

2012-13 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

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CONTENTS

PART	DESCRIPTION	STARTING PAGE NUMBER
A	Expand the list of offenses for which DNA samples will be collected and entered into the State DNA Databank.	7
B	Repeal the requirement for a pistol and revolver ballistic identification database, known as CoBIS and replaced with a nationally recognized alternative.	13
C	Require that the trial date for a traffic violation must be a date subsequent to the date of an initial appearance.	13
D	Provide more flexible probation sentencing options for the courts.	14
E	Expand the authority of State judges to order the forfeiture of proceeds in a sentencing.	18
F	Continue provisions relating to the disposition of certain monies recovered by county district attorneys.	24
G	Improve emergency response and disaster preparedness.	25
H	Establish a Tier VI retirement benefit for new employees of the State and local governments.	34
I	Expand 2010 Medicare Part B reform to include employees and retirees of public authorities.	124
J	Lapse aged State and local reappropriations.	125
K	Modify the schedule of payments in lieu of taxes (PILOTs) made to the City of Albany.	126
L	Modify outdated Statewide procurement procedures and printing practices.	128
M	Make various reforms to the Civil Service Law to provide increased flexibility with respect to hiring and transferring State employees.	153
N	Authorize transfers, temporary loans, and amendments to miscellaneous capital/debt provisions, including bond caps.	161
O	Rename the Office for Technology as the Office of Information Technology Services.	234
P	Accelerate Aid and Incentives for municipalities funding for the City of Rochester.	240

PART	DESCRIPTION	STARTING PAGE NUMBER
Q	Pay the MTA for costs associated with promoting access to employment through reimbursements for E-ZPass tolls paid by residents of Broad Channel and the Rockaway Peninsula that travel over the Cross Bay Veterans Memorial Bridge.	244

Legislative Bill Drafting Commission
12670-01-2

S. -----
Senate

IN SENATE--Introduced by Sen

--read twice and ordered printed,
and when printed to be committed
to the Committee on

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI

(Enacts major components of legis-
lation necessary to implement the
public protection and general
government budget for fiscal year
2012-2013)

PPGG gov budget

AN ACT

to amend the executive law, in
relation to the DNA testing of
certain offenders convicted of a
crime (Part A); to repeal section
396-ff of the general business law,
relating to the pistol and revolver
ballistic identification databank
(Part B); to amend the vehicle and
traffic law, in relation to the
administration of traffic infrac-
tions (Part C); to amend the penal

IN SENATE

Senate introducer's signature

The senators whose names are circled below wish to join me in the sponsorship
of this proposal:

s20 Adams	s44 Farley	s58 Kennedy	s54 Nozzolio	s28 Serrano
s15 Addabbo	s02 Flanagan	s34 Klein	s53 O'Mara	s51 Seward
s55 Alesi	s08 Fuschillo	s26 Krueger	s37 Oppenheimer	s09 Skelos
s11 Avella	s59 Gallivan	s24 Lanza	s21 Parker	s14 Smith
s40 Ball	s12 Gianaris	s39 Larkin	s13 Peralta	s25 Squadron
s42 Bonacic	s22 Golden	s01 LaValle	s30 Perkins	s16 Stavisky
s46 Breslin	s47 Griffo	s52 Libous	s61 Ranzenhofer	s35 Stewart- Cousins
s38 Carlucci	s60 Grisanti	s45 Little	s48 Ritchie	s49 Valesky
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s33 Rivera	s57 Young
s32 Diaz	s36 Hassell- Thompson	s07 Martins	s56 Robach	s03 Zeldin
s17 Dilan		s62 Maziarz	s41 Saland	s27
s29 Duane	s10 Huntley	s43 McDonald	s19 Sampson	
s31 Espaillat	s04 Johnson	s18 Montgomery	s23 Savino	

IN ASSEMBLY

Assembly introducer's signature

The Members of the Assembly whose names are circled below wish to join me in the
multi-sponsorship of this proposal:

a049 Abbate	a107 Crouch	a095 Jaffee	a052 Millman	a012 Saladino
a092 Abinanti	a014 Curran	a057 Jeffries	a015 Montesano	a113 Sayward
a105 Amedore	a063 Cusick	a135 Johns	a132 Morelle	a029 Scarborough
a084 Arroyo	a045 Cymbrowitz	a112 Jordan	a039 Moya	a016 Schimel
a035 Aubry	a034 DenDekker	a099 Katz	a003 Murray	a140 Schimminger
a124 Barclay	a081 Dinowitz	a074 Kavanagh	a037 Nolan	a064 Silver
a040 Barron	a114 Duprey	a065 Kellner	a128 Oaks	a027 Simanowitz
a082 Benedetto	a004 Englebright	a129 Kolb	a069 O'Donnell	a036 Simotas
a122 Blankenbush	a054 Espinal	a025 Lancman	a051 Ortiz	a146 Smardz
a055 Boyland	a071 Farrell	a091 Latimer	a136 Palmesano	a079 Stevenson
a008 Boyle	a123 Finch	a013 Lavine	a088 Paulin	a011 Sweeney
a026 Braunstein	a007 Fitzpatrick	a050 Lentol	a141 Peoples- Stokes	a110 Tedisco
a044 Brennan	a137 Friend	a125 Lifton		a115 Tenney
a116 Brindisi	a143 Gabryszak	a072 Linares	a058 Perry	a002 Thiele
a131 Bronson	a090 Galef	a127 Lopez, P.	a087 Pretlow	a061 Titone
a046 Brook-Krasny	a133 Gantt	a053 Lopez, V.	a073 Quart	a031 Titus
a147 Burling	a077 Gibson	a001 Losquadro	a021 Ra	a062 Tobacco
a117 Butler	a149 Giglio	a126 Lupardo	a097 Rabbitt	a148 Walter
a101 Cahill	a066 Glick	a111 Magee	a009 Raia	a041 Weinstein
a096 Calhoun	a023 Goldfeder	a120 Magnarelli	a006 Ramos	a020 Weisenberg
a043 Camara	a150 Goodell	a059 Maisel	a134 Reilich	a024 Weprin
a106 Canestrari	a075 Gottfried	a060 Malliotakis	a109 Reilly	a070 Wright
a089 Castelli	a005 Graf	a030 Markey	a078 Rivera, J.	a094 Zebrowski
a086 Castro	a098 Gunther	a019 McDonough	a080 Rivera, N.	a093
a138 Ceretto	a130 Hanna	a104 McEneny	a076 Rivera, P.	a100
a033 Clark	a139 Hawley	a017 McKevitt	a119 Roberts	a103
a047 Colton	a083 Heastie	a108 McLaughlin	a056 Robinson	a145
a010 Conte	a028 Hevesi	a022 Meng	a068 Rodriguez	
a032 Cook	a048 Hikind	a121 Miller, D.	a067 Rosenthal	
a142 Corwin	a018 Hooper	a102 Miller, J.	a118 Russell	
a085 Crespo	a042 Jacobs	a038 Miller, M.	a144 Ryan	

1) Single House Bill (introduced and printed separately in either or
both houses). Uni-Bill (introduced simultaneously in both houses and printed
as one bill. Senate and Assembly introducer sign the same copy of the bill).

2) Circle names of co-sponsors and return to introduction clerk with 2
signed copies of bill and 4 copies of memorandum in support (single house);
or 4 signed copies of bill and 8 copies of memorandum
in support (uni-bill).

law, the correction law, and the criminal procedure law, in relation to terms of probation and probation detainer warrants (Part D); to amend the penal law, the civil practice law and rules and the criminal procedure law, in relation to the seizure and forfeiture of proceeds of felony and misdemeanor crimes (Part E); to amend chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part F); to amend the executive law, in relation to disaster preparedness (Part G); to amend the retirement and social security law, the education law and the administrative code of the city of New York, in relation to persons joining the New York state and local employees' retirement system, the New York state and local police and fire retirement system, the New York state teachers' retirement system, the New York city employees' retirement system, the New York city teachers' retirement system, the New York city board of education retirement system, the New York city police pension fund, or the New York city fire pension fund on or after April 1, 2012 (Part H); to amend the civil service law, in relation to the reimbursement of medicare premium charges for employees and retired employees of the state, public authorities, public benefit corporations or other quasi-public organizations of the state (Part I); to amend the state finance law, in relation to reappropriation bills (Part J); to amend the public lands, in relation to state aid on certain state leased or state-owned land (Part K); to amend the state finance law, in relation to the exemption of centralized contracts from audit prior to finalization, the ability to designate an agency contract as a statewide contract, the expansion of state contract rights for local governments and non-profit organizations, amending the definition of

best value and lowest price for procurement and in relation to modifications of contracts by not-for-profit corporations; to amend the general municipal law, in relation to expanding contract use rights for local governments; to amend the New York state printing and public documents law, the state finance law, the not-for-profit corporation law, the education law and the general municipal law, in relation to the procurement of department printing; to amend chapter 741 of the laws of 1985 relating to authorizing certain organizations to purchase commodities under contracts let by the state office of general services, in relation to purchases by charitable organizations; to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to the effectiveness of certain provisions thereof; and to repeal sections 6 and 7 of the New York state printing and public documents law, relating to department printing (Part L); to amend the civil service law, in relation to authorizing term appointments without examination for certain information technology positions; filling vacancies by open competitive or upon promotion examination; certification of eligible lists from an open promotion examination; departmental and interdepartmental promotion lists; promotion examination opportunities for employees in non-competitive or labor class; promotion and transfer to administrative positions in the state service; transfer of employees in the non-competitive class where possession of credentials, licenses or certifications is required; and transfer of personnel upon consolidation or merge of departments or agencies (Part M); to provide for the administration of certain funds and accounts related to the 2012-13 budget; authorizing certain payments and transfers; to amend the state finance law, in relation to school

tax relief fund; to amend the state finance law, in relation to issuance of certificates of participation, variable rate bonds, payments, transfers and deposits of funds and investment of general funds, bond proceeds, and other funds not immediately required; to amend the public authorities law, in relation to state environmental infrastructure projects; to amend chapter 61 of the laws of 2005, relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to the Division of Military and Naval Affairs Capital Projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to courthouse improvements and training facilities, metropolitan transportation authority facilities, peace bridge projects and issuance of bonds by the dormitory authority; to amend the New York state urban development corporation act, in relation to funding project costs for the state university of New York college for nanoscale and science engineering and the NY-SUNY 2020 challenge grant program; to amend chapter 57 of the laws of 2008, relating to providing for the administration of certain funds and accounts related to the 2008-2009 budget, in relation to the effectiveness thereof; to amend chapter 56 of the laws of 2009, relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, in relation to the effectiveness thereof; to amend chapter

56 of the laws of 2010, relating to providing for the administration of certain funds and accounts related to the 2009-10 budget, in relation to the effectiveness thereof; to amend chapter 61 of the laws of 2000, amending the public authorities law relating to the metropolitan transportation authority, the New York city transit authority, and the Triborough bridge and tunnel authority, in relation to authorizations to issue bonds and notes; to repeal sections 90-b, 91-g, 92-a, 92-i, 92-j, 92-m, 92-w, 94-c, 94-d, 96, 97-n, 97-o, 97-cc, 97-ff, 97-ss, 97-fff, 97-uuu, 97-www, 97-aaaa, 97-bbbb, 99-g and 99-i of the state finance law relating thereto; to repeal subdivision 5 of section 233-a and subdivision 3-a of section 378 of the education law relating thereto; to repeal paragraph f of subdivision 31 of section 1680 of the public authorities law relating to the reserve funds of private not-for-profit schools established with the dormitory authority; to repeal section 1022 of the private housing finance law relating to the rural housing assistance fund; to repeal section 12 of chapter 1040 of the laws of 1981 relating to penalties for violations of the lobbying act; to repeal chapter 50 of the laws of 1993 relating to making appropriations for the support of government; and providing for the repeal of certain provisions upon expiration thereof (Part N); to amend the state technology law, the civil service law, the executive law, the state finance law, the tax law, and the county law, in relation to renaming the office for technology the office of information technology services (Part O); to amend the state finance law, in relation to aid and incentive to municipalities (Part P); and to pay the metropolitan transportation authority the costs associated with reimbursements for E-ZPass tolls paid by the residents of Broad Channel and the Rockaway Peninsula for

travel over the Cross Bay Veterans
Memorial Bridge (Part Q)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2012-2013
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through Q. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Subdivision 7 of section 995 of the executive law, as
14 amended by chapter 2 of the laws of 2006, paragraph (a) as separately
15 amended by chapter 320 of the laws of 2006 and paragraph (f) as amended
16 by chapter 405 of the laws of 2010, is amended to read as follows:

17 7. "Designated offender" means a person convicted of [and sentenced
18 for any one or more of the following provisions of the penal law (a)
19 sections 120.05, 120.10, and 120.11, relating to assault; sections
20 125.15 through 125.27 relating to homicide; sections 130.25, 130.30,
21 130.35, 130.40, 130.45, 130.50, 130.65, 130.67 and 130.70, relating to
22 sex offenses; sections 205.10, 205.15, 205.17 and 205.19, relating to
23 escape and other offenses, where the offender has been convicted within
24 the previous five years of one of the other felonies specified in this
25 subdivision; or sections 255.25, 255.26 and 255.27, relating to incest,
26 a violent felony offense as defined in subdivision one of section 70.02

1 of the penal law, attempted murder in the first degree, as defined in
2 section 110.00 and section 125.27 of the penal law, kidnapping in the
3 first degree, as defined in section 135.25 of the penal law, arson in
4 the first degree, as defined in section 150.20 of the penal law,
5 burglary in the third degree, as defined in section 140.20 of the penal
6 law, attempted burglary in the third degree, as defined in section
7 110.00 and section 140.20 of the penal law, a felony defined in article
8 four hundred ninety of the penal law relating to terrorism or any
9 attempt to commit an offense defined in such article relating to terror-
10 ism which is a felony; or (b) criminal possession of a controlled
11 substance in the first degree, as defined in section 220.21 of the penal
12 law; criminal possession of a controlled substance in the second degree,
13 as defined in section 220.18 of the penal law; criminal sale of a
14 controlled substance, as defined in article 220 of the penal law; or
15 grand larceny in the fourth degree, as defined in subdivision five of
16 section 155.30 of the penal law; or (c) any misdemeanor or felony
17 defined as a sex offense or sexually violent offense pursuant to para-
18 graph (a), (b) or (c) of subdivision two or paragraph (a) of subdivision
19 three of section one hundred sixty-eight-a of the correction law; or (d)
20 any of the following felonies, or an attempt thereof where such attempt
21 is a felony offense:

22 aggravated assault upon a person less than eleven years old, as
23 defined in section 120.12 of the penal law; menacing in the first
24 degree, as defined in section 120.13 of the penal law; reckless endan-
25 germent in the first degree, as defined in section 120.25 of the penal
26 law; stalking in the second degree, as defined in section 120.55 of the
27 penal law; criminally negligent homicide, as defined in section 125.10
28 of the penal law; vehicular manslaughter in the second degree, as

1 defined in section 125.12 of the penal law; vehicular manslaughter in
2 the first degree, as defined in section 125.13 of the penal law;
3 persistent sexual abuse, as defined in section 130.53 of the penal law;
4 aggravated sexual abuse in the fourth degree, as defined in section
5 130.65-a of the penal law; female genital mutilation, as defined in
6 section 130.85 of the penal law; facilitating a sex offense with a
7 controlled substance, as defined in section 130.90 of the penal law;
8 unlawful imprisonment in the first degree, as defined in section 135.10
9 of the penal law; custodial interference in the first degree, as defined
10 in section 135.50 of the penal law; criminal trespass in the first
11 degree, as defined in section 140.17 of the penal law; criminal tamper-
12 ing in the first degree, as defined in section 145.20 of the penal law;
13 tampering with a consumer product in the first degree, as defined in
14 section 145.45 of the penal law; robbery in the third degree as defined
15 in section 160.05 of the penal law; identity theft in the second degree,
16 as defined in section 190.79 of the penal law; identity theft in the
17 first degree, as defined in section 190.80 of the penal law; promoting
18 prison contraband in the first degree, as defined in section 205.25 of
19 the penal law; tampering with a witness in the third degree, as defined
20 in section 215.11 of the penal law; tampering with a witness in the
21 second degree, as defined in section 215.12 of the penal law; tampering
22 with a witness in the first degree, as defined in section 215.13 of the
23 penal law; criminal contempt in the first degree, as defined in subdivi-
24 sions (b), (c) and (d) of section 215.51 of the penal law; aggravated
25 criminal contempt, as defined in section 215.52 of the penal law; bail
26 jumping in the second degree, as defined in section 215.56 of the penal
27 law; bail jumping in the first degree, as defined in section 215.57 of
28 the penal law; patronizing a prostitute in the second degree, as defined

1 in section 230.05 of the penal law; patronizing a prostitute in the
2 first degree, as defined in section 230.06 of the penal law; promoting
3 prostitution in the second degree, as defined in section 230.30 of the
4 penal law; promoting prostitution in the first degree, as defined in
5 section 230.32 of the penal law; compelling prostitution, as defined in
6 section 230.33 of the penal law; disseminating indecent materials to
7 minors in the second degree, as defined in section 235.21 of the penal
8 law; disseminating indecent materials to minors in the first degree, as
9 defined in section 235.22 of the penal law; riot in the first degree, as
10 defined in section 240.06 of the penal law; criminal anarchy, as defined
11 in section 240.15 of the penal law; aggravated harassment of an employee
12 by an inmate, as defined in section 240.32 of the penal law; unlawful
13 surveillance in the second degree, as defined in section 250.45 of the
14 penal law; unlawful surveillance in the first degree, as defined in
15 section 250.50 of the penal law; endangering the welfare of a vulnerable
16 elderly person in the second degree, as defined in section 260.32 of the
17 penal law; endangering the welfare of a vulnerable elderly person in the
18 first degree, as defined in section 260.34 of the penal law; use of a
19 child in a sexual performance, as defined in section 263.05 of the penal
20 law; promoting an obscene sexual performance by a child, as defined in
21 section 263.10 of the penal law; possessing an obscene sexual perform-
22 ance by a child, as defined in section 263.11 of the penal law; promot-
23 ing a sexual performance by a child, as defined in section 263.15 of the
24 penal law; possessing a sexual performance by a child, as defined in
25 section 263.16 of the penal law; criminal possession of a weapon in the
26 third degree, as defined in section 265.02 of the penal law; criminal
27 sale of a firearm in the third degree, as defined in section 265.11 of
28 the penal law; criminal sale of a firearm to a minor, as defined in

1 section 265.16 of the penal law; unlawful wearing of a body vest, as
2 defined in section 270.20 of the penal law; hate crimes as defined in
3 section 485.05 of the penal law; and crime of terrorism, as defined in
4 section 490.25 of the penal law; or (e) a felony defined in the penal
5 law or an attempt thereof where such attempt is a felony; or (f) any of
6 the following misdemeanors: assault in the third degree as defined in
7 section 120.00 of the penal law; attempted aggravated assault upon a
8 person less than eleven years old, as defined in section 110.00 and
9 section 120.12 of the penal law; attempted menacing in the first degree,
10 as defined in section 110.00 and section 120.13 of the penal law; menac-
11 ing in the second degree as defined in section 120.14 of the penal law;
12 menacing in the third degree as defined in section 120.15 of the penal
13 law; reckless endangerment in the second degree as defined in section
14 120.20 of the penal law; stalking in the fourth degree as defined in
15 section 120.45 of the penal law; stalking in the third degree as defined
16 in section 120.50 of the penal law; attempted stalking in the second
17 degree, as defined in section 110.00 and section 120.55 of the penal
18 law; criminal obstruction of breathing or blood circulation as defined
19 in section 121.11 of the penal law; forcible touching as defined in
20 section 130.52 of the penal law regardless of the age of the victim;
21 sexual abuse in the third degree as defined in section 130.55 of the
22 penal law regardless of the age of the victim; unlawful imprisonment in
23 the second degree as defined in section 135.05 of the penal law regard-
24 less of the age of the victim; attempted unlawful imprisonment in the
25 first degree, as defined in section 110.00 and section 135.10 of the
26 penal law regardless of the age of the victim; criminal trespass in the
27 second degree as defined in section 140.15 of the penal law; possession
28 of burglar's tools as defined in section 140.35 of the penal law; petit

1 larceny as defined in section 155.25 of the penal law; endangering the
2 welfare of a child as defined in section 260.10 of the penal law; endan-
3 gering the welfare of an incompetent or physically disabled person as
4 defined in section 260.25 of the penal law] any felony defined in any
5 chapter of the laws of the state or any misdemeanor defined in the penal
6 law.

7 § 2. Subdivision 3 of section 995-c of the executive law, as amended
8 by chapter 576 of the laws of 2004, is amended to read as follows:

9 3. (a) Any designated offender subsequent to conviction and sentencing
10 for a crime specified in subdivision seven of section nine hundred nine-
11 ty-five of this article, shall be required to provide a sample appropri-
12 ate for DNA testing to determine identification characteristics specific
13 to such person and to be included in a state DNA identification index
14 pursuant to this article.

15 (b) (i) In the case of a designated offender who is sentenced to a
16 term of imprisonment, such sample shall be collected by the public serv-
17 ant to whose custody the designated offender has been committed.

18 (ii) In the case of a designated offender who is sentenced to a term
19 of probation, including a sentence of probation imposed in conjunction
20 with a sentence of imprisonment when a sample has not already been
21 taken, such sample shall be collected by the probation department super-
22 vising the designated offender.

23 (iii) In the case of a designated offender whose sentence does not
24 include either a term of imprisonment or a term of probation, the court
25 shall order that the designated offender report to an office of the
26 sheriff of that county, and when the designated offender does so, such
27 sample shall be collected by the sheriff's office.

1 (iv) Nothing in this paragraph shall prohibit the collection of a DNA
2 sample from a designated offender by any court official, state or local
3 correction official or employee, probation officer, parole officer,
4 police officer, peace officer, or other public servant who has been
5 notified by the division of criminal justice services that such desig-
6 nated offender has not provided a DNA sample. Upon notification by the
7 division of criminal justice services that a designated offender has not
8 provided a DNA sample, such court official, state or local correction
9 official or employee, probation officer, parole officer, police officer,
10 peace officer or other public servant shall collect the DNA sample.

11 § 3. This act shall take effect October 1, 2012; provided, however,
12 that the amendments to subdivision 7 of section 995 of the executive law
13 made by section one of this act shall apply to conviction of designated
14 offenses on or after such effective date.

15 PART B

16 Section 1. Section 396-ff of the general business law is REPEALED.

17 § 2. This act shall take effect immediately.

18 PART C

19 Section 1. Section 1806 of the vehicle and traffic law, as amended by
20 section 1 of part TT of chapter 56 of the laws of 2009, is amended to
21 read as follows:

22 § 1806. Plea of not guilty by a defendant charged with a traffic
23 infraction. In addition to appearing personally to enter a plea of not
24 guilty to a violation of any provision of the tax law or the transporta-

1 tion law regulating traffic, or to a traffic infraction for the
2 violation of any of the provisions of the vehicle and traffic law or of
3 any local law, ordinance, order, rule or regulation relating to the
4 operation of motor vehicles or motorcycles, a defendant may enter a plea
5 of not guilty by mailing to the court of appropriate jurisdiction the
6 ticket making the charge and a signed statement indicating such plea.
7 Such plea must be sent: (a) by registered or certified mail, return
8 receipt requested or by first class mail; and (b) within forty-eight
9 hours after receiving such ticket. Upon receipt of such ticket and
10 statement, the court shall advise the violator, by first class mail, of
11 an appearance at which no testimony shall be taken. If the motorist
12 requests a trial, the court shall set a trial date on a date subsequent
13 to the date of the initial appearance and shall notify the defendant of
14 the date by first class mail but no warrant of arrest for failure to
15 appear can be issued until the violator is notified of a new court
16 appearance date by registered or certified mail, return receipt
17 requested, and fails to appear.

18 § 2. This act shall take effect immediately.

19 PART D

20 Section 1. Subdivision 3 of section 65.00 of the penal law, as amended
21 by chapter 264 of the laws of 2003, subparagraphs (i) and (ii) of para-
22 graph (a) as amended by section 20 of part AAA of chapter 56 of the laws
23 of 2009, paragraph (c) as amended by chapter 568 of the laws of 2004 and
24 the closing paragraph as amended by chapter 320 of the laws of 2006, is
25 amended to read as follows:

1 3. Periods of probation. Unless terminated sooner in accordance with
2 the criminal procedure law, the period of probation shall be as follows:

3 (a) (i) For a felony, other than a class A-II felony defined in arti-
4 cle two hundred twenty of this chapter or the class B felony defined in
5 section 220.48 of this chapter, or any other class B felony defined in
6 article two hundred twenty of this chapter committed by a second felony
7 drug offender, or a sexual assault, the period of probation shall be a
8 determinate term, in whole years, which must be at least three years and
9 which must not exceed five years;

10 (ii) For a class A-II felony drug offender as defined in paragraph (a)
11 of subdivision one of section 70.71 of this chapter as described in
12 paragraph (b) of subdivision one of this section, or a class B felony
13 committed by a second felony drug offender described in paragraph (b) of
14 subdivision one of this section, the period of probation shall be life
15 and for a class B felony defined in section 220.48 of this chapter, the
16 period of probation shall be twenty-five years;

17 (iii) For a felony sexual assault, the period of probation shall be
18 ten years.

19 (b) (i) For a class A misdemeanor, other than a sexual assault, the
20 period of probation shall be a determinate term, in whole years, which
21 must be at least two years and which must not exceed three years;

22 (ii) For a class A misdemeanor sexual assault, the period of probation
23 shall be six years.

24 (c) For a class B misdemeanor, the period of probation shall be one
25 year, except the period of probation shall be no less than one year and
26 no more than three years for the class B misdemeanor of public lewdness
27 as defined in section 245.00 of this chapter;

1 (d) For an unclassified misdemeanor, the period of probation shall be
2 a determinate term, in whole years, which must be at least two years and
3 which must not exceed three years if the authorized sentence of impri-
4 sonment is in excess of three months, otherwise the period of probation
5 shall be one year.

6 For the purposes of this section, the term "sexual assault" means an
7 offense defined in article one hundred thirty or two hundred sixty-
8 three, or in section 255.25, 255.26 or 255.27 of this chapter, or an
9 attempt to commit any of the foregoing offenses.

10 § 2. Paragraph (c) of subdivision 1 of section 500-a of the
11 correction law, as amended by chapter 541 of the laws of 1994, is
12 amended to read as follows:

13 (c) For the detention of persons awaiting the availability of a court,
14 pursuant to the provisions of section 210.10, subdivision two of section
15 530.70 [or], subdivision two of section 410.40 or section 410.92 of the
16 criminal procedure law;

17 § 3. The criminal procedure law is amended by adding a new section
18 410.92 to read as follows:

19 § 410.92 Probation detainer warrant.

20 1. A person under probation supervision who has been taken into custo-
21 dy pursuant to section 410.40 or section 410.50 of this article for
22 violation of a condition of a sentence of probation must forthwith be
23 brought before the court that imposed the sentence. Where the court that
24 imposed sentence is a local criminal court and no judge from that court
25 is available, and such person has been taken into custody pursuant to
26 subdivision four of section 410.50 of this article, such person shall be
27 brought before any available alternative court as described in subdivi-
28 sion five of section 120.90 of this chapter. Where the court that

1 imposed the sentence is a superior court and no judge from that court is
2 available, such person shall be brought before any available local crim-
3 inal court in the same county. When no such alternative court is avail-
4 able, the probation officer shall report such fact and such efforts to
5 locate an available alternative court to the director or deputy director
6 of the local probation department, and thereupon a warrant may be issued
7 by such director or deputy director for the temporary detention of such
8 person upon that official's determination that a public safety risk
9 requires that the probationer be immediately taken into custody. A
10 warrant issued pursuant to this subdivision shall constitute sufficient
11 authority to the superintendent or other person in charge of any jail,
12 penitentiary, lockup or detention pen to whom it is delivered to hold in
13 temporary detention the person named therein. During such period of
14 temporary detention, a warrant issued pursuant to this subdivision shall
15 have the same effect as a warrant issued by a court pursuant to subdivi-
16 sion two of section 210.40 of this article.

17 2. A person temporarily detained pursuant to subdivision one of this
18 section shall be brought before the sentencing court without unnecessary
19 delay, and in any event within forty-eight hours, whether or not the
20 court is scheduled to be in session. If the court has reasonable cause
21 to believe that such person has violated a condition of the sentence, it
22 may commit him or her to the custody of the sheriff or fix bail or
23 release such person on his or her own recognizance for future appearance
24 at a hearing to be held in accordance with section 410.70 of this arti-
25 cle. If the court does not have reasonable cause to believe that such
26 person has violated a condition of the sentence, it must direct that he
27 or she be released. The court shall consider all relevant facts and
28 circumstances and render an independent judgment in making a decision

1 under this subdivision and shall not rely on the determination to tempo-
2 rarily detain such person made by the director or deputy director of the
3 local probation department pursuant to subdivision one of this section.

4 § 4. The office of court administration shall make reasonable efforts
5 to ensure that judges are available in each county to review the status
6 of persons taken into custody pursuant to subdivision 4 of section
7 410.50 of the criminal procedure law in a timely manner and before the
8 director or deputy director of the local probation department issues a
9 warrant pursuant to subdivision 1 of section 410.92 of the criminal
10 procedure law that such person be detained.

11 § 5. This act shall take effect immediately and section one of this
12 act shall apply to offenses committed on or after such effective date.

13 PART E

14 Section 1. The penal law is amended by adding a new article 62 to read
15 as follows:

16 ARTICLE 62

17 CRIMINAL FORFEITURE

18 Section 62.00 Criminal forfeiture.

19 § 62.00 Criminal forfeiture.

20 1. The court, in imposing sentence on a person convicted of a
21 violation of any offense defined in this chapter or any other chapter of
22 the consolidated laws of the state, shall order that the person forfeit
23 any property, real or personal, constituting, or derived from, proceeds
24 the person obtained directly or indirectly as the result of such
25 violation. The court, in imposing sentence on a person convicted of a
26 violation of any felony offense shall order that the person forfeit any

1 property, real or personal, involved in such offense, or any property
2 traceable to such property.

3 2. In the event of a pending criminal case in which a defendant has
4 absconded from the jurisdiction of the court, the court may order
5 forfeiture of any property, real or personal, constituting, or derived
6 from, proceeds obtained directly or indirectly, as the result of any
7 violation of the this chapter, as well as any property, real or
8 personal, involved in any violation of this chapter, or any property
9 traceable to such property. The court may disallow a person from using
10 the resources of the courts of the state of New York in furtherance of a
11 claim in any related forfeiture action or a claim in third party
12 proceedings in any related criminal forfeiture action upon a finding
13 that such person:

14 (a) after notice or knowledge of the fact that a warrant or process
15 has been issued for his or her apprehension, in order to avoid criminal
16 prosecution:

17 (i) purposely leaves the jurisdiction of the state of New York;

18 (ii) declines to enter or reenter the state of New York to submit to
19 its jurisdiction;

20 (iii) otherwise evades the jurisdiction of the court in which a crimi-
21 nal case is pending against the person; and

22 (b) is not confined or held in custody in any other jurisdiction for
23 commission of criminal conduct in that jurisdiction.

24 This subdivision may be applied to a claim filed by a corporation if
25 any majority shareholder or individual filing the claim on behalf of the
26 corporation is a person to whom this subdivision applies.

27 3. Any property subject to forfeiture under this section may be seized
28 by law enforcement, ex parte and under seal, upon a showing of probable

1 cause to believe that the property is forfeitable, except that a seizure
2 may be made without a warrant:

3 (a) pursuant to an order of attachment; or

4 (b) if there is probable cause to believe that the property is subject
5 to forfeiture; and

6 (i) the seizure is made pursuant to a lawful arrest or search; or

7 (ii) another exception to the fourth amendment warrant requirement of
8 the federal constitution applies.

9 Any motion for the return of property seized under this section shall
10 be filed in the court in which the seizure warrant was issued.

11 4. Other than as provided in this section, the forfeiture of property,
12 including any seizure and disposition of the property and any related
13 judicial or administrative proceeding, shall be governed by the
14 provisions of article thirteen-A of the civil practice law and rules.

15 5. Nothing in this article shall supersede local laws affecting
16 forfeiture.

17 § 2. Subdivisions 2, 4-a and 5 of section 1310 of the civil practice
18 law and rules, subdivisions 2 and 5 as added by chapter 669 of the laws
19 of 1984 and subdivision 4-a as added by chapter 655 of the laws of 1990,
20 are amended to read as follows:

21 2. "Proceeds of a crime" means any property obtained through the
22 commission of a felony or misdemeanor crime defined in subdivisions five
23 and six [hereof] of this section, and includes any appreciation in value
24 of such property.

25 4-a. "Real property instrumentality of a crime" means an interest in
26 real property the use of which contributes directly and materially to
27 the commission of a specified felony offense or misdemeanor.

1 5. "Post-conviction forfeiture crime" means any [felony] crime defined
2 in the penal law or any other chapter of the consolidated laws of the
3 state.

4 § 3. Paragraph (a) of subdivision 1 of section 1311 of the civil prac-
5 tice law and rules, as added by chapter 669 of the laws of 1984, is
6 amended to read as follows:

7 (a) Actions relating to post-conviction forfeiture crimes. An action
8 relating to a post-conviction forfeiture crime must be grounded upon a
9 conviction of a [felony] crime defined in subdivision five of section
10 one thousand three hundred ten of this article, or upon criminal activ-
11 ity arising from a common scheme or plan of which such a conviction is a
12 part, or upon a count of an indictment or information or in satisfaction
13 of an appropriate accusatory instrument as defined in subdivision one of
14 section 1.20 of the criminal procedure law alleging a [felony] crime
15 which was dismissed at the time of a plea of guilty to a felony or
16 misdemeanor in satisfaction of such count. A court may not grant forfei-
17 ture until such conviction has occurred. However, an action may be
18 commenced, and a court may grant a provisional remedy provided under
19 this article, prior to such conviction having occurred. An action under
20 this paragraph must be dismissed at any time after sixty days of the
21 commencement of the action unless the conviction upon which the action
22 is grounded has occurred, or an [indictment or information] appropriate
23 accusatory instrument as defined in subdivision one of section 1.20 of
24 the criminal procedure law upon which the asserted conviction is to be
25 based is pending in a superior or local criminal court. An action under
26 this paragraph shall be stayed during the pendency of a criminal action
27 which is related to it; provided, however, that such stay shall not

1 prevent the granting or continuance of any provisional remedy provided
2 under this article or any other provisions of law.

3 § 4. Subdivision 6 of section 220.50 of the criminal procedure law, as
4 added by chapter 655 of the laws of 1990, is amended to read as follows:

5 6. Where the defendant consents to a plea of guilty to [the indict-
6 ment, or part of the indictment] an appropriate accusatory instrument as
7 defined in subdivision one of section 1.20 of this chapter, or consents
8 to be prosecuted by superior court information as set forth in section
9 195.20 of this chapter, and if the defendant and prosecutor agree that
10 as a condition of the plea or the superior court information certain
11 property shall be forfeited by the defendant, the description and pres-
12 ent estimated monetary value of the property shall be stated in court by
13 the prosecutor at the time of [plea] disposition. Within thirty days of
14 the acceptance of the plea or superior court information by the court,
15 the prosecutor shall send to the commissioner of the division of crimi-
16 nal justice services a document containing the name of the defendant,
17 the description and present estimated monetary value of the property,
18 and the date the plea [or superior court information] was accepted. Any
19 property forfeited by the defendant as a condition to a plea of guilty
20 to an [indictment] appropriate accusatory instrument as defined in
21 subdivision one of section 1.20 of this chapter, or a part thereof, or
22 to a superior court information, shall be disposed of in accordance with
23 the provisions of section thirteen hundred forty-nine of the civil prac-
24 tice law and rules.

25 § 5. Paragraphs (e), (f), (g) and (h) of subdivision 2 and subdivision
26 3 of section 1349 of the civil practice law and rules, paragraphs (e),
27 (f) and (h) of subdivision 2 and subdivision 3 as added by chapter 655

1 of the laws of 1990 and paragraph (g) of subdivision 2 as amended by
2 chapter 398 of the laws of 2004, are amended to read as follows:

3 (e) [In addition to amounts, if any, distributed pursuant to paragraph
4 (d) of this subdivision, fifteen percent of all moneys realized through
5 forfeiture to the claiming authority in satisfaction of actual costs and
6 expenses incurred in the investigation, preparation and litigation of
7 the forfeiture action, including that proportion of the salaries of the
8 attorneys, clerical and investigative personnel devoted thereto, plus
9 all costs and disbursements taxable under the provisions of this chap-
10 ter;

11 (f) In addition to amounts, if any, distributed pursuant to paragraph
12 (d) of this subdivision, five percent of all moneys realized through
13 forfeiture to the claiming agent in satisfaction of actual costs
14 incurred for protecting, maintaining and forfeiting the property includ-
15 ing that proportion of the salaries of attorneys, clerical and investi-
16 gative personnel devoted thereto;

17 (g) Forty percent of all moneys realized through forfeiture which are
18 remaining after distributions pursuant to paragraphs (a) through (f) of
19 this subdivision, to the chemical dependence service fund established
20 pursuant to section ninety-seven-w of the state finance law;

21 (h) All moneys remaining after distributions pursuant to paragraphs
22 (a) through (g) of this subdivision shall be distributed as follows:

23 (i) seventy-five percent of such moneys shall be deposited to a law
24 enforcement purposes subaccount of the general fund of the state where
25 the claiming agent is an agency of the state or the political subdivi-
26 sion or public authority of which the claiming agent is a part, to be
27 used for law enforcement use in the investigation of penal law offenses;

1 (ii) the remaining twenty-five percent of such moneys shall be depos-
2 ited to a prosecution services subaccount of the general fund of the
3 state where the claiming authority is the attorney general or the poli-
4 tical subdivision of which the claiming authority is a part, to be used
5 for the prosecution of penal law offenses.

6 Where multiple claiming agents participated in the forfeiture action,
7 funds available pursuant to subparagraph (i) of this paragraph shall be
8 disbursed to the appropriate law enforcement purposes subaccounts in
9 accordance with the terms of a written agreement reflecting the partic-
10 ipation of each claiming agent entered into by the participating claim-
11 ing agents.] Any amounts that are remaining after distributions pursuant
12 to paragraph (d) of this subdivision shall be distributed as follows:
13 thirty-five percent to the claiming authority; forty percent to the
14 claiming agent; and twenty-five percent to the state, to be deposited in
15 the general fund. Where multiple claiming agents participated in the
16 forfeiture action, the claiming authority may disburse the funds equit-
17 ably among all involved law enforcement agencies or investigators.

18 3. All moneys distributed to the claiming agent and the claiming
19 authority pursuant to paragraph [(h)] (e) of subdivision two of this
20 section shall be used to enhance law enforcement efforts and not in
21 supplantation of ordinary budgetary costs including salaries of person-
22 nel, and expenses of the claiming authority or claiming agent during the
23 fiscal year in which this section takes effect.

24 § 6. This act shall take effect immediately.

1 Section 1. Section 2 of part H of chapter 503 of the laws of 2009
2 relating to the disposition of monies recovered by county district
3 attorneys before the filing of an accusatory instrument, as amended by
4 section 1 of part B of chapter 57 of the laws of 2011, is amended to
5 read as follows:

6 § 2. This act shall take effect immediately and shall remain in full
7 force and effect until March 31, [2012] 2013, when it shall expire and
8 be deemed repealed.

9 § 2. This act shall take effect immediately and shall be deemed to
10 have been in full force and effect on and after March 31, 2012.

11 PART G

12 Section 1. Subdivision 2 of section 20 of the executive law is amended
13 by adding a new paragraph i to read as follows:

14 i. "incident management team" means a state certified team of trained
15 personnel from different departments, organizations, agencies, and
16 jurisdictions within the state, or a region of the state, activated to
17 support and manage major and/or complex incidents requiring a signif-
18 icant number of local, regional, and state resources.

19 § 2. Subdivision 1 of section 21 of the executive law, as amended by
20 section 93 of subpart B of part C of chapter 62 of the laws of 2011, is
21 amended to read as follows:

22 1. There is hereby created in the executive department a disaster
23 preparedness commission consisting of the commissioners of transporta-
24 tion, health, division of criminal justice services, education, [social
25 services,] economic development, agriculture and markets, housing and
26 community renewal, general services, labor, environmental conservation,

1 mental health, parks, recreation and historic preservation, corrections
2 and community supervision [and], children and family services, homeland
3 security and emergency services, and people with developmental disabili-
4 ties, the president of the New York state energy research and develop-
5 ment authority, the superintendents of state police, [insurance, bank-
6 ing,] financial services, the secretary of state, the state fire
7 administrator, the chair of the public service commission, the adjutant
8 general, [the directors of the offices within the division of homeland
9 security and emergency services,] the office for technology, and the
10 office of victim services, the chairs of the thruway authority, the
11 metropolitan transportation authority, the port authority of New York
12 and New Jersey, the chief professional officer of the state coordinating
13 chapter of the American Red Cross and three additional members, to be
14 appointed by the governor, two of whom shall be chief executives. Each
15 member agency may designate an executive level officer of that agency,
16 with responsibility for disaster preparedness matters, who may represent
17 that agency on the commission. The commissioner of the division of home-
18 land security and emergency services shall serve as chair of the commis-
19 sion, and the governor shall designate the vice chair of the commission.
20 The members of the commission, except those who serve ex officio, shall
21 be allowed their actual and necessary expenses incurred in the perform-
22 ance of their duties under this article but shall receive no additional
23 compensation for services rendered pursuant to this article.

24 § 3. Paragraph f of subdivision 3 of section 21 of the executive law,
25 as amended by section 2 of part B of chapter 56 of the laws of 2010, is
26 amended to read as follows:

27 f. (1) unless it deems it unnecessary, create, following the declara-
28 tion of a state disaster emergency, a temporary organization in the

1 disaster area to provide for integration and coordination of efforts
2 among the various federal, state, municipal and private agencies
3 involved. The commission, upon a finding that a municipality is unable
4 to manage local disaster operations, may, with the approval of the
5 governor, direct the temporary organization to assume direction of the
6 local disaster operations of such municipality, for a specified period
7 of time, and in such cases such temporary organization shall assume
8 direction of such local disaster operations, subject to the supervision
9 of the commission. In such event, such temporary organization may
10 utilize such municipality's local resources, provided, however, that the
11 state shall not be liable for any expenses incurred in using such
12 municipality's resources. The state shall not be liable for the expenses
13 incurred in using third party, non-state resources deployed to the
14 affected area by the temporary organization, which are necessary to
15 protect life and safety;

16 (2) The state incident management team shall have the authority to act
17 as the operational arm of the temporary organization. When called to
18 duty and deployed by the state, members of any state or local incident
19 management team shall be deemed temporary employees of the state and
20 shall have the same privileges and immunities afforded to regular state
21 employees, subject to the rules and regulations promulgated by the pres-
22 ident of the state civil service commission pursuant to section one
23 hundred sixty-three of the civil service law;

24 § 4. Subdivision 5 of section 21 of the executive law, as added by
25 section 2 of part B of chapter 56 of the laws of 2010, is amended to
26 read as follows:

27 5. The state office of emergency management within the division of
28 homeland security and emergency services shall serve as the [staff]

1 operational arm of the commission and shall be responsible for imple-
2 menting provisions of this article and the rules and policies adopted by
3 the commission. The director of the state office of emergency manage-
4 ment within the division of homeland security and emergency services
5 shall exercise the authority given to the disaster preparedness commis-
6 sion in section twenty-nine of this article, to coordinate and direct
7 state agencies and assets in response to a state disaster emergency on
8 behalf of the governor and the chair of the disaster preparedness
9 commission. If the director of the state office of emergency management
10 is unable to exercise this authority, then the executive deputy commis-
11 sioner of the division of homeland security and emergency services shall
12 act in this capacity. In the event that the executive deputy commission-
13 er is unable to exercise this authority, then such authority shall be
14 exercised by the official willing and able to do so in the following
15 order: the state fire administrator; the superintendent of the division
16 of state police; or the director of the office of counterterrorism with-
17 in the division of homeland security and emergency services.

18 § 5. The opening paragraph and paragraph f of subdivision 1 of section
19 24 of the executive law, the opening paragraph as amended by chapter 158
20 of the laws of 1994 and paragraph f of subdivision 1 as amended by
21 section 5 of part B of chapter 56 of the laws of 2010, are amended to
22 read as follows:

23 Notwithstanding any inconsistent provision of law, general or special,
24 in the event of a disaster, rioting, catastrophe, or similar public
25 emergency within the territorial limits of any county, city, town or
26 village, or in the event of reasonable apprehension of immediate danger
27 thereof, and upon a finding by the chief executive thereof that the
28 public safety is imperiled thereby, such chief executive may proclaim a

1 local state of emergency within any part or all of the territorial
2 limits of such local government; provided, however, that in the event of
3 a radiological accident as defined in section twenty-nine-c of this
4 article, such chief executive may request of the governor a declaration
5 of disaster emergency. Such proclamation shall remain in effect for a
6 period not to exceed thirty days or until rescinded by the chief execu-
7 tive, whichever occurs first. The chief executive may issue additional
8 proclamations to extend the state of emergency for additional periods
9 not to exceed thirty days. Following such proclamation and during the
10 continuance of such local state of emergency, the chief executive may
11 promulgate local emergency orders to protect life and property or to
12 bring the emergency situation under control. As illustration, such
13 orders may, within any part or all of the territorial limits of such
14 local government, provide for:

15 f. the establishment or designation of emergency shelters, emergency
16 medical shelters, and in consultation with the state commissioner of
17 health, [alternate medical care sites] community based care centers;

18 § 6. Subdivision 3 of section 24 of the executive law, as added by
19 chapter 640 of the laws of 1978, is amended to read as follows:

20 3. The proclamation of a local state of emergency and local emergency
21 orders of a chief executive of a county shall be executed in [tripli-
22 cate] quadruplicate and shall be filed within seventy-two hours or as
23 soon thereafter as practicable in the office of the clerk of the govern-
24 ing board of the county, the office of the county clerk [and], the
25 office of the secretary of state and the state office of emergency
26 management within the division of homeland security and emergency
27 services. The proclamation of a local state of emergency and local emer-
28 gency orders of a chief executive of a city, town or village shall be

1 executed in [triplicate] quadruplicate and shall be filed within seven-
2 ty-two hours or as soon thereafter as practicable in the office of the
3 clerk of such municipal corporation, the office of the county clerk
4 [and], the office of the secretary of state and the state office of
5 emergency management within the division of homeland security and emer-
6 gency services.

7 § 7. Subdivision 1 of section 29-a of the executive law, as added by
8 chapter 640 of the laws of 1978, is amended to read as follows:

9 1. Subject to the state constitution, the federal constitution and
10 federal statutes and regulations, [and after seeking the advice of the
11 commission,] the governor may by executive order temporarily suspend
12 specific provisions of any statute, local law, ordinance, or orders,
13 rules or regulations, or parts thereof, of any agency during a state
14 disaster emergency, if compliance with such provisions would prevent,
15 hinder, or delay action necessary to cope with the disaster.

16 § 8. Paragraph c of subdivision 2 of section 29-h of the executive
17 law, as added by section 10-a of part B of chapter 56 of the laws of
18 2010, is amended to read as follows:

19 c. "Local emergency management [officer] director" means the local
20 government official responsible for emergency preparedness, response and
21 recovery;

22 § 9. Paragraph a of subdivision 6 of section 29-h of the executive
23 law, as added by section 10-a of part B of chapter 56 of the laws of
24 2010, is amended to read as follows:

25 a. A participating local government may request assistance of other
26 participating local governments in preventing, mitigating, responding to
27 and recovering from disasters that result in locally-declared emergen-
28 cies, or for the purpose of conducting multi-jurisdictional or regional

1 training, drills or exercises. Requests for assistance may be made
2 verbally or in writing; verbal requests shall be memorialized in writing
3 as soon thereafter as is practicable. Notwithstanding the provisions of
4 section twenty-five of this article, the local emergency management
5 director shall have the authority to request and accept assistance and
6 deploy the local resources of his or her jurisdiction under the intra-
7 state mutual aid program.

8 § 10. Paragraph b of subdivision 8 of section 29-h of the executive
9 law is relettered paragraph d and two new paragraphs b and c are added
10 to read as follows:

11 b. Notwithstanding any inconsistent provision of law, general, special
12 or local, any requesting local government shall be liable and responsi-
13 ble to the assisting local government for any loss or damage to equip-
14 ment or supplies and shall bear and pay the expense incurred in the
15 operation and maintenance of any equipment and the cost of materials and
16 supplies used in rendering assistance under this section.

17 c. The assisting local government shall be liable for salaries or
18 other compensation for its employees deployed to a requesting local
19 government during the time they are not performing their duties pursuant
20 to such request, and shall defray the actual traveling and maintenance
21 expense of its employees and equipment while they are rendering assist-
22 ance under this section. The receiving local government shall reimburse
23 the assisting local government for any moneys paid for such salaries or
24 other compensation and traveling and maintenance expenses.

25 § 11. Subdivisions 9 and 10 of section 29-h of the executive law are
26 renumbered subdivisions 10 and 11 and subdivision 10, as added by
27 section 10-a of part B of chapter 56 of the laws of 2010, is amended to
28 read as follows:

1 10. Liability. a. Each local government is responsible for procuring
2 and maintaining insurance or other coverage as it deems appropriate.

3 b. While in the performance of their duties under the intrastate
4 mutual aid program, employees of the assisting local government shall
5 have the same immunities and privileges as if such duties were performed
6 within their home jurisdiction. An assisting local government providing
7 assistance pursuant to the intrastate mutual aid program shall be liable
8 for the negligence of its employees, which occurs in the performance of
9 their duties in the same manner and to the same extent as if such negli-
10 gence occurred in the performance of their duties in their home juris-
11 diction.

12 c. Employees of an assisting local government responding to or render-
13 ing assistance pursuant to a request who sustain injury or death in the
14 course of, and arising out of, their response are entitled to all appli-
15 cable benefits as if they were responding in their home jurisdiction.
16 The assisting local government shall be liable for all costs or payments
17 for such benefits as required by law.

18 d. Nothing in this section shall be construed to prevent the assisting
19 and receiving local governments from agreeing to other terms related to
20 liability and workers' compensation because of existing statutes, laws,
21 rules or regulations. Local governments may choose to enter into an
22 agreement, at any time, to alter these terms as they deem necessary.

23 e. Nothing in this section shall be construed to provide any
24 protection against liability, or to create any liability, for an indi-
25 vidual who responds to a state of emergency where aid has not been
26 requested, or where aid has not been authorized by the individual's
27 [local government] home jurisdiction.

1 § 12. Section 29-h of the executive law is amended by adding two new
2 subdivisions 9 and 12 to read as follows:

3 9. Performance of services. a. (1) Emergency response personnel of an
4 assisting local government shall continue under the administrative
5 control of their jurisdiction. However, in all other cases where not
6 prohibited by existing statute or other authority, emergency response
7 personnel of an assisting local government shall be under the direction
8 and control of the appropriate officials within the incident management
9 system of the requesting local government;

10 (2) Performance by employees of an assisting local government of
11 services for a requesting local government pursuant to this section
12 shall have no impact upon whether negotiating unit employees represented
13 by an employee organization, recognized or certified pursuant to section
14 two hundred six or two hundred seven of the civil service law, exclu-
15 sively perform such services, as that phrase is used by the public
16 employment relations board, on behalf of the requesting local govern-
17 ment;

18 b. Assets and equipment of an assisting local government shall contin-
19 ue under the ownership of the assisting jurisdiction, but shall be under
20 the direction and control of the appropriate officials within the inci-
21 dent management system of the requesting local government.

22 12. License, certificate and permit portability. a. State certified
23 emergency medical services providers who respond outside of their normal
24 jurisdiction pursuant to a request for assistance under this program
25 shall follow their normal operating protocols as if they were responding
26 and rendering services in their home jurisdiction.

27 b. Any other individual deployed through a participating local govern-
28 ment who is certified or permitted either locally or regionally when

1 responding pursuant to a request for assistance under this program shall
2 have the same powers and duties as if they were responding in their home
3 jurisdiction.

4 § 13. This act shall take effect immediately.

5 PART H

6 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-
7 ment and social security law, as amended by chapter 397 of the laws of
8 2009, is amended to read as follows:

9 1. In addition to any other service credit to which he or she is enti-
10 tled, a member who meets the requirements set forth in paragraphs two
11 and three of this subdivision shall be granted one day of additional
12 service credit for each day of accumulated unused sick leave which he or
13 she has at time of retirement for service, but such credit shall not (a)
14 exceed one hundred sixty-five days, (b) be considered in meeting any
15 service or age requirements prescribed in this chapter, and (c) be
16 considered in computing final average salary. However, for an executive
17 branch member designated managerial or confidential pursuant to article
18 fourteen of the civil service law or in the collective negotiating units
19 established by article fourteen of the civil service law designated the
20 professional, scientific and technical services unit, the rent regu-
21 lation services negotiating unit, the security services negotiating
22 unit, the security supervisors negotiating unit, the state university
23 professional services negotiating unit, the administrative services
24 negotiating unit, the institutional services negotiating unit, the oper-
25 ational services negotiating unit and the division of military and naval
26 affairs negotiating unit such service credit limitation provided in

1 subparagraph (a) of this paragraph shall not exceed two hundred days.
2 For a nonjudicial officer or employee of the unified court system not in
3 a collective negotiating unit or in a collective negotiating unit speci-
4 fied in section one of chapter two hundred three of the laws of two
5 thousand four, for employees of the New York state dormitory authority,
6 for employees of the New York state thruway authority, the New York
7 state canal corporation and the state university construction fund and
8 for employees of the New York liquidation bureau such service credit
9 limitation provided in subparagraph (a) of this paragraph shall not
10 exceed two hundred days. Members who first become members of the New
11 York state and local employees' retirement system or the New York state
12 teachers' retirement system on or after April first, two thousand
13 twelve, shall not be granted any additional service credit for unused
14 sick leave.

15 § 2. Subdivisions a and b of section 376 of the retirement and social
16 security law, subdivision a as amended by chapter 389 of the laws of
17 1998 and subdivision b as amended by chapter 371 of the laws of 1969,
18 are amended to read as follows:

19 a. A member who discontinues service other than by death or retire-
20 ment:

21 1. who has credit for at least five years of total service, or twelve
22 years of service for a member who first becomes a member of the New York
23 state and local police and fire retirement system on or after April
24 first, two thousand twelve, or

25 2. who has credit for at least five years of total service, or twelve
26 years of service for a member who first becomes a member of the New York
27 state and local police and fire retirement system on or after April
28 first, two thousand twelve, including a minimum of five years of member

1 service during which the member contributed to the system and/or partic-
2 ipated in an increased-take-home-pay or non-contributory plan, and who
3 does not withdraw his or her accumulated contributions, shall be enti-
4 tled to make application pursuant to section three hundred seventy of
5 this article for a vested retirement allowance to be effective on or
6 after the first day of the month following his or her attainment of
7 sixty years of age, or sixty-five years of age for a member who first
8 becomes a member of the New York state and local police and fire retire-
9 ment system on or after April first, two thousand twelve. The retire-
10 ment allowance provided by this section shall vest automatically upon
11 such discontinuance of service by such member.

12 3. In the case of such a member who discontinues service other than by
13 death or retirement after March thirty-first, nineteen hundred sixty-
14 six, who had been contributing toward and/or participating in an
15 increased-take-home-pay or non-contributory plan for retirement on a
16 basis other than retirement at age sixty for five years preceding his or
17 her discontinuance of service, he or she shall be entitled to make
18 application for a vested retirement allowance to be effective on or
19 after the first day of the month following his or her attainment of
20 fifty-five years of age, or sixty-five years of age for a member who
21 first becomes a member of the New York state and local police and fire
22 retirement system on or after April first, two thousand twelve.

23 b. The vested retirement allowance shall be computed and paid in
24 accordance with the provisions of the plan of which the member had been
25 a participant provided, however, that if the service fraction used to
26 compute the retirement allowance or the pension provides a benefit
27 greater than that which would have been provided had the service frac-
28 tion one-sixtieth been used to compute the benefit, the service fraction

1 one-sixtieth shall be used to compute the vested retirement allowance
2 unless such plan shall specify another fraction to be used to compute
3 the vested retirement allowance. The vested retirement allowance shall
4 not be paid before the member attains age fifty-five, or sixty-five
5 years of age for a member who first becomes a member of the New York
6 state and local police and fire retirement system on or after April
7 first, two thousand twelve.

8 § 3. Subdivision e of section 440 of the retirement and social securi-
9 ty law, as added by chapter 285 of the laws of 1997, is amended to read
10 as follows:

11 e. Notwithstanding any other provision of law to the contrary, the
12 provisions and limitations of this article shall apply, as may be appro-
13 priate, to all investigator members of the New York city employees'
14 retirement system who last joined such retirement system on or after
15 July first, nineteen hundred seventy-six, and prior to the effective
16 date of the chapter of the laws of two thousand twelve which amended
17 this subdivision.

18 § 4. Subdivisions 5, 7, 12, 17 and 24 of section 501 of the retirement
19 and social security law, subdivisions 5, 12 and 17 as added by chapter
20 890 of the laws of 1976, subdivision 7 as amended by chapter 408 of the
21 laws of 2000 and subdivision 24 as amended by section 1 of part B of
22 chapter 504 of the laws of 2009, are amended to read as follows:

23 5. "Early retirement age" shall mean age fifty-five, for general
24 members, and the age on which a member completes or would have completed
25 twenty years of service, for police/fire members, New York city
26 uniformed correction/sanitation revised plan members and investigator
27 revised plan members.

1 7. "Eligible beneficiary" for the purposes of section five hundred
2 nine of this article shall mean the following persons or classes of
3 persons in the order set forth: (a) a surviving spouse who has not
4 renounced survivorship rights in a separation agreement, until remar-
5 riage, (b) surviving children until age twenty-five, (c) dependent
6 parents, determined under regulations promulgated by the comptroller,
7 (d) any other person who qualified as a dependent on the final federal
8 income tax return of the member or the return filed in the year imme-
9 diately preceding the year of death, until such person reaches twenty-
10 one years of age and (e) with respect to members of the New York city
11 employees' retirement system (other than a New York city uniformed
12 correction/sanitation revised plan member or an investigator revised
13 plan member) and the board of education retirement system of the city of
14 New York, a person whom the member shall have nominated in the form of a
15 written designation, duly acknowledged and filed with the head of the
16 retirement system for the purpose of section five hundred eight of this
17 article. In the event that a class of eligible beneficiaries consists of
18 more than one person, benefits shall be divided equally among the
19 persons in such class. For the purposes of section five hundred eight of
20 this article the term "eligible beneficiary" shall mean such person as
21 the member shall have nominated to receive the benefits provided in this
22 article. To be effective, such a nomination must be in the form of a
23 written designation, duly acknowledged and filed with the head of the
24 retirement system for this specific purpose. In the event such desig-
25 nated beneficiary does not survive him, or if he shall not have so
26 designated a beneficiary, such benefits shall be payable to the deceased
27 member's estate or as provided in section one thousand three hundred ten
28 of the surrogate's court procedure act.

1 12. "General member" shall mean a member subject to the provisions of
2 this article who is not a police/fire member, a New York city uniformed
3 correction/sanitation revised plan member or an investigator revised
4 plan member.

5 17. "Normal retirement age" shall be age sixty-two, for general
6 members, and the age at which a member completes or would have completed
7 twenty-two years of service, for police/fire members, New York city
8 uniformed correction/sanitation revised plan members and investigator
9 revised plan members.

10 24. "Wages" shall mean regular compensation earned by and paid to a
11 member by a public employer, except that for members who first join the
12 state and local employees' retirement system on or after January first,
13 two thousand ten, overtime compensation paid in any year in excess of
14 the overtime ceiling, as defined by this subdivision, shall not be
15 included in the definition of wages. "Overtime compensation" shall mean,
16 for purposes of this section, compensation paid under any law or policy
17 under which employees are paid at a rate greater than their standard
18 rate for additional hours worked beyond those required, including
19 compensation paid under section one hundred thirty-four of the civil
20 service law and section ninety of the general municipal law. The "over-
21 time ceiling" shall mean fifteen thousand dollars per annum on January
22 first, two thousand ten, and shall be increased by three percent each
23 year thereafter. For the purpose of calculation a member's primary
24 federal social security retirement or disability benefit, wages shall,
25 in any calendar year, be limited to the portion of the member's wages
26 which would be subject to tax under section three thousand one hundred
27 twenty-one of the internal revenue code of nineteen hundred fifty-four,
28 or any predecessor or successor provision relating thereto, if such

1 member was employed by a private employer. For members who first become
2 members of the New York state and local employees' retirement system on
3 or after the effective date of the chapter of the laws of two thousand
4 twelve which amended this subdivision, and for New York city police/fire
5 revised plan members, New York city uniformed correction/sanitation
6 revised plan members and investigator revised plan members, the follow-
7 ing items shall not be included in the definition of wages: (a) overtime
8 compensation paid under any law or policy under which employees are paid
9 at a rate greater than their standard rate for additional hours beyond
10 that required, including section one hundred thirty-four of the civil
11 service law and section ninety of the general municipal law, (b) wages
12 in excess of the annual salary paid to the governor pursuant to section
13 three of article four of the state constitution, (c) lump sum payments
14 for deferred compensation, sick leave, accumulated vacation or other
15 credits for time not worked, (d) any form of termination pay and (e) any
16 additional compensation paid in anticipation of retirement.

17 § 5. Section 501 of the retirement and social security law is amended
18 by adding three new subdivisions 25, 26 and 27 to read as follows:

19 25. "New York city uniformed correction/sanitation revised plan
20 member" shall mean a member who becomes subject to the provisions of
21 this article on or after April first, two thousand twelve, and who is a
22 member of either the uniformed force of the New York city department of
23 correction or the uniformed force of the New York city department of
24 sanitation.

25 26. "New York city police/fire revised plan member" shall mean a
26 police/fire member who becomes subject to the provisions of this article
27 on or after April first, two thousand twelve, and who is a member of

1 either the New York city police pension fund or the New York city fire
2 department pension fund.

3 27. "Investigator revised plan member" shall mean an investigator
4 member of the New York city employees' retirement system who is a police
5 officer as defined in paragraph (g) of subdivision thirty-four of
6 section 1.20 of the criminal procedure law, and who becomes subject to
7 the provisions of this article on or after April first, two thousand
8 twelve.

9 § 6. Subdivisions a and b of section 502 of the retirement and social
10 security law, as amended by section 2 of part B of chapter 504 of the
11 laws of 2009, are amended to read as follows:

12 a. A member who first joins a public retirement system of this state
13 on or after June thirtieth, nineteen hundred seventy-six shall not be
14 eligible for service retirement benefits hereunder until such member has
15 rendered a minimum of five years of creditable service after July first,
16 nineteen hundred seventy-three, except that a member who first joins the
17 New York state and local employees' retirement system on or after Janu-
18 ary first, two thousand ten shall not be eligible for service retirement
19 benefits pursuant to this article until such member has rendered a mini-
20 mum of ten years of credited service. A member who first becomes a
21 member of the New York state and local employees' retirement system on
22 or after April first, two thousand twelve shall not be eligible for
23 service retirement benefits pursuant to this article until such member
24 has rendered a minimum of twelve years of credited service.

25 b. A member who previously was a member of a public retirement system
26 of this state shall not be eligible for service retirement benefits
27 hereunder until such member has rendered a minimum of five years of
28 service which is creditable pursuant to section five hundred thirteen of

1 this article. A member who first joins the New York state and local
2 employees' retirement system on or after January first, two thousand ten
3 shall not be eligible for service retirement benefits pursuant to this
4 article until such member has rendered a minimum of ten years of credit-
5 ed service. A member who first becomes a member of the New York state
6 and local employees' retirement system on or after April first, two
7 thousand twelve shall not be eligible for service retirement benefits
8 pursuant to this article until such member has rendered a minimum of
9 twelve years of credited service.

10 § 7. Subdivisions a, c and d of section 503 of the retirement and
11 social security law, subdivision a as amended by chapter 662 of the laws
12 of 1988, subdivision c as amended by section 143 of subpart B of part C
13 of chapter 62 of the laws of 2011 and subdivision d as added by chapter
14 890 of the laws of 1976, are amended to read as follows:

15 a. The normal service retirement benefit specified in section five
16 hundred four of this article shall be payable to general members, other
17 than elective members, who have met the minimum service requirements
18 upon retirement and attainment of age sixty-two, provided, however, a
19 general member who is a peace officer employed by the unified court
20 system or a member of a teachers' retirement system may retire without
21 reduction of his or her retirement benefit upon attainment of at least
22 fifty-five years of age and completion of thirty or more years of
23 service. For members who become members of the New York state and local
24 employees' retirement system on or after April first, two thousand
25 twelve, the normal service retirement benefits specified in section five
26 hundred four of this article shall be payable to general members, other
27 than elective members, who have met the minimum service requirements
28 upon retirement and attainment of age sixty-five.

1 c. A general member shall be eligible for early service retirement at
2 age fifty-five with five years of credited service. A general member in
3 the uniformed correction force of the New York city department of
4 correction, who is not eligible for early service retirement pursuant to
5 subdivision c of section five hundred four-a of this article or subdivi-
6 sion c of section five hundred four-b of this article or subdivision c
7 of section five hundred four-d of this article, or a general member in
8 the uniformed personnel in institutions under the jurisdiction of the
9 department of corrections and community supervision, as defined in
10 subdivision i of section eighty-nine of this chapter or serving in
11 institutions who is also in a title defined in such subdivision and who
12 has made an election pursuant to the provisions of article seventeen of
13 this chapter, shall also be eligible for early service retirement after
14 twenty-five years of credited service, provided, however, that the
15 provisions of this subdivision and subdivision a of this section shall
16 not apply to a New York city uniformed correction/sanitation revised
17 plan member or an investigator revised plan member.

18 d. The normal service retirement benefit specified in section five
19 hundred five of this article shall be paid to police/fire members, New
20 York city uniformed correction/sanitation revised plan members and
21 investigator revised plan members without regard to age upon retirement
22 after twenty-two years of service. Early service retirement shall be
23 permitted upon retirement after twenty years of credited service or
24 attainment of age sixty-two, provided, however, that New York city
25 police/fire revised plan members, New York city uniformed
26 correction/sanitation revised plan members and investigator revised plan
27 members shall not be eligible to retire for service prior to the attain-
28 ment of twenty years of credited service.

1 § 8. Subdivisions a, c and d of section 504 of the retirement and
2 social security law, subdivision a as added by chapter 890 of the laws
3 of 1976, subdivision c as amended by section 3 of part B of chapter 504
4 of the laws of 2009 and subdivision d as amended by section 144 of
5 subpart B of part C of chapter 62 of the laws of 2011, are amended to
6 read as follows:

7 a. The service retirement benefit for general members at normal
8 retirement age with twenty or more years of credited service shall be a
9 pension equal to one-fiftieth of final average salary times years of
10 credited service, not in excess of thirty years, less fifty percent of
11 the primary social security retirement benefit as provided in section
12 five hundred eleven of this article. The service retirement benefit for
13 general members who first become members of the New York state and local
14 employees' retirement system on or after April first, two thousand
15 twelve at normal retirement age shall be a pension equal to one-sixtieth
16 of final average salary times years of credited service, not in excess
17 of thirty years.

18 c. The early service retirement benefit for general members, except
19 for general members whose early retirement benefit is specified in
20 subdivision d of this section, shall be the service retirement benefit
21 specified in subdivision a or b of this section, as the case may be,
22 without social security offset, reduced by one-fifteenth for each of the
23 first two years by which early retirement precedes age sixty-two, plus a
24 further reduction of: (1) one-thirtieth; or (2) one-twentieth for
25 members who first join the New York state and local employees' retire-
26 ment system on or after January first, two thousand ten, for each year
27 by which early retirement precedes age sixty. At age sixty-two, the
28 benefit shall be reduced by fifty percent of the primary social security

1 retirement benefit, as provided in section five hundred eleven of this
2 article. The provisions of this subdivision shall not apply to members
3 who first become members of the New York state and local employees'
4 retirement system on or after April first, two thousand twelve.

5 d. The early service retirement benefit for general members in the
6 uniformed correction force of the New York city department of
7 correction, who are not entitled to an early service retirement benefit
8 pursuant to subdivision c of section five hundred four-a of this article
9 or subdivision c of section five hundred four-b of this article or
10 subdivision c of section five hundred four-d of this article, or for
11 general members in the uniformed personnel in institutions under the
12 jurisdiction of the department of corrections and community supervision,
13 as defined in subdivision i of section eighty-nine of this chapter,
14 shall be a pension equal to one-fiftieth of final average salary times
15 years of credited service at the completion of twenty-five years of
16 service, but not in excess of fifty percent of final average salary,
17 provided, however, that the provisions of this section shall not apply
18 to a New York city uniformed correction/sanitation revised plan member.

19 § 9. Subdivision b of section 504-a of the retirement and social secu-
20 rity law is amended by adding a new paragraph 4-a to read as follows:

21 4-a. Notwithstanding any other provision of this subdivision or any
22 other provision of law to the contrary, no member of the uniformed force
23 of the New York city department of correction who is a New York city
24 uniformed correction/sanitation revised plan member shall be a partic-
25 ipant in the twenty-year retirement program.

26 § 10. Subdivision b of section 504-b of the retirement and social
27 security law is amended by adding a new paragraph 4-a to read as
28 follows:

1 4-a. Notwithstanding any other provision of this subdivision or any
2 other provision of law to the contrary, no member of the uniformed force
3 of the New York city department of correction who is a New York city
4 uniformed correction/sanitation revised plan member shall be a partic-
5 ipant in the twenty-year retirement program for captains and above.

6 § 11. Subdivision b of section 504-d of the retirement and social
7 security law is amended by adding a new paragraph 1-a to read as
8 follows:

9 1-a. Notwithstanding any other provision of this subdivision or any
10 other provision of law to the contrary, no member of the uniformed force
11 of the New York city department of correction who is a New York city
12 uniformed correction/sanitation revised plan member shall be a partic-
13 ipant in the twenty-year retirement program.

14 § 12. Section 505 of the retirement and social security law, as added
15 by chapter 890 of the laws of 1976, is amended to read as follows:

16 § 505. Service retirement benefits; police/fire members, New York city
17 uniformed correction/sanitation revised plan members and investigator
18 revised plan members. a. The normal service retirement benefit for
19 police/fire members, New York city uniformed correction/sanitation
20 revised plan members and investigator revised plan members at normal
21 retirement age shall be a pension equal to fifty percent of final aver-
22 age salary, less fifty percent of the primary social security retirement
23 benefit commencing at age sixty-two, as provided in section five hundred
24 eleven of this article.

25 b. The early service retirement benefit for police/fire members, New
26 York city uniformed correction/sanitation revised plan members and
27 investigator revised plan members shall be a pension equal to two and
28 one-tenths percent of final average salary times years of credited

1 service at the completion of twenty years of service or upon attainment
2 of age sixty-two, increased by one-third of one percent of final average
3 salary for each month of service in excess of twenty years, but not in
4 excess of fifty percent of final average salary, less fifty percent of
5 the primary social security retirement benefit commencing at age sixty-
6 two as provided in section five hundred eleven of this article,
7 provided, however, that New York city police/fire revised plan members,
8 New York city uniformed correction/sanitation revised plan members and
9 investigator revised plan members shall not be eligible to retire for
10 service prior to the attainment of twenty years of credited service.

11 c. A police/fire member, a New York city uniformed
12 correction/sanitation revised plan member or an investigator revised
13 plan member who retires with twenty-two years of credited service or
14 less may become eligible for annual escalation of the service retirement
15 benefit if he elects to have the payment of his benefit commence on the
16 date he would have completed twenty-two years and one month or more of
17 service. In such event, the service retirement benefit shall equal two
18 percent of final average salary for each year of credited service, less
19 fifty percent of the primary social security retirement benefit commenc-
20 ing at age sixty-two as provided in section five hundred eleven of this
21 article.

22 § 13. Subdivisions b and c of section 507 of the retirement and social
23 security law, subdivision b as amended by chapter 489 of the laws of
24 2008 and subdivision c as amended by chapter 513 of the laws of 2010,
25 are amended to read as follows:

26 b. A police/fire member in active service, a New York city uniformed
27 correction/sanitation revised plan member in active service or an inves-
28 tigator revised plan member in active service, or a vested member inca-

1 incapacitated as the result of a qualifying World Trade Center condition as
2 defined in section two of this chapter, who is not eligible for a normal
3 service retirement benefit shall be eligible for the accidental disabili-
4 ty benefit either as provided in subdivision a of this section or if
5 such member is physically or mentally incapacitated for performance of
6 duty as the natural and proximate result of an accident sustained in
7 such active service and not caused by such member's own willful negli-
8 gence.

9 c. In the case of a member of a retirement system other than the New
10 York state and local employees' retirement system, the New York state
11 teachers' retirement system, the New York city employees' retirement
12 system, the New York city board of education retirement system or the
13 New York city teachers' retirement system, or in the case of a member of
14 the New York city employees' retirement system who is a New York city
15 uniformed correction/sanitation revised plan member or an investigator
16 revised plan member, the accidental disability benefit hereunder shall
17 be a pension equal to two percent of final average salary times years of
18 credited service which such member would have attained if employment had
19 continued until such member's full escalation date, not in excess of the
20 maximum years of service creditable for the normal service retirement
21 benefit, less (i) fifty percent of the primary social security disabili-
22 ty benefit, if any, as provided in section five hundred eleven of this
23 article, and (ii) one hundred percent of any workers' compensation bene-
24 fits payable.

25 In the case of a member of the New York state and local employees'
26 retirement system, the New York state teachers' retirement system, the
27 New York city employees' retirement system (other than a New York city
28 uniformed correction/sanitation revised plan member or an investigator

1 revised plan member), the New York city board of education retirement
2 system or the New York city teachers' retirement system, the accidental
3 disability benefit hereunder shall be a pension equal to sixty percent
4 of final average salary, less (i) fifty percent of the primary social
5 security disability benefit, if any, as provided in section five hundred
6 eleven of this article, and (ii) one hundred percent of any workers'
7 compensation benefits payable. In the event a disability retiree from
8 any retirement system is not eligible for the primary social security
9 disability benefit and continues to be eligible for disability benefits
10 hereunder, such disability benefit shall be reduced by one-half of such
11 retiree's primary social security retirement benefit, commencing at age
12 sixty-two, in the same manner as provided for service retirement bene-
13 fits under section five hundred eleven of this article.

14 § 14. The opening paragraph of subdivision a of section 507-a of the
15 retirement and social security law, as amended by section 145 of subpart
16 B of part C of chapter 62 of the laws of 2011, is amended to read as
17 follows:

18 [Application] Subject to the provisions of subdivision e of this
19 section, application for a disability retirement allowance for a member
20 in the uniformed personnel in institutions under the jurisdiction of the
21 department of corrections and community supervision of New York state as
22 defined in subdivision i of section eighty-nine of this chapter or for a
23 member serving in institutions who is also in a title defined in such
24 subdivision and who has made an election pursuant to the provisions of
25 article seventeen of this chapter or the New York city department of
26 correction may be made by:

27 § 15. Section 507-a of the retirement and social security law is
28 amended by adding a new subdivision e to read as follows:

1 e. Notwithstanding the preceding subdivisions of this section to the
2 contrary, this section shall not apply to a member of the uniformed
3 force of the New York city department of correction who is a New York
4 city uniformed correction/sanitation revised plan member.

5 § 16. Subdivision a of section 507-c of the retirement and social
6 security law, as added by chapter 622 of the laws of 1997, is amended to
7 read as follows:

8 a. Any member in the uniformed personnel in institutions under the
9 jurisdiction of the New York city department of correction, who becomes
10 physically or mentally incapacitated for the performance of duties as
11 the natural and proximate result of an injury, sustained in the perform-
12 ance or discharge of his or her duties by, or as a natural and proximate
13 result of, an act of any inmate or any person confined in an institution
14 under the jurisdiction of the department of correction or the department
15 of health, or by any person who has been committed to such institution
16 by any court shall be paid a performance of duty disability retirement
17 allowance equal to three-quarters of final average salary, subject to
18 the provisions of section 13-176 of the administrative code of the city
19 of New York, provided, however, that the provisions of this section
20 shall not apply to a member of the uniformed force of the New York city
21 department of correction who is a New York city uniformed
22 correction/sanitation revised plan member.

23 § 17. Subdivision b of section 508 of the retirement and social secu-
24 rity law, as amended by chapter 601 of the laws of 1997, is amended to
25 read as follows:

26 b. A member of a retirement system subject to the provisions of this
27 article who is a policeman, fireman, correction officer, investigator
28 revised plan member or sanitation man and is in a plan which permits

1 immediate retirement upon completion of a specified period of service
2 without regard to age or who is subject to the provisions of section
3 five hundred four or five hundred five of this article, shall upon
4 completion of ninety days of service be covered for financial protection
5 in the event of death in service pursuant to this subdivision. Such
6 death benefit shall be equal to three times the member's salary raised
7 to the next highest multiple of one thousand dollars, but in no event
8 shall it exceed three times the maximum salary specified in section one
9 hundred thirty of the civil service law or, in the case of a member of a
10 retirement system other than the New York city employees' retirement
11 system, or in the case of a member of the New York city employees'
12 retirement system who is a New York city uniformed correction/sanitation
13 revised plan member or an investigator revised plan member, the specific
14 limitations specified for age of entrance into service contained in
15 subparagraphs (b), (c), (d), (e) and (f) of paragraph two of subdivision
16 a of this section.

17 § 18. Paragraph 2 of subdivision b of section 510 of the retirement
18 and social security law, as added by chapter 890 of the laws of 1976, is
19 amended to read as follows:

20 2. The first day of the month following the date on which a member
21 completes or would have completed twenty-five years of credited service,
22 with respect to service retirement benefits for police/fire members and
23 their beneficiaries, New York city uniformed correction/sanitation
24 revised plan members and their beneficiaries or investigator revised
25 plan members and their beneficiaries.

26 § 19. Subdivision f of section 511 of the retirement and social secu-
27 rity law, as amended by section 147 of subpart B of part C of chapter 62
28 of the laws of 2011, is amended to read as follows:

1 f. This section shall not apply to general members in the uniformed
2 correction force of the New York city department of correction or to
3 uniformed personnel in institutions under the jurisdiction of the
4 department of corrections and community supervision and security hospi-
5 tal treatment assistants, as those terms are defined in subdivision i of
6 section eighty-nine of this chapter, provided, however, that the
7 provisions of this section shall apply to a New York city uniformed
8 correction/sanitation revised plan member.

9 § 20. Section 512 of the retirement and social security law, as
10 amended by chapter 379 of the laws of 1986, subdivisions b and c as
11 amended by chapter 286 of the laws of 2010 and subdivision d as added by
12 chapter 749 of the laws of 1992, is amended to read as follows:

13 § 512. Final average salary. a. A member's final average salary shall
14 be the average wages earned by such a member during any three consec-
15 utive years which provide the highest average wage; provided, however,
16 if the wages earned during any year included in the period used to
17 determine final average salary exceeds that of the average of the previ-
18 ous two years by more than ten percent, the amount in excess of ten
19 percent shall be excluded from the computation of final average salary.
20 [Where] Notwithstanding the preceding provisions of this subdivision to
21 the contrary, for a member who first becomes a member of the New York
22 state and local employees' retirement system on or after April first,
23 two thousand twelve, or for a New York city police/fire revised plan
24 member, a New York city uniformed correction/sanitation revised plan
25 member or an investigator revised plan member, a member's final average
26 salary shall be the average wages earned by such a member during any
27 five consecutive years which provide the highest average wage; provided,
28 however, if the wages earned during any year included in the period used

1 to determine final average salary exceeds that of the average of the
2 previous four years by more than eight percent, the amount in excess of
3 eight percent shall be excluded from the computation of final average
4 salary. In determining final average salary pursuant to any provision of
5 this subdivision, where the period used to determine final average sala-
6 ry is the period which immediately precedes the date of retirement, any
7 month or months (not in excess of twelve) which would otherwise be
8 included in computing final average salary but during which the member
9 was on authorized leave of absence at partial pay or without pay shall
10 be excluded from the computation of final average salary and the month
11 or an equal number of months immediately preceding such period shall be
12 substituted in lieu thereof.

13 b. Notwithstanding the provisions of subdivision a of this section,
14 with respect to members of the New York state employees' retirement
15 system who first become members of the New York state and local employ-
16 ees' retirement system before April first, two thousand twelve, the New
17 York state and local police and fire retirement system and the New York
18 city teachers' retirement system, a member's final average salary shall
19 be equal to one-third of the highest total wages earned during any
20 continuous period of employment for which the member was credited with
21 three years of service credit; provided, however, if the wages earned
22 during any year of credited service included the period used to deter-
23 mine final average salary exceeds the average of the wages of the previ-
24 ous two years of credited service by more than ten percent, the amount
25 in excess of ten percent shall be excluded from the computation of final
26 average salary. For members who first become a member of the New York
27 state and local employees' retirement system on or after April first,
28 two thousand twelve, with respect to members of the New York state and

1 local employees' retirement system, a member's final average salary
2 shall be equal to one-fifth of the highest total wages earned during any
3 continuous period of employment for which the member was credited with
4 five years of service credit; provided, however, if the wages earned
5 during any year of credited service included the period used to deter-
6 mine final average salary exceeds the average of the wages of the previ-
7 ous four years of credited service by more than eight percent, the
8 amount in excess of eight percent shall be excluded from the computation
9 of final average salary.

10 c. Notwithstanding the provisions of subdivisions a and b of this
11 section, the final average salary of an employee who has been a member
12 of the New York city employees' retirement system (other than a New York
13 city correction/sanitation revised plan member or an investigator
14 revised plan member) or the New York city teachers' retirement system
15 for less than one year shall be the projected one year salary, with the
16 calculation based upon a twelve month projection of the sums earned in
17 the portion of the year worked. If a member has been employed for more
18 than one year but less than two years, then the member's final average
19 salary shall be the average of the first year and projected second year
20 earnings based upon the calculation above, and if more than two years,
21 but less than three years, then one-third the total of the first two
22 years of employment plus the projected third year's earnings, calculated
23 as indicated above.

24 d. Subject to the provisions of subdivision c of this section, and
25 notwithstanding the provisions of subdivision a of this section, with
26 respect to members of the New York city employees' retirement system
27 (other than a New York city uniformed correction/sanitation revised plan
28 member or an investigator revised plan member) and the New York city

1 board of education retirement system who are subject to the provisions
2 of this article, a member's final average salary shall be determined
3 pursuant to the provisions of paragraph thirteen of subdivision e of
4 section 13-638.4 of the administrative code of the city of New York.

5 § 21. Subdivision h of section 513 of the retirement and social secu-
6 rity law, as added by chapter 477 of the laws of 2005, is amended to
7 read as follows:

8 h. Notwithstanding any other provision of this section, any general
9 member in the uniformed correction force of the New York city department
10 of [corrections] correction who is absent without pay for a child care
11 leave of absence pursuant to regulations of the New York city department
12 of [corrections] correction shall be eligible for credit for such period
13 of child care leave provided such member files a claim for such service
14 credit with the retirement system by December thirty-first, two thousand
15 five or within ninety days of the termination of the child care leave,
16 whichever is later, and contributes to the retirement system an amount
17 which such member would have contributed during the period of such child
18 care leave, together with interest thereon. Service credit provided
19 pursuant to this subdivision shall not exceed one year of credit for
20 each period of authorized child care leave. In the event there is a
21 conflict between the provisions of this subdivision and the provisions
22 of any other law or code to the contrary, the provisions of this subdi-
23 vision shall govern, provided, however, that the provisions of this
24 subdivision shall not apply to a member of the uniformed force of the
25 New York city department of correction who is a New York city uniformed
26 correction/sanitation revised plan member.

27 § 22. Section 513 of the retirement and social security law is amended
28 by adding a new subdivision i to read as follows:

1 i. Notwithstanding any other provision of law to the contrary, New
2 York city police/fire revised plan members, New York city uniformed
3 correction/sanitation revised plan members and investigator revised plan
4 members shall not receive service credit for any undocumented sick leave
5 that may be credited toward terminal leave.

6 § 23. Subdivisions a, c and d of section 516 of the retirement and
7 social security law, subdivision a as amended by section 4 of part B of
8 chapter 504 of the laws of 2009, subdivision c as added by chapter 890
9 of the laws of 1976 and subdivision d as amended by section 148 of
10 subpart B of part C of chapter 62 of the laws of 2011, are amended and a
11 new subdivision e is added to read as follows:

12 a. A member who has five or more years of credited service or ten or
13 more years of credited service for members who first join the New York
14 state and local employees' retirement system on or after January first,
15 two thousand ten upon termination of employment shall be entitled to a
16 deferred vested benefit as provided herein. For members who first
17 become members of the New York state and local employees' retirement
18 system on or after April first, two thousand twelve, or for New York
19 city police/fire revised plan members, New York city uniformed
20 correction/sanitation revised plan members or investigator revised plan
21 members, a member who has twelve or more years of credited service upon
22 termination of employment shall be entitled to a deferred vested benefit
23 as provided herein.

24 c. 1. The deferred vested benefit of police/fire members who are not
25 New York city police/fire revised plan members shall be a pension
26 commencing at early retirement age equal to two and one-tenths percent
27 of final average salary times years of credited service, less fifty
28 percent of the primary social security retirement benefit commencing at

1 age sixty-two, as provided in section five hundred eleven of this arti-
2 cle. A police/fire member who is not a New York city police/fire revised
3 plan member may elect to receive his vested benefit commencing at early
4 retirement age or age fifty-five. If the vested benefit commences before
5 early retirement age, the benefit shall be reduced by one-fifteenth for
6 each year, if any, that the member's early retirement age is in excess
7 of age sixty, and by one-thirtieth for each additional year by which the
8 vested benefit commences prior to early retirement age. If such vested
9 benefit is deferred until after such member's normal retirement age, the
10 benefit shall be computed and subject to annual escalation in the same
11 manner as provided for an early retirement benefit pursuant to subdivi-
12 sion c of section five hundred five of this article.

13 2. The deferred vested benefit of New York city police/fire revised
14 plan members, New York city uniformed correction/sanitation revised plan
15 members and investigator revised plan members shall be a pension
16 commencing at age sixty-five equal to two and one-tenth percent of final
17 average salary times years of credited service, less fifty percent of
18 the primary social security retirement benefit commencing at age sixty-
19 two, as provided in section five hundred eleven of this article.

20 d. The deferred vested benefit of general members in the uniformed
21 correction force of the New York city department of correction, who are
22 not entitled to a deferred vested benefit under subdivision d of section
23 five hundred four-a of this article or under subdivision d of section
24 five hundred four-b of this article or under subdivision d of section
25 five hundred four-d of this article, or of general members in the
26 uniformed personnel in institutions under the jurisdiction of the
27 department of corrections and community supervision, as defined in
28 subdivision i of section eighty-nine of this chapter, with twenty or

1 more years of credited service shall be a pension commencing at normal
2 retirement age equal to one-fiftieth, or one-sixtieth for members who
3 first become members of the New York state and local employees' retire-
4 ment system on or after April first, two thousand twelve, of final aver-
5 age salary times years of credited service, not in excess of thirty
6 years. The deferred vested benefit of general members in the uniformed
7 correction force of the New York city department of correction, who are
8 not entitled to a deferred vested benefit under subdivision d of section
9 five hundred four-a of this article or under subdivision d of section
10 five hundred four-b of this article or under subdivision d of section
11 five hundred four-d of this article, or of general members in the
12 uniformed personnel in institutions under jurisdiction of the department
13 of corrections and community supervision, as defined in subdivision i of
14 section eighty-nine of this chapter, with less than twenty years of
15 credited service shall be a pension commencing at normal retirement age
16 equal to one-sixtieth of final average salary times years of credited
17 service. Such deferred vested benefit may be paid in the form of an
18 early service retirement benefit, or may be postponed until after normal
19 retirement age, in which event the benefit will be subject to reduction
20 or escalation as provided in subdivision c of section five hundred four
21 of this article. Members who first become members of the New York state
22 and local employees' retirement system on or after April first, two
23 thousand twelve shall not be entitled to such early service retirement
24 benefit. Notwithstanding any other provision of law to the contrary, the
25 provisions of this subdivision shall not apply to a member of the
26 uniformed force of the New York city department of correction who is a
27 New York city uniformed correction/sanitation revised plan member.

1 e. In no event shall the vested retirement allowance payable without
2 optional modification be less than the actuarial equivalent of the total
3 which results from the member's contributions accumulated with interest
4 at five percent per annum compounded annually to the date of retirement.

5 § 24. Subdivision a of section 517 of the retirement and social secu-
6 rity law, as added by chapter 890 of the laws of 1976, is amended to
7 read as follows:

8 a. Members shall contribute three percent of annual wages to the
9 retirement system in which they have membership, provided that such
10 contributions shall not be required for more than thirty years, for
11 general members, or twenty-five years, for police/fire members, except
12 that for members who first become members of the New York state and
13 local employees' retirement system on or after April first, two thousand
14 twelve, members with wages of thirty-two thousand dollars per annum or
15 less shall contribute four percent of annual wages, members with wages
16 between thirty-two thousand and one dollar per annum and sixty-three
17 thousand dollars per annum shall contribute five percent of annual
18 wages, and members with wages above sixty-three thousand dollars per
19 annum shall contribute six percent of annual wages. For members who
20 first become members of the New York city employees' retirement system
21 on or after April first, two thousand twelve, members with wages of
22 forty-three thousand dollars per annum or less shall contribute four
23 percent of annual wages, members with wages between forty-three thousand
24 and one dollar per annum and eighty-five thousand dollars per annum
25 shall contribute five percent of annual wages, and members with wages
26 above eighty-five thousand dollars per annum shall contribute six
27 percent of annual wages. For members who first become members of the New
28 York city police pension fund on or after April first, two thousand

1 twelve, members with wages of sixty-one thousand dollars per annum or
2 less shall contribute four percent of annual wages, members with wages
3 between sixty-one thousand and one dollar per annum and one hundred
4 twenty-two thousand dollars per annum shall contribute five percent of
5 annual wages, and members with wages above one hundred twenty-two thou-
6 sand dollars per annum shall contribute six percent of annual wages. For
7 members who first become members of the New York city fire department
8 pension fund on or after April first, two thousand twelve, members with
9 wages of sixty-three thousand dollars per annum or less shall contribute
10 four percent of annual wages, members with wages between sixty-three
11 thousand and one dollar per annum and one hundred twenty-six thousand
12 dollars per annum shall contribute five percent of annual wages, and
13 members with wages above one hundred twenty-six thousand dollars per
14 annum shall contribute six percent of annual wages, provided, however,
15 that New York city police/fire revised plan members, New York city
16 uniformed correction/sanitation revised plan members and investigator
17 revised plan members shall not be required to make such contributions
18 for more than twenty-five years. The head of each retirement system
19 shall promulgate such regulations as may be necessary and appropriate
20 with respect to the deduction of such contribution from members' wages
21 and for the maintenance of any special fund or funds with respect to
22 amounts so contributed.

23 § 25. Subdivision b of section 517-c of the retirement and social
24 security law, as amended by chapter 171 of the laws of 2011, is amended
25 to read as follows:

26 b. A member of the New York state and local employees' retirement
27 system, the New York state and local police and fire retirement system,
28 the New York city employees' retirement system or the New York city

1 board of education retirement system in active service who has credit
2 for at least one year of member service may borrow, no more than once
3 during each twelve month period, an amount not exceeding seventy-five
4 percent of the total contributions made pursuant to section five hundred
5 seventeen of this article (including interest credited at the rate set
6 forth in subdivision c of such section five hundred seventeen compounded
7 annually) and not less than one thousand dollars, provided, however,
8 that the provisions of this section shall not apply to a New York city
9 uniformed correction/sanitation revised plan member or an investigator
10 revised plan member.

11 § 26. The retirement and social security law is amended by adding a
12 new section 517-d to read as follows:

13 § 517-d. Additional employee contributions and reduced employee
14 contributions. a. In years in which the employer contribution rate
15 applicable to members of the New York state and local employees' retire-
16 ment system who first became members of such system on or after April
17 first, two thousand twelve exceeds seven per centum, such members shall
18 be required to make additional employee contributions of annual wages in
19 addition to those made pursuant to other sections of this chapter in
20 accordance with the following formula: the difference of the employer
21 contribution rate and seven per centum divided by two. In years in which
22 additional employee contributions are made pursuant to this subdivision,
23 the employer contribution rate to be paid by employers shall be reduced
24 by the value of such additional employee contributions.

25 b. In years in which the employer contribution rate applicable to
26 members of the New York state and local employees' retirement system who
27 first became members of such system on or after April first, two thou-
28 sand twelve is below four per centum, the employee contributions made

1 pursuant to section five hundred seventeen of this article shall be
2 reduced in accordance with the following formula: the difference of four
3 per centum and the employer contribution rate divided by two. In years
4 in which employee contributions are reduced pursuant to this subdivi-
5 sion, the employer contribution rate to be paid by employers shall
6 increase by the value of the employee contributions reduced pursuant to
7 this subdivision.

8 c. In years in which the employer contribution rate applicable to
9 members of the New York city employees' retirement system who first
10 became members of such system on or after April first, two thousand
11 twelve exceeds a rate to be determined by the budget director for the
12 city of New York, with the approval of the New York state director of
13 the budget, such members shall be required to make additional employee
14 contributions of annual wages in addition to those made pursuant to
15 other sections of this chapter in accordance with the following formula:
16 the difference of the employer contribution rate and a rate to be deter-
17 mined by the budget director for the city of New York, with the approval
18 of the New York state director of the budget divided by two. In years in
19 which additional employee contributions are made pursuant to this subdivi-
20 vision, the employer contribution rate to be paid by the city of New
21 York shall be reduced by the value of such additional employee contrib-
22 utions.

23 d. In years in which the employer contribution rate applicable to
24 members of the New York city employees' retirement system who first
25 became members of such system on or after April first, two thousand
26 twelve is below a rate to be determined by the budget director for the
27 city of New York, with the approval of the New York state director of
28 the budget, the employee contributions made pursuant to other sections

1 of this chapter shall be reduced in accordance with the following formu-
2 la: the difference of a rate to be determined by the budget director for
3 the city of New York, with the approval of the New York state director
4 of the budget and the employer contribution rate divided by two. In
5 years in which employee contributions are reduced pursuant to this
6 subdivision, the employer contribution rate to be paid by employers
7 shall increase by the value of the employee contributions reduced pursu-
8 ant to this subdivision.

9 e. In years in which the employer contribution rate applicable to
10 members of the New York city police pension fund who first became
11 members of such system on or after April first, two thousand twelve
12 exceeds a rate to be determined by the budget director for the city of
13 New York, with the approval of the New York state director of the budg-
14 et, such members shall be required to make additional employee contrib-
15 utions of annual wages in addition to those made pursuant to other
16 sections of this chapter in accordance with the following formula: the
17 difference of the employer contribution rate and a rate to be determined
18 by the budget director for the city of New York, with the approval of
19 the New York state director of the budget divided by two. In years in
20 which additional employee contributions are made pursuant to this subdi-
21 vision, the employer contribution rate to be paid by the city of New
22 York shall be reduced by the value of such additional employee contrib-
23 utions.

24 f. In years in which the employer contribution rate applicable to
25 members of the New York city police pension fund who first became
26 members of such system on or after April first, two thousand twelve is
27 below a rate to be determined by the budget director for the city of New
28 York, with the approval of the New York state director of the budget,

1 the employee contributions made pursuant to other sections of this chap-
2 ter shall be reduced in accordance with the following formula: the
3 difference of a rate to be determined by the budget director for the
4 city of New York, with the approval of the New York state director of
5 the budget and the employer contribution rate divided by two. In years
6 in which employee contributions are reduced pursuant to this subdivi-
7 sion, the employer contribution rate to be paid by employers shall
8 increase by the value of the employee contributions reduced pursuant to
9 this subdivision.

10 g. In years in which the employer contribution rate applicable to
11 members of the New York city fire department pension fund who first
12 became members of such system on or after April first, two thousand
13 twelve exceeds a rate to be determined by the budget director for the
14 city of New York, with the approval of the New York state director of
15 the budget, such members shall be required to make additional employee
16 contributions of annual wages in addition to those made pursuant to
17 other sections of this chapter in accordance with the following formula:
18 the difference of the employer contribution rate and a rate to be deter-
19 mined by the budget director for the city of New York, with the approval
20 of the New York state director of the budget divided by two. In years in
21 which additional employee contributions are made pursuant to this subdivi-
22 vision, the employer contribution rate to be paid by the city of New
23 York shall be reduced by the value of such additional employee contrib-
24 utions.

25 h. In years in which the employer contribution rate applicable to
26 members of the New York city fire department pension fund who first
27 became members of such system on or after April first, two thousand
28 twelve is below a rate to be determined by the budget director for the

1 city of New York, with the approval of the New York state director of
2 the budget, the employee contributions made pursuant to other sections
3 of this chapter shall be reduced in accordance with the following formu-
4 la: the difference of a rate to be determined by the budget director for
5 the city of New York, with the approval of the New York state director
6 of the budget and the employer contribution rate divided by two. In
7 years in which employee contributions are reduced pursuant to this
8 subdivision, the employer contribution rate to be paid by employers
9 shall increase by the value of the employee contributions reduced pursu-
10 ant to this subdivision.

11 § 27. Paragraphs 4 and 5 of subdivision a of section 600 of the
12 retirement and social security law, as amended by chapter 370 of the
13 laws of 1996, are amended and a new paragraph 6 is added to read as
14 follows:

15 4. Members qualified for participation in the uniformed transit police
16 force plan or housing police force plan in the New York city employees'
17 retirement [systems] system; [and]

18 5. Investigator [member] members of the New York city employees'
19 retirement system[.]; and

20 6. Members of the uniformed force of the New York city department of
21 sanitation who join or rejoin a public retirement system of the state on
22 or after April first, two thousand twelve.

23 § 28. Subdivision 1 of section 601 of the retirement and social secu-
24 rity law, as amended by section 5 of part B of chapter 504 of the laws
25 of 2009, is amended to read as follows:

26 1. "Wages" shall mean regular compensation earned by and paid to a
27 member by a public employer, except that for members who first join the
28 New York state and local employees' retirement system or the New York

1 state teachers' retirement system on or after January first, two thou-
2 sand ten, overtime compensation paid in any year in excess of the over-
3 time ceiling, as defined by this subdivision, shall not be included in
4 the definition of wages. "Overtime compensation" shall mean, for
5 purposes of this section, compensation paid under any law or policy
6 under which employees are paid at a rate greater than their standard
7 rate for additional hours worked beyond those required, including
8 compensation paid under section one hundred thirty-four of the civil
9 service law and section ninety of the general municipal law. The "over-
10 time ceiling" shall mean fifteen thousand dollars per annum on January
11 first, two thousand ten, and shall be increased by three per cent each
12 year thereafter. For members who first join a public retirement system
13 of the state on or after April first, two thousand twelve, the following
14 items shall not be included in the definition of wages: 1. overtime
15 compensation paid under any law or policy under which employees are paid
16 at a rate greater than their standard rate for additional hours beyond
17 that required, including section one hundred thirty-four of the civil
18 service law and section ninety of the general municipal law, 2. wages in
19 excess of the annual salary paid to the governor pursuant to section
20 three of article four of the state constitution, 3. lump sum payments
21 for deferred compensation, sick leave, accumulated vacation or other
22 credits for time not worked, 4. any form of termination pay, and 5. any
23 additional compensation paid in anticipation of retirement.

24 § 29. Section 601 of the retirement and social security law is amended
25 by adding a new subdivision m to read as follows:

26 m. "New York city revised plan member" shall mean a member of the New
27 York city employees' retirement system, the New York city teachers'
28 retirement system or the board of education retirement system of the

1 city of New York who becomes subject to the provisions of this article
2 on or after April first, two thousand twelve.

3 § 30. Subdivisions a, b and b-1 of section 602 of the retirement and
4 social security law, subdivisions a and b as separately amended by
5 section 6 of part B and section 1 of part C of chapter 504 of the laws
6 of 2009 and subdivision b-1 as added by section 2 of part C of chapter
7 504 of the laws of 2009, are amended to read as follows:

8 a. Except as provided in subdivision b-1 of this section, a member who
9 first joins a public retirement system of this state on or after July
10 first, nineteen hundred seventy-six shall not be eligible for service
11 retirement benefits hereunder until such member has rendered a minimum
12 of five years of credited service, except that a member who first joins
13 the New York state and local employees' retirement system or the New
14 York state teachers' retirement system on or after January first, two
15 thousand ten shall not be eligible for service retirement benefits
16 pursuant to this article until such member has rendered a minimum of ten
17 years of credited service. A member who first becomes a member of a
18 public retirement system of the state on or after April first, two thou-
19 sand twelve shall not be eligible for service retirement benefits pursu-
20 ant to this article until such member has rendered a minimum of twelve
21 years of credited service.

22 b. Except as provided in subdivision b-1 of this section, a member who
23 previously was a member of a public retirement system of this state
24 shall not be eligible for service retirement benefits hereunder until
25 such member has rendered a minimum of five years of service which is
26 credited pursuant to section six hundred nine of this article. A member
27 who first joins the New York state and local employees' retirement
28 system or the New York state teachers' retirement system on or after

1 January first, two thousand ten shall not be eligible for service
2 retirement benefits pursuant to this article until such member has
3 rendered a minimum of ten years of credited service. A member who first
4 becomes a member of a public retirement system of the state on or after
5 April first, two thousand twelve shall not be eligible for service
6 retirement benefits pursuant to this article until such member has
7 rendered a minimum of twelve years of credited service.

8 b-1. Notwithstanding the provisions of subdivision a or b of this
9 section or any other provision of law to the contrary, (i) a member of
10 the New York city teachers' retirement system who holds a position
11 represented by the recognized teacher organization for collective
12 bargaining purposes, and who became subject to the provisions of this
13 article after the effective date of this subdivision, or (ii) a member
14 of the New York city board of education retirement system who holds a
15 position represented by the recognized teacher organization for collec-
16 tive bargaining purposes, and who became subject to the provisions of
17 this article after the effective date of this subdivision, shall not be
18 eligible for service retirement benefits hereunder until such member has
19 rendered a minimum of ten years of credited service, provided, however,
20 that no such member of either of such retirement systems who is a New
21 York city revised plan member shall be eligible for service retirement
22 benefits pursuant to this article until such member has rendered a mini-
23 mum of twelve years of credited service.

24 § 31. Subdivision a of section 603 of the retirement and social secu-
25 rity law, as amended by section 7 of part B of chapter 504 of the laws
26 of 2009, is amended and a new subdivision a-1 is added to read as
27 follows:

1 a. The service retirement benefit specified in section six hundred
2 four of this article shall be payable to members who have met the mini-
3 mum service requirements upon retirement and attainment of age sixty-
4 two, other than members who are eligible for early service retirement
5 pursuant to subdivision c of section six hundred four-b of this article,
6 subdivision c of section six hundred four-c of this article, subdivision
7 d of section six hundred four-d of this article, subdivision c of
8 section six hundred four-e of this article, subdivision c of section six
9 hundred four-f of this article, subdivision c of section six hundred
10 four-g of this article, subdivision c of section six hundred four-h of
11 this article or subdivision c of section six hundred four-i of this
12 article, provided, however, a member of a teachers' retirement system or
13 the New York state and local employees' retirement system who first
14 joins such system before January first, two thousand ten or a member who
15 is a uniformed court officer or peace officer employed by the unified
16 court system who first becomes a member of the New York state and local
17 employees' retirement system before April first, two thousand twelve may
18 retire without reduction of his or her retirement benefit upon attain-
19 ment of at least fifty-five years of age and completion of thirty or
20 more years of service, provided, however, that a uniformed court officer
21 or peace officer employed by the unified court system who first becomes
22 a member of the New York state and local employees' retirement system on
23 or after January first, two thousand ten and retires without reduction
24 of his or her retirement benefit upon attainment of at least fifty-five
25 years of age and completion of thirty or more years of service pursuant
26 to this section shall be required to make the member contributions
27 required by subdivision f of section six hundred thirteen of this arti-
28 cle for all years of credited and creditable service, provided further

1 that the the preceding provisions of this subdivision shall not apply to
2 a New York city revised plan member.

3 a-1. For members who first become a member of a public retirement
4 system of the state on or after April first, two thousand twelve, the
5 service retirement benefit specified in section six hundred four of this
6 article shall be payable to members who have met the minimum service
7 requirements upon retirement and have attained age sixty-five.

8 § 32. Subdivision i of section 603 of the retirement and social secu-
9 rity law, as amended by section 8 of part B of chapter 504 of the laws
10 of 2009, is amended to read as follows:

11 i. The provisions of this subdivision shall not apply to members who
12 first become a member of a public retirement system of the state on or
13 after April first, two thousand twelve. 1. A member of a teachers'
14 retirement system or the New York state and local employees' retirement
15 system who has met the minimum service requirements but who has less
16 than thirty years of credited service or a member who first joins the
17 New York state and local employees' retirement system or the New York
18 state teachers' retirement system on or after January first, two thou-
19 sand ten may retire prior to normal retirement age, but no earlier than
20 attainment of age fifty-five, in which event, unless such person is a
21 member of the New York city teachers' retirement system who is otherwise
22 eligible for early service retirement pursuant to subdivision c of
23 section six hundred four-i of this article, the amount of his or her
24 retirement benefit otherwise computed without optional modification
25 shall be reduced in accordance with the following schedule: (i) for
26 each of the first twenty-four full months that retirement predates age
27 sixty-two, one-half of one per centum per month; provided, however, that
28 for members who first join the New York state and local employees'

1 retirement system or the New York state teachers' retirement system on
2 or after January first, two thousand ten, such amounts shall be equal to
3 one-fifteenth per year; and

4 (ii) for each full month that retirement predates age sixty, one-quar-
5 ter of one per centum per month; provided, however, that for members who
6 first join the New York state and local employees' retirement system or
7 the New York state teachers' retirement system on or after January
8 first, two thousand ten, such amounts shall be equal to one-twentieth
9 per year, but in no event shall retirement be permitted prior to attain-
10 ment of age fifty-five.

11 2. A member of the New York city employees' retirement system or the
12 board of education retirement system of the city of New York who has met
13 the minimum service requirement, but who is not (a) a participant in the
14 twenty-five-year early retirement program, as defined in paragraph ten
15 of subdivision a of section six hundred four-c of this article (as added
16 by chapter ninety-six of the laws of nineteen hundred ninety-five), or
17 (b) a participant in the age fifty-seven retirement program, as defined
18 in paragraph three of subdivision b of section six hundred four-d of
19 this article, or (c) a New York city transit authority member, as
20 defined in paragraph one of subdivision a of section six hundred four-b
21 of this article, may retire prior to normal retirement age, but no
22 earlier than attainment of age fifty-five, in which event, unless such
23 person is a member of the board of education retirement system of such
24 city who is otherwise eligible for early service retirement pursuant to
25 subdivision c of section six hundred four-i of this article, the amount
26 of his or her retirement benefit computed without optional modification
27 shall be reduced in accordance with the following schedule:

1 (i) for each of the first twenty-four full months that retirement
2 predates age sixty-two, one-half of one per centum per month; and

3 (ii) for each full month that retirement predates age sixty, one-quar-
4 ter of one per centum per month, but in no event shall retirement be
5 permitted prior to attainment of age fifty-five.

6 § 33. Subdivision t of section 603 of the retirement and social secu-
7 rity law, as added by section 8-a of part B of chapter 504 of the laws
8 of 2009, is amended to read as follows:

9 t. Members who join the New York state teachers' retirement system on
10 or after January first, two thousand ten, shall be eligible to retire
11 without reduction of his or her retirement benefit upon attainment of at
12 least fifty-seven years of age and completion of thirty or more years of
13 service. Members who retire pursuant to the provisions of this subdivi-
14 sion shall be required to make the member contributions required by
15 subdivision g of section six hundred thirteen of this article for all
16 years of credited and creditable service. The provisions of this subdivi-
17 vision shall not apply to members who first become a member of the New
18 York state teachers' retirement system on or after April first, two
19 thousand twelve.

20 § 34. Section 604 of the retirement and social security law is amended
21 by adding a new subdivision b-1 to read as follows:

22 b-1. The service retirement benefit for members who first become a
23 member of a public retirement system of the state on or after April
24 first, two thousand twelve at age sixty-five shall be a pension equal to
25 one-sixtieth of final average salary times years of credited service,
26 not in excess of thirty years. Credited service in excess of thirty
27 years shall provide an additional retirement allowance equal to three
28 two-hundredths of the final average salary for each year of credited

1 service in excess of thirty years. In no event shall any retirement
2 benefit payable without optional modification be less than the actuari-
3 ally equivalent annuitized value of the member's contributions accumu-
4 lated with interest at five percent per annum compounded annually to the
5 date of retirement.

6 § 35. Paragraph 1 of subdivision d of section 604-b of the retirement
7 and social security law, as amended by chapter 10 of the laws of 2000,
8 is amended to read as follows:

9 1. A participant in the twenty-five-year and age fifty-five retirement
10 program who:

11 (i) discontinues city-service and service as a member of the New York
12 city transit authority other than by death or retirement; and

13 (ii) in the case of a participant who is not a New York city revised
14 plan member, prior to such discontinuance, completed five but less than
15 twenty-five years of allowable service in the transit authority or, in
16 the case of a participant who is a New York city revised plan member,
17 has completed twelve but less than twenty-five years of allowable
18 service in the transit authority prior to such discontinuance; and

19 (iii) has paid, prior to such discontinuance, all additional member
20 contributions and interest, if any, required by subdivision e of this
21 section; and

22 (iv) does not withdraw in whole or in part his or her accumulated
23 member contributions pursuant to section six hundred thirteen of this
24 article unless such participant thereafter returns to public service and
25 repays the amounts so withdrawn, together with interest, pursuant to
26 such section six hundred thirteen of this article; shall be entitled to
27 receive a deferred vested benefit as provided in section six hundred
28 twelve of this article.

1 § 36. Subparagraph (ii) of paragraph 3 of subdivision d of section
2 604-b of the retirement and social security law, as added by chapter 352
3 of the laws of 1997, is amended to read as follows:

4 (ii) [Such] In the case of a participant who is not a New York city
5 revised plan member, such vested benefit shall become payable on the
6 earliest date on which such discontinued member could have retired for
7 service if such discontinuance had not occurred or, in the case of a
8 participant who is a New York city revised plan member, such vested
9 benefit shall become payable at age sixty-five.

10 § 37. Subdivision b of section 604-c of the retirement and social
11 security law, as added by chapter 96 of the laws of 1995, is amended by
12 adding a new paragraph 2-a to read as follows:

13 2-a. Notwithstanding any other provision of this subdivision or any
14 other provision of law to the contrary, no member who becomes subject to
15 the provisions of this article on or after the effective date of this
16 paragraph shall be a participant in the twenty-five-year early retire-
17 ment program.

18 § 38. Paragraph 1 of subdivision d of section 604-c of the retirement
19 and social security law, as amended by chapter 659 of the laws of 1999,
20 is amended to read as follows:

21 1. A participant in the twenty-year/age fifty retirement program who:

22 (i) discontinues service as a Triborough bridge and tunnel member,
23 other than by death or retirement; and

24 (ii) in the case of a participant who is not a New York city revised
25 plan member, prior to such discontinuance, completed five but less than
26 twenty years of credited service or, in the case of a participant who is
27 a New York city revised plan member, has completed twelve but less than
28 twenty years of credited service; and

1 (iii) has paid, prior to such discontinuance, all additional member
2 contributions and interest (if any) required by subdivision e of this
3 section; and

4 (iv) does not withdraw in whole or in part his or her accumulated
5 member contributions pursuant to section six hundred thirteen of this
6 article unless such participant thereafter returns to public service and
7 repays the amounts so withdrawn, together with interest, pursuant to
8 such section six hundred thirteen; shall be entitled to receive a
9 deferred vested benefit as provided in this subdivision.

10 § 39. Subparagraph (ii) of paragraph 2 of subdivision d of section
11 604-c of the retirement and social security law, as added by chapter 472
12 of the laws of 1995, is amended to read as follows:

13 (ii) [Such] In the case of a participant who is not a New York city
14 revised plan member, such vested benefit shall become payable on the
15 earliest date on which such discontinued member could have retired for
16 service if such discontinuance had not occurred or, in the case of a
17 participant who is a New York city revised plan member, such vested
18 benefit shall become payable at age sixty-five.

19 § 40. Subdivision c of section 604-d of the retirement and social
20 security law is amended by adding a new paragraph 3-a to read as
21 follows:

22 3-a. Notwithstanding any other provision of this subdivision or any
23 other provision of law to the contrary, no member who becomes subject to
24 the provisions of this article on or after the effective date of this
25 paragraph shall be a participant in the age fifty-seven retirement
26 program.

1 § 41. Paragraph 1 of subdivision d of section 604-e of the retirement
2 and social security law, as added by chapter 576 of the laws of 2000, is
3 amended to read as follows:

4 1. A participant in the twenty-five year retirement program:

5 (i) who discontinues service as such a participant, other than by
6 death or retirement; and

7 (ii) in the case of a participant who is not a New York city revised
8 plan member, who prior to such discontinuance, completed five but less
9 than twenty-five years of allowable service as a dispatcher member or,
10 in the case of a participant who is a New York city revised plan member,
11 who prior to such discontinuance, completed twelve but less than twen-
12 ty-five years of allowable service as a dispatcher member; and

13 (iii) who, subject to the provisions of paragraph seven of subdivision
14 e of this section, has paid, prior to such discontinuance, all addi-
15 tional member contributions and interest (if any) required by subdivi-
16 sion e of this section; and

17 (iv) who does not withdraw in whole or in part his or her accumulated
18 member contributions pursuant to section six hundred thirteen of this
19 article unless such participant thereafter returns to public service and
20 repays the amounts so withdrawn, together with interest, pursuant to
21 such section six hundred thirteen; shall be entitled to receive a
22 deferred vested benefit as provided in this subdivision.

23 § 42. Subparagraph (ii) of paragraph 2 of subdivision d of section
24 604-e of the retirement and social security law, as added by chapter 576
25 of the laws of 2000, is amended to read as follows:

26 (ii) [Such] In the case of a participant who is not a New York city
27 revised plan member, such vested benefit shall become payable on the
28 earliest date on which such discontinued member could have retired for

1 service if such discontinuance had not occurred or, in the case of a
2 participant who is a New York city revised plan member, such vested
3 benefit shall become payable at age sixty-five.

4 § 43. Paragraph 1 of subdivision d of section 604-e of the retirement
5 and social security law, as added by chapter 577 of the laws of 2000, is
6 amended to read as follows:

7 1. A participant in the twenty-five year retirement program:

8 (i) who discontinues service as such a participant, other than by
9 death or retirement; and

10 (ii) in the case of a participant who is not a New York city revised
11 plan member, who prior to such discontinuance, completed five but less
12 than twenty-five years of allowable service as an EMT member or, in the
13 case of a participant who is a New York city revised plan member, who
14 prior to such discontinuance, completed twelve but less than twenty-five
15 years of allowable service as an EMT member; and

16 (iii) who, subject to the provisions of paragraph seven of subdivision
17 e of this section, has paid, prior to such discontinuance, all addi-
18 tional member contributions and interest (if any) required by subdivi-
19 sion e of this section; and

20 (iv) who does not withdraw in whole or in part his or her accumulated
21 member contributions pursuant to section six hundred thirteen of this
22 article unless such participant thereafter returns to public service and
23 repays the amounts so withdrawn, together with interest, pursuant to
24 such section six hundred thirteen; shall be entitled to receive a
25 deferred vested benefit as provided in this subdivision.

26 § 44. Subparagraph (ii) of paragraph 2 of subdivision d of section
27 604-e of the retirement and social security law, as added by chapter 577
28 of the laws of 2000, is amended to read as follows:

1 (ii) [Such] In the case of a participant who is not a New York city
2 revised plan member, such vested benefit shall become payable on the
3 earliest date on which such discontinued member could have retired for
4 service if such discontinuance had not occurred or, in the case of a
5 participant who is a New York city revised plan member, such vested
6 benefit shall become payable at age sixty-five.

7 § 45. Paragraph 1 of subdivision d of section 604-f of the retirement
8 and social security law, as added by chapter 559 of the laws of 2001, is
9 amended to read as follows:

10 1. A participant in the twenty-five year retirement program:

11 (i) who discontinues service as such a participant, other than by
12 death or retirement; and

13 (ii) in the case of a participant who is not a New York city revised
14 plan member, who prior to such discontinuance, completed five but less
15 than twenty-five years of credited service or, in the case of a partic-
16 ipant who is a New York city revised plan member, who prior to such
17 discontinuance, completed twelve but less than twenty-five years of
18 credited service; and

19 (iii) who, subject to the provisions of paragraph seven of subdivision
20 e of this section, has paid, prior to such discontinuance, all addi-
21 tional member contributions and interest (if any) required by subdivi-
22 sion e of this section; and

23 (iv) who does not withdraw in whole or in part his or her accumulated
24 member contributions pursuant to section six hundred thirteen of this
25 article unless such participant thereafter returns to public service and
26 repays the amounts so withdrawn, together with interest, pursuant to
27 such section six hundred thirteen; shall be entitled to receive a
28 deferred vested benefit as provided in this subdivision.

1 § 46. Subparagraph (ii) of paragraph 2 of subdivision d of section
2 604-f of the retirement and social security law, as added by chapter 559
3 of the laws of 2001, is amended to read as follows:

4 (ii) [Such] In the case of a participant who is not a New York city
5 revised plan member, such vested benefit shall become payable on the
6 earliest date on which such discontinued member could have retired for
7 service if such discontinuance had not occurred or, in the case of a
8 participant who is a New York city revised plan member, such vested
9 benefit shall become payable at age sixty-five.

10 § 47. Paragraph 1 of subdivision d of section 604-f of the retirement
11 and social security law, as added by chapter 582 of the laws of 2001, is
12 amended to read as follows:

13 1. A participant in the twenty-five year retirement program:

14 (i) who discontinues service as such a participant, other than by
15 death or retirement; and

16 (ii) in the case of a participant who is not a New York city revised
17 plan member, who prior to such discontinuance, completed five but less
18 than twenty-five years of allowable service as a special officer, park-
19 ing control specialist, school safety agent, campus peace officer or
20 taxi and limousine inspector member or, in the case of a participant who
21 is a New York city revised plan member, who prior to such discontin-
22 uance, completed twelve but less than twenty-five years of allowable
23 service as a special officer, parking control specialist, school safety
24 agent, campus peace officer or taxi and limousine inspector member; and

25 (iii) who, subject to the provisions of paragraph seven of subdivision
26 e of this section, has paid, prior to such discontinuance, all addi-
27 tional member contributions and interest, if any, required by subdivi-
28 sion e of this section; and

1 (iv) who does not withdraw in whole or in part his or her accumulated
2 member contributions pursuant to section six hundred thirteen of this
3 article unless such participant thereafter returns to public service and
4 repays the amounts so withdrawn, together with interest, pursuant to
5 such section six hundred thirteen; shall be entitled to receive a
6 deferred vested benefit as provided in this subdivision.

7 § 48. Subparagraph (ii) of paragraph 2 of subdivision d of section
8 604-f of the retirement and social security law, as added by chapter 582
9 of the laws of 2001, is amended to read as follows:

10 (ii) [Such] In the case of a participant who is not a New York city
11 revised plan member, such vested benefit shall become payable on the
12 earliest date on which such discontinued member could have retired for
13 service if such discontinuance had not occurred or, in the case of a
14 participant who is a New York city revised plan member, such vested
15 benefit shall become payable at age sixty-five.

16 § 49. Paragraph 1 of subdivision d of section 604-g of the retirement
17 and social security law, as added by chapter 414 of the laws of 2002, is
18 amended to read as follows:

19 1. A participant in the twenty-five year/age fifty retirement program:

20 (i) who discontinues service as such a participant, other than by
21 death or retirement; and

22 (ii) in the case of a participant who is not a New York city revised
23 plan member, who prior to such discontinuance, completed five but less
24 than twenty-five years of credited service or, in the case of a partic-
25 ipant who is a New York city revised plan member, who prior to such
26 discontinuance, completed twelve but less than twenty-five years of
27 credited service; and

1 (iii) who, subject to the provisions of paragraph seven of subdivision
2 e of this section, has paid, prior to such discontinuance, all addi-
3 tional member contributions and interest (if any) required by subdivi-
4 sion e of this section; and

5 (iv) who does not withdraw in whole or in part his or her accumulated
6 member contributions pursuant to section six hundred thirteen of this
7 article unless such participant thereafter returns to public service and
8 repays the amounts so withdrawn, together with interest, pursuant to
9 such section six hundred thirteen; shall be entitled to receive a
10 deferred vested benefit as provided in this subdivision.

11 § 50. Subparagraph (ii) of paragraph 2 of subdivision d of section
12 604-g of the retirement and social security law, as added by chapter 414
13 of the laws of 2002, is amended to read as follows:

14 (ii) [Such] In the case of a participant who is not a New York city
15 revised plan member, such vested benefit shall become payable on the
16 earliest date on which such discontinued member could have retired for
17 service if such discontinuance had not occurred or, in the case of a
18 participant who is a New York city revised plan member, such vested
19 benefit shall become payable at age sixty-five.

20 § 51. Paragraph 1 of subdivision d of section 604-h of the retirement
21 and social security law, as added by chapter 682 of the laws of 2003, is
22 amended to read as follows:

23 1. A participant in the twenty-five year retirement program:

24 (i) who discontinues service as such a participant, other than by
25 death or retirement; and

26 (ii) in the case of a participant who is not a New York city revised
27 plan member, who prior to such discontinuance, completed five but less
28 than twenty-five years of credited service or, in the case of a partic-

1 ipant who is a New York city revised plan member, who prior to such
2 discontinuance, completed twelve but less than twenty-five years of
3 credited service; and

4 (iii) who, subject to the provisions of paragraph seven of subdivision
5 e of this section, has paid, prior to such discontinuance, all addi-
6 tional member contributions and interest (if any) required by subdivi-
7 sion e of this section; and

8 (iv) who does not withdraw in whole or in part his or her accumulated
9 member contributions pursuant to section six hundred thirteen of this
10 article unless such participant thereafter returns to public service and
11 repays the amounts so withdrawn, together with interest, pursuant to
12 such section six hundred thirteen; shall be entitled to receive a
13 deferred vested benefit as provided in this subdivision.

14 § 52. Subparagraph (ii) of paragraph 2 of subdivision d of section
15 604-h of the retirement and social security law, as added by chapter 682
16 of the laws of 2003, is amended to read as follows:

17 (ii) [Such] In the case of a participant who is not a New York city
18 revised plan member, such vested benefit shall become payable on the
19 earliest date on which such discontinued member could have retired for
20 service if such discontinuance had not occurred or, in the case of a
21 participant who is a New York city revised plan member, such vested
22 benefit shall become payable at age sixty-five.

23 § 53. Subdivision b of section 604-i of the retirement and social
24 security law is amended by adding a new paragraph 5-a to read as
25 follows:

26 5-a. Notwithstanding any other provision of this subdivision or any
27 other provision of law to the contrary, no member who becomes subject to
28 the provisions of this article on or after the effective date of this

1 paragraph shall be a participant in the age fifty-five retirement
2 program.

3 § 54. Subdivisions a, b, c and d of section 608 of the retirement and
4 social security law, subdivision a as amended by chapter 379 of the laws
5 of 1986, subdivisions b and c as amended by chapter 286 of the laws of
6 2010 and subdivision d as added by chapter 749 of the laws of 1992, are
7 amended to read as follows:

8 a. [A] For members who first become members of a public retirement
9 system of the state before April first, two thousand twelve, a member's
10 final average salary shall be the average wages earned by such a member
11 during any three consecutive years which provide the highest average
12 wage; provided, however, if the wages earned during any year included in
13 the period used to determine final average salary exceeds that of the
14 average of the previous two years by more than ten percent, the amount
15 in excess of ten percent shall be excluded from the computation of final
16 average salary. For members who first become members of the New York
17 state and local employees' retirement system or the New York state
18 teachers' retirement system on or after April first, two thousand
19 twelve, a member's final average salary shall be the average wages
20 earned by such member during any five consecutive years which provide
21 the highest average wage; provided, however, if the wages earned during
22 any year included in the period used to determine final average salary
23 exceeds that of the average of the previous four years by more than
24 eight percent, the amount in excess of eight percent shall be excluded
25 from the computation of final average salary. Where the period used to
26 determine final average salary is the period which immediately precedes
27 the date of retirement, any month or months (not in excess of twelve)
28 which would otherwise be included in computing final average salary but

1 during which the member was on authorized leave of absence at partial
2 pay or without pay shall be excluded from the computation of final aver-
3 age salary and the month or an equal number of months immediately
4 preceding such period shall be substituted in lieu thereof.

5 b. Notwithstanding the provisions of subdivision a of this section,
6 with respect to members who first became members of the New York state
7 and local employees' retirement system and the New York city teachers'
8 retirement system before April first, two thousand twelve, a member's
9 final average salary shall be equal to one-third of the highest total
10 wages earned by such member during any continuous period of employment
11 for which the member was credited with three years of service credit;
12 provided, however, if the wages earned during any year of credited
13 service included in the period used to determine final average salary
14 exceeds the average of the wages of the previous two years of credited
15 service by more than ten percent, the amount in excess of ten percent
16 shall be excluded from the computation of final average salary. With
17 respect to members who first become members of the New York state and
18 local employees' retirement system and the New York city teachers'
19 retirement system on or after April first, two thousand twelve, a
20 member's final average salary shall be equal to one-fifth of the highest
21 total wages earned by such member during any continuous period of
22 employment for which the member was credited with five years of service
23 credit; provided, however, if the wages earned during any year of cred-
24 ited service included in the period used to determine final average
25 salary exceeds the average of the wages of the previous four years of
26 credited service by more than eight percent, the amount in excess of
27 eight percent shall be excluded from the computation of final average
28 salary.

1 c. Notwithstanding the provisions of subdivisions a and b of this
2 section, the final average salary of an employee who has been a member
3 of the New York city employees' retirement system or the New York city
4 teachers' retirement system for less than one year shall be the project-
5 ed one year salary, with the calculation based upon a twelve month
6 projection of the sums earned in the portion of the year worked. If a
7 member has been employed for more than one year but less than two years,
8 then the member's final average salary shall be the average of the first
9 year and projected second year earnings based upon the calculation
10 above, and if more than two years, but less than three years, then one-
11 third the total of the first two years of employment plus the projected
12 third year's earnings, calculated as indicated above, provided that this
13 subdivision shall not apply to a New York city revised plan member of
14 the New York city employees' retirement system or a New York city
15 revised plan member of the New York city teachers' retirement system.

16 d. Subject to the provisions of subdivision c of this section, and
17 notwithstanding the provisions of subdivision a of this section, with
18 respect to members of the New York city employees' retirement system and
19 the New York city board of education retirement system who are subject
20 to the provisions of this article, a member's final average salary shall
21 be determined pursuant to the provisions of paragraph fourteen of subdi-
22 vision e of section 13-638.4 of the administrative code of the city of
23 New York, provided, however, that the applicable provisions and limita-
24 tions of the term "wages", as defined in subdivision 1 of section six
25 hundred one of this article, shall apply to such determinations of final
26 average salary.

1 § 55. Paragraph 2 of subdivision b of section 609 of the retirement
2 and social security law, as amended by section 8-c of part B of chapter
3 504 of the laws of 2009, is amended to read as follows:

4 2. Previous service credit shall not be granted unless such member
5 applies therefor and repays the amount refunded by a public retirement
6 system of the state for service rendered after July first, nineteen
7 hundred seventy-six together with interest through the date of repayment
8 at the rate of five percent per annum compounded annually and three
9 percent of the wages earned for service prior to that date together with
10 interest from July first, nineteen hundred seventy-six through the date
11 of payment at the rate of five percent per annum compounded annually and
12 three percent of the wages earned for service which predates the date of
13 entry into the retirement system together with interest at the rate of
14 five percent per annum compounded annually from the date of such service
15 until the date of payment. Anything in this paragraph to the contrary
16 notwithstanding, in order to obtain credit for previous service, members
17 who first join the New York state teachers' retirement system on or
18 after January first, two thousand ten shall pay three and one-half
19 percent of wages earned for service which predates the date of entry
20 into the retirement system together with interest at the rate of five
21 percent per annum compounded annually from the date of such service
22 until the date of payment. Anything in this paragraph to the contrary
23 notwithstanding, in order to obtain credit for previous service, members
24 who first join a public retirement system of the state on or after April
25 first, two thousand twelve shall pay six percent of wages earned for
26 service which predates the date of entry into the retirement system
27 together with interest at the rate of five percent per annum compounded
28 annually from the date of such service until the date of payment.

1 § 56. Section 609 of the retirement and social security law is amended
2 by adding a new subdivision h to read as follows:

3 h. Notwithstanding any other provision of law to the contrary, a New
4 York city revised plan member shall not receive service credit for any
5 undocumented sick leave that may be credited toward terminal leave.

6 § 57. Subdivisions a and a-1 of section 612 of the retirement and
7 social security law, subdivision a as separately amended by section 9 of
8 part B and section 3 of part C of chapter 504 of the laws of 2009 and
9 subdivision a-1 as added by section 4 of part C of chapter 504 of the
10 laws of 2009, are amended to read as follows:

11 a. Except as provided in subdivision a-1 of this section, a member who
12 has five or more years of credited service, or ten or more years of
13 credited service for a member who first joined the New York state and
14 local employees' retirement system or the New York state teachers'
15 retirement system on or after January first, two thousand ten, upon
16 termination of employment, other than a member who is entitled to a
17 deferred vested benefit pursuant to any other provision of this article,
18 shall be entitled to a deferred vested benefit at normal retirement age
19 computed in accordance with the provisions of section six hundred four
20 of this article. Except as provided in subdivision a-1 of this section,
21 a member of a teachers' retirement system or the New York state and
22 local employees' retirement system who has five or more years of credit-
23 ed service, or ten or more years of credited service for a member who
24 first becomes a member of the New York state and local employees'
25 retirement system or the New York state teachers' retirement system on
26 or after January first, two thousand ten, upon termination of employment
27 shall be entitled to a deferred vested benefit prior to normal retire-
28 ment age, but no earlier than age fifty-five, computed in accordance

1 with the provisions of subdivision i of section six hundred three of
2 this article as amended by section eight of part B of chapter five
3 hundred four of the laws of two thousand nine. Anything to the contrary
4 notwithstanding, a member of a public retirement system of the state who
5 first became a member of such system on or after April first, two thou-
6 sand twelve must have at least twelve years of credited service in order
7 to qualify for a deferred vested benefit under this section; such member
8 shall not be entitled to such benefit prior to the member's attainment
9 of age sixty-five; and such deferred vested benefit shall be computed
10 pursuant to subdivision b-1 of section six hundred four of this article.

11 a-1. Notwithstanding the provisions of subdivision a of this section
12 or any other provision of law to the contrary, (i) a member of the New
13 York city teachers' retirement system who holds a position represented
14 by the recognized teacher organization for collective bargaining
15 purposes, who became subject to the provisions of this article after the
16 effective date of this subdivision, and who has ten or more years of
17 credited service, or (ii) a member of the New York city board of educa-
18 tion retirement system who holds a position represented by the recog-
19 nized teacher organization for collective bargaining purposes, who
20 became subject to the provisions of this article after the effective
21 date of this subdivision, and who has ten or more years of credited
22 service, other than such a member of either of such retirement systems
23 who is entitled to a deferred vested benefit pursuant to any other
24 provision of this article, shall, upon termination of employment, be
25 entitled to a deferred vested benefit at normal retirement age computed
26 in accordance with the provisions of section six hundred four of this
27 article. Notwithstanding the provisions of subdivision a of this
28 section or any other provision of law to the contrary, a member of the

1 New York city teachers' retirement system who holds a position repres-
2 ented by the recognized teacher organization for collective bargaining
3 purposes, who became subject to the provisions of this article after the
4 effective date of this subdivision, and who has ten or more years of
5 credited service, shall, upon termination of employment, be entitled to
6 a deferred vested benefit prior to normal retirement age, but no earlier
7 than age fifty-five, computed in accordance with the provisions of
8 subdivision i of section six hundred three of this article, provided,
9 however, that any such member of either of such retirement systems who
10 is a New York city revised plan member shall be required to have at
11 least twelve years of credited service in order to be eligible for a
12 deferred vested benefit, such member shall not be entitled to payability
13 of such benefit prior to attainment of age sixty-five and such deferred
14 vested benefit shall be computed pursuant to subdivision b-1 of section
15 six hundred four of this article.

16 § 58. Paragraphs 1 and 2 of subdivision a and subdivisions c, f and g
17 of section 613 of the retirement and social security law, paragraph 1 of
18 subdivision a as amended and paragraph 2 of subdivision a as added by
19 chapter 10 of the laws of 2000, subdivision c as amended by chapter 389
20 of the laws of 1998 and subdivisions f and g as added by section 9-a of
21 part B of chapter 504 of the laws of 2009, are amended to read as
22 follows:

23 1. Except as provided by paragraph two of this subdivision, members
24 shall contribute three percent of annual wages to the retirement system
25 in which they have membership, except that for members who first become
26 members of the New York state and local employees' retirement system on
27 or after April first, two thousand twelve, members with wages of thir-
28 ty-two thousand dollars per annum or less shall contribute four percent

1 of annual wages, members with wages between thirty-two thousand and one
2 dollar per annum and sixty-three thousand dollars per annum shall
3 contribute five percent of annual wages, and members with wages above
4 sixty-three thousand per annum shall contribute six percent of annual
5 wages. For members who first become members of the New York city
6 employees' retirement system on or after April first, two thousand
7 twelve, members with wages of forty-three thousand dollars per annum or
8 less shall contribute four percent of annual wages, members with wages
9 between forty-three thousand and one dollar per annum and eighty-five
10 thousand dollars per annum shall contribute five percent of annual
11 wages, and members with wages above eighty-five thousand per annum shall
12 contribute six percent of annual wages. For members who first become
13 members of the New York city teachers' retirement system on or after
14 April first, two thousand twelve, members with wages of forty-seven
15 thousand dollars per annum or less shall contribute four percent of
16 annual wages, members with wages between forty seven thousand and one
17 dollar per annum and ninety-four thousand dollars per annum shall
18 contribute five percent of annual wages, and members with wages above
19 ninety-four thousand per annum shall contribute six percent of annual
20 wages. For members who first become members of the New York city board
21 of education retirement system on or after April first, two thousand
22 twelve, members with wages of twenty-six thousand dollars per annum or
23 less shall contribute four percent of annual wages, members with wages
24 between twenty-six thousand and one dollar per annum and fifty-two thou-
25 sand dollars per annum shall contribute five percent of annual wages,
26 and members with wages above fifty-two thousand per annum shall contrib-
27 ute six percent of annual wages. The head of each retirement system
28 shall promulgate such regulations as may be necessary and appropriate

1 with respect to the deduction of such contribution from members' wages
2 and for the maintenance of any special fund or funds with respect to
3 amounts so contributed.

4 2. A member of the New York city employees' retirement system who is
5 eligible to be a participant in the twenty-five-year and age fifty-five
6 retirement program, as defined by paragraph five of subdivision a of
7 section six hundred four-b of this article shall contribute two percent
8 of annual wages to such system effective on the starting date of the
9 elimination of additional member contributions, as defined in an
10 election made pursuant to paragraph ten of subdivision e of section six
11 hundred four-b of this article, except that for members who first become
12 members of the New York city employees' retirement system on or after
13 April first, two thousand twelve, members with wages of forty-three
14 thousand dollars per annum or less shall contribute four percent of
15 annual wages, members with wages between forty-three thousand and one
16 dollar per annum and eighty-five thousand dollars per annum shall
17 contribute five percent of annual wages, and members with wages above
18 eighty-five thousand per annum shall contribute six percent of annual
19 wages.

20 c. Notwithstanding any other provision of law to the contrary, a
21 person whose membership in a public retirement system has terminated
22 other than as a result of transfer, retirement or death, or a member of
23 a public retirement system who is not vested and not entitled to any
24 other benefit from such system under this article, and who no longer is
25 employed by a participating employer of such public retirement system in
26 a position upon which his or her membership is based, may withdraw his
27 or her member contributions by filing a written demand for withdrawal of
28 contributions and membership pursuant to rules and regulations promul-

1 gated by the public retirement system of which he or she is a member.
2 Upon the death of a person whose membership previously terminated due to
3 lack of credited service and who did not withdraw his or her member
4 contributions, or upon the death of a member, provided a death benefit
5 pursuant to section six hundred seven of this article is not paid, the
6 member contributions of such person shall be refunded to such person as
7 he or she shall have nominated to receive a death benefit by written
8 designation duly executed and filed with the public retirement system
9 or, in the absence of such designation, to his or her estate. For
10 purposes of such refunds, interest shall be credited at the rate of five
11 percent per annum compounded annually to the date of termination of
12 membership. Provided, however, if a death benefit is paid pursuant to
13 section six hundred seven of this article, such benefit shall be in lieu
14 of the refund of such contributions pursuant to this subdivision, howev-
15 er, in no event shall such death benefit be less than the amount payable
16 pursuant to this subdivision. Notwithstanding the above, or any other
17 provision of law to the contrary, a member may, upon separation from
18 service of the state or a participating employer, withdraw his or her
19 member contributions pursuant to the applicable provision of law until
20 such date as such individual has accrued ten years of credited service
21 in such system. However, the withdrawal of contributions pursuant to
22 this section by an individual who has accrued at least five years of
23 creditable service shall terminate his or her membership and all rights
24 in such retirement system in the same manner as withdrawal of contrib-
25 utions would terminate the membership of an individual who has not
26 attained vested status. Nothing in this section shall be construed as
27 permitting an individual who has accrued at least ten years of credit in
28 a retirement system to withdraw member contributions, or twelve years of

1 credit in a public retirement system of the state for members who first
2 become members of a public retirement system of the state on or after
3 April first, two thousand twelve.

4 f. Anything in subdivision a of this section to the contrary notwith-
5 standing a member employed as a uniformed court officer or peace officer
6 in the unified court system who first joins the New York state and local
7 employees' retirement system on or after January first, two thousand ten
8 shall contribute four percent of annual wages to the New York state and
9 local employees' retirement system, except that for members who first
10 become members of the New York state and local employees' retirement
11 system on or after April first, two thousand twelve, members with wages
12 of thirty-two thousand dollars per annum or less shall contribute four
13 percent of annual wages, members with wages between thirty-two thousand
14 and dollar per annum and sixty-three thousand dollars per annum shall
15 contribute five percent of annual wages, and members with wages above
16 sixty-three thousand per annum shall contribute six percent of annual
17 wages. The head of the New York state and local employees' retirement
18 system shall promulgate such regulations as may be necessary and appro-
19 priate with respect to the deduction of such contribution from members'
20 wages and for the maintenance of any special fund or funds with respect
21 to amounts so contributed.

22 g. Members who first join the New York state teachers' retirement
23 system on or after January first, two thousand ten shall contribute
24 three and one-half percent of annual wages to the New York state teach-
25 ers' retirement system, except that for members who first become members
26 of the New York state teachers' retirement system on or after April
27 first, two thousand twelve, members with wages of thirty-five thousand
28 dollars per annum or less shall contribute four percent of annual wages,

1 members with wages between thirty-five thousand and one dollar per annum
2 and sixty-nine thousand dollars per annum shall contribute five percent
3 of annual wages, and members with wages above sixty-nine thousand per
4 annum shall contribute six percent of annual wages. The head of the New
5 York state teachers' retirement system shall promulgate such regulations
6 as may be necessary and appropriate with respect to the deduction of
7 such contribution from members' wages and for the maintenance of any
8 special fund or funds with respect to amounts so contributed.

9 § 59. The retirement and social security law is amended by adding a
10 new section 613-c to read as follows:

11 § 613-c. Additional employee contributions and reduced employee
12 contributions. a. In years in which the employer contribution rate
13 applicable to members of the New York state and local employees' retire-
14 ment system who first became members of such system on or after April
15 first, two thousand twelve exceeds seven per centum, such members shall
16 be required to make additional employee contributions of annual wages in
17 addition to those made pursuant to other sections of this chapter in
18 accordance with the following formula: the difference of the employer
19 contribution rate and seven per centum divided by two. In years in which
20 additional employee contributions are made pursuant to this subdivision,
21 the employer contribution rate to be paid by employers shall be reduced
22 by the value of such additional employee contributions.

23 b. In years in which the employer contribution rate applicable to
24 members of the New York state and local employees' retirement system who
25 first became members of such system on or after April first, two thou-
26 sand twelve is below four per centum, the employee contributions made
27 pursuant to section six hundred thirteen of this article shall be
28 reduced in accordance with the following formula: the difference of four

1 per centum and the employer contribution rate divided by two. In years
2 in which employee contributions are reduced pursuant to this subdivi-
3 sion, the employer contribution rate to be paid by employers shall
4 increase by the value of the employee contributions reduced pursuant to
5 this subdivision.

6 c. In years in which the employer contribution rate associated with
7 members of the New York state teachers' retirement system who first
8 became members of such system on or after April first, two thousand
9 twelve, exceeds seven per centum, such members shall be required to make
10 additional employee contributions of annual wages in addition to those
11 made pursuant to other sections of this chapter in accordance with the
12 following formula: the difference of the employer contribution rate and
13 seven per centum divided by two. In years in which additional employee
14 contributions are made pursuant to this subdivision, the employer
15 contribution rate to be paid by employers on the salaries of members who
16 first became members of the New York state teachers' retirement system
17 on or after April first, two thousand twelve shall be reduced by the
18 value of such additional employee contributions.

19 d. In years in which the employer contribution rate associated with
20 members of the New York state teachers' retirement system who first
21 became members of such system on or after April first, two thousand
22 twelve, is below four per centum, the employee contributions made by
23 such employees pursuant to section six hundred thirteen of this article
24 shall be reduced in accordance with the following formula: the differ-
25 ence of four per centum and the employer contribution rate divided by
26 two. In years in which employee contributions are reduced pursuant to
27 this subdivision, the employer contribution rate to be paid by employers
28 on the salaries of members who first became members of the New York

1 state teachers' retirement system on or after April first, two thousand
2 twelve shall be reduced by the value of such additional employee
3 contributions.

4 e. In years in which the employer contribution rate applicable to
5 members of the New York city employees' retirement system who first
6 became members of such system on or after April first, two thousand
7 twelve exceeds a rate to be determined by the budget director for the
8 city of New York, with the approval of the New York state director of
9 the budget, such members shall be required to make additional employee
10 contributions of annual wages in addition to those made pursuant to
11 other sections of this chapter in accordance with the following formula:
12 the difference of the employer contribution rate and a rate to be deter-
13 mined by the budget director for the city of New York, with the approval
14 of the New York state director of the budget divided by two. In years in
15 which additional employee contributions are made pursuant to this subdi-
16 vision, the employer contribution rate to be paid by the city of New
17 York shall be reduced by the value of such additional employee contrib-
18 utions.

19 f. In years in which the employer contribution rate applicable to
20 members of the New York city employees' retirement system who first
21 became members of such system on or after April first, two thousand
22 twelve is below a rate to be determined by the budget director for the
23 city of New York, with the approval of the New York state director of
24 the budget, the employee contributions made pursuant to other sections
25 of this chapter shall be reduced in accordance with the following formu-
26 la: the difference of a rate to be determined by the budget director for
27 the city of New York, with the approval of the New York state director
28 of the budget and the employer contribution rate divided by two. In

1 years in which employee contributions are reduced pursuant to this
2 subdivision, the employer contribution rate to be paid by employers
3 shall increase by the value of the employee contributions reduced pursu-
4 ant to this subdivision.

5 g. In years in which the employer contribution rate applicable to
6 members of the New York city teachers' retirement system who first
7 became members of such system on or after April first, two thousand
8 twelve exceeds a rate to be determined by the budget director for the
9 city of New York, with the approval of the New York state director of
10 the budget, such members shall be required to make additional employee
11 contributions of annual wages in addition to those made pursuant to
12 other sections of this chapter in accordance with the following formula:
13 the difference of the employer contribution rate and a rate to be deter-
14 mined by the budget director for the city of New York, with the approval
15 of the New York state director of the budget divided by two. In years in
16 which additional employee contributions are made pursuant to this subdi-
17 vision, the employer contribution rate to be paid by the city of New
18 York shall be reduced by the value of such additional employee contrib-
19 utions.

20 h. In years in which the employer contribution rate applicable to
21 members of the New York city teachers' retirement system who first
22 became members of such system on or after April first, two thousand
23 twelve is below a rate to be determined by the budget director for the
24 city of New York, with the approval of the New York state director of
25 the budget, the employee contributions made pursuant to other sections
26 of this chapter shall be reduced in accordance with the following formu-
27 la: the difference of a rate to be determined by the budget director for
28 the city of New York, with the approval of the New York state director

1 of the budget and the employer contribution rate divided by two. In
2 years in which employee contributions are reduced pursuant to this
3 subdivision, the employer contribution rate to be paid by employers
4 shall increase by the value of the employee contributions reduced pursu-
5 ant to this subdivision.

6 i. In years in which the employer contribution rate applicable to
7 members of the New York city board of education retirement system who
8 first became members of such system on or after April first, two thou-
9 sand twelve exceeds a rate to be determined by the budget director for
10 the city of New York, with the approval of the New York state director
11 of the budget, such members shall be required to make additional employ-
12 ee contributions of annual wages in addition to those made pursuant to
13 other sections of this chapter in accordance with the following formula:
14 the difference of the employer contribution rate and a rate to be deter-
15 mined by the budget director for the city of New York, with the approval
16 of the New York state director of the budget divided by two. In years in
17 which additional employee contributions are made pursuant to this subdi-
18 vision, the employer contribution rate to be paid by the city of New
19 York shall be reduced by the value of such additional employee contrib-
20 utions.

21 j. In years in which the employer contribution rate applicable to
22 members of the New York city board of education retirement system who
23 first became members of such system on or after April first, two thou-
24 sand twelve is below a rate to be determined by the budget director for
25 the city of New York, with the approval of the New York state director
26 of the budget, the employee contributions made pursuant to other
27 sections of this chapter shall be reduced in accordance with the follow-
28 ing formula: the difference of a rate to be determined by the budget

1 director for the city of New York, with the approval of the New York
2 state director of the budget and the employer contribution rate divided
3 by two. In years in which employee contributions are reduced pursuant to
4 this subdivision, the employer contribution rate to be paid by employers
5 shall increase by the value of the employee contributions reduced pursu-
6 ant to this subdivision.

7 § 60. Section 650 of the retirement and social security law, as
8 amended by chapter 746 of the laws of 1989, is amended to read as
9 follows:

10 § 650. Application. This article shall apply to a member of the New
11 York city employees' retirement system (i) who holds the position of
12 bridge and tunnel officer, sergeant or lieutenant with the Triborough
13 bridge and tunnel authority, and has received or receives an appointment
14 to at least one such position from a competitive civil service list; or
15 (ii) who holds the position of assistant bridge and tunnel maintainer,
16 bridge and tunnel maintainer, senior bridge and tunnel maintainer or
17 laborer with the Triborough bridge and tunnel authority, provided,
18 however, that this article shall not apply to a New York city revised
19 plan member (as defined in subdivision m of section six hundred one of
20 this chapter).

21 § 61. Paragraphs 1 and 1-a of subdivision b of section 911 of the
22 retirement and social security law, paragraph 1 as amended by section 5
23 and paragraph 1-a as added by section 6 of part C of chapter 504 of the
24 laws of 2009, are amended to read as follows:

25 1. Subject to the provisions of paragraph one-a of this subdivision,
26 and except as provided in paragraph one-b of this subdivision, an eligi-
27 ble member (i) with a date of membership in a retirement system on or
28 after July twenty-seventh, nineteen hundred seventy-six and (ii) who has

1 ten or more years of membership or ten or more years of credited service
2 with a retirement system under the provisions of article fourteen or
3 fifteen of this chapter shall not be required to contribute to a retire-
4 ment system pursuant to section five hundred seventeen or six hundred
5 thirteen of this chapter as of the cessation date.

6 1-a. Notwithstanding the provisions of paragraph one of this subdivi-
7 sion or any other provision of law to the contrary, and except as
8 provided in paragraph one-b of this subdivision, a member of the New
9 York city teachers' retirement system or the New York city board of
10 education retirement system:

11 (i) who is a twenty-seven year participant in the age fifty-five
12 retirement program (as defined in paragraph twelve of subdivision a of
13 section six hundred four-i of this chapter), and

14 (ii) who becomes subject to the provisions of article fifteen of this
15 chapter after the effective date of this paragraph, shall contribute to
16 a retirement system pursuant to section six hundred thirteen of this
17 chapter until he or she has completed twenty-seven years of credited
18 service.

19 § 62. Subdivision b of section 911 of the retirement and social secu-
20 rity law is amended by adding a new paragraph 1-b to read as follows:

21 1-b. The provisions of this subdivision shall not apply to a New York
22 city uniformed correction/sanitation revised plan member (as defined in
23 subdivision twenty-five of section five hundred one of this chapter), an
24 investigator revised plan member (as defined in subdivision twenty-seven
25 of section five hundred one of this chapter) or a New York city revised
26 plan member (as defined in subdivision m of section six hundred one of
27 this chapter).

1 § 63. Section 1000 of the retirement and social security law is
2 amended by adding a new subdivision 10 to read as follows:

3 10. Anything to the contrary in subdivision four of this section
4 notwithstanding, to obtain such credit, a member who first joins a
5 public retirement system of the state on or after April first, two thou-
6 sand twelve shall pay such retirement system, for deposit in the fund
7 used to accumulate employer contributions, a sum equal to the product of
8 the number of years of military service being claimed and six percent of
9 such member's compensation earned during the twelve months of credited
10 service immediately preceding the date that the member made application
11 for credit pursuant to this section.

12 § 64. Subdivision a of section 1202 of the retirement and social secu-
13 rity law, as added by section 1 of part A of chapter 504 of the laws of
14 2009, is amended and a new subdivision c is added to read as follows:

15 a. In order to qualify for a service retirement benefit, members
16 subject to the provisions of this article must have a minimum of ten
17 years of creditable service, except that a member who first becomes a
18 member of the retirement system on or after April first, two thousand
19 twelve shall not be eligible for service retirement benefits pursuant to
20 this article until such member has rendered a minimum of twelve years of
21 credited service.

22 c. In no event shall the vested retirement allowance payable without
23 optional modification be less than the actuarial equivalent of the total
24 which results from the member's contributions accumulated with interest
25 at five percent per annum compounded annually to the date of retirement.

26 § 65. Section 1204 of the retirement and social security law, as added
27 by section 1 of part A of chapter 504 of the laws of 2009, is amended to
28 read as follows:

1 § 1204. Member contributions. Members who are subject to the
2 provisions of this article shall contribute three percent of annual
3 wages to the retirement system in which they have membership, except
4 that for members who first become members of the New York state and
5 local police and fire retirement system on or after April first, two
6 thousand twelve, members with wages of sixty-six thousand dollars per
7 annum or less shall contribute four percent of annual wages, members
8 with wages between sixty-six thousand and one dollar per annum and one
9 hundred thirty-two thousand dollars per annum shall contribute five
10 percent of annual wages, and members with wages above one hundred thir-
11 ty-two thousand per annum shall contribute six percent of annual wages.
12 Members who are enrolled in a retirement plan that limits the amount of
13 creditable service a member can accrue shall not be required to make
14 contributions pursuant to this section after accruing the maximum amount
15 of service credit allowed by the retirement plan in which they are
16 enrolled. The state comptroller shall promulgate such regulations as may
17 be necessary and appropriate with respect to the deduction of such
18 contribution from members' wages and for the maintenance of any special
19 fund or funds with respect to amounts so contributed. In no way shall
20 the member contributions made pursuant to this section be used to
21 provide for pension increases or annuities of any kind.

22 § 66. The retirement and social security law is amended by adding a
23 new section 1208 to read as follows:

24 § 1208. Additional employee contributions and reduced employee
25 contributions. a. In years in which the employer contribution rate
26 applicable to members of the New York state and local police and fire
27 retirement system who first became members of such system on or after
28 April first, two thousand twelve exceeds fourteen per centum, such

1 members shall be required to make additional employee contributions of
2 annual wages in addition to those made pursuant to section twelve
3 hundred four of this article in accordance with the following formula:
4 the difference of the employer contribution rate and fourteen per centum
5 divided by two. In years in which additional employee contributions are
6 made pursuant to this subdivision, the employer contribution rate to be
7 paid by employers shall be reduced by the value of such additional
8 employee contributions.

9 b. In years in which the employer contribution rate applicable to
10 members of the New York state and local police and fire retirement
11 system who first became members of such system on or after April first,
12 two thousand twelve is below ten per centum, the employee contributions
13 made pursuant to section twelve hundred four of this article shall be
14 reduced in accordance with the following formula: the difference of four
15 per centum and the employer contribution rate divided by two. In no
16 event, however, shall the employee contribution rate be less than zero
17 per centum of wages. In years in which employee contributions are
18 reduced pursuant to this subdivision, the employer contribution rate to
19 be paid by employers shall increase by the value of the employee
20 contributions reduced pursuant to this subdivision.

21 § 67. The retirement and social security law is amended by adding a
22 new section 1209 to read as follows:

23 § 1209. Final average salary. For members who first become members of
24 the New York state and local police and fire retirement system on or
25 after April first, two thousand twelve, a member's final average salary
26 shall be equal to one-fifth of the highest total wages earned by such
27 member during any continuous period of employment for which the member
28 was credited with five years of service credit; provided, however, if

1 the wages earned during any year of credited service included in the
2 period used to determine final average salary exceeds the average of the
3 wages of the previous four years of credited service by more than eight
4 percent, the amount in excess of eight percent shall be excluded from
5 the computation of final average salary. Wages in excess of the annual
6 salary paid to the governor pursuant to section three of article four of
7 the state constitution shall be excluded from the computation of final
8 average salary for members who first become members of the New York
9 state and local police and fire retirement system on or after April
10 first, two thousand twelve.

11 § 68. The retirement and social security law is amended by adding a
12 new section 1210 to read as follows:

13 § 1210. Wages. For members who first become members of the New York
14 state and local police and fire retirement system on or after April
15 first, two thousand twelve, the following items shall not be included in
16 the definition of wages: a. overtime compensation paid under any law or
17 policy under which employees are paid at a rate greater than their stan-
18 dard rate for additional hours beyond that required, including section
19 one hundred thirty-four of the civil service law and section ninety of
20 the general municipal law, b. wages in excess of the annual salary paid
21 to the governor pursuant to section three of article four of the state
22 constitution, c. lump sum payments for deferred compensation, sick
23 leave, accumulated vacation or other credits for time not worked, d. any
24 form of termination pay, and e. any additional compensation paid in
25 anticipation of retirement.

26 § 69. Paragraph 2 of subdivision b of section 23-a of the retirement
27 and social security law, as added by section 1 of part A of chapter 49
28 of the laws of 2003, is amended to read as follows:

1 2. requiring a minimum annual contribution from the state and every
2 participating employer (exclusive of payments for group term life insur-
3 ance, deficiency payments, adjustments relating to prior fiscal years'
4 obligations and obligations pertaining to retirement incentives or any
5 other obligations that the state or participating employer is permitted
6 to pay on an amortized basis) equal to four and one-half percent of
7 pensionable salaries. Notwithstanding any other section of law, this
8 section shall not be applicable to pensionable salaries of members who
9 first become members of the New York state and local employees' retire-
10 ment system on or after April first, two thousand twelve. Effective
11 immediately upon implementation by the comptroller of the comprehensive
12 structural reform program set forth in this section, and in all subse-
13 quent years, participating employers shall pay either the required annu-
14 al contribution determined under the revised schedule pertaining to the
15 valuation, billing and payment of contributions pursuant to paragraph
16 one of this subdivision, or the required minimum annual contribution of
17 four and one-half percent of pensionable salaries, whichever is greater;
18 and

19 § 70. Paragraph 2 of subdivision b of section 323-a of retirement and
20 social security law, as added by section 2 of part A of chapter 49 of
21 the laws of 2003, is amended to read as follows:

22 2. requiring a minimum annual contribution from the state and every
23 participating employer (exclusive of payments for group term life insur-
24 ance, deficiency payments, adjustments relating to prior fiscal years'
25 obligations and obligations pertaining to retirement incentives or any
26 other obligations that the state or participating employer is permitted
27 to pay on an amortized basis) equal to four and one-half percent of
28 pensionable salaries. Notwithstanding any other section of law, this

1 section shall not be applicable to pensionable salaries of members who
2 first become members of the New York state and local employees' retire-
3 ment system on or after April first, two thousand twelve. Effective
4 immediately upon implementation by the comptroller of the comprehensive
5 structural reform program set forth in this section, and in all subse-
6 quent years, participating employers shall pay either the required annu-
7 al contribution determined under the revised schedule pertaining to the
8 valuation, billing and payment of contributions pursuant to paragraph
9 one of this subdivision, or the required minimum annual contribution of
10 four and one-half percent of pensionable salaries, whichever is greater;
11 and

12 § 71. The retirement and social security law is amended by adding a
13 new article 23 to read as follows:

14 ARTICLE 23

15 DEFINED CONTRIBUTION PROGRAM

16 Section 1250. Definitions.

17 1251. Defined contribution programs established.

18 1252. Rates of contribution.

19 1253. Enrollment.

20 1254. Death benefit.

21 1255. Inconsistent provisions of other acts superseded.

22 § 1250. Definitions. Wherever used in this article the following terms
23 shall have the following meanings:

24 a. The term "public retirement system of the state" shall mean the New
25 York state and local employees' retirement system, the New York state
26 teachers' retirement system, the New York state and local police and
27 fire retirement system, the New York city employees' retirement system,
28 the New York city teachers' retirement system, the New York city board

1 of education retirement system, the New York city police pension fund,
2 and the New York city fire pension fund.

3 b. The terms "optional member" and "optional members" mean those
4 employees who are members of a public retirement system of the state who
5 first became members of such systems on or after April first, two thou-
6 sand twelve and make an election to join the defined contribution
7 program established pursuant to this article pursuant to the provisions
8 of section twelve hundred fifty-three of this article.

9 c. The terms "program participant" and "program participants" mean
10 those employees electing to participate in the defined contribution
11 program.

12 d. The term "defined contribution program" means the retirement
13 program established pursuant to this article.

14 e. The term "wages" shall mean regular compensation earned by and paid
15 to a member by a public employer, except that the following items shall
16 not be included in the definition of wages: (i) overtime compensation
17 paid under any law or policy under which employees are paid at a rate
18 greater than their standard rate for additional hours beyond that
19 required, including sections one hundred thirty-four of the civil
20 service law and section ninety of the general municipal law, (ii) wages
21 in excess of the annual salary paid to the governor pursuant to section
22 three of article four of the state constitution, (iii) lump sum payments
23 for deferred compensation, sick leave, accumulated vacation or other
24 credits for time not worked, (iv) any form of termination pay, and (v)
25 any additional compensation paid in anticipation of retirement.

26 § 1251. Defined contribution programs established. There is hereby
27 established a defined contribution program within each public retirement
28 system of the state which shall provide for retirement benefits for or

1 on behalf of program participants. Under such program the state, the
2 city of New York and other participating employers and such employees
3 shall contribute, to the extent authorized or required, to such defined
4 contribution accounts. The programs shall be administered by the retire-
5 ment system in which the program participant is a member. Each public
6 retirement system of the state is authorized to promulgate all such
7 rules and regulations as may be necessary or required to implement the
8 defined contribution programs established pursuant to this article,
9 including such rules and regulations as may be necessary to comply with
10 the applicable provisions of title twenty-six of the United States Code
11 relating to defined contribution plans and their qualification and oper-
12 ation and all such rules and regulations as may be necessary or required
13 regarding the collection of employer and member contributions, invest-
14 ment of contributions, withdrawals and distribution of member accounts,
15 nomination of beneficiaries, the assessment and collection from employ-
16 ers of costs and expenses incurred in the establishment and operation of
17 the plan, and all other matters pertaining thereto. Each public retire-
18 ment system of the state is authorized to enter into such agreements
19 with qualified providers as may be necessary or desirable for the
20 investment of member accounts and the general administration of the
21 plan.

22 § 1252. Rates of contribution. a. 1. The employer shall make a
23 contribution equal to four percent of each program participants' wages.
24 Such contributions shall be known as "basic employer contributions".

25 2. The employer shall contribute an amount equal to the contribution
26 made by each program participant, provided however, that such additional
27 contributions shall not exceed three percent of each program partic-

1 ipant's wages. Such contributions shall be known as "matching employer
2 contributions".

3 b. In the case of any program participants, employees shall be allowed
4 to contribute an amount up to the maximum allowable amount, inclusive of
5 basic and matching employer contributions, permitted by federal law in
6 26 U.S.C. 401 et seq. and the rules and regulations of the United States
7 department of the treasury promulgated thereunder.

8 c. No contributions pursuant to subdivision a of this section shall be
9 made by the employer until the program participant completes one year of
10 service and continues in service thereafter. At the end of a program
11 participant's initial year of service, a single contribution in an
12 amount determined pursuant to subdivision a of this section, with inter-
13 est at the rate of four per centum per annum, shall be made by the
14 employer, on behalf of such program participant continued in service.

15 § 1253. Enrollment. a. Employees who first become members of a public
16 retirement system of the state on or after April first, two thousand
17 twelve, within thirty days of his or her entry into service, shall have
18 the ability to elect the defined contribution program established pursu-
19 ant to this article. Such election shall be in writing, shall be duly
20 executed and filed with the retirement system of which he or she is a
21 member and shall be irrevocable as long as such person is a member of a
22 public retirement system of the state. All eligible employees who elect
23 the defined contribution program shall not accrue credited service for
24 any purpose under any other article of this chapter or any other appli-
25 cable law.

26 b. All program participants enrolled in the defined contribution
27 program shall not accrue credited service to be used for any purpose
28 under any other article of this chapter or any other applicable law.

1 § 1254. Death benefit. a. Program participants shall receive the
2 following financial protection in the event of death in service: a bene-
3 fit upon the death of a member in service equal to the member's salary
4 upon his or her completion of one year of service, two years' salary
5 upon completion of two years of service, and three years' salary upon
6 completion of three years of service.

7 b. For the purposes of this section: 1. the death benefit payable
8 shall be in lieu of the payment of the basic employer contributions and
9 matching employer contributions made pursuant to this article, but shall
10 not be less than the value of such contributions and 2. the value of the
11 employee contributions shall be payable in addition to the death benefit
12 payable pursuant to this section.

13 § 1255. Inconsistent provisions of other acts superseded. Insofar as
14 the provisions of this article are inconsistent with the provisions of
15 any other act, general or special, the provisions of this article shall
16 be controlling.

17 § 72. Subdivisions 1 and 2 of section 182 of the education law, subdivi-
18 sion 1 as amended by chapter 63 of the laws of 1993 and subdivision 2
19 as added by chapter 1076 of the laws of 1968, are amended to read as
20 follows:

21 1. Employer contributions. In the case of any electing employee
22 initially appointed on or before June thirtieth, nineteen hundred nine-
23 ty-two, the state shall, during continuance of his employment, make
24 contributions at the rate of nine [percentum] per centum of that portion
25 of his state salary upon which contributions are or may hereafter be
26 paid to the secretary of the treasury of the United States pursuant to
27 article three of the retirement and social security law and at the rate
28 of twelve [percentum] per centum of that portion of his state salary

1 above said amount, out of moneys which shall be appropriated to the
2 department for such purpose. In the case of any electing employee
3 initially appointed on or after July first, nineteen hundred ninety-two,
4 the state shall, during continuance of his employment, make contrib-
5 utions at the rate of eight [percentum] per centum of his state salary
6 during the first seven years of such employment and at the rate of ten
7 percentum of his state salary, thereafter, out of moneys which shall be
8 appropriated to the department for such purpose. In the case of any
9 electing employee initially appointed on or after April first, two thou-
10 sand twelve, the state shall, during continuance of his or her employ-
11 ment, make contributions at the rate of four per centum of his or her
12 state salary out of moneys which shall be appropriated to the department
13 for such purpose. For electing employees appointed on or after April
14 first, two thousand twelve, the state shall make additional contrib-
15 utions equal to the contribution made by each electing employee,
16 provided, however that such additional contributions shall not exceed
17 three percent of each electing employee's annual wages. For purposes of
18 this subdivision, that portion of the employee's salary upon which
19 contributions are paid to the secretary of the treasury of the United
20 States pursuant to article three of the retirement and social security
21 law shall not exceed sixteen thousand five hundred dollars.

22 2. Employee contributions. In the case of any electing employee,
23 contributions at the rate of three [percentum] per centum of his state
24 salary shall be deducted by the state comptroller as the employee
25 contribution, provided, however, no employee contributions shall be
26 required for any electing employee initially appointed on or after April
27 first, two thousand twelve, provided however, that such employee
28 contribution shall be made by the state in accordance with subdivision

1 one of this section during such period as (a) either section seventy-a
2 of the retirement and social security law or section five hundred twen-
3 ty-eight of [the education law] this title provides that the contrib-
4 ution of each member of the New York state employees' retirement system
5 or the New York state teachers' retirement system in the employ of the
6 state shall be reduced by at least eight [percentum] per centum of his
7 compensation, or (b) employee contributions to either such system are no
8 longer required by reason of such system becoming noncontributory for
9 state employees.

10 § 73. Subdivisions 1 and 2 of section 392 of the education law, as
11 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-
12 sion 2 as added by chapter 617 of the laws of 2007, are amended to read
13 as follows:

14 1. Employer contributions. In the case of any electing employee
15 initially appointed on or before June thirtieth, nineteen hundred nine-
16 ty-two, the state, with respect to employees of state university, and
17 the electing employer, with respect to employees of a community college,
18 shall, during continuance of his employment, make contributions at the
19 rate of nine [percentum] per centum of that portion of his salary upon
20 which contributions, if any, are or may hereafter be paid to the secre-
21 tary of the treasury of the United States pursuant to article three of
22 the retirement and social security law and at the rate of twelve
23 [percentum] per centum of any portion of his salary upon which such
24 contributions are not paid, out of monies which shall be appropriated to
25 state university or which shall be available to the electing employer
26 for such purpose. In the case of any electing employee initially
27 appointed on or after July first, nineteen hundred ninety-two, the
28 state, with respect to employees of the state university and the elect-

1 ing employer, with respect to employees of a community college, shall,
2 during continuance of his employment, make contributions at the rate of
3 eight [percentum] per centum of his salary during the first seven years
4 of such employment and at the rate of ten [percentum] per centum of his
5 salary thereafter, out of monies which shall be appropriated to the
6 state university or which shall be available to the electing employer
7 for such purpose. In the case of any electing employee initially
8 appointed on or after April first, two thousand twelve, the state, with
9 respect to employees of the state university and the electing employer,
10 with respect to employees of a community college, shall, during contin-
11 uance of his employment, make contributions at the rate of four per
12 centum of his salary out of monies which shall be appropriated to the
13 state university or which shall be available to the electing employer
14 for such purpose. For electing employees initially appointed on or
15 after April first, two thousand twelve, the state shall make additional
16 contributions equal to the contribution made by each electing employee,
17 provided, however that such additional contributions shall not exceed
18 three percent of each electing employee's annual wages. For purposes of
19 this subdivision, that portion of the employee's salary upon which
20 contributions are or may thereafter be paid to the secretary of the
21 treasury of the United States pursuant to article three of the retire-
22 ment and social security law shall be deemed not to exceed sixteen thou-
23 sand five hundred dollars.

24 2. Employee contributions. (a) In the case of any electing employee,
25 contributions at the rate of three [percentum] per centum of his salary
26 shall be deducted as the employee contribution by the comptroller, or by
27 the appropriate fiscal officer with respect to an electing employer,
28 provided, however, that no employee contributions shall be required for

1 any electing employee initially appointed on or after April first, two
2 thousand twelve, provided however, that such employee contribution shall
3 be made by (i) the state for employees other than those employed by an
4 electing employer in accordance with subdivision one of this section
5 during such period as (a) either section seventy-a of the retirement and
6 social security law or section five hundred twenty-eight of this title
7 provides that the contribution of each member of the New York state
8 employees' retirement system or the New York state teachers' retirement
9 system in the employ of the state shall be reduced by at least eight
10 [percentum] per centum of his compensation or (b) employee contributions
11 to either such system are no longer required by reason of such system
12 becoming noncontributory for state employees, or (ii) by the electing
13 employer in accordance with subdivision one of this section during such
14 period as the contributions of any members of either the New York state
15 employees' retirement system or the New York state teachers' retirement
16 system or of any other public retirement system in this state in its
17 employ shall (a) be reduced by at least eight [percentum] per centum of
18 their compensation in accordance with section seventy-a of the retire-
19 ment and social security law or section five hundred twenty-nine of this
20 title or section [B3-36.1] 13-152 or section [B20-41.1] 13-546 of the
21 administrative code of the city of New York or (b) employee contrib-
22 utions to any such system of which any of its employees are members are
23 no longer required by reasons of such system becoming non contributory
24 for such employees; and provided further, however, that such employee
25 contribution with respect to the fiscal year of the city of New York
26 beginning on July first, nineteen hundred seventy-two and ending on June
27 thirtieth, nineteen hundred seventy-three shall be made by the electing
28 employer in the case of any electing employee who is employed by a

1 community college operated in such city, notwithstanding any of the
2 foregoing provisions of this subdivision to the contrary.

3 (b) Notwithstanding any provision of paragraph (a) of this subdivision
4 or any other provision of law to the contrary, but subject to the
5 provisions of subdivision d of section six hundred thirteen of the
6 retirement and social security law, in the case of any electing employee
7 initially appointed on or after July first, nineteen hundred ninety-two
8 who is employed by a community college subject to the provisions of this
9 article which is operated in the city of New York, contributions at the
10 rate of three [percentum] per centum of his or her salary shall be
11 deducted as the employee contribution by the appropriate fiscal officer
12 with respect to such community college, provided, however, that for
13 employees initially appointed on or after April first, two thousand
14 twelve, no required employee contributions shall be deducted as the
15 employee contribution by the appropriate fiscal office with respect to
16 such community college.

17 (c) Notwithstanding any other provision of this section or any other
18 law to the contrary, (1) on and after April first, two thousand eight
19 for a member who joined the optional retirement program established
20 pursuant to this article before April first, two thousand twelve and who
21 has ten or more years of membership in such optional retirement program,
22 the state shall contribute one-third of the three percent employee
23 contribution required pursuant to the provisions of this section on
24 behalf of such employee; and (2) on and after April first, two thousand
25 nine for a member who joined the optional retirement program established
26 pursuant to this article before April first, two thousand twelve and who
27 has ten or more years of membership in such optional retirement program,
28 the state shall contribute two-thirds of the three percent employee

1 contribution required pursuant to the provisions of this section on
2 behalf of such employee; and (3) on and after April first, two thousand
3 ten for a member who joined the optional retirement program established
4 pursuant to this article before April first, two thousand twelve and who
5 has ten or more years of membership in such optional retirement program,
6 the state shall contribute the three percent employee contribution
7 required pursuant to the provisions of this section on behalf of such
8 employee. The provisions of this paragraph shall not apply to any
9 electing employee who becomes a member of the optional retirement
10 program on or after April first, two thousand twelve.

11 § 74. Subdivisions 1 and 2 of section 6252 of the education law, as
12 amended by chapter 63 of the laws of 1993 and paragraph (c) of subdivi-
13 sion 2 as added by chapter 617 of the laws of 2007, are amended to read
14 as follows:

15 1. Employer contributions. In the case of any electing employee
16 initially appointed on or before June thirtieth, nineteen hundred nine-
17 ty-two, the city shall, during continuance of his employment, makes
18 contributions at the rate of nine [percentum] per centum of that portion
19 of his city salary upon which contributions are or may hereafter be paid
20 to the secretary of the treasury of the United States pursuant to arti-
21 cle three of the retirement and social security law and at the rate of
22 twelve [percentum] per centum of that portion of his city salary above
23 said amount, out of monies which shall be appropriated to the city
24 university for such purposes. In the case of any electing employee
25 initially appointed on or after July first, nineteen hundred ninety-two,
26 the city shall, during continuance of his employment, make contributions
27 at the rate of eight [percentum] per centum of his city salary during
28 the first seven years of such employment and at the rate of ten [percen-

1 tum] per centum of his city salary, thereafter, out of monies which
2 shall be appropriated to the city university for such purpose. In the
3 case of any electing employee initially appointed on or after April
4 first, two thousand twelve, the city shall, during continuance of his
5 employment, make contributions at the rate of four per centum of his
6 city salary out of monies which shall be appropriated to the city
7 university for such purpose. For electing employees initially appointed
8 on or after April first, two thousand twelve, the state shall make addi-
9 tional contributions equal to the contribution made by each electing
10 employee, provided, however, that such additional contributions shall
11 not exceed three percent of each electing employee's annual wages. For
12 purposes of this subdivision, that portion of the employee's salary upon
13 which contributions are or may thereafter be paid to the secretary of
14 the treasury of the United States pursuant to article three of the
15 retirement and social security law shall be deemed not to exceed sixteen
16 thousand five hundred dollars.

17 2. Employee contributions. (a) In the case of any electing employee,
18 contributions at the rate of three [percentum] per centum of his city
19 salary shall be deducted as the employee contribution by the comp-
20 troller, provided, however, that no employee contributions shall be
21 required for any electing employee initially appointed on or after April
22 first, two thousand twelve, provided however that such employee contrib-
23 ution shall be made by the city in accordance with subdivision one of
24 this section during such period as either section seventy-a of the
25 retirement and social security law or section [B3-36.1] 13-152 or
26 section [B20-41.1] 13-546 of the administrative code of the city of New
27 York provides that the contribution of any member of the New York city
28 employees' retirement system or the New York city teachers' retirement

1 system in the employ of the city shall be reduced by at least eight
2 [percentum] per centum of his compensation; and provided further, howev-
3 er, that such employee contribution with respect to the fiscal year of
4 the city beginning on July first, nineteen hundred seventy-two and
5 ending on June thirtieth, nineteen hundred seventy-three shall be made
6 by the city, notwithstanding any of the foregoing provisions of this
7 subdivision to the contrary.

8 (b) Notwithstanding any provision of paragraph (a) of this subdivision
9 or any other provision of law to the contrary, but subject to the
10 provisions of subdivision d of section six hundred thirteen of the
11 retirement and social security law in the case of any electing employee
12 initially appointed on or after July first, nineteen hundred ninety-two,
13 contributions at the rate of three [percentum] per centum of his or her
14 city salary shall be deducted as the employee contribution by the comp-
15 troller, provided, however, that for employees initially appointed on or
16 after April first, two thousand twelve, no required employee contrib-
17 utions shall be deducted by the comptroller.

18 (c) Notwithstanding any other provision of this section or any other
19 law to the contrary, (1) on and after April first, two thousand eight
20 for a member who joined the optional retirement program established
21 pursuant to this article before April first, two thousand twelve and who
22 has ten or more years of membership in such optional retirement program,
23 the city shall contribute one-third of the three percent employee
24 contribution required pursuant to the provisions of this section on
25 behalf of such employee; and (2) on and after June first, two thousand
26 nine for a member who joined the optional retirement program established
27 pursuant to this article before April first, two thousand twelve and who
28 has ten or more years of membership in such optional retirement program,

1 the city shall contribute two-thirds of the three percent employee
2 contribution required pursuant to the provisions of this section on
3 behalf of such employee; and (3) on and after June first, two thousand
4 ten for a member who joined the optional retirement program established
5 pursuant to this article before April first, two thousand twelve and who
6 has ten or more years of membership in such optional retirement program,
7 the city shall contribute the three percent employee contribution
8 required pursuant to the provisions of this section on behalf of such
9 employee. The provisions of this paragraph shall not apply to any
10 electing employee who becomes a member of the optional retirement
11 program on or after April first, two thousand twelve.

12 § 75. Paragraphs (b) and (c) of subdivision 86 of section 13-101 of
13 the administrative code of the city of New York, as added by chapter 114
14 of the laws of 1989, are amended to read as follows:

15 (b) In the case of a uniformed force member who is a member of the
16 uniformed force of the department of sanitation and is not a Tier III
17 member (as defined in subdivision seventy-three of this section) or a
18 Tier IV member (as defined in subdivision seventy-six of this section),
19 the term "normal rate of contribution as a uniformed force member" shall
20 mean the proportion of such member's earnable compensation required to
21 be deducted from his or her compensation by the applicable provisions of
22 sections 13-125, 13-154, 13-159 and 13-160 of this chapter as his or her
23 member contributions, exclusive of any increase in such contributions
24 pursuant to subdivision d, e, or f of section 13-125 of this chapter, or
25 any decrease in such contributions on account of any program for
26 increased-take-home-pay or pursuant to subdivision one of section one
27 hundred thirty-eight-b of the retirement and social security law (relat-

1 ing to election to decrease member contributions by contributions due on
2 account of social security coverage).

3 (c) In the case of any uniformed force member (1) who is both a member
4 of the uniformed correction force and a Tier III member, or (2) who is
5 both a member of the uniformed force of the department of sanitation and
6 a Tier III member, the term "normal rate of contribution as a uniformed
7 force member" shall mean the percentage of the annual wages of such
8 member required to be deducted from such member's wages by subdivision a
9 of section five hundred seventeen of the retirement and social security
10 law, as his or her member contributions.

11 § 76. Paragraph (b) of subdivision 87 of section 13-101 of the admin-
12 istrative code of the city of New York, as added by chapter 114 of the
13 laws of 1989, is amended to read as follows:

14 (b) a uniformed force member who is not required to contribute during
15 such payroll period because he or she is a Tier III member who, having
16 contributed for thirty years, or who, in the case of a New York city
17 uniformed correction/sanitation revised plan member (as defined in
18 subdivision twenty-five of section five hundred one of the retirement
19 and social security law), having contributed for twenty-five years, has
20 discontinued member contributions pursuant to subdivision a of section
21 five hundred seventeen of the retirement and social security law.

22 § 77. Paragraph (c) of subdivision 89 of section 13-101 of the admin-
23 istrative code of the city of New York, as added by chapter 114 of the
24 laws of 1989, is amended to read as follows:

25 (c) In the case of any contributing uniformed force member who is both
26 (1) a member of the uniformed correction force (as defined in subdivi-
27 sion thirty-nine of this section) or the uniformed force of the depart-
28 ment of sanitation (as defined in subdivision sixty-two of this section)

1 and (2) a Tier III member (as defined in subdivision seventy-three of
2 this section), the term "uniformed force member contributions eligible
3 for pick up by the employer" shall mean the amount which, in the absence
4 of a pick up program applicable to such member pursuant to section
5 13-125.1 of this chapter, would be required to be deducted from the
6 wages of such member for such payroll period pursuant to subdivision a
7 of section five hundred seventeen of the retirement and social security
8 law as his or her required member contributions for such payroll period.

9 § 78. Paragraph 14 of subdivision e of section 13-638.4 of the admin-
10 istrative code of the city of New York, as added by chapter 749 of the
11 laws of 1992, is amended to read as follows:

12 (14) (i) Subject to the provisions of subdivision f of this section
13 and the provisions of subdivision c of section six hundred eight of the
14 RSSL, where those provisions are applicable, and notwithstanding the
15 provisions of subdivision a of section six hundred eight of the RSSL,
16 for a tier IV member of NYCERS who is not a New York city revised plan
17 member (as defined in subdivision m of section six hundred one of the
18 RSSL) or for a tier IV member of BERS who is not a New York city revised
19 plan member, the term "final average salary", as used in article fifteen
20 of the RSSL, shall be equal to the greater of:

21 [(i)] (A) one-third of the highest total wages earned by such member
22 during any continuous period of employment for which the member was
23 credited with three years of service credit; provided that if the wages
24 earned during any year of credited service included in the period used
25 to determine final average salary exceeds the average of the wages of
26 the previous two years of credited service by more than ten percent, the
27 amount in excess of ten percent shall be excluded from the computation
28 of final average salary; or

1 [(ii)] (B) the total wages earned during any six consecutive years
2 from service for which the member received service credit divided by the
3 amount of such service credit earned during that six-year period,
4 provided, however, that "wages", as used in this paragraph, shall mean
5 the applicable provisions and limitations of the term "wages", as
6 defined in subdivision 1 of section six hundred one of the RSSL.

7 (ii) Subject to the provisions of subdivision f of this section where
8 those provisions are applicable, and notwithstanding the provisions of
9 subdivisions a and c of section six hundred eight of the RSSL, for a
10 tier IV member of NYCERS who is a New York city revised plan member (as
11 defined in subdivision m of section six hundred one of the RSSL) or a
12 tier IV member of BERS who is a New York city revised plan member, the
13 term "final average salary", as used in article fifteen of the RSSL,
14 shall be equal to one-fifth of the highest total wages earned by such
15 member during any continuous period of employment for which the member
16 was credited with five years of service credit; provided that if the
17 wages earned during any year of credited service included in the period
18 used to determine final average salary exceeds the average of the wages
19 of the previous four years of credited service by more than eight
20 percent, the amount in excess of eight percent shall be excluded from
21 the computation of final average salary, provided further that "wages",
22 as used in this paragraph, shall mean the applicable provisions and
23 limitations of the term "wages", as defined in subdivision 1 of section
24 six hundred one of the RSSL.

25 § 79. Nothing contained in sections seventy-five, seventy-six and
26 seventy-seven of this act shall be construed to create any contractual
27 right with respect to members to whom such sections apply. The
28 provisions of such sections are intended to afford members the advan-

1 tages of certain benefits contained in the internal revenue code, and
2 the effectiveness and existence of such sections and benefits they
3 confer are completely contingent thereon.

4 § 80. Notwithstanding any provision of law to the contrary, nothing in
5 this act shall limit the eligibility of any member of an employee organ-
6 ization to join a special retirement plan open to him or her pursuant to
7 a collectively negotiated agreement with any state or local government
8 employer, where such agreement is in effect on the effective date of
9 this act and so long as such agreement remains in effect thereafter;
10 provided, however, that any such eligibility shall not apply upon termi-
11 nation of such agreement for employees otherwise subject to the
12 provisions of article 22 of the retirement and social security law,
13 provided further that this section shall not be construed as authorizing
14 any member who first joins a public retirement system of the state (as
15 defined in subdivision 23 of section 501 of the retirement and social
16 security law) on or after April 1, 2012 to become a participant in any
17 of the special plans established by section 504-a, 504-b, 504-d, 604-a,
18 604-c (as added by chapter 96 of the laws of 1995), 604-d or 604-i of
19 the retirement and social security law or section 13-157.1 or 13-157.4
20 of the administrative code of the city of New York.

21 § 81. No enhancement, increase or other alteration or change in the
22 benefit structure provided herein shall be authorized.

23 § 82. Severability clause. If any clause, sentence, paragraph, subdi-
24 vision, section or part of this act shall be adjudged by any court of
25 competent jurisdiction to be invalid, such judgment shall not affect,
26 impair, or invalidate the remainder thereof, but shall be confined in
27 its operation to the clause, sentence, paragraph, subdivision, section
28 or part thereof directly involved in the controversy in which such judg-

1 ment shall have been rendered. It is hereby declared to be the intent of
2 the legislature that this act would have been enacted even if such
3 invalid provisions had not been included herein.

4 § 83. This act shall take effect April 1, 2012, provided that the
5 amendments to subdivision a of section 603 of the retirement and social
6 security law made by section thirty-one of this act shall be subject to
7 the expiration and reversion of such subdivision pursuant to section 13
8 of chapter 682 of the laws of 2003, as amended, provided, further that
9 the amendments to subdivisions 86, 87 and 89 of section 13-101 of the
10 administrative code of the city of New York made by sections seventy-
11 five, seventy-six and seventy-seven of this act shall not affect the
12 expiration of such subdivisions and shall be deemed to expire therewith.

13

PART I

14 Section 1. Section 167-a of the civil service law, as separately
15 amended by section 8 of part T and section 1 of part U of chapter 56 of
16 the laws of 2010, is amended to read as follows:

17 § 167-a. Reimbursement for medicare premium charges. Upon exclusion
18 from the coverage of the health benefit plan of supplementary medical
19 insurance benefits for which an active or retired employee or a depend-
20 ent covered by the health benefit plan is or would be eligible under the
21 federal old-age, survivors and disability insurance program, an amount
22 equal to the premium charge for such supplementary medical insurance
23 benefits for such active or retired employee and his or her dependents,
24 if any, shall be paid monthly or at other intervals to such active or
25 retired employee from the health insurance fund. Where appropriate, such
26 amount may be deducted from contributions payable by the employee or

1 retired employee; or where appropriate in the case of a retired employee
2 receiving a retirement allowance, such amount may be included with
3 payments of his or her retirement allowance. All state employer, employ-
4 ee, retired employee and dependent contributions to the health insurance
5 fund, including contributions from public authorities, public benefit
6 corporations or other quasi-public organizations of the state, shall be
7 adjusted as necessary to cover the cost of reimbursing federal old-age,
8 survivors and disability insurance program premium charges under this
9 section. This cost shall be included in the calculation of premium or
10 subscription charges for health coverage provided to [state] employees
11 and retired [state] employees of the state, public authorities, public
12 benefit corporations or other quasi-public organizations of the state;
13 provided, however, the state, public authorities, public benefit corpo-
14 rations or other quasi-public organizations of the state shall remain
15 obligated to pay no less than its share of such increased cost consist-
16 ent with its share of premium or subscription charges provided for by
17 this article. All other employer contributions to the health insurance
18 fund shall be adjusted as necessary to provide for such payments.

19 § 2. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 2012.

21 PART J

22 Section 1. Section 25 of the state finance law is amended to read as
23 follows:

24 § 25. Reappropriation bills. Every appropriation reappropriating
25 moneys shall set forth clearly the year, chapter and part or section of
26 the act by which such appropriation was originally made, a brief summary

1 of the purposes of such original appropriation, and the year, chapter
2 and part or section of the last act, if any, reappropriating such
3 original appropriation or any part thereof, and the amount of such reap-
4 propriation.

5 If it is proposed to change in any detail the purpose for which the
6 original appropriation was made, the bill as submitted by the governor
7 shall show clearly [any] such change.

8 All reappropriations, with the exception of reappropriations for capi-
9 tal projects funds and federal funds, shall lapse five years after the
10 date upon which the original appropriation would lapse in accordance
11 with section forty of this chapter and section ninety-nine-d of this
12 chapter, as added by chapter four hundred seventy-four of the laws of
13 nineteen hundred ninety-six, and no monies shall be paid out of the
14 state treasury or any of its funds or the funds under its management
15 pursuant to such appropriations.

16 § 2. This act shall take effect April 1, 2013.

17 PART K

18 Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the
19 public lands law, as amended by section 1 of part K-1 of chapter 109 of
20 the laws of 2006, is amended to read as follows:

21 (1) Notwithstanding any provision of this section to the contrary, in
22 addition to state aid otherwise payable pursuant to this section, there
23 shall be payable to any city located in a county in which there has been
24 constructed a state office building project in accordance with the
25 provisions of chapter one hundred fifty-two of the laws of nineteen
26 hundred sixty-four, as amended, and pursuant to an agreement entitled

1 the "South Mall contract" dated May eleventh, nineteen hundred sixty-
2 five, state aid in accordance with the following schedule:

3	State Fiscal Year	
4		Amount
5	2000-2001	\$4,500,000
6	2001-2002	\$4,500,000
7	2002-2003	\$4,500,000
8	2003-2004	\$9,850,000
9	2004-2005	\$16,850,000
10	2005-2006	\$22,850,000
11	2006-2007	\$22,850,000
12	2007-2008	\$22,850,000
13	2008-2009	\$22,850,000
14	2009-2010	\$22,850,000
15	2010-2011	\$22,850,000
16	2011-2012	\$15,000,000
17	2012-2013	[\$15,000,000] <u>\$22,850,000</u>
18	2013-2014	\$15,000,000
19	2014-2015	\$15,000,000
20	2015-2016	\$15,000,000
21	2016-2017	\$15,000,000
22	2017-2018	\$15,000,000
23	2018-2019	\$15,000,000
24	2019-2020	\$15,000,000
25	2020-2021	\$15,000,000
26	2021-2022	\$15,000,000
27	2022-2023	\$15,000,000

1	2023-2024	\$15,000,000
2	2024-2025	\$15,000,000
3	2025-2026	\$15,000,000
4	2026-2027	\$15,000,000
5	2027-2028	\$15,000,000
6	2028-2029	\$15,000,000
7	2029-2030	\$15,000,000
8	2030-2031	\$15,000,000
9	2031-2032	\$15,000,000
10	2032-2033	[\$15,000,000] <u>\$7,150,000</u>

11 § 2. This act shall take effect April 1, 2012.

12 PART L

13 Section 1. Paragraph i of subdivision 1 of section 163 of the state
14 finance law, as added by chapter 83 of the laws of 1995, is amended to
15 read as follows:

16 i. "Lowest price" means the basis for awarding contracts for commod-
17 ities and services among responsive and responsible offerers.

18 § 2. Paragraph j of subdivision 1 of section 163 of the state finance
19 law, as added by chapter 83 of the laws of 1995, is amended to read as
20 follows:

21 j. "Best value" means the basis for awarding contracts for commodities
22 and services to the offerer which optimizes quality, cost and efficien-
23 cy, among responsive and responsible offerers. Such basis shall reflect,
24 wherever possible, objective and quantifiable analysis. Such basis may
25 also identify a quantitative factor for offerers that are small busi-
26 nesses or certified minority- or women-owned business enterprises as

1 defined in subdivisions one, seven, fifteen and twenty of section three
2 hundred ten of the executive law to be used in evaluation of offers for
3 awarding of contracts for commodities and services.

4 § 3. Subparagraphs (ii), (iv), (v), and (viii) of paragraph a of
5 subdivision 3 of section 163 of the state finance law, as added by chap-
6 ter 83 of the laws of 1995, subparagraph (iv) as amended by chapter 430
7 of the laws of 1997, and subparagraph (viii) as amended by section 165
8 of subpart B of part C of chapter 62 of the laws of 2011, are amended to
9 read as follows:

10 (ii) Commodities contracts shall be awarded on the basis of lowest
11 price to a responsive and responsible offerer; or, in the case of multi-
12 ple awards, in accordance with paragraph c of subdivision ten of this
13 section. Where the commissioner reasonably determines that a specific
14 commodities procurement would result in lower cost to the state, such
15 contract may also be awarded on the basis of best value to a responsive
16 and responsible offerer; or, in the case of multiple awards, in accord-
17 ance with paragraph (c) of subdivision ten of this section and as other-
18 wise required by subdivision four of this section. Such determination
19 shall be included in the procurement record.

20 (iv) The commissioner is authorized to permit [any officer, body or
21 agency of the state or of a political subdivision or a district therein,
22 or fire company or volunteer ambulance service as such are defined in
23 section one hundred of the general municipal law, to make] purchases of
24 commodities and services for authorized users through the office of
25 general services' centralized contracts[, pursuant to the provisions of
26 section one hundred four of the general municipal law. The commissioner
27 is authorized to permit any county extension service association as
28 authorized under subdivision eight of section two hundred twenty-four of

1 the county law, or any association or other entity as specified in and
2 in accordance with section one hundred nine-a of the general municipal
3 law, or any other association or entity as specified in state law, to
4 make purchases of commodities through the office of general services'
5 centralized contracts; provided, however, that such entity so empowered
6 shall accept sole responsibility for any payment due with respect to
7 such purchase]. Such authorized users so empowered shall accept sole
8 responsibility for any payment due with respect to such purchases.

9 (v) Consistent with guidelines issued by the state procurement coun-
10 cil, state agencies may competitively purchase commodities and services
11 procured in accordance with this article in lieu of using centralized
12 contracts when the resultant price is less than the centralized contract
13 price.

14 [(viii) The commissioner may permit and prescribe the conditions for,
15 (A) any association, consortium or group of privately owned or municipi-
16 pal, federal or state owned or operated hospitals, medical schools,
17 other health related facilities or voluntary ambulance services, which
18 have entered into a contract and made mutual arrangements for the joint
19 purchase of commodities pursuant to section twenty-eight hundred three-a
20 of the public health law; (B) any institution for the instruction of the
21 deaf or of the blind listed in section forty-two hundred one of the
22 education law; (C) any qualified non-profit-making agency for the blind
23 approved by the commissioner of the office of children and family
24 services or the office of temporary and disability assistance; (D) any
25 qualified charitable non-profit-making agency for the severely disabled
26 approved by the commissioner of education; (E) any hospital or residen-
27 tial health care facility as defined in section twenty-eight hundred one
28 of the public health law; (F) any private not-for-profit mental hygiene

1 facility as defined in section 1.03 of the mental hygiene law; and (G)
2 any public authority or public benefit corporation of the state, includ-
3 ing the port authority of New York and New Jersey and the interstate
4 environmental commission, to make purchases using centralized contracts
5 for commodities. Such qualified non-profit-making agencies for the blind
6 and severely disabled may make purchases from the correctional indus-
7 tries program of the department of corrections and community supervision
8 subject to rules pursuant to the correction law.]

9 § 4. Paragraph d of subdivision 3 of section 163 of the state finance
10 law, as added by chapter 83 of the laws of 1995, is amended to read as
11 follows:

12 d. The commissioner may make, or cause to be made by a duly authorized
13 representative, any investigation which he or she may deem proper for
14 acquiring the necessary information from a state agency for the exercise
15 of his or her powers and duties under this [subdivision] article. For
16 such purposes the commissioner may subpoena and compel the attendance of
17 witnesses before him or her, or an authorized representative, and may
18 compel the production of books, papers, records or documents. The
19 commissioner or a duly authorized representative may take and hear
20 proofs and testimony and, for that purpose, the commissioner or the duly
21 authorized representative may administer oaths. In addition, the commis-
22 sioner or the duly authorized representative:

23 (i) Shall have access at all reasonable times to offices of state
24 agencies;

25 (ii) May examine all books, papers, records and documents in any such
26 state agency as pertain directly to the purchase, control or distrib-
27 ution of commodities; and

1 (iii) May require any state agency to furnish such data, information
2 or statement as may be necessary.

3 § 5. Paragraph e of subdivision 4 of section 163 of the state finance
4 law, as amended by chapter 95 of the laws of 2000, is amended to read as
5 follows:

6 e. [Any officer, body or agency of a political subdivision as defined
7 in section one hundred of the general municipal law or a district there-
8 in, may make purchases of services through the office of general
9 services' centralized contracts for services, subject to the provisions
10 of section one hundred four of the general municipal law. The commis-
11 sioner may permit and prescribe the conditions for the purchase of
12 services through the office of general services' centralized contracts
13 for services by any public authority or public benefit corporation of
14 the state including the port authority of New York and New Jersey. The
15 commissioner is authorized to permit any public library, association
16 library, library system, cooperative library system, the New York
17 Library Association, and the New York State Association of Library
18 Boards or any other library except those which are operated by for
19 profit entities, to make purchases of services through the office of
20 general services' centralized contracts; provided, however, that such
21 entity so empowered shall accept sole responsibility for any payment due
22 with respect to such purchase.] The commissioner is authorized to permit
23 purchases of services for authorized users through the office of general
24 services' centralized contracts. Such authorized users so empowered
25 shall accept sole responsibility for any payment due with respect to
26 such purchases.

1 § 6. The section heading and subdivision 1 of section 104 of the
2 general municipal law, as amended by section 7 of subpart A of part C of
3 chapter 97 of the laws of 2011, are amended to read as follows:

4 Purchase through office of general services; purchases from other
5 public contracts; certain federal contracts. 1. Notwithstanding the
6 provisions of section one hundred three of this article or of any other
7 general, special or local law, any officer, board or agency of a poli-
8 tical subdivision, of a district therein, of a fire company or of a
9 voluntary ambulance service authorized to make purchases of commodities,
10 materials, equipment, technology, food products, [or] supplies[,] or
11 services available pursuant to [sections one hundred sixty-one and one
12 hundred sixty-seven] section one hundred sixty-three of the state
13 finance law, may make such purchases[, except of printed material,]
14 through the office of general services or any other department or agency
15 of the state subject to [such] rules [as may be established from time to
16 time] promulgated pursuant to [sections one hundred sixty-three and one
17 hundred sixty-seven] article eleven of the state finance law; provided
18 that any such purchase shall exceed five hundred dollars and that the
19 political subdivision, district, fire company or voluntary ambulance
20 service for which such officer, board or agency acts shall accept sole
21 responsibility for any payment due the vendor. All purchases shall be
22 subject to audit and inspection by the political subdivision, district,
23 fire company or voluntary ambulance service for which made. No officer,
24 board or agency of a political subdivision, or a district therein, of a
25 fire company or of a voluntary ambulance service shall make any purchase
26 through such [office] public entity when bids have been received for
27 such purchase by such officer, board or agency, unless such purchase may
28 be made upon the same terms, conditions and specifications at a lower

1 price through such office. Two or more fire companies or voluntary ambu-
2 lance services may join in making purchases pursuant to this section,
3 and for the purposes of this section such groups shall be deemed "fire
4 companies or voluntary ambulance services."

5 § 7. Subparagraph (i) of paragraph b of subdivision 4 of section 163
6 of the state finance law, as added by chapter 83 of the laws of 1995 and
7 as designated by chapter 137 of the laws of 2008, is amended to read as
8 follows:

9 (i) Centralized contracts for services may be procured by the office
10 of general services at the request of state agencies [and state agencies
11 may when such centralized contracts are in the form, function or utility
12 required by said agency, purchase from established centralized
13 contracts. The state procurement council may, from time to time, require
14 that state agencies procure services from certain centralized contracts]
15 or as determined by the commissioner. The purchase of services by state
16 agencies shall be conducted in a manner that accords second priority to
17 centralized contracts meeting form, function and utility required by
18 said agency, third priority to agency or multi-agency established
19 contracts and fourth priority to other means of contracting.

20 § 8. Paragraph d of subdivision 4 of section 163 of the state finance
21 law, as added by chapter 83 of the laws of 1995, is amended to read as
22 follows:

23 d. Service contracts shall be awarded on the basis of best value to a
24 responsive and responsible offerer; or, in the case of multiple awards,
25 in accordance with paragraph c of subdivision ten of this section.
26 Where the commissioner reasonably determines that a specific services
27 procurement would result in lower cost to the state, such contract may
28 also be awarded on the basis of low price to a responsive and responsi-

1 ble offerer; or, in the case of multiple awards, in accordance with
2 paragraph (c) of subdivision ten of this section and as otherwise
3 required by subdivision four of this section. Such determination shall
4 be included in the procurement record.

5 § 9. Subdivision 5 of section 163 of the state finance law, as added
6 by chapter 83 of the laws of 1995, is amended to read as follows:

7 5. Process for conducting state procurements. The process for conduct-
8 ing state procurements for services and commodities shall be as follows:

9 a. Determination of need. State agencies shall be responsible for
10 determining the need for a given service or commodity:

11 (i) For commodities, upon such determination of need, state agencies
12 shall ascertain whether the commodity is available in the form, function
13 and utility consistent with their needs from preferred sources and if
14 so, shall purchase said commodity from a preferred source in accordance
15 with the provisions of this article. If not so available, state agencies
16 shall determine whether the commodity is available in the form, function
17 and utility consistent with their needs on a centralized contract and if
18 so, except as provided in subparagraph (v) of paragraph a of subdivision
19 three of this section, shall purchase said commodity using the central-
20 ized contract. If a commodity is not available in the form, function and
21 utility consistent with the needs of the state agency from a preferred
22 source or a centralized contract or as provided for in subparagraph (v)
23 of paragraph a of subdivision three of this section, the state agency
24 may procure the commodity independently or in conjunction with another
25 state agency in accordance with paragraph c of subdivision three of this
26 section.

27 (ii) For services, upon such determination of need, state agencies
28 shall ascertain whether the service is available in the form, function

1 and utility consistent with their needs from preferred sources and, if
2 so, shall purchase said service through the preferred source in accord-
3 ance with the provisions of this article. If not so available, state
4 agencies [may]:

5 (A) [Purchase] Shall purchase the service if it is available in the
6 form, function and utility consistent with their needs using an estab-
7 lished centralized contract procured by either the office of general
8 services or another state agency;

9 (B) [Request] May request that the office of general services procure
10 such a service, particularly with respect to those services having util-
11 ity and/or benefit to more than one state agency; or

12 (C) [Procure] May procure the service independently or in conjunction
13 with another state agency.

14 [b. The state procurement council may, from time to time, require
15 state agencies to procure certain services from centralized contracts.]

16 § 10. Subdivision 7 of section 163 of the state finance law, as
17 amended by section 10 of part FF of chapter 56 of the laws of 2010, is
18 amended to read as follows:

19 7. Method of procurement. Consistent with the requirements of subdivi-
20 sions three and four of this section, state agencies shall select among
21 permissible methods of procurement including, but not limited to, an
22 invitation for bid, request for proposals or other means of solicitation
23 pursuant to guidelines issued by the state procurement council. State
24 agencies may accept bids electronically including submission of the
25 statement of non-collusion required by section one hundred thirty-nine-d
26 of this chapter and may, for commodity, service and technology contracts
27 [and, in addition, for the period from July first, two thousand ten, to
28 July first, two thousand twelve, fuels (home heating, diesel, gasoline,

1 natural gas), road salt, recycled paper, tires, telecommunications
2 equipment, industrial supplies (tools, equipment), bituminous materials,
3 drainage and culvert pipe, and road aggregate (gravel),] require elec-
4 tronic submission as the sole method for the submission of bids for the
5 solicitation, provided that the agency has made a determination, which
6 shall be documented in the procurement record, that such method affords
7 a fair and equal opportunity for offerers to submit responsive offers.
8 Except where otherwise provided by law, procurements shall be compet-
9 itive, and state agencies shall conduct formal competitive procurements
10 to the maximum extent practicable. State agencies shall document the
11 determination of the method of procurement and the basis of award in the
12 procurement record. Where the basis for award is the best value offer,
13 the state agency shall document, in the procurement record and in
14 advance of the initial receipt of offers, the determination of the eval-
15 uation criteria, which whenever possible, shall be quantifiable, and the
16 process to be used in the determination of best value and the manner in
17 which the evaluation process and selection shall be conducted.

18 § 11. Subdivision 8 of section 163 of the state finance law, as
19 amended by chapter 95 of the laws of 2000, is amended to read as
20 follows:

21 8. Public notice. All procurements by state agencies in excess of
22 [fifteen] fifty thousand dollars shall be advertised in the state's
23 procurement opportunities newsletter in accordance with article four-C
24 of the economic development law.

25 § 12. Paragraph (a) of subdivision 2 of section 112 of the state
26 finance law, as amended by section 2 of part D of chapter 56 of the laws
27 of 2006, is amended to read as follows:

1 (a) Before any contract made for or by any state agency, department,
2 board, officer, commission, or institution, except the office of general
3 services, shall be executed or become effective, whenever such contract
4 exceeds fifty thousand dollars in amount and before any contract made
5 for or by the office of general services shall be executed or become
6 effective, whenever such contract exceeds eighty-five thousand dollars
7 in amount, it shall first be approved by the comptroller and filed in
8 his or her office, [provided, however, that the] with the exception of
9 contracts established as a centralized contract through the office of
10 general services and purchase orders or other procurement transactions
11 issued under such centralized contracts. The comptroller shall make a
12 final written determination with respect to approval of such contract
13 within ninety days of the submission of such contract to his or her
14 office unless the comptroller shall notify, in writing, the state agen-
15 cy, department, board, officer, commission, or institution, prior to the
16 expiration of the ninety day period, and for good cause, of the need for
17 an extension of not more than fifteen days, or a reasonable period of
18 time agreed to by such state agency, department, board, officer, commis-
19 sion, or institution and provided, further, that such written determi-
20 nation or extension shall be made part of the procurement record pursu-
21 ant to paragraph f of subdivision one of section one hundred sixty-three
22 of this chapter.

23 § 13. Section 3 of the New York state printing and public documents
24 law, as added by chapter 160 of the laws of 1976, subdivision 1 as
25 amended by chapter 849 of the laws of 1987, and subdivision 5 as amended
26 by chapter 346 of the laws of 1991, is amended to read as follows:

27 § 3. Powers and duties of commissioner of general services and state
28 agencies in purchasing printing. 1. The commissioner of general

1 services shall have general supervision over the letting of all
2 contracts for public printing provided to be made herein. In addition,
3 the commissioner shall exercise such further supervision and control
4 over all contracts for department printing [as herein defined that he
5 has heretofore exercised or may hereafter deem] pursuant to section one
6 hundred sixty-three of the state finance law. The commissioner may, as
7 deemed appropriate [including, but not limited to, the establishment of]
8 establish standard sizes and grades of paper and other necessary spec-
9 ifications for paper; provided, however, that such specifications shall
10 be in accordance with those established pursuant to section one hundred
11 [sixty-four] sixty-three and subdivision three of section one hundred
12 sixty-five of the state finance law.

13 (a) The commissioner of general services shall be responsible for the
14 standardization and centralized contracting of printing required by
15 state agencies in a manner which maximizes the purchasing value of
16 public funds. Pursuant to section one hundred sixty-three of the state
17 finance law, contracts for printing may be established by the office of
18 general services or state agencies, and state agencies may, when such
19 centralized contracts established by the office of general services are
20 in the form, function and utility required by said agency, purchase from
21 such centralized contracts. When printing is not available consistent
22 with the provisions of section one hundred sixty-three of the state
23 finance law in the form, function and utility required by state agen-
24 cies, state agencies may procure printing independently or in conjunc-
25 tion with other state agencies.

26 (b) Printing contracts shall be awarded on the basis of lowest price
27 or best value to a responsive and responsible offeror; or in the case of

1 multiple awards, in accordance with paragraph (c) of subdivision ten of
2 section one hundred sixty-three of the state finance law.

3 2. [The commissioner may appoint an expert printer and such assistants
4 and employees as shall be authorized by appropriations made by the
5 legislature therefor, and such employees shall receive such salaries as
6 shall be fixed by the legislature in such appropriation.

7 3. It shall be the duty of said commissioner, in accordance with rules
8 and regulations to be prescribed by him, to let to the lowest responsi-
9 ble bidder, as hereinafter provided, and as will best promote the public
10 interest, all contracts for the work embraced in the legislative print-
11 ing and department printing as those terms are in this chapter defined,
12 except printing done pursuant to law in the correctional facilities of
13 the state, in the state charitable and benevolent institutions for the
14 benefit of such institutions, or by the board or commission having
15 fiscal control of such institutions, the printing of examination ques-
16 tion papers or printing done for the education department or the schools
17 under its jurisdiction in the rooms of the university of the state of
18 New York by its employees, the stationery used by the legislature,
19 briefs and cases on appeal and the bulletins issued by the Geneva and
20 Ithaca experimental stations.] No contract for department printing shall
21 be let to a bidder who, in the opinion of the commissioner, does not
22 have satisfactory facilities and equipment which are ample and suffi-
23 cient to insure proper performance of the contract or who has failed to
24 give adequate security in an amount which may be required by the commis-
25 sioner. Provided further, however, that no contract shall be let to a
26 bidder other than the lowest price or best value responsible bidder
27 without the written approval of the comptroller.

1 [4. The said commissioner shall adopt and promulgate appropriate rules
2 and regulations touching the manner of the performance of his work and
3 prescribing the form and manner of advertisement for bids and all requi-
4 sitions made upon him for printing, except that said commissioner shall
5 make no rule or regulation inconsistent with or in violation of the
6 provisions of this chapter.

7 5.] 3. Notwithstanding any of the foregoing provisions of this
8 section, or of any general or special act, the commissioner may contract
9 for printing to an amount not exceeding [ten] eighty-five thousand
10 dollars without competitive bidding, and [may by rule prescribing the
11 amount, not exceeding five thousand dollars, authorize] other state
12 departments and agencies [to let contracts,] may contract to an amount
13 not exceeding fifty thousand dollars without competitive bidding, for
14 printing required by them. [Such rule shall prescribe the form, manner
15 and content of the notice to be given to prospective vendors, the form
16 of specifications and proposals for such printing, and the method used
17 in making an award, except that as such specifications relate to the
18 paper required for printing they shall be in accordance with those
19 established pursuant to section one hundred sixty-four of the state
20 finance law.

21 Multiple purchases of identical items of printing and printing
22 supplies, made by such other department or agency without competitive
23 bidding within a period of sixty days, shall not exceed the sum of five
24 thousand dollars.]

25 § 14. Section 6 of the New York state printing and public documents
26 law is REPEALED.

27 § 15. Section 7 of the New York state printing and public documents
28 law is REPEALED and section 7-a is renumbered section 7.

1 § 16. Section 8 of the New York state printing and public documents
2 law, as amended by chapter 704 of the laws of 1964 and as renumbered by
3 chapter 160 of the laws of 1976, is amended to read as follows:

4 § 8. Right to annul contracts. Upon the failure or non-performance of
5 the terms of any of the contracts [set forth in] awarded pursuant to
6 this chapter on the part of the contractors with the state, the commis-
7 sioner of general services or the state agency may annul the contract in
8 which default is made and the comptroller shall withhold payment from
9 the contractor for all work [done by him] performed thereunder until the
10 damage to the state shall be ascertained by proper adjudication, and the
11 [said] commissioner of general services or the state agency, may [read-
12 vertise and enter into a] relet the contract for the balance of the
13 uncompleted term of [any] a contract so annulled or abrogated in the
14 manner prescribed in the provisions of this chapter.

15 § 17. Paragraph (g) of section 1509 of the not-for-profit corporation
16 law, as added by chapter 151 of the laws of 1992, is amended to read as
17 follows:

18 (g) Purchases through office of general services. Notwithstanding the
19 provisions of any general, special or local law, any officer or agent of
20 a cemetery corporation subject to the provisions of this article author-
21 ized to make purchases of [materials, equipment or supplies] commodities
22 and services may make such purchases[, except of printed material,]
23 through the office of general services subject to such rules as may be
24 established from time to time pursuant to section one hundred sixty-
25 three of the state finance law; provided that any such purchase shall
26 exceed five hundred dollars and that the cemetery corporation for which
27 such officer or agent acts shall accept sole responsibility for any
28 payment due the vendor. All purchases shall be subject to audit and

1 inspection by the cemetery corporation for which made. Two or more ceme-
2 tery corporations may join in making purchases pursuant to this section
3 and, for the purposes of this section, such groups shall be deemed a
4 cemetery corporation.

5 § 18. Paragraph i of subdivision 3 of section 236 of the education
6 law, as added by chapter 9 of the laws of 1979, is amended to read as
7 follows:

8 i. Any corporation created under the provisions of this section may
9 make purchases[, except of printed material, through the state divisions
10 of standards and quality control; and of purchasing in the] of commod-
11 ities and services through the office of general services subject to
12 such rules as may be established from time to time pursuant to section
13 one hundred sixty-three of the state finance law; provided that each
14 such purchase shall have a cost of five hundred dollars or more and that
15 said corporation shall accept sole responsibility for any payment of
16 such cost due the vendor.

17 § 19. Section 258-a of the education law, as added by chapter 106 of
18 the laws of 1980, is amended to read as follows:

19 § 258-a. Purchases by museums, historical societies, zoological
20 gardens, aquariums, botanical gardens and arboreta through office of
21 general services. Museums, historical societies, zoological gardens,
22 aquariums, botanical gardens and arboreta which are chartered or incor-
23 porated by the regents or otherwise formed pursuant to section two
24 hundred sixteen of this chapter or otherwise pursuant to the laws of
25 this state and are also non-profit organizations may make purchases [,
26 except of printed material,] of commodities and services through the
27 [state division of standards and purchase in the] office of general
28 services subject to such rules as may be established from time to time

1 pursuant to section one hundred sixty-three of the state finance law;
2 provided that each such purchase shall have a cost of five hundred
3 dollars or more and that said museum, historical society, zoological
4 garden, aquarium, botanical garden or arboreta shall accept sole respon-
5 sibility for any payment of such cost due the vendor.

6 § 20. Section 6404 of the education law, as added by chapter 734 of
7 the laws of 1976, is amended to read as follows:

8 § 6404. Purchases by certain independent institutions. Any postsecon-
9 dary institution chartered under the powers of the regents pursuant to
10 section two hundred sixteen or incorporated under a special act of the
11 legislature may make purchases[, except of printed material,] of commod-
12 ities and services pursuant to the terms of contracts let by the [state
13 division of standards and purchase in the] office of general services
14 subject to such rules as may be established from time to time pursuant
15 to section one hundred sixty-three of the state finance law which may
16 establish limitations with respect to commodities and services and
17 impose such other appropriate conditions upon purchasing as deemed
18 necessary by the commissioner of general services in order to protect
19 the state's own purchasing interests; provided that each such purchase
20 shall have a cost of five hundred dollars or more and that said [corpo-
21 ration] institution shall accept sole responsibility for any payment of
22 such cost due the vendor.

23 § 21. Section 104 of the general municipal law, as amended by chapter
24 137 of the laws of 2008, is amended to read as follows:

25 § 104. Purchase through office of general services. Notwithstanding
26 the provisions of section one hundred three of this article or of any
27 other general, special or local law, any officer, board or agency of a
28 political subdivision, of a district therein, of a fire company or of a

1 voluntary ambulance service is authorized to make purchases of [materi-
2 als, equipment, food products, or supplies, or services] commodities and
3 services available pursuant to [sections one hundred sixty-one and one
4 hundred sixty-seven] section one hundred sixty-three of the state
5 finance law, may make such purchases[, except of printed material,]
6 through the office of general services subject to such rules as may be
7 established from time to time pursuant to [sections] section one hundred
8 sixty-three [and one hundred sixty-seven] of the state finance law or
9 through the general services administration pursuant to section 1555 of
10 the federal acquisition streamlining act of 1994, P.L. 103-355; provided
11 that any such purchase shall exceed five hundred dollars and that the
12 political subdivision, district, fire company or voluntary ambulance
13 service for which such officer, board or agency acts shall accept sole
14 responsibility for any payment due the vendor. All purchases shall be
15 subject to audit and inspection by the political subdivision, district,
16 fire company or voluntary ambulance service for which made. No officer,
17 board or agency of a political subdivision, or a district therein, of a
18 fire company or of a voluntary ambulance service shall make any purchase
19 through such office when bids have been received for such purchase by
20 such officer, board or agency, unless such purchase may be made upon the
21 same terms, conditions and specifications at a lower price through such
22 office. Two or more fire companies or voluntary ambulance services may
23 join in making purchases pursuant to this section, and for the purposes
24 of this section such groups shall be deemed "fire companies or voluntary
25 ambulance services."

26 § 22. Section 109-a of the general municipal law, as amended by chap-
27 ter 502 of the laws of 2002, is amended to read as follows:

1 § 109-a. Purchases through the office of general services by certain
2 public associations. The New York State Association of Counties, the
3 Association of Towns of the State of New York, the New York State Town
4 Clerk's Association, Inc., the New York State Conference of Mayors and
5 Other Municipal Officials, the New York State School Boards Association,
6 Inc., the New York Planning Federation and the Association of Fire
7 Districts of the State of New York, the New York State Association of
8 School Business Officials, the New York state council of school super-
9 intendants, any nonpublic elementary and/or secondary school of the
10 state of New York, which provides the instruction required by section
11 thirty-two hundred four and article seventeen of the education law, and
12 which is chartered by, registered with or subject to examination and
13 inspection by the department of education and which is a not for profit
14 institution and any public library, association library, library system,
15 cooperative library system, the New York Library Association, and the
16 New York State Association of Library Boards or any other library except
17 those which are operated by for profit entities, may make purchases[,
18 except of printed material,] through the office of general services
19 subject to such rules as may be [established from time to time] promul-
20 gated pursuant to [sections] section one hundred sixty-three [and one
21 hundred sixty-five] of the state finance law and subdivision eight-a of
22 section one hundred three of this article which may establish limita-
23 tions with respect to commodities and impose such other appropriate
24 conditions upon purchasing as deemed necessary by the commissioner of
25 general services in order to protect the state's own purchasing inter-
26 ests; and that such association, school, library, library system or
27 cooperative library system shall accept sole responsibility for any
28 payment due the vendor. Boards of education may permit such nonpublic

1 schools to make purchases pursuant to this section through the school
2 district in which the nonpublic school is located, provided that any
3 administrative costs incurred by the school district will be paid by the
4 nonpublic school.

5 § 23. Subdivision (a) of section 2 of chapter 741 of the laws of 1985
6 relating to authorizing certain organizations to purchase commodities
7 and services under contracts let by the state office of general
8 services, as amended by chapter 134 of the laws of 1994, is amended to
9 read as follows:

10 (a) Any charitable organization or federation of charitable organiza-
11 tions, as defined in subdivision (b) of this section, maintaining its
12 office in a county of the state and performing all or the predominant
13 part of its charitable, benevolent or philanthropic services or conduct-
14 ing all or the predominant part of its solicitation of charitable
15 contributions in such county and any county, town or other agricultural
16 society, the American institute of the city of New York, performing
17 their activities in any such county on or after January 1, 1993 is
18 authorized to make purchases[, except of printed material,] pursuant to
19 the terms of contracts let by the [state divisions of purchasing and of
20 standards and quality control of the] office of general services subject
21 to such rules as may be [established from time to time under] promulgat-
22 ed pursuant to the provisions of section 163 of the state finance law,
23 which may establish limitations with respect to commodities and services
24 and impose such other appropriate conditions upon purchasing as deemed
25 necessary by the commissioner of general services in order to protect
26 the state's own purchasing interests; provided that each such purchase
27 shall exceed five hundred dollars and that such charitable organization

1 or federation of charitable organizations shall accept sole responsibil-
2 ity for any payment due the vendor.

3 § 24. Subdivision 7 of section 160 of the state finance law, as added
4 by chapter 83 of the laws of 1995, is amended to read as follows:

5 7. "Service" or "services" means[, except with respect to contracts
6 for state printing,] the performance of a task or tasks and may include
7 a material good or a quantity of material goods, and which is the
8 subject of any purchase or other exchange. For the purposes of this
9 article, technology shall be deemed a service. Services, as defined in
10 this article, shall not apply to those contracts for architectural,
11 engineering or surveying services, or those contracts approved in
12 accordance with article eleven-B of this chapter.

13 § 25. Paragraph a of subdivision 5 of section 355 of the education
14 law, as amended by section 1 of subpart B of part D of chapter 58 of the
15 laws of 2011, is amended to read as follows:

16 a. (i) purchase materials, proprietary electronic information
17 resources including but not limited to academic, professional, and
18 industry journals, reference handbooks and manuals, research tracking
19 tools, indexes and abstracts, equipment and supplies, including computer
20 equipment and motor vehicles, (ii) execute contracts for construction
21 and construction-related services contracts, and (iii) contract for
22 printing, without prior approval by any other state officer or agency,
23 but subject to rules and regulations of the state comptroller not other-
24 wise inconsistent with the provisions of this section and in accordance
25 with guidelines promulgated by the state university board of trustees
26 after consultation with the state comptroller;

1 § 25-a. Paragraph a of subdivision 5 of section 355 of the education
2 law, as amended by chapter 682 of the laws of 2007, is amended to read
3 as follows:

4 a. (i) purchase materials, proprietary electronic information
5 resources including but not limited to academic, professional, and
6 industry journals, reference handbooks and manuals, research tracking
7 tools, indexes and abstracts equipment and supplies, including computer
8 equipment and motor vehicles, where the amount for a single purchase
9 does not exceed twenty thousand dollars, (ii) execute contracts for
10 services and construction contracts to an amount not exceeding twenty
11 thousand dollars, and (iii) contract for printing to an amount not
12 exceeding five thousand dollars, without prior approval by any other
13 state officer or agency, but subject to rules and regulations of the
14 state comptroller not otherwise inconsistent with the provisions of this
15 section and in accordance with the rules and regulations promulgated by
16 the state university board of trustees after consultation with the state
17 comptroller. In addition, the trustees, after consultation with the
18 commissioner of general services, are authorized to annually negotiate
19 with the state comptroller increases in the aforementioned dollar limits
20 and the exemption of any articles, categories of articles or commodities
21 from these limits. Rules and regulations promulgated by the state
22 university board of trustees shall, to the extent practicable, require
23 that competitive proposals be solicited for purchases, and shall include
24 requirements that purchases and contracts authorized under this section
25 be at the lowest available price, including consideration of prices
26 available through other state agencies, consistent with quality require-
27 ments, and as will best promote the public interest. Such purchases may
28 be made directly from any contractor pursuant to any contract for

1 commodities let by the office of general services or any other state
2 agency;

3 § 26. Subdivision 3 of section 160 of the state finance law, as added
4 by chapter 83 of the laws of 1995, is amended to read as follows:

5 3. "Commodity" or "commodities" means[, except with respect to
6 contracts for state printing,] material goods, supplies, products,
7 construction items, electronic information resources or other standard
8 articles of commerce [other than technology] which are the subject of
9 any purchase or other exchange.

10 § 27. Subdivision 1 of section 163 of the state finance law is amended
11 by adding a new paragraph k to read as follows:

12 k. "Authorized user" or "non-state agency purchaser" means (i) any
13 officer, body or agency of the state or of a political subdivision or a
14 district therein, or fire company or volunteer ambulance service as such
15 are defined in section one hundred of the general municipal law, to make
16 purchases of commodities, services and technology through the office of
17 general services' centralized contracts, pursuant to the provisions of
18 section one hundred four of the general municipal law; (ii) any county
19 extension service association as authorized under subdivision eight of
20 section two hundred twenty-four of the county law; (iii) any association
21 or other entity as specified in and in accordance with section one
22 hundred nine-a of the general municipal law; (iv) any association,
23 consortium or group of privately owned or municipal, federal or state
24 owned or operated hospitals, medical schools, other health related
25 facilities or voluntary ambulance services, which have entered into a
26 contract and made mutual arrangements for the joint purchase of commod-
27 ities, services and technology pursuant to section twenty-eight hundred
28 three-a of the public health law; (v) any institution for the instruc-

1 tion of the deaf or of the blind listed in section forty-two hundred one
2 of the education law; (vi) any qualified non-profit-making agency for
3 the blind approved by the commissioner of the office of children and
4 family services or the office of temporary and disability assistance;
5 (vii) any qualified charitable non-profit-making agency for the severely
6 disabled approved by the commissioner of education; (viii) any hospital
7 or residential health care facility as defined in section twenty-eight
8 hundred one of the public health law; (ix) any private not-for-profit
9 mental hygiene facility as defined in section 1.03 of the mental hygiene
10 law; (x) any public authority or public benefit corporation of the
11 state, including the port authority of New York and New Jersey and the
12 interstate environmental commission; (xi) any public library, associ-
13 ation library, library system, cooperative library system, the New York
14 Library Association, and the New York State Association of Library
15 Boards or any other library except those which are operated by for
16 profit entities; (xii) any other association or entity as specified in
17 state law, to make purchases of commodities, services and technology
18 through the office of general services' centralized contracts. Such
19 qualified non-profit-making agencies for the blind and severely disabled
20 may make purchases from the correctional industries program of the
21 department of corrections and community supervision subject to rules
22 pursuant to the correction law.

23 § 28. Subdivision 5 of section 362 of chapter 83 of the laws of 1995
24 amending the state finance law and other laws relating to bonds, notes
25 and revenues, as amended by chapter 137 of the laws of 2008, is amended
26 to read as follows:

27 5. Sections thirty-one through forty-two of this act shall take effect
28 on the thirtieth day after it shall have become a law and shall be

1 deemed to have been in full force and effect on and after April 1,
2 1995[; provided that section 163 of the state finance law, as added by
3 section thirty-three of this act shall remain in full force and effect
4 until June 30, 2012 at which time it shall expire and be deemed
5 repealed. Contracts executed prior to the expiration of such section 163
6 shall remain in full force and effect until the expiration of any such
7 contract notwithstanding the expiration of certain provisions of this
8 act].

9 § 29. Section 179-ee of the state finance law is amended by adding a
10 new subdivision 3 to read as follows:

11 3. A modification to a contract that would result in a transfer of
12 funds among program activities or budget cost categories but does not
13 affect the amount, consideration, scope or other terms of such contract
14 shall not, by itself, require such contract and modification to be
15 submitted to the comptroller for review; provided, however, that if such
16 modification is in an amount equal to or greater than ten percent of the
17 total value of the contract, the comptroller may require that such
18 modification be submitted to him or her for review.

19 § 30. This act shall take effect immediately, provided, however, that
20 procurement contracts for which bid solicitations have been issued prior
21 to the effective date of this act shall be subject to the provisions of
22 law in effect at the time of issuance; and provided, however, that the
23 amendments to section 104 of the general municipal law made by section
24 six of this act shall be subject to the expiration and reversion of such
25 section pursuant to section 9 of subpart A of part C of chapter 97 of
26 the laws of 2011, when upon such date the provisions of section twenty-
27 one of this act shall take effect; and provided, however, that the
28 amendments to paragraph a of subdivision 5 of section 355 of the educa-

1 tion law made by section twenty-five of this act shall be subject to the
2 expiration and reversion of such subdivision pursuant to section 4 of
3 subpart B of part D of chapter 58 of the laws of 2011, when upon such
4 date the provisions of section twenty-five-a of this act shall take
5 effect; and provided further, however, that section twenty-eight of this
6 act shall be deemed to have been in full force and effect on and after
7 April 1, 2012.

8 PART M

9 Section 1. The civil service law is amended by adding a new section 66
10 to read as follows:

11 § 66. Term appointments in professional, scientific, technical or
12 other expert services. 1. The department may authorize a term appoint-
13 ment without examination to a temporary professional, scientific, tech-
14 nical or other position requiring special expertise or qualifications.
15 Such appointment may be authorized only in a case where the appointing
16 authority certifies to the department that because of the type of
17 services to be rendered or the temporary or occasional character of such
18 services, it would not be practicable to hold an examination of any
19 kind. Such certification shall be a public document pursuant to the
20 public officers law and shall identify the special expertise or quali-
21 fications that are required and why they cannot be obtained through an
22 appointment from an eligible list. The maximum period for such term
23 appointment established pursuant to this subdivision shall not exceed
24 sixty months and shall not be extended. The maximum number of persons in
25 such appointments shall not exceed five hundred at any one time. At
26 least fifteen days prior to making a term appointment pursuant to this

1 section the appointing authority shall publicly and conspicuously post
2 in its offices information about the temporary position and the required
3 qualifications and shall allow any qualified employee to apply for said
4 position. An employee appointed pursuant to this provision who has
5 completed two years of continuous service under this provision shall be
6 able to compete in one promotional examination that is also open to
7 other employees who have permanent civil service appointments and appro-
8 priate qualifications.

9 2. A temporary position established pursuant to subdivision one of
10 this section may be abolished for reasons of economy, consolidation or
11 abolition of functions, curtailment of activities or otherwise. Upon
12 such abolition or at the end of the term of the appointment, the
13 provisions of sections seventy-eight, seventy-nine, eighty and eighty-
14 one of this chapter shall not apply. In the event of a reduction of
15 workforce pursuant to section eighty of this chapter affecting profes-
16 sional, scientific, technical, or information technology positions, the
17 term appointments pursuant to this section at an agency shall be abol-
18 ished prior to the abolition of permanent competitive class profes-
19 sional, scientific, technical, or information technology positions at
20 such agency involving comparable skills and responsibilities.

21 3. Notwithstanding any provision of law to the contrary, the depart-
22 ment may limit certification from the following eligible lists to those
23 eligibles identified as having knowledge, skills or certifications, or
24 any combination thereof, identified by the appointing authority as
25 necessary to perform the duties of certain positions:

26 35-382 Information Technology Specialist 4 G-25

27 35-383 Information Technology Specialist 4 (Data Communications) G-25

28 35-384 Information Technology Specialist 4 (Database) G-25

- 1 35-386 Information Technology Specialist 4 (Systems Programming) G-25
2 35-387 Manager Information Technology Services 1 G-27
3 35-388 Manager Information Technology Services 1 (Data Communications)
4 G-27
5 35-389 Manager Information Technology Services 1 (Database) G-27
6 35-391 Manager Information Technology Services 1 (Systems Programming)
7 G-27
8 35-392 Manager Information Technology Services 1 (Technical) G-27

9 § 2. Section 51 of the civil service law, as amended by chapter 836 of
10 the laws of 1968, is amended to read as follows:

11 § 51. Filling vacancies by open competitive or open promotion examina-
12 tion. 1. Upon the written request of the appointing officer stating
13 [his] the reasons therefor, or on its own initiative, the state civil
14 service department or appropriate municipal commission may determine to
15 conduct an open competitive examination for filling a vacancy or vacan-
16 cies instead of a promotion examination.

17 2. Except where the state civil service department or appropriate
18 municipal commission finds that there are less than three persons eligi-
19 ble for promotion in the promotion unit where the vacancy exists, or in
20 the department, if such vacancy is not in a separate promotion unit,
21 [and] or except where the department or municipal commission determines
22 to conduct an open competitive and a promotion examination simultaneous-
23 ly, or except where the state civil service department determines to
24 conduct an open promotion examination pursuant to subdivision four of
25 this section, a notice of intention to conduct such open competitive
26 examination or open promotion examination or a copy of the appointing
27 officer's request for open competitive examination or open promotion
28 examination, as the case may be, shall be publicly and conspicuously

1 posted in the offices of both the appointing officer and the state civil
2 service department or appropriate municipal commission and such request
3 shall not be acted upon until said notice has been posted as aforesaid
4 for a period of not less than fifteen days.

5 3. Any employee who believes that a promotion examination should be
6 held for filling such vacancy may submit to the state civil service
7 department or appropriate municipal commission his or her request, in
8 writing, for a promotion examination rather than an open competitive or
9 open promotion examination, stating the reasons why he or she believes
10 it to be practicable and in the public interest to fill the vacancy by
11 promotion examination.

12 4. The state civil service department, upon the written request of an
13 appointing officer, or on its own initiative, may determine to conduct
14 an open promotion examination for filling a vacancy or vacancies in
15 professional, technical, scientific or administrative positions. Such
16 open promotion examination shall be open both to persons who would
17 otherwise be eligible to participate in an open competitive examination
18 for such positions and to persons who would otherwise be eligible to
19 participate in a promotion examination for such positions, provided
20 however, that persons may only participate in either the promotion or
21 open competitive examination. Eligible lists shall be certified in the
22 manner provided in subdivision four of section sixty of this article.

23 § 3. Section 60 of the civil service law is amended by adding a new
24 subdivision 4 to read as follows:

25 4. Certification of eligible lists from an open promotion examination.
26 The state department of civil service shall certify a promotion eligible
27 list and an open competitive eligible list containing the names of all
28 successful candidates resulting from an open promotion examination held

1 pursuant to subdivision four of section fifty-one of this article. The
2 promotion eligible list shall be established in the same manner and
3 subject to the same conditions as would otherwise apply if such examina-
4 tion had been a promotion examination; the ratings and ranks of the
5 candidates shall be revised by including credit for seniority and apply-
6 ing additional credits for disabled and non-disabled veterans applicable
7 to promotion examinations. The open competitive list shall rank all
8 successful candidates in the order of their final ratings; the ratings
9 and ranks of the candidates shall be revised by including additional
10 credits for disabled and non-disabled veterans applicable to examina-
11 tions for original appointment. An appointing officer may use either
12 list to fill a vacancy.

13 § 4. Subdivision 4 of section 52 of the civil service law, as added by
14 chapter 790 of the laws of 1958, is amended to read as follows:

15 4. Departmental and interdepartmental promotion lists. The state civil
16 service department and municipal commissions may establish interdepart-
17 mental promotion eligible lists which shall not be certified to a
18 department until after the promotion eligible list for that department
19 has been exhausted, except that where it would be in the best interest
20 of the state service, the state civil service department may certify an
21 interdepartmental promotion eligible list and departmental promotion
22 eligible list for filling positions without preference to the depart-
23 mental promotion eligible list.

24 § 5. Subdivision 11 of section 52 of the civil service law, as amended
25 by chapter 214 of the laws of 1989, is amended to read as follows:

26 11. Notwithstanding any other provision of law, the state [department
27 of] civil service department may, for titles designated by it, extend to
28 employees in the state service who are holding or who have held a posi-

1 tion in the non-competitive or labor class of such service the same
2 opportunity as employees in the competitive class to take promotion
3 examinations [if such examinations are to be held in conjunction with
4 open competitive examinations].

5 § 6. Subdivision 6 of section 52 of the civil service law, as added by
6 chapter 790 of the laws of 1958, paragraph (a) as amended by chapter 210
7 of the laws of 1971 and paragraph (b) as separately amended by chapters
8 836 and 837 of the laws of 1968, is amended to read as follows:

9 6. Promotion and transfer to administrative positions in the state
10 service. (a) For the purpose of this subdivision, the term "administra-
11 tive positions" shall include competitive class or non-competitive class
12 positions in the state service in law, personnel, budgeting, methods and
13 procedures, management, records analysis, and administrative research,
14 as determined by the state civil service department.

15 (b) Except as provided in section fifty-one of this article, vacancies
16 in administrative positions in the competitive class shall be filled, so
17 far as practicable, by promotion as prescribed in subdivision one of
18 this section, which may be made from among persons holding administra-
19 tive positions in lower grades without regard to the specialties of
20 their lower grade positions. The civil service department, upon the
21 request of an appointing officer stating the reasons why the filling of
22 administrative positions in grade fourteen or higher under his jurisdic-
23 tion from an interdepartmental promotion list or a promotion list
24 including persons employed in other units of government would be in the
25 best interests of the state service, or upon its own initiative whenever
26 it finds that the filling of administrative positions in grade fourteen
27 or higher in any department from such an interdepartmental or intergov-
28 ernmental promotion list would be in the best interests of the state

1 service, may certify such an interdepartmental or intergovernmental
2 promotion list for filling such positions, without preference to depart-
3 mental lists or to eligibles holding lower grade positions in the
4 department or promotion unit in which such positions exist.

5 (c) Transfers shall be allowed between administrative positions in the
6 same or related or collateral specialties which involve substantially
7 equivalent competitive examinations or non-competitive tests or quali-
8 fications, subject to such conditions and limitations as the state civil
9 service department may prescribe.

10 (d) The provisions of this subdivision shall be applicable and
11 controlling, notwithstanding any other provisions of this section or
12 chapter or any other law.

13 § 7. Subdivision 1 of section 70 of the civil service law, as amended
14 by chapter 718 of the laws of 1993, is amended to read as follows:

15 1. General provisions. Except as provided in subdivisions four and six
16 of this section no employee in the competitive or non-competitive class
17 shall be transferred to a position for which there is required by this
18 chapter or the rules established hereunder an examination involving
19 essential tests or qualifications different from or higher than those
20 required for the position held by such employee. The state and municipal
21 commissions may adopt rules governing transfers between positions in
22 their respective jurisdictions and may also adopt reciprocal rules
23 providing for the transfer of employees from one governmental jurisdic-
24 tion to another. No employee shall be transferred without his or her
25 consent except as provided in subdivision six of this section or upon
26 the transfer of functions as provided in subdivision two of this
27 section. Notwithstanding the provisions of section fifty of this chapter
28 or any other law, transfers in the state service pursuant to this subdi-

1 vision from non-competitive class positions to competitive class posi-
2 tions shall be permitted only where the non-competitive tests or quali-
3 fications include possession of credentials, licenses, or certifications
4 granted by appropriate regulatory bodies which are similar to the
5 required essential tests or qualifications of the competitive class
6 position.

7 § 8. Subdivision 4 of section 70 of the civil service law, as amended
8 by chapter 718 of the laws of 1993, is amended to read as follows:

9 4. Transfer and change of title. Notwithstanding the provisions of
10 subdivision one of this section or any other provision of law, any
11 permanent employee in the competitive, non-competitive, or labor class
12 who meets all of the requirements for a competitive examination, and is
13 otherwise qualified as determined by the state civil service commission
14 or the municipal civil service commission, as the case may be, shall be
15 eligible for participation in a non-competitive examination in a differ-
16 ent position classification, provided, however, that such employee is
17 holding a position in a similar grade.

18 § 9. Section 70 of the civil service law is amended by adding a new
19 subdivision 3 to read as follows:

20 3. Transfer of personnel upon the consolidation or merger of agencies
21 or departments of the state. Officers and employees transferred pursuant
22 to subdivision one or two of this section to a new department or agency
23 shall be transferred in their current civil service classification and
24 status. Transferred permanent employees whose positions are subsequently
25 reclassified to align with the duties and responsibilities of their
26 positions within the new department or agency shall hold such positions
27 without further examination or qualification. Notwithstanding any other
28 provision of this chapter, the names of permanent employees transferred

1 from a state department or agency to a new department or agency who were
2 on a promotion eligible list for appointment in the agency or department
3 from which such employees were transferred shall be added to the
4 promotion eligible list in the new department or agency, as the state
5 civil service department deems appropriate.

6 § 10. This act shall take effect immediately; provided, however, that
7 section one of this act shall be deemed to have been in full force and
8 effect on and after December 31, 2011.

9 PART N

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

14 1. Tuition reimbursement fund (050):

15 a. Tuition reimbursement account (01).

16 b. Proprietary vocational school supervision account (02).

17 2. Local government records management improvement fund (052):

18 a. Local government records management account (01).

19 3. Dedicated highway and bridge trust fund (072):

20 a. Highway and bridge capital account (01).

21 b. State university residence hall rehabilitation fund (074).

22 4. State parks infrastructure trust fund (076):

23 a. State parks infrastructure account (01).

24 5. Clean water/clean air implementation fund (079).

25 6. State lottery fund (160):

26 a. Education - New (03).

- 1 b. VLT - Sound basic education fund (06).
- 2 7. Medicaid management information system escrow fund (179).
- 3 8. Sewage treatment program management and administration fund (300).
- 4 9. Environmental conservation special revenue fund (301):
 - 5 a. Waste cleanup and management account (48).
 - 6 b. Hazardous bulk storage account (F7).
 - 7 c. Low level radioactive waste siting account (K5).
 - 8 d. Recreation account (K6).
 - 9 e. Public safety recovery account (PS).
 - 10 f. Conservationist magazine account (S4).
 - 11 g. Environmental regulatory account (S5).
 - 12 h. Natural resource account (S6).
 - 13 i. Mined land reclamation program account (XB).
 - 14 j. Federal grants indirect cost recovery account (IC).
- 15 10. Environmental protection and oil spill compensation fund (303).
- 16 11. Hazardous waste remedial fund (312):
 - 17 a. Site investigation and construction account (01).
 - 18 b. Hazardous waste remedial clean up account (06).
- 19 12. Mass transportation operating assistance fund (313):
 - 20 a. Public transportation systems account (01).
 - 21 b. Metropolitan mass transportation (02).
- 22 13. Clean air fund (314):
 - 23 a. Operating permit program account (01).
 - 24 b. Mobile source account (02).
- 25 14. Centralized services fund (323).
- 26 15. State exposition special fund (325).
- 27 16. Agency enterprise fund (331):
 - 28 a. OGS convention center account (55).

- 1 17. Agencies internal service fund (334):
- 2 a. Archives records management account (02).
- 3 b. Federal single audit account (05).
- 4 c. Civil service law: sec 11 admin account (09).
- 5 d. Civil service EHS occupational health program account (10).
- 6 e. Banking services account (12).
- 7 f. Cultural resources survey account (14).
- 8 g. Neighborhood work project (17).
- 9 h. Automation & printing chargeback account (18).
- 10 i. OFT NYT account (20).
- 11 j. Data center account (23).
- 12 k. Human service telecom account (24).
- 13 l. Centralized Technology services account (30).
- 14 m. OPWDD copy center account (26).
- 15 n. Intrusion detection account (27).
- 16 o. Domestic violence grant account (28).
- 17 p. Learning management system account (ZV).
- 18 18. Miscellaneous special revenue fund (339):
- 19 a. Statewide planning and research cooperative system account (03).
- 20 b. OPWDD provider of service account (05).
- 21 c. New York state thruway authority account (08).
- 22 d. Mental hygiene patient income account (13).
- 23 e. Financial control board account (15).
- 24 f. Regulation of racing account (16).
- 25 g. New York metropolitan transportation council account (17).
- 26 h. Quality of care account (20).
- 27 i. Cyber upgrade account (25).
- 28 j. Certificate of need account (26).

- 1 k. Hospital and nursing home management account (44).
- 2 l. State university dormitory income reimbursable account (47).
- 3 m. Energy research account (60).
- 4 n. Criminal justice improvement account (62).
- 5 o. Fingerprint identification and technology account (68).
- 6 p. Environmental laboratory reference fee account (81).
- 7 q. Clinical laboratory reference system assessment account (90).
- 8 r. Public employment relations board account (93).
- 9 s. Radiological health protection account (95).
- 10 t. Teacher certification account (A4).
- 11 u. Banking department account (A5).
- 12 v. Cable television account (A6).
- 13 w. Indirect cost recovery account (AH).
- 14 x. High school equivalency program account (AI).
- 15 y. Rail safety inspection account (AQ).
- 16 z. Multi-agency training account (AY).
- 17 aa. Critical infrastructure account (B3).
- 18 bb. Insurance department account (B6).
- 19 cc. Bell jar collection account (BJ).
- 20 dd. Industry and utility service account (BK).
- 21 ee. Real property disposition account (BP).
- 22 ff. Parking account (BQ).
- 23 gg. Asbestos safety training program account (BW).
- 24 hh. Public service account (C3).
- 25 ii. Batavia school for the blind account (D9).
- 26 jj. Investment services account (DC).
- 27 kk. Surplus property account (DE).
- 28 ll. Financial oversight account (DI).

1 mm. Regulation of indian gaming account (DT).
2 nn. Interest assessment account (DZ).
3 oo. Office of the professions account (E3).
4 pp. Rome school for the deaf account (E6).
5 qq. Seized assets account (E8).
6 rr. Administrative adjudication account (E9).
7 ss. Federal salary sharing account (EC).
8 tt. New York City Assessment Account (EM).
9 uu. Cultural education account (EN).
10 vv. Examination and miscellaneous revenue account (ER).
11 ww. Transportation regulation account (F1).
12 xx. Local services account (G3).
13 yy. DHCR mortgage servicing account (H2).
14 zz. Department of motor vehicles compulsory insurance account (H7).
15 aaa. Housing indirect cost recovery account (HI).
16 bbb. DHCR-HCA application fee account (J5).
17 ccc. Federal gasoline and diesel fuel excise tax account (L6).
18 ddd. Low income housing monitoring account (NG).
19 eee. Procurement opportunities newsletter account (P4).
20 fff. Corporation administration account (P6).
21 ggg. Montrose veteran's home account (Q6).
22 hhh. Excelsior capital corporation reimbursement account (R1).
23 iii. Motor fuel quality account (R4).
24 jjj. Deferred compensation administration account (R7).
25 kkk. Rent revenue other account (RR).
26 lll. Rent revenue account (S8).
27 mmm. Tax revenue arrearage account (TR).
28 nnn. Solid waste management account (W3).

1 ooo. Occupational health clinics account (W4).
2 ppp. Capacity contracting (XU).
3 qqq. Administrative cost recovery -
4 tax return preparer registration fee account (Y8).
5 rrr. Sales tax re-registration fee account (YD).
6 sss. Equitable sharing agreement account (YP).
7 ttt. Point insurance reduction program account.
8 uuu. Internet point insurance reduction program account (IC).
9 vvv. Mental hygiene program fund account (10).
10 www. Third party debt collection account.
11 xxx. Regulation of manufactured housing account (CM).
12 yyy. Business and licensing services account (AG).
13 zzz. Consumer protection account (F2).
14 19. State university income fund (345):
15 a. State university general income offset account (11).
16 20. State police and motor vehicle law enforcement fund (354):
17 a. State police motor vehicle law enforcement account (02).
18 21. Youth facilities improvement fund (357):
19 a. Youth facilities improvement account (01).
20 22. Highway safety program fund (362):
21 a. Highway safety program account (01).
22 23. Drinking water program management and administration fund (366):
23 a. EFC drinking water program account (01).
24 b. DOH drinking water program account (02).
25 24. New York city county clerks offset fund (368):
26 a. NYCCC operating offset account (01).
27 25. Housing assistance fund (374).
28 26. Housing program fund (376).

- 1 27. Department of transportation - engineering services fund (380):
- 2 a. Highway facility purpose account (01).
- 3 28. Miscellaneous capital projects fund (387):
- 4 a. Clean air capital account (08).
- 5 b. New York racing account.
- 6 29. Mental hygiene facilities capital improvement fund (389).
- 7 30. Joint labor/management administration fund (394):
- 8 a. Joint labor/management administration fund (01).
- 9 31. Audit and control revolving fund (395):
- 10 a. Executive direction internal audit account (04).
- 11 b. CIO Information technology centralized services account (zz).
- 12 32. Health insurance internal service fund (396):
- 13 a. Health insurance internal service account (00).
- 14 b. Civil service employee benefits div admin (01).
- 15 33. Correctional industries revolving fund (397).
- 16 34. Correctional facilities capital improvement fund (399).
- 17 35. HCRA resources fund (061):
- 18 a. EPIC premium account (J6).
- 19 b. Hospital based grants program account (AF).
- 20 c. Child health plus program account (29).
- 21 § 1-a. The state comptroller is hereby authorized and directed to loan
- 22 money in accordance with the provisions set forth in subdivision 5 of
- 23 section 4 of the state finance law to any account within the following
- 24 federal funds, provided the comptroller has made a determination that
- 25 sufficient federal grant award authority is available to reimburse such
- 26 loans:
- 27 1. Federal USDA-food nutrition services fund (261).
- 28 2. Federal health and human services fund (265).

1 3. Federal education grants fund (267).

2 4. Federal block grant fund (269).

3 5. Federal operating grants fund (290).

4 6. Federal capital projects fund (291).

5 7. Federal unemployment insurance administration fund (480).

6 8. Federal unemployment insurance occupational training fund (484).

7 9. Federal employment and training grants (486).

8 § 2. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, upon request of the director of the budget, on
11 or before March 31, 2013, up to the unencumbered balance or the follow-
12 ing amounts:

13 Economic Development and Public Authorities:

14 1. \$175,000 from the miscellaneous special revenue fund (339) under-
15 ground facilities safety training account (US), to the general fund.

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

19 3. \$14,810,000 from the miscellaneous special revenue fund (339), code
20 enforcement account (07), to the general fund.

21 4. \$100,000 from the miscellaneous special revenue fund (339), manu-
22 factured housing account (CM), to the general fund.

23 5. An amount up to the unencumbered balance from the miscellaneous
24 special revenue fund (339), administrative costs account (AB), to the
25 general fund.

26 Education:

27 1. \$2,217,000,000 from the general fund to the state lottery fund
28 (160), education account (03), as reimbursement for disbursements made

1 from such fund for supplemental aid to education pursuant to section
2 92-c of the state finance law that are in excess of the amounts deposit-
3 ed in such fund for such purposes pursuant to section 1612 of the tax
4 law.

5 2. \$836,000,000 from the general fund to the state lottery fund (160),
6 VLT education account (06), as reimbursement for disbursements made from
7 such fund for supplemental aid to education pursuant to section 92-c of
8 the state finance law that are in excess of the amounts deposited in
9 such fund for such purposes pursuant to section 1612 of the tax law.

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

14 4. \$300,000 from the local government records management improvement
15 fund (052) to the archives partnership trust fund (024).

16 5. \$900,000 from the general fund to the miscellaneous special revenue
17 fund (339), Batavia school for the blind account (D9).

18 6. \$900,000 from the general fund to the miscellaneous special revenue
19 fund (339), Rome school for the deaf account (E6).

20 7. \$80,000,000 from the state university dormitory income fund (330)
21 to the state university residence hall rehabilitation fund (074).

22 8. \$343,400,000 from the state university dormitory income fund (330)
23 to the miscellaneous special revenue fund (339), state university dormi-
24 tory income reimbursable account (47).

25 9. \$24,000,000 from any of the state education department special
26 revenue and internal service funds to the miscellaneous special revenue
27 fund (339), indirect cost recovery account (AH).

1 10. \$8,318,000 from the general fund to the state university income
2 fund (345), state university income offset account (11), for the state's
3 share of repayment of the STIP loan.

4 11. \$45,000,000 from the State University Income Fund (345), State
5 University Hospitals Income Reimbursable Account (22) to the general
6 fund for hospital debt service for the period April 1, 2012 through
7 March 31, 2013.

8 12. \$884,000 from the state university income fund (345), Long Island
9 Veterans' Home Account (09) to the general fund.

10 Environmental Affairs:

11 1. \$500,000 from the department of transportation's federal capital
12 projects fund (291) to the office of parks and recreation federal oper-
13 ating grants fund (290), miscellaneous operating grants account.

14 2. \$16,000,000 from any of the department of environmental conserva-
15 tion's special revenue federal funds to the special revenue fund (301)
16 federal grant indirect cost recovery account.

17 3. \$2,000,000 from any of the department of environmental conserva-
18 tion's special revenue federal funds to the conservation fund (302) as
19 necessary to avoid diversion of conservation funds.

20 4. \$3,000,000 from any of the office of parks, recreation and historic
21 preservation capital projects federal funds and special revenue federal
22 funds to the special revenue fund (339) federal grant indirect cost
23 recovery account (Z1).

24 5. \$1,000,000 from any of the office of parks, recreation and historic
25 preservation special revenue federal funds to the special revenue fund
26 (339), I love NY water account (39).

27 Family Assistance:

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

7 2. \$3,000,000 from any of the office of children and family services
8 or office of temporary and disability assistance special revenue federal
9 funds to the miscellaneous special revenue fund (339), family preserva-
10 tion and support services and family violence services account (GC).

11 3. \$6,000,000 from any of the office of children and family services
12 special revenue federal funds to the general fund for title IV-E
13 reimbursement of youth facility costs.

14 4. \$28,000,000 from any of the office of children and family services,
15 office of temporary and disability assistance, or department of health
16 special revenue federal funds and any other miscellaneous revenues
17 generated from the operation of office of children and family services
18 programs to the general fund.

19 5. \$10,000,000 from any of the office of children and family services
20 or office of temporary and disability assistance special revenue funds
21 or the general fund to the miscellaneous special revenue fund (339),
22 connections account (WK).

23 6. \$41,000,000 from any of the office of temporary and disability
24 assistance accounts within the federal health and human services fund
25 (265) to the general fund.

26 7. \$155,000,000 from any of the office of temporary and disability
27 assistance or department of health special revenue funds to the general
28 fund.

1 8. \$2,500,000 from any of the office of temporary and disability
2 assistance or office of children and family services special revenue
3 federal funds to the miscellaneous special revenue fund (339), office of
4 temporary and disability assistance program account (AL).

5 9. \$50,000,000 from any of the office of children and family services,
6 office of temporary and disability assistance, department of labor, and
7 department of health special revenue federal funds to the office of
8 children and family services miscellaneous special revenue fund (339),
9 multi-agency training contract account (AY).

10 10. \$152,400,000 from the miscellaneous special revenue fund (339),
11 youth facility per Diem account (YF), to the general fund.

12 11. \$621,850 from the general fund to the combined gifts, grants, and
13 bequests fund (020), WB Hoyt Memorial account (78).

14 12. \$1,300,000 from any of the office of temporary and disability
15 assistance and department of health special revenue federal funds to the
16 miscellaneous special revenue fund (339) welfare inspector general
17 administrative reimbursement account (WW).

18 13. \$4,822,000 from the miscellaneous special revenue fund (339) state
19 central registry (CY) to the general fund.

20 General Government:

21 1. \$1,566,000 from the miscellaneous special revenue fund (339), exam-
22 ination and miscellaneous revenue account (ER) to the general fund.

23 2. \$12,500,000 from the general fund to the health insurance revolving
24 fund (396).

25 3. \$192,400,000 from the health insurance reserve receipts fund (167)
26 to the general fund.

27 4. \$150,000 from the general fund to the not-for-profit revolving loan
28 fund (055).

1 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
2 general fund.

3 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
4 property disposition account (BP), to the general fund.

5 7. \$3,000,000 from the miscellaneous special revenue fund (339),
6 surplus property account (DE), to the general fund.

7 8. \$19,000,000 from the general fund to the miscellaneous special
8 revenue fund (339), alcoholic beverage control account (DB).

9 9. \$23,000,000 from the miscellaneous special revenue fund (339),
10 revenue arrearage account (CR), to the general fund.

11 10. \$1,826,000 from the miscellaneous special revenue fund (339)
12 revenue arrearage account (CR), to the miscellaneous special revenue
13 fund (339) authority budget office account.

14 11. \$1,000,000 from the miscellaneous special revenue fund (339),
15 parking services account (BQ), to the general fund, for the purpose of
16 reimbursing the costs of debt service related to state parking facili-
17 ties.

18 12. \$55,000,000 from the general fund to the miscellaneous special
19 revenue fund (339), statewide financial system account (FM).

20 13. \$12,300,000 from the general fund, to the office for technology
21 internal service fund (334), centralized technology services account
22 (30), for the purpose of developing a statewide licensing system.

23 14. \$12,000,000 from the general fund to the office for technology
24 internal service fund (334), central technology services account (30),
25 for the purpose of enterprise technology projects.

26 Health:

27 1. \$12,000,000 from any of the department of health accounts within
28 the federal health and human services fund (265) to the general fund.

1 2. \$139,560,000 from any of the department of health accounts within
2 the federal health and human services fund (265) to the miscellaneous
3 special revenue fund (339), quality of care account (20).

4 3. \$1,000,000 from the general fund to the combined gifts, grants and
5 bequests fund (020), breast cancer research and education account (BD),
6 an amount equal to the monies collected and deposited into that account
7 in the previous fiscal year.

8 4. \$2,464,000 from any of the department of health accounts within the
9 federal health and human services fund (265) to the department of health
10 miscellaneous special revenue fund (339), statewide planning and
11 research cooperation system (SPARCS) program account (03).

12 5. \$250,000 from the general fund to the combined gifts, grants and
13 bequests fund (020), prostate cancer research, detection, and education
14 account (PR), an amount equal to the moneys collected and deposited into
15 that account in the previous fiscal year.

16 6. \$500,000 from the general fund to the combined gifts, grants and
17 bequests fund (020), Alzheimer's disease research and assistance account
18 (AA), an amount equal to the moneys collected and deposited into that
19 account in the previous fiscal year.

20 7. \$1,000,000 from the miscellaneous special revenue fund (339),
21 administration account (AP), to the general fund.

22 8. \$600,000,000 from any of the department of health accounts within
23 the federal health and human services fund (265) to the miscellaneous
24 special revenue fund (339), federal state health reform partnership
25 account (FS).

26 9. \$50,000,000 from the special revenue fund (061), HCRA resources
27 fund, to the miscellaneous special revenue fund (339), empire state stem
28 cell trust fund account (SR).

1 10. \$1,250,000 from the miscellaneous New York state agency fund
2 (169), medical assistance account to the department of health miscella-
3 neous special revenue fund (339), third party health insurance account
4 (35).

5 11. \$3,700,000 from the miscellaneous New York state agency fund
6 (169), medical assistance account to the office of medicaid inspector
7 general miscellaneous special revenue fund (339), recoveries and revenue
8 account (C9).

9 12. \$2,500,000 from the general fund to the miscellaneous special
10 revenue fund (339), quality of care improvement account (QC).

11 Labor:

12 1. \$700,000 from the labor standards miscellaneous special revenue
13 fund (339), fee and penalty account (30), to the child performer
14 protection fund (025), child performer protection account (CP).

15 2. \$8,000,000 from the labor standards miscellaneous special revenue
16 fund (339), fee and penalty account (30), to the general fund.

17 3. \$6,500,000 from the unemployment insurance interest and penalty
18 special revenue fund (482), unemployment insurance special interest and
19 penalty account (01), to the general fund.

20 4. \$2,700,000 from the labor standards miscellaneous special revenue
21 fund (339), public work enforcement account (BA), to the general fund.

22 5. \$1,500,000 from the training and education program on occupational
23 safety and health fund (305), occupational safety and health inspection
24 account (02), to the general fund.

25 Mental Hygiene:

26 1. \$5,000,000 from the miscellaneous special revenue fund (339),
27 mental hygiene patient income account (13), to the miscellaneous special
28 revenue fund (339), federal salary sharing account (EC).

1 2. \$240,000,000 from the miscellaneous special revenue fund (339),
2 mental hygiene patient income account (13) to the miscellaneous special
3 revenue fund (339), provider of service accounts (05).

4 3. \$220,000,000 from the miscellaneous special revenue fund (339),
5 mental hygiene program fund account (10) to the miscellaneous special
6 revenue fund (339), provider of service account (05).

7 4. \$150,000,000 from the general fund to the miscellaneous special
8 revenue fund (339), mental hygiene patient income account (13).

9 5. \$150,000,000 from the general fund to the miscellaneous special
10 revenue fund (339), mental hygiene program fund account (10).

11 6. \$300,000,000 from the miscellaneous special revenue fund (339),
12 mental hygiene program fund account (10) to the general fund.

13 7. \$180,000,000 from the miscellaneous special revenue fund (339),
14 mental hygiene patient income account (13) to the general fund.

15 8. \$200,000 from the chemical dependence service fund (346) to the
16 general fund.

17 9. \$200,000 from the combined gifts, grants and bequests fund (020),
18 disability and technical assistance account (D1) to the general fund.

19 Public Protection:

20 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
21 gency management account (61), to the general fund.

22 2. \$3,300,000 from the general fund to the miscellaneous special
23 revenue fund (339), recruitment incentive account (U2).

24 3. \$9,500,000 from the general fund to the correctional industries
25 revolving fund (397), correctional industries internal service account
26 (00).

27 4. \$10,000,000 from federal miscellaneous operating grants fund (290),
28 DMNA damage account (71), to the general fund.

1 5. \$16,000,000 from the general fund to the miscellaneous special
2 revenue fund (339), crimes against revenue program account (CA).

3 6. \$20,000,000 from any office of homeland security account within the
4 federal miscellaneous operating grants fund (290), receiving money
5 through the homeland security grants program, to the general fund.

6 7. \$26,900,000 from the miscellaneous special revenue fund (339) crim-
7 inal justice improvement account (62) to the general fund.

8 8. \$20,000,000 from the miscellaneous special revenue fund (339),
9 statewide public safety communications account (LZ), to the general
10 fund.

11 9. \$106,000,000 from the state police and motor vehicle law enforce-
12 ment and motor vehicle theft and insurance fund prevention fund (354),
13 state police motor vehicle enforcement account (02) to the general fund
14 for state operation expenses of the division of state police.

15 10. \$21,500,000 from the general fund to the correctional facilities
16 capital improvement fund (399).

17 Transportation:

18 1. \$17,672,000 from the federal miscellaneous operating grants fund
19 (290) to the special revenue fund (339), tri-state federal regional
20 planning account (17).

21 2. \$20,147,000 from the federal capital projects fund (291) to the
22 special revenue fund (339), tri-state federal regional planning accounts
23 (17).

24 3. \$15,368,000 from the miscellaneous special revenue fund (339),
25 compulsory insurance account (H7), to the general fund.

26 4. \$12,000,000 from the general fund to the mass transportation oper-
27 ating assistance fund (313), public transportation systems operating
28 assistance account (01).

1 5. \$597,317,000 from the general fund to the dedicated highway and
2 bridge trust fund (072).

3 6. \$606,000 from the miscellaneous special revenue fund (339), inter-
4 net point insurance reduction program account (IC), to the general fund.

5 7. \$6,000 from the miscellaneous special revenue fund (339), motorcy-
6 cle safety account (AE), to the general fund.

7 8. \$12,000 from the general fund to the miscellaneous special revenue
8 fund (339), federal seized asset account (GE).

9 9. \$10,000,000 from the miscellaneous special revenue fund (339),
10 department of transportation accident damage recovery account (G7), to
11 the dedicated highway and bridge trust fund (072).

12 10. \$255,000,000 from the general fund to the MTA financial assistance
13 fund (225), mobility tax trust account (01).

14 Miscellaneous:

15 1. \$150,000,000 from the general fund to any funds or accounts for the
16 purpose of reimbursing certain outstanding accounts receivable balances.

17 2. \$500,000,000 from the general fund to the debt reduction reserve
18 fund (064).

19 § 3. Notwithstanding any law to the contrary, and in accordance with
20 section 4 of the state finance law, the comptroller is hereby authorized
21 and directed to transfer, on or before March 31, 2013:

22 1. Upon request of the commissioner of environmental conservation, up
23 to \$10,940,000 from revenues credited to any of the department of envi-
24 ronmental conservation special revenue funds, including \$3,197,800 from
25 the environmental protection and oil spill compensation fund (303), and
26 \$1,751,600 from the conservation fund (302), to the environmental
27 conservation special revenue fund (301), indirect charges account (BJ).

1 2. Upon request of the commissioner of agriculture and markets, up to
2 \$3,000,000 from any special revenue fund or enterprise fund within the
3 department of agriculture and markets to the general fund, to pay appro-
4 priate administrative expenses.

5 3. Upon request of the commissioner of agriculture and markets, up to
6 \$2,000,000 from the state exposition special fund (325), state fair
7 receipts account (01) to the miscellaneous capital projects fund (387),
8 state fair capital improvement account (13).

9 4. Upon request of the commissioner of the division of housing and
10 community renewal, up to \$5,500,000 from revenues credited to any divi-
11 sion of housing and community renewal federal or miscellaneous special
12 revenue fund to the agency cost recovery account (HI).

13 5. Upon request of the commissioner of the division of housing and
14 community renewal, up to \$5,500,000 may be transferred from any miscel-
15 laneous special revenue fund account (339), to any miscellaneous special
16 revenue fund (339).

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

21 7. On or about March 31, 2012, the comptroller is authorized to and
22 directed to transfer all funds from the miscellaneous special revenue
23 fund (339), commission of investigation seized assets account (EK) to
24 the miscellaneous special revenue fund (339), state police seized asset
25 account (E8).

26 § 4. Notwithstanding section 2815 of the public health law or any
27 other contrary provision of law, upon the direction of the director of
28 the budget and the commissioner of health, the dormitory authority of

1 the state of New York is directed to transfer seven million dollars
2 annually from funds available and uncommitted in the New York state
3 health care restructuring pool to the health care reform act (HCRA)
4 resources fund - HCRA resources account.

5 § 5. On or before March 31, 2013, the comptroller is hereby authorized
6 and directed to deposit earnings that would otherwise accrue to the
7 general fund that are attributable to the operation of section 98-a of
8 the state finance law, to the agencies internal service fund (334),
9 banking services account (12), for the purpose of meeting direct
10 payments from such account.

11 § 6. Notwithstanding any law to the contrary, upon the direction of
12 the director of the budget and upon requisition by the state university
13 of New York, the dormitory authority of the state of New York is
14 directed to transfer, up to \$22,000,000 in revenues generated from the
15 sale of notes or bonds, to the state university of New York for
16 reimbursement of bondable equipment for further transfer to the state's
17 general fund.

18 § 6-a. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized
20 and directed to transfer, upon request of the director of the budget and
21 upon consultation with the state university chancellor or his or her
22 designee, on or before March 31, 2013, up to \$16,000,000 from the State
23 university income fund (345) general revenue account (10) to the State
24 general fund for debt service costs related to capital project costs for
25 the NY-SUNY 2020 challenge grant program.

26 § 7. Notwithstanding any law to the contrary, the state university
27 chancellor or her designee is authorized and directed to transfer esti-
28 mated tuition revenue balances from the state university collection fund

1 (344) to the state university fund (345), state university general
2 revenue offset account (12) on or before March 31, 2013.

3 § 8. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer, upon request of the director of the budget, up
6 to \$60,000,000 from the general fund to the state university income fund
7 (345), state university hospitals income reimbursable account (22)
8 during the period July 1, 2012 through June 30, 2013 to reflect ongoing
9 state subsidy of SUNY hospitals and to pay costs attributable to the
10 SUNY hospitals' state agency status.

11 § 9. Notwithstanding any law to the contrary, and in accordance with
12 section 4 of the state finance law, the comptroller is hereby authorized
13 and directed to transfer, upon request of the director of the budget, up
14 to \$968,550,000 from the general fund to the state university income
15 fund (345), state university general revenue offset account (12) during
16 the period of July 1, 2012 through June 30, 2013 to support operations
17 at the state university.

18 § 10. Notwithstanding any law to the contrary, and in accordance with
19 section 4 of the state finance law, the comptroller is hereby authorized
20 and directed to transfer, upon request of the state university chancel-
21 lor or her designee, up to \$50,000,000 from the state university income
22 fund (345), state university hospitals income reimbursable account (22),
23 for hospital income reimbursable for services and expenses of hospital
24 operations and capital expenditures at the state university hospitals,
25 and the state university income fund (345) Long Island veterans' home
26 account (09) to the state university capital projects fund (384) on or
27 before June 30, 2013.

1 § 11. Notwithstanding any law to the contrary, and in accordance with
2 section 4 of the state finance law, the comptroller, after consultation
3 with the state university chancellor or his or her designee, is hereby
4 authorized and directed to transfer moneys, in the first instance, from
5 the state university collection fund (344), Stony Brook hospital
6 collection account (07), Brooklyn hospital collection account (08), and
7 Syracuse hospital collection account (09) to the state university income
8 fund (345), state university hospitals income reimbursable account (22)
9 in the event insufficient funds are available in the state university
10 income fund (345), state university hospitals income reimbursable
11 account (22) to transfer moneys, in amounts sufficient to permit the
12 full transfer of moneys authorized for transfer, to the general fund for
13 payment of debt service related to the SUNY hospitals. Notwithstanding
14 any law to the contrary, the comptroller is also hereby authorized and
15 directed, after consultation with the state university chancellor or his
16 or her designee, to transfer moneys from the state university income
17 fund (345) to the state university income fund (345), state university
18 hospitals income reimbursable account (22) in the event insufficient
19 funds are available in the state university income fund (345), state
20 university hospitals income reimbursable account (22) to pay hospital
21 operating costs or to transfer moneys, in amounts sufficient to permit
22 the full transfer of moneys authorized for transfer, to the general fund
23 for payment of debt service related to the SUNY hospitals on or before
24 March 31, 2013.

25 § 12. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer monies, upon request of the director of the
28 budget, on or before March 31, 2013, from and to any of the following

1 accounts: the miscellaneous special revenue fund (339), patient income
2 account (13), the miscellaneous special revenue fund (339), mental
3 hygiene program fund account (10) or the general fund in any combina-
4 tion, the aggregate of which shall not exceed \$350 million.

5 § 13. Notwithstanding any law to the contrary, and in accordance with
6 section 4 of the state finance law, the comptroller is hereby authorized
7 and directed to transfer, at the request of the director of the budget,
8 up to \$500 million from the unencumbered balance of any special revenue
9 fund or account, or combination of funds and accounts, to the general
10 fund. The amounts transferred pursuant to this authorization shall be in
11 addition to any other transfers expressly authorized in the 2012-13
12 budget. Transfers from federal funds, debt service funds, capital
13 projects funds, the community projects fund, or funds that would result
14 in the loss of eligibility for federal benefits or federal funds pursu-
15 ant to federal law, rule, or regulation, are not permitted pursuant to
16 this authorization. The director of the budget shall notify both houses
17 of the legislature in writing prior to initiating transfers pursuant to
18 this authorization.

19 § 14. Notwithstanding any provision of law to the contrary, the power
20 authority of the state of New York, as deemed feasible and advisable by
21 its trustees, is authorized and directed to make a contribution to the
22 state treasury to the credit of the general fund in an amount of up to
23 \$65,000,000 for the fiscal year commencing April 1, 2012. The power
24 authority of the state of New York will transfer up to \$25,000,000 by
25 June 30, 2012 and will transfer the remainder of any such contribution
26 by January 31, 2013.

27 § 15. In addition to any payment made by a public benefit corporation
28 pursuant to an assessment imposed under sections 2975, 2975-a, 2976 and

1 2976-a of the public authorities law, a public benefit corporation is
2 authorized to make voluntary contributions to the state general fund or
3 to any other public benefit corporation for any lawful purpose at any
4 time from any public benefit corporation funds in such amounts as deemed
5 to be feasible and advisable by such public benefit corporation's
6 governing board after due consideration of the public benefit corpo-
7 ration's legal and financial obligations. Notwithstanding any other law,
8 the payment of a voluntary payment pursuant to this subdivision is
9 deemed to be a valid and proper purpose for which available funds may be
10 applied. Voluntary contributions made to the state pursuant to this
11 subdivision shall be payable to the state treasury to the credit of the
12 general fund.

13 § 16. Subdivision 5 of section 97-rrr of the state finance law, as
14 amended by section 16 of part BB of chapter 58 of the laws of 2011, is
15 amended to read as follows:

16 5. Notwithstanding the provisions of section one hundred seventy-one-a
17 of the tax law, as separately amended by chapters four hundred eighty-
18 one and four hundred eighty-four of the laws of nineteen hundred eight-
19 y-one, and notwithstanding the provisions of chapter ninety-four of the
20 laws of two thousand eleven, or any other provisions of law to the
21 contrary, during the fiscal year beginning April first, two thousand
22 [ten] twelve, and during each fiscal year thereafter, the state comp-
23 troller is hereby authorized and directed to deposit to the fund created
24 pursuant to this section from amounts collected pursuant to article
25 twenty-two of the tax law [and pursuant to a schedule submitted by the
26 director of the budget, up to \$3,292,520,000, as may be certified in
27 such schedule as] the amounts necessary to meet the purposes of such
28 fund for [the] each fiscal year [beginning April first, two thousand

1 eleven] pursuant to a schedule submitted by the director of the budget.
2 The director of the budget shall notify both houses of the legislature
3 in writing when submitting such schedule of deposits to the state comp-
4 troller.

5 § 16-a. Subdivision 5 of section 97-rrr of the state finance law, as
6 amended by section 8 of part F of chapter 109 of the laws of 2006, is
7 REPEALED.

8 § 17. The comptroller is authorized and directed to deposit to the
9 general fund-state purposes account reimbursements from moneys appropri-
10 ated or reappropriated to the correctional facilities capital improve-
11 ment fund (399) by a chapter of the laws of 2012. Reimbursements shall
12 be available for spending from appropriations made to the department of
13 correctional services in the general fund-state purposes accounts by a
14 chapter of the laws of 2012 for costs associated with the administration
15 and security of capital projects and for other costs which are attribut-
16 able, according to a plan, to such capital projects.

17 § 18. Subdivision 6 of section 4 of the state finance law, as amended
18 by section 16 of part JJ of chapter 56 of the laws of 2010, is amended
19 to read as follows:

20 6. Notwithstanding any law to the contrary, at the beginning of the
21 state fiscal year, the state comptroller is hereby authorized and
22 directed to receive for deposit to the credit of a fund and/or an
23 account such monies as are identified by the director of the budget as
24 having been intended for such deposit to support disbursements from such
25 fund and/or account made in pursuance of an appropriation by law. As
26 soon as practicable upon enactment of the budget, the director of the
27 budget shall, but not less than three days following preliminary
28 submission to the [chairpersons] chairs of the senate finance committee

1 and the assembly ways and means committee, file with the state comp-
2 troller an identification of specific monies to be so deposited. Any
3 subsequent change regarding the monies to be so deposited shall be filed
4 by the director of the budget, as soon as practicable, but not less than
5 three days following preliminary submission to the [chairpersons] chairs
6 of the senate finance committee and the assembly ways and means commit-
7 tee.

8 All monies identified by the director of the budget to be deposited to
9 the credit of a fund and/or account shall be consistent with the intent
10 of the budget for the then current state fiscal year as enacted by the
11 legislature.

12 [The provisions of this subdivision shall expire on March thirty-
13 first, two thousand twelve.]

14 § 18-a. The state comptroller is hereby authorized and directed to
15 abolish or consolidate with the state general fund the associated funds
16 and/or accounts established pursuant to section 92-a of the state
17 finance law, subdivision 5 of section 233-a of the education law,
18 section 94-d of the state finance law, section 97-cc of the state
19 finance law, section 90-b of the state finance law, section 91-g of the
20 state finance law, section 92-i of the state finance law, section 92-j
21 of the state finance law, section 92-m of the state finance law, section
22 92-w of the state finance law, section 94-c of the state finance law,
23 section 96 of the state finance law, section 97-o of the state finance
24 law, section 97-ff of the state finance law, section 97-ss of the state
25 finance law, section 97-fff of the state finance law, section 97-uuu of
26 the state finance law, section 97-www of the state finance law, section
27 97-aaaa of the state finance law, section 97-bbbb of the state finance
28 law, section 99-g of the state finance law, section 99-i of the state

1 finance law, subdivision 3-a of section 378 of the education law, para-
2 graph f of subdivision 31 of section 1680 of the public authorities law,
3 section 1022 of the private housing finance law, chapter 50 of the laws
4 of 1993, section 12 of chapter 1040 of the laws of 1981 and section 97-n
5 of the state finance law.

6 § 18-b. Sections 90-b, 91-g, 92-a, 92-i, 92-j, 92-m, 92-w, 94-c, 94-d,
7 96, 97-n, 97-o, 97-cc, 97-ff, 97-ss, 97-fff, 97-uuu, 97-www, 97-aaaa,
8 97-bbbb, 99-g and 99-i of the state finance law are REPEALED.

9 § 18-c. Subdivision 5 of section 233-a and subdivision 3-a of section
10 378 of the education law are REPEALED.

11 § 18-d. Paragraph f of subdivision 31 of section 1680 of the public
12 authorities law is REPEALED.

13 § 18-e. Section 1022 of the private housing finance law is REPEALED.

14 § 18-f. Section 12 of chapter 1040 of the laws of 1981 and chapter 50
15 of the laws of 1993 are REPEALED.

16 § 19. Subdivision 4 of section 40 of the state finance law, as amended
17 by section 17 of part JJ of chapter 56 of the laws of 2010, is amended
18 to read as follows:

19 4. Every appropriation made from a fund or account to a department or
20 agency shall be available for the payment of prior years' liabilities in
21 such fund or account for fringe benefits, indirect costs, and telecommu-
22 nications expenses and expenses for other centralized services fund
23 programs without limit. Every appropriation shall also be available for
24 the payment of prior years' liabilities other than those indicated
25 above, but only to the extent of one-half of one percent of the total
26 amount appropriated to a department or agency in such fund or account.

27 [The provisions of this subdivision shall expire March thirty-first,
28 two thousand twelve.]

1 § 20. Notwithstanding any other law, rule, or regulation to the
2 contrary, the comptroller is hereby authorized and directed to deposit,
3 to the credit of the capital projects fund, reimbursement from the
4 proceeds of notes or bonds issued by the environmental facilities corpo-
5 ration for a capital appropriation for \$29,365,000 authorized by chapter
6 54 of the laws of 2002 to the department of environmental conservation
7 for payment of a portion of the state's match for federal capitalization
8 grants for the water pollution control revolving loan fund, reimburse-
9 ment from the proceeds of notes and bonds issued by the urban develop-
10 ment corporation or other financing source for a capital appropriation
11 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the
12 office of general services for payment of capital construction costs for
13 the Alfred E. Smith office building located in the city of Albany,
14 reimbursement from the proceeds of notes and bonds issued by the urban
15 development corporation or other financing source for capital appropri-
16 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
17 the office of general services for payment of capital construction costs
18 for the Elk street parking garage building located in the city of Alba-
19 ny, reimbursement from the proceeds of notes or bonds issued by the
20 urban development corporation for disbursements of up to \$12,000,000
21 from any capital appropriation or reappropriation authorized by chapter
22 50 of the laws of 2002 to the office of general services for various
23 purposes, reimbursement from the proceeds of notes or bonds issued by
24 the urban development corporation for a capital appropriation of
25 \$14,300,000 authorized by chapter 55 of the laws of 2002 to the urban
26 development corporation to finance a portion of the jobs now program,
27 reimbursement from the proceeds of notes or bonds issued by the dormito-
28 ry authority for disbursements of up to \$20,800,000 from any capital

1 appropriation or reappropriation authorized by chapter 51 of the laws of
2 2002 to the judiciary for courthouse improvements, reimbursement from
3 the proceeds of notes or bonds issued by the urban development corpo-
4 ration for disbursements of up to \$15,000,000 from appropriations or
5 reappropriations authorized by chapter 50 of the laws of 2002 to any
6 agency for costs related to homeland security, and reimbursement from
7 the proceeds of notes or bonds issued by the environmental facilities
8 corporation for a capital appropriation of \$10,000,000 authorized by
9 chapter 54 of the laws of 2002 to the department of environmental
10 conservation for Onondaga lake.

11 § 21. Notwithstanding any other law, rule, or regulation to the
12 contrary, the comptroller is hereby authorized and directed to deposit,
13 to the credit of the capital projects fund, reimbursement from the
14 proceeds of notes or bonds issued by the dormitory authority of the
15 state of New York for a capital appropriation for \$215,650,000 author-
16 ized by chapter 55 of the laws of 2000 to all state agencies for payment
17 of costs related to the strategic investment program.

18 § 22. Notwithstanding any other law, rule, or regulation to the
19 contrary, the comptroller is hereby authorized and directed to deposit
20 to the credit of the capital projects fund, reimbursement from the
21 proceeds of notes or bonds issued by the environmental facilities corpo-
22 ration for a capital appropriation of \$30,174,000 authorized by chapter
23 55 of the laws of 2003 to the department of environmental conservation
24 for payment of a portion of the state's match for federal capitalization
25 grants for the water pollution control revolving loan fund, reimburse-
26 ment from the proceeds of notes or bonds issued by the urban development
27 corporation or other financing source for a capital appropriation of
28 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office

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

1 authorized by chapter 50 of the laws of 2003 to the department of state
2 for enhanced 911 wireless service.

3 § 23. Notwithstanding any other law, rule, or regulation to the
4 contrary, the comptroller is hereby authorized and directed to deposit
5 to the credit of the capital projects fund, reimbursement from the
6 proceeds of notes or bonds issued by the environmental facilities corpo-
7 ration for a capital appropriation for \$28,893,000 authorized by chapter
8 55 of the laws of 2004 to the department of environmental conservation
9 for payment of a portion of the state's match for federal capitalization
10 grants for the water pollution control revolving loan fund, reimburse-
11 ment from the proceeds of notes or bonds issued by the urban development
12 corporation for disbursements of up to \$10,000,000 from any capital
13 appropriation or reappropriation authorized by chapter 50 of the laws of
14 2004 to the office of general services for various purposes, reimburse-
15 ment from the proceeds of notes or bonds issued by the environmental
16 facilities corporation for a capital appropriation of \$11,350,000
17 authorized by chapter 55 of the laws of 2004 to the energy research and
18 development authority for the Western New York Nuclear Service Center at
19 West Valley, reimbursement from the proceeds of notes or bonds issued by
20 the environmental facilities corporation, for a capital appropriation of
21 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
22 ment of environmental conservation for Onondaga lake, reimbursement from
23 the proceeds of notes or bonds issued by the environmental facilities
24 corporation for disbursements of up to \$11,000,000 from any capital
25 appropriations or reappropriations authorized by chapter 55 of the laws
26 of 2004 to the department of environmental conservation for environ-
27 mental purposes, reimbursement from the proceeds of notes or bonds
28 issued by the dormitory authority for a capital appropriation of

1 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
2 tion department for capital transition grants for transportation,
3 reimbursement from the proceeds of notes or bonds issued by the dormito-
4 ry authority for a capital appropriation of \$243,325,000 authorized by
5 chapter 55 of the laws of 2004 for payment of costs related to economic
6 development projects, reimbursement from the proceeds of bonds or notes
7 issued by the urban development corporation for a capital appropriation
8 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
9 by chapter 108 of the laws of 2006, for payment of costs related to the
10 H. H. Richardson complex and the Darwin Martin House, and reimbursement
11 from the proceeds of notes or bonds issued by the dormitory authority
12 for a capital appropriation of \$345,750,000 authorized by chapter 3 of
13 the laws of 2004 for the New York state economic development program.

14 § 24. Notwithstanding any other law, rule, or regulation to the
15 contrary, the comptroller is hereby authorized and directed to deposit
16 to the credit of the capital projects fund, reimbursement from the
17 proceeds of notes or bonds issued by the environmental facilities corpo-
18 ration for a capital appropriation of \$29,602,000 authorized by chapter
19 55 of the laws of 2005 to the department of environmental conservation
20 for payment of a portion of the state's match for federal capitalization
21 grants for the water pollution control revolving loan fund, reimburse-
22 ment from the proceeds of notes or bonds issued by the urban development
23 corporation for disbursements of up to \$10,000,000 from any capital
24 appropriation or reappropriation authorized by chapter 50 of the laws of
25 2005 to the office of general services for various purposes, reimburse-
26 ment from the proceeds of notes or bonds issued by the environmental
27 facilities corporation for a capital appropriation of \$11,350,000
28 authorized by chapter 55 of the laws of 2005 to the energy research and

1 development authority for the Western New York Nuclear Service Center at
2 West Valley, reimbursement from the proceeds of notes or bonds issued by
3 the environmental facilities corporation for a capital appropriation of
4 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
5 ment of environmental conservation for Onondaga lake, reimbursement from
6 the proceeds of notes or bonds issued by the environmental facilities
7 corporation for disbursements of up to \$11,000,000 from any capital
8 appropriations or reappropriations authorized by chapter 55 of the laws
9 of 2005 to the department of environmental conservation for environ-
10 mental purposes, reimbursement from the proceeds of notes or bonds
11 issued by the urban development corporation for a capital appropriation
12 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
13 Javits center, reimbursement from the proceeds of notes or bonds issued
14 by the dormitory authority for a capital appropriation of \$89,750,000
15 authorized by chapter 62 of the laws of 2005 for regional development,
16 reimbursement from the proceeds of notes or bonds issued by the dormito-
17 ry authority for a capital appropriation of \$249,000,000 authorized by
18 chapter 62 of the laws of 2005 for technology and development,
19 reimbursement from the proceeds of notes or bonds issued by the urban
20 development corporation for a capital appropriation of \$48,517,000
21 authorized by chapter 162 of the laws of 2005 for the New York state
22 economic development program, reimbursement from the proceeds of notes
23 or bonds issued by the urban development corporation for a capital
24 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
25 2005 for the higher education facilities capital matching grants
26 program, reimbursement from the proceeds of notes or bonds issued by the
27 dormitory authority or other financing source for a capital appropri-
28 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the

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

16 § 25. Notwithstanding any other law, rule, or regulation to the
17 contrary, the comptroller is hereby authorized and directed to deposit
18 to the credit of the capital projects fund, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation for \$29,600,000 authorized by chapter
21 55 of the laws of 2006 to the department of environmental conservation
22 for payment of a portion of the state's match for federal capitalization
23 grants for the water pollution control revolving loan fund, reimburse-
24 ment from the proceeds of notes or bonds issued by the urban development
25 corporation for disbursements of up to \$20,000,000 from any capital
26 appropriation or reappropriation authorized by chapter 50 of the laws of
27 2006 to the office of general services for various purposes, reimburse-
28 ment from the proceeds of notes or bonds issued by the environmental

1 facilities corporation for a capital appropriation of \$14,000,000
2 authorized by chapter 55 of the laws of 2006 to the energy research and
3 development authority for the Western New York Nuclear Service Center at
4 West Valley, reimbursement from the proceeds of notes or bonds issued by
5 the environmental facilities corporation for a capital appropriation of
6 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
7 ment of environmental conservation for Onondaga lake, reimbursement from
8 the proceeds of notes or bonds issued by the environmental facilities
9 corporation for disbursements of up to \$12,000,000 from any capital
10 appropriations or reappropriations authorized by chapter 55 of the laws
11 of 2006 to the department of environmental conservation for environ-
12 mental purposes, reimbursement from the proceeds of notes or bonds
13 issued by the urban development corporation for capital disbursements of
14 up to \$3,000,000 from any capital appropriation or reappropriation
15 authorized by chapter 50 of the laws of 2006 to the division of military
16 and naval affairs for various purposes, reimbursement from the proceeds
17 of notes or bonds issued by the urban development corporation for
18 disbursements of up to \$12,400,000 from any capital appropriation or
19 reappropriation authorized by chapter 50 of the laws of 2006 to the
20 division of state police for public protection facilities, reimbursement
21 from the proceeds of notes or bonds issued by the urban development
22 corporation for a capital appropriation of \$117,000,000 authorized by
23 chapter 50 of the laws of 2006 to all state departments and agencies for
24 the purchase of equipment, reimbursement from the proceeds of notes or
25 bonds issued by the dormitory authority or the urban development corpo-
26 ration for all or a portion of capital appropriations of \$603,050,000
27 authorized by chapter 108 of the laws of 2006 to the urban development
28 corporation for economic development/other projects, reimbursement from

1 the proceeds of notes or bonds issued by the urban development corpo-
2 ration for a capital appropriation of \$269,500,000 authorized by chapter
3 108 of the laws of 2006 to the dormitory authority or the urban develop-
4 ment corporation for economic development projects, reimbursement from
5 the proceeds of notes or bonds issued by the dormitory authority or the
6 urban development corporation for a capital appropriation of
7 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
8 development corporation for university development projects, reimburse-
9 ment from the proceeds of notes or bonds issued by the dormitory author-
10 ity or for a capital appropriation of \$143,000,000 authorized by chapter
11 108 of the laws of 2006 to the urban development corporation for
12 cultural facilities projects, reimbursement from the proceeds of notes
13 or bonds issued by the dormitory authority or the urban development
14 corporation for capital appropriations totaling \$60,000,000 authorized
15 by chapter 108 of the laws of 2006 to the urban development corporation
16 for energy/environmental projects, reimbursement from the proceeds of
17 notes or bonds issued by the dormitory authority or the urban develop-
18 ment corporation for a capital appropriation of \$20,000,000 authorized
19 by chapter 108 of the laws of 2006 to the urban development corporation
20 for a competitive solicitation for construction of a pilot cellulosic
21 ethanol refinery, reimbursement from the proceeds of notes or bonds
22 issued by the urban development corporation for a capital appropriation
23 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
24 development corporation for services and expenses related to infrastruc-
25 ture for a new stadium in Queens county, and reimbursement from the
26 proceeds of notes or bonds issued by the urban development corporation
27 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
28 the laws of 2006 to the urban development corporation for services and

1 expenses related to infrastructure improvements to construct a new park-
2 ing facility at a new stadium in Bronx county, reimbursement from the
3 proceeds of notes and bonds issued by the environmental facilities
4 corporation for a capital appropriation of \$5,000,000 authorized by
5 chapter 55 of the laws of 2006 to the environmental facilities corpo-
6 ration for payment for the pipeline for jobs program, reimbursement from
7 the proceeds of notes or bonds issued by the dormitory authority for
8 capital disbursements of up to \$14,000,000 from any capital appropri-
9 ation or reappropriation authorized by chapter 53 of the laws of 2006
10 for the library construction purpose, reimbursement from the proceeds of
11 notes or bonds issued by the urban development corporation or the dormi-
12 tory authority for an appropriation of \$1,200,000 authorized by chapter
13 53 of the laws of 2006 for the towns of Bristol and Canandaigua public
14 water systems, reimbursement from the proceeds of notes or bonds issued
15 by the urban development corporation or the dormitory authority for an
16 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006
17 for Belleayre mountain ski center, reimbursement from the proceeds of
18 notes or bonds issued by the urban development corporation or the dormi-
19 tory authority for an appropriation of \$25,000,000 authorized by chapter
20 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric
21 center rehabilitation, reimbursement from the proceeds of notes or bonds
22 issued by the urban development corporation or the dormitory authority
23 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws
24 of 2006 for a state of New York umbilical cord bank, reimbursement from
25 the proceeds of notes or bonds issued by the urban development corpo-
26 ration or the dormitory authority for an appropriation of \$5,500,000
27 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain
28 ski bowl connection, reimbursement from the proceeds of notes or bonds

1 issued by the urban development corporation or the dormitory authority
2 for an appropriation of \$2,000,000 authorized by chapter 53 of the laws
3 of 2006 for a Cornell equine drug testing laboratory, reimbursement from
4 the proceeds of notes or bonds issued by the urban development corpo-
5 ration or the dormitory authority for an appropriation of \$2,000,000
6 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard
7 laboratory, reimbursement from the proceeds of notes or bonds issued by
8 the dormitory authority or the urban development corporation for an
9 appropriation of \$40,000,000 authorized by chapter 108 of the laws of
10 2006 for a food testing laboratory, reimbursement from the proceeds of
11 notes or bonds issued by the New York state thruway authority for an
12 appropriation of \$22,000,000 authorized by chapter 108 of the laws of
13 2006 to the department of transportation for high speed rail, reimburse-
14 ment from the proceeds of notes or bonds issued by the urban development
15 corporation for capital disbursements of up to \$500,000,000 from an
16 appropriation authorized by chapter 108 of the laws of 2006 to the urban
17 development corporation for development of a semiconductor manufacturing
18 facility, reimbursement from the proceeds of notes or bonds issued by
19 the urban development corporation of up to \$150,000,000 from an appro-
20 priation authorized by chapter 108 of the laws of 2006 to the urban
21 development corporation for research and development activities of a
22 semiconductor manufacturer, and reimbursement from the proceeds of notes
23 or bonds issued by the urban development corporation for capital
24 disbursements of up to \$292,385,000 from an appropriation to the urban
25 development corporation authorized by chapter 108 of the laws of 2006
26 for community revitalization projects.

27 § 26. Notwithstanding any other law, rule, or regulation to the
28 contrary, the comptroller is hereby authorized and directed to deposit

1 to the credit of the capital projects fund, reimbursement from the
2 proceeds of notes or bonds issued by the environmental facilities corpo-
3 ration for a capital appropriation of \$29,600,000 authorized by chapter
4 55 of the laws of 2007 to the department of environmental conservation
5 for payment of a portion of the state's match for federal capitalization
6 grants for the water pollution control revolving loan fund, reimburse-
7 ment from the proceeds of notes or bonds issued by the urban development
8 corporation for disbursements of up to \$20,000,000 from any capital
9 appropriation or reappropriation authorized by chapter 50 of the laws of
10 2007 to the office of general services for various purposes, reimburse-
11 ment from the proceeds of notes or bonds issued by the environmental
12 facilities corporation for a capital appropriation of \$13,500,000
13 authorized by chapter 55 of the laws of 2007 to the energy research and
14 development authority for the Western New York Nuclear Service Center at
15 West Valley, reimbursement from the proceeds of notes or bonds issued by
16 the environmental facilities corporation for a capital appropriation of
17 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
18 ment of environmental conservation for Onondaga lake, reimbursement from
19 the proceeds of notes or bonds issued by the environmental facilities
20 corporation for disbursements of up to \$12,000,000 from any capital
21 appropriations or reappropriations authorized by chapter 55 of the laws
22 of 2007 to the department of environmental conservation for environ-
23 mental purposes, reimbursement from the proceeds of notes or bonds
24 issued by the urban development corporation for capital disbursements of
25 up to \$3,000,000 from any capital appropriation or reappropriation
26 authorized by chapter 50 of the laws of 2007 to the division of military
27 and naval affairs for various purposes, reimbursement from the proceeds
28 of notes or bonds issued by the urban development corporation for

1 disbursements from a capital appropriation of \$50,000,000 authorized by
2 chapter 50 of the laws of 2007 to the division of state police for
3 construction of a Troop G facility, reimbursement from the proceeds of
4 notes or bonds issued by the urban development corporation for disburse-
5 ments from a capital appropriation of \$6,000,000 authorized by chapter
6 50 of the laws of 2007 to the division of state police for construction
7 of evidence storage facilities, reimbursement from the proceeds of notes
8 or bonds issued by the dormitory authority or the urban development
9 corporation for capital appropriations totaling \$77,900,000 authorized
10 by chapter 51 of the laws of 2007 to the judiciary for court training
11 facilities and courthouse improvement projects, reimbursement from the
12 proceeds of notes or bonds issued by the urban development corporation
13 for a capital appropriation of \$20,000,000 authorized by chapter 50 of
14 the laws of 2007 to all state departments and agencies for the purchase
15 of equipment, reimbursement from the proceeds of notes or bonds issued
16 by the dormitory authority for capital disbursements of up to
17 \$14,000,000 from any capital appropriation or reappropriation authorized
18 by chapter 53 of the laws of 2007 for library construction, reimburse-
19 ment from the proceeds of notes or bonds issued by the dormitory author-
20 ity for capital disbursements of up to \$60,000,000 from any capital
21 appropriation or reappropriation authorized by chapter 53 of the laws of
22 2007 for cultural education storage facilities, reimbursement from the
23 proceeds of notes or bonds issued by the urban development corporation
24 for capital disbursements of up to \$15,000,000 from any capital appro-
25 priation or reappropriation authorized by chapter 55 of the laws of 2007
26 for Roosevelt Island Operating Corporation aerial tramway, reimbursement
27 from the proceeds of notes or bonds issued by the urban development
28 corporation for capital disbursements of up to \$20,000,000 from any

1 capital appropriation or reappropriation authorized by chapter 55 of the
2 laws of 2007 for Governor's Island, reimbursement from the proceeds of
3 notes or bonds issued by the urban development corporation for capital
4 disbursements of up to \$7,500,000 from any capital appropriation or
5 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-
6 man research and technology park, reimbursement from the proceeds of
7 notes or bonds issued by the urban development corporation for capital
8 disbursements of up to \$7,950,000 from any capital appropriation or
9 reappropriation authorized by chapter 55 of the laws of 2007 for USA
10 Niagara, and reimbursement from the proceeds of notes or bonds issued by
11 the urban development corporation for capital disbursements of up to
12 \$1,300,000 from appropriations authorized by chapter 50 of the laws of
13 2007 made to the office of general services for legislative office
14 building hearing rooms.

15 § 27. Notwithstanding any other law, rule, or regulation to the
16 contrary, the comptroller is hereby authorized and directed to deposit
17 to the credit of the capital projects fund, reimbursement from the
18 proceeds of notes or bonds issued by the environmental facilities corpo-
19 ration for a capital appropriation of \$29,600,000 authorized by chapter
20 55 of the laws of 2008 to the department of environmental conservation
21 for payment of a portion of the state's match for federal capitalization
22 grants for the water pollution control revolving loan fund, reimburse-
23 ment from the proceeds of notes or bonds issued by the urban development
24 corporation for a capital appropriation of \$141,000,000 authorized by
25 chapter 50 of the laws of 2008 to all state departments and agencies for
26 the purchase of equipment or systems development, reimbursement from the
27 proceeds of notes or bonds issued by the urban development corporation
28 for disbursements of up to \$45,500,000 from any capital appropriation or

1 reappropriation authorized by chapter 50 of the laws of 2008 to the
2 office of general services for various purposes, reimbursement from the
3 proceeds of notes or bonds issued by the environmental facilities corpo-
4 ration for a capital appropriation of \$13,500,000 authorized by chapter
5 55 of the laws of 2008 to the energy research and development authority
6 for the Western New York Nuclear Service Center at West Valley,
7 reimbursement from the proceeds of notes or bonds issued by the environ-
8 mental facilities corporation for a capital appropriation of \$10,000,000
9 authorized by chapter 55 of the laws of 2008 to the department of envi-
10 ronmental conservation for Onondaga lake, reimbursement from the
11 proceeds of notes or bonds issued by the environmental facilities corpo-
12 ration for disbursements of up to \$12,000,000 from any capital appropri-
13 ations or reappropriations authorized by chapter 55 of the laws of 2008
14 to the department of environmental conservation for environmental
15 purposes, reimbursement from the proceeds of notes or bonds issued by
16 the urban development corporation for capital disbursements of up to
17 \$3,000,000 from any capital appropriation or reappropriation authorized
18 by chapter 50 of the laws of 2008 to the division of military and naval
19 affairs for various purposes, reimbursement from the proceeds of notes
20 or bonds issued by the urban development corporation for a capital
21 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008
22 to the office for technology for activities related to broadband
23 service, reimbursement from the proceeds of notes or bonds issued by the
24 urban development corporation for a capital appropriation of \$6,000,000
25 authorized by chapter 50 of the laws of 2008 to the division of state
26 police for rehabilitation of facilities, reimbursement from the proceeds
27 of notes or bonds issued by the dormitory authority of the state of New
28 York or other financing source for a capital appropriation authorized by

1 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
2 ment for library construction, reimbursement from the proceeds of notes
3 or bonds issued by the dormitory authority of the state of New York or
4 other financing source for a capital appropriation authorized by chapter
5 53 of the laws of 2008 of \$15,000,000 to the education department for
6 museum renewal projects, reimbursement from the proceeds of notes or
7 bonds issued by the urban development corporation for capital appropri-
8 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
9 urban development corporation for services and expenses related to the
10 investment opportunity fund, reimbursement from the proceeds of notes or
11 bonds issued by the urban development corporation for capital appropri-
12 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the
13 urban development corporation for services and expenses related to arts
14 and cultural projects, reimbursement from the proceeds of bonds or notes
15 issued by the urban development corporation for a capital appropriation
16 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic
17 and community development projects, reimbursement from the proceeds of
18 bonds or notes issued by the urban development corporation for a capital
19 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
20 2008 for New York city waterfront development projects, reimbursement
21 from the proceeds of bonds or notes issued by the urban development
22 corporation for a capital appropriation of \$45,000,000 authorized by
23 chapter 53 of the laws of 2008 for Luther Forest infrastructure
24 projects, reimbursement from the proceeds of notes or bonds issued by
25 the urban development corporation for capital appropriation of
26 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
27 development corporation for services and expenses related to downstate
28 regional projects, reimbursement from the proceeds of notes or bonds

1 issued by the urban development corporation for capital appropriation of
2 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban
3 development corporation for services and expenses related to upstate
4 city-by-city projects, reimbursement from the proceeds of notes or bonds
5 issued by the urban development corporation for capital appropriation of
6 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
7 development corporation for services and expenses related to the down-
8 state revitalization projects, reimbursement from the proceeds of notes
9 or bonds issued by the urban development corporation for capital appro-
10 priation of \$117,265,000 authorized by chapter 53 of the laws of 2008 to
11 the urban development corporation for services and expenses related to
12 the upstate regional blueprint fund, reimbursement from the proceeds of
13 notes or bonds issued by the urban development corporation for capital
14 appropriation of \$25,000,000 authorized by chapter 53 of the laws of
15 2008 to the urban development corporation for services and expenses
16 related to the upstate agricultural economic development fund,
17 reimbursement from the proceeds of notes or bonds issued by the urban
18 development corporation for capital appropriation of \$350,000,000
19 authorized by chapter 53 of the laws of 2008 to the urban development
20 corporation for services and expenses related to the New York state
21 capital assistance program, reimbursement from the proceeds of notes or
22 bonds issued by the urban development corporation for capital appropri-
23 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
24 the urban development corporation for services and expenses related to
25 the New York state economic development assistance program, and
26 reimbursement from the proceeds of notes or bonds issued by the urban
27 development corporation for capital appropriation of \$20,000,000 author-
28 ized by chapter 55 of the laws of 2008 to the urban development corpo-

1 ration for services and expenses related to the empire state economic
2 development fund.

3 § 28. Notwithstanding any other law, rule, or regulation to the
4 contrary, the comptroller is hereby authorized and directed to deposit
5 to the credit of the capital projects fund, reimbursement from the
6 proceeds of notes or bonds issued by the environmental facilities corpo-
7 ration for a capital appropriation of \$29,600,000 authorized by chapter
8 55 of the laws of 2009 to the department of environmental conservation
9 for payment of a portion of the state's match for federal capitalization
10 grants for the water pollution control revolving loan fund, reimburse-
11 ment from the proceeds of notes or bonds issued by the urban development
12 corporation for a capital appropriation of \$129,800,000 authorized by
13 chapter 50 of the laws of 2009 to all state departments and agencies for
14 the purchase of equipment or systems development, reimbursement from the
15 proceeds of notes or bonds issued by the urban development corporation
16 for disbursements of up to \$24,000,000 from any capital appropriation or
17 reappropriation authorized by chapter 50 of the laws of 2009 to the
18 office of general services for various purposes, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation of \$13,500,000 authorized by chapter
21 55 of the laws of 2009 to the energy research and development authority
22 for the Western New York Nuclear Service Center at West Valley,
23 reimbursement from the proceeds of notes or bonds issued by the environ-
24 mental facilities corporation for a capital appropriation of \$10,000,000
25 authorized by chapter 55 of the laws of 2009 to the department of envi-
26 ronmental conservation for Onondaga lake, reimbursement from the
27 proceeds of notes or bonds issued by the environmental facilities corpo-
28 ration for disbursements of up to \$12,000,000 from any capital appropri-

1 ations or reappropriations authorized by chapter 55 of the laws of 2009
2 to the department of environmental conservation for environmental
3 purposes, reimbursement from the proceeds of notes or bonds issued by
4 the urban development corporation for capital disbursements of up to
5 \$3,000,000 from any capital appropriation or reappropriation authorized
6 by chapter 50 of the laws of 2009 to the division of military and naval
7 affairs for various purposes, reimbursement from the proceeds of notes
8 or bonds issued by the urban development corporation for a capital
9 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
10 to the division of state police for rehabilitation of facilities,
11 reimbursement from the proceeds of notes or bonds issued by the dormito-
12 ry authority of the state of New York or other financing source for a
13 capital appropriation authorized by chapter 53 of the laws of 2009 of
14 \$14,000,000 to the state education department for library construction,
15 reimbursement from the proceeds of notes or bonds issued by the dormito-
16 ry authority of the state of New York or other financing source for a
17 capital appropriation of \$4,000,000 to the state education department
18 for rehabilitation associated with the St. Regis Mohawk elementary
19 school authorized by chapter 53 of the laws of 2009 and reimbursement
20 from the proceeds of notes or bonds issued by the urban development
21 corporation for capital appropriation of \$25,000,000 authorized by chap-
22 ter 55 of the laws of 2009 to the urban development corporation for
23 services and expenses related to the empire state economic development
24 fund.

25 § 29. Notwithstanding any other law, rule, or regulation to the
26 contrary, the comptroller is hereby authorized and directed to deposit
27 to the credit of the capital projects fund, reimbursement from the
28 proceeds of notes or bonds issued by the environmental facilities corpo-

1 ration for a capital appropriation of \$29,600,000 authorized by chapter
2 55 of the laws of 2010 to the department of environmental conservation
3 for payment of a portion of the state's match for federal capitalization
4 grants for the water pollution control revolving loan fund, reimburse-
5 ment from the proceeds of notes or bonds issued by the urban development
6 corporation for a capital appropriation of \$187,285,000 authorized by
7 chapter 50 of the laws of 2010 to all state departments and agencies for
8 the purchase of equipment or systems development, reimbursement from the
9 proceeds of notes or bonds issued by the urban development corporation
10 for disbursements of up to \$26,950,000 from any capital appropriation or
11 reappropriation authorized by chapter 50 of the laws of 2010 to the
12 office of general services for various purposes, reimbursement from the
13 proceeds of notes or bonds issued by the environmental facilities corpo-
14 ration for a capital appropriation of \$5,000,000 authorized by chapter
15 55 of the laws of 2010 to the department of environmental conservation
16 for Onondaga lake, reimbursement from the proceeds of notes or bonds
17 issued by the environmental facilities corporation for disbursements of
18 up to \$12,000,000 from any capital appropriations or reappropriations
19 authorized by chapter 55 of the laws of 2010 to the department of envi-
20 ronmental conservation for environmental purposes, reimbursement from
21 the proceeds of notes or bonds issued by the urban development corpo-
22 ration for capital disbursements of up to \$3,000,000 from any capital
23 appropriation or reappropriation authorized by chapter 50 of the laws of
24 2010 to the division of military and naval affairs for various purposes,
25 reimbursement from the proceeds of notes or bonds issued by the urban
26 development corporation for a capital appropriation of \$6,000,000
27 authorized by chapter 50 of the laws of 2010 to the division of state
28 police for rehabilitation of facilities, reimbursement from the proceeds

1 of notes or bonds issued by the dormitory authority of the state of New
2 York or other financing source for a capital appropriation of
3 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state
4 education department for library construction, reimbursements from the
5 proceeds of notes or bonds issued by the dormitory authority of the
6 state of New York or other financing source for a capital appropriation
7 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the
8 state education department for the longitudinal data system and
9 reimbursement from the proceeds of notes or bonds issued by the dormito-
10 ry authority of the state of New York or other financing source for a
11 capital appropriation of \$42,000,000 for the state preparedness and
12 training center.

13 § 30. Notwithstanding any other law, rule, or regulation to the
14 contrary, the comptroller is hereby authorized and directed to deposit
15 to the credit of the capital projects fund, reimbursement from the
16 proceeds of notes or bonds issued by the environmental facilities corpo-
17 ration for a capital appropriation of \$35,000,000 authorized by a chap-
18 ter of the laws of 2011 to the department of environmental conservation
19 for payment of a portion of the state's match for federal capitalization
20 grants for the water pollution control revolving loan fund, reimburse-
21 ment from the proceeds of notes or bonds issued by the urban development
22 corporation for a capital appropriation of \$92,751,000 authorized by a
23 chapter of the laws of 2011 to all state departments and agencies for
24 the purchase of equipment or systems development, reimbursement from the
25 proceeds of notes or bonds issued by the urban development corporation
26 for disbursements of up to \$40,000,000 from any capital appropriation or
27 reappropriation authorized by a chapter of the laws of 2011 to the
28 office of general services for various purposes, reimbursement from the

1 proceeds of notes or bonds issued by the environmental facilities corpo-
2 ration for disbursements of up to \$12,000,000 from any capital appropri-
3 ations or reappropriations authorized by a chapter of the laws of 2011
4 to the department of environmental conservation for environmental
5 purposes, reimbursement from the proceeds of notes or bonds issued by
6 the urban development corporation for capital disbursements of up to
7 \$3,000,000 from any capital appropriation or reappropriation authorized
8 by a chapter of the laws of 2011 to the division of military and naval
9 affairs for various purposes, reimbursement from the proceeds of notes
10 or bonds issued by the urban development corporation for a capital
11 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011
12 to the division of state police for rehabilitation of facilities,
13 reimbursement from the proceeds of notes or bonds issued by the dormito-
14 ry authority of the state of New York or other financing source for a
15 capital appropriation of \$14,000,000 authorized by a chapter of the laws
16 of 2011 to the state education department for library construction,
17 reimbursement from the proceeds of notes or bonds issued by the urban
18 development corporation for capital appropriation of \$130,550,000
19 authorized by a chapter of the laws of 2011 to the urban development
20 corporation for services and expenses related to the regional economic
21 development council initiative, reimbursement from the proceeds of notes
22 or bonds issued by the urban development corporation for capital appro-
23 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to
24 the urban development corporation for services and expenses related to
25 the economic transformation program. Reimbursements from the proceeds
26 of notes or bonds issued by the urban development corporation for
27 disbursements of up to \$26,000,000 from any capital appropriation or

1 reappropriation authorized by a chapter of the laws of 2012 to the
2 office of general services for various purposes.

3 § 31. Notwithstanding any other law, rule, or regulation to the
4 contrary, the comptroller is hereby authorized and directed to deposit
5 to the credit of the capital projects fund, reimbursement from the
6 proceeds of notes or bonds issued by the environmental facilities corpo-
7 ration for a capital appropriation of \$35,000,000 authorized by a chap-
8 ter of the laws of 2012 to the department of environmental conservation
9 for payment of a portion of the state's match for federal capitalization
10 grants for the water pollution control revolving loan fund, reimburse-
11 ment from the proceeds of notes or bonds issued by the urban development
12 corporation for disbursements of up to \$26,000,000 from any capital
13 appropriation or reappropriation authorized by a chapter of the laws of
14 2012 to the office of general services for various purposes, reimburse-
15 ment from the proceeds of notes or bonds issued by the environmental
16 facilities corporation for disbursements of up to \$12,000,000 from any
17 capital appropriations or reappropriations authorized by a chapter of
18 the laws of 2012 to the department of environmental conservation for
19 environmental purposes, reimbursement from the proceeds of notes or
20 bonds issued by the urban development corporation for capital disburse-
21 ments of up to \$3,000,000 from any capital appropriation or reappropri-
22 ation authorized by a chapter of the laws of 2012 to the division of
23 military and naval affairs for various purposes, reimbursement from the
24 proceeds of notes or bonds issued by the urban development corporation
25 for a capital appropriation of \$6,000,000 authorized by a chapter of the
26 laws of 2012 to the division of state police for rehabilitation of
27 facilities, reimbursement from the proceeds of notes or bonds issued by
28 the dormitory authority of the state of New York or other financing

1 source for a capital appropriation of \$14,000,000 authorized by a chap-
2 ter of the laws of 2012 to the state education department for library
3 construction.

4 § 31-a. For purposes of sections twenty through thirty-one of this
5 act, the comptroller is also hereby authorized and directed to deposit
6 to the credit of any capital projects fund, reimbursement from the
7 proceeds of bonds and notes issued by any authorized issuer, as defined
8 by section 68-a of the state finance law, in the amounts and for the
9 purposes listed in such sections.

10 § 32. Notwithstanding any other law, rule, or regulation to the
11 contrary, the comptroller is hereby authorized and directed to deposit
12 to the credit of the state university residence hall rehabilitation fund
13 (074), reimbursement from the proceeds of notes or bonds issued by the
14 dormitory authority of the state of New York for capital disbursements
15 of up to \$331,000,000 from any appropriation or reappropriation author-
16 ized by a chapter of the laws of 2012.

17 § 33. Notwithstanding any other law, rule, or regulation to the
18 contrary, the comptroller is hereby authorized and directed to deposit
19 to the credit of the city university special revenue fund (377),
20 reimbursement from the proceeds of notes or bonds issued by the Dormito-
21 ry Authority of the State of New York for capital disbursements of up to
22 \$20,000,000 from any appropriation or reappropriation authorized by
23 chapter 53 of the laws of 2009 to the city university of New York for
24 various purposes.

25 § 34. Notwithstanding any other law, rule, or regulation to the
26 contrary, the state comptroller is hereby authorized and directed to use
27 any balance remaining in the mental health services fund debt service
28 appropriation, after payment by the state comptroller of all obligations

1 required pursuant to any lease, sublease, or other financing arrangement
2 between the dormitory authority of the state of New York as successor to
3 the New York state medical care facilities finance agency, and the
4 facilities development corporation pursuant to chapter 83 of the laws of
5 1995 and the department of mental hygiene for the purpose of making
6 payments to the dormitory authority of the state of New York for the
7 amount of the earnings for the investment of monies deposited in the
8 mental health services fund that such agency determines will or may have
9 to be rebated to the federal government pursuant to the provisions of
10 the internal revenue code of 1986, as amended, in order to enable such
11 agency to maintain the exemption from federal income taxation on the
12 interest paid to the holders of such agency's mental services facilities
13 improvement revenue bonds. On or before June 30, 2012, such agency shall
14 certify to the state comptroller its determination of the amounts
15 received in the mental health services fund as a result of the invest-
16 ment of monies deposited therein that will or may have to be rebated to
17 the federal government pursuant to the provisions of the internal reven-
18 ue code of 1986, as amended.

19 § 35. (1) Notwithstanding any other law, rule, or regulation to the
20 contrary, the state comptroller shall at the commencement of each month
21 certify to the director of the budget, the commissioner of environmental
22 conservation, the chair of the senate finance committee, and the chair
23 of the assembly ways and means committee the amounts disbursed from all
24 appropriations for hazardous waste site remediation disbursements for
25 the month preceding such certification.

26 (2) Notwithstanding any law to the contrary, prior to the issuance by
27 the comptroller of bonds authorized pursuant to subdivision a of section
28 4 of the environmental quality bond act of nineteen hundred eighty-six,

1 as enacted by chapter 511 of the laws of 1986, disbursements from all
2 appropriations for that purpose shall first be reimbursed from moneys
3 credited to the hazardous waste remedial fund, site investigation and
4 construction account, to the extent moneys are available in such
5 account. For purposes of determining moneys available in such account,
6 the commissioner of environmental conservation shall certify to the
7 comptroller the amounts required for administration of the hazardous
8 waste remedial program.

9 (3) The comptroller is hereby authorized and directed to transfer any
10 balance above the amounts certified by the commissioner of environmental
11 conservation to reimburse disbursements pursuant to all appropriations
12 from such site investigation and construction account; provided, howev-
13 er, that if such transfers are determined by the comptroller to be
14 insufficient to assure that interest paid to holders of state obli-
15 gations issued for hazardous waste purposes pursuant to the environ-
16 mental quality bond act of nineteen hundred eighty-six, as enacted by
17 chapter 511 of the laws of 1986, is exempt from federal income taxation,
18 the comptroller is hereby authorized and directed to transfer, from such
19 site investigation and construction account to the general fund, the
20 amount necessary to redeem bonds in an amount necessary to assure the
21 continuation of such tax exempt status. Prior to the making of any such
22 transfers, the comptroller shall notify the director of the budget of
23 the amount of such transfers.

24 § 36. Subdivision 2 of section 68-a of the state finance law, as
25 amended by section 36 of part BB of chapter 58 of the laws of 2011, is
26 amended to read as follows:

27 2. "Authorized purpose" for purposes of this article and section nine-
28 ty-two-z of this chapter shall mean any purposes for which state-sup-

1 ported debt, as defined by section sixty-seven-a of this chapter, may or
2 has been issued except debt for which the state is constitutionally
3 obligated thereunder to pay debt service and related expenses, and
4 except (a) as authorized in paragraph (b) of subdivision one of section
5 three hundred eighty-five of the public authorities law, (b) as author-
6 ized for the department of health of the state of New York facilities as
7 specified in paragraph a of subdivision two of section sixteen hundred
8 eighty of the public authorities law, (c) state university of New York
9 dormitory facilities as specified in subdivision eight of section
10 sixteen hundred seventy-eight of the public authorities law, and (d) as
11 authorized for mental health services facilities by section nine-a of
12 section one of chapter three hundred ninety-two of the laws of nineteen
13 hundred seventy-three constituting the New York state medical care
14 facilities financing act. Notwithstanding the provisions of clause (d)
15 of this subdivision, for the period April first, two thousand nine
16 through March thirty-first, two thousand [twelve] thirteen, mental
17 health services facilities, as authorized by section nine-a of section
18 one of chapter three hundred ninety-two of the laws of nineteen hundred
19 seventy-three constituting the New York state medical care facilities
20 financing act, shall constitute an authorized purpose.

21 § 36-a. Section 73 of the state finance law, as added by section 41 of
22 part JJ of chapter 56 of the laws of 2010, is amended to read as
23 follows:

24 § 73. Federal interest subsidy payments. Notwithstanding any other
25 provision of law to the contrary, the comptroller shall deposit any
26 federal interest subsidy payments received by the state for state-sup-
27 ported debt issued as build America bonds (BABs) or Qualified School
28 Construction Bonds (QSCBs), as authorized pursuant to the American

1 Recovery and Reinvestment Act of 2009 (ARRA), as amended or pursuant to
2 any successor authorization, to each respective debt service fund which
3 relates to such bonds.

4 § 37. Paragraph (b) of subdivision 4 of section 72 of the state
5 finance law, as added by section 35 of part JJ of chapter 56 of the laws
6 of 2010, is amended to read as follows:

7 (b) On or before the beginning of each quarter, the director of the
8 budget may certify to the state comptroller the estimated amount of
9 monies that shall be reserved in the general debt service fund for the
10 payment of debt service and related expenses payable by such fund during
11 each month of the state fiscal year, excluding payments due from the
12 revenue bond tax fund. Such certificate may be periodically updated, as
13 necessary. Notwithstanding any provision of law to the contrary, the
14 state comptroller shall reserve in the general debt service fund the
15 amount of monies identified on such certificate as necessary for the
16 payment of debt service and related expenses during the current or next
17 succeeding quarter of the state fiscal year. Such monies reserved shall
18 not be available for any other purpose. Such certificate shall be
19 reported to the chairpersons of the Senate Finance Committee and the
20 Assembly Ways and Means Committee. [The provisions of this paragraph
21 shall expire June thirtieth, two thousand twelve.]

22 § 38. Subdivision 3 of section 1285-p of the public authorities law,
23 as amended by section 38 of part BB of chapter 58 of the laws of 2011,
24 is amended to read as follows:

25 3. The maximum amount of bonds that may be issued for the purpose of
26 financing environmental infrastructure projects authorized by this
27 section shall be [nine hundred fifteen million seven hundred forty-seven
28 thousand] one billion one hundred eighteen million seven hundred sixty

1 thousand dollars, exclusive of bonds issued to fund any debt service
2 reserve funds, pay costs of issuance of such bonds, and bonds or notes
3 issued to refund or otherwise repay bonds or notes previously issued.
4 Such bonds and notes of the corporation shall not be a debt of the
5 state, and the state shall not be liable thereon, nor shall they be
6 payable out of any funds other than those appropriated by the state to
7 the corporation for debt service and related expenses pursuant to any
8 service contracts executed pursuant to subdivision one of this section,
9 and such bonds and notes shall contain on the face thereof a statement
10 to such effect.

11 § 39. Subdivision (a) of section 28 of part Y of chapter 61 of the
12 laws of 2005, relating to providing for the administration of certain
13 funds and accounts related to the 2005-2006 budget, as amended by
14 section 39 of part BB of chapter 58 of the laws of 2011, is amended to
15 read as follows:

16 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
17 notwithstanding any provisions of law to the contrary, one or more
18 authorized issuers as defined by section 68-a of the state finance law
19 are hereby authorized to issue bonds or notes in one or more series in
20 an aggregate principal amount not to exceed [~~\$21,000,000~~] \$24,000,000,
21 excluding bonds issued to finance one or more debt service reserve
22 funds, to pay costs of issuance of such bonds, and bonds or notes issued
23 to refund or otherwise repay such bonds or notes previously issued, for
24 the purpose of financing capital projects for public protection facili-
25 ties in the Division of Military and Naval Affairs, debt service and
26 leases; and to reimburse the state general fund for disbursements made
27 therefor. Such bonds and notes of such authorized issuer shall not be a
28 debt of the state, and the state shall not be liable thereon, nor shall

1 they be payable out of any funds other than those appropriated by the
2 state to such authorized issuer for debt service and related expenses
3 pursuant to any service contract executed pursuant to subdivision (b) of
4 this section and such bonds and notes shall contain on the face thereof
5 a statement to such effect. Except for purposes of complying with the
6 internal revenue code, any interest income earned on bond proceeds shall
7 only be used to pay debt service on such bonds.

8 § 40. Subdivision 1 of section 16 of part D of chapter 389 of the laws
9 of 1997, relating to the financing of the correctional facilities
10 improvement fund and the youth facility improvement fund, as amended by
11 section 42 of part BB of chapter 58 of the laws of 2011, is amended to
12 read as follows:

13 1. Subject to the provisions of chapter 59 of the laws of 2000, but
14 notwithstanding the provisions of section 18 of section 1 of chapter 174
15 of the laws of 1968, the New York state urban development corporation is
16 hereby authorized to issue bonds, notes and other obligations in an
17 aggregate principal amount not to exceed six billion [four] eight
18 hundred [ninety] sixteen million [four] eight hundred sixty-nine thou-
19 sand dollars [\$6,490,469,000] \$6,816,869,000, and shall include all
20 bonds, notes and other obligations issued pursuant to chapter 56 of the
21 laws of 1983, as amended or supplemented. The proceeds of such bonds,
22 notes or other obligations shall be paid to the state, for deposit in
23 the correctional facilities capital improvement fund to pay for all or
24 any portion of the amount or amounts paid by the state from appropri-
25 ations or reappropriations made to the department of corrections and
26 community supervision from the correctional facilities capital improve-
27 ment fund for capital projects. The aggregate amount of bonds, notes or
28 other obligations authorized to be issued pursuant to this section shall

1 exclude bonds, notes or other obligations issued to refund or otherwise
2 repay bonds, notes or other obligations theretofore issued, the proceeds
3 of which were paid to the state for all or a portion of the amounts
4 expended by the state from appropriations or reappropriations made to
5 the department of corrections and community supervision; provided,
6 however, that upon any such refunding or repayment the total aggregate
7 principal amount of outstanding bonds, notes or other obligations may be
8 greater than six billion [four] eight hundred [ninety] sixteen million
9 [four] eight hundred sixty-nine thousand dollars [\$6,490,469,000]
10 \$6,816,869,000, only if the present value of the aggregate debt service
11 of the refunding or repayment bonds, notes or other obligations to be
12 issued shall not exceed the present value of the aggregate debt service
13 of the bonds, notes or other obligations so to be refunded or repaid.
14 For the purposes hereof, the present value of the aggregate debt service
15 of the refunding or repayment bonds, notes or other obligations and of
16 the aggregate debt service of the bonds, notes or other obligations so
17 refunded or repaid, shall be calculated by utilizing the effective
18 interest rate of the refunding or repayment bonds, notes or other obli-
19 gations, which shall be that rate arrived at by doubling the semi-annual
20 interest rate (compounded semi-annually) necessary to discount the debt
21 service payments on the refunding or repayment bonds, notes or other
22 obligations from the payment dates thereof to the date of issue of the
23 refunding or repayment bonds, notes or other obligations and to the
24 price bid including estimated accrued interest or proceeds received by
25 the corporation including estimated accrued interest from the sale ther-
26 eof.

1 § 41. Paragraph (a) of subdivision 2 of section 47-e of the private
2 housing finance law, as amended by section 44 of part BB of chapter 58
3 of the laws of 2011, is amended to read as follows:

4 (a) Subject to the provisions of chapter fifty-nine of the laws of two
5 thousand, in order to enhance and encourage the promotion of housing
6 programs and thereby achieve the stated purposes and objectives of such
7 housing programs, the agency shall have the power and is hereby author-
8 ized from time to time to issue negotiable housing program bonds and
9 notes in such principal amount as shall be necessary to provide suffi-
10 cient funds for the repayment of amounts disbursed (and not previously
11 reimbursed) pursuant to law or any prior year making capital appropri-
12 ations or reappropriations for the purposes of the housing program;
13 provided, however, that the agency may issue such bonds and notes in an
14 aggregate principal amount not exceeding two billion [~~six~~] seven hundred
15 [~~thirty-six~~] forty million [~~four~~] six hundred ninety-nine thousand
16 dollars, plus a principal amount of bonds issued to fund the debt
17 service reserve fund in accordance with the debt service reserve fund
18 requirement established by the agency and to fund any other reserves
19 that the agency reasonably deems necessary for the security or marketa-
20 bility of such bonds and to provide for the payment of fees and other
21 charges and expenses, including underwriters' discount, trustee and
22 rating agency fees, bond insurance, credit enhancement and liquidity
23 enhancement related to the issuance of such bonds and notes. No reserve
24 fund securing the housing program bonds shall be entitled or eligible to
25 receive state funds apportioned or appropriated to maintain or restore
26 such reserve fund at or to a particular level, except to the extent of
27 any deficiency resulting directly or indirectly from a failure of the

1 state to appropriate or pay the agreed amount under any of the contracts
2 provided for in subdivision four of this section.

3 § 42. Subdivision (b) of section 11 of chapter 329 of the laws of
4 1991, amending the state finance law and other laws relating to the
5 establishment of the dedicated highway and bridge trust fund, as amended
6 by section 46 of part BB of chapter 58 of the laws of 2011, is amended
7 to read as follows:

8 (b) Any service contract or contracts for projects authorized pursuant
9 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
10 14-k of the transportation law, and entered into pursuant to subdivision
11 (a) of this section, shall provide for state commitments to provide
12 annually to the thruway authority a sum or sums, upon such terms and
13 conditions as shall be deemed appropriate by the director of the budget,
14 to fund, or fund the debt service requirements of any bonds or any obli-
15 gations of the thruway authority issued to fund such projects having a
16 cost not in excess of [\$6,695,169,000] \$7,106,022,000 cumulatively by
17 the end of fiscal year [2011-12] 2012-13.

18 § 43. Section 44 of section 1 of chapter 174 of the laws of 1968,
19 constituting the New York state urban development corporation act, as
20 added by section 58 of part BB of chapter 58 of the laws of 2011, is
21 amended to read as follows:

22 § 44. 1. Notwithstanding the provisions of any other law to the
23 contrary, the dormitory authority and the corporation are hereby author-
24 ized to issue bonds or notes in one or more series for the purpose of
25 funding project costs for the regional economic development council
26 initiative, the economic transformation program, state university of New
27 York college for nanoscale and science engineering, broadband initi-
28 ative, infrastructure and preventive maintenance projects for the olym-

1 pic regional development authority, projects within the city of Buffalo
2 or surrounding environs, and the advance New York capital fund and other
3 state costs associated with such projects. The aggregate principal
4 amount of bonds authorized to be issued pursuant to this section shall
5 not exceed [one] seven hundred [eighty] fifteen million five hundred
6 fifty thousand dollars, excluding bonds issued to fund one or more debt
7 service reserve funds, to pay costs of issuance of such bonds, and bonds
8 or notes issued to refund or otherwise repay such bonds or notes previ-
9 ously issued. Such bonds and notes of the dormitory authority and the
10 corporation shall not be a debt of the state, and the state shall not be
11 liable thereon, nor shall they be payable out of any funds other than
12 those appropriated by the state to the dormitory authority and the
13 corporation for principal, interest, and related expenses pursuant to a
14 service contract and such bonds and notes shall contain on the face
15 thereof a statement to such effect. Except for purposes of complying
16 with the internal revenue code, any interest income earned on bond
17 proceeds shall only be used to pay debt service on such bonds.

18 2. Notwithstanding any other provision of law to the contrary, in
19 order to assist the dormitory authority and the corporation in undertak-
20 ing the financing for project costs for the regional economic develop-
21 ment council initiative, the economic transformation program, state
22 university of New York college for nanoscale and science engineering,
23 broadband initiative, infrastructure and preventive maintenance projects
24 for the olympic regional development authority, projects within the city
25 of Buffalo or surrounding environs and the advance New York capital fund
26 and other state costs associated with such projects, the director of the
27 budget is hereby authorized to enter into one or more service contracts
28 with the dormitory authority and the corporation, none of which shall

1 exceed thirty years in duration, upon such terms and conditions as the
2 director of the budget and the dormitory authority and the corporation
3 agree, so as to annually provide to the dormitory authority and the
4 corporation, in the aggregate, a sum not to exceed the principal, inter-
5 est, and related expenses required for such bonds and notes. Any service
6 contract entered into pursuant to this section shall provide that the
7 obligation of the state to pay the amount therein provided shall not
8 constitute a debt of the state within the meaning of any constitutional
9 or statutory provision and shall be deemed executory only to the extent
10 of monies available and that no liability shall be incurred by the state
11 beyond the monies available for such purpose, subject to annual appro-
12 priation by the legislature. Any such contract or any payments made or
13 to be made thereunder may be assigned and pledged by the dormitory
14 authority and the corporation as security for its bonds and notes, as
15 authorized by this section.

16 3. The comptroller is hereby authorized to receive from the dormitory
17 authority and the corporation any portion of bond proceeds paid to
18 provide funds for or reimburse the state for its costs associated with
19 such project costs and to credit such amounts to the capital projects
20 fund or any other appropriate fund.

21 § 44. Section 1680-o of the public authorities law, as amended by
22 section 49-b of part PP of chapter 56 of the laws of 2009, is amended to
23 read as follows:

24 § 1680-o. Courthouse improvements and training facilities. 1.
25 Notwithstanding the provisions of any other law to the contrary, the
26 authority and the urban development corporation are hereby authorized to
27 issue bonds or notes in one or more series for the purpose of funding
28 project costs for eligible courthouse improvements[, drug courts,] and

1 training facilities. The aggregate principal amount of bonds authorized
2 to be issued pursuant to this section shall not exceed [eighty-five]
3 seventy-six million [nine] one hundred thousand dollars, excluding bonds
4 issued to fund one or more debt service reserve funds, to pay costs of
5 issuance of such bonds, and bonds or notes issued to refund or otherwise
6 repay such bonds or notes previously issued. Such bonds and notes of the
7 authority and the urban development corporation shall not be a debt of
8 the state, and the state shall not be liable thereon, nor shall they be
9 payable out of any funds other than those appropriated by the state to
10 the authority and the urban development corporation for principal,
11 interest, and related expenses pursuant to a service contract and such
12 bonds and notes shall contain on the face thereof a statement to such
13 effect. Except for purposes of complying with the internal revenue code,
14 any interest income earned on bond proceeds shall only be used to pay
15 debt service on such bonds.

16 2. Notwithstanding any other provision of law to the contrary, in
17 order to assist the authority and the urban development corporation in
18 undertaking the financing of eligible courthouse improvements[, drug
19 courts,] and training facilities, the director of the budget is hereby
20 authorized to enter into one or more service contracts with the authori-
21 ty and the urban development corporation, none of which shall exceed
22 thirty years in duration, upon such terms and conditions as the director
23 of the budget and the authority and the urban development corporation
24 agree, so as to annually provide to the authority and the urban develop-
25 ment corporation, in the aggregate, a sum not to exceed the principal,
26 interest, and related expenses required for such bonds and notes. Any
27 service contract entered into pursuant to this section shall provide
28 that the obligation of the state to pay the amount therein provided

1 shall not constitute a debt of the state within the meaning of any
2 constitutional or statutory provision and shall be deemed executory only
3 to the extent of monies available and that no liability shall be
4 incurred by the state beyond the monies available for such purpose,
5 subject to annual appropriation by the legislature. Any such contract or
6 any payments made or to be made thereunder may be assigned and pledged
7 by the authority and the urban development corporation as security for
8 its bonds and notes, as authorized by this section.

9 § 45. Section 51 of part RR of chapter 57 of the laws of 2008, relat-
10 ing to providing for the administration of certain funds and accounts
11 related to the 2008-2009 budget, as amended by chapter 94 of the laws of
12 2011, is amended to read as follows:

13 § 51. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2008; provided,
15 however, that the amendments to subdivision 6 of section 4 and subdivi-
16 sion 4 of section 40 of the state finance law made by sections fifteen
17 and sixteen of this act shall expire on the same date such subdivisions
18 expire; and provided, further, however, that section thirty-four of this
19 act shall take effect on the same date as the reversion of section 69-c
20 of the state finance law as provided in section 58 of part T of chapter
21 57 of the laws of 2007, as amended; [and] provided, further, however,
22 that sections one, three, four, and eighteen through twenty-seven of
23 this act shall expire March 31, 2009 when upon such date the provisions
24 of such sections shall be deemed repealed; and provided further that
25 section [fourteen of this act shall expire March 31, 2012 when upon such
26 date the provisions of such section shall be deemed repealed] forty of
27 this act shall be deemed to have been in full force and effect on and
28 after April 1, 2007.

1 § 45-a. Section 57 of part PP of chapter 56 of the laws of 2009,
2 relating to providing for the administration of certain funds and
3 accounts related to the 2009-10 budget, is amended to read as follows:

4 § 57. This act shall take effect immediately and shall be deemed to
5 have been in full force and effect on and after April 1, 2009; provided,
6 however, that sections one, two, three, four, twelve and twenty-one
7 through thirty-one of this act shall expire March 31, 2010, when, upon
8 such date, the provisions of such sections shall be deemed repealed;
9 provided, however that the amendments to subdivision 5 of section 97-rrr
10 of the state finance law made by section thirteen of this act shall not
11 affect the expiration and reversion of such subdivision and shall expire
12 and be deemed repealed therewith; [and] provided, further that amend-
13 ments to section 69-c of the state finance law, made by section thirty-
14 five of this act, shall not affect the expiration and reversion of such
15 section and shall expire therewith[.]; and provided further that section
16 forty-one of this act shall be deemed to have been in full force and
17 effect on April 1, 2007.

18 § 45-b. Section 55 of part JJ of chapter 56 of the laws of 2010,
19 relating to providing for the administration of certain funds and
20 accounts related to the 2010-11 budget, paragraph (a) as amended by
21 section 58-a of part BB of chapter 58 of the laws of 2011, is amended to
22 read as follows:

23 § 55. This act shall take effect immediately and shall be deemed to
24 have been in full force and effect on and after April 1, 2010, provided,
25 however, that:

26 (a) section forty-two of this act shall be deemed to have been in full
27 force and effect on and after April 1, 2007;

1 (b) sections one, two, three, four, five, six, seven, eight, nine,
2 ten, eighteen, and nineteen through twenty-nine of this act shall expire
3 March 31, 2011, when, upon such date, the provisions of such sections
4 shall be deemed repealed; [and]

5 (c) the amendments to subdivision 5 of section 97-rrr of the state
6 finance law made by section fifteen of this act shall not affect the
7 expiration of such subdivision and shall be deemed to expire there-
8 with[.]; and provided further that section forty-seven of this act shall
9 be deemed to have been in full force and effect on April 1, 2007.

10 § 46. The public authorities law is amended by adding a new section
11 386-a to read as follows:

12 § 386-a. Financing of metropolitan transportation authority (MTA)
13 transportation facilities. 1. Notwithstanding any other provision of
14 law to the contrary, the authority, the dormitory authority and the
15 urban development corporation are hereby authorized to issue bonds or
16 notes in one or more series for the purpose of assisting the metropol-
17 itan transportation authority in the financing of transportation facili-
18 ties as defined in subdivision seventeen of section twelve hundred
19 sixty-one of this chapter. The aggregate principal amount of bonds
20 authorized to be issued pursuant to this section shall not exceed seven
21 hundred seventy million dollars (\$770,000,000), excluding bonds issued
22 to fund one or more debt service reserve funds, to pay costs of issuance
23 of such bonds, and to refund or otherwise repay such bonds or notes
24 previously issued. Such bonds and notes of the authority, the dormitory
25 authority and the urban development corporation shall not be a debt of
26 the state, and the state shall not be liable thereon, nor shall they be
27 payable out of any funds other than those appropriated by the state to
28 the authority, the dormitory authority and the urban development corpo-

1 ration for principal, interest, and related expenses pursuant to a
2 service contract and such bonds and notes shall contain on the face
3 thereof a statement to such effect. Except for purposes of complying
4 with the internal revenue code, any interest income earned on bond
5 proceeds shall only be used to pay debt service on such bonds.

6 2. Notwithstanding any other provision of law to the contrary, in
7 order to assist the authority, the dormitory authority and the urban
8 development corporation in undertaking the financing of such transporta-
9 tion facilities projects, the director of the budget is hereby author-
10 ized to enter into one or more service contracts with the authority, the
11 dormitory authority and the urban development corporation, none of which
12 shall exceed thirty years in duration, upon such terms and conditions as
13 the director of the budget and the authority, the dormitory authority
14 and the urban development corporation agree, so as to annually provide
15 to the authority, the dormitory authority and the urban development
16 corporation, in the aggregate, a sum not to exceed the principal, inter-
17 est, and related expenses required for such bonds and notes. Any service
18 contract entered into pursuant to this section shall provide that the
19 obligation of the state to pay the amount therein provided shall not
20 constitute a debt of the state within the meaning of any constitutional
21 or statutory provision and shall be deemed executory only to the extent
22 of monies available and that no liability shall be incurred by the state
23 beyond the monies available for such purpose, subject to annual appro-
24 priation by the legislature. Any such service contract or any payments
25 made or to be made thereunder may be assigned and pledged by the author-
26 ity, the dormitory authority and the urban development corporation as
27 security for such bonds and notes, as authorized by this section.

1 3. The comptroller is hereby authorized to receive from the authority,
2 the dormitory authority and the urban development corporation any
3 portion of bond proceeds paid to provide funds for or reimburse the
4 state for its costs associated with such project costs and to credit
5 such amounts to the capital projects fund or any other appropriate fund.

6 § 47. Subdivisions 2 and 6 of section 34 of part 0 of chapter 61 of
7 the laws of 2000 amending the public authorities law relating to the
8 metropolitan transportation authority, the New York city transit author-
9 ity and the Triborough bridge and tunnel authority, are amended to read
10 as follows:

11 2. The metropolitan transportation authority is hereby authorized to
12 issue from time to time one or more series of its bonds and notes to
13 finance and refinance projects and/or to refund bonds and notes (a)
14 previously issued by the metropolitan transportation authority, the New
15 York city transit authority and the Triborough bridge and tunnel author-
16 ity, or (b) secured wholly or partially by any or all of the following
17 service contracts: (i) service contracts entered into for the purposes
18 set forth in section 16 of chapter 314 of the laws of 1981; (ii) service
19 contracts entered into for the purposes set forth in section 42 of chap-
20 ter 929 of the laws of 1986; and (iii) service contracts entered into
21 for the purposes set forth in subdivision one of this section. The
22 aggregate principal amount of bonds authorized to be issued pursuant to
23 this subdivision shall not exceed two billion five million four hundred
24 fifty-five thousand dollars (\$2,005,455,000), excluding bonds issued to
25 fund one or more debt service reserve funds, to pay costs of issuance of
26 such bonds, and to refund or otherwise repay such bonds issued prior to
27 April 1, 2012.

1 6. Any service contract or contracts for transit and SIRTOA projects
2 and for commuter projects entered into pursuant to this section shall
3 provide for state commitments to provide annually to the metropolitan
4 transportation authority a sum or sums, upon such terms and conditions
5 as shall be deemed appropriate by the director of the budget, to fund,
6 or to fund the debt service requirements of any bonds or other obli-
7 gations of the metropolitan transportation authority issued to fund[,]
8 such projects [such that the aggregate debt service on all bonds and
9 notes identified in subdivision three of this section does not exceed
10 \$165,000,000 annually through and including July 1, 2031].

11 § 48. The public authorities law is amended by adding a new section
12 386-b to read as follows:

13 § 386-b. Financing of peace bridge projects. 1. Notwithstanding any
14 other provision of law to the contrary, the authority, the dormitory
15 authority and the urban development corporation are hereby authorized to
16 issue bonds or notes in one or more series for the purpose of financing
17 peace bridge projects. The aggregate principal amount of bonds author-
18 ized to be issued pursuant to this section shall not exceed fifteen
19 million dollars (\$15,000,000), excluding bonds issued to fund one or
20 more debt service reserve funds, to pay costs of issuance of such bonds,
21 and to refund or otherwise repay such bonds or notes previously issued.
22 Such bonds and notes of the authority, the dormitory authority and the
23 urban development corporation shall not be a debt of the state, and the
24 state shall not be liable thereon, nor shall they be payable out of any
25 funds other than those appropriated by the state to the authority, the
26 dormitory authority and the urban development corporation for principal,
27 interest, and related expenses pursuant to a service contract and such
28 bonds and notes shall contain on the face thereof a statement to such

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

4 2. Notwithstanding any other provision of law to the contrary, in
5 order to assist the authority, the dormitory authority and the urban
6 development corporation in undertaking the financing of such transporta-
7 tion facilities projects, the director of the budget is hereby author-
8 ized to enter into one or more service contracts with the authority, the
9 dormitory authority and the urban development corporation, none of which
10 shall exceed thirty years in duration, upon such terms and conditions as
11 the director of the budget and the authority, the dormitory authority
12 and the urban development corporation agree, so as to annually provide
13 to the authority, the dormitory authority and the urban development
14 corporation, in the aggregate, a sum not to exceed the principal, inter-
15 est, and related expenses required for such bonds and notes. Any service
16 contract entered into pursuant to this section shall provide that the
17 obligation of the state to pay the amount therein provided shall not
18 constitute a debt of the state within the meaning of any constitutional
19 or statutory provision and shall be deemed executory only to the extent
20 of monies available and that no liability shall be incurred by the state
21 beyond the monies available for such purpose, subject to annual appro-
22 priation by the legislature. Any such service contract or any payments
23 made or to be made thereunder may be assigned and pledged by the author-
24 ity, the dormitory authority and the urban development corporation as
25 security for such bonds and notes, as authorized by this section.

26 3. The comptroller is hereby authorized to receive from the authority,
27 the dormitory authority and the urban development corporation any
28 portion of bond proceeds paid to provide funds for or reimburse the

1 state for its costs associated with such project costs and to credit
2 such amounts to the capital projects fund or any other appropriate fund.

3 § 49. Subdivisions 1 and 2 of section 45 of section 1 of chapter 174
4 of the laws of 1968, constituting the New York state urban development
5 corporation act, as added by chapter 260 of the laws of 2011, are
6 amended to read as follows:

7 1. Notwithstanding the provisions of any other law to the contrary,
8 the urban development corporation of the state of New York is hereby
9 authorized to issue bonds or notes in one or more series for the purpose
10 of funding project costs for the implementation of a NY-SUNY 2020 chal-
11 lenge grant program subject to the approval of a NY-SUNY 2020 plan or
12 plans by the governor and the chancellor of the state university of New
13 York. The aggregate principal amount of bonds authorized to be issued
14 pursuant to this section shall not exceed [~~\$80,000,000~~] \$110,000,000,
15 excluding bonds issued to fund one or more debt service reserve funds,
16 to pay costs of issuance of such bonds, and bonds or notes issued to
17 refund or otherwise repay such bonds or notes previously issued. Such
18 bonds and notes of the corporation shall not be a debt of the state, and
19 the state shall not be liable thereon, nor shall they be payable out of
20 any funds other than those appropriated by the state to the corporation
21 for principal, interest, and related expenses pursuant to a service
22 contract and such bonds and notes shall contain on the face thereof a
23 statement to such effect. Except for purposes of complying with the
24 internal revenue code, any interest income earned on bond proceeds shall
25 only be used to pay debt service on such bonds.

26 2. Notwithstanding any other law, rule, or regulation to the contrary,
27 the comptroller is hereby authorized and directed to deposit to the
28 credit of the capital projects fund, reimbursement from the proceeds of

1 notes or bonds issued by the urban development corporation of the state
2 of New York for capital disbursements [of up to \$80,000,000 from any
3 appropriation or reappropriation authorized by a chapter of the laws of
4 2011 for NY-SUNY 2020 challenge grants] associated with such project
5 costs.

6 § 50. Subdivision 1 of section 1689-i of the public authorities law,
7 as amended by section 49 of part BB of chapter 58 of the laws of 2011,
8 is amended to read as follows:

9 1. The dormitory authority is authorized to issue bonds, at the
10 request of the commissioner of education, to finance eligible library
11 construction projects pursuant to section two hundred seventy-three-a of
12 the education law, in amounts certified by such commissioner not to
13 exceed a total principal amount of [eighty-four] ninety-eight million
14 dollars.

15 § 51. Subdivision 10-a of section 1680 of the public authorities law,
16 as amended by section 38 of part PP of chapter 56 of the laws of 2009,
17 is amended to read as follows:

18 10-a. Subject to the provisions of chapter fifty-nine of the laws of
19 two thousand, but notwithstanding any other provision of the law to the
20 contrary, the maximum amount of bonds and notes to be issued after March
21 thirty-first, two thousand two, on behalf of the state, in relation to
22 any locally sponsored community college, shall be [five] six hundred
23 [thirty-six] twenty-three million dollars. Such amount shall be exclu-
24 sive of bonds and notes issued to fund any reserve fund or funds, costs
25 of issuance and to refund any outstanding bonds and notes, issued on
26 behalf of the state, relating to a locally sponsored community college.

1 § 52. Paragraph (c) of subdivision 19 of section 1680 of the public
2 authorities law, as amended by section 36 of part PP of chapter 56 of
3 the laws of 2009, is amended to read as follows:

4 (c) Subject to the provisions of chapter fifty-nine of the laws of two
5 thousand, the dormitory authority shall not issue any bonds for state
6 university educational facilities purposes if the principal amount of
7 bonds to be issued when added to the aggregate principal amount of bonds
8 issued by the dormitory authority on and after July first, nineteen
9 hundred eighty-eight for state university educational facilities will
10 exceed ten billion [eighty-nine] three hundred four million dollars;
11 provided, however, that bonds issued or to be issued shall be excluded
12 from such limitation if: (1) such bonds are issued to refund state
13 university construction bonds and state university construction notes
14 previously issued by the housing finance agency; or (2) such bonds are
15 issued to refund bonds of the authority or other obligations issued for
16 state university educational facilities purposes and the present value
17 of the aggregate debt service on the refunding bonds does not exceed the
18 present value of the aggregate debt service on the bonds refunded there-
19 by; provided, further that upon certification by the director of the
20 budget that the issuance of refunding bonds or other obligations issued
21 between April first, nineteen hundred ninety-two and March thirty-first,
22 nineteen hundred ninety-three will generate long term economic benefits
23 to the state, as assessed on a present value basis, such issuance will
24 be deemed to have met the present value test noted above. For purposes
25 of this subdivision, the present value of the aggregate debt service of
26 the refunding bonds and the aggregate debt service of the bonds
27 refunded, shall be calculated by utilizing the true interest cost of the
28 refunding bonds, which shall be that rate arrived at by doubling the

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

18 § 53. This act shall take effect immediately and shall be deemed to
19 have been in full force and effect on and after April 1, 2012; provided
20 that sections one through seven, sections ten through fifteen, and
21 section seventeen of this act shall expire March 31, 2013, when upon
22 such date, the provisions of such sections shall be deemed repealed;
23 provided further that the amendments to subdivisions 1 and 2 of section
24 45 of section 1 of chapter 174 of the laws of 1968 made by section
25 forty-nine of this act shall not affect the expiration of such subdivi-
26 sions and shall be deemed to expire therewith.

1 Section 1. The article heading of article 1 of the state technology
2 law, as added by chapter 430 of the laws of 1997 and such article as
3 renumbered by chapter 437 of the laws of 2004, is amended to read as
4 follows:

5 OFFICE [FOR TECHNOLOGY] OF INFORMATION TECHNOLOGY SERVICES

6 § 2. Subdivision 3 of section 101 of the state technology law, as
7 added by chapter 430 of the laws of 1997 and such section as renumbered
8 by chapter 437 of the laws of 2004, is amended to read as follows:

9 3. "Office" means the office [for technology] of information technolo-
10 gy services.

11 § 3. The section heading and subdivision 1 of section 102 of the state
12 technology law, as added by chapter 430 of the laws of 1997 and such
13 section as renumbered by chapter 437 of the laws of 2004, are amended to
14 read as follows:

15 Office [for technology] of information technology services; director,
16 organization and employees. 1. The office [for technology] of informa-
17 tion technology services is hereby created within the executive depart-
18 ment to have and exercise the functions, powers and duties provided by
19 the provisions of this article and any other provision of law.

20 § 4. Subdivision 4 of section 202 of the state technology law, as
21 amended by chapter 17 of the laws of 2002, is amended to read as
22 follows:

23 4. "Office" shall mean the state office [for technology] of informa-
24 tion technology services.

25 § 5. Subdivision 1 of section 303 of the state technology law, as
26 amended by chapter 437 of the laws of 2004, is amended to read as
27 follows:

1 1. The office [for technology] of information technology services
2 shall be the electronic facilitator and administer this article. In
3 addition to the authority, duties and responsibilities set forth in
4 article one of this chapter, the electronic facilitator shall have the
5 authority, duties and responsibilities granted in this article.

6 § 6. Subdivision 15 of section 52 of the civil service law, as added
7 by chapter 228 of the laws of 1998, is amended to read as follows:

8 15. Promotion eligibility of person transferred to the office [for
9 technology] of information technology services. Notwithstanding any
10 other provision of this chapter, the names of permanent employees trans-
11 ferred from a state agency or department to the office [for technology]
12 of information technology services shall remain on any promotion eligi-
13 ble list for appointment in the agency or department from which such
14 employees were transferred, for a period of one year or until the expi-
15 ration of such list, whichever occurs first. Further, where the
16 promotion eligible list on which such employees' names appear is estab-
17 lished in the office [for technology] of information technology
18 services, the names of employees so transferred shall be added to such
19 promotion eligible list.

20 § 7. Subdivision 1 of section 21 of the executive law, as amended by
21 section 93 of subpart B of part C of chapter 62 of the laws of 2011, is
22 amended to read as follows:

23 1. There is hereby created in the executive department a disaster
24 preparedness commission consisting of the commissioners of transporta-
25 tion, health, division of criminal justice services, education, social
26 services, economic development, agriculture and markets, housing and
27 community renewal, general services, labor, environmental conservation,
28 mental health, parks, recreation and historic preservation, corrections

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

22 § 8. Subdivision 10 of section 31 of the executive law, as amended by
23 section 106 of subpart B of part C of chapter 62 of the laws of 2011, is
24 amended to read as follows:

25 10. Office [for technology] of information technology services.

26 § 9. Subdivision 3 of section 164-d of the executive law, as amended
27 by section 1 of part 0 of chapter 60 of the laws of 2011, is amended to
28 read as follows:

1 3. The office [for technology] of information technology services
2 shall promulgate rules and regulations to implement the provisions of
3 this section. Such rules shall at least provide for the prioritization
4 and timing for making application forms available on the internet.

5 § 10. Subdivision 4 of section 163-a of the state finance law, as
6 amended by chapter 437 of the laws of 2004, is amended to read as
7 follows:

8 4. The state agency together with the office [for technology] of
9 information technology services determines that the restriction is not
10 in the best interest of the state. Such office shall notify each member
11 of the advisory council established in article one of the state technol-
12 ogy law of any such waiver of these restrictions.

13 § 11. Section 171-k of the tax law, as amended by chapter 437 of the
14 laws of 2004, is amended to read as follows:

15 § 171-k. Electronic signature. If any return or report relating to a
16 tax, fee or other imposition administered by the commissioner is author-
17 ized by the commissioner to be filed electronically, then such return or
18 report shall be signed electronically consistent with the provisions of
19 article three of the state technology law; provided, however, that if
20 the commissioner determines that electronic signatures that are used by
21 the federal internal revenue service in tax administration are not
22 consistent with the provisions of article three of the state technology
23 law, then the commissioner, after conferring with the office [for tech-
24 nology] of information technology services, may prescribe the manner and
25 form of electronic signature on any such return or report. Such elec-
26 tronic signature shall conform, to the extent practicable, with elec-
27 tronic signatures that are used by the federal internal revenue service.

1 The use of such an electronic signature shall have the same validity and
2 effect as the use of a signature affixed by hand.

3 § 12. Subdivision 4 of section 236-b of the county law, as added by
4 chapter 339 of the laws of 2009, is amended to read as follows:

5 4. In this section, the term "agency of the state of New York" shall
6 include any department, bureau, commission, board, public authority or
7 other agency of the state of New York; any public benefit corporation
8 whose board of directors includes any member appointed by the governor;
9 any subdivision of any department, bureau, commission, board, public
10 authority or other agency of the state which is easily identifiable and
11 which for most other purposes is treated as an independent state agency;
12 and the office [for technology] of information technology services.

13 § 13. Paragraph (h) of subdivision 1 of section 327 of the county law,
14 as added by section 33 of part B of chapter 56 of the laws of 2010, is
15 amended to read as follows:

16 (h) one shall be the director of the office [for technology] of infor-
17 mation technology services, or his or her designee;

18 § 14. Terms. (a) Wherever the term "office for technology" appears in
19 the executive law, state technology law, or otherwise in the consol-
20 idated or unconsolidated laws of this state, such term is hereby changed
21 to "office of information technology services".

22 (b) Wherever the term "director of the office for technology" appears
23 in the executive law, state technology law, or otherwise in the consol-
24 idated or unconsolidated laws of this state, such term is hereby changed
25 to "director of information technology services".

26 (c) The legislative bill drafting commission is hereby directed to
27 effectuate this provision, and shall be guided by a memorandum of
28 instruction setting forth the specific provisions of law to be amended.

1 Such memorandum shall be transmitted to the legislative bill drafting
2 commission within sixty days of the effective date of this provision.
3 Such memorandum shall be issued jointly by the governor, the temporary
4 president of the senate and the speaker of the assembly, or by the dele-
5 gate of each.

6 § 15. Existing rights and remedies, preserved. No existing right or
7 remedy of any character shall be lost, impaired or affected by reason of
8 this act.

9 § 16. Pending actions and proceedings. No action or proceeding pending
10 at the time when this act shall take effect, brought by or against the
11 office for technology, and pertaining to or connected with its func-
12 tions, powers, obligations and duties, shall be affected by any
13 provision of this act, but in the same way may be prosecuted or defended
14 in the name of the office of information technology services. In all
15 such actions and proceedings the office of information technology
16 services, upon application to the court, shall be substituted as a
17 party.

18 § 17. This act shall take effect on the sixtieth day after it shall
19 have become a law.

20

PART P

21 Section 1. Paragraph i of subdivision 10 of section 54 of the state
22 finance law, as added by section 1 of part F of chapter 56 of the laws
23 of 2007, subparagraph (vi) as added by section 2 of part D of chapter
24 503 of the laws of 2009, subparagraph (vii) as added by section 3 of
25 part Z of chapter 56 of the laws of 2010, subparagraph (viii) as added

1 by section 3 of part I of chapter 57 of the laws of 2011, is amended to
2 read as follows:

3 i. Payments. (i) In the state fiscal year commencing April first, two
4 thousand seven and in each state fiscal year thereafter through and
5 including the state fiscal year commencing April first, two thousand
6 ten, base level grants shall be paid in the same "on or before month and
7 day" manner as:

8 (1) paid in the state fiscal year commencing April first, two thousand
9 six under the aid and incentives for municipalities program in effect at
10 that time and appropriated in chapter fifty of the laws of two thousand
11 six; or

12 (2) set forth in part R of chapter fifty-six of the laws of two thou-
13 sand four relating to unrestricted aid to certain cities.

14 (ii) In the state fiscal year commencing April first, two thousand
15 seven and in each state fiscal year thereafter through and including the
16 state fiscal year commencing April first, two thousand ten, additional
17 annual apportionments and per capita adjustments authorized in para-
18 graphs d and e of this subdivision shall be paid on or before December
19 fifteenth for cities with fiscal years beginning January first, on or
20 before March fifteenth for all other cities, and for towns and villages,
21 in the same "on or before month and day" manner as their base level
22 grants are paid pursuant to subparagraph (i) of this paragraph.

23 (ii-a) Notwithstanding any contrary provision of law, in the state
24 fiscal year beginning April first, two thousand thirteen and each state
25 fiscal year thereafter, up to twenty-eight million dollars in base level
26 grants otherwise payable to the city of Rochester in October, December
27 and March shall be paid on or before June thirtieth.

1 (iii) Aid and incentives for municipalities shall be apportioned and
2 paid to the chief fiscal officer of each municipality on audit and
3 warrant of the state comptroller out of moneys appropriated by the
4 legislature for such purpose to the credit of the local assistance
5 account in the general fund of the state treasury. Any municipality
6 receiving aid and incentives for municipalities pursuant to this subdivi-
7 sion shall use such aid only for general municipal purposes except as
8 provided in subparagraph (iv) of this paragraph.

9 (iv) Amounts payable to any city having a population of less than
10 fifty-five thousand but more than fifty-four thousand according to the
11 federal decennial census of nineteen hundred ninety shall be apportioned
12 and paid to the special account for the municipal assistance corporation
13 for the city of Troy in the municipal assistance state aid fund pursuant
14 to section ninety-two-e of this chapter and chapters one hundred eight-
15 y-seven and one hundred eighty-eight of the laws of nineteen hundred
16 ninety-five.

17 (v) Notwithstanding any inconsistent provision of law, additional
18 annual apportionments pursuant to paragraph d of this subdivision and
19 pursuant to the aid and incentives for municipalities program appropri-
20 ated in chapter fifty of the laws of two thousand six shall not be
21 considered state aid pursuant to title two of article ten-D of the
22 public authorities law for any eligible city subject to a control period
23 under a state imposed fiscal stability authority. Such additional annual
24 apportionments shall be paid to such authority for distribution to such
25 city within the context of an authority-approved four year financial
26 plan, for the following purposes:

27 (i) To maintain, minimize, or reduce the real property tax burden;

1 (ii) To support investments in technology or other efficiency and
2 productivity initiatives that permanently minimize or reduce the munici-
3 pality's operating expenses;

4 (iii) To support economic development or infrastructure investments
5 that are necessary to achieve economic revitalization and generate
6 growth in the municipality's real property tax base; and

7 (iv) To minimize or prevent reductions in city services.

8 (vi) Notwithstanding subparagraph (i) of this paragraph, in the state
9 fiscal year commencing April first, two thousand nine the deficit
10 reduction adjustment to the base level grants of certain cities pursuant
11 to paragraph e-one of this subdivision shall be made on or before March
12 fifteenth, two thousand ten.

13 (vii) Notwithstanding subparagraph (i) of this paragraph, in the state
14 fiscal year commencing April first, two thousand ten, the base level
15 grant adjustment pursuant to subparagraph (ii) of paragraph b of this
16 subdivision shall be made on or before September twenty-fifth for a town
17 or village, on or before December fifteenth for a city whose fiscal year
18 begins January first, and on or before March fifteenth for a city whose
19 fiscal year does not begin on January first.

20 (viii) Notwithstanding subparagraph (i) of this paragraph, in the
21 state fiscal year commencing April first, two thousand eleven, the base
22 level grant adjustment pursuant to subparagraph (iv) of paragraph b of
23 this subdivision shall be made on or before September twenty-fifth for a
24 town or village, on or before December fifteenth for a city whose fiscal
25 year begins January first, and on or before March fifteenth for a city
26 whose fiscal year does not begin January first.

27 § 2. This act shall take effect immediately.

1

PART Q

2 Section 1. Notwithstanding any other law to the contrary, for the
3 purpose of promoting access to employment, the state shall pay to the
4 metropolitan transportation authority the costs associated with estab-
5 lishment and implementation by the metropolitan transportation authority
6 of a rebate program for E-ZPass tolls paid by the residents of Broad
7 Channel and the Rockaway Peninsula who live within zip codes 11691,
8 11692, 11693, 11694, 11695, and 11697, for travel over the Cross Bay
9 Veterans Memorial Bridge.

10 § 2. This act shall take effect immediately.

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

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