$8,318,000 from the general fund to the state university income
190-23 fund (345), state university income offset account (11), for the state's
190-24 share of repayment of the STIP loan.

190-25 13. Up to \$4,000,000 from the miscellaneous special revenue fund
190-26 (339), office of the professions account (E3), to the miscellaneous
190-27 special revenue fund (339), education assessment account, notwithstand-
190-28 ing the provisions of subdivision 3 of section 97-nnn of the state
190-29 finance law, or any other law, rule or regulation to the contrary,
190-30 subject to the approval of the director of the budget of an expenditure
190-31 plan submitted by the commissioner of education.

190-32 Environmental Affairs:

190-33 1. \$500,000 from the department of transportation's federal capital
190-34 projects fund (291) to the office of parks and recreation federal oper-
190-35 ating grants fund (290), miscellaneous operating grants account.

190-36 2. \$5,000,000 from the general fund to the hazardous waste remedial
190-37 fund (312), hazardous waste remediation oversight and assistance account
190-38 (00).

190-39 3. \$16,000,000 from any of the department of environmental conserva-
190-40 tion's special revenue federal funds to the special revenue fund (301)
190-41 federal grant indirect cost recovery account.

190-42 4. \$3,000,000 from any of the office of parks, recreation and historic
190-43 preservation capital projects federal funds and special revenue federal
190-44 funds to the special revenue fund (339) federal grant indirect cost
190-45 recovery account (Z1).

190-46 5. \$1,000,000 from any of the office of parks, recreation and historic
190-47 preservation special revenue federal funds to the special revenue fund
190-48 (339), I love NY water account (39).

190-49 6. \$105,000 from the state exposition special fund (325), state fair
190-50 receipts account (01), to the general fund.

190-51 7. \$10,000,000 from resources made available through the use of bond
190-52 financing for activities in the environmental protection fund (078),
190-53 environmental protection transfer account (01), to the general fund.

190-54 Family Assistance:

190-55 1. \$10,000,000 from any of the office of children and family services,
190-56 office of temporary and disability assistance, or department of health
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191- 1 special revenue federal funds and the general fund, in accordance with
191- 2 agreements with social services districts, to the miscellaneous special
191- 3 revenue fund (339), office of human resources development state match
191- 4 account (2C).

191- 5 2. \$3,000,000 from any of the office of children and family services
191- 6 or office of temporary and disability assistance special revenue federal
191- 7 funds to the miscellaneous special revenue fund (339), family preserva-
191- 8 tion and support services and family violence services account (GC).

191- 9 3. \$6,000,000 from any of the office of children and family services
191-10 special revenue federal funds to the general fund for title IV-E
191-11 reimbursement of youth facility costs.

191-12 4. \$28,000,000 from any of the office of children and family services,
191-13 office of temporary and disability assistance, or department of health
191-14 special revenue federal funds and any other miscellaneous revenues
191-15 generated from the operation of office of children and family services
191-16 programs to the miscellaneous special revenue fund (339), office of
191-17 children and family services income account (AR).
191-18 5. \$10,000,000 from any of the office of children and family services
191-19 or office of temporary and disability assistance special revenue funds
191-20 or the general fund to the miscellaneous special revenue fund (339),
191-21 connections account (WK).
191-22 6. \$41,000,000 from any of the office of temporary and disability
191-23 assistance accounts within the federal health and human services fund
191-24 (265) to the general fund.
191-25 7. \$8,300,000 from any of the office of temporary and disability
191-26 assistance accounts within the federal health and human services fund
191-27 (265) to the miscellaneous special revenue fund (339), client notices
191-28 account (EG).
191-29 8. \$100,728,000 from any of the office of temporary and disability
191-30 assistance, department of health or office of children and family
191-31 services special revenue funds to the miscellaneous special revenue fund
191-32 (339), office of temporary and disability assistance earned revenue
191-33 account (L7).
191-34 9. \$2,500,000 from any of the office of temporary and disability
191-35 assistance or office of children and family services special revenue
191-36 federal funds to the miscellaneous special revenue fund (339), office of
191-37 temporary and disability assistance program account (AL).
191-38 10. \$50,000,000 from any of the office of children and family
191-39 services, office of temporary and disability assistance, department of
191-40 labor, and department of health special revenue federal funds to the
191-41 office of children and family services miscellaneous special revenue
191-42 fund (339), multi-agency training contract account (AY).
191-43 11. \$24,170,000 from the office of temporary and disability assistance
191-44 federal health and human services fund (265) to the miscellaneous
191-45 special revenue fund (339), child support revenue account (AX).
191-46 12. \$6,300,000 from any of the office of children and family services,
191-47 office of temporary and disability assistance, department of labor, or
191-48 department of health special revenue funds to the office of temporary
191-49 and disability assistance miscellaneous special revenue fund (339),
191-50 multi-agency systems development account (MD).
191-51 13. \$10,073,000 from any of the office of temporary and disability
191-52 assistance special revenue federal funds, to the miscellaneous special
191-53 revenue fund (339), OTDA training contract account (48).
191-54 14. \$222,000,000 from the miscellaneous special revenue fund (339),
191-55 youth facility per Diem account (YF), to the general fund.

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192- 1 15. \$10,000,000 from any of the office of temporary and disability
192- 2 assistance special revenue federal funds, to the miscellaneous special
192- 3 revenue fund (339), electronic benefit transfer and common benefit iden-
192- 4 tification card account (GD).
192- 5 16. \$1,381,800 from the general fund to the combined gifts, grants and
192- 6 bequests fund (020), WB Hoyt Memorial account (78).
192- 7 17. \$7,000,000 from any of the office of temporary and disability
192- 8 assistance accounts within the federal health and human services fund
192- 9 (265), to the general fund.
192-10 18. \$1,300,000 from any of the office of temporary and disability
192-11 assistance and department of health special revenue federal funds to the
192-12 miscellaneous special revenue fund (339) welfare inspector general
192-13 administrative reimbursement account (WW).
192-14 General Government:
192-15 1. \$1,545,000 from the miscellaneous special revenue fund (339), exam-
192-16 ination and miscellaneous revenue account (ER) to the general fund.
192-17 2. \$12,500,000 from the general fund to the health insurance revolving

192-18 fund (396).
 192-19 3. \$192,400,000 from the health insurance reserve receipts fund (167)
 192-20 to the general fund.
 192-21 4. \$150,000 from the general fund to the not-for-profit revolving loan
 192-22 fund (055).
 192-23 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
 192-24 general fund.
 192-25 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
 192-26 property disposition account (BP), to the general fund.
 192-27 7. \$3,000,000 from the miscellaneous special revenue fund (339),
 192-28 surplus property account (DE), to the general fund.
 192-29 8. \$22,335,000 from the general fund to the miscellaneous special
 192-30 revenue fund (339), alcoholic beverage control account (DB).
 192-31 9. \$2,000,000 from the miscellaneous special revenue fund (339),
 192-32 federal liability account (FL), to the general fund.
 192-33 10. \$23,000,000 from the miscellaneous special revenue fund (339),
 192-34 revenue arrearage account (CR), to the general fund.
 192-35 11. \$1,826,000 from the miscellaneous special revenue fund (339)
 192-36 revenue arrearage account (CR), to the miscellaneous special revenue
 192-37 fund (339) authority budget office account.
 192-38 12. \$60,000,000 from any account within the special revenue federal
 192-39 funds receiving money pursuant to federal Medicare Part D legislation to
 192-40 the general fund.
 192-41 13. \$11,000,000 from the general fund to the miscellaneous special
 192-42 revenue fund (339), statewide financial system account (FM).
 192-43 14. \$1,000,000 from the miscellaneous special revenue fund (339),
 192-44 parking services account (BQ), to the general debt service fund (311),
 192-45 general debt service account.
 192-46 15. \$2,000,000 from the miscellaneous special revenue fund (339),
 192-47 procurement account (CH), to the general fund.
 192-48 16. \$10,000,000 from the centralized services fund (323), OGS building
 192-49 administration account (ZY), to the general fund.
 192-50 Health:
 192-51 1. \$12,000,000 from any of the department of health accounts within
 192-52 the federal health and human services fund (265) to the general fund.
 192-53 2. \$139,560,000 from any of the department of health accounts within
 192-54 the federal health and human services fund (265) to the miscellaneous
 192-55 special revenue fund (339), quality of care account (20).

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193- 1 3. \$1,000,000 from the general fund to the combined gifts, grants and
 193- 2 bequests fund (020), breast cancer research and education account (BD),
 193- 3 an amount equal to the monies collected and deposited into that account
 193- 4 in the previous fiscal year.
 193- 5 4. \$2,464,000 from any of the department of health accounts within the
 193- 6 federal health and human services fund (265) to the department of health
 193- 7 miscellaneous special revenue fund (339), statewide planning and
 193- 8 research cooperation system (SPARCS) program account (03).
 193- 9 5. \$250,000 from the general fund to the combined gifts, grants and
 193-10 bequests fund (020), prostate cancer research, detection, and education
 193-11 account (PR), an amount equal to the moneys collected and deposited into
 193-12 that account in the previous fiscal year.
 193-13 6. \$500,000 from the general fund to the combined gifts, grants and
 193-14 bequests fund (020), Alzheimer's disease research and assistance account
 193-15 (AA), an amount equal to the moneys collected and deposited into that
 193-16 account in the previous fiscal year.
 193-17 7. \$1,000,000 from the miscellaneous special revenue fund (339),
 193-18 administration account (AP), to the general fund.
 193-19 8. \$600,000,000 from any of the department of health accounts within
 193-20 the federal health and human services fund (265) to the miscellaneous
 193-21 special revenue fund (339), federal state health reform partnership
 193-22 account (FS).
 193-23 9. \$70,000,000 from the general fund to the miscellaneous special

193-24 revenue fund (339) empire state stem cell trust fund account (SR).
 193-25 10. \$1,250,000 from the miscellaneous New York state agency fund
 193-26 (169), medical assistance account to the department of health miscella-
 193-27 neous special revenue fund (339), third party health insurance account
 193-28 (35).
 193-29 11. \$3,700,000 from the miscellaneous New York state agency fund
 193-30 (169), medical assistance account to the office of medicaid inspector
 193-31 general miscellaneous special revenue fund (339), recoveries and revenue
 193-32 account (C9).
 193-33 Labor:
 193-34 1. \$700,000 from the labor standards miscellaneous special revenue
 193-35 fund (339), fee and penalty account (30), to the child performer
 193-36 protection fund (025), child performer protection account (CP).
 193-37 2. \$8,000,000 from the labor standards miscellaneous special revenue
 193-38 fund (339), fee and penalty account (30), to the general fund.
 193-39 3. \$10,500,000 from the unemployment insurance interest and penalty
 193-40 special revenue fund (482), unemployment insurance special interest and
 193-41 penalty account (01), to the general fund.
 193-42 4. \$2,700,000 from the labor standards miscellaneous special revenue
 193-43 fund (339), public work enforcement account (BA), to the general fund.
 193-44 5. \$1,500,000 from the training and education program on occupational
 193-45 safety and health fund (305), occupational safety and health inspection
 193-46 account (02), to the general fund.
 193-47 Mental Hygiene:
 193-48 1. \$5,000,000 from the miscellaneous special revenue fund (339),
 193-49 mental hygiene patient income account (13), to the miscellaneous special
 193-50 revenue fund (339), federal salary sharing account (EC).
 193-51 2. \$240,000,000 from the miscellaneous special revenue fund (339),
 193-52 mental hygiene patient income account (13) to the miscellaneous special
 193-53 revenue fund (339), provider of service accounts (05).
 193-54 3. \$190,000,000 from the miscellaneous special revenue fund (339),
 193-55 mental hygiene program fund account (10) to the miscellaneous special
 193-56 revenue fund (339), provider of service account (05).

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194- 1 4. \$150,000,000 from the general fund to the miscellaneous special
 194- 2 revenue fund (339), mental hygiene patient income account (13).
 194- 3 5. \$150,000,000 from the general fund to the miscellaneous special
 194- 4 revenue fund (339), mental hygiene program fund account (10).
 194- 5 6. \$300,000,000 from the miscellaneous special revenue fund (339),
 194- 6 mental hygiene program fund account (10) to the general fund.
 194- 7 7. \$150,000,000 from the miscellaneous special revenue fund (339),
 194- 8 mental hygiene patient income account (13) to the general fund.
 194- 9 8. \$750,000 from the federal operating grants fund (290), to the
 194-10 general fund.
 194-11 Public Protection:
 194-12 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
 194-13 gency management account (61), to the general fund.
 194-14 2. \$3,300,000 from the general fund to the miscellaneous special
 194-15 revenue fund (339), recruitment incentive account (U2).
 194-16 3. \$14,000,000 from the general fund to the correctional industries
 194-17 revolving fund (397), correctional industries internal service account
 194-18 (00).
 194-19 4. \$25,500,000 from the miscellaneous special revenue fund (339),
 194-20 statewide public safety communications account (LZ), to the miscella-
 194-21 neous special revenue fund (339), seized assets account (E8).
 194-22 5. \$1,500,000 from the miscellaneous special revenue fund (339),
 194-23 statewide public safety communications account (LZ), to the combined
 194-24 gifts, grants and bequests fund (020), New York state emergency services
 194-25 revolving loan account (AU).
 194-26 6. \$8,677,000 from the miscellaneous special revenue fund (339),
 194-27 statewide public safety communications account (LZ), to the general debt
 194-28 service fund (311), revenue bond tax account (02).

- 194-29 7. \$10,000,000 from federal miscellaneous operating grants fund (290),
 194-30 DMNA damage account (71), to the general fund.
- 194-31 8. \$16,000,000 from the general fund to the miscellaneous special
 194-32 revenue fund (339), crimes against revenue program account (CA).
- 194-33 9. \$2,000,000 from the general fund to the Attica state employee
 194-34 victims' fund (013).
- 194-35 10. \$20,000,000 from any office of homeland security account within
 194-36 the federal miscellaneous operating grants fund (290), receiving money
 194-37 through the homeland security grants program, to the general fund.
- 194-38 11. \$11,500,000 from the federal miscellaneous operating grants fund
 194-39 (290) world trade center account, to the general fund.
- 194-40 12. \$13,000,000 from the miscellaneous special revenue fund (339)
 194-41 criminal justice improvement account (62) to the general fund.
- 194-42 13. \$8,000,000 from the miscellaneous special revenue fund (390) indi-
 194-43 gent legal services fund (01) to the general fund.
- 194-44 14. \$1,500,000 from the agency enterprise fund (331) farm program
 194-45 account (FM), to the general fund.
- 194-46 15. \$45,000,000 from the miscellaneous special revenue fund (339),
 194-47 statewide public safety communications account (LZ), to the general
 194-48 fund.
- 194-49 16. \$5,000,000 from the general fund to the miscellaneous special
 194-50 revenue fund (339) legal services assistance account (IM).
- 194-51 17. \$4,800,000 from the federal miscellaneous operating grants fund
 194-52 (290) world trade center account, to the miscellaneous special revenue
 194-53 fund (339) New York alert account (NY).
- 194-54 Transportation:

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- 195- 1 1. \$17,672,000 from the federal miscellaneous operating grants fund
 195- 2 (290) to the special revenue fund (339), tri-state federal regional
 195- 3 planning account (17).
- 195- 4 2. \$20,147,000 from the federal capital projects fund (291) to the
 195- 5 special revenue fund (339), tri-state federal regional planning accounts
 195- 6 (17).
- 195- 7 3. \$14,300,000 from the miscellaneous special revenue fund (339),
 195- 8 compulsory insurance account (H7), to the general fund.
- 195- 9 4. \$20,000,000 from the suburban transportation fund (327) to the mass
 195-10 transportation operating assistance fund (313), additional mass trans-
 195-11 portation fund account (06).
- 195-12 5. \$19,000,000 from the general fund to the mass transportation oper-
 195-13 ating assistance fund (313) public transportation systems accounts (01).
- 195-14 6. \$16,721,000 from the mass transportation operating assistance fund
 195-15 (313) metropolitan mass transit operating assistance account (02), to
 195-16 the mass transportation operating assistance fund (313) public transpor-
 195-17 tation systems operating assistance account (01).
- 195-18 7. \$764,736,000 from the general fund to the dedicated highway and
 195-19 bridge trust fund (072).
- 195-20 8. \$803,000 from the miscellaneous special revenue fund (339), surplus
 195-21 property account (42), to the general fund.
- 195-22 9. \$600,000 from the miscellaneous special revenue fund (339), inter-
 195-23 net point insurance reduction program account (IC), to the general fund.
- 195-24 Miscellaneous:
- 195-25 1. \$75,000,000 from the general fund to any funds or accounts for the
 195-26 purpose of reimbursing certain outstanding accounts receivable balances.
- 195-27 2. \$250,000,000 from the general fund to the debt reduction reserve
 195-28 fund (064).
- 195-29 3. \$23,300,000 from the general fund to the miscellaneous special
 195-30 revenue fund (339), improvement of real property tax administrative
 195-31 account (BZ).
- 195-32 § 3. Notwithstanding any law to the contrary, and in accordance with
 195-33 section 4 of the state finance law, the comptroller is hereby authorized
 195-34 and directed to transfer, on or before March 31, 2011:
- 195-35 1. Upon request of the commissioner of environmental conservation, up

195-36 to \$10,733,000 from revenues credited to any of the department of envi-
195-37 ronmental conservation special revenue funds, including \$3,135,800 from
195-38 the environmental protection and oil spill compensation fund (303), and
195-39 \$1,739,600 from the conservation fund (302), to the environmental
195-40 conservation special revenue fund (301), indirect charges account (BJ).
195-41 2. Upon request of the commissioner of agriculture and markets, up to
195-42 \$3,000,000 from any special revenue fund or enterprise fund within the
195-43 department of agriculture and markets to the miscellaneous special
195-44 revenue fund (339) administrative costs account, to pay appropriate
195-45 administrative expenses.
195-46 3. Upon request of the commissioner of agriculture and markets, up to
195-47 \$2,000,000 from the state exposition special fund (325), state fair
195-48 receipts account (01) to the miscellaneous capital projects fund (387),
195-49 state fair capital improvement account (13).
195-50 4. Upon request of the commissioner of the division of housing and
195-51 community renewal, up to \$2,911,000 from revenues credited to any divi-
195-52 sion of housing and community renewal miscellaneous special revenue fund
195-53 (339) to the agency cost recovery account (HI).
195-54 5. Upon request of the commissioner of health up to \$15,000,000 from
195-55 revenues credited to any of the department of health's special revenue
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196- 1 funds, to the miscellaneous special revenue fund (339), administration
196- 2 account (AP).
196- 3 § 4. Notwithstanding section 2815 of the public health law or any
196- 4 other contrary provision of law, upon the direction of the director of
196- 5 the budget and the commissioner of health, the dormitory authority of
196- 6 the state of New York is directed to transfer seven million dollars
196- 7 annually from funds available and uncommitted in the New York state
196- 8 health care restructuring pool to the health care reform act (HCRA)
196- 9 resources fund - HCRA resources account.
196-10 § 5. On or before March 31, 2011, the comptroller is authorized and
196-11 directed to transfer the unencumbered balance from the family benefit
196-12 fund (329) to the general fund.
196-13 § 6. On or before March 31, 2011, the comptroller is hereby authorized
196-14 and directed to deposit earnings that would otherwise accrue to the
196-15 general fund that are attributable to the operation of section 98-a of
196-16 the state finance law, to the agencies internal service fund (334),
196-17 banking services account (12), for the purpose of meeting direct
196-18 payments from such account.
196-19 § 7. Notwithstanding any law to the contrary, upon the direction of
196-20 the director of the budget and upon requisition by state university of
196-21 New York, the dormitory authority of the state of New York is directed
196-22 to transfer, up to \$22,000,000 in revenues generated from the sale of
196-23 notes or bonds, to the state university of New York for reimbursement of
196-24 bondable equipment for further transfer to the state's general fund.
196-25 § 8. Notwithstanding any law to the contrary, and in accordance with
196-26 section 4 of the state finance law, the comptroller is hereby authorized
196-27 and directed to transfer monies, upon request of the director of the
196-28 budget, on or before March 31, 2011, from and to any of the following
196-29 accounts: the miscellaneous special revenue fund (339), patient income
196-30 account (13), the miscellaneous special revenue fund (339), mental
196-31 hygiene program fund account or the general fund in any combination, the
196-32 aggregate of which shall not exceed \$350 million.
196-33 § 9. Notwithstanding any law to the contrary, and in accordance with
196-34 section 4 of the state finance law, the comptroller is hereby authorized
196-35 and directed to transfer, at the request of the director of the budget,
196-36 up to \$500 million from the unencumbered balance of any special revenue
196-37 fund or account, or combination of funds and accounts, to the general
196-38 fund. The amounts transferred pursuant to this authorization shall be in
196-39 addition to any other transfers expressly authorized in the 2010-11
196-40 budget. Transfers from federal funds, debt service funds, capital
196-41 projects funds, or the community projects fund are not permitted pursu-

196-42 ant to this authorization. The director of the budget shall notify both
196-43 houses of the legislature in writing prior to initiating transfers
196-44 pursuant to this authorization.

196-45 § 10. Notwithstanding any law to the contrary, and in accordance with
196-46 section 4 of the state finance law, the comptroller is hereby authorized
196-47 and directed to transfer, at the request of the director of the budget,
196-48 up to \$75 million from the unencumbered balance of any non-general fund
196-49 or account, or combination of funds and accounts, to the general fund.
196-50 The amounts transferred pursuant to this authorization shall be equal to
196-51 those savings achieved in such non-general funds as a result of work-
196-52 force savings actions and are in addition to any other transfers
196-53 expressly authorized. Transfers from federal funds are not permitted
196-54 pursuant to this authorization. The director of the budget shall notify
196-55 both houses of the legislature in writing prior to initiating transfers
196-56 pursuant to this authorization.

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197- 1 § 11. Intentionally omitted.

197- 2 § 12. Intentionally omitted.

197- 3 § 13. Notwithstanding any provision of law to the contrary, the foun-
197- 4 dation for science, technology and innovation, as deemed feasible and
197- 5 advisable by its board of directors, is authorized and directed to make
197- 6 a contribution to the state treasury to the credit of the general fund
197- 7 in the amount of \$500,000 for the fiscal year commencing April 1, 2010.

197- 8 § 14. Notwithstanding any law to the contrary, the insurance depart-
197- 9 ment shall finance the annual expenses related to its activities and
197-10 operations from revenues derived from assessments upon those entities
197-11 required to pay such assessments pursuant to section 332 of the insur-
197-12 ance law. For state fiscal year 2010-11, the total value of the annual
197-13 assessment will be equal to the total value of the department's enacted
197-14 appropriations. In such instances where the total value of the annual
197-15 industry assessment exceeds actual annual expenses of the department's
197-16 operations and activities, in accordance with section 4 of the state
197-17 finance law, the comptroller is hereby authorized and directed to trans-
197-18 fer, at the request of the director of the budget, any unencumbered
197-19 monies of the special revenue fund (339) insurance department account
197-20 (b6), that comprise the difference of the total value of the annual
197-21 industry assessment and the actual annual expenses of the department's
197-22 operations and activities, to the general fund on or before March 31,
197-23 2011.

197-24 § 15. Subdivision 5 of section 97-rrr of the state finance law, as
197-25 amended by section 1 of part F of chapter 109 of the laws of 2010, is
197-26 amended to read as follows:

197-27 5. Notwithstanding the provisions of section one hundred seventy-one-a
197-28 of the tax law, as separately amended by chapters four hundred eighty-
197-29 one and four hundred eighty-four of the laws of nineteen hundred eight-
197-30 y-one, or any other provisions of law to the contrary, during the fiscal
197-31 year beginning April first, two thousand ten, the state comptroller is
197-32 hereby authorized and directed to deposit to the fund created pursuant
197-33 to this section from amounts collected pursuant to article twenty-two of
197-34 the tax law and pursuant to a schedule submitted by the director of the
197-35 budget, up to [\$496,624,180] \$3,308,000,000, as may be certified in such
197-36 schedule as necessary to meet the purposes of such fund for the fiscal
197-37 year beginning April first, two thousand ten.

197-38 § 16. Subdivision 6 of section 4 of the state finance law, as amended
197-39 by section 15 of part RR of chapter 57 of the laws of 2008, is amended
197-40 to read as follows:

197-41 6. Notwithstanding any law to the contrary, at the beginning of the
197-42 state fiscal year, the state comptroller is hereby authorized and
197-43 directed to receive for deposit to the credit of a fund and/or an
197-44 account such monies as are identified by the director of the budget as
197-45 having been intended for such deposit to support disbursements from such
197-46 fund and/or account made in pursuance of an appropriation by law. As

197-47 soon as practicable upon enactment of the budget, the director of the
197-48 budget shall, but not less than three days following preliminary
197-49 submission to the chairpersons of the senate finance committee and the
197-50 assembly ways and means committee, file with the state comptroller an
197-51 identification of specific monies to be so deposited. Any subsequent
197-52 change regarding the monies to be so deposited shall be filed by the
197-53 director of the budget, as soon as practicable, but not less than three
197-54 days following preliminary submission to the chairpersons of the senate
197-55 finance committee and the assembly ways and means committee.
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198- 1 All monies identified by the director of the budget to be deposited to
198- 2 the credit of a fund and/or account shall be consistent with the intent
198- 3 of the budget for the then current state fiscal year as enacted by the
198- 4 legislature.

198- 5 The provisions of this subdivision shall expire on March thirty-first,
198- 6 two thousand [ten] twelve.

198- 7 § 17. Subdivision 4 of section 40 of the state finance law, as amended
198- 8 by section 16 of part RR of chapter 57 of the laws of 2008, is amended
198- 9 to read as follows:

198-10 4. Every appropriation made from a fund or account to a department or
198-11 agency shall be available for the payment of prior years' liabilities in
198-12 such fund or account for fringe benefits, indirect costs, and telecommu-
198-13 nications expenses and expenses for other centralized services fund
198-14 programs without limit. Every appropriation shall also be available for
198-15 the payment of prior years' liabilities other than those indicated
198-16 above, but only to the extent of one-half of one percent of the total
198-17 amount appropriated to a department or agency in such fund or account.

198-18 The provisions of this subdivision shall expire March thirty-first,
198-19 two thousand [ten] twelve.

198-20 § 17-a. The opening paragraph and subdivision (b) of section 2 of part
198-21 MM of chapter 59 of the laws of 2008 relating to certain monetary trans-
198-22 fers is amended to read as follows:

198-23 In accordance with section 4 of the state finance law, the comptroller
198-24 is hereby authorized and directed to transfer from the general fund --
198-25 state purposes account to the community projects fund the following
198-26 amounts:

198-27 (b) [One hundred twenty-nine million] Sixty-nine million four hundred
198-28 thousand dollars [(\$129,400,000)] (\$69,400,000) for the period April 1,
198-29 2010 through March 31, 2011, as follows: [Fifty-five million dollars]
198-30 [(\$55,000,000)] Thirty million dollars (\$30,000,000) to account AA;
198-31 [fifty-five million dollars (\$55,000,000)] thirty million dollars
198-32 (\$30,000,000) to account CC; and [nineteen] nine million four hundred
198-33 thousand dollars [(\$19,400,000)] (\$9,400,000) to account GG. Such trans-
198-34 fers shall be made in accordance with section 99-d of the state finance
198-35 law, as added by chapter 474 of the laws of 1996, as amended.

198-36 § 18. The comptroller is authorized and directed to deposit to the
198-37 general fund-state purposes account reimbursements from moneys appropri-
198-38 ated or reappropriated to the correctional facilities capital improve-
198-39 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall
198-40 be available for spending from appropriations made to the department of
198-41 correctional services in the general fund-state purposes account by a
198-42 chapter of the laws of 2009 for costs associated with the administration
198-43 and security of capital projects and for other costs which are attribut-
198-44 able, according to a plan, to such capital projects.

198-45 § 19. Notwithstanding any other law, rule, or regulation to the
198-46 contrary, the comptroller is hereby authorized and directed to deposit,
198-47 to the credit of the capital projects fund, reimbursement from the
198-48 proceeds of notes or bonds issued by the environmental facilities corpo-
198-49 ration for a capital appropriation for \$43,383,000 authorized by chapter
198-50 55 of the laws of 2000 to the department of environmental conservation
198-51 for payment of a portion of the state's match for federal capitalization
198-52 grants for the water pollution control revolving loan fund, to reimburse

198-53 spending from various appropriations for certain projects related to the
198-54 New York city watershed, reimbursement from the proceeds of notes and
198-55 bonds issued by the urban development corporation for capital appropri-
198-56 ation for \$15,000,000 authorized by chapter 55 of the laws of 2000 to
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199- 1 the urban development corporation for payment of costs related to a
199- 2 sports facility in the city of Rochester, reimbursement from the
199- 3 proceeds of notes and bonds issued by the urban development corporation
199- 4 of the state of New York for a capital appropriation for \$50,000,000
199- 5 authorized by chapter 55 of the laws of 2000 to the urban development
199- 6 corporation for payment of costs related to economic development
199- 7 projects in the downtown Buffalo, the Buffalo inner harbor area, or
199- 8 surrounding environs, reimbursement from proceeds of notes and bonds
199- 9 issued by the dormitory authority of the state of New York for a capital
199-10 appropriation for \$225,000,000 authorized by chapter 55 of the laws of
199-11 2000 to all state agencies for payment of costs related to the strategic
199-12 investment program, reimbursement from the proceeds of notes and bonds
199-13 issued by the dormitory authority of the state of New York for a capital
199-14 appropriation for \$50,000,000 authorized by chapter 53 of the laws of
199-15 2000 to the state education department for payment of capital
199-16 construction grants to school districts pursuant to the rebuilding
199-17 schools to uphold education program, for reimbursement from the proceeds
199-18 of notes and bonds issued by the dormitory authority of the state of New
199-19 York for a capital appropriation for \$15,000,000 authorized by chapter
199-20 53 of the laws of 2000 to the office of children and family services for
199-21 payment of costs related to the child care facilities development
199-22 program, and for reimbursement from the proceeds of notes and bonds
199-23 issued by the dormitory authority of the state of New York for a capital
199-24 appropriation for \$10,000,000 authorized by chapter 55 of the laws of
199-25 2000 to the office of science, technology and academic research for
199-26 payment of costs related to biomedical research and/or manufacturing
199-27 facilities.

199-28 § 20. Notwithstanding any other law, rule, or regulation to the
199-29 contrary, the comptroller is hereby authorized and directed to deposit
199-30 to the credit of the capital projects fund, reimbursement from the
199-31 proceeds of notes or bonds issued by the environmental facilities corpo-
199-32 ration for a capital appropriation for \$29,772,000 authorized by chapter
199-33 54 of the laws of 2001 to the department of environmental conservation
199-34 for payment of a portion of the state's match for federal capitalization
199-35 grants for the water pollution control revolving loan fund.

199-36 § 21. Notwithstanding any other law, rule, or regulation to the
199-37 contrary, the comptroller is hereby authorized and directed to deposit,
199-38 to the credit of the capital projects fund, reimbursement from the
199-39 proceeds of notes or bonds issued by the environmental facilities corpo-
199-40 ration for a capital appropriation for \$29,365,000 authorized by chapter
199-41 54 of the laws of 2002 to the department of environmental conservation
199-42 for payment of a portion of the state's match for federal capitalization
199-43 grants for the water pollution control revolving loan fund, reimburse-
199-44 ment from the proceeds of notes and bonds issued by the urban develop-
199-45 ment corporation or other financing source for a capital appropriation
199-46 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the
199-47 office of general services for payment of capital construction costs for
199-48 the Alfred E. Smith office building located in the city of Albany,
199-49 reimbursement from the proceeds of notes and bonds issued by the urban
199-50 development corporation or other financing source for capital appropri-
199-51 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
199-52 the office of general services for payment of capital construction costs
199-53 for the Elk street parking garage building located in the city of Alba-
199-54 ny, reimbursement from the proceeds of notes or bonds issued by the
199-55 urban development corporation for disbursements of up to \$12,000,000
199-56 from any capital appropriation or reappropriation authorized by chapter

200- 1 50 of the laws of 2002 to the office of general services for various
200- 2 purposes, reimbursement from the proceeds of notes or bonds issued by
200- 3 the urban development corporation for a capital appropriation of
200- 4 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy
200- 5 research and development authority for the Western New York Nuclear
200- 6 Service Center at West Valley, reimbursement from the proceeds of notes
200- 7 or bonds issued by the urban development corporation for a capital
200- 8 appropriation of \$14,300,000 authorized by chapter 55 of the laws of
200- 9 2002 to the urban development corporation to finance a portion of the
200-10 jobs now program, reimbursement from the proceeds of notes or bonds
200-11 issued by the dormitory authority for disbursements of up to \$20,800,000
200-12 from any capital appropriation or reappropriation authorized by chapter
200-13 51 of the laws of 2002 to the judiciary for courthouse improvements,
200-14 reimbursement from the proceeds of notes or bonds issued by the urban
200-15 development corporation for disbursements of up to \$15,000,000 from
200-16 appropriations or reappropriations authorized by chapter 50 of the laws
200-17 of 2002 to any agency for costs related to homeland security, and
200-18 reimbursement from the proceeds of notes or bonds issued by the environ-
200-19 mental facilities corporation for a capital appropriation of \$10,000,000
200-20 authorized by chapter 54 of the laws of 2002 to the department of envi-
200-21 ronmental conservation for Onondaga lake.

200-22 § 22. Notwithstanding any other law, rule, or regulation to the
200-23 contrary, the comptroller is hereby authorized and directed to deposit
200-24 to the credit of the capital projects fund, reimbursement from the
200-25 proceeds of notes or bonds issued by the environmental facilities corpo-
200-26 ration for a capital appropriation of \$30,174,000 authorized by chapter
200-27 55 of the laws of 2003 to the department of environmental conservation
200-28 for payment of a portion of the state's match for federal capitalization
200-29 grants for the water pollution control revolving loan fund, reimburse-
200-30 ment from the proceeds of notes or bonds issued by the urban development
200-31 corporation or other financing source for a capital appropriation of
200-32 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office
200-33 of general services for payment of capital construction costs for the 51
200-34 Elk street parking garage building located in the city of Albany,
200-35 reimbursement from the proceeds of notes or bonds issued by the urban
200-36 development corporation for disbursements of up to \$10,000,000 from any
200-37 capital appropriation or reappropriation authorized by chapter 50 of the
200-38 laws of 2003 to the office of general services for various purposes,
200-39 reimbursement from the proceeds of notes or bonds issued by the environ-
200-40 mental facilities corporation for a capital appropriation of \$13,250,000
200-41 authorized by chapter 55 of the laws of 2003 to the energy research and
200-42 development authority for the Western New York Nuclear Service Center at
200-43 West Valley, reimbursement from the proceeds of notes or bonds issued by
200-44 the dormitory authority for disbursements of up to \$16,400,000 from any
200-45 capital appropriation or reappropriation authorized by chapter 51 of the
200-46 laws of 2003 to the judiciary for courthouse improvements, reimbursement
200-47 from the proceeds of notes or bonds issued by the urban development
200-48 corporation for disbursements of up to \$10,000,000 from appropriations
200-49 or reappropriations authorized by chapter 50 of the laws of 2003 to any
200-50 agency for costs related to homeland security, reimbursement from the
200-51 proceeds of notes or bonds issued by the environmental facilities corpo-
200-52 ration for a capital appropriation of \$10,000,000 authorized by chapter
200-53 55 of the laws of 2003 to the department of environmental conservation
200-54 for Onondaga lake, reimbursement from the proceeds of notes or bonds
200-55 issued by the environmental facilities corporation for disbursements of
200-56 up to \$11,000,000 from any capital appropriations or reappropriations

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201- 1 authorized by chapter 55 of the laws of 2003 to the department of envi-
201- 2 ronmental conservation for environmental purposes, and reimbursement
201- 3 from the proceeds of notes or bonds issued by the dormitory authority
201- 4 for disbursements of up to \$100,000,000 from a capital appropriation

201- 5 authorized by chapter 50 of the laws of 2003 to the department of state
201- 6 for enhanced 911 wireless service.

201- 7 § 23. Notwithstanding any other law, rule, or regulation to the
201- 8 contrary, the comptroller is hereby authorized and directed to deposit
201- 9 to the credit of the capital projects fund, reimbursement from the
201-10 proceeds of notes or bonds issued by the environmental facilities corpo-
201-11 ration for a capital appropriation for \$28,893,000 authorized by chapter
201-12 55 of the laws of 2004 to the department of environmental conservation
201-13 for payment of a portion of the state's match for federal capitalization
201-14 grants for the water pollution control revolving loan fund, reimburse-
201-15 ment from the proceeds of notes or bonds issued by the urban development
201-16 corporation for disbursements of up to \$10,000,000 from any capital
201-17 appropriation or reappropriation authorized by chapter 50 of the laws of
201-18 2004 to the office of general services for various purposes, reimburse-
201-19 ment from the proceeds of notes or bonds issued by the environmental
201-20 facilities corporation for a capital appropriation of \$11,350,000
201-21 authorized by chapter 55 of the laws of 2004 to the energy research and
201-22 development authority for the Western New York Nuclear Service Center at
201-23 West Valley, reimbursement from the proceeds of notes or bonds issued by
201-24 the environmental facilities corporation, for a capital appropriation of
201-25 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
201-26 ment of environmental conservation for Onondaga lake, reimbursement from
201-27 the proceeds of notes or bonds issued by the environmental facilities
201-28 corporation for disbursements of up to \$11,000,000 from any capital
201-29 appropriations or reappropriations authorized by chapter 55 of the laws
201-30 of 2004 to the department of environmental conservation for environ-
201-31 mental purposes, reimbursement from the proceeds of notes or bonds
201-32 issued by the dormitory authority for a capital appropriation of
201-33 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
201-34 tion department for capital transition grants for transportation,
201-35 reimbursement from the proceeds of notes or bonds issued by the dormito-
201-36 ry authority for a capital appropriation of \$250,000,000 authorized by
201-37 chapter 55 of the laws of 2004 for payment of costs related to economic
201-38 development projects, reimbursement from the proceeds of bonds or notes
201-39 issued by the urban development corporation for a capital appropriation
201-40 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
201-41 by chapter 108 of the laws of 2006, for payment of costs related to the
201-42 H. H. Richardson complex and the Darwin Martin House, and reimbursement
201-43 from the proceeds of notes or bonds issued by the dormitory authority
201-44 for a capital appropriation of \$350,000,000 authorized by chapter 3 of
201-45 the laws of 2004 for the New York state economic development program.

201-46 § 24. Notwithstanding any other law, rule, or regulation to the
201-47 contrary, the comptroller is hereby authorized and directed to deposit
201-48 to the credit of the capital projects fund, reimbursement from the
201-49 proceeds of notes or bonds issued by the environmental facilities corpo-
201-50 ration for a capital appropriation of \$29,602,000 authorized by chapter
201-51 55 of the laws of 2005 to the department of environmental conservation
201-52 for payment of a portion of the state's match for federal capitalization
201-53 grants for the water pollution control revolving loan fund, reimburse-
201-54 ment from the proceeds of notes or bonds issued by the urban development
201-55 corporation for disbursements of up to \$10,000,000 from any capital
201-56 appropriation or reappropriation authorized by chapter 50 of the laws of
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202- 1 2005 to the office of general services for various purposes, reimburse-
202- 2 ment from the proceeds of notes or bonds issued by the environmental
202- 3 facilities corporation for a capital appropriation of \$11,350,000
202- 4 authorized by chapter 55 of the laws of 2005 to the energy research and
202- 5 development authority for the Western New York Nuclear Service Center at
202- 6 West Valley, reimbursement from the proceeds of notes or bonds issued by
202- 7 the environmental facilities corporation for a capital appropriation of
202- 8 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
202- 9 ment of environmental conservation for Onondaga lake, reimbursement from

202-10 the proceeds of notes or bonds issued by the environmental facilities
202-11 corporation for disbursements of up to \$11,000,000 from any capital
202-12 appropriations or reappropriations authorized by chapter 55 of the laws
202-13 of 2005 to the department of environmental conservation for environ-
202-14 mental purposes, reimbursement from the proceeds of notes or bonds
202-15 issued by the urban development corporation for a capital appropriation
202-16 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
202-17 Javits center, reimbursement from the proceeds of notes or bonds issued
202-18 by the dormitory authority for a capital appropriation of \$90,000,000
202-19 authorized by chapter 62 of the laws of 2005 for regional development,
202-20 reimbursement from the proceeds of notes or bonds issued by the dormito-
202-21 ry authority for a capital appropriation of \$250,000,000 authorized by
202-22 chapter 62 of the laws of 2005 for technology and development,
202-23 reimbursement from the proceeds of notes or bonds issued by the urban
202-24 development corporation for a capital appropriation of \$75,000,000
202-25 authorized by chapter 162 of the laws of 2005 for the New York state
202-26 economic development program, reimbursement from the proceeds of notes
202-27 or bonds issued by the urban development corporation for a capital
202-28 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
202-29 2005 for the higher education facilities capital matching grants
202-30 program, reimbursement from the proceeds of notes or bonds issued by the
202-31 dormitory authority or other financing source for a capital appropri-
202-32 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the
202-33 office of general services for payment of capital construction costs for
202-34 the Elk street parking garage building located in the city of Albany,
202-35 reimbursement from the proceeds of notes or bonds issued by the urban
202-36 development corporation for a capital appropriation of \$15,000,000
202-37 authorized by chapter 53 of the laws of 2005 to the state education
202-38 department for payment of capital construction costs for public broad-
202-39 casting facilities, reimbursement from the proceeds of notes or bonds
202-40 issued by the urban development corporation for a capital appropriation
202-41 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
202-42 sion of state police for public protection facilities, and reimbursement
202-43 from the proceeds of notes or bonds issued by the urban development
202-44 corporation for capital disbursements of up to \$3,000,000 from any capi-
202-45 tal appropriation or reappropriation authorized by chapter 50 of the
202-46 laws of 2005 to the division of military and naval affairs for various
202-47 purposes.

202-48 § 25. Notwithstanding any other law, rule, or regulation to the
202-49 contrary, the comptroller is hereby authorized and directed to deposit
202-50 to the credit of the capital projects fund, reimbursement from the
202-51 proceeds of notes or bonds issued by the environmental facilities corpo-
202-52 ration for a capital appropriation for \$29,600,000 authorized by chapter
202-53 55 of the laws of 2006 to the department of environmental conservation
202-54 for payment of a portion of the state's match for federal capitalization
202-55 grants for the water pollution control revolving loan fund, reimburse-
202-56 ment from the proceeds of notes or bonds issued by the urban development

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203- 1 corporation for disbursements of up to \$20,000,000 from any capital
203- 2 appropriation or reappropriation authorized by chapter 50 of the laws of
203- 3 2006 to the office of general services for various purposes, reimburse-
203- 4 ment from the proceeds of notes or bonds issued by the environmental
203- 5 facilities corporation for a capital appropriation of \$14,000,000
203- 6 authorized by chapter 55 of the laws of 2006 to the energy research and
203- 7 development authority for the Western New York Nuclear Service Center at
203- 8 West Valley, reimbursement from the proceeds of notes or bonds issued by
203- 9 the environmental facilities corporation for a capital appropriation of
203-10 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
203-11 ment of environmental conservation for Onondaga lake, reimbursement from
203-12 the proceeds of notes or bonds issued by the environmental facilities
203-13 corporation for disbursements of up to \$12,000,000 from any capital
203-14 appropriations or reappropriations authorized by chapter 55 of the laws

203-15 of 2006 to the department of environmental conservation for environ-
203-16 mental purposes, reimbursement from the proceeds of notes or bonds
203-17 issued by the urban development corporation for capital disbursements of
203-18 up to \$3,000,000 from any capital appropriation or reappropriation
203-19 authorized by chapter 50 of the laws of 2006 to the division of military
203-20 and naval affairs for various purposes, reimbursement from the proceeds
203-21 of notes or bonds issued by the urban development corporation for
203-22 disbursements of up to \$12,400,000 from any capital appropriation or
203-23 reappropriation authorized by chapter 50 of the laws of 2006 to the
203-24 division of state police for public protection facilities, reimbursement
203-25 from the proceeds of notes or bonds issued by the urban development
203-26 corporation for a capital appropriation of \$117,000,000 authorized by
203-27 chapter 50 of the laws of 2006 to all state departments and agencies for
203-28 the purchase of equipment, reimbursement from the proceeds of notes or
203-29 bonds issued by the dormitory authority or the urban development corpo-
203-30 ration for all or a portion of capital appropriations of \$603,050,000
203-31 authorized by chapter 108 of the laws of 2006 to the urban development
203-32 corporation for economic development/other projects, reimbursement from
203-33 the proceeds of notes or bonds issued by the urban development corpo-
203-34 ration for a capital appropriation of \$269,500,000 authorized by chapter
203-35 108 of the laws of 2006 to the dormitory authority or the urban develop-
203-36 ment corporation for economic development projects, reimbursement from
203-37 the proceeds of notes or bonds issued by the dormitory authority or the
203-38 urban development corporation for a capital appropriation of
203-39 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
203-40 development corporation for university development projects, reimburse-
203-41 ment from the proceeds of notes or bonds issued by the dormitory author-
203-42 ity or for a capital appropriation of \$143,000,000 authorized by chapter
203-43 108 of the laws of 2006 to the urban development corporation for
203-44 cultural facilities projects, reimbursement from the proceeds of notes
203-45 or bonds issued by the dormitory authority or the urban development
203-46 corporation for capital appropriations totaling \$60,000,000 authorized
203-47 by chapter 108 of the laws of 2006 to the urban development corporation
203-48 for energy/environmental projects, reimbursement from the proceeds of
203-49 notes or bonds issued by the dormitory authority or the urban develop-
203-50 ment corporation for a capital appropriation of \$20,000,000 authorized
203-51 by chapter 108 of the laws of 2006 to the urban development corporation
203-52 for a competitive solicitation for construction of a pilot cellulosic
203-53 ethanol refinery, reimbursement from the proceeds of notes or bonds
203-54 issued by the urban development corporation for a capital appropriation
203-55 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
203-56 development corporation for services and expenses related to infrastruc-
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204- 1 ture for a new stadium in Queens county, and reimbursement from the
204- 2 proceeds of notes or bonds issued by the urban development corporation
204- 3 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
204- 4 the laws of 2006 to the urban development corporation for services and
204- 5 expenses related to infrastructure improvements to construct a new park-
204- 6 ing facility at a new stadium in Bronx county, reimbursement from the
204- 7 proceeds of notes and bonds issued by the environmental facilities
204- 8 corporation for a capital appropriation of \$5,000,000 authorized by
204- 9 chapter 55 of the laws of 2006 to the environmental facilities corpo-
204-10 ration for payment for the pipeline for jobs program, reimbursement from
204-11 the proceeds of notes or bonds issued by the dormitory authority for
204-12 capital disbursements of up to \$14,000,000 from any capital appropri-
204-13 ation or reappropriation authorized by chapter 53 of the laws of 2006
204-14 for the library construction purpose, reimbursement from the proceeds of
204-15 notes or bonds issued by the urban development corporation or the dormi-
204-16 tory authority for an appropriation of \$2,000,000 authorized by chapter
204-17 53 of the laws of 2006 for a Cornell equine drug testing laboratory,
204-18 reimbursement from the proceeds of notes or bonds issued by the urban
204-19 development corporation or the dormitory authority for an appropriation

204-20 of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns
204-21 of Bristol and Canandaigua public water systems, reimbursement from the
204-22 proceeds of notes or bonds issued by the urban development corporation
204-23 or the dormitory authority for an appropriation of \$5,500,000 authorized
204-24 by chapter 53 of the laws of 2006 for Belleayre mountain ski center,
204-25 reimbursement from the proceeds of notes or bonds issued by the urban
204-26 development corporation or the dormitory authority for an appropriation
204-27 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town
204-28 of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement
204-29 from the proceeds of notes or bonds issued by the urban development
204-30 corporation or the dormitory authority for an appropriation of
204-31 \$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of
204-32 New York umbilical cord bank, reimbursement from the proceeds of notes
204-33 or bonds issued by the urban development corporation or the dormitory
204-34 authority for an appropriation of \$5,500,000 authorized by chapter 53 of
204-35 the laws of 2006 for an Old Gore mountain ski bowl connection,
204-36 reimbursement from the proceeds of notes or bonds issued by the urban
204-37 development corporation or the dormitory authority for an appropriation
204-38 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredo-
204-39 nia vineyard laboratory, reimbursement from the proceeds of notes or
204-40 bonds issued by the urban development corporation or the dormitory
204-41 authority for an appropriation of \$99,500,000 authorized by chapter 108
204-42 of the laws of 2006 to the office for technology for payment of capital
204-43 construction costs for a consolidated data center, reimbursement from
204-44 the proceeds of notes or bonds issued by the dormitory authority or the
204-45 urban development corporation for an appropriation of \$40,000,000
204-46 authorized by chapter 108 of the laws of 2006 for a food testing labora-
204-47 tory, reimbursement from the proceeds of notes or bonds issued by the
204-48 New York state thruway authority for an appropriation of \$22,000,000
204-49 authorized by chapter 108 of the laws of 2006 to the department of
204-50 transportation for high speed rail, reimbursement from the proceeds of
204-51 notes or bonds issued by the urban development corporation for capital
204-52 disbursements of up to \$500,000,000 from an appropriation authorized by
204-53 chapter 108 of the laws of 2006 to the urban development corporation for
204-54 development of a semiconductor manufacturing facility, reimbursement
204-55 from the proceeds of notes or bonds issued by the urban development
204-56 corporation of up to \$150,000,000 from an appropriation authorized by
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205- 1 chapter 108 of the laws of 2006 to the urban development corporation for
205- 2 research and development activities of a semiconductor manufacturer, and
205- 3 reimbursement from the proceeds of notes or bonds issued by the urban
205- 4 development corporation for capital disbursements of up to \$300,000,000
205- 5 from an appropriation to the urban development corporation authorized by
205- 6 chapter 108 of the laws of 2006 for community revitalization projects.
205- 7 § 26. Notwithstanding any other law, rule, or regulation to the
205- 8 contrary, the comptroller is hereby authorized and directed to deposit
205- 9 to the credit of the capital projects fund, reimbursement from the
205-10 proceeds of notes or bonds issued by the environmental facilities corpo-
205-11 ration for a capital appropriation of \$29,600,000 authorized by chapter
205-12 55 of the laws of 2007 to the department of environmental conservation
205-13 for payment of a portion of the state's match for federal capitalization
205-14 grants for the water pollution control revolving loan fund, reimburse-
205-15 ment from the proceeds of notes or bonds issued by the urban development
205-16 corporation for disbursements of up to \$20,000,000 from any capital
205-17 appropriation or reappropriation authorized by chapter 50 of the laws of
205-18 2007 to the office of general services for various purposes, reimburse-
205-19 ment from the proceeds of notes or bonds issued by the environmental
205-20 facilities corporation for a capital appropriation of \$13,500,000
205-21 authorized by chapter 55 of the laws of 2007 to the energy research and
205-22 development authority for the Western New York Nuclear Service Center at
205-23 West Valley, reimbursement from the proceeds of notes or bonds issued by
205-24 the environmental facilities corporation for a capital appropriation of

205-25 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the department of environmental conservation for Onondaga lake, reimbursement from
205-26 the proceeds of notes or bonds issued by the environmental facilities
205-27 corporation for disbursements of up to \$12,000,000 from any capital
205-28 appropriations or reappropriations authorized by chapter 55 of the laws
205-29 of 2007 to the department of environmental conservation for environ-
205-30 mental purposes, reimbursement from the proceeds of notes or bonds
205-31 issued by the urban development corporation for capital disbursements of
205-32 up to \$3,000,000 from any capital appropriation or reappropriation
205-33 authorized by chapter 50 of the laws of 2007 to the division of military
205-34 and naval affairs for various purposes, reimbursement from the proceeds
205-35 of notes or bonds issued by the urban development corporation for
205-36 disbursements from a capital appropriation of \$50,000,000 authorized by
205-37 chapter 50 of the laws of 2007 to the division of state police for
205-38 construction of a Troop G facility, reimbursement from the proceeds of
205-39 notes or bonds issued by the urban development corporation for disburse-
205-40 ments from a capital appropriation of \$6,000,000 authorized by chapter
205-41 50 of the laws of 2007 to the division of state police for construction
205-42 of evidence storage facilities, reimbursement from the proceeds of notes
205-43 or bonds issued by the urban development corporation for capital appro-
205-44 priations totaling \$77,900,000 authorized by chapter 51 of the laws of
205-45 2007 to the judiciary for court training facilities and courthouse
205-46 improvement projects, reimbursement from the proceeds of notes or bonds
205-47 issued by the urban development corporation for a capital appropriation
205-48 of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state
205-49 departments and agencies for the purchase of equipment, reimbursement
205-50 from the proceeds of notes or bonds issued by the dormitory authority
205-51 for capital disbursements of up to \$14,000,000 from any capital appro-
205-52 priation or reappropriation authorized by chapter 53 of the laws of 2007
205-53 for library construction, reimbursement from the proceeds of notes or
205-54 bonds issued by the dormitory authority for capital disbursements of up
205-55 to \$60,000,000 from any capital appropriation or reappropriation author-
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206- 1 ized by chapter 53 of the laws of 2007 for cultural education storage
206- 2 facilities, reimbursement from the proceeds of notes or bonds issued by
206- 3 the urban development corporation for capital disbursements of up to
206- 4 \$15,000,000 from any capital appropriation or reappropriation authorized
206- 5 by chapter 55 of the laws of 2007 for the Roosevelt Island Operating
206- 6 Corporation aerial tramway, reimbursement from the proceeds of notes or
206- 7 bonds issued by the urban development corporation for capital disburse-
206- 8 ments of up to \$20,000,000 from any capital appropriation or reappropri-
206- 9 ation authorized by chapter 55 of the laws of 2007 for Governor's
206-10 Island, reimbursement from the proceeds of notes or bonds issued by the
206-11 urban development corporation for capital disbursements of up to
206-12 \$7,500,000 from any capital appropriation or reappropriation authorized
206-13 by chapter 55 of the laws of 2007 for Harriman research and technology
206-14 park, reimbursement from the proceeds of notes or bonds issued by the
206-15 urban development corporation for capital disbursements of up to
206-16 \$7,950,000 from any capital appropriation or reappropriation authorized
206-17 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement
206-18 from the proceeds of notes or bonds issued by the urban development
206-19 corporation for capital disbursements of up to \$1,300,000 from appropri-
206-20 ations authorized by chapter 50 of the laws of 2007 made to the office
206-21 of general services for legislative office building hearing rooms.
206-22 § 27. Notwithstanding any other law, rule, or regulation to the
206-23 contrary, the comptroller is hereby authorized and directed to deposit
206-24 to the credit of the capital projects fund, reimbursement from the
206-25 proceeds of notes or bonds issued by the environmental facilities corpo-
206-26 ration for a capital appropriation of \$29,600,000 authorized by chapter
206-27 55 of the laws of 2008 to the department of environmental conservation
206-28 for payment of a portion of the state's match for federal capitalization
206-29 grants for the water pollution control revolving loan fund, reimburse-

206-30 ment from the proceeds of notes or bonds issued by the urban development
206-31 corporation for a capital appropriation of \$141,000,000 authorized by
206-32 chapter 50 of the laws of 2008 to all state departments and agencies for
206-33 the purchase of equipment or systems development, reimbursement from the
206-34 proceeds of notes or bonds issued by the urban development corporation
206-35 for disbursements of up to \$45,500,000 from any capital appropriation or
206-36 reappropriation authorized by chapter 50 of the laws of 2008 to the
206-37 office of general services for various purposes, reimbursement from the
206-38 proceeds of notes or bonds issued by the environmental facilities corpo-
206-39 ration for a capital appropriation of \$13,500,000 authorized by chapter
206-40 55 of the laws of 2008 to the energy research and development authority
206-41 for the Western New York Nuclear Service Center at West Valley,
206-42 reimbursement from the proceeds of notes or bonds issued by the environ-
206-43 mental facilities corporation for a capital appropriation of \$10,000,000
206-44 authorized by chapter 55 of the laws of 2008 to the department of envi-
206-45 ronmental conservation for Onondaga lake, reimbursement from the
206-46 proceeds of notes or bonds issued by the environmental facilities corpo-
206-47 ration for disbursements of up to \$12,000,000 from any capital appropri-
206-48 ations or reappropriations authorized by chapter 55 of the laws of 2008
206-49 to the department of environmental conservation for environmental
206-50 purposes, reimbursement from the proceeds of notes or bonds issued by
206-51 the urban development corporation for capital disbursements of up to
206-52 \$3,000,000 from any capital appropriation or reappropriation authorized
206-53 by chapter 50 of the laws of 2008 to the division of military and naval
206-54 affairs for various purposes, reimbursement from the proceeds of notes
206-55 or bonds issued by the urban development corporation for a capital
206-56 appropriation of \$11,000,000 authorized by chapter 50 of the laws of
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207- 1 2008 to the office for technology for the costs of development of inter-
207- 2 im data center facilities, reimbursement from the proceeds of notes or
207- 3 bonds issued by the urban development corporation for a capital appro-
207- 4 priation of \$10,000,000 authorized by chapter 50 of the laws of 2008 to
207- 5 the office for technology for activities related to broadband service,
207- 6 reimbursement from the proceeds of notes or bonds issued by the urban
207- 7 development corporation for a capital appropriation of \$6,000,000
207- 8 authorized by chapter 50 of the laws of 2008 to the division of state
207- 9 police for rehabilitation of facilities, reimbursement from the proceeds
207-10 of notes or bonds issued by the Dormitory Authority of the State of New
207-11 York or other financing source for a capital appropriation authorized by
207-12 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
207-13 ment for library construction, reimbursement from the proceeds of notes
207-14 or bonds issued by the Dormitory Authority of the State of New York or
207-15 other financing source for a capital appropriation authorized by chapter
207-16 53 of the laws of 2008 of \$15,000,000 to the education department for
207-17 museum renewal projects, reimbursement from the proceeds of notes or
207-18 bonds issued by the urban development corporation for capital appropri-
207-19 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
207-20 urban development corporation for services and expenses related to the
207-21 investment opportunity fund, reimbursement from the proceeds of notes or
207-22 bonds issued by the urban development corporation for capital appropri-
207-23 ation of \$30,000,000 authorized by chapter 53 of the laws of 2008 to the
207-24 urban development corporation for services and expenses related to arts
207-25 and cultural projects, reimbursement from the proceeds of bonds or notes
207-26 issued by the urban development corporation for a capital appropriation
207-27 of \$35,000,000 authorized by chapter 53 of the laws of 2008 for economic
207-28 and community development projects, reimbursement from the proceeds of
207-29 bonds or notes issued by the urban development corporation for a capital
207-30 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
207-31 2008 for New York city waterfront development projects, reimbursement
207-32 from the proceeds of bonds or notes issued by the urban development
207-33 corporation for a capital appropriation of \$45,000,000 authorized by
207-34 chapter 53 of the laws of 2008 for Luther Forest infrastructure

207-35 projects, reimbursement from the proceeds of notes or bonds issued by
207-36 the urban development corporation for capital appropriation of
207-37 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
207-38 development corporation for services and expenses related to downstate
207-39 regional projects, reimbursement from the proceeds of notes or bonds
207-40 issued by the urban development corporation for capital appropriation of
207-41 \$145,000,000 authorized by chapter 53 of the laws of 2008 to the urban
207-42 development corporation for services and expenses related to upstate
207-43 city-by-city projects, reimbursement from the proceeds of notes or bonds
207-44 issued by the urban development corporation for capital appropriation of
207-45 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
207-46 development corporation for services and expenses related to the down-
207-47 state revitalization projects, reimbursement from the proceeds of notes
207-48 or bonds issued by the urban development corporation for capital appro-
207-49 priation of \$120,000,000 authorized by chapter 53 of the laws of 2008 to
207-50 the urban development corporation for services and expenses related to
207-51 the upstate regional blueprint fund, reimbursement from the proceeds of
207-52 notes or bonds issued by the urban development corporation for capital
207-53 appropriation of \$40,000,000 authorized by chapter 53 of the laws of
207-54 2008 to the urban development corporation for services and expenses
207-55 related to the upstate agricultural economic development fund,
207-56 reimbursement from the proceeds of notes or bonds issued by the urban
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208- 1 development corporation for capital appropriation of \$350,000,000
208- 2 authorized by chapter 53 of the laws of 2008 to the urban development
208- 3 corporation for services and expenses related to the New York state
208- 4 capital assistance program, reimbursement from the proceeds of notes or
208- 5 bonds issued by the urban development corporation for capital appropri-
208- 6 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
208- 7 the urban development corporation for services and expenses related to
208- 8 the New York state economic development assistance program, and
208- 9 reimbursement from the proceeds of notes or bonds issued by the urban
208-10 development corporation for capital appropriation of \$20,000,000 author-
208-11 ized by chapter 55 of the laws of 2008 to the urban development corpo-
208-12 ration for services and expenses related to the empire state economic
208-13 development fund.
208-14 § 28. Notwithstanding any other law, rule, or regulation to the
208-15 contrary, the comptroller is hereby authorized and directed to deposit
208-16 to the credit of the capital projects fund, reimbursement from the
208-17 proceeds of notes or bonds issued by the environmental facilities corpo-
208-18 ration for a capital appropriation of \$29,600,000 authorized by chapter
208-19 55 of the laws of 2009 to the department of environmental conservation
208-20 for payment of a portion of the state's match for federal capitalization
208-21 grants for the water pollution control revolving loan fund, reimburse-
208-22 ment from the proceeds of notes or bonds issued by the urban development
208-23 corporation for a capital appropriation of \$129,800,000 authorized by
208-24 chapter 50 of the laws of 2009 to all state departments and agencies for
208-25 the purchase of equipment or systems development, reimbursement from the
208-26 proceeds of notes or bonds issued by the urban development corporation
208-27 for disbursements of up to \$24,000,000 from any capital appropriation or
208-28 reappropriation authorized by chapter 50 of the laws of 2009 to the
208-29 office of general services for various purposes, reimbursement from the
208-30 proceeds of notes or bonds issued by the environmental facilities corpo-
208-31 ration for a capital appropriation of \$13,500,000 authorized by chapter
208-32 55 of the laws of 2009 to the energy research and development authority
208-33 for the Western New York Nuclear Service Center at West Valley,
208-34 reimbursement from the proceeds of notes or bonds issued by the environ-
208-35 mental facilities corporation for a capital appropriation of \$10,000,000
208-36 authorized by chapter 55 of the laws of 2009 to the department of envi-
208-37 ronmental conservation for Onondaga lake, reimbursement from the
208-38 proceeds of notes or bonds issued by the environmental facilities corpo-
208-39 ration for disbursements of up to \$12,000,000 from any capital appropri-

208-40 ations or reappropriations authorized by chapter 55 of the laws of 2009
208-41 to the department of environmental conservation for environmental
208-42 purposes, reimbursement from the proceeds of notes or bonds issued by
208-43 the urban development corporation for capital disbursements of up to
208-44 \$3,000,000 from any capital appropriation or reappropriation authorized
208-45 by chapter 50 of the laws of 2009 to the division of military and naval
208-46 affairs for various purposes, reimbursement from the proceeds of notes
208-47 or bonds issued by the urban development corporation for a capital
208-48 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
208-49 to the division of state police for rehabilitation of facilities,
208-50 reimbursement from the proceeds of notes or bonds issued by the Dormito-
208-51 ry Authority of the State of New York or other financing source for a
208-52 capital appropriation authorized by chapter 53 of the laws of 2009 of
208-53 \$14,000,000 to the State Education Department for library construction,
208-54 reimbursement from the proceeds of notes or bonds issued by the Dormito-
208-55 ry Authority of the State of New York or other financing source for a
208-56 capital appropriation of \$4,000,000 to the State Education Department
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209- 1 for rehabilitation associated with the St. Regis Mohawk elementary
209- 2 school authorized by chapter 53 of the laws of 2009 and reimbursement
209- 3 from the proceeds of notes or bonds issued by the urban development
209- 4 corporation for capital appropriation of \$25,000,000 authorized by chap-
209- 5 ter 55 of the laws of 2009 to the urban development corporation for
209- 6 services and expenses related to the empire state economic development
209- 7 fund.
209- 8 § 29. Notwithstanding any other law, rule, or regulation to the
209- 9 contrary, the comptroller is hereby authorized and directed to deposit
209-10 to the credit of the capital projects fund, reimbursement from the
209-11 proceeds of notes or bonds issued by the environmental facilities corpo-
209-12 ration for a capital appropriation of \$29,600,000 authorized by a chap-
209-13 ter of the laws of 2010 to the department of environmental conservation
209-14 for payment of a portion of the state's match for federal capitalization
209-15 grants for the water pollution control revolving loan fund, reimburse-
209-16 ment from the proceeds of notes or bonds issued by the urban development
209-17 corporation for a capital appropriation of \$187,285,000 authorized by a
209-18 chapter of the laws of 2010 to all state departments and agencies for
209-19 the purchase of equipment or systems development, reimbursement from the
209-20 proceeds of notes or bonds issued by the urban development corporation
209-21 for disbursements of up to \$26,950,000 from any capital appropriation or
209-22 reappropriation authorized by a chapter of the laws of 2010 to the
209-23 office of general services for various purposes, reimbursement from the
209-24 proceeds of notes or bonds issued by the environmental facilities corpo-
209-25 ration for a capital appropriation of \$19,247,000 authorized by a chap-
209-26 ter of the laws of 2010 to the energy research and development authority
209-27 for the Western New York Nuclear Service Center at West Valley,
209-28 reimbursement from the proceeds of notes or bonds issued by the environ-
209-29 mental facilities corporation for a capital appropriation of \$5,000,000
209-30 authorized by a chapter of the laws of 2010 to the department of envi-
209-31 ronmental conservation for Onondaga lake, reimbursement from the
209-32 proceeds of notes or bonds issued by the environmental facilities corpo-
209-33 ration for disbursements of up to \$12,000,000 from any capital appropri-
209-34 ations or reappropriations authorized by a chapter of the laws of 2010
209-35 to the department of environmental conservation for environmental
209-36 purposes, reimbursement from the proceeds of notes or bonds issued by
209-37 the urban development corporation for capital disbursements of up to
209-38 \$3,000,000 from any capital appropriation or reappropriation authorized
209-39 by a chapter of the laws of 2010 to the division of military and naval
209-40 affairs for various purposes, reimbursement from the proceeds of notes
209-41 or bonds issued by the urban development corporation for a capital
209-42 appropriation of \$6,000,000 authorized by a chapter of the laws of 2010
209-43 to the division of state police for rehabilitation of facilities,
209-44 reimbursement from the proceeds of notes or bonds issued by the Dormito-

209-45 ry Authority of the State of New York or other financing source for a
209-46 capital appropriation of \$14,000,000 authorized by a chapter of the laws
209-47 of 2010 to the State Education Department for library construction and
209-48 reimbursement from the proceeds of notes or bonds issued by the Dormito-
209-49 ry Authority of the State of New York or other financing source for a
209-50 capital appropriation of \$42,000,000 for the State preparedness and
209-51 training center.
209-52 § 30. Notwithstanding any other law, rule, or regulation to the
209-53 contrary, the comptroller is hereby authorized and directed to deposit
209-54 to the credit of the capital projects fund, reimbursement from the
209-55 proceeds of notes or bonds issued by the dormitory authority and urban
209-56 development corporation for disbursements of up to \$8,000,000 from an
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210- 1 appropriation authorized by chapter 50 of the laws of 2009 for drug
210- 2 courts.

210- 3 § 31. Notwithstanding any other law, rule, or regulation to the
210- 4 contrary, the comptroller is hereby authorized and directed to deposit
210- 5 to the credit of the city university special revenue fund (377),
210- 6 reimbursement from the proceeds of notes or bonds issued by the Dormito-
210- 7 ry Authority of the State of New York for capital disbursements of up to
210- 8 \$20,000,000 from any appropriation or reappropriation authorized by
210- 9 chapter 53 of the laws of 2009 to the city university of New York for
210-10 various purposes.

210-11 § 32. Notwithstanding any other law, rule, or regulation to the
210-12 contrary, the state comptroller is hereby authorized and directed to use
210-13 any balance remaining in the mental health services fund debt service
210-14 appropriation, after payment by the state comptroller of all obligations
210-15 required pursuant to any lease, sublease, or other financing arrangement
210-16 between the dormitory authority of the state of New York as successor to
210-17 the New York state medical care facilities finance agency, and the
210-18 facilities development corporation pursuant to chapter 83 of the laws of
210-19 1995 and the department of mental hygiene for the purpose of making
210-20 payments to the dormitory authority of the state of New York for the
210-21 amount of the earnings for the investment of monies deposited in the
210-22 mental health services fund that such agency determines will or may have
210-23 to be rebated to the federal government pursuant to the provisions of
210-24 the internal revenue code of 1986, as amended, in order to enable such
210-25 agency to maintain the exemption from federal income taxation on the
210-26 interest paid to the holders of such agency's mental services facilities
210-27 improvement revenue bonds. On or before June 30, 2010, such agency shall
210-28 certify to the state comptroller its determination of the amounts
210-29 received in the mental health services fund as a result of the invest-
210-30 ment of monies deposited therein that will or may have to be rebated to
210-31 the federal government pursuant to the provisions of the internal reven-
210-32 ue code of 1986, as amended.

210-33 § 33. (1) Notwithstanding any other law, rule, or regulation to the
210-34 contrary, the state comptroller shall at the commencement of each month
210-35 certify to the director of the budget, the commissioner of environmental
210-36 conservation, the chair of the senate finance committee, and the chair
210-37 of the assembly ways and means committee the amounts disbursed from all
210-38 appropriations for hazardous waste site remediation disbursements for
210-39 the month preceding such certification.

210-40 (2) Notwithstanding any law to the contrary, prior to the issuance by
210-41 the comptroller of bonds authorized pursuant to subdivision a of section
210-42 4 of the environmental quality bond act of nineteen hundred eighty-six,
210-43 as enacted by chapter 511 of the laws of 1986, disbursements from all
210-44 appropriations for that purpose shall first be reimbursed from moneys
210-45 credited to the hazardous waste remedial fund, site investigation and
210-46 construction account, to the extent moneys are available in such
210-47 account. For purposes of determining moneys available in such account,
210-48 the commissioner of environmental conservation shall certify to the
210-49 comptroller the amounts required for administration of the hazardous

210-50 waste remedial program.
210-51 (3) The comptroller is hereby authorized and directed to transfer any
210-52 balance above the amounts certified by the commissioner of environmental
210-53 conservation to reimburse disbursements pursuant to all appropriations
210-54 from such site investigation and construction account; provided, howev-
210-55 er, that if such transfers are determined by the comptroller to be
210-56 insufficient to assure that interest paid to holders of state obli-
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211- 1 gations issued for hazardous waste purposes pursuant to the environ-
211- 2 mental quality bond act of nineteen hundred eighty-six, as enacted by
211- 3 chapter 511 of the laws of 1986, is exempt from federal income taxation,
211- 4 the comptroller is hereby authorized and directed to transfer, from such
211- 5 site investigation and construction account to the general fund, the
211- 6 amount necessary to redeem bonds in an amount necessary to assure the
211- 7 continuation of such tax exempt status. Prior to the making of any such
211- 8 transfers, the comptroller shall notify the director of the budget of
211- 9 the amount of such transfers.

211-10 § 34. Intentionally omitted.

211-11 § 35. Subdivision 4 of section 72 of the state finance law, as sepa-
211-12 rately amended by chapters 405 and 957 of the laws of 1981, is amended
211-13 to read as follows:

211-14 4. (a) Any balance of moneys in any debt service fund in excess of
211-15 both the debt principal and interest payments required to be made from
211-16 such fund during the current fiscal year, or during future fiscal years,
211-17 and any reserve requirement established by statute or by a relevant bond
211-18 covenant, shall be transferred to the general fund.

211-19 (b) On or before the beginning of each quarter, the director of the
211-20 budget may certify to the state comptroller the estimated amount of
211-21 monies that shall be reserved in the general debt service fund for the
211-22 payment of debt service and related expenses payable by such fund during
211-23 each month of the state fiscal year, excluding payments due from the
211-24 revenue bond tax fund. Such certificate may be periodically updated, as
211-25 necessary. Notwithstanding any provision of law to the contrary, the
211-26 state comptroller shall reserve in the general debt service fund the
211-27 amount of monies identified on such certificate as necessary for the
211-28 payment of debt service and related expenses during the current or next
211-29 succeeding quarter of the state fiscal year. Such monies reserved shall
211-30 not be available for any other purpose. Such certificate shall be
211-31 reported to the chairpersons of the Senate Finance Committee and the
211-32 Assembly Ways and Means Committee. The provisions of this paragraph
211-33 shall expire June thirtieth, two thousand twelve.

211-34 § 36. Intentionally omitted.

211-35 § 37. Intentionally omitted.

211-36 § 38. Intentionally omitted.

211-37 § 39. Paragraph a of subdivision 4 of section 57 of the state finance
211-38 law, as amended by chapter 437 of the laws of 2004, is amended to read
211-39 as follows:

211-40 a. Such bonds shall be sold at par, at par plus a premium [not to]
211-41 [exceed five percent in the case of refunding bonds or five-tenths of one]
211-42 [percent in the case of all other bonds], or at a discount to the bidder
211-43 offering the lowest interest cost to the state, taking into consider-
211-44 ation any premium or discount and, in the case of refunding bonds, the
211-45 bona fide initial public offering price, not less than four nor more
211-46 than fifteen days, Sundays excepted, after a notice of such sale has
211-47 been published at least once in a definitive trade publication of the
211-48 municipal bond industry published on each business day in the state of
211-49 New York which is generally available to participants in the municipal
211-50 bond industry, which notice shall state the terms of the sale. The
211-51 comptroller may not change the terms of the sale unless notice of such
211-52 change is sent via a definitive trade wire service of the municipal bond
211-53 industry which, in general, makes available information regarding activ-
211-54 ity and sales of municipal bonds and is generally available to partic-

211-55 ipants in the municipal bond industry, at least one [day] hour prior to
211-56 the [date] time of the sale as set forth in the original notice of sale.
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212- 1 In so changing the terms or conditions of a sale the comptroller may
212- 2 send notice by such wire service that the sale will be delayed by up to
212- 3 thirty days, provided that wire notice of the new sale date will be
212- 4 given at least one business day prior to the new time when bids will be
212- 5 accepted. In such event, no new notice of sale shall be required to be
212- 6 published. Notwithstanding the provisions of section three hundred five
212- 7 of the state technology law or any other law, if the notice of sale
212- 8 contains a provision that bids will only be accepted electronically in
212- 9 the manner provided in such notice of sale, the comptroller shall not be
212-10 required to accept non-electronic bids in any form. Advertisements shall
212-11 contain a provision to the effect that the state comptroller, in his or
212-12 her discretion, may reject any or all bids made in pursuance of such
212-13 advertisements, and in the event of such rejection, the state comp-
212-14 troller is authorized to negotiate a private sale or readvertise for
212-15 bids in the form and manner above described as many times as, in his or
212-16 her judgment, may be necessary to effect a satisfactory sale. Notwith-
212-17 standing the foregoing provisions of this paragraph, whenever in the
212-18 judgment of the comptroller the interests of the state will be served
212-19 thereby, he or she may sell state bonds at private sale at par, at par
212-20 plus a premium [not to exceed five percent in the case of refunding]
212-21 [bonds or five-tenths of one percent in the case of all other bonds], or
212-22 at a discount. The comptroller shall promulgate regulations governing
212-23 the terms and conditions of any such private sales, which regulations
212-24 shall include a provision that he or she give notice to the governor,
212-25 the temporary president of the senate, and the speaker of the assembly,
212-26 of his or her intention to conduct a private sale of obligations pursu-
212-27 ant to this section not less than five days prior to such sale or the
212-28 execution of any binding agreement to effect such sale.

212-29 § 40. Paragraph (a) of subdivision 4 of section 60 of the state
212-30 finance law, as amended by chapter 437 of the laws of 2004, is amended
212-31 to read as follows:

212-32 (a) Such bonds shall be sold at par, at par plus a premium [not to]
212-33 [exceed five percent in the case of refunding bonds or five-tenths of one]
212-34 [percent in the case of all other bonds], or at a discount to the bidder
212-35 offering the lowest interest cost to the state, taking into consider-
212-36 ation any premium or discount and, in the case of refunding bonds, the
212-37 bona fide initial public offering price, not less than four nor more
212-38 than fifteen days, Sundays excepted, after a notice of such sale has
212-39 been published at least once in a definitive trade publication of the
212-40 municipal bond industry published on each business day in the state of
212-41 New York which is generally available to participants in the municipal
212-42 bond industry, which notice shall state the terms of the sale. The
212-43 comptroller may not change the terms of the sale unless notice of such
212-44 change is sent via a definitive trade wire service of the municipal bond
212-45 industry which, in general, makes available information regarding activ-
212-46 ity and sales of municipal bonds and is generally available to partic-
212-47 ipants in the municipal bond industry, at least one [day] hour prior to
212-48 the [date] time of the sale as set forth in the original notice of sale.
212-49 In so changing the terms or conditions of a sale the comptroller may
212-50 send notice by such wire service that the sale will be delayed by up to
212-51 thirty days, provided that wire notice of the new sale date will be
212-52 given at least one business day prior to the new time when bids will be
212-53 accepted. In such event, no new notice of sale shall be required to be
212-54 published. Notwithstanding the provisions of section three hundred five
212-55 of the state technology law or any other law, if the notice of sale
212-56 contains a provision that bids will only be accepted electronically in

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213- 1 the manner provided in such notice of sale, the comptroller shall not be

213- 2 required to accept non-electronic bids in any form. Advertisements shall
213- 3 contain a provision to the effect that the state comptroller, in his or
213- 4 her discretion, may reject any or all bids made in pursuance of such
213- 5 advertisements, and in the event of such rejection, the state comp-
213- 6 troller is authorized to negotiate a private sale or readvertise for
213- 7 bids in the form and manner above described as many times as, in his or
213- 8 her judgment, may be necessary to effect a satisfactory sale. Notwith-
213- 9 standing the foregoing provisions of this subdivision, whenever in the
213-10 judgment of the comptroller the interests of the state will be served
213-11 thereby, he or she may sell state bonds at private sale at par, at par
213-12 plus a premium [not to exceed five percent in the case of refunding]
213-13 [bonds or five-tenths of one percent in the case of all other bonds], or
213-14 at a discount. The comptroller shall promulgate regulations governing
213-15 the terms and conditions of any such private sales, which regulations
213-16 shall include a provision that he or she give notice to the governor,
213-17 the temporary president of the senate, and the speaker of the assembly
213-18 of his or her intention to conduct a private sale of obligations pursu-
213-19 ant to this section not less than five days prior to such sale or the
213-20 execution of any binding agreement to effect such sale.

213-21 § 41. The state finance law is amended by adding a new section 73 to
213-22 read as follows:

213-23 § 73. Federal interest subsidy payments. Notwithstanding any other
213-24 provision of law to the contrary, the comptroller shall deposit any
213-25 federal interest subsidy payments received by the state for state-sup-
213-26 ported debt issued as build America bonds, as authorized pursuant to the
213-27 American Recovery and Reinvestment Act of 2009, as amended or pursuant
213-28 to any successor authorization, to each respective debt service fund
213-29 which relates to such bonds.

213-30 § 42. Subdivision 2 of section 1680-m of the public authorities law,
213-31 as added by section 39 of part T of chapter 57 of the laws of 2007, is
213-32 amended to read as follows:

213-33 2. Notwithstanding any other provision of law to the contrary, in
213-34 order to assist the authority and the urban development corporation in
213-35 undertaking the financing [of] for construction [of a collections stor-]
213-36 [age facility for the state museum, the state library and the state]
213-37 [archives] and rehabilitation associated with the cultural education
213-38 facilities and the St. Regis Mohawk elementary school, the director of
213-39 the budget is hereby authorized to enter into one or more service
213-40 contracts with the authority and the urban development corporation, none
213-41 of which shall exceed thirty years in duration, upon such terms and
213-42 conditions as the director of the budget and the authority and the urban
213-43 development corporation agree, so as to annually provide to the authori-
213-44 ty and the urban development corporation, in the aggregate, a sum not to
213-45 exceed the principal, interest, and related expenses required for such
213-46 bonds and notes. Any service contract entered into pursuant to this
213-47 section shall provide that the obligation of the state to pay the amount
213-48 therein provided shall not constitute a debt of the state within the
213-49 meaning of any constitutional or statutory provision and shall be deemed
213-50 executory only to the extent of monies available and that no liability
213-51 shall be incurred by the state beyond the monies available for such
213-52 purpose, subject to annual appropriation by the legislature. Any such
213-53 contract or any payments made or to be made thereunder may be assigned
213-54 and pledged by the authority and the urban development corporation as
213-55 security for its bonds and notes, as authorized by this section.

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214- 1 § 43. Subdivision 4 of section 1689-i of the public authorities law,
214- 2 as added by chapter 60 of the laws of 2006, is amended to read as
214- 3 follows:

214- 4 4. [(a)] To obtain funds for the purposes of this section, the author-
214- 5 ity shall have power from time to time, in accordance with a schedule
214- 6 certified to the authority by the commissioner of education identifying
214- 7 eligible library construction projects approved for the payment of aid

214- 8 apportionments pursuant to section two hundred seventy-three-a of the
214- 9 education law, to issue negotiable bonds or notes of the authority.
214-10 Unless the context shall clearly indicate otherwise, whenever the words
214-11 "bond" or "bonds" are used in this section, such words shall include a
214-12 note or notes of the authority.

214-13 [(b) The dormitory authority shall not issue any bonds or notes in an]
214-14 [amount in excess of fourteen million dollars for the purposes of this]
214-15 [section.]

214-16 § 44. Intentionally omitted.

214-17 § 45. Subdivisions 6 and 8 of section 1689-i of the public authori-
214-18 ties law, as added by section 4 of part I of chapter 61 of the laws of
214-19 2006, are amended to read as follows:

214-20 6. The commissioner of education shall certify, from time to time, to
214-21 the dormitory authority, the comptroller, the director of the division
214-22 of the budget, the chair of the senate finance committee and the chair
214-23 of the assembly ways and means committee each school district for which
214-24 he or she has determined an aid apportionment for authority financing of
214-25 an EXCEL project pursuant to subdivision fourteen of section thirty-six
214-26 hundred forty-one of the education law. Such certification, which shall
214-27 be made within thirty days after such determination or as soon thereaft-
214-28 er as is practicable, shall identify the amount of aid apportionment
214-29 which has been approved for such school district and shall estimate the
214-30 date or dates when such project will be undertaken [to assist the]
214-31 [authority in establishing a schedule for financing such project. The]
214-32 [commissioner of education shall notify the authority if there is a]
214-33 [change in such date].

214-34 8. To obtain funds for the purposes of this section, the authority
214-35 shall have power from time to time, [in accordance with a certification]
214-36 [to the authority by the commissioner of education pursuant to subdivi-]
214-37 [sion six of this section,] to issue negotiable bonds or notes of the
214-38 authority. Unless the context shall clearly indicate otherwise, whenever
214-39 the words "bond" or "bonds" are used in this section, such words
214-40 shall include a note or notes of the authority.

214-41 § 46. Subdivision 1 of section 1689-i of the public authorities law,
214-42 as amended by section 40 of part PP of chapter 56 of the laws of 2009,
214-43 is amended to read as follows:

214-44 1. The dormitory authority is authorized to issue bonds, at the
214-45 request of the commissioner of education, to finance eligible library
214-46 construction projects pursuant to section two hundred seventy-three-a of
214-47 the education law, in amounts certified by such commissioner not to
214-48 exceed a total principal amount of [fifty-six] seventy million dollars.

214-49 § 47. Subdivision 1 of section 1680-m of the public authorities law,
214-50 as amended by section 41 of part PP of chapter 56 of the laws of 2009,
214-51 is amended to read as follows:

214-52 1. Notwithstanding the provisions of any other law to the contrary,
214-53 the authority and the urban development corporation are hereby author-
214-54 ized to issue bonds or notes in one or more series for the purpose of
214-55 funding project costs for construction and rehabilitation associated
214-56 with the cultural education facilities and the St. Regis Mohawk elemen-

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215- 1 tary school. The aggregate principal amount of bonds authorized to be
215- 2 issued pursuant to this section shall not exceed [ninety-one] seventy-
215- 3 nine million [five hundred eighty-five thousand] dollars, excluding
215- 4 bonds issued to fund one or more debt service reserve funds, to pay
215- 5 costs of issuance of such bonds, and bonds or notes issued to refund or
215- 6 otherwise repay such bonds or notes previously issued. Such bonds and
215- 7 notes of the authority and the urban development corporation shall not
215- 8 be a debt of the state, and the state shall not be liable thereon, nor
215- 9 shall they be payable out of any funds other than those appropriated by
215-10 the state to the authority for principal, interest, and related expenses
215-11 pursuant to a service contract and such bonds and notes shall contain on
215-12 the face thereof a statement to such effect. Except for purposes of

215-13 complying with the internal revenue code, any interest income earned on
215-14 bond proceeds shall only be used to pay debt service on such bonds.

215-15 § 48. Subdivision 3 of section 1285-p of the public authorities law,
215-16 as amended by section 42 of part PP of chapter 56 of the laws of 2009,
215-17 is amended to read as follows:

215-18 3. The maximum amount of bonds that may be issued for the purpose of
215-19 financing environmental infrastructure projects authorized by this
215-20 section shall be [eight] nine hundred [sixty-seven] three million [five]
215-21 seven hundred forty-seven thousand dollars, exclusive of bonds issued to
215-22 fund any debt service reserve funds, pay costs of issuance of such
215-23 bonds, and bonds or notes issued to refund or otherwise repay bonds or
215-24 notes previously issued. Such bonds and notes of the corporation shall
215-25 not be a debt of the state, and the state shall not be liable thereon,
215-26 nor shall they be payable out of any funds other than those appropriated
215-27 by the state to the corporation for debt service and related expenses
215-28 pursuant to any service contracts executed pursuant to subdivision one
215-29 of this section, and such bonds and notes shall contain on the face
215-30 thereof a statement to such effect.

215-31 § 49. Subdivision (a) of section 28 of part Y of chapter 61 of the
215-32 laws of 2005, providing for the administration of certain funds and
215-33 accounts related to the 2005-2006 budget, is amended to read as follows:

215-34 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
215-35 notwithstanding any provisions of law to the contrary, one or more
215-36 authorized issuers as defined by section 68-a of the state finance law
215-37 are hereby authorized to issue bonds or notes in one or more series in
215-38 an aggregate principal amount not to exceed [\$15,000,000] \$18,000,000,
215-39 excluding bonds issued to finance one or more debt service reserve
215-40 funds, to pay costs of issuance of such bonds, and bonds or notes issued
215-41 to refund or otherwise repay such bonds or notes previously issued, for
215-42 the purpose of financing capital projects for public protection facili-
215-43 ties in the Division of Military and Naval Affairs, debt service and
215-44 leases; and to reimburse the state general fund for disbursements made
215-45 therefor. Such bonds and notes of such authorized issuer shall not be a
215-46 debt of the state, and the state shall not be liable thereon, nor shall
215-47 they be payable out of any funds other than those appropriated by the
215-48 state to such authorized issuer for debt service and related expenses
215-49 pursuant to any service contract executed pursuant to subdivision (b) of
215-50 this section and such bonds and notes shall contain on the face thereof
215-51 a statement to such effect. Except for purposes of complying with the
215-52 internal revenue code, any interest income earned on bond proceeds shall
215-53 only be used to pay debt service on such bonds.

215-54 § 50. Subdivision (a) of section 48 of part K of chapter 81 of the
215-55 laws of 2002, providing for the administration of certain funds and
215-56 accounts related to the 2002-2003 budget, as amended by section 44 of

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216- 1 part PP of chapter 56 of the laws of 2009, is amended to read as
216- 2 follows:

216- 3 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
216- 4 notwithstanding the provisions of section 18 of the urban development
216- 5 corporation act, the corporation is hereby authorized to issue bonds or
216- 6 notes in one or more series in an aggregate principal amount not to
216- 7 exceed [\$25,000,000] \$67,000,000 excluding bonds issued to fund one or
216- 8 more debt service reserve funds, to pay costs of issuance of such bonds,
216- 9 and bonds or notes issued to refund or otherwise repay such bonds or
216-10 notes previously issued, for the purpose of financing capital costs
216-11 related to homeland security and training facilities for the division of
216-12 state police, the division of military and naval affairs, and any other
216-13 state agency, including the reimbursement of any disbursements made from
216-14 the state capital projects fund, and is hereby authorized to issue bonds
216-15 or notes in one or more series in an aggregate principal amount not to
216-16 exceed [\$155,800,000] \$165,800,000, excluding bonds issued to fund one
216-17 or more debt service reserve funds, to pay costs of issuance of such

216-18 bonds, and bonds or notes issued to refund or otherwise repay such bonds
216-19 or notes previously issued, for the purpose of financing improvements to
216-20 State office buildings and other facilities located statewide, including
216-21 the reimbursement of any disbursements made from the state capital
216-22 projects fund. Such bonds and notes of the corporation shall not be a
216-23 debt of the state, and the state shall not be liable thereon, nor shall
216-24 they be payable out of any funds other than those appropriated by the
216-25 state to the corporation for debt service and related expenses pursuant
216-26 to any service contracts executed pursuant to subdivision (b) of this
216-27 section, and such bonds and notes shall contain on the face thereof a
216-28 statement to such effect.

216-29 § 51. Subdivision 4 of section 66-b of the state finance law, as
216-30 amended by section 45 of part PP of chapter 56 of the laws of 2009, is
216-31 amended to read as follows:

216-32 4. Subject to the provisions of chapter fifty-nine of the laws of two
216-33 thousand, but notwithstanding any other provisions of law to the contra-
216-34 ry, the maximum amount of certificates of participation or similar
216-35 instruments representing periodic payments due from the state of New
216-36 York, issued on behalf of state departments and agencies, the city
216-37 university of New York and any other state entity otherwise specified
216-38 after March thirty-first, two thousand three shall be [five] seven
216-39 hundred [sixty-four] fifty-one million two hundred eighty-five thousand
216-40 dollars. Such amount shall be exclusive of certificates of participation
216-41 or similar instruments issued to fund a reserve fund or funds, costs of
216-42 issuance and to refund outstanding certificates of participation.

216-43 § 52. Subdivision 1 of section 16 of part D of chapter 389 of the laws
216-44 of 1997, providing for the financing of the correctional facilities
216-45 improvement fund and the youth facility improvement fund, as amended by
216-46 section 46 of part PP of chapter 56 of the laws of 2009, is amended to
216-47 read as follows:

216-48 1. Subject to the provisions of chapter 59 of the laws of 2000, but
216-49 notwithstanding the provisions of section 18 of section 1 of chapter 174
216-50 of the laws of 1968, the New York state urban development corporation is
216-51 hereby authorized to issue bonds, notes and other obligations in an
216-52 aggregate principal amount not to exceed [five] six billion [eight] one
216-53 hundred [thirty-seven] sixty-four million [eight hundred] sixty-nine
216-54 thousand dollars [\$5,837,800,000] \$6,164,069,000, and shall include all
216-55 bonds, notes and other obligations issued pursuant to chapter 56 of the
216-56 laws of 1983, as amended or supplemented. The proceeds of such bonds,

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217- 1 notes or other obligations shall be paid to the state, for deposit in
217- 2 the correctional facilities capital improvement fund to pay for all or
217- 3 any portion of the amount or amounts paid by the state from appropri-
217- 4 ations or reappropriations made to the department of correctional
217- 5 services from the correctional facilities capital improvement fund for
217- 6 capital projects. The aggregate amount of bonds, notes or other obli-
217- 7 gations authorized to be issued pursuant to this section shall exclude
217- 8 bonds, notes or other obligations issued to refund or otherwise repay
217- 9 bonds, notes or other obligations theretofore issued, the proceeds of
217-10 which were paid to the state for all or a portion of the amounts
217-11 expended by the state from appropriations or reappropriations made to
217-12 the department of correctional services; provided, however, that upon
217-13 any such refunding or repayment the total aggregate principal amount of
217-14 outstanding bonds, notes or other obligations may be greater than [five]
217-15 six billion [eight] one hundred [thirty-seven] sixty-four million [eight]
217-16 [hundred] sixty-nine thousand dollars [\$5,837,800,000] \$6,164,069,000,
217-17 only if the present value of the aggregate debt service of the refunding
217-18 or repayment bonds, notes or other obligations to be issued shall not
217-19 exceed the present value of the aggregate debt service of the bonds,
217-20 notes or other obligations so to be refunded or repaid. For the purposes
217-21 hereof, the present value of the aggregate debt service of the refunding
217-22 or repayment bonds, notes or other obligations and of the aggregate debt

217-23 service of the bonds, notes or other obligations so refunded or repaid,
217-24 shall be calculated by utilizing the effective interest rate of the
217-25 refunding or repayment bonds, notes or other obligations, which shall be
217-26 that rate arrived at by doubling the semi-annual interest rate
217-27 (compounded semi-annually) necessary to discount the debt service
217-28 payments on the refunding or repayment bonds, notes or other obligations
217-29 from the payment dates thereof to the date of issue of the refunding or
217-30 repayment bonds, notes or other obligations and to the price bid includ-
217-31 ing estimated accrued interest or proceeds received by the corporation
217-32 including estimated accrued interest from the sale thereof.

217-33 § 53. Subdivision 1 of section 17 of part D of chapter 389 of the laws
217-34 of 1997, providing for the financing of the correctional facilities
217-35 improvement fund and the youth facility improvement fund, as amended by
217-36 section 20 of part P2 of chapter 62 of the laws of 2003, is amended to
217-37 read as follows:

217-38 1. Subject to the provisions of chapter 59 of the laws of 2000, but
217-39 notwithstanding the provisions of section 18 of section 1 of chapter 174
217-40 of the laws of 1968, the New York state urban development corporation is
217-41 hereby authorized to issue bonds, notes and other obligations in an
217-42 aggregate principal amount not to exceed three hundred [twenty-eight]
217-43 seventy-nine million five hundred fifteen thousand dollars
217-44 [(\$328,515,000)] (\$379,515,000), which authorization increases the
217-45 aggregate principal amount of bonds, notes and other obligations author-
217-46 ized by section 40 of chapter 309 of the laws of 1996, and shall include
217-47 all bonds, notes and other obligations issued pursuant to chapter 211 of
217-48 the laws of 1990, as amended or supplemented. The proceeds of such
217-49 bonds, notes or other obligations shall be paid to the state, for depos-
217-50 it in the youth facilities improvement fund, to pay for all or any
217-51 portion of the amount or amounts paid by the state from appropriations
217-52 or reappropriations made to the office of children and family services
217-53 from the youth facilities improvement fund for capital projects. The
217-54 aggregate amount of bonds, notes and other obligations authorized to be
217-55 issued pursuant to this section shall exclude bonds, notes or other
217-56 obligations issued to refund or otherwise repay bonds, notes or other

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218- 1 obligations theretofore issued, the proceeds of which were paid to the
218- 2 state for all or a portion of the amounts expended by the state from
218- 3 appropriations or reappropriations made to the office of children and
218- 4 family services; provided, however, that upon any such refunding or
218- 5 repayment the total aggregate principal amount of outstanding bonds,
218- 6 notes or other obligations may be greater than three hundred [twenty-]
218- 7 [eight] seventy-nine million five hundred fifteen thousand dollars
218- 8 [(\$328,515,000)] (\$379,515,000), only if the present value of the aggre-
218- 9 gate debt service of the refunding or repayment bonds, notes or other
218-10 obligations to be issued shall not exceed the present value of the
218-11 aggregate debt service of the bonds, notes or other obligations so to be
218-12 refunded or repaid. For the purposes hereof, the present value of the
218-13 aggregate debt service of the refunding or repayment bonds, notes or
218-14 other obligations and of the aggregate debt service of the bonds, notes
218-15 or other obligations so refunded or repaid, shall be calculated by
218-16 utilizing the effective interest rate of the refunding or repayment
218-17 bonds, notes or other obligations, which shall be that rate arrived at
218-18 by doubling the semi-annual interest rate (compounded semi-annually)
218-19 necessary to discount the debt service payments on the refunding or
218-20 repayment bonds, notes or other obligations from the payment dates ther-
218-21 eof to the date of issue of the refunding or repayment bonds, notes or
218-22 other obligations and to the price bid including estimated accrued
218-23 interest or proceeds received by the corporation including estimated
218-24 accrued interest from the sale thereof.

218-25 § 54. Paragraph (a) of subdivision 2 of section 47-e of the private
218-26 housing finance law, as amended by section 47 of part PP of chapter 56
218-27 of the laws of 2009, is amended to read as follows:

218-28 2. (a) Subject to the provisions of chapter fifty-nine of the laws of
218-29 two thousand, in order to enhance and encourage the promotion of housing
218-30 programs and thereby achieve the stated purposes and objectives of such
218-31 housing programs, the agency shall have the power and is hereby author-
218-32 ized from time to time to issue negotiable housing program bonds and
218-33 notes in such principal amount as shall be necessary to provide suffi-
218-34 cient funds for the repayment of amounts disbursed (and not previously
218-35 reimbursed) pursuant to law or any prior year making capital appropri-
218-36 ations or reappropriations for the purposes of the housing program;
218-37 provided, however, that the agency may issue such bonds and notes in an
218-38 aggregate principal amount not exceeding two billion [four] five hundred
218-39 [twenty-eight] thirty-two million [one] two hundred [forty-one] ninety-
218-40 nine thousand dollars, plus a principal amount of bonds issued to fund
218-41 the debt service reserve fund in accordance with the debt service
218-42 reserve fund requirement established by the agency and to fund any other
218-43 reserves that the agency reasonably deems necessary for the security or
218-44 marketability of such bonds and to provide for the payment of fees and
218-45 other charges and expenses, including underwriters' discount, trustee
218-46 and rating agency fees, bond insurance, credit enhancement and liquidity
218-47 enhancement related to the issuance of such bonds and notes. No reserve
218-48 fund securing the housing program bonds shall be entitled or eligible to
218-49 receive state funds apportioned or appropriated to maintain or restore
218-50 such reserve fund at or to a particular level, except to the extent of
218-51 any deficiency resulting directly or indirectly from a failure of the
218-52 state to appropriate or pay the agreed amount under any of the contracts
218-53 provided for in subdivision four of this section.

218-54 § 55. This act shall take effect immediately and shall be deemed to
218-55 have been in full force and effect on and after April 1, 2010, provided,
218-56 however, that:

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219- 1 (a) section forty-two of this act shall be deemed to have been in full
219- 2 force and effect on and after April 1, 2008;

219- 3 (b) sections one, two, three, four, five, six, seven, eight, nine,
219- 4 ten, eighteen, and nineteen through twenty-nine of this act shall expire
219- 5 March 31, 2011, when, upon such date, the provisions of such sections
219- 6 shall be deemed repealed; and

219- 7 (c) the amendments to subdivision 5 of section 97-rrr of the state
219- 8 finance law made by section fifteen of this act shall not affect the
219- 9 expiration of such subdivision and shall be deemed to expire therewith.

219-10

PART KK

219-11 Section 1. Sections 1 and 2 of part H of chapter 503 of the laws of
219-12 2009 relating to the disposition of monies recovered by county district
219-13 attorneys before the filing of an accusatory instrument, are amended to
219-14 read as follows:

219-15 Section 1. When a county district attorney of a county located in a
219-16 city of one million or more recovers monies before the filing of an
219-17 accusatory instrument as defined in subdivision 1 of section 1.20 of the
219-18 criminal procedure law, after injured parties have been appropriately
219-19 compensated, the district attorney's office shall retain a percentage of
219-20 the remaining such monies in recognition that such monies were recovered
219-21 as a result of investigations undertaken by [the district attorney's]
219-22 such office. The total amount of such monies to be retained by the coun-
219-23 ty district attorney's office shall equal ten percent of the first twen-
219-24 ty-five million dollars received by such office during the state fiscal
219-25 year, plus seven and one-half percent of such monies received by such
219-26 office in excess of twenty-five million dollars but less than fifty
219-27 million dollars, plus five percent of any such monies received by such
219-28 office in excess of fifty million dollars but less than one hundred
219-29 million dollars, plus one percent of such monies received by such office
219-30 in excess of one hundred million dollars. The remainder of such monies

219-31 shall be paid by the district attorney's office to the state and to the
219-32 county in equal amounts within thirty days of receipt, where disposition
219-33 of such monies is not otherwise prescribed by law. Monies distributed
219-34 to a county district attorney's office pursuant to this section shall be
219-35 used to enhance law enforcement efforts and shall not supplant funds for
219-36 ordinary budgetary costs including salaries of personnel and expenses of
219-37 district attorneys.

219-38 § 2. This act shall take effect immediately and shall remain in full
219-39 force and effect until the last day of March, [2010] 2011, when it shall
219-40 expire and be deemed repealed.

219-41 § 2. This act shall take effect immediately; provided, however, that
219-42 the amendments made to section 1 of chapter 503 of the laws of 2009 made
219-43 by section one of this act shall not affect the repeal of such section
219-44 and shall be deemed to be repealed therewith.

219-45

PART LL

219-46 Section 1. Section 130 of the executive law, as amended by chapter 680
219-47 of the laws of 1967 and the opening paragraph as amended by chapter 673
219-48 of the laws of 2002, is amended to read as follows:

219-49 § 130. Appointment of notaries public. 1. The secretary of state may
219-50 appoint and commission as many notaries public for the state of New York
219-51 as in his or her judgment may be deemed best, whose jurisdiction shall
219-52 be co-extensive with the boundaries of the state. The appointment of a
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220- 1 notary public shall be for a term of four years. An application for an
220- 2 appointment as notary public shall be in form and set forth such matters
220- 3 as the secretary of state shall prescribe. Every person appointed as
220- 4 notary public must, at the time of his or her appointment, be a citizen
220- 5 of the United States and either a resident of the state of New York or
220- 6 have an office or place of business in New York state. A notary public
220- 7 who is a resident of the state and who moves out of the state but still
220- 8 maintains a place of business or an office in New York state does not
220- 9 vacate his or her office as a notary public. A notary public who is a
220-10 nonresident and who ceases to have an office or place of business in
220-11 this state, vacates his or her office as a notary public. A notary
220-12 public who is a resident of New York state and moves out of the state
220-13 and who does not retain an office or place of business in this state
220-14 shall vacate his or her office as a notary public. A non-resident who
220-15 accepts the office of notary public in this state thereby appoints the
220-16 secretary of state as the person upon whom process can be served on his
220-17 or her behalf. Before issuing to any applicant a commission as notary
220-18 public, unless he or she be an attorney and counsellor at law duly
220-19 admitted to practice in this state or a court clerk of the unified court
220-20 system who has been appointed to such position after taking a civil
220-21 service promotional examination in the court clerk series of titles, the
220-22 secretary of state shall satisfy himself or herself that the applicant
220-23 is of good moral character, has the equivalent of a common school educa-
220-24 tion and is familiar with the duties and responsibilities of a notary
220-25 public; provided, however, that where a notary public applies, before
220-26 the expiration of his or her term, for reappointment with the county
220-27 clerk or where a person whose term as notary public shall have expired
220-28 applies within six months thereafter for reappointment as a notary
220-29 public with the county clerk, such qualifying requirements may be waived
220-30 by the secretary of state, and further, where an application for reap-
220-31 pointment is filed with the county clerk after the expiration of the
220-32 aforementioned renewal period by a person who failed or was unable to
220-33 re-apply by reason of his or her induction or enlistment in the armed
220-34 forces of the United States, such qualifying requirements may also be
220-35 waived by the secretary of state, provided such application for reap-
220-36 pointment is made within a period of one year after the military
220-37 discharge of the applicant under conditions other than dishonorable. In

220-38 any case, the appointment or reappointment of any applicant is in the
220-39 discretion of the secretary of state. The secretary of state may suspend
220-40 or remove from office, for misconduct, any notary public appointed by
220-41 him or her but no such removal shall be made unless the person who is
220-42 sought to be removed shall have been served with a copy of the charges
220-43 against him or her and have an opportunity of being heard. No person
220-44 shall be appointed as a notary public under this article who has been
220-45 convicted, in this state or any other state or territory, of a felony or
220-46 any of the following offenses, to wit:
220-47 (a) Illegally using, carrying or possessing a pistol or other danger-
220-48 ous weapon; (b) making or possessing burglar's instruments; (c) buying
220-49 or receiving or criminally possessing stolen property; (d) unlawful
220-50 entry of a building; (e) aiding escape from prison; (f) unlawfully
220-51 possessing or distributing habit forming narcotic drugs; (g) violating
220-52 sections two hundred seventy, two hundred seventy-a, two hundred seven-
220-53 ty-b, two hundred seventy-c, two hundred seventy-one, two hundred seven-
220-54 ty-five, two hundred seventy-six, five hundred fifty, five hundred
220-55 fifty-one, five hundred fifty-one-a and subdivisions six, eight, ten or
220-56 eleven of section seven hundred twenty-two of the former penal law as in
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221- 1 force and effect immediately prior to September first, nineteen hundred
221- 2 sixty-seven, or violating sections 165.25, 165.30, subdivision one of
221- 3 section 240.30, subdivision three of section 240.35 of the penal law, or
221- 4 violating sections four hundred seventy-eight, four hundred seventy-
221- 5 nine, four hundred eighty, four hundred eighty-one, four hundred eight-
221- 6 y-four, four hundred eighty-nine and four hundred ninety-one of the
221- 7 judiciary law; or (h) vagrancy or prostitution, and who has not subse-
221- 8 quent to such conviction received an executive pardon therefor or a
221- 9 certificate of relief from disabilities or a certificate of good conduct
221-10 [from the parole board] pursuant to article twenty-three of the
221-11 correction law to remove the disability under this section because of
221-12 such conviction.

221-13 2. A person regularly admitted to practice as an attorney and counsel-
221-14 lor in the courts of record of this state, whose office for the practice
221-15 of law is within the state, may be appointed a notary public and retain
221-16 his office as such notary public although he resides in or removes to an
221-17 adjoining state. For the purpose of this and the following sections of
221-18 this article such person shall be deemed a resident of the county where
221-19 he maintains such office.

221-20 § 2. Subdivision 3 of section 175 of the executive law, as amended by
221-21 chapter 43 of the laws of 2002, is amended to read as follows:

221-22 3. Upon a showing by the attorney general in an application for an
221-23 injunction that any person engaged in solicitation has been convicted in
221-24 this state or elsewhere of a felony or of a misdemeanor involving the
221-25 misappropriation, misapplication or misuse of the money or property of
221-26 another, and who has not, subsequent to such conviction, received execu-
221-27 tive pardon therefor or a certificate of relief from disabilities or a
221-28 certificate of good conduct [from the parole board] pursuant to article
221-29 twenty-three of the correction law, the supreme court, after a hearing,
221-30 may enjoin such person from engaging in any solicitation.

221-31 § 3. The opening paragraph of subdivision 2 of section 102 of the
221-32 alcoholic beverage control law, as amended by chapter 340 of the laws of
221-33 1972, is amended to read as follows:

221-34 No person holding any license hereunder, other than a license to sell
221-35 an alcoholic beverage at retail for off-premises consumption, shall
221-36 knowingly employ in connection with his business in any capacity whatso-
221-37 ever, any person, who has been convicted of a felony, or any of the
221-38 following offenses, who has not subsequent to such conviction received
221-39 an executive pardon therefor removing any civil disabilities incurred
221-40 thereby, a certificate of relief from disabilities or a certificate of
221-41 good conduct pursuant to article twenty-three of the correction law, or
221-42 other relief from disabilities provided by law, or the written approval

221-43 of the state liquor authority permitting such employment, to wit:
221-44 § 4. Subdivision 4 of section 96-z-3 of the agriculture and markets
221-45 law, as added by chapter 391 of the laws of 1968, is amended to read as
221-46 follows:

221-47 (4) applicant, an officer, director, partner, or holder of ten per
221-48 centum or more of the voting stock of an applicant has been convicted of
221-49 a felony by a court of the United States or any state or territory ther-
221-50 eef, without subsequent pardon by the governor or other appropriate
221-51 authority of the state or jurisdiction in which such conviction
221-52 occurred, or the receipt of [either] a certificate of relief from disa-
221-53 bilities or a certificate of good conduct [from the board of parole]
221-54 pursuant to [the executive law] article twenty-three of the correction
221-55 law,

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222- 1 § 5. Paragraph (d) of subdivision 4 of section 129 of the agriculture
222- 2 and markets law, as added by chapter 816 of the laws of 1974, is amended
222- 3 to read as follows:

222- 4 (d) The applicant or registrant, or an officer, director, partner or
222- 5 holder of ten per centum or more of the voting stock of the applicant or
222- 6 registrant, has been convicted of a felony by a court of the United
222- 7 States or any state or territory thereof, without subsequent pardon by
222- 8 the governor or other appropriate authority of the state or jurisdiction
222- 9 in which such conviction occurred, or receipt of a certificate of relief
222-10 from disabilities or a certificate of good conduct [from the board of]
222-11 [parole] pursuant to article twenty-three of the correction law;

222-12 § 6. Paragraph (b) of subdivision 6 of section 369 of the banking law,
222-13 as amended by chapter 164 of the laws of 2003, is amended to read as
222-14 follows:

222-15 (b) is associating or consorting with any person who has, or persons
222-16 who have, been convicted of a crime or crimes in any jurisdiction or
222-17 jurisdictions; provided, however, that the superintendent shall not
222-18 issue such a license if he shall find that the applicant, or any person
222-19 who is a director, officer, partner, agent, employee or substantial
222-20 stockholder of the applicant, has been convicted of a felony in any
222-21 jurisdiction or of a crime which, if committed within this state, would
222-22 constitute a felony under the laws thereof. For the purposes of this
222-23 article, a person shall be deemed to have been convicted of a crime if
222-24 such person shall have pleaded guilty to a charge thereof before a court
222-25 or magistrate, or shall have been found guilty thereof by the decision
222-26 or judgment of a court or magistrate or by the verdict of a jury, irre-
222-27 spective of the pronouncement of sentence or the suspension thereof,
222-28 unless such plea of guilty, or such decision, judgment or verdict, shall
222-29 have been set aside, reversed or otherwise abrogated by lawful judicial
222-30 process or unless the person convicted of the crime shall have received
222-31 a pardon therefor from the president of the United States or the gover-
222-32 nor or other pardoning authority in the jurisdiction where the
222-33 conviction was had, or shall have received a certificate of relief from
222-34 disabilities or a certificate of good conduct [granted by the board of]
222-35 [parole] pursuant to [the provisions of the executive law] article twen-
222-36 ty-three of the correction law to remove the disability under this arti-
222-37 cle because of such conviction. The term "substantial stockholder," as
222-38 used in this subdivision, shall be deemed to refer to a person owning or
222-39 controlling ten per centum or more of the total outstanding stock of the
222-40 corporation in which such person is a stockholder. In making a determi-
222-41 nation pursuant to this subdivision, the superintendent shall require
222-42 fingerprinting of the applicant. Such fingerprints shall be submitted to
222-43 the division of criminal justice services for a state criminal history
222-44 record check, as defined in subdivision one of section three thousand
222-45 thirty-five of the education law, and may be submitted to the federal
222-46 bureau of investigation for a national criminal history record check.

222-47 § 7. Subdivision 4 of section 79-a of the civil rights law, as amended
222-48 by chapter 687 of the laws of 1973, is amended to read as follows:

222-49 4. This section shall not apply to a person sentenced to imprisonment
222-50 for an indeterminate term, having a minimum of one day and a maximum of
222-51 his natural life.
222-52 Nothing in this section shall be deemed to preclude the issuance of a
222-53 certificate of relief from disabilities or a certificate of good conduct
222-54 [by the board of parole] pursuant to article twenty-three of the
222-55 correction law to a person who previously has been sentenced to impri-
222-56 sonment for life.

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223- 1 § 8. Paragraph b of subdivision 5 of section 2018-a of the education
223- 2 law, as amended by chapter 506 of the laws of 1991, is amended to read
223- 3 as follows:

223- 4 b. On the reverse side of such envelope shall be printed the following
223- 5 statement:

223- 6 STATEMENT OF ABSENTEE VOTER

223- 7 I do declare that I am a citizen of the United States, and will be at
223- 8 least eighteen years of age, on the date of the school district
223- 9 election; that I will have been a resident of this state and of the
223-10 school district and school election district, if any, shown on the
223-11 reverse side of this envelope for thirty days next preceding the said
223-12 election and duly registered in the school district and school election
223-13 district, if any, shown on the reverse side of this envelope and that I
223-14 am or on such date will be, a qualified voter of said school district;
223-15 that I will be unable to appear personally on the day of said school
223-16 district election at the polling place of the said district in which I
223-17 am or will be a qualified voter because of the reason stated on my
223-18 application heretofore submitted; that I have not qualified, or do I
223-19 intend to vote, elsewhere than as set forth on the reverse side of this
223-20 envelope; that I have not received or offered, do not expect to receive,
223-21 have not paid, offered or promised to pay, contributed, offered or prom-
223-22 ised to contribute to another to be paid or used, any money or other
223-23 valuable thing, as a compensation or reward for the giving or withhold-
223-24 ing of a vote at this school district election, and have not made any
223-25 promise to influence the giving or withholding of any such votes; that I
223-26 have not made or become directly or indirectly interested in any bet or
223-27 wager depending upon the result of this school district election; and
223-28 that I have not been convicted of bribery or any infamous crime, or, if
223-29 so convicted, that I have been pardoned or restored to all the rights of
223-30 a citizen, without restriction as to the right of suffrage, or received
223-31 a certificate of relief from disabilities or a certificate of good
223-32 conduct [granted by the board of parole] pursuant to [the provisions of]
223-33 [the executive] article twenty-three of the correction law removing my
223-34 disability to register and vote.

223-35 I hereby declare that the foregoing is a true statement to the best of
223-36 my knowledge and belief, and I understand that if I make any material
223-37 false statement in the foregoing statement of absentee voter, I shall be
223-38 guilty of a misdemeanor.

223-39 Date.....Signature of Voter

223-40 § 9. Paragraph b of subdivision 6 of section 2018-b of the education
223-41 law, as amended by chapter 46 of the laws of 1992, is amended to read as
223-42 follows:

223-43 b. On the reverse side of such envelope shall be printed the following
223-44 statement:

223-45 STATEMENT OF ABSENTEE VOTER

223-46 I do declare that I am a citizen of the United States, and will be at
223-47 least eighteen years of age on the date of the school district election;

223-48 that I will have been a resident of this state and of the school
223-49 district and school election district, if any, shown on the reverse side
223-50 of this envelope for thirty days next preceding the said election and
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224- 1 that I am or on such date will be, a qualified voter of said school
224- 2 district; that I will be unable to appear personally on the day of said
224- 3 school district election at the polling place of the said district in
224- 4 which I am or will be a qualified voter because of the reason stated on
224- 5 my application heretofore submitted; that I have not qualified, or do I
224- 6 intend to vote, elsewhere than as set forth on the reverse side of this
224- 7 envelope; that I have not received or offered, do not expect to receive,
224- 8 have not paid, offered or promised to pay, contributed, offered or prom-
224- 9 ised to contribute to another to be paid or used, any money or other
224-10 valuable thing, as a compensation or reward for the giving or withhold-
224-11 ing of a vote at this school district election, and have not made any
224-12 promise to influence the giving or withholding of any such votes; that I
224-13 have not made or become directly or indirectly interested in any bet or
224-14 wager depending upon the result of this school district election; and
224-15 that I have not been convicted of bribery [of] or any infamous crime,
224-16 or, if so convicted, that I have been pardoned or restored to all the
224-17 rights of a citizen, without restriction as to the right of suffrage, or
224-18 have received a certificate of relief from disabilities or a certificate
224-19 of good conduct [granted by the board of parole] pursuant to [the]
224-20 [provisions of the executive] article twenty-three of the correction law
224-21 removing my disability to vote.

224-22 I hereby declare that the foregoing is a true statement to the best of
224-23 my knowledge and belief, and I understand that if I make any material
224-24 false statement in the foregoing statement of absentee voter, I shall be
224-25 guilty of a misdemeanor.

224-26 Date.....Signature of Voter

224-27 § 10. Paragraph b of subdivision 5 of section 84-a of the town law, as
224-28 amended by chapter 281 of the laws of 1998, is amended to read as
224-29 follows:

224-30 b. On the reverse side of such envelope shall be printed the following
224-31 statement:

STATEMENT OF ABSENTEE VOTER

224-32 I do declare that I will have been a citizen of the United States for
224-33 thirty days, and will be at least eighteen years of age, on the date of
224-34 the special town election; that I will have been a resident of this
224-35 state and of the town shown on the reverse side of this envelope for
224-36 thirty days next preceding the said election; that I am or on such date
224-37 will be, a registered voter of said town; that I will be unable to
224-38 appear personally on the day of said special town election at the poll-
224-39 ing place of the election district in which I am or will be a qualified
224-40 voter because of the reason stated on my application heretofore submit-
224-41 ted; that I have not qualified, or do I intend to vote, elsewhere than
224-42 as set forth on the reverse side of this envelope; that I have not
224-43 received or offered, do not expect to receive, have not paid, offered or
224-44 promised to pay, contributed, offered or promised to contribute to
224-45 another to be paid or used, any money or other valuable thing, as a
224-46 compensation or reward for the giving or withholding of a vote at this
224-47 special town election, and have not made any promise to influence the
224-48 giving or withholding of any such votes; that I have not made or become
224-49 directly or indirectly interested in any bet or wager depending upon the
224-50 result of this special town election; and that I have not been convicted
224-51 of bribery or any infamous crime, or, if so convicted, that I have been
224-52 pardoned or restored to all the rights of a citizen, without restriction
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225- 1 as to the right of suffrage, or received a certificate of relief from
225- 2 disabilities or a certificate of good conduct [granted by the board of]
225- 3 [parole] pursuant to [the provisions of the executive] article twenty-
225- 4 three of the correction law removing my disability to register and vote.

225- 5 I hereby declare that the foregoing is a true statement to the best of
225- 6 my knowledge and belief, and I understand that if I make any material
225- 7 false statement in the foregoing statement of absentee voter, I shall be
225- 8 guilty of a misdemeanor.

225- 9 Date..... Signature of Voter.....

225-10 § 11. Paragraph b of subdivision 5 of section 175-b of the town law,
225-11 as amended by chapter 401 of the laws of 1996, is amended to read as
225-12 follows:

225-13 b. On the reverse side of such envelope shall be printed the follow-
225-14 ing statement:

225-15 STATEMENT OF ABSENTEE VOTER

225-16 I do declare that I will have been a citizen of the United States for
225-17 thirty days, and will be at least eighteen years of age, on the date of
225-18 the district election; that I will have been a resident of this state
225-19 and of the district if any, shown on the reverse side of this envelope
225-20 for thirty days next preceding the said election and that I am or on
225-21 such date will be, a registered voter of said district; that I will be
225-22 unable to appear personally on the day of said district election at the
225-23 polling place of the said district in which I am or will be a qualified
225-24 voter because of the reason stated on my application heretofore submit-
225-25 ted; that I have not qualified, or do I intend to vote, elsewhere than
225-26 as set forth on the reverse side of this envelope; that I have not
225-27 received or offered, do not expect to receive, have not paid, offered or
225-28 promised to pay, contributed, offered or promised to contribute to
225-29 another to be paid or used, any money or other valuable thing, as a
225-30 compensation or reward for the giving or withholding of a vote at this
225-31 district election, and have not made any promise to influence the giving
225-32 or withholding of any such votes; that I have not made or become direct-
225-33 ly or indirectly interested in any bet or wager depending upon the
225-34 result of this district election; and that I have not been convicted of
225-35 bribery or any infamous crime, or, if so convicted, that I have been
225-36 pardoned or restored to all the rights of a citizen, without restriction
225-37 as to the right of suffrage, or received a certificate of relief from
225-38 disabilities or a certificate of good conduct [granted by the board of]
225-39 [parole] pursuant to [the provisions of the executive] article twenty-
225-40 three of the correction law removing my disability to register and vote.

225-41 I hereby declare that the foregoing is a true statement to the best of
225-42 my knowledge and belief, and I understand that if I make any material
225-43 false statement in the foregoing statement of absentee voter, I shall be
225-44 guilty of a misdemeanor.

225-45 Date.....Signature of Voter.....

225-46 § 12. Paragraph b of subdivision 5 of section 213-b of the town law,
225-47 as added by chapter 400 of the laws of 1985, is amended to read as
225-48 follows:

225-49 b. On the reverse side of such envelope shall be printed the follow-
225-50 ing statement:

225-51 STATEMENT OF ABSENTEE VOTER

225-52 I do declare that I will have been a citizen of the United States for
225-53 thirty days, and will be at least eighteen years of age, on the date of
225-54 the district election; that I will have been a resident of this state
225-55 and of the district if any, shown on the reverse side of this envelope

226- 1 for thirty days next preceding the said election and that I am or on
226- 2 such date will be, a registered voter of said district; that I will be
226- 3 unable to appear personally on the day of said district election at the
226- 4 polling place of the said district in which I am or will be a qualified
226- 5 voter because of the reason stated on my application heretofore submit-

226- 6 ted; that I have not qualified, or do I intend to vote, elsewhere than
226- 7 as set forth on the reverse side of this envelope; that I have not
226- 8 received or offered, do not expect to receive, have not paid, offered or
226- 9 promised to pay, contributed, offered or promised to contribute to
226-10 another to be paid or used, any money or other valuable thing, as a
226-11 compensation or reward for the giving or withholding of a vote at this
226-12 district election, and have not made any promise to influence the giving
226-13 or withholding of any such votes; that I have not made or become direct-
226-14 ly or indirectly interested in any bet or wager depending upon the
226-15 result of this district election; and that I have not been convicted of
226-16 bribery or any infamous crime, or, if so convicted, that I have been
226-17 pardoned or restored to all the rights of a citizen, without restriction
226-18 as to the right of suffrage, or received a certificate of relief from
226-19 disabilities or a certificate of good conduct [granted by the board of]
226-20 [parole] pursuant to [the provisions of the executive] article twenty-
226-21 three of the correction law removing my disability to register and vote.

226-22 I hereby declare that the foregoing is a true statement to the best of
226-23 my knowledge and belief, and I understand that if I make any material
226-24 false statement in the foregoing statement of absentee voter, I shall be
226-25 guilty of a misdemeanor.

226-26 Date..... Signature of Voter

226-27 § 13. Paragraph (h) of subdivision 2 of section 74 of the general
226-28 business law, as amended by chapter 680 of the laws of 1967, is amended
226-29 to read as follows:

226-30 (h) violating section seven hundred forty-two, section seven hundred
226-31 forty-three, or section seven hundred forty-five of the said former
226-32 penal law, or violating any section contained in article two hundred
226-33 fifty of the penal law. Except as hereinafter in this subdivision
226-34 provided, no license shall be issued to any person whose license has
226-35 been previously revoked by the department of state or the authorities of
226-36 any other state or territory because of conviction of any of the
226-37 offenses specified in this section. The provisions of this subdivision
226-38 shall not prevent the issuance of a license to any person who, subse-
226-39 quent to his conviction, shall have received executive pardon therefor
226-40 removing this disability, or who has received a certificate of relief
226-41 from disabilities or a certificate of good conduct [granted by the board]
226-42 [of parole] pursuant to [the provisions of the executive] article twen-
226-43 ty-three of the correction law to remove the disability under this
226-44 section because of such conviction or previous license revocation occa-
226-45 sioned thereby.

226-46 § 14. Subdivision 1 of section 81 of the general business law, as
226-47 amended by chapter 562 of the laws of 2000, is amended to read as
226-48 follows:

226-49 1. The holder of any license certificate issued pursuant to this arti-
226-50 cle may employ to assist him in his work of private detective or inves-
226-51 tigator or bail enforcement agent as described in section seventy-one of
226-52 this article and in the conduct of such business as many persons as he
226-53 may deem necessary, and shall at all times during such employment be
226-54 legally responsible for the good conduct in the business of each and
226-55 every person so employed.

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227- 1 No holder of any unexpired license certificate issued pursuant to this
227- 2 article shall knowingly employ in connection with his or its business in
227- 3 any capacity whatsoever, any person who has been convicted of a felony
227- 4 or any of the offenses specified in subdivision two of section seventy-
227- 5 four of this [chapter] article, and who has not subsequent to such
227- 6 conviction received executive pardon therefor removing this disability,
227- 7 or received a certificate of relief from disabilities or a certificate
227- 8 of good conduct [granted by the board of parole] pursuant to [the]
227- 9 [provisions of the executive] article twenty-three of the correction law
227-10 to remove the disability under this section because of such a
227-11 conviction, or any person whose private detective or investigator's

227-12 license or bail enforcement agent's license was revoked or application
227-13 for such license was denied by the department of state or by the author-
227-14 ities of any other state or territory because of conviction of any of
227-15 such offenses. Should the holder of an unexpired license certificate
227-16 falsely state or represent that a person is or has been in his employ,
227-17 such false statement or misrepresentation shall be sufficient cause for
227-18 the revocation of such license. Any person falsely stating or represent-
227-19 ing that he is or has been a detective or employed by a detective agency
227-20 or that he is or has been a bail enforcement agent or employed by a bail
227-21 enforcement agency shall be guilty of a misdemeanor.

227-22 § 15. Paragraph (a) of subdivision 1 of section 191 of the general
227-23 municipal law, as amended by chapter 574 of the laws of 1978, is amended
227-24 to read as follows:

227-25 (a) Issuance of licenses to conduct games of chance. If such clerk or
227-26 department shall determine that the applicant is duly qualified to be
227-27 licensed to conduct games of chance under this article; that the member
227-28 or members of the applicant designated in the application to manage
227-29 games of chance are bona fide active members of the applicant and are
227-30 persons of good moral character and have never been convicted of a
227-31 crime, or, if convicted, have received a pardon, a certificate of good
227-32 conduct or a certificate of relief from disabilities pursuant to article
227-33 twenty-three of the correction law; that such games are to be conducted
227-34 in accordance with the provisions of this article and in accordance with
227-35 the rules and regulations of the board and applicable local laws or
227-36 ordinances and that the proceeds thereof are to be disposed of as
227-37 provided by this article, and if such clerk or department is satisfied
227-38 that no commission, salary, compensation, reward or recompense whatever
227-39 will be paid or given to any person managing, operating or assisting
227-40 therein except as in this article otherwise provided; it shall issue a
227-41 license to the applicant for the conduct of games of chance upon payment
227-42 of a license fee of twenty-five dollars for each license period.

227-43 § 16. Paragraph (a) of subdivision 9 of section 476 of the general
227-44 municipal law, as amended by chapter 1057 of the laws of 1965, is
227-45 amended to read as follows:

227-46 (a) a person convicted of a crime who has not received a pardon or a
227-47 certificate of good conduct or a certificate of relief from disabilities
227-48 pursuant to article twenty-three of the correction law;

227-49 § 17. Paragraph (a) of subdivision 1 of section 481 of the general
227-50 municipal law, as amended by chapter 328 of the laws of 1994, is amended
227-51 to read as follows:

227-52 (a) Issuance of licenses to conduct bingo. If the governing body of
227-53 the municipality shall determine that the applicant is duly qualified to
227-54 be licensed to conduct bingo under this article; that the member or
227-55 members of the applicant designated in the application to conduct bingo
227-56 are bona fide active members of the applicant and are persons of good

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228- 1 moral character and have never been convicted of a crime or, if
228- 2 convicted, have received a pardon or a certificate of good conduct or a
228- 3 certificate of relief from disabilities pursuant to article twenty-three
228- 4 of the correction law; that such games are to be conducted in accordance
228- 5 with the provisions of this article and in accordance with the rules and
228- 6 regulations of the commission, and that the proceeds thereof are to be
228- 7 disposed of as provided by this article, and if the governing body is
228- 8 satisfied that no commission, salary, compensation, reward or recompense
228- 9 whatever will be paid or given to any person holding, operating or
228-10 conducting or assisting in the holding, operation and conduct of any
228-11 such games except as in this article otherwise provided; and that no
228-12 prize will be offered and given in excess of the sum or value of one
228-13 thousand dollars in any single game and that the aggregate of all prizes
228-14 offered and given in all of such games conducted on a single occasion,
228-15 under said license shall not exceed the sum or value of three thousand
228-16 dollars, it shall issue a license to the applicant for the conduct of

228-17 bingo upon payment of a license fee of eighteen dollars and seventy-five
228-18 cents for each bingo occasion; provided, however, that the governing
228-19 body shall refuse to issue a license to an applicant seeking to conduct
228-20 bingo in premises of a licensed commercial lessor where it determines
228-21 that the premises presently owned or occupied by said applicant are in
228-22 every respect adequate and suitable for conducting bingo games.

228-23 § 18. Paragraph 4 of subsection (d) of section 2108 of the insurance
228-24 law is amended to read as follows:

228-25 (4) This subsection shall not prevent the employment of or the issu-
228-26 ance of a license to any person who, subsequent to his conviction, shall
228-27 have received executive pardon therefor removing this disability, or who
228-28 has received a certificate of relief from disabilities or a certificate
228-29 of good conduct [granted by the board of parole] pursuant to [the]
228-30 [provisions of the executive] article twenty-three of the correction law
228-31 to remove the disability under this section because of such conviction
228-32 or previous license revocation occasioned thereby.

228-33 § 19. Paragraph 1 of subsection (c) of section 4413 of the insurance
228-34 law is amended to read as follows:

228-35 (1) No person who has been convicted by a court of the United States
228-36 or by a court of any state or territory thereof of a felony, or of any
228-37 crime or offense involving fraudulent or dishonest practices, shall
228-38 serve, be appointed, designated or employed as a trustee, administrator,
228-39 officer, agent or employee of any employee welfare fund (other than an
228-40 employee performing non-discretionary clerical or building maintenance
228-41 duties exclusively) during or for five years after such conviction or
228-42 the suspension of sentence therefor or from the date of his unrevoked
228-43 release from custody by parole, commutation or termination of sentence,
228-44 whichever event occurs later, unless prior to the expiration of said
228-45 five year period the conviction is finally reversed by a court of compe-
228-46 tent jurisdiction or he has been pardoned therefor by the governor or
228-47 other appropriate authority of the state or jurisdiction in which he was
228-48 convicted or he has received a certificate of relief from disabilities
228-49 or a certificate of good conduct pursuant to the provisions of article
228-50 twenty-three of the correction law which specifically removes the disa-
228-51 bility herein provided.

228-52 § 20. Paragraph (a) of subdivision 5 of section 2806 of the public
228-53 health law, as amended by chapter 584 of the laws of 1983, is amended to
228-54 read as follows:

228-55 (a) Except as provided in paragraphs (b) and (d) of this subdivision,
228-56 anything contained in this section or in a certificate of relief from
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229- 1 disabilities or a certificate of good conduct issued pursuant to article
229- 2 twenty-three of the correction law to the contrary notwithstanding, a
229- 3 hospital operating certificate of a hospital under control of a control-
229- 4 ling person as defined in paragraph (a) of subdivision twelve of section
229- 5 twenty-eight hundred one-a of this [chapter] article, or under control
229- 6 of any other entity, shall be revoked upon a finding by the department
229- 7 that such controlling person or any individual, member of a partnership
229- 8 or shareholder of a corporation to whom or to which an operating certif-
229- 9 icate has been issued, has been convicted of a class A, B or C felony,
229-10 or a felony related in any way to any activity or program subject to the
229-11 regulations, supervision, or administration of the department or of the
229-12 [department of social services] office of temporary and disability
229-13 assistance or in violation of the public officers law in a court of
229-14 competent jurisdiction in the state, or of a crime outside the state
229-15 which, if committed within the state, would have been a class A, B or C
229-16 felony or a felony related in any way to any activity or program subject
229-17 to the regulations, supervision, or administration of the department or
229-18 of the [department of social services] office of temporary and disabili-
229-19 ty assistance or in violation of the public officers law.

229-20 § 21. Paragraph (c) of subdivision 2 of section 2897 of the public
229-21 health law, as added by chapter 569 of the laws of 1970, is amended to

229-22 read as follows:

229-23 (c) If a person convicted of a felony or crime deemed hereby to be a
229-24 felony is subsequently pardoned by the governor of the state where such
229-25 conviction was had, or by the president of the United States, or shall
229-26 receive a certificate of relief from disabilities or a certificate of
229-27 good conduct [granted by the board of parole] pursuant to [the]
229-28 [provisions of the executive] article twenty-three of the correction law
229-29 for the purpose of removing the disability under this section because of
229-30 such conviction, the board may, in its discretion, on application of
229-31 such person, and on the submission to it of satisfactory evidence,
229-32 restore to such person the right to practice nursing home administration
229-33 in this state.

229-34 § 22. Section 3454 of the public health law is amended to read as
229-35 follows:

229-36 § 3454. Restoration of licenses after conviction of a felony. If a
229-37 person convicted of a felony or crime deemed to be a felony is subse-
229-38 quently pardoned by the governor of the state where such conviction was
229-39 had or by the president of the United States, or shall receive a certifi-
229-40 cate of relief from disabilities or a certificate of good conduct
229-41 [granted by the board of parole] pursuant to [the provisions of the]
229-42 [executive] article twenty-three of the correction law to remove the
229-43 disability under this section because of such conviction, the commis-
229-44 sioner may, in his discretion, on application of such person, and on the
229-45 submission to him of satisfactory evidence, restore to such person the
229-46 right to practice in this state.

229-47 § 23. The first undesignated paragraph of section 440-a of the real
229-48 property law, as amended by chapter 430 of the laws of 2008, is amended
229-49 to read as follows:

229-50 No person, co-partnership, limited liability company or corporation
229-51 shall engage in or follow the business or occupation of, or hold himself
229-52 or itself out or act temporarily or otherwise as a real estate broker or
229-53 real estate salesman in this state without first procuring a license
229-54 therefor as provided in this article. No person shall be entitled to a
229-55 license as a real estate broker under this article, either as an indi-
229-56 vidual or as a member of a co-partnership, or as a member or manager of

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230- 1 a limited liability company or as an officer of a corporation, unless he
230- 2 or she is twenty years of age or over, a citizen of the United States or
230- 3 an alien lawfully admitted for permanent residence in the United States.
230- 4 No person shall be entitled to a license as a real estate salesman under
230- 5 this article unless he or she is over the age of eighteen years. No
230- 6 person shall be entitled to a license as a real estate broker or real
230- 7 estate salesman under this article who has been convicted in this state
230- 8 or elsewhere of a felony, of a sex offense, as defined in subdivision
230- 9 two of section one hundred sixty-eight-a of the correction law or any
230-10 offense committed outside of this state which would constitute a sex
230-11 offense, or a sexually violent offense, as defined in subdivision three
230-12 of section one hundred sixty-eight-a of the correction law or any
230-13 offense committed outside this state which would constitute a sexually
230-14 violent offense, and who has not subsequent to such conviction received
230-15 executive pardon therefor or a certificate of relief from disabilities
230-16 or a certificate of good conduct [from the parole board] pursuant to
230-17 article twenty-three of the correction law, to remove the disability
230-18 under this section because of such conviction. No person shall be enti-
230-19 tled to a license as a real estate broker or real estate salesman under
230-20 this article who does not meet the requirements of section 3-503 of the
230-21 general obligations law.

230-22 § 24. Paragraph (c) of subdivision 8 of section 283 of the tax law, as
230-23 amended by chapter 276 of the laws of 1986, is amended to read as
230-24 follows:

230-25 (c) If a person convicted of a felony or crime deemed hereby to be a
230-26 felony is subsequently pardoned by the governor of the state where such

230-27 conviction was had, or by the president of the United States, or shall
230-28 receive a certificate of relief from disabilities or a certificate of
230-29 good conduct [granted by the board of parole] pursuant to [the]
230-30 [provisions of the executive] article twenty-three of the correction law
230-31 for the purpose of removing the disability under this section because of
230-32 such conviction, the tax commission may, in its discretion, on applica-
230-33 tion of such person and compliance with subdivision two of this section,
230-34 and on the submission to it of satisfactory evidence of good moral char-
230-35 acter and suitability, again register such person as a distributor under
230-36 this article.

230-37 § 25. Paragraph (a) of subdivision 1 of section 509-c of the vehicle
230-38 and traffic law, as amended by chapter 360 of the laws of 1986, is
230-39 amended to read as follows:

230-40 (a) permanently, if that person has been convicted of or forfeited
230-41 bond or collateral which forfeiture order has not been vacated or the
230-42 subject of an order of remission upon a violation of section 130.30,
230-43 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
230-44 offense committed under a former section of the penal law which would
230-45 constitute a violation of the aforesaid sections of the penal law or any
230-46 offense committed outside of this state which would constitute a
230-47 violation of the aforesaid sections of the penal law, provided, however,
230-48 the provisions of this paragraph shall not apply to convictions, suspen-
230-49 sions or revocations or forfeitures of bonds for collateral upon any of
230-50 the charges listed in this paragraph for violations which occurred prior
230-51 to September first, nineteen hundred seventy-four committed by a person
230-52 employed as a bus driver on September first, nineteen hundred seventy-
230-53 four. However, such disqualification may be waived provided that five
230-54 years have expired since the applicant was discharged or released from a
230-55 sentence of imprisonment imposed pursuant to conviction of an offense
230-56 that requires disqualification under this paragraph and that the appli-

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231- 1 cant shall have been granted a certificate of relief from disabilities
231- 2 [as provided for in section seven hundred one] or a certificate of good
231- 3 conduct pursuant to article twenty-three of the correction law.

231- 4 § 26. Paragraph (a) of subdivision 2 of section 509-c of the vehicle
231- 5 and traffic law, as added by chapter 675 of the laws of 1985, is amended
231- 6 to read as follows:

231- 7 (a) permanently, if that person has been convicted of or forfeited
231- 8 bond or collateral which forfeiture order has not been vacated or the
231- 9 subject of an order of remission upon a violation committed prior to
231-10 September fifteenth, nineteen hundred eighty-five, of section 130.30,
231-11 130.35, 130.45, 130.50, 130.60, or 130.65 of the penal law, or an
231-12 offense committed under a former section of the penal law which would
231-13 constitute a violation of the aforesaid sections of the penal law or any
231-14 offense committed outside of this state which would constitute a
231-15 violation of the aforesaid sections of the penal law. However, such
231-16 disqualification may be waived provided that five years have expired
231-17 since the applicant was discharged or released from a sentence of impri-
231-18 sonment imposed pursuant to conviction of an offense that requires
231-19 disqualification under this paragraph and that the applicant shall have
231-20 been granted a certificate of relief from disabilities [as provided for]
231-21 [in section seven hundred one] or a certificate of good conduct pursuant
231-22 to article twenty-three of the correction law.

231-23 § 27. Subparagraphs (i), (ii) and (iii) of paragraph (a) and subpara-
231-24 graph (i) of paragraph (b) of subdivision 1 of section 509-cc of the
231-25 vehicle and traffic law, as added by chapter 675 of the laws of 1985,
231-26 are amended to read as follows:

231-27 (i) has been convicted of or forfeited bond or collateral which
231-28 forfeiture order has not been vacated or the subject of an order of
231-29 remission upon a violation committed prior to September fifteenth, nine-
231-30 teen hundred eighty-five, of section 130.30, 130.35, 130.45, 130.50,
231-31 130.60, or 130.65 of the penal law, or an offense committed under a

231-32 former section of the penal law which would constitute a violation of
231-33 the aforesaid sections of the penal law or any offense committed outside
231-34 of this state which would constitute a violation of the aforesaid
231-35 sections of the penal law, provided, however, the provisions of this
231-36 subparagraph shall not apply to convictions, suspensions or revocations
231-37 or forfeitures of bonds for collateral upon any of the charges listed in
231-38 this subparagraph for violations which occurred prior to September
231-39 first, nineteen hundred seventy-four committed by a person employed as a
231-40 bus driver on September first, nineteen hundred seventy-four. However,
231-41 such disqualification may be waived provided that five years have
231-42 expired since the applicant was discharged or released from a sentence
231-43 of imprisonment imposed pursuant to conviction of an offense that
231-44 requires disqualification under this paragraph and that the applicant
231-45 shall have been granted a certificate of relief from disabilities [as]
231-46 [provided for in section seven hundred one] or a certificate of good
231-47 conduct pursuant to article twenty-three of the correction law. When the
231-48 certificate is issued by a court for a conviction which occurred in this
231-49 state, it shall only be issued by the court having jurisdiction over
231-50 such conviction. Such certificate shall specifically indicate that the
231-51 authority granting such certificate has considered the bearing, if any,
231-52 the criminal offense or offenses for which the person was convicted will
231-53 have on the applicant's fitness or ability to operate a bus transporting
231-54 school children to the applicant's prospective employment, prior to
231-55 granting such a certificate; or

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232- 1 (ii) has been convicted of an offense listed in paragraph (a) of
232- 2 subdivision four of this section that was committed on or after Septem-
232- 3 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
232- 4 tion may be waived by the commissioner provided that five years have
232- 5 expired since the applicant was discharged or released from a sentence
232- 6 of imprisonment imposed pursuant to conviction of an offense that
232- 7 requires disqualification under this paragraph and that the applicant
232- 8 shall have been granted a certificate of relief from disabilities [as]
232- 9 [provided for in section seven hundred one] or a certificate of good
232-10 conduct pursuant to article twenty-three of the correction law. When the
232-11 certificate is issued by a court for a conviction which occurred in this
232-12 state, it shall only be issued by the court having jurisdiction over
232-13 such conviction. Such certificate shall specifically indicate that the
232-14 authority granting such certificate has considered the bearing, if any,
232-15 the criminal offense or offenses for which the person was convicted will
232-16 have on the applicant's fitness or ability to operate a bus transporting
232-17 school children, prior to granting such a certificate; or

232-18 (iii) has been convicted of an offense listed in paragraph (b) of
232-19 subdivision four of this section that was committed on or after Septem-
232-20 ber fifteenth, nineteen hundred eighty-five. However, such disqualifica-
232-21 tion shall be waived provided that five years have expired since the
232-22 applicant discharged or released from a sentence of imprisonment imposed
232-23 pursuant to conviction of an offense that requires disqualification
232-24 under this paragraph and that the applicant shall have been granted a
232-25 certificate of relief from disabilities [as provided for in section]
232-26 [seven hundred one] or a certificate of good conduct pursuant to article
232-27 twenty-three of the correction law. When the certificate is issued by a
232-28 court for a conviction which occurred in this state, it shall only be
232-29 issued by the court having jurisdiction over such conviction. Such
232-30 certificate shall specifically indicate that the authority granting such
232-31 certificate has considered the bearing, if any, the criminal offense or
232-32 offenses for which the person was convicted will have on the applicant's
232-33 fitness or ability to operate a bus transporting school children, prior
232-34 to granting such a certificate. Provided, however, that at the
232-35 discretion of the commissioner, the certificate of relief from disabili-
232-36 ties may remove disqualification at any time; or

232-37 (i) has been convicted within the preceding five years of an offense

232-38 listed in paragraph (c) of subdivision four of this section that was
232-39 committed on or after September fifteenth, nineteen hundred eighty-five.
232-40 However, such disqualification shall be waived provided that the appli-
232-41 cant has been granted a certificate of relief from disabilities [as]
232-42 [provided for in section seven hundred one] or a certificate of good
232-43 conduct pursuant to article twenty-three of the correction law. When the
232-44 certificate is issued by a court for a conviction which occurred in this
232-45 state, it shall only be issued by the court having jurisdiction over
232-46 such conviction. Such certificate shall specifically indicate that the
232-47 authority granting such certificate has considered the bearing, if any,
232-48 the criminal offense or offenses for which the person was convicted will
232-49 have on the applicant's fitness or ability to operate a bus transporting
232-50 school children, prior to granting such a certificate;

232-51 § 28. Paragraphs (a) and (b) and subparagraph (i) of paragraph (c) of
232-52 subdivision 2 of section 509-cc of the vehicle and traffic law, para-
232-53 graph (a) and subparagraph (i) of paragraph (c) as added by chapter 675
232-54 of the laws of 1985 and paragraph (b) as amended by chapter 360 of the
232-55 laws of 1986, are amended to read as follows:

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233- 1 (a) permanently, if that person has been convicted of an offense list-
233- 2 ed in paragraph (a) of subdivision four of this section. However, such
233- 3 disqualification may be waived by the commissioner provided that five
233- 4 years have expired since the applicant was discharged or released from a
233- 5 sentence of imprisonment imposed pursuant to conviction of an offense
233- 6 that requires disqualification under this paragraph and that the appli-
233- 7 cant shall have been granted a certificate of relief from disabilities
233- 8 [as provided for in section seven hundred one] or a certificate of good
233- 9 conduct pursuant to article twenty-three of the correction law. When the
233-10 certificate is issued by a court for a conviction which occurred in this
233-11 state, it shall only be issued by the court having jurisdiction over
233-12 such conviction. Such certificate shall specifically indicate that the
233-13 authority granting such certificate has considered the bearing, if any,
233-14 the criminal offense or offenses for which the person was convicted will
233-15 have on the applicant's fitness or ability to operate a bus transporting
233-16 school children to the applicant's prospective employment, prior to
233-17 granting such a certificate.

233-18 (b) permanently, if that person has been convicted of an offense list-
233-19 ed in paragraph (b) of subdivision four of this section. However, such
233-20 disqualification shall be waived provided that five years have expired
233-21 since the applicant was incarcerated pursuant to a sentence of imprison-
233-22 ment imposed on conviction of an offense that requires disqualification
233-23 under this paragraph and that the applicant shall have been granted a
233-24 certificate of relief from disabilities [as provided for in section]
233-25 [seven hundred one] or a certificate of good conduct pursuant to article
233-26 twenty-three of the correction law. When the certificate is issued by a
233-27 court for a conviction which occurred in this state, it shall only be
233-28 issued by the court having jurisdiction over such conviction. Such
233-29 certificate shall specifically indicate that the authority granting such
233-30 certificate has considered the bearing, if any, the criminal offense or
233-31 offenses for which the person was convicted will have on the applicant's
233-32 fitness or ability to operate a bus transporting school children, prior
233-33 to granting such a certificate. Provided, however, that at the
233-34 discretion of the commissioner the certificate of relief from disabili-
233-35 ties or a certificate of good conduct pursuant to article twenty-three
233-36 of the correction law may remove disqualification at any time.

233-37 (i) has been convicted within the preceding five years of an offense
233-38 listed in paragraph (c) of subdivision four of this section. However,
233-39 notwithstanding the provisions of subdivision three of section seven
233-40 hundred one of the correction law. Such disqualification shall be waived
233-41 provided that the applicant has been granted a certificate of relief
233-42 from disabilities [as provided for in section seven hundred one-g] or a
233-43 certificate of good conduct pursuant to article twenty-three of the

233-44 correction law. When the certificate is issued by a court for a
233-45 conviction which occurred in this state, it shall only be issued by the
233-46 court having jurisdiction over such conviction. Such certificate shall
233-47 specifically indicate that the authority granting such certificate has
233-48 considered the bearing, if any, the criminal offense or offenses for
233-49 which the person was convicted will have on the applicant's fitness or
233-50 ability to operate a bus transporting school children, prior to granting
233-51 such a certificate.

233-52 § 29. Subparagraph (iii) of paragraph d of subdivision 6 of section
233-53 510 of the vehicle and traffic law, as added by chapter 173 of the laws
233-54 of 1990, is amended to read as follows:

233-55 (iii) after such documentation, if required, is accepted, that such
233-56 person is granted a certificate of relief from disabilities [as provided]
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234- 1 [for in section seven hundred one] or a certificate of good conduct
234- 2 pursuant to article twenty-three of the correction law by the court in
234- 3 which such person was last penalized.

234- 4 § 30. Subparagraph (iii) of paragraph (c) of subdivision 2 of section
234- 5 510-a of the vehicle and traffic law, as amended by section 13 of part E
234- 6 of chapter 60 of the laws of 2005, is amended to read as follows:

234- 7 (iii) after such documentation, if required, is accepted, that such
234- 8 person is granted a certificate of relief from disabilities [as provided]
234- 9 [for in section seven hundred one] or a certificate of good conduct
234-10 pursuant to article twenty-three of the correction law by the court in
234-11 which such person was last penalized.

234-12 § 31. Subdivision 5 of section 530 of the vehicle and traffic law, as
234-13 amended by section 15 of part E of chapter 60 of the laws of 2005, is
234-14 amended to read as follows:

234-15 (5) A restricted use license or privilege shall be valid for the oper-
234-16 ation of any motor vehicle, except a vehicle for hire as a taxicab,
234-17 livery, coach, limousine, van or wheelchair accessible van or tow truck
234-18 as defined in this chapter subject to the conditions set forth herein,
234-19 which the holder would otherwise be entitled to operate had his drivers
234-20 license or privilege not been suspended or revoked. Notwithstanding
234-21 anything to the contrary in a certificate of relief from disabilities or
234-22 a certificate of good conduct issued pursuant to article twenty-three of
234-23 the correction law, a restricted use license shall not be valid for the
234-24 operation of a commercial motor vehicle. A restricted use license shall
234-25 not be valid for the operation of a vehicle for hire as a taxicab,
234-26 livery, coach, limousine, van or wheelchair accessible van or tow truck
234-27 where the holder thereof had his or her drivers license suspended or
234-28 revoked and (i) such suspension or revocation is mandatory pursuant to
234-29 the provisions of subdivision two or two-a of section five hundred ten
234-30 of this title; or (ii) any such suspension is permissive for habitual or
234-31 persistent violations of this chapter or any local law relating to traf-
234-32 fic as set forth in paragraph d or i of subdivision three of section
234-33 five hundred ten of this title; or (iii) any such suspension is permis-
234-34 sive and has been imposed by a magistrate, justice or judge of any city,
234-35 town or village, any supreme court justice, any county judge, or judge
234-36 of a district court. Except for a commercial motor vehicle as defined in
234-37 subdivision four of section five hundred one-a of this title, the
234-38 restrictions on types of vehicles which may be operated with a
234-39 restricted license contained in this subdivision shall not be applicable
234-40 to a restricted license issued to a person whose license has been
234-41 suspended pursuant to paragraph three of subdivision four-e of section
234-42 five hundred ten of this [chapter] title.

234-43 § 32. Item (ii) of clause (b) of subparagraph 12 of paragraph (b) of
234-44 subdivision 2 of section 1193 of the vehicle and traffic law, as added
234-45 by chapter 732 of the laws of 2006, is amended to read as follows:

234-46 (ii) that such person is granted a certificate of relief from disabil-
234-47 ities [as provided for in section seven hundred one of the correction]
234-48 [law by the court in which such person was last sentenced] or a certifi-
234-49 cate of good conduct pursuant to article twenty-three of the correction

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law.

Provided, however, that the commissioner may, on a case by case basis, refuse to restore a license which otherwise would be restored pursuant to this item, in the interest of the public safety and welfare.

§ 33. Item (iii) of clause (e) of subparagraph 12 of paragraph (b) of subdivision 2 of section 1193 of the vehicle and traffic law, as added by chapter 732 of the laws of 2006, is amended to read as follows:

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(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section] [seven hundred one of the correction law by the court in which such] [person was last sentenced] or a certificate of good conduct pursuant to article twenty-three of the correction law.

§ 34. Subparagraph 1 of paragraph (d) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(1) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities or a certificate of good conduct issued pursuant to article twenty-three of the correction law, where a suspension or revocation, other than a revocation required to be issued by the commissioner, is mandatory pursuant to paragraph (a) or (b) of this subdivision, the magistrate, justice or judge shall issue an order suspending or revoking such license upon sentencing, and the license holder shall surrender such license to the court. Except as hereinafter provided, such suspension or revocation shall take effect immediately.

§ 35. Item (iii) of clause a of subparagraph 3 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by chapter 173 of the laws of 1990, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section] [seven hundred one of the correction law by the court in which such] [person was last penalized pursuant to paragraph (d) of subdivision one] [of this section] or a certificate of good conduct pursuant to article twenty-three of the correction law.

§ 36. Item (iii) of clause b of subparagraph 3 of paragraph (e) of subdivision 2 of section 1193 of the vehicle and traffic law, as amended by section 17 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section] [seven hundred one of the correction law by the court in which such] [person was last penalized pursuant to paragraph (d) of subdivision one] [of this section] or a certificate of good conduct pursuant to article twenty-three of the correction law.

§ 37. Item (iii) of clause c of subparagraph 1 of paragraph (d) of subdivision 2 of section 1194 of the vehicle and traffic law, as amended by chapter 732 of the laws of 2006, is amended to read as follows:

(iii) after such documentation is accepted, that such person is granted a certificate of relief from disabilities [as provided for in section] [seven hundred one] or a certificate of good conduct pursuant to article twenty-three of the correction law by the court in which such person was last penalized.

§ 38. Paragraph (g) of subdivision 7 of section 1196 of the vehicle and traffic law, as amended by section 19 of part E of chapter 60 of the laws of 2005, is amended to read as follows:

(g) Notwithstanding anything to the contrary contained in a certificate of relief from disabilities or a certificate of good conduct issued pursuant to article twenty-three of the correction law, any conditional license or privilege issued to a person convicted of a violation of any subdivision of section eleven hundred ninety-two of this article shall not be valid for the operation of any commercial motor vehicle. In addition, no such conditional license or privilege

235-55 shall be valid for the operation of a taxicab as defined in this chap-
235-56 ter.

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236- 1 § 39. This act shall take effect immediately, provided, however, that
236- 2 the amendments to subdivision (5) of section 530 of the vehicle and
236- 3 traffic law made by section thirty-one of this act shall not affect the
236- 4 expiration of such subdivision and shall be deemed to expire therewith.

236- 5 PART MM

236- 6 Section 1. Section 79-b of the correction law, as amended by section 2
236- 7 of part D of chapter 63 of the laws of 2005, is amended to read as
236- 8 follows:

236- 9 § 79-b. Adaptive reuse plan for consideration prior to prison closure.
236-10 Not later than six months prior to the effective date of closure of a
236-11 correctional facility, the commissioner of economic development shall,
236-12 in consultation with the commissioner, the commissioners of [economic]
236-13 [development,] civil service, general services and the division of crimi-
236-14 nal justice services [and], the director of the governor's office of
236-15 employee relations, officials of all local governments of any political
236-16 subdivision in which the correctional facility is located and any other
236-17 appropriate state agencies or authorities, provide a report for an adap-
236-18 tive reuse plan for any facility slated for closure which will evaluate
236-19 the community impact of the proposed closure including but not limited
236-20 to the following factors: the potential to utilize the property for
236-21 another state government purpose, including for a new purpose as part of
236-22 the state criminal justice system; potential for the sale or transfer of
236-23 the property to a local government or other governmental entity; poten-
236-24 tial for the sale of the property to a private entity for development
236-25 into a business, residential or other purpose; community input for local
236-26 development; and the condition of the facility and the investments
236-27 required to keep the structure in good repair, or to make it viable for
236-28 reuse.

236-29 § 2. This act shall take effect immediately.

236-30 PART NN

236-31 Section 1. Section 677 of the county law is amended by adding a new
236-32 subdivision 9 to read as follows:

236-33 9. When required for official purposes of the state department of
236-34 health, the state commissioner of health or his or her designee may
236-35 request copies of all reports and records related to a death, including,
236-36 but not limited to, autopsy reports and toxicology reports. Upon receipt
236-37 of the written request of the state commissioner of health or his or her
236-38 designee, a coroner, coroner's physician or medical examiner, shall,
236-39 within three business days of their completion, provide to such commis-
236-40 sioner or his or her designee a copy of all reports and records, includ-
236-41 ing, but not limited to, autopsy reports and toxicology reports related
236-42 to the death.

236-43 § 2. This act shall take effect immediately.

236-44 PART OO

236-45 Section 1. Subdivision 2 of section 102 of the alcoholic beverage
236-46 control law, as amended by chapter 340 of the laws of 1972, is amended
236-47 to read as follows:

236-48 2. No person holding any license hereunder, other than a license to
236-49 sell an alcoholic beverage at retail for off-premises consumption or a
236-50 license or special license to sell an alcoholic beverage at retail for

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237- 1 consumption on the premises where such license authorizes the sale of

237- 2 liquor, beer and/or wine on the premises of a catering establishment,
237- 3 hotel, restaurant, club, or recreational facility, shall knowingly
237- 4 employ in connection with his business in any capacity whatsoever, any
237- 5 person, who has been convicted of a felony, or any of the following
237- 6 offenses, who has not subsequent to such conviction received an execu-
237- 7 tive pardon therefor removing any civil disabilities incurred thereby, a
237- 8 certificate of good conduct or other relief from disabilities provided
237- 9 by law, or the written approval of the state liquor authority permitting
237-10 such employment, to wit:

- 237-11 (a) Illegally using, carrying or possessing a pistol or other danger-
237-12 ous weapon;
- 237-13 (b) Making or possessing burglar's instruments;
- 237-14 (c) Buying or receiving or criminally possessing stolen property;
- 237-15 (d) Unlawful entry of a building;
- 237-16 (e) Aiding escape from prison;
- 237-17 (f) Unlawfully possessing or distributing habit forming narcotic
237-18 drugs;

237-19 (g) Violating subdivisions six, eight, ten or eleven of section seven
237-20 hundred twenty-two of the former penal law as in force and effect imme-
237-21 diately prior to September first, nineteen hundred sixty-seven, or
237-22 violating sections 165.25, 165.30 or subdivision three of section 240.35
237-23 of the penal law;

237-24 (h) Vagrancy or prostitution; or

237-25 (i) Ownership, operation, possession, custody or control of a still
237-26 subsequent to July first, nineteen hundred fifty-four.

237-27 If, as hereinabove provided, the state liquor authority issues its
237-28 written approval for the employment by a licensee, in a specified capac-
237-29 ity, of a person previously convicted of a felony or any of the offenses
237-30 above enumerated, such person, may, unless he is subsequently convicted
237-31 of a felony or any of such offenses, thereafter be employed in the same
237-32 capacity by any other licensee without the further written approval of
237-33 the authority unless the prior approval given by the authority is termi-
237-34 nated.

237-35 The liquor authority may make such rules as it deems necessary to
237-36 carry out the purpose and intent of this subdivision.

237-37 As used in this subdivision, "recreational facility" shall mean: (i)
237-38 premises that are part of a facility the principal business of which
237-39 shall be the providing of recreation in the form of golf, tennis, swim-
237-40 ming, skiing or boating; and (ii) premises in which the principal busi-
237-41 ness shall be the operation of a theatre, concert hall, opera house,
237-42 bowling establishment, excursion and sightseeing vessel, or accommo-
237-43 dation of athletic events, sporting events, expositions and other simi-
237-44 lar events or occasions requiring the accommodation of large gatherings
237-45 of persons.

237-46 § 2. The correction law is amended by adding a new section 9 to read
237-47 as follows:

237-48 § 9. Access to inmate information via the internet. Notwithstanding
237-49 any provision of law to the contrary, any information relating to the
237-50 conviction of a person, except for a person convicted of an offense that
237-51 would make such person ineligible for merit time under section eight
237-52 hundred three of this chapter or an offense for which registration as a
237-53 sex offender is required as set forth in subdivision two or three of
237-54 section one hundred sixty-eight-a of this chapter, that is posted on a
237-55 website maintained by or for the department, under article six of the
237-56 public officers law, may be posted on such website for a period not to

238- 1 exceed five years after the expiration of such person's sentence of
238- 2 imprisonment and any period of parole or post-release supervision;
238- 3 provided, however, that in the case of a person who has been committed
238- 4 to the department on more than one occasion, the department may post
238- 5 conviction information relating to any prior commitment on such website
238- 6 for a period not to exceed five years after the expiration of such

238- 7 person's sentence of imprisonment and any period of parole or post-re-
238- 8 lease supervision arising from the most recent commitment to the depart-
238- 9 ment.

238-10 § 3. Section 703 of the correction law is amended by adding a new
238-11 subdivision 7 to read as follows:

238-12 7. Presumption based on federal recommendation. Where a certificate of
238-13 relief from disabilities is sought pursuant to paragraph (b) of subdivi-
238-14 sion one of this section on a judgment of conviction rendered by a
238-15 federal district court in this state and the board of parole is in
238-16 receipt of a written recommendation in favor of the issuance of such
238-17 certificate from the chief probation officer of the district, the board
238-18 shall issue the requested certificate unless it finds that the require-
238-19 ments of paragraphs (a), (b) and (c) of subdivision three of this
238-20 section have not been satisfied; or that the interests of justice would
238-21 not be advanced by the issuance of the certificate.

238-22 § 4. Section 837 of the executive law is amended by adding a new
238-23 subdivision 6-a to read as follows:

238-24 6-a. Upon request, provide an inmate of the state or local correction-
238-25 al facility, at no charge, with a copy of all criminal history informa-
238-26 tion maintained on file by the division pertaining to such inmate.

238-27 § 5. Paragraph (a) of subdivision 2 of section 390.50 of the criminal
238-28 procedure law, as amended by chapter 14 of the laws of 1985, is amended
238-29 to read as follows:

238-30 (a) Not less than one court day prior to sentencing, unless such time
238-31 requirement is waived by the parties, the pre-sentence report or memo-
238-32 randum shall be made available by the court for examination and for
238-33 copying by the defendant's attorney, the defendant himself, if he has no
238-34 attorney, and the prosecutor. In its discretion, the court may except
238-35 from disclosure a part or parts of the report or memoranda which are not
238-36 relevant to a proper sentence, or a diagnostic opinion which might seri-
238-37 ously disrupt a program of rehabilitation, or sources of information
238-38 which have been obtained on a promise of confidentiality, or any other
238-39 portion thereof, disclosure of which would not be in the interest of
238-40 justice. In all cases where a part or parts of the report or memoranda
238-41 are not disclosed, the court shall state for the record that a part or
238-42 parts of the report or memoranda have been excepted and the reasons for
238-43 its action. The action of the court excepting information from disclo-
238-44 sure shall be subject to appellate review. The pre-sentence report shall
238-45 be made available by the court for examination and copying in connection
238-46 with any appeal in the case, including an appeal under this subdivision.
238-47 Upon written request, the court shall make a copy of the presentence
238-48 report, other than a part or parts of the report redacted by the court
238-49 pursuant to this paragraph, available to the defendant for use before
238-50 the parole board for release consideration or an appeal of a parole
238-51 board determination. In his or her written request to the court the
238-52 defendant shall affirm that he or she anticipates an appearance before
238-53 the parole board or intends to file an administrative appeal of a parole
238-54 board determination. The court shall respond to the defendant's written
238-55 request within twenty days from receipt of the defendant's written
238-56 request.

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239- 1 § 6. Subdivision 4 of section 4174 of the public health law, as sepa-
239- 2 rately amended by chapters 409 and 698 of the laws of 1978, is amended
239- 3 to read as follows:

239- 4 4. No fee shall be charged for a search, certification, certificate,
239- 5 certified copy or certified transcript of a record to be used for school
239- 6 entrance, employment certificate or for purposes of public relief or
239- 7 when required by the veterans administration to be used in determining
239- 8 the eligibility of any person to participate in the benefits made avail-
239- 9 able by the veterans administration or when required by a board of
239-10 elections for the purposes of determining voter eligibility or when
239-11 requested by the department of correctional services or a local correc-

239-12 tional facility as defined in subdivision sixteen of section two of the
239-13 correction law for the purpose of providing a certified copy or certi-
239-14 fied transcript of birth to an inmate in anticipation of such inmate's
239-15 release from custody or when requested by the office of children and
239-16 family services or an authorized agency for the purpose of providing a
239-17 certified copy or certified transcript of birth to a youth placed in the
239-18 custody of the local commissioner of social services or the custody of
239-19 the office of children and family services pursuant to article three of
239-20 the family court act in anticipation of such youth's discharge from
239-21 placement.

239-22 § 7. Section 4179 of the public health law, as added by chapter 414 of
239-23 the laws of 1990, is amended to read as follows:

239-24 § 4179. Vital records; fees; city of New York. Notwithstanding the
239-25 provisions of paragraph one of subdivision a of section 207.13 of the
239-26 health code of the city of New York, the department of health shall
239-27 charge, and the applicant shall pay, for a search of two consecutive
239-28 calendar years under one name and the issuance of a certificate of
239-29 birth, death or termination of pregnancy, or a certification of birth or
239-30 death, or a certification that the record cannot be found, a fee of
239-31 fifteen dollars for each copy. Provided, however, that no such fee
239-32 shall be charged when the department of correctional services or a local
239-33 correctional facility as defined in subdivision sixteen of section two
239-34 of the correction law requests a certificate of birth or certification
239-35 of birth for the purpose of providing such certificate of birth or
239-36 certification of birth to an inmate in anticipation of such inmate's
239-37 release from custody or when the office of children and family services
239-38 or an authorized agency requests a certified copy or certified tran-
239-39 scription of birth for a youth placed in the custody of the local commis-
239-40 sioner of social services or the custody of the office of children and
239-41 family services pursuant to article three of the family court act for
239-42 the purpose of providing such certified copy or certified transcript of
239-43 birth to such youth in anticipation of discharge from placement.

239-44 § 8. The correction law is amended by adding a new section 75 to read
239-45 as follows:

239-46 § 75. Notice of voting rights. Upon the discharge from a correctional
239-47 facility of any person whose maximum sentence of imprisonment has
239-48 expired, the department shall notify such person of his or her right to
239-49 vote and provide such person with a form of application for voter regis-
239-50 tration together with written information distributed by the board of
239-51 elections on the importance and the mechanics of voting.

239-52 § 9. The executive law is amended by adding a new section 259-jj to
239-53 read as follows:

239-54 § 259-jj. Voting rights upon discharge. Upon discharge of a person
239-55 from presumptive release, parole, or conditional release, or upon the
239-56 expiration of a person's maximum sentence of imprisonment while under

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240- 1 the supervision of the division of parole, the division of parole shall
240- 2 notify such person of his or her right to vote, provide such person with
240- 3 a form of application for voter registration together with written
240- 4 information distributed by the board of elections on the importance and
240- 5 the mechanics of voting.

240- 6 § 10. Subdivision 16 of section 3-102 of the election law, as added by
240- 7 chapter 23 of the laws of 2005, is amended and a new subdivision 16-a is
240- 8 added to read as follows:

240- 9 16. administer the administrative complaint procedure as provided for
240-10 in section 3-105 of this article[.];

240-11 16-a. provide the department of correctional services and the division
240-12 of parole with a sufficient number of voter registration forms to allow
240-13 the department of correctional services and the division of parole to
240-14 comply with the duty to provide such voter registration forms to persons
240-15 upon the expiration of their maximum sentence of imprisonment. Such
240-16 voter registration forms shall be addressed to the state board of

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elections.

§ 11. This act shall take effect on the thirtieth day after it shall have become a law.

PART PP

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Section 1. Paragraph a of subdivision 1 of section 8 of section 2 of chapter 868 of the laws of 1975, constituting the New York state financial emergency act for the city of New York, as amended by chapter 777 of the laws of 1978, is amended to read as follows:

a. For its fiscal years ending June thirtieth, nineteen hundred seventy-nine through June thirtieth, nineteen hundred eighty-one, the city's budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with the accounting principles set forth in the state comptroller's uniform system of accounts for municipalities, as the same may be modified by the comptroller, in consultation with the city comptroller, for application to the city; subject to the provision of subdivision four of section three thousand thirty-eight of the public authorities law with respect to contributions by the city or other public employer to any retirement system or pension fund and subject to the provision of paragraph (c) of subdivision five of section three thousand thirty-eight of the public authorities law with respect to expense items included in the capital budget of the city. For the fiscal year ending June thirtieth, nineteen hundred eighty-two, and for each fiscal year thereafter, the city's budget covering all expenditures other than capital items shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with generally accepted accounting principles and [that] would permit comparison of the budget with the report of actual financial results prepared in accordance with generally accepted accounting principles. With respect to financial plans that include the fiscal years ending June thirtieth, nineteen hundred seventy-nine through June thirtieth, nineteen hundred eighty-one, the city's budget covering all expenditures other than capital items shall be prepared in accordance with generally accepted accounting principles and there shall be substantial progress in each such fiscal year towards achieving a city budget covering all expenditures other than capital items the results of which would not show a deficit when reported in accordance with generally accepted accounting principles. The city shall eliminate expense items from its capital budget not later than the commencement of the fiscal year ending

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June thirtieth, nineteen hundred eighty-two. For the fiscal year ending June thirtieth, nineteen hundred eighty-nine, and for each fiscal year thereafter, the budgets covering all expenditures other than capital items of each of the covered organizations shall be prepared and balanced so that the results thereof would not show a deficit when reported in accordance with generally accepted accounting principles; and for each fiscal year prior thereto, there shall be substantial progress towards such goal. Notwithstanding the foregoing and the provisions of any general or special state law or local law to the contrary, including but not limited to the New York city charter, all costs that would be capital costs in accordance with generally accepted accounting principles, but for the application of governmental accounting standards board statement number forty-nine, shall be deemed to be capital costs for purposes of this chapter and any other provision of state or local law, including but not limited to the New York city charter, relevant to the treatment of such costs.

§ 2. This act shall take effect immediately.

PART QQ

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Section 1. The opening paragraph of subdivision 3 of section 5-a of the legislative law, as amended by section 1 of part Z of chapter 56 of

241-21 the laws of 2008, is amended to read as follows:
241-22 Any member of the assembly serving in a special capacity in a position
241-23 set forth in the following schedule shall be paid the allowance set
241-24 forth in such schedule only for the legislative term commencing January
241-25 first, two thousand [nine] eleven and terminating December thirty-first,
241-26 two thousand [ten] twelve:

241-27 § 2. Section 13 of chapter 141 of the laws of 1994, amending the
241-28 legislative law and the state finance law relating to the operation and
241-29 administration of the legislature, as amended by section 1 of part XX of
241-30 chapter 56 of the laws of 2009, is amended to read as follows:

241-31 § 13. This act shall take effect immediately and shall be deemed to
241-32 have been in full force and effect as of April 1, 1994, provided that,
241-33 the provisions of section 5-a of the legislative law as amended by
241-34 sections two and two-a of this act shall take effect on January 1, 1995,
241-35 and provided further that, the provisions of article 5-A of the legisla-
241-36 tive law as added by section eight of this act shall expire June 30,
241-37 [2010] 2011 when upon such date the provisions of such article shall be
241-38 deemed repealed; and provided further that section twelve of this act
241-39 shall be deemed to have been in full force and effect on and after April
241-40 10, 1994.

241-41 § 3. This act shall take effect immediately, provided, however, if
241-42 section two of this act shall take effect on or after June 30, 2010
241-43 section two of this act shall be deemed to have been in full force and
241-44 effect on and after June 30, 2010.

241-45 § 2. Severability clause. If any clause, sentence, paragraph, subdivi-
241-46 sion, section or part of this act shall be adjudged by any court of
241-47 competent jurisdiction to be invalid, such judgment shall not affect,
241-48 impair, or invalidate the remainder thereof, but shall be confined in
241-49 its operation to the clause, sentence, paragraph, subdivision, section
241-50 or part thereof directly involved in the controversy in which such judg-
241-51 ment shall have been rendered. It is hereby declared to be the intent of
241-52 the legislature that this act would have been enacted even if such
241-53 invalid provisions had not been included herein.

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242- 1 § 3. This act shall take effect immediately provided, however, that
242- 2 the applicable effective date of Parts A through QQ of this act shall be
242- 3 as specifically set forth in the last section of such Parts.