## 2009 Retirement Legislation

New York State Office of the State Comptroller

Thomas P. DiNapoli

New York State and Local Retirement System



Employees' Retirement System Police and Fire Retirement System



### A Message from Comptroller Thomas P. DiNapoli



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

This publication covers retirement and retirement-related legislation enacted or vetoed during the 2009 Legislative Session. Sections I and II list legislation directly affecting NYSLRS, our participating employers,

members, retirees and beneficiaries. Section III covers legislation affecting the other New York State public retirement systems.

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

Sincerely,

Thomas P. DiNapoli State Comptroller

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

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

## Chapter Titles

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

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

Section II Vetoed Legislation Affecting the New York State and Local Retirement System

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

Section III
Legislation Affecting Other New York Public Retirement Systems

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

### Senate Bills

## **Assembly Bills**

| 2342         30         I         3         4628         30         I         3           56         56         I         4         156         56         I         4           5503         69         I         138         8254         69         I         138           5504         70         I         157         8255         70         I         157           2970         72         I         169         2574         72         I         169           2312         79         I         171         5808         79         I         171           2806         114         I         175         6565         114         I         175           4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         197           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343          | Bill No. | Chapter | Section | Page | Bill No. | Chapter | Section | Page |
|--|----------|---------|---------|------|----------|---------|---------|------|
| 5503         69         I         138         8254         69         I         138           5504         70         I         157         8255         70         I         157           2970         72         I         169         2574         72         I         169           2312         79         I         171         5808         79         I         171           2806         114         I         175         6565         114         I         175           4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         177           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2541         390         I         207         7993         305         I         202           5541         390         I         207         7993         390         I         207          | 2342     | 30      | I       | 3    | 4628     | 30      | I       | 3    |
| 5504         70         I         157         8255         70         I         157           2970         72         I         169         2574         72         I         169           2312         79         I         171         5808         79         I         171           2806         114         I         175         6565         114         I         175           4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211        | 56       | 56      | I       | 4    | 156      | 56      | I       | 4    |
| 2970         72         I         169         2574         72         I         169           2312         79         I         171         5808         79         I         171           2806         114         I         175         6565         114         I         175           4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         177           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211      | 5503     | 69      | I       | 138  | 8254     | 69      | I       | 138  |
| 2312         79         I         171         5808         79         I         171           2806         114         I         175         6565         114         I         175           4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         177           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213    | 5504     | 70      | I       | 157  | 8255     | 70      | I       | 157  |
| 2806         114         I         175         6565         114         I         175           4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         177           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215  | 2970     | 72      | I       | 169  | 2574     | 72      | I       | 169  |
| 4033         146         I         176         7685         146         I         176           5965         213         I         177         8954         213         I         177           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216   | 2312     | 79      | I       | 171  | 5808     | 79      | I       | 171  |
| 5965         213         I         177         8954         213         I         177           5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218   | 2806     | 114     | I       | 175  | 6565     | 114     | I       | 175  |
| 5966         214         I         189         8955         214         I         189           3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220   | 4033     | 146     | I       | 176  | 7685     | 146     | I       | 176  |
| 3399         231         I         199         7864         231         I         199           2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222   | 5965     | 213     | I       | 177  | 8954     | 213     | I       | 177  |
| 2343         305         I         202         4905         305         I         202           5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222           2961         438         I         224         6732         438         I         224   | 5966     | 214     | I       | 189  | 8955     | 214     | I       | 189  |
| 5541         390         I         207         7993         390         I         207           5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222           2961         438         I         224         6732         438         I         224           4522         442         I         226         7711         442         I         226   | 3399     | 231     | I       | 199  | 7864     | 231     | I       | 199  |
| 5304         393         I         209         8019         393         I         209           5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222           2961         438         I         224         6732         438         I         224           4522         442         I         226         7711         442         I         226           4972         445         I         230         8286         455         I         230   | 2343     | 305     | I       | 202  | 4905     | 305     | I       | 202  |
| 5632         397         I         211         8228         397         I         211           5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222           2961         438         I         224         6732         438         I         224           4522         442         I         226         7711         442         I         226           4972         445         I         228         7858         445         I         230           5602         466         I         232         8600         466         I         232   | 5541     | 390     | I       | 207  | 7993     | 390     | I       | 207  |
| 5654         404         I         213         8588         404         I         213           1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222           2961         438         I         224         6732         438         I         224           4522         442         I         226         7711         442         I         226           4972         445         I         228         7858         445         I         228           5490         455         I         230         8286         455         I         230           5602         466         I         232         8600         466         I         232   | 5304     | 393     | I       | 209  | 8019     | 393     | I       | 209  |
| 1001         423         I         215         2234         423         I         215           867         425         I         216         3078         425         I         216           1800         431         I         218         4811         431         I         218           3631         434         I         220         6153         434         I         220           2903         437         I         222         6731         437         I         222           2961         438         I         224         6732         438         I         224           4522         442         I         226         7711         442         I         226           4972         445         I         228         7858         445         I         228           5490         455         I         230         8286         455         I         230           5602         466         I         232         8600         466         I         232           66026         504         I         234         40026         504         I         234 | 5632     | 397     | I       | 211  | 8228     | 397     | I       | 211  |
| 867       425       I       216       3078       425       I       216         1800       431       I       218       4811       431       I       218         3631       434       I       220       6153       434       I       220         2903       437       I       222       6731       437       I       222         2961       438       I       224       6732       438       I       224         4522       442       I       226       7711       442       I       226         4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276   | 5654     | 404     | I       | 213  | 8588     | 404     | I       | 213  |
| 1800       431       I       218       4811       431       I       218         3631       434       I       220       6153       434       I       220         2903       437       I       222       6731       437       I       222         2961       438       I       224       6732       438       I       224         4522       442       I       226       7711       442       I       226         4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       276         3512       220       III       280       2826       220       III       280  | 1001     | 423     | I       | 215  | 2234     | 423     | I       | 215  |
| 3631       434       I       220       6153       434       I       220         2903       437       I       222       6731       437       I       222         2961       438       I       224       6732       438       I       224         4522       442       I       226       7711       442       I       226         4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 867      | 425     | I       | 216  | 3078     | 425     | I       | 216  |
| 2903       437       I       222       6731       437       I       222         2961       438       I       224       6732       438       I       224         4522       442       I       226       7711       442       I       226         4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 1800     | 431     | I       | 218  | 4811     | 431     | I       | 218  |
| 2961       438       I       224       6732       438       I       224         4522       442       I       226       7711       442       I       226         4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 3631     | 434     | I       | 220  | 6153     | 434     | I       | 220  |
| 4522       442       I       226       7711       442       I       226         4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 2903     | 437     | I       | 222  | 6731     | 437     | I       | 222  |
| 4972       445       I       228       7858       445       I       228         5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 2961     | 438     | I       | 224  | 6732     | 438     | I       | 224  |
| 5490       455       I       230       8286       455       I       230         5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 4522     | 442     | I       | 226  | 7711     | 442     | I       | 226  |
| 5602       466       I       232       8600       466       I       232         66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 4972     | 445     | I       | 228  | 7858     | 445     | I       | 228  |
| 66026       504       I       234       40026       504       I       234         3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 5490     | 455     | I       | 230  | 8286     | 455     | I       | 230  |
| 3202       41       III       273       5151       41       III       273         5918       211       III       276       8933       211       III       276         3512       220       III       280       2826       220       III       280  | 5602     | 466     | I       | 232  | 8600     | 466     | I       | 232  |
| 5918     211     III     276     8933     211     III     276       3512     220     III     280     2826     220     III     280  | 66026    | 504     | I       | 234  | 40026    | 504     | I       | 234  |
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|  | 5918     | 211     | III     | 276  | 8933     | 211     | III     | 276  |
| 5557 461 III 281 8371 461 III 281  | 3512     | 220     | III     | 280  | 2826     | 220     | III     | 280  |
|  | 5557     | 461     | III     | 281  | 8371     | 461     | III     | 281  |

# 2009

## SECTION I

Legislation Affecting the

New York State and Local Retirement System



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#### STATE OF NEW YORK

2342

2009-2010 Regular Sessions

#### IN SENATE

February 18, 2009

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

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

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

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

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

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

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

LBD04075-01-9

#### STATE OF NEW YORK

S. 56--B A. 156--B

#### SENATE - ASSEMBLY

#### (Prefiled)

January 7, 2009

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

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

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

EXPLANATION--Matter in  $\underline{\text{italics}}$  (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD12370-03-9

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

such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof; and to repeal subdivision (r) of section 427 of chapter 55 of the laws of 1992 amending the tax law and other laws relating to taxes (Part U); Intentionally omitted (Part V); Intentionally omitted (Part W); Intentionally omitted (Part X); Intentionally omitted (Part Y); Intentionally omitted (Part Z); Intentionally omitted (Part AA); Intentionally omitted (Part BB); Intentionally omitted (Part CC); Intentionally omitted (Part DD); Intentionally omitted (Part EE); Intentionally omitted (Part FF); to amend the state finance law, in relation to aid and incentives for municipalities (Part GG); Intentionally omitted (Part HH); to amend chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, in relation to the effective date of such chapter (Part II); to amend the real property law and the state finance law, in relation to when conveyances of real property are not to be recorded and the fees assoconveyances and where such fees shall be deposited ciated with such (Part JJ); to amend the state finance law, in relation to state assistance to cities and municipalities where a video lottery gaming facility is located (Part KK); Intentionally omitted (Part LL); Intentionally omitted (Part MM); Intentionally omitted (Part NN); Intentionally omitted (Part 00); to provide for the administration of certain funds and accounts related to the 2009-2010 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend chapter 57 of the laws of 2008 providing for the administration of certain funds and accounts related to the 2008-2009 budget, in relation to the effectiveness of certain provisions thereof; to amend chapter 60 of the laws of 1993, amending the public authorities law and other laws relating to the bonding authority of the environmental facilities corporation, and the state finance law, in relation to the rainy day reserve fund; to amend the state finance law, in relation to temporary loans of money or other financial resources to the general fund; to amend chapter 57 of the laws of 2007, relating to the provision of funding of certain community projects; and to amend chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding of certain community projects, in relation to reducing funding therefor; to direct the comptroller to transfer and deposit certain moneys; to amend the public authorities law, in relation to including drug courts within the courthouse facilities eligible for funding from the dormitory authority and urban development corporation; to amend the New York state medical care facilities finance agency act, in relation to increasing the bonding limits of such agency for mental health facilities; to amend the state finance law, in relation to variable rate bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority and the New York state environmental facilities corporation; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance bonds by the urban development corporation; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds by the urban development corporation; to amend the state finance law, in relation to issuance of certificates of participation; to amend chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth improvement fund, in relation to issuance of debt by the urban development corporation; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to economic development

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

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

Section 1. This act enacts into law major components of legislation 2 which are necessary to implement the state fiscal plan for the 2009-2010 3 state fiscal year. Each component is wholly contained within a Part identified as Parts A through AAA. The effective date for each partic-5 ular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes a reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding 10 section of the Part in which it is found. Section three of this act sets 11 forth the general effective date of this act.

12 PART A

Section 1. Subdivision 3 of section 97-bb of the state finance law, as 13 14 added by chapter 309 of the laws of 1996, is amended to read as follows: 3. Monies of the criminal justice improvement account, following 16 appropriation by the legislature and allocation by the director of the budget shall be made available for local assistance services and expenses of programs to provide services to crime victims and witnesses, including operations of the crime victims board, and for payments to 20 victims in accordance with the federal crime control act of 1984, as administered pursuant to article twenty-two of the executive law. 21

22 § 2. This act shall take effect immediately and shall be deemed to 23 have been in full force and effect on and after April 1, 2009.

PART B 24

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

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

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

- § 3. The tax law is amended by adding a new section 186-f to read as 38 follows:
  - § 186-f. Public safety communications surcharge. 1. Definitions. used in this section, where not otherwise specifically defined and unless a different meaning is clearly required:
  - (a) "Place of primary use" has the same meaning as that term is defined in paragraph twenty-six of subdivision (b) of section eleven hundred one of this chapter.
- (b) "Wireless communications customer" means mobile telecommunications 46 customer as defined in subparagraph (i) of paragraph twenty-seven of subdivision (b) of section eleven hundred one of this chapter, who contracts for or is the end user of wireless communications service.

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- (c) "Wireless communications device" means any equipment used to access a wireless communications service.
- (d) "Wireless communications service" means all commercial mobile services, as that term is defined in section 332(d) of title 47 of the United States Code, as amended from time to time, including, but not limited to, all broadband personal communications services, wireless radio telephone services, geographic area specialized and enhanced specialized mobile radio services, and incumbent-wide area specialized mobile radio licensees, which offer real time, two-way voice or data service that is interconnected with the public switched telephone network or otherwise provides access to emergency communications services.
- (e) "Wireless communications service supplier" means a home service provider as defined in subparagraph (ii) of paragraph twenty-seven of subdivision (b) of section eleven hundred one of this chapter, provided that the home service provider provides wireless communications service and has one or more wireless communications customers in New York state.
- 2. Public safety communications surcharge. (a) A surcharge on wireless 19 communications service provided to a wireless communications customer with a place of primary use in this state is imposed at the rate of one dollar and twenty cents per month on each wireless communications device in service during any part of each month. The surcharge must be reflected and made payable on bills rendered to the wireless communications customer for wireless communication service.
- (b) Each wireless communications service supplier providing wireless 26 communications service in New York state must act as a collection agent for the state for the collection of the surcharge. The wireless communications service supplier has no legal obligation to enforce the collection of the surcharge from its customers. However, each wireless communications service supplier must collect and retain the name and address of any wireless communications customer with a place of primary use in this state that refuses or fails to pay the surcharge, as well as the cumulative amount of the surcharge remaining unpaid, and must provide this information to the commissioner at the time and according to the procedures the commissioner may provide. The surcharge must be reported and paid to the commissioner on a quarterly basis on or before the fifteenth day of the month following each quarterly period ending on the last day of February, May, August and November, respectively. The payments must be accompanied by a return in the form and containing the information the commissioner may prescribe.
  - (c) The surcharge must be added as a separate line item to bills furnished by a wireless communications service supplier to its customers, and must be identified as the "public safety communications surcharge". Each wireless communications customer who is subject to the provisions of this section remains liable to the state for the surcharge due under this section until it has been paid to the state, except that payment to a wireless communications service supplier is sufficient to relieve the customer from further liability for the surcharge.
- (d) Each wireless communications service supplier is entitled to retain, as an administrative fee, an amount equal to two percent of fifty-eight and three-tenths percent of the total collections of the surcharge imposed by this section, provided that the supplier files any required return and remits the surcharge due to the commissioner on or 54 before its due date.
- 3. Applicability of article twenty-seven. For purposes of article 56 twenty-seven of this chapter as applied to this section by section two

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

- 4. Exemptions. The state of New York and any of its agencies, instrumentalities and political subdivisions are exempt from the surcharge imposed by this section.
- 5. Deposits of surcharge monies collected and received. Notwithstanding any provision of law to the contrary, all surcharge monies collected and received by the commissioner under this section must be deposited daily to the credit of the comptroller with those responsible banks, banking houses or trust companies the comptroller may designate. Those deposits must be kept separate and apart from all other monies in the possession of the comptroller. The comptroller must require adequate security from all such depositories. Of the total revenue collected or received under this section, the comptroller must retain in the comptroller's hands an amount determined by the commissioner to be necessary for refunds under this section, out of which the comptroller will pay any refunds to which taxpayers are entitled under the provisions of this section. The comptroller, after reserving the amount to pay refunds, must, on or before the tenth day of each month, pay all surcharge monies collected and received under this section and remaining to the comptroller's credit as follows:
- (a) forty-one and seven-tenths of the revenues collected and received 26 under this section into the state general fund; and
- (b) after deducting the amount paid under paragraph (a) of this subdi-28 vision and the amount retained by wireless communications suppliers pursuant to paragraph (d) of subdivision two of this section, the balance of the revenues collected under this section into the New York state wireless telephone emergency service account of the miscellaneous special revenue fund, created pursuant to section ninety-seven-qq of the state finance law.
  - 6. Distribution. The monies collected from the surcharge imposed by this section must be distributed to include the following:
  - (a) The sum of twenty-five million five hundred thousand dollars must be allocated to the state police pursuant to appropriation by the legislature annually;
  - (b) The sum of one million five hundred thousand dollars must be deposited into the New York state emergency services revolving loan fund
  - (c) To fund costs associated with the design, construction, and operation of the statewide wireless network annually pursuant to appropriation by the legislature;
  - (d) Not less than the sum of ten million dollars annually must be disbursed pursuant to article six-A of the county law and appropriated by the legislature; and
  - (e) To provide the costs of debt service for bonds and notes issued to finance expedited deployment funding pursuant to the provisions of section three hundred thirty-three of the county law and section sixteen hundred eighty-nine-h of the public authorities law.
- § 4. This act shall take effect on the first day of the quarterly 53 period, as described in paragraph (b) of subdivision 2 of section 186-f 54 of the tax law, as added by section three of this act, next commencing 55 at least 120 days after this act becomes a law.

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S. 56--B A. 156--B

PART C 1

2 Intentionally omitted.

3 PART D

4 Intentionally omitted.

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5 PART E

Section 1. Subdivision 13 of section 631 of the executive law, as added by chapter 264 of the laws of 2003, is amended to read as follows: 13. Notwithstanding any other provision of law, rule, or regulation to 9 the contrary, when any New York state accredited hospital, accredited 10 sexual assault examiner program, or licensed health care provider furnishes services to any sexual assault survivor, including but not limited to a health care forensic examination in accordance with the sex 13 offense evidence collection protocol and standards established by the 14 department of health, such hospital, sexual assault examiner program, or 15 licensed healthcare provider shall provide such services to the person 16 without charge and shall bill the board directly. The board, in consultation with the department of health, shall define the specific services 18 to be covered by the sexual assault forensic exam reimbursement fee, 19 which must include at a minimum forensic examiner services, hospital or 20 healthcare facility services related to the exam, and related laboratory 21 tests and pharmaceuticals. Follow-up HIV post-exposure prophylaxis costs 22 shall continue to be reimbursed according to established board proce-23 dure. The board, in consultation with the department of health, shall 24 also generate the necessary regulations and forms for the direct 25 reimbursement procedure. The rate for reimbursement shall be the amount of itemized charges not exceeding eight hundred dollars, to be reviewed and adjusted annually by the board in consultation with the department 28 of health. The hospital, sexual assault examiner program, or licensed 29 health care provider must accept this fee as payment in full for these 30 specified services. No additional billing of the survivor for said 31 services is permissible. A sexual assault survivor may voluntarily 32 assign any private insurance benefits to which she or he is entitled for the healthcare forensic examination, in which case the hospital or 34 healthcare provider may not charge the board. A hospital, sexual assault 35 examiner program or licensed health care provider shall, at the time of 36 the initial visit, request assignment of any private health insurance 37 benefits to which the sexual assault survivor is entitled on a form 38 prescribed by the board; provided, however, such sexual assault survivor shall be advised orally and in writing that he or she may decline to 40 provide such information regarding private health insurance benefits if 41 he or she believes that the provision of such information would substan-42 tially interfere with his or her personal privacy or safety and in such 43 event, the sexual assault forensic exam fee shall be paid by the board. 44 Such sexual assault survivor shall also be advised that providing such 45 information may provide additional resources to pay for services to 46 other sexual assault victims. If he or she declines to provide such health insurance information, he or she shall indicate such decision on 48 the form provided by the hospital, sexual assault examiner program or 49 licensed health care provider, which form shall be prescribed by the 50 board.

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

PART F

Intentionally omitted. 4

5 PART G

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

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

§ 2. This act shall take effect immediately.

2.4 PART H

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

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

- 1. confer with the department of civil service, the governor's office 37 of employee relations and any other appropriate state agencies to devel-38 op strategies which attempt to minimize the impact of the closure on the 39 state work force;
- 2. consult with the department of economic development and any other 41 appropriate state agencies to develop strategies which attempt to mini-42 mize the impact of such closures on the local and regional economies; 43 and
- 44 3. provide notice by certified mail to (i) all local governments of 45 any political subdivision in which the correctional facility is located, 46 (ii) all employee labor organizations operating within, or representing 47 employees of, the correctional facility, and (iii) managerial and confi-48 dential employees employed within the correctional facility at least 49 twelve months prior to any such closure.

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- § 2. Paragraph (a) of subdivision 3 of section 70 of the correction law, as amended by section 2 of part D of chapter 63 of the laws of 2005, is amended to read as follows:
- (a) The commissioner may continue to maintain, as a correctional 5 facility, any institution operated by the department prior to May 6 eighth, nineteen hundred seventy, and may add to or close any such place, and may establish and maintain new correctional facilities, in accordance with the needs of the department and provided expenditures for such purposes are within amounts made available therefor by appropriation; provided, however, that before the closure of any correctional facility, [correctional facility annex, or any special housing unit established to confine inmates in accordance with the provisions of 13 subdivision six of section one hundred thirty-seven of this chapter, 14 for reasons other than those set forth in paragraph (a) of subdivision 15 eight of section forty-five of this chapter, the provisions of section 16 seventy-nine-a of this article shall be adhered to.
- § 3. Notwithstanding the requirements of sections 79-a and 79-b of the 18 correction law, or any other inconsistent provision of law, the commis-19 sioner of the department of correctional services may close Camp 20 Gabriels, Camp Pharsalia and Camp Mt. McGregor any time on or after July 1, 2009, and prior to March 31, 2010. By October 1, 2009, such commis-22 sioner shall provide a report for an adaptive reuse plan for each of the 23 above named facilities, in a manner consistent with section 79-b of the correction law.
- § 4. Paragraph (b) of subdivision 8 of section 45 of the correction 26 law, as amended by section 2 of part D of chapter 63 of the laws of 2005, is amended to read as follows:
- (b) Before a correctional facility as defined in subdivision four of 29 section two of this chapter, [correctional facility annex, or any 30 special housing unit established to confine inmates in accordance with the provisions of subdivision six of section one hundred thirty seven of 32 this chapter, may be closed for a reason other than those set forth in 33 paragraph (a) of this subdivision, the provisions of section seventynine-a of this chapter shall be adhered to.
- § 5. Section 91 of the correction law, as added by chapter 478 of the laws of 1970, is amended to read as follows: 36 37
- § 91. Agreements for custody of definite sentence inmates.  $[{\tt state}]$  commissioner  $[{\tt of}$  correction] may enter into an agreement with any county or with the city of New York to provide for custody by the [state] department [of correction] of persons who receive definite sentences of imprisonment with terms in excess of ninety days who otherwise would serve such sentences in the jail, workhouse, penitentiary or other local correctional institution maintained by such locality; provided, however, that a person committed to the custody of the department pursuant to an agreement established by this section, except a 46 person committed pursuant to an agreement with the city of New York, shall be delivered to a reception center designated by the commissioner for an initial processing period which shall be no longer than seven days, and thereafter, shall be transferred to a general confinement correctional facility located in the same county or in a county adjacent to the county where such person would otherwise be committed to a local correctional facility. In the event, however, that exigent circumstances related to health, safety or security arise which require the immediate transfer of an inmate to a different facility not within the county or adjacent county, then the department shall, as soon thereafter as prac-

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

- 2. Any such agreement, except one that is made with the city of New 4 York, may be made with the sheriff, warden, superintendent, local commissioner of correction or other person in charge of such county institution and shall be subject to the approval of the chief executive officer of the county. An agreement made with the city of New York may be made with the commissioner of correction of that city and shall be subject to the approval of the mayor.
  - 3. An agreement made under this section shall [not] require the locality to pay the cost of treatment, maintenance and custody furnished by the [state] department [of correction], and the costs incurred under subdivision two or three of section one hundred twenty-five of this chapter relating to the provision of clothing, money and transportation upon release or discharge of inmates delivered to the department pursuant to the agreement, and shall contain at least the following provisions:
- (a) A provision specifying the minimum length of the term of imprison-19 ment of persons who may be received by the [state] department [of correction] under the agreement, which may be any term in excess of ninety days agreed to by the parties and which need not be the same in each agreement;
- (b) A provision that no charge will be made to the state or to the [state] department [of correction] or to any of its institutions during the pendency of such agreement for delivery of inmates to the [state] 26 department [of correction] by officers of the locality, and that the provisions of section six hundred two of this chapter or of any similar 28 law shall not apply for delivery of inmates during such time;
- (c) [A provision that no charge shall be made to or shall be payable 30 by the state during the pendency of such agreement for the expense of maintaining parole violators pursuant to section two hundred sixteen of this chapter, for the expense of maintaining coram nobis prisoners 33 pursuant to section six hundred one-b of this chapter, for the expense 34 of maintaining felony prisoners pursuant to section six hundred one-c of 35 this chapter, or for the expense of maintaining alternative local refor-36 matory inmates pursuant to section eight hundred thirty five in institutions maintained by the locality;
  - (d) A provision, approved by the state comptroller, for reimbursement of the state department of correction by the locality for expenses incurred under subdivision two or three of section one hundred twentyfive of this chapter relating to clothing, money and transportation furnished upon release or discharge of inmates delivered to the state department of correction pursuant to the agreement;
  - (e) Designation of the correctional facility or facilities to which persons under sentences covered by the agreement are to be delivered;
  - [<del>(f)</del>] (d) A provision requiring the department to provide transitional services upon the release of persons committed to the custody of the department pursuant to an agreement established by this section;
  - (e) Any other provision the [state] commissioner [of correction] may deem necessary or appropriate; and
  - $[\frac{\mbox{(f)}}{\mbox{}}]$  A provision giving either party the right to cancel the agreement by giving the other party notice in writing, with cancellation to become effective on such date as may be specified in such notice.
  - 4. Notwithstanding any other provision of law, the commissioner shall be authorized to grant, withhold, cause to be forfeited, or cancel time

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

- 5. A copy of such agreement shall be filed with the secretary of state 4 and with the clerk of each court having jurisdiction to impose sentences covered by the agreement in the county or city to which it applies.
  - § 6. Section 92 of the correction law, as added by chapter 478 of the laws of 1970, is amended to read as follows:
- § 92. Effect of agreement for custody of definite sentence inmates. 1. After a copy of an agreement made under section ninety-one of this article is filed with the secretary of state, all commitments under sentences covered by the agreement by courts in the county or city to 12 which it applies shall be deemed to be to the custody of the [state] 13 department [of correction] and shall be so construed and interpreted 14 irrespective of the institution or agency to which the commitments are 15 made.
- 2. Any inmate who is serving a term of imprisonment covered by the 17 agreement imposed prior to the filing of such agreement, and any inmate 18 who is under consecutive definite sentences of imprisonment with an 19 aggregate term of the length covered by the agreement, irrespective of 20 whether one or more of such sentences was imposed prior to the filing of 21 the agreement, may be transferred to the care of the [state] department [of correction] upon request of the head of the county or city institution and approval of the [state] commissioner [of correction].
- 3. Inmates who are deemed committed to the custody of the [state]25 department [of correction] under subdivision one of this section, or who 26 may be transferred to the care of the [state] department [of correction] 27 under subdivision two of this section, shall be dealt with in all 28 respects in the same manner as inmates committed to the custody of the 29 [state] department [of correction].
- 4. In the event any such agreement is cancelled, inmates delivered to 31 the [state] department [of correction] prior to the date of cancellation shall continue to serve their sentences in the custody of such depart-33 ment and the provisions of such agreement shall continue to apply with respect to such inmates. A copy of the notice of cancellation shall be 35 filed with the secretary of state and with the clerks of courts in the 36 manner provided in subdivision four of section ninety-one of this article, and no inmates shall be delivered to the custody of the [state] department [of correction] under such agreement after the date on which such cancellation becomes effective.
  - § 7. Section 612 of the correction law is amended to read as follows:
- § 612. United States prisoners. 1. A sheriff must receive into his or 42 her jail and keep a prisoner, committed to the same, by virtue of civil 43 process issued by a court of record, instituted under the authority of the United States, until he or she is discharged by the due course of the laws of the United States, in the same manner as if he was committed 46 by virtue of a mandate in a civil action, issued from a court of the state. A sheriff or jailer, to whose jail a civil prisoner is committed, 48 as prescribed herein, is answerable for his or her safe keeping in the courts of the United States, according to the laws thereof.
  - 2. The commissioner may enter into an agreement to provide for custody by the department of persons who are being detained by virtue of an order issued by a court of the United States. An agreement made under this section shall require the United States to pay the cost of treatment, maintenance and custody furnished by the department.

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

4 PART I

5 Intentionally omitted.

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6 PART J

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

Release on medical parole for terminally ill inmates.

- (a) The board shall have the power to release on medical parole any 14 inmate serving an indeterminate or determinate sentence of imprisonment 15 who, pursuant to subdivision two of this section, has been certified to 16 be suffering from a terminal condition, disease or syndrome and to be so debilitated or incapacitated as to create a reasonable probability that 18 he or she is physically <u>or cognitively</u> incapable of presenting any 19 danger to society, provided, however, that no inmate serving a sentence 20 imposed upon a conviction for murder in the first degree or an attempt or conspiracy to commit murder in the first degree shall be eligible for such release, and provided further that no inmate serving a sentence 23 imposed upon a conviction for any of the following offenses shall be 24 eligible for such release unless in the case of an indeterminate 25 sentence he or she has served at least one-half of the minimum period of 26 the sentence and in the case of a determinate sentence he or she has served at least one-half of his or her sentence: [murder in the first 28 degree, manslaughter in the second degree, manslaughter in the first degree, 29 any offense defined in article one hundred thirty of the penal law or an attempt to commit any of these offenses.
- § 2. Paragraph (a) of subdivision 1 of section 259-r of the executive 32 law, as added by chapter 55 of the laws of 1992, is amended to read as 33 follows:
- (a) The board shall have the power to release on medical parole any inmate serving an indeterminate or determinate sentence of imprisonment 36 who, pursuant to subdivision two of this section, has been certified to 37 be suffering from a terminal condition, disease or syndrome and to be so debilitated or incapacitated as to create a reasonable probability that 39 he or she is physically or cognitively incapable of presenting any danger to society, provided, however, that no inmate serving a sentence imposed upon a conviction for murder in the first degree or an attempt or conspiracy to commit murder in the first degree shall be eligible for such release, and provided further that no inmate serving a sentence imposed upon a conviction for any of the following offenses shall be 45 eligible for such release unless in the case of an indeterminate 46 sentence he or she has served at least one-half of the minimum period of the sentence and in the case of a determinate sentence he or she has served at least one-half of his or her sentence: [murder in the first 49 degree, manslaughter in the first degree, 50 any offense defined in article one hundred thirty of the penal law or an 51 attempt to commit any of these offenses.

- § 3. Paragraph (b) of subdivision 1 of section 259-r of the executive law, as added by chapter 55 of the laws of 1992, is amended to read as follows:
- (b) Such release shall be granted only after the board considers whether, in light of the inmate's medical condition, there is a reasonable probability that the inmate, if released, will live and remain at liberty without violating the law, and that such release is not incompatible with the welfare of society and will not so deprecate the seriousness of the crime as to undermine respect for the law, and shall be subject to the limits and conditions specified in subdivision four of this section. [Such] Except as set forth in paragraph (a) of this subdivision, such release may be granted at any time during the term of an inmate's sentence, notwithstanding any other provision of law.
- § 4. Subdivision 2 of section 259-r of the executive law, as amended 15 by chapter 503 of the laws of 1994, is amended to read as follows:
- 2. (a) The commissioner of correctional services, on the commission-17 er's own initiative or at the request of an inmate, or an inmate's spouse, relative or attorney, may, in the exercise of the commissioner's discretion, direct that an investigation be undertaken to determine 20 whether a diagnosis should be made of an inmate who appears to be suffering from a terminal condition, disease or syndrome. Any such 22 medical diagnosis shall be made by a physician licensed to practice medicine in this state pursuant to section sixty-five hundred twentyfour of the education law. Such physician shall either be employed by the department of correctional services, shall render professional 26 services at the request of the department of correctional services, or shall be employed by a hospital or medical facility used by the depart-28 ment of correctional services for the medical treatment of inmates. The diagnosis shall be reported to the commissioner of correctional services 30 and shall include but shall not be limited to a description of the terminal condition, disease or syndrome suffered by the inmate, a prog-32 nosis concerning the likelihood that the inmate will not recover from such terminal condition, disease or syndrome, a description of the inmate's physical or cognitive incapacity which shall include a prediction respecting the likely duration of the incapacity, and a statement 36 by the physician of whether the inmate is so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate [and to care for him or herself] or to perform significant normal activities of daily living. This report also shall include a recommendation of the type and level of services and treatment the inmate would require if granted medical parole and a recommendation for the types of settings in which the services and treatment should be given.
- (b) The commissioner, or the commissioner's designee, shall review the 44 diagnosis and may certify that the inmate is suffering from such terminal condition, disease or syndrome and that the inmate is so debilitated 46 or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society. If the commissioner does not so certify then the inmate shall not be 49 referred to the board of parole for consideration for release on medical 50 parole. If the commissioner does so certify, then the commissioner shall, within seven working days of receipt of such diagnosis, refer the inmate to the board of parole for consideration for release on medical 53 parole. However, no such referral of an inmate to the board of parole 54 shall be made unless the inmate has been examined by a physician and 55 diagnosed as having a terminal condition, disease or syndrome as previ-

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ously described herein at some time subsequent to such inmate's admission to a facility operated by the department of correctional services.

- (c) When the commissioner refers an inmate to the board, the commis-4 sioner shall provide an appropriate medical discharge plan jointly established by the department of correctional services and the division of parole. The department of correctional services and the division of parole are authorized to request assistance from the department of health and from the county in which the inmate resided and committed his or her crime, which shall provide assistance with respect to the development and implementation of a discharge plan, including potential placements of a releasee. The department of correctional services, the division of parole and the department of health shall jointly develop standards for the medical discharge plan that are appropriately adapted to the criminal justice setting, based on standards established by the department of health for hospital medical discharge planning. The board 16 may [reject all or part of the discharge plan submitted by the department of correctional services, and may postpone its decision pending [submission of a new] completion of an adequate discharge plan, or may 19 deny release based on inadequacy of the discharge plan. [The department 20 of correctional services and the division of parole shall jointly devel-21 op standards for the medical discharge plan that are appropriately adapted to the criminal justice setting, based on standards established by the department of health for hospital medical discharge planning.]
  - § 5. Subdivision 4 of section 259-r of the executive law, as added by chapter 55 of the laws of 1992, paragraphs (a) and (d) as amended by chapter 503 of the laws of 1994, is amended to read as follows:
  - 4. (a) Medical parole granted pursuant to this section shall be for a period of six months.
- (b) The board shall require as a condition of release on medical 30 parole that the releasee agree to remain under the care of a physician while on medical parole and in a hospital established pursuant to arti-32 cle twenty-eight of the public health law, a hospice established pursu-33 ant to article forty of the public health law or any other placement that can provide appropriate medical care as specified in the medical discharge plan required by subdivision two of this section. The medical discharge plan shall state that the availability of the placement has been confirmed, and by whom. Notwithstanding any other provision of law, when an inmate who qualifies for release under this section is been confirmed, and by whom. cognitively incapable of signing the requisite documentation to effectuate the medical discharge plan and, after a diligent search no person has been identified who could otherwise be appointed as the inmate's guardian by a court of competent jurisdiction, then, solely for the purpose of implementing the medical discharge plan, the facility health services director at the facility where the inmate is currently incarcerated shall be lawfully empowered to act as the inmate's guardian for the purpose of effectuating the medical discharge.
- (c) [The] Where appropriate, the board shall require as a condition of 48 release that medical parolees be supervised on intensive caseloads at reduced supervision ratios [similar to the caseloads for parolees 50 released pursuant to the shock incarceration program established by article twenty-six-A of the correction law].
- (d) The board shall require as a condition of release on medical 53 parole that the releasee undergo periodic medical examinations and a 54 medical examination at least one month prior to the expiration of the 55 period of medical parole and, for the purposes of making a decision 56 pursuant to paragraph (e) of this subdivision, that the releasee provide

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

- (e) Prior to the expiration of the period of medical parole the board 9 shall review the medical examination report required by paragraph (d) of this subdivision and may again grant medical parole pursuant to this section; provided, however, that the provisions of paragraph (c) of 12 subdivision one and subdivision two of this section shall not apply.
- (f) If the updated medical report presented to the board states that a 14 parolee released pursuant to this section is no longer so debilitated or 15 incapacitated as to create a reasonable probability that he or she is 16 physically or cognitively incapable of presenting any danger to society or if the releasee fails to submit the updated medical report then the 18 board may not make a new grant of medical parole pursuant to paragraph 19 (e) of this subdivision. Where the board has not granted medical parole 20 pursuant to such paragraph (e) the board shall promptly conduct through 21 one of its members, or cause to be conducted by a hearing officer desig-22 nated by the board, a hearing to determine whether the releasee is 23 suffering from a terminal condition, disease or syndrome and is so 24 debilitated or incapacitated as to create a reasonable probability that 25 he or she is physically **or cognitively** incapable of presenting any 26 danger to society and does not present a danger to society. If the board 27 makes such a determination then it may make a new grant of medical 28 parole pursuant to the standards of paragraph (b) of subdivision one of 29 this section. At the hearing, the releasee shall have the right to 30 representation by counsel, including the right, if the releasee is 31 financially unable to retain counsel, to have the appropriate court 32 assign counsel in accordance with the county or city plan for represen-33 tation placed in operation pursuant to article eighteen-B of the county 34 law.
- (g) The hearing and determination provided for by paragraph (f) of 36 this subdivision shall be concluded within the [four] six month period of medical parole. If the board does not renew the grant of medical 38 parole, it shall order that the releasee be returned immediately to the 39 custody of the department of correctional services.
- (h) In addition to the procedures set forth in paragraph (f) of this 41 subdivision, medical parole may be revoked at any time upon any of the 42 grounds specified in paragraph (a) of subdivision three of section two 43 hundred fifty-nine-i of this article, and in accordance with the procedures specified in subdivision three of section two hundred fifty-nine-i of this article.
- (i) A releasee who is on medical parole and who becomes eligible for 47 parole pursuant to the provisions of subdivision two of section two 48 hundred fifty-nine-i of this article shall be eligible for parole consideration pursuant to such subdivision.
- § 6. The executive law is amended by adding a new section 259-s to 51 read as follows:
- $\underline{\mathbb{S}}$  259-s. Release on medical parole for inmates suffering significant debilitating illnesses. 1. (a) The board shall have the power to 54 release on medical parole any inmate serving an indeterminate or deter-55 minate sentence of imprisonment who, pursuant to subdivision two of this section, has been certified to be suffering from a significant and

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

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

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

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

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

- (b) The commissioner, or the commissioner's designee, shall review the diagnosis and may certify that the inmate is suffering from such condition, disease or syndrome and that the inmate is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society. If the commissioner does not so certify then the inmate shall not be referred to the board of parole for consideration for release on medical parole. If the commissioner does so certify, then the commissioner shall, within seven working days of receipt of such diagnosis, refer the inmate to the board of parole for consideration for release on medical parole. However, no such referral of an inmate to the board of parole shall be made unless the inmate has been examined by a physician and diagnosed as having a condition, disease or syndrome as previously described herein at some time subsequent to such inmate's admission to a facility operated by the department of correctional services.
- (c) When the commissioner refers an inmate to the board, the commissioner shall provide an appropriate medical discharge plan jointly established by the department of correctional services and the division of parole. The department of correctional services and the division of parole are authorized to request assistance from the department of health and from the county in which the inmate resided and committed his or her crime, which shall provide assistance with respect to the development and implementation of a discharge plan, including potential placements of a releasee. The department of correctional services, the division of parole and the department of health shall jointly develop standards for the medical discharge plan that are appropriately adapted to the criminal justice setting, based on standards established by the department of health for hospital medical discharge planning. The board may postpone its decision pending completion of an adequate discharge plan, or may deny release based on inadequacy of the discharge plan.
- 3. Any certification by the commissioner or the commissioner's designee pursuant to this section shall be deemed a judicial function and shall not be reviewable if done in accordance with law.
- 4. (a) Medical parole granted pursuant to this section shall be for a period of six months.
- (b) The board shall require as a condition of release on medical parole that the releasee agree to remain under the care of a physician while on medical parole and in a hospital established pursuant to article twenty-eight of the public health law, a hospice established pursuant to article forty of the public health law or any other placement,

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

- (c) Where appropriate, the board shall require as a condition of 16 release that medical parolees be supervised on intensive caseloads at reduced supervision ratios.
- (d) The board shall require as a condition of release on medical 19 parole that the releasee undergo periodic medical examinations and a medical examination at least one month prior to the expiration of the period of medical parole and, for the purposes of making a decision pursuant to paragraph (e) of this subdivision, that the releasee provide the board with a report, prepared by the treating physician, of the results of such examination. Such report shall specifically state whether or not the parolee continues to suffer from a significant and permanent non-terminal and debilitating condition, disease, or syndrome, and to be so debilitated or incapacitated as to be severely restricted in his or her ability to self-ambulate or to perform significant normal activities of daily living.
  - (e) Prior to the expiration of the period of medical parole the board shall review the medical examination report required by paragraph (d) of this subdivision and may again grant medical parole pursuant to this section; provided, however, that the provisions of paragraph (c) of subdivision one and subdivision two of this section shall not apply.
- (f) If the updated medical report presented to the board states that a parolee released pursuant to this section is no longer so debilitated or incapacitated as to create a reasonable probability that he or she physically or cognitively incapable of presenting any danger to society or if the releasee fails to submit the updated medical report then the board may not make a new grant of medical parole pursuant to paragraph (e) of this subdivision. Where the board has not granted medical parole pursuant to such paragraph (e) the board shall promptly conduct through one of its members, or cause to be conducted by a hearing officer designated by the board, a hearing to determine whether the releasee is suffering from a significant and permanent non-terminal and incapacitating condition, disease or syndrome and is so debilitated or incapacitated as to create a reasonable probability that he or she is physically or cognitively incapable of presenting any danger to society and does not present a danger to society. If the board makes such a determination then it may make a new grant of medical parole pursuant to the standards of paragraph (b) of subdivision one of this section. At the hearing, the releasee shall have the right to representation by counsel, including the right, if the releasee is financially unable to retain counsel, to have the appropriate court assign counsel in accordance with the county or city plan for representation placed in operation pursuant to article 56 eighteen-B of the county law.

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- (g) The hearing and determination provided for by paragraph (f) of this subdivision shall be concluded within the six month period of medical parole. If the board does not renew the grant of medical parole, it shall order that the releasee be returned immediately to the custody of the department of correctional services.
- (h) In addition to the procedures set forth in paragraph (f) of this subdivision, medical parole may be revoked at any time upon any of the grounds specified in paragraph (a) of subdivision three of section two hundred fifty-nine-i of this article, and in accordance with the procedures specified in subdivision three of section two hundred fifty-nine-i of this article.
- (i) A releasee who is on medical parole and who becomes eligible for parole pursuant to the provisions of subdivision two of section two hundred fifty-nine-i of this article shall be eligible for parole consideration pursuant to such subdivision.
- 5. A denial of release on medical parole or expiration of medical parole in accordance with the provisions of paragraph (f) of subdivision four of this section shall not preclude the inmate from reapplying for medical parole or otherwise affect an inmate's eligibility for any other form of release provided for by law.
- 6. To the extent that any provision of this section requires disclosure of medical information for the purpose of processing an application or making a decision, regarding release on medical parole or renewal of medical parole, or for the purpose of appropriately supervising a person released on medical parole, and that such disclosure would otherwise be prohibited by article twenty-seven-F of the public health law, the provisions of this section shall be controlling.
- 7. The commissioner of correctional services and the chair of the 29 board of parole shall be authorized to promulgate rules and regulations for their respective agencies to implement the provisions of this section.
  - 8. Any decision made by the board pursuant to this section may be appealed pursuant to subdivision four of section two hundred fifty-nine-i of this article.
- 9. The chair of the board shall report annually to the governor, the temporary president of the senate and the speaker of the assembly, the chairpersons of the assembly and senate codes committees, the chairperson of the senate crime and corrections committee, and the chairperson of the assembly corrections committee the number of inmates who have applied for medical parole under this section; the number who have 41 been granted medical parole; the nature of the illness of the applicants, the counties to which they have been released and the nature of the placement pursuant to the medical discharge plan; the categories of reasons for denial for those who have been denied; the number of releasees who have been granted an additional period or periods of medical parole and the number of such grants; the number of releasees on medical parole who have been returned to the custody of the department of correctional services and the reasons for return.
- § 7. Subparagraph (v) of paragraph (a) of subdivision 1 of section 50 70.40 of the penal law, as amended by chapter 3 of the laws of 1995, is amended to read as follows:
- (v) Notwithstanding any other subparagraph of this paragraph, a person 53 may be paroled from the institution in which he is confined at any time 54 on medical parole pursuant to section two hundred fifty-nine-r or 55 section two hundred fifty-nine-s of the executive law or for deportation 56 pursuant to paragraph (d) of subdivision two of section two hundred

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

- § 8. Subdivision 1 of section 259-c of the executive law, as amended 5 by chapter 3 of the laws of 1995, is amended to read as follows:
- 1. have the power and duty of determining which inmates serving an 7 indeterminate or determinate sentence of imprisonment may be released on parole, or on medical parole pursuant to section two hundred 9 fifty-nine-r or section two hundred fifty-nine-s of this article, and when and under what conditions;
  - § 9. This act shall take effect immediately; provided that:
- (a) the amendments to paragraph (a) of subdivision 1 of section 259-r 13 of the executive law made by section one of this act shall be subject to 14 the expiration and reversion of such paragraph pursuant to chapter 3 of 15 the laws of 1995, as amended, when upon such date the provisions of 16 section two of this act shall take effect;
- (b) the amendments to the section heading, paragraph (a) of subdivi-18 sion 1, paragraph (b) of subdivision 1, subdivision 2 and subdivision 4 19 of section 259-r of the executive law made by sections one, two, three, 20 four and five, respectively, of this act shall not affect the expiration 21 of such section and shall be deemed to expire therewith; and
- (c) the amendments to subparagraph (v) of paragraph (a) of subdivision 23 1 of section 70.40 of the penal law and the amendments to subdivision 1 24 of section 259-c of the executive law made by sections seven and eight, 25 respectively, of this act shall not affect the expiration of such para-26 graph and subdivision and shall be deemed to expire therewith.

27 PART K

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

- 5. The commissioner shall be authorized to enter into agreements to sell food and drink products made at the food production center of the department to food kitchens, homeless shelters and other eleemosynary organizations funded in whole or in part by federal, state or local funds and to counties for governmental purposes. All proceeds from such sales shall be deposited into an account which shall only be used for the continued operation of the food production center. The charge for these products, included in the agreements between the commissioner and these eleemosynary organizations, shall not exceed the costs associated 40 with the production and transportation of the products for sale. commissioner may, in his or her discretion, and by whatever means he or she deems appropriate, notify such organizations of the availability of such products for sale.
- 44 § 2. This act shall take effect immediately.

45 PART L

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

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

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

- § 2. Subdivision 2 of section 865 of the correction law, as added by 26 chapter 261 of the laws of 1987, is amended to read as follows:
- 2. "Shock incarceration program" means a program pursuant to which 28 eligible inmates are selected [directly at reception centers] to partic-29 ipate in the program and serve a period of six months in a shock incar-30 ceration facility, which shall provide rigorous physical activity, 31 intensive regimentation and discipline and rehabilitation therapy and 32 programming. Such inmates may be selected either: (i) at a reception center; or (ii) at a general confinement facility when the otherwise 34 eligible inmate then becomes eligible for release on parole within three 35 years in the case of an indeterminate term of imprisonment, or then 36 becomes eligible for conditional release within three years in the case of a determinate term of imprisonment.
  § 3. Subdivision 2 of section 866 of the correction law, as added by
  - chapter 261 of the laws of 1987, is amended to read as follows:
  - 2. [For each reception center the] The commissioner shall appoint or cause to be appointed a shock incarceration selection committee at one or more designated correctional facilities, which shall meet on a reqularly scheduled basis to review all eligible inmates transferred to such facility for screening and all applications for the shock incarceration program.
  - § 4. The correction law is amended by adding a new section 803-b to read as follows:
  - § 803-b. Limited credit time allowances for inmates serving indeterminate or determinate sentences imposed for specified offenses. 1. Definitions. As used in this section the following terms shall have the following meanings:
  - (a) "eligible offender" means a person under the custody of the department or confined in a facility in the department of mental hygiene, other than a person who is subject to a sentence imposed for murder in the first degree as defined in section 125.27 of the penal law, an offense defined in article one hundred thirty of such law, or an

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

- (i) an indeterminate sentence imposed for any class A-I felony offense other than criminal possession of a controlled substance in the first degree as defined in section 220.21 of the penal law or criminal sale of a controlled substance in the first degree as defined in section 220.43 of such law or an attempt or a conspiracy to commit such controlled substance offense; or
- (ii) an indeterminate or determinate sentence imposed for an offense listed in subdivision one of section 70.02 of the penal law; or
- (iii) an indeterminate or determinate sentence imposed for an offense defined in article one hundred twenty-five of the penal law.
  - (b) "limited credit time benefit" means:

- (i) in the case of an eligible offender who is subject to an indeterminate sentence with a maximum term of life imprisonment, such offender shall be eligible for release six months before the completion of the controlling minimum period of imprisonment as defined by subdivision one of section 70.40 of the penal law; or
- (ii) (A) in the case of an eligible offender who is not subject to an indeterminate sentence with a maximum term of life imprisonment, such offender shall be eligible for conditional release six months earlier than as provided by paragraph (b) of subdivision one of section 70.40 of the penal law, provided that the department determines such offender has earned the full amount of good time authorized by section eight hundred three of this article; the withholding of any good behavior time credit by the department shall render an inmate ineligible for the credit defined herein;
- (B) in the event the limited credit time benefit defined herein causes such conditional release date to precede the parole eligibility date as calculated pursuant to subdivision one of section 70.40 of the penal law, a limited credit time benefit shall also be applied to the parole eligibility date, but only to the extent necessary to cause such parole eligibility date to be the same date as the conditional release date;
- (C) an inmate shall not be eligible for the credit defined herein if he or she is returned to the department pursuant to a revocation of presumptive release, parole, conditional release, or post-release supervision and has not been sentenced to an additional indeterminate or determinate term of imprisonment.
- (iii) Regardless of the number of sentences to which an eligible offender is subject, the limited credit time benefit authorized pursuant to this section shall be limited to a single six-month credit applied to such person's parole eligibility date pursuant to subparagraph (i) of this paragraph or to such person's conditional release date pursuant to subparagraph (ii) of this paragraph. Except as provided in clause (B) of subparagraph (ii) of this paragraph, the limited credit time benefit authorized pursuant to this section shall not be applied to an eligible offender's parole eligibility date and conditional release date.
  - (c) "significant programmatic accomplishment" means that the inmate:
  - (i) participates in no less than two years of college programming; or
  - (ii) obtains a masters of professional studies degree; or
- 51 <u>(iii)</u> successfully participates as an inmate program associate for no 52 less than two years; or
  - (iv) receives a certification from the state department of labor for his or her successful participation in an apprenticeship program; or
- 55 (v) successfully works as an inmate hospice aid for a period of no less than two years.

- (d) "serious disciplinary infraction" or "overall poor institutional record" shall be defined in regulations promulgated by the commissioner and need not be the same as the regulations promulgated for the meaning of serious disciplinary infraction pursuant to paragraph (d) of subdivision one of section eight hundred three of this article.
- (e) "disqualifying judicial determination" means a judicial determination that the person, while an inmate, commenced or continued a civil action or proceeding or claim that was found to be frivolous as defined in subdivision (c) of section eight thousand three hundred three-a of the civil practice law and rules, or an order of a federal court pursuant to rule 11 of the federal rules of civil procedure imposing sanctions in an action commenced by a person while an inmate against a state agency, officer or employee.
- 2. Every eligible offender under the custody of the department or 15 confined in a facility in the department of mental hygiene may earn a limited credit time allowance if such offender successfully participates in the work and treatment program assigned pursuant to section eight hundred five of this article and:
  - (a) successfully completes one or more significant programmatic accomplishments; and
  - (b) has not committed a serious disciplinary infraction or maintained an overall negative institutional record as defined in rules and regulations promulgated by the commissioner; and
    - (c) has not received a disqualifying judicial determination.
- 3. No person shall have the right to demand or require the credit 26 authorized by this section. The commissioner may revoke at any time such credit for any disciplinary infraction committed by the inmate or for any failure to continue to participate successfully in any assigned work and treatment program after the certificate of earned eligibility has been awarded. Any action by the commissioner pursuant to this section shall be deemed a judicial function and shall not be reviewable if done in accordance with law.
  - § 5. This act shall take effect immediately.

#### 34 PART M

- Section 1. Subparagraph (ii) of paragraph (a) of subdivision 3 of 35 36 section 259-i of the executive law is REPEALED and subparagraphs (iii) and (iv) are renumbered subparagraphs (ii) and (iii). 37
- § 2. Section 601-c of the correction law is REPEALED and a new section 39 601-c is added to read as follows:
- § 601-c. Felony prisoners; reimbursement for costs. Notwithstanding 41 any other provision of law, in any case where a person has been convicted of a felony and a sentence has been pronounced which requires that he or she be committed to the custody of the commissioner, if such person has not been accepted for custody by the commissioner within ten business days of receipt of a written notification by the department from the appropriate local official that he or she is prepared to transport such person to the facility designated by the department, provided that there has been compliance with subdivision (a) of section six hundred one of this article, and provided further that such person is not in need of immediate medical care requiring the availability of a hospital or infirmary bed, then the expense of maintaining such person 52 shall be paid by the state at the rate of one hundred dollars per day 53 per capita, or the actual per day per capita cost as certified by the

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

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

5 PART N

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

- 4-a. To facilitate the supervision of all inmates released on parole or conditional release, or to post-release supervision, the chairman of the state board of parole shall consider the implementation of a program of graduated sanctions, including but not limited to the utilization of a risk and needs assessment instrument that would be administered to all inmates eligible for parole supervision. Such a program would include various components including approaches that concentrate supervision on new releases, alternatives to incarceration for technical parole violators and the use of enhanced technologies.
- § 2. Subdivision 4 of section 259-c of the executive law, as added by chapter 904 of the laws of 1977, is amended to read as follows:
- 4. establish written guidelines for its use in making parole decisions 20 as required by law, including the fixing of minimum periods of imprisonment or ranges thereof for different categories of offenders. Such written guidelines may consider the use of a risk and needs assessment instrument to assist members of the state board of parole in determining which inmates may be released to parole supervision;
- § 3. Subdivision 16 of section 296 of the executive law, as amended by 26 chapter 639 of the laws of 2007, is amended to read as follows:
- 16. It shall be an unlawful discriminatory practice, unless specif-28 ically required or permitted by statute, for any person, agency, bureau, corporation or association, including the state and any political subdi-30 vision thereof, to make any inquiry about, whether in any form of appli-31 cation or otherwise, or to act upon adversely to the individual 32 involved, any arrest or criminal accusation of such individual not then 33 pending against that individual which was followed by a termination of 34 that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction 38 for a violation sealed pursuant to section 160.55 of the criminal proce-39 dure law in connection with the licensing, employment or providing of 40 credit or insurance to such individual; provided, [however, that the] further, no person shall be required to divulge information pertaining to any arrest or criminal accusation of such individual not then pending against that individual which was followed by a termination of that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision one of section 720.35 of the criminal procedure law, or by a conviction for a violation sealed pursuant to section 160.55 of the criminal procedure law. The provisions [hereof] of this subdivision shall not apply to the licensing activities of governmental bodies in relation to the regulation of guns, 51 firearms and other deadly weapons or in relation to an application for 52 employment as a police officer or peace officer as those terms are 53 defined in subdivisions thirty-three and thirty-four of section 1.20 of

54 the criminal procedure law; provided further that the provisions of this

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

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

9 PART O

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

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

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

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

45 PART P

46 Intentionally omitted.

47 PART Q

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

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- 3. [Visit] Except in circumstances involving health, safety or alleged violations of established standards of the commission, visit, inspect correctional facilities consistent with a schedule determined by the chairman of the commission, taking into consideration available resources, workload and staffing, and appraise the management of such correctional facilities with specific attention to matters such as safety, security, health of inmates, sanitary conditions, rehabilitative 8 programs, disturbance and fire prevention and control preparedness, and adherence to laws and regulations governing the rights of inmates.
- § 2. Subdivisions 9 and 9-a of section 45 of the correction law are 11 REPEALED.
  - § 3. Subdivision 11 of section 45 of the correction law is REPEALED.
- § 4. Section 837-a of the executive law is amended by adding a new 14 subdivision 9 to read as follows:
- 9. In consultation with the state commission of correction and the 16 municipal police training council, establish and maintain basic and other correctional training programs for such personnel employed by correctional facilities as the commissioner shall deem necessary. Such 19 basic correctional training program shall be satisfactorily completed by 20 such personnel prior to their undertaking their duties or within one 21 year following the date of their appointment or at such times as the commissioner may prescribe. Provided, however, the commissioner may, after consultation with the state commission of correction, exempt from such requirement personnel employed by any correctional facility which, in the opinion of the commissioner, maintains a basic correctional training program of a standard equal to or higher than that established and maintained by the division; or revoke in whole or in part such exemption, if in his or her opinion the standards of the basic correctional training program maintained by such facility are lower than those established pursuant to this article.
- § 5. Subdivision 3 of section 840 of the executive law, as amended by 32 chapter 155 of the laws of 2008, is amended and a new subdivision 2-a is 33 added to read as follows:
  - 2-a. The council, in consultation with the state commission of correction, shall promulgate rules and regulations with respect to:
  - (a) The approval, or revocation thereof, of basic and other correctional training programs administered by municipalities;
  - (b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at approved basic and other correctional training programs;
  - (c) Minimum qualifications for instructors at approved basic and other correctional training programs; and
  - (d) The requirements of a minimum basic correctional training program required by subdivision nine of section eight hundred thirty-seven-a of this article.
- 3. The council shall, in addition: (a) Consult with, advise and make 47 recommendations to the commissioner with respect to the exercise of his 48 or her functions, powers and duties as set forth in section eight 49 hundred forty-one of this article;
- (b) Recommend studies, surveys and reports to be made by the commis-51 sioner regarding the carrying out of the objectives and purposes of this 52 section;
- (c) Visit and inspect any police training school **and correctional** 54 **training programs** approved by the commissioner or for which application 55 for such approval has been made;

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- (d) Make recommendations, from time to time, to the commissioner, the governor and the legislature, regarding the carrying out of the purposes of this section;
- (e) Perform such other acts as may be necessary or appropriate to 5 carry out the functions of the council;
- (f) Develop, maintain and disseminate, in consultation with the state office for the prevention of domestic violence, written policies and 8 procedures consistent with article eight of the family court act and applicable provisions of the criminal procedure and domestic relations 10 laws, regarding the investigation of and intervention by new and veteran 11 police officers in incidents of family offenses. Such policies and 12 procedures shall make provisions for education and training in the 13 interpretation and enforcement of New York's family offense laws, 14 including but not limited to:
- (1) intake and recording of victim statements, on a standardized 16 "domestic violence incident report form" promulgated by the division of 17 criminal justice services in consultation with the superintendent of 18 state police, representatives of local police forces and the state office for the prevention of domestic violence, and the investigation 20 thereof so as to ascertain whether a crime has been committed against the victim by a member of the victim's family or household as such terms 22 are defined in section eight hundred twelve of the family court act and section 530.11 of the criminal procedure law; and
- (2) the need for immediate intervention in family offenses including 25 the arrest and detention of alleged offenders, pursuant to subdivision 26 four of section 140.10 of the criminal procedure law, and notifying victims of their rights, including but not limited to immediately 28 providing the victim with the written notice required in subdivision six of section 530.11 of the criminal procedure law and subdivision five of 30 section eight hundred twelve of the family court act; [and]
- (g) Develop, maintain and disseminate, in consultation with the state 32 division of human rights and the state civil service department, written 33 policies and procedures to enhance police **and correctional** officer 34 recruitment efforts and to increase police and correctional officer 35 awareness of racial, ethnic, religious and gender differences, and other 36 diversity issues, in communities served by such police [-,] and in correc-

## tional facilities; and

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# (h) Consult with the state commission of correction regarding correctional training programs.

- § 6. Section 841 of the executive law, as amended by chapter 843 of 41 the laws of 1980, subdivision 3 as amended by chapter 551 of the laws of 2001, subdivision 9 as added by chapter 847 of the laws of 1986, is 43 amended to read as follows:
- § 841. Functions, powers and duties of the commissioner with respect 45 to the council. In addition to the functions, powers and duties other-46 wise provided by this article, the commissioner shall, with the general advice of the council, and, in the case of subdivisions one, two and three of this section, only in accordance with rules and regulations 49 promulgated by the governor pursuant to section eight hundred forty-two of this article:
- 1. Approve police training schools administered by municipalities and 52 issue certificates of approval to such schools, and revoke such approval or certificate;
- 1-a. Approve correctional training programs administered by munici-55 palities and issue certificates of approval to such programs, and revoke such approval or certificate;

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

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

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

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

- 4. Cause studies and surveys to be made relating to the establishment, 23 operation and approval of municipal police training schools and correctional training programs;
- 5. Consult with and cooperate with municipal police training schools 26 and correctional training programs for the development of advanced in-service training programs for police officers [and], peace officers, 28 and correction officers and issue appropriate certificates to police 29 officers [and], peace officers, and correction officers, attesting to 30 their satisfactory completion of such advanced training programs;
- 6. Consult with and cooperate with universities, colleges and insti-32 tutes in the state for the development of specialized courses of study for police officers [and], peace officers, and correction officers police science [and], police administration, and criminal justice;
- 7. Consult with and cooperate with other departments and agencies of 36 the state concerned with police officer and peace officer training;
  - 7-a. Consult with and cooperate with the state commission of correction and other departments and agencies of the state concerned with correction officer training;
  - 8. Report to the council at each regular meeting of the council and at such other times as may be appropriate [-]; and
- 9. Prepare, update and distribute to appropriate law enforcement offi-43 cials the form and content of the written notice required to be given to victims of family offenses pursuant to subdivision five of section eight 45 hundred twelve of the family court act and subdivision six of section 530.11 of the criminal procedure law.
- § 7. Subdivisions 6 and 10 of section 45 of the correction law, as 48 added by chapter 865 of the laws of 1975, are amended to read as follows:
- 6. Promulgate rules and regulations establishing minimum standards for the review of the construction or improvement of correctional facilities and the care, custody, correction, treatment, supervision, discipline, 53 and other correctional programs for all persons confined in correctional 54 facilities. Such rules and regulations shall be forwarded to the gover-55 nor, the temporary president of the senate and the speaker of the assem-

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bly no later than January first, nineteen hundred seventy-six and annually thereafter.

- 10. Approve or reject plans and specifications for the construction or 4 improvement of correctional facilities that directly affect the health of inmates and staff, safety, or security.
  - § 8. Subdivision 2 of section 504 of the correction law, as amended by chapter 506 of the laws of 1982, is amended to read as follows:
- 2. Where the jail in a county becomes unfit or unsafe for the confinement of some or all of the inmates due to an inmate disturbance [er a natural disaster including but not limited to flood, earthquake, hurricane, landslide or fire, or other extraordinary circumstances, including but not limited to a natural disaster, unanticipated deficiencies in the structural integrity of a facility or the inability to provide one or more inmates with essential services such as medical care, upon the 15 request of the municipal official as defined in subdivision four of 16 section forty of this chapter and no other suitable place within the county nor the jail of any other county is immediately available to 18 house some or all of the inmates, the commissioner of correctional 19 services [is hereby authorized and empowered to] may, in his or her sole 20 discretion, make available, upon such terms and conditions as he may deem appropriate, all or any part of a state correctional institution 22 for the confinement of some or all of such inmates as an adjunct to the 23 county jail for a period not to exceed thirty days. However, if the county jail remains unfit or unsafe for the confinement of some or all 25 of such inmates beyond thirty days, the state commission of correction, 26 with the consent of the commissioner of correctional services, may 27 extend the availability of a state correctional institution for one or 28 more additional thirty day periods. The state commission of correction 29 shall promulgate rules and regulations governing the temporary transfer 30 of inmates to state correctional institutions from county jails includ-31 ing but not limited to provisions for confinement of such inmates in the 32 nearest correctional facility, to the maximum extent practicable, taking 33 into account necessary security. The **commissioner of correctional** 34 services may, in his or her sole discretion, based on standards promul-35 gated by the department, determine whether a county shall reimburse the 36 state for **any or all of** the actual costs of confinement as approved by 37 the director of the division of the budget. On or before the expiration of each thirty day period, the state commission of correction must make an appropriate designation pursuant to subdivision one if the county jail remains unfit or unsafe for the confinement of some or all of the inmates and consent to the continued availability of a state correction-42 al institution as required for herein. The superintendence, management 43 and control of a state correctional institution or part thereof made available pursuant hereto and the inmates housed therein shall be as directed by the commissioner of correctional services.
  - § 9. This act shall take effect immediately; provided, however, that sections two, four, five and six of this act shall take effect on the one hundred eightieth day after it shall have become a law.

49 PART R

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

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

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

- § 2. Subdivision 4 of section 29-c of the executive law is REPEALED.
- 7 § 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2009, provided, however, this act shall not affect obligations or amounts with respect to fees payable on or before April 1, 2009.
- 11 PART S
- 12 Intentionally omitted.

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13 PART T

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

- (b) The annual fee is hereby imposed at the rate of [five dollars] ten 18 dollars per insured motor vehicle registered pursuant to the provisions of paragraph [{\text{\delta}}] b of subdivision one of section four hundred one of the vehicle and traffic law. Provided, however, that such fee shall be reduced by fifty percent per insured motor vehicle registered pursuant to the provisions of paragraph b of subdivision one of section four hundred one of the vehicle and traffic law where a policy issued in the state or for delivery in the state for motor vehicle liability insurance coverage is for a term of six months or less. Such fee will be paid 26 monthly by insurance companies to the superintendent on or before the fifteenth of the month next succeeding the month in which such 28 collections are received.
- § 2. Subsection (e) of section 9110 of the insurance law, as amended 30 by section 1 of part A of chapter 56 of the laws of 2004, is amended to read as follows:
- (e) All moneys received by the superintendent which are collected from 33 policyholders of insurance on [passenger] motor vehicles [subject to the provisions of paragraph a of subdivision six of section four hundred one of the vehicle and traffic law | shall be paid [to the state police motor 36 vehicle law enforcement account established pursuant to section ninetyseven mm of the state finance law | by the tenth day of the month follow-38 ing receipt of such collections [. By the end of each fiscal year, any 39 moneys paid to the state police motor vehicle law enforcement account 40 established pursuant to section ninety-seven-mm of the state finance law which exceed sixty million four hundred thousand dollars shall be paid to the motor vehicle theft and insurance fraud prevention fund established pursuant to section eighty-nine-d of the state finance law.] in the following manner:
  - (1) Each fiscal year, the first four million seven hundred thousand dollars shall be paid to the motor vehicle theft and insurance fraud prevention fund established pursuant to section eighty-nine-d of the state finance law.
- (2) All remaining moneys shall be paid to the state police motor vehi-50 cle law enforcement account established pursuant to section ninety-seven-mm of the state finance law.
  - § 3. Subsection (f) of section 9110 of the insurance law is REPEALED.

- § 4. Subdivision 2 of section 89-d of the state finance law, as amended by chapter 170 of the laws of 1994, is amended to read as follows:
- 2. Such fund shall consist of all moneys received by the state pursu-5 ant to subsection  $[\{f\}]$  (b) of section nine thousand one hundred ten of 6 the insurance law [including any moneys received by the state] that are transferred to the fund pursuant to paragraph one of subsection (e) of section nine thousand one hundred ten of the insurance law [that are transferred to the fund and all other grants, bequests or other moneys appropriated, credited or transferred thereto from any other fund or source pursuant to law.
- § 5. Subdivisions 2 and 3 of section 97-mm of the state finance law, 13 as amended by section 2 of part A of chapter 56 of the laws of 2004, are amended to read as follows:
- 2. The state police motor vehicle law enforcement account shall 16 consist of all moneys received by the state pursuant to subsection  $[\frac{\{e\}}{]}]$ (b) of section nine thousand one hundred ten of the insurance law [and 18 any moneys received by the state pursuant to subsection (f) of section 19 nine thousand one hundred ten of the insurance law] that are transferred 20 to the account pursuant to paragraph two of subsection (e) of section nine thousand one hundred ten of the insurance law and all other grants, 22 bequests or other moneys credited, appropriated, or transferred thereto from any other fund or source.
- 3. Nine million one hundred thousand dollars annually of the state 25 police motor vehicle law enforcement account, following appropriation by 26 the legislature and allocation by the director of the budget, shall be 27 made available for the state operation expenses of the division of state 28 police including but not limited to the costs of activities relating to 29 the detection, prosecution or reduction of automobile theft and related 30 purposes. [Fifty-one million three hundred thousand dollars] All other funds of the state police motor vehicle law enforcement account, following appropriation by the legislature and allocation by the director of 33 the budget, shall be made available for the state operation expenses of the division of state police including but not limited to the costs of activities relating to highway safety and public security.
- § 6. Section 7 of part Q of chapter 62 of the laws of 2003, amending 37 the insurance law and other laws relating to motor vehicle law enforcement fees, as amended by section 1 of part M of chapter 56 of the laws of 2008, is amended to read as follows:
- § 7. This act shall take effect immediately, provided that sections 41 one, two and three of this act shall take effect June 1, 2003; [and 42 provided further that the amendments made to subsection (b) of section 43 9110 of the insurance law made by section one of this act shall expire 44 and be deemed repealed on July 1, 2009 and the provisions of such 45 subsection shall be read as such provisions existed on the date imme-46 diately preceding the effective date of this act; and provided further 47 that the amendments made to subsection (e) of section 9110 of the insur-48 ance law made by section two of this act and the amendments made to 49 subdivision 3 of section 97-mm of the state finance law made by section 50 three of this act shall expire and be deemed repealed on March 31, 2004 51 and the provisions of such subsection and such subdivision shall be read 52 as such provisions existed on the date immediately preceding the effec-53 tive date of this act.
- § 7. Section 3 of part A of chapter 56 of the laws of 2004, amending 55 the insurance law and the state finance law relating to motor vehicle

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

- 3. This act shall take effect immediately and shall be deemed to 4 have been in full force and effect on and after April 1, 2004[+ provided, however, that the amendments made to subsections (e) and (f) of section 9110 of the insurance law made by section one of this act shall expire and be deemed repealed on March 31, 2009, and provided further that the amendments made to subdivisions 2 and 3 of section 97-mm of the state finance law made by section two of this act shall expire and be deemed repealed on March 31, 2009].
  - § 8. Subdivision (bbb) of section 427 of chapter 55 of the laws of 1992, amending the tax law generally and enacting the omnibus revenue act of 1992 relating to taxes, surcharges, fees and funding, is REPEALED.
- § 9. Paragraphs (b) and (d) of subdivision 2 and subdivision 3 of 16 section 846-m of the executive law, as amended by section 4 of part M of chapter 56 of the laws of 2008, are amended to read as follows:
- (b) Activities eligible for funding include, but are not limited to, 19 the following: prosecution and adjudication services; law enforcement 20 services; neighborhood or community based programs designed to reduce the incidence of motor vehicle theft and motor vehicle insurance fraud; 22 educational programs designed to inform owners of motor vehicles 23 concerning activities designed to prevent the incidence of theft of 24 motor vehicles and fraudulent claims practices; and programs designed to 25 examine, evaluate and make recommendations relating to the efficacy of 26 motor vehicle theft prevention devices or methods including, but not limited to, passive tracking devices designed to identify the location a motor vehicle at any given point in time and window glass etching 29 with vehicle identification numbers or any other unique identifying 30 symbol including decal programs such as New York city's operation combat auto theft (C.A.T.). Funds provided under this program shall be used to 32 augment, and not to supplant, the provider agency's current funding, 33 any, for motor vehicle theft and insurance fraud detection, prevention, 34 or reduction activities[ , and shall only be used to fund pilot programs 35 of a specified duration not to extend beyond July first, two thousand 36 **nine**].
- (d) The state comptroller shall conduct an audit of all moneys 38 received and expended by the fund as well as all other funds expended from any other source for the purposes of this program, and shall submit 40 a written report detailing such audit to the governor and legislature on or before March first [, two thousand nine.

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

- § 10. Section 9 of part T of chapter 57 of the laws of 2000, amending 45 the state finance law relating to a report on automobile theft 46 prevention activities of the state police, as amended by section 5 part M of chapter 56 of the laws of 2008, is amended to read as follows:
- § 9. This act shall take effect immediately provided, however, that 49 the amendments to sections 846-j, 846-k, 846-l and 846-m of the executive law made by this act shall not affect the expiration of such sections and shall be deemed to expire therewith[; provided, further, however, that the provisions of subdivision 4 of section 97-mm of the state finance law, as added by section eight of this act, shall expire 54 and be deemed repealed on July 1, 2009].
- § 11. The article heading of article 36-A of the executive law, as 56 added by chapter 170 of the laws of 1994, is amended to read as follows:

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NEW YORK MOTOR VEHICLE THEFT AND INSURANCE FRAUD PREVENTION [**DEMONSTRATION**] PROGRAM

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

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

- § 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [<del>2009</del>] 2011.
- § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-15 tive law and the criminal procedure law relating to expanding the 16 geographic area of employment of certain police officers, as amended by section 2 of part C of chapter 56 of the laws of 2007, is amended to 17 18 read as follows:
- § 3. This act shall take effect on the first day of November next 20 succeeding the date on which it shall have become a law, and shall 21 remain in effect until the first day of September, [2009] 2011, when it shall expire and be deemed repealed.
- § 3. Section 3 of chapter 886 of the laws of 1972, amending the 24 correction law and the penal law relating to prisoner furloughs in 25 certain cases and the crime of absconding therefrom, as amended by 26 section 3 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- § 3. This act shall take effect 60 days after it shall have become a 29 law and shall remain in effect until September 1, [2009] 2011.
- § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters 31 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, as amended 33 by section 4 of part C of chapter 56 of the laws of 2007, is amended to 34 read as follows:
- § 20. This act shall take effect immediately except that section thir-36 teen of this act shall expire and be of no further force or effect on and after September 1,  $[\frac{2009}{2011}]$  and shall not apply to persons 38 committed to the custody of the department after such date, and provided 39 further that the commissioner of correctional services shall report each 40 January first and July first during such time as the earned eligibility 41 program is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly 43 correction committee, and the assembly codes committee, the standards in 44 effect for earned eligibility during the prior six-month period, the 45 number of inmates subject to the provisions of earned eligibility, the 46 number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are 48 granted parole upon their first consideration for parole, the number 49 with certificates who are denied parole upon their first consideration, 50 and the number of individuals granted and denied parole who did not have 51 earned eligibility certificates.
- § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, 53 amending the tax law and other laws relating to taxes, surcharges, fees

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

- (q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, [2009] 2011 and be applicable to all persons entering the program on or before August 31, [2009] 2011.
- § 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by section 6 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- § 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, [2009] 2011, and provided further that the commissioner of correctional services shall 13 report each January first, and July first, to the chairman of the senate 14 crime victims, crime and correction committee, the senate codes commit-15 tee, the assembly correction committee, and the assembly codes commit-16 tee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.
- § 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994 22 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by section 7 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
  - (c) sections forty-one and forty-two of this act shall expire September 1, [2009] 2011; provided, that the provisions of section forty-two of this act shall apply to inmates entering the work release program on or after such effective date; and
  - § 8. Section 5 of chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, as amended by section 8 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- § 5. This act shall take effect immediately and shall remain in full force and effect until September 1,  $[\frac{2009}{2011}]$ , and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month 43 period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.
  - § 9. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by section 9 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section 53 fifty-five of this act, subdivision 5 of section 60.35 of the penal law, 54 as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [2009] 2011, when upon such date the 56 amendments to the correction law and penal  $\overline{\text{law}}$  made by sections fifty-

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

- § 10. Subdivision (z) of section 427 of chapter 55 of the laws of 11 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 10 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- (z) the provisions of section three hundred eighty-one of this act 15 shall apply to all persons supervised by the division of parole on or 16 after the effective date of this act, provided however, that subdivision 9 of section 259-a of the executive law, as added by section three 18 hundred eighty-one of this act, shall expire on September 1, [2009] 2011;
  - § 11. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by section 11 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- (aa) the provisions of sections three hundred eighty-two, three 25 hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [2009] 2011;
- § 12. Section 12 of chapter 907 of the laws of 1984, amending the 28 correction law, the New York city criminal court act and the executive 29 law relating to prison and jail housing and alternatives to detention 30 and incarceration programs, as amended by section 12 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- § 12. This act shall take effect immediately, except that the 33 provisions of sections one through ten of this act shall remain in full 34 force and effect until September 1, [2009] 2011 on which date those 35 provisions shall be deemed to be repealed.
- § 13. Subdivision (p) of section 406 of chapter 166 of the laws of 37 1991, amending the tax law and other laws relating to taxes, as amended 38 by section 13 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- (p) The amendments to section 1809 of the vehicle and traffic law made 41 by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effec-43 tive date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred 46 forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-48 six, three hundred fifty-seven and three hundred fifty-nine of this act 49 shall take effect immediately and shall expire June 30, 1995 and shall 50 revert to and be read as if this act had not been enacted; section three 51 hundred fifty-eight of this act shall take effect immediately and shall 52 expire June 30, 1998 and shall revert to and be read as if this act had 53 not been enacted; section three hundred sixty-four through three hundred 54 sixty-seven of this act shall apply to claims filed on or after such 55 effective date; sections three hundred sixty-nine, three hundred seven-56 ty-two, three hundred seventy-three, three hundred seventy-four, three

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

- § 14. Subdivision 8 of section 1809 of the vehicle and traffic law, as 46 amended by section 14 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
  - 8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [nine] eleven.
- § 15. Section 6 of chapter 713 of the laws of 1988, amending the vehi-51 cle and traffic law relating to the ignition interlock device program, as amended by section 16 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- 54 § 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, 56 however, that effective immediately, the addition, amendment or repeal

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

- § 16. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by section 17 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1,  $[\frac{2009}{2011};$
- § 17. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by section 18 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- § 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [2009] 2011, when upon such date it shall expire.
  - § 18. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by section 19 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
- 24 2. Subdivision 4 of section 140.10 of the criminal procedure law as 25 added by section thirty-two of this act shall take effect January 1, 26 1996 and shall expire and be deemed repealed on September 1, [2009] 27 2011.
- § 19. Section 5 of chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, as amended by section 21 of part C of chapter 56 of the laws of 2007, is amended to read as follows:
  - § 5. This act shall take effect immediately and shall apply to all criminal actions and proceedings commenced prior to the effective date of this act but still pending on such date as well as all criminal actions and proceedings commenced on or after such effective date and its provisions shall expire on September 1, [2009] 2011, when upon such date the provisions of this act shall be deemed repealed.
- § 20. Section 3 of chapter 688 of the laws of 2003, amending the exec-40 utive law relating to enacting the interstate compact for adult offender 41 supervision, as amended by section 27 of part C of chapter 56 of the 42 laws of 2007, is amended to read as follows:
- § 3. This act shall take effect immediately, except that section one of this act shall take effect on the first of January next succeeding the date on which it shall have become a law, and shall remain in effect until the first of September, [2009] 2011, upon which date this act shall be deemed repealed and have no further force and effect; provided that section one of this act shall only take effect with respect to any compacting state which has enacted an interstate compact entitled "Interstate compact for adult offender supervision" and having an identical effect to that added by section one of this act and provided further that with respect to any such compacting state, upon the effective date of section one of this act, section 259-m of the executive law is hereby deemed REPEALED and section 259-mm of the executive law, as added by section one of this act, shall take effect; and provided further that with respect to any state which has not enacted an inter-

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

- § 21. Subdivision d of section 74 of chapter 3 of the laws of 1995, 13 enacting the sentencing reform act of 1995, as amended by section 20 of 14 part D of chapter 56 of the laws of 2005, is amended to read as follows:
- d. Sections one-a through twenty, twenty-four through twenty-eight, 16 thirty through thirty-nine, forty-two[, forty-three] and forty-four of this act shall be deemed repealed on September 1, [2009] 2011;
- § 22. Subdivision (r) of section 427 of chapter 55 of the laws of 18 19 1992, amending the tax law and other laws relating to taxes, surcharges, 20 fees and funding, is REPEALED.
- § 23. Section 2 of chapter 689 of the laws of 1993 amending the crimi-22 nal procedure law relating to electronic court appearance in certain counties, as amended by chapter 34 of the laws of 2006, is amended to read as follows:
- § 2. This act shall take effect immediately, except that the 25 26 provisions of this act shall be deemed to have been in full force and 27 effect since July 1, 1992 and the provisions of this act shall expire 28 September 1, [2009] 2011 when upon such date the provisions of this act 29 shall be deemed repealed.

PART BB

§ 24. This act shall take effect immediately.

| 31 |                        | PART | V  |
|----|------------------------|------|----|
| 32 | Intentionally omitted. |      |    |
| 33 |                        | PART | W  |
| 34 | Intentionally omitted. |      |    |
| 35 |                        | PART | Χ  |
| 36 | Intentionally omitted. |      |    |
| 37 |                        | PART | Y  |
| 38 | Intentionally omitted. |      |    |
| 39 |                        | PART | Z  |
| 40 | Intentionally omitted. |      |    |
| 41 |                        | PART | AA |

Intentionally omitted.

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- Intentionally omitted.
- 2 PART CC
- 3 Intentionally omitted.
- 4 PART DD
- 5 Intentionally omitted.
- PART EE
- 7 Intentionally omitted.
- 8 PART FF
- 9 Intentionally omitted.
- 10 PART GG
- Section 1. Paragraph d of subdivision 10 of section 54 of the state 12 finance law, as added by section 1 of part F of chapter 56 of the laws of 2007, is amended to read as follows:
- d. Additional annual apportionments. Within amounts appropriated in 15 the state fiscal year commencing April first, two thousand seven and in 16 [each state fiscal year thereafter through and including] the state 17 fiscal year commencing April first, two thousand [ten] eight, munici-18 palities shall receive additional aid apportioned as follows:
- (i) Any municipality with an average full valuation per capita equal 20 to or less than the average full valuation per capita for municipalities 21 that is a city, a town with a population greater than fifteen thousand, 22 or a village with a population greater than ten thousand, shall be 23 eligible to receive an additional annual apportionment equal to:
- (1) nine percent of such municipality's base level grant if the muni-25 cipality meets all of the fiscal distress indicators in paragraph c of 26 this subdivision,
- (2) seven percent of such municipality's base level grant if the muni-28 cipality meets any three of the fiscal distress indicators in paragraph 29 c of this subdivision, or
- (3) five percent of such municipality's base level grant if the muni-31 cipality meets at least one but no more than two of the fiscal distress 32 indicators in paragraph c of this subdivision.
- (ii) Any municipality with an average full valuation per capita equal 34 to or less than the average full valuation per capita for municipalities that is a town with a population of fifteen thousand or less or a 36 village with a population of ten thousand or less which meets one or 37 more of the fiscal distress indicators in subparagraphs (i), (ii) and (iii) of paragraph c of this subdivision shall be eligible to receive an 39 additional annual apportionment equal to five percent of such munici-40 pality's base level grant.
- 41 (iii) Any municipality that does not qualify for an additional annual 42 apportionment pursuant to subparagraphs (i) and (ii) of this paragraph 43 shall be eligible to receive an additional annual apportionment equal to 44 three percent of such municipality's base level grant.

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- § 2. Paragraph e of subdivision 10 of section 54 of the state finance law, as amended by section 3 of part O of chapter 56 of the laws of 2008, is amended to read as follows:
- e. Per capita adjustment. Within amounts appropriated in the state fiscal year commencing April first, two thousand seven and in [each state fiscal year thereafter through and including | the state fiscal year commencing April first, two thousand [tem] eight, additional aid shall be apportioned as follows:
- (i) For the purposes of subparagraphs (ii), (iii), (iv) and (v) of 10 this paragraph, the threshold percentage shall be seventy-five percent in the state fiscal year commencing April first, two thousand seven[+] and eighty percent in the state fiscal year commencing April first, thousand eight[; eighty-five percent in the state fiscal year commencing 14 April first, two thousand nine; and ninety percent in the state fiscal 15 year commencing April first, two thousand ten].
- (ii) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a city with a population greater than or equal to one hundred 19 twenty-five thousand and receives per capita state aid less than or 20 equal to the threshold percentage of the average for cities with a population greater than or equal to one hundred twenty-five thousand shall 22 be eligible to receive additional aid of four and one-half percent of such city's base level grant, subject to the availability of funds.
- (iii) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities 26 that is a city with a population less than one hundred twenty-five thousand, meets one or more of the fiscal distress indicators, and receives 28 per capita state aid less than or equal to the threshold percentage of the average for cities with a population less than one hundred twenty-30 five thousand that meet one or more of the fiscal distress indicators, shall be eligible to receive additional aid of four and one-half percent of such city's base level grant, subject to the availability of funds.
- (iv) A municipality with an average full valuation per capita equal to or less than the average full valuation per capita for municipalities that is a town with a population greater than fifteen thousand, meets 36 one or more of the fiscal distress indicators, and receives per capita state aid less than or equal to the threshold percentage of the average for towns with a population greater than fifteen thousand that meet one or more of the fiscal distress indicators, shall be eligible to receive additional aid of four and one-half percent of such town's base level grant, subject to the availability of funds.
- (v) A municipality with an average full valuation per capita equal to 43 or less than the average full valuation per capita for municipalities that is a village with a population greater than ten thousand, meets one or more of the fiscal distress indicators, and receives per capita state 46 aid less than or equal to the threshold percentage of the average for villages with a population greater than ten thousand that meet one or 48 more of the fiscal distress indicators, shall be eliqible to receive additional aid of four and one-half percent of such village's base level grant, subject to the availability of funds.
- (vi) If sufficient funds are not available for additional aid in the 52 amount authorized pursuant to subparagraphs (ii), (iii), (iv) and (v) of 53 this paragraph, additional aid shall be apportioned to each municipality 54 eligible for such aid based on the municipality's pro rata share of 55 available funds.

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

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

- § 4. Paragraph j of subdivision 10 of section 54 of the state finance law, as amended by section 1 of part KK of chapter 57 of the laws of 2008, is amended to read as follows:
- j. Special aid and incentives for municipalities to the city of New 32 York. In the state fiscal year commencing April first, two thousand 33 seven a city with a population of one million or more shall receive twenty million dollars on or before December fifteenth. In the state 35 fiscal year commencing April first, two thousand eight, a city with a 36 population of one million or more shall receive two hundred forty-five million nine hundred forty-four thousand eight hundred thirty-four dollars payable on or before December fifteenth. In the state fiscal year commencing April first, two thousand nine, [a city with a popu-40 lation of one million or more shall receive eighty-one million nine 41 hundred forty-four thousand eight hundred thirty-four dollars payable on 42 or before June thirtieth and shall receive an additional two hundred 43 forty-five million nine hundred forty-four thousand eight hundred thir-44 ty-four dollars payable on or before December fifteenth. In the state 45 **fiscal year commencing April first, two thousand ten,** and in each state 46 fiscal year thereafter, a city with a population of one million or more shall receive three hundred twenty-seven million eight hundred eighty-48 nine thousand six hundred sixty-eight dollars payable on or before December fifteenth. Special aid and incentives for municipalities to the 50 city of New York shall be apportioned and paid as required as follows:
- (i) Any amounts required to be paid to the city university 52 construction fund pursuant to the city university construction fund act;
- (ii) Any amounts required to be paid to the New York city housing 54 development corporation pursuant to the New York city housing develop-55 ment corporation act;

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

- (iv) Eighty million dollars to the special account for the municipal 5 assistance corporation for the city of New York in the municipal assist-6 ance tax fund created pursuant to section ninety-two-d of this chapter to the extent that such amount has been included by the municipal assistance corporation for the city of New York in any computation for the issuance of bonds on a parity with outstanding bonds pursuant to a contract with the holders of such bonds prior to the issuance of any 11 other bonds secured by payments from the municipal assistance corpo-12 ration for the city of New York in the municipal assistance state aid 13 fund created pursuant to section ninety-two-e of this chapter;
- (v) The balance of the special account for the municipal assistance 15 corporation for the city of New York in the municipal assistance state 16 aid fund created pursuant to section ninety-two-e of this chapter;
- (vi) Any amounts to be refunded to the general fund of the state of 18 New York pursuant to the annual appropriation enacted for the municipal assistance state aid fund;
- (vii) To the state of New York municipal bond bank agency to the 21 extent provided by section twenty-four hundred thirty-six of the public 22 authorities law; and
- (viii) To the transit construction fund to the extent provided by 24 section twelve hundred twenty-five-i of the public authorities law, and 25 thereafter to the city of New York.
- 26 Notwithstanding any other law to the contrary, the amount paid to any 27 city with a population of one million or more on or before December 28 fifteenth shall be for an entitlement period ending the immediately 29 preceding June thirtieth.
- § 5. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10 31 of section 54 of the state finance law, as amended by section 1 of part 32 O of chapter 56 of the laws of 2008, is amended to read as follows:
- (2) for the state fiscal year commencing April first, two thousand 34 eight and in each state fiscal year thereafter, the base level grant 35 received in the immediately preceding state fiscal year pursuant to 36 paragraph b of this subdivision plus any additional apportionments received in such year pursuant to paragraph d of this subdivision and any per capita adjustments received in such year pursuant to paragraph e of this subdivision plus any additional aid received in such year pursuant to [subparagraph (i) or subparagraph (iii) of] paragraph p of this subdivision.
- § 6. Paragraph p of subdivision 10 of section 54 of the state finance 43 law, as added by section 8 of part O of chapter 56 of the laws of 2008, is amended to read as follows:
- p. Local government efficiency grant program municipal merger incen-46 tives. For the purposes of this paragraph, "municipalities" shall mean cities with a population less than one million, towns and villages. 48 Within the annual amounts appropriated therefor, surviving munici-49 palities following a merger, consolidation or dissolution occurring on 50 or after the state fiscal year commencing April first, two thousand seven may be awarded [one of the following as selected by the governing body of the merged, consolidated or surviving, in the case of a dissol-53 ution, municipality: (i) Additional aid in the state fiscal year follow-54 ing such merger, consolidation or dissolution equal to twenty-five 55 percent of the combined base level grants received, pursuant to para-56 graph b of this subdivision, by the municipalities that were party to

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

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

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

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

- § 7. Clause 1 of subparagraph (i) of paragraph o of subdivision 10 of 37 section 54 of the state finance law, as added by section 7 of part O of chapter 56 of the laws of 2008, is amended to read as follows:
- (1) For the purposes of this paragraph, "municipality" shall mean 40 counties, cities, towns, villages, special improvement districts, fire districts, [library districts] public libraries, association libraries, 42 water authorities, sewer authorities, regional planning and development 43 boards, school districts, and boards of cooperative educational services; provided, however, that for the purposes of this definition, a board of cooperative educational services shall be considered a munici-46 pality only in instances where such board of cooperative educational 47 services advances a joint application on behalf of school districts and 48 other municipalities within the board of cooperative educational 49 services region; provided, however, that any agreements with a board of 50 cooperative educational services: shall not generate additional state 51 aid; shall be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for 53 the purposes of computing charges upon component school districts pursu-54 ant to subparagraph seven of paragraph b of subdivision four of section 55 nineteen hundred fifty and subdivision one of section nineteen hundred 56 fifty and subdivision one of section nineteen hundred fifty-one of the

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

- § 8. Notwithstanding any other law to the contrary, for the state fiscal year beginning April 1, 2010, and in each state fiscal year thereafter, fifteen million dollars of aid and incentives for municipalities otherwise due and payable to the city of Yonkers on or before March 31 shall be paid on or before June 30 in such fiscal year upon written request by the chief elected official of such city to the director of the budget, provided such request is made no later than April 1, 2010.
- 11 § 9. This act shall take effect immediately; and shall be deemed to 12 have been in full force and effect on and after April 1, 2009.
- 13 PART HH
- 14 Intentionally omitted.
- 15 PART II
- Section 1. Section 2 of chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, as amended by chapter 140 of the laws of 2006, is amended to read as follows:
- § 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 1992; provided, however that any charges imposed by section 593 of the real property tax law as added by section one of this act shall first be due for values for assessment rolls with tentative completion dates after July 1, 1992, and provided further, that this act shall remain in full force and effect until March 31, [2009] 2012, at which time section 593 of the real property tax law as added by section one of this act shall be repealed.
- 28 § 2. This act shall take effect immediately and shall be deemed to 29 have been in full force and effect on and after April 1, 2009.
- 30 PART JJ
- 31 Section 1. Subdivision 3 of section 333 of the real property law, as 32 separately amended by section 2 of part B of chapter 57 and chapter 521 33 of the laws of 2004, is amended to read as follows:
- 3. The recording officer of every county and the city of New York 35 shall impose a fee of one hundred sixty-five dollars, or in the case of 36 a transfer involving qualifying residential or farm property as defined 37 by paragraph iv of subdivision one-e of this section, a fee of seventy-38 five dollars, for every real property transfer reporting form submitted for recording as required under subdivision one-e of this section. In 40 the city of New York, the recording officer shall impose a fee of fifty dollars for each real property transfer tax form filed in accordance with chapter twenty-one of title eleven of the administrative code of the city of New York, except where a real property transfer reporting 44 form is also submitted for recording for the transfer as required under subdivision one-e of this section. The recording officer shall deduct 46 nine dollars from such fee and remit the remainder of the revenue collected to the state office of real property services every month for 48 deposit [in the improvement of real property tax administration account 49 established pursuant to section ninety-seven-11 of the state finance

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

- § 2. Subdivision 3 of section 333 of the real property law, as amended 4 by section one of this act, is amended to read as follows:
- 3. The recording officer of every county and the city of New York 6 shall impose a fee of [one hundred sixty-five] two hundred fifty dollars, or in the case of a transfer involving qualifying residential or farm property as defined by paragraph iv of subdivision one-e of this section, a fee of [seventy-five] one hundred twenty-five dollars, for every real property transfer reporting form submitted for recording as required under subdivision one-e of this section. In the city of New York, the recording officer shall impose a fee of [fifty] one hundred 13 dollars for each real property transfer tax form filed in accordance 14 with chapter twenty-one of title eleven of the administrative code of 15 the city of New York, except where a real property transfer reporting 16 form is also submitted for recording for the transfer as required under subdivision one-e of this section. The recording officer shall deduct 18 nine dollars from such fee and remit the remainder of the revenue 19 collected to the state office of real property services every month for 20 deposit into the general fund. The amount duly deducted by the recording officer shall be retained by the county or by the city of New York.
- § 3. Subdivisions 2 and 3 of section 97-11 of the state finance law, 23 as amended by section 2 of part C-2 of chapter 62 of the laws of 2003, are amended to read as follows:
- 2. [All revenue received by the state office of real property services 26 from the state share of a recording fee pertaining to the transfer of 27 real property shall be deposited to the credit of the improvement of 28 real property tax administration account.
- 3. Moneys within the improvement of real property tax administration 30 account, upon appropriation by the legislature, shall be available to the state office of real property services for all services and expenses of the state office which relate to activities including, but not limit-33 ed to, preparation and certification of state equalization rates, the administration of state technical and financial assistance to local 35 governments, review and certification of adjusted base proportions for 36 special assessing units and approved assessing units pursuant to arti-37 cles eighteen and nineteen of the real property tax law, the determi-38 nation of class equalization rates for portions within special assessing 39 units and approved assessing units pursuant to article twelve of the 40 real property tax law, continuance of the market value survey cycle, 41 maintenance of effort in the production of agricultural lands value assessments, advisory appraisals, and assessor training and certif-43 ication.
- § 4. This act shall take effect immediately; provided, however that 45 section two of this act shall take effect June 1, 2009 and shall be 46 applicable to conveyances submitted for recording on and after such 47 date.

48 PART KK

- Section 1. Section 54-1 of the state finance law, as amended by 50 section 1 of part R of chapter 57 of the laws of 2007, is amended to read as follows:
- § 54-1. State assistance to eligible cities and eligible munici-53 palities in which a video lottery gaming facility is located. 1. Definitions. When used in this section, unless otherwise expressly stated:

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a. "Eligible city" shall mean [(i) for the fiscal year commencing

- 2 April first, two thousand seven a city with a population equal to or greater than one hundred twenty-five thousand and less than one million in which a video lottery gaming facility is located and operating as of January first, two thousand nine pursuant to section sixteen hundred seventeen-a of the tax law [and (ii) for the fiscal year commencing 7 April first, two thousand eight and for each state fiscal year thereafter, shall mean a city with a population equal to or greater than one hundred twenty-five thousand in which a video lottery gaming facility is 10 located pursuant to section sixteen hundred seventeen-a of the tax law]. b. "Eligible municipality" shall mean (i) for the fiscal years 11 12 commencing April first, two thousand seven and April first, two thousand 13 eight a county, city, town or village in which a video lottery gaming facility is located pursuant to section sixteen hundred seventeen-a of 15 the tax law that is not located in a city with a population equal to or 16 greater than one hundred twenty-five thousand and (ii) for the fiscal year commencing April first, two thousand nine and for each state fiscal year thereafter, shall mean a county, city, town or village in which a 18 video lottery gaming facility is located and operating as of January 20 first, two thousand nine pursuant to section sixteen hundred seventeen-a of the tax law that is not located in a city with a population equal to or greater than one hundred twenty-five thousand and which is located in a county that has a poverty rate equal to or greater than fifty percent 24 of the New York state poverty rate.
- c. "Estimated net machine income" shall mean the estimated full annual 26 value of total revenue wagered after payout for prizes for games known 27 as "video lottery gaming" as authorized under article thirty-four of the 28 tax law during the state fiscal year in which state aid payments are 29 made pursuant to subdivision two of this section.
- d. "Population" shall mean population based on the most recent federal 31 decennial census.
- "Poverty rate" shall mean the percentage of individuals living 33 below the poverty level, as reported in the most recent federal decennial census.
  - 2. Within amounts appropriated therefor, [beginning in the state fiscal year commencing April first, two thousand seven, and in each state fiscal year thereafter, an eligible city and an eligible municipality shall receive a state aid payment as follows:
- a. An eligible city shall receive: (i) for the state fiscal years 40 commencing April first, two thousand seven and April first, two thousand eight, a state aid payment equal to three and one-half percent of the "estimated net machine income" generated by a video lottery gaming 43 facility located in such eligible city. Such state aid payment shall not exceed twenty million dollars per eligible city; and (ii) for the state fiscal year commencing April first, two thousand nine and for each state fiscal year thereafter, an amount equal to the state aid payment received in the state fiscal year commencing April first, two thousand
- b. Eliqible municipalities shall receive: (i) for the state fiscal 50 years commencing April first, two thousand seven and April first, two thousand eight, a share of three and one-half percent of the "estimated net machine income" generated by a video lottery gaming facility located 53 within such eligible municipality as follows:  $[\frac{(i)}{(i)}]$  twenty-five 54 percent shall be apportioned and paid to the county; and [{ii}] (2) 55 seventy-five percent shall be apportioned and paid on a pro rata basis 56 to eligible municipalities, other than the county, based upon the popu-

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

- 3. a. State aid payments made to an eligible city pursuant to paragraph a of subdivision two of this section shall be used to increase support for public schools in such city.
- b. State aid payments made to an eligible municipality pursuant to 20 paragraph b of subdivision two of this section shall be used by such eligible municipality to: (i) defray local costs associated with a video lottery gaming facility, or (ii) minimize or reduce real property taxes.
- 4. [a. On or before June first of each state fiscal year, beginning in the state fiscal year commencing April first, two thousand seven, at the request of the director of the division of the budget, the director of 26 the division of the lottery shall transmit a schedule of payments required pursuant to this section to the director of the division of the 28 budget. In determining such schedule of payments, the director of the 29 division of the lottery shall include a reconciliation of the state aid 30 paid in the preceding fiscal year. Such reconciliation shall adjust for the difference between the state aid paid in the preceding fiscal year and what the state aid payment would have been if the actual full annual 33 value of net machine income had been used in the calculation of state aid. Such reconciliation shall be subject to the maximum amounts identified in subdivision two of this section for the year being reconciled.

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

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

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

54 PART LL

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S. 56--B
                                       51
                                                                  A. 156--B
     Intentionally omitted.
 2
                                     PART MM
 3
     Intentionally omitted.
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                                     PART NN
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      Intentionally omitted.
                                     PART OO
 7
     Intentionally omitted.
 8
                                     PART PP
9
     Section 1. The state comptroller is hereby authorized and directed to
10 loan money in accordance with the provisions set forth in subdivision 5
   of section 4 of the state finance law to the following funds and/or
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   accounts:
13
     1. Tuition reimbursement fund (050):
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       a. Tuition reimbursement account (01).
       b. Proprietary vocational school supervision account (02).
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16
      2. Local government records management improvement fund (052):
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       a. Local government records management account (01).
18
      3. Dedicated highway and bridge trust fund (072):
19
       a. Highway and bridge capital account (01).
20
      4. State University Residence Hall Rehabilitation Fund (074).
21
      5. State parks infrastructure trust fund (076):
22
       a. State parks infrastructure account (01).
23
      6. Clean water/clean air implementation fund (079).
24
     7. State lottery fund (160):
25
       a. Education - New (03).
26
       b. VLT - Admin (05).
27
       c. VLT - Sound basic education fund (06).
     8. Medicaid management information system escrow fund (179).
28
29
      9. Federal operating grants fund (290) federal capital grants fund
30
   (291).
     10. Sewage treatment program management and administration fund (300).
31
32
     11. Environmental conservation special revenue fund (301):
33
       a. Hazardous bulk storage account (F7).
34
       b. Utility environmental regulation account (H4).
35
       c. Low level radioactive waste siting account (K5).
36
       d. Recreation account (K6).
37
       e. Conservationist magazine account (S4).
38
       f. Environmental regulatory account (S5).
39
       g. Natural resource account (S6).
40
       h. Mined land reclamation program account (XB).
41
       i. Federal grants indirect cost recovery account (IC).
42
      12. Environmental protection and oil spill compensation fund (303).
43
     13. Hazardous waste remedial fund (312):
44
       a. Site investigation and construction account (01).
45
       b. Hazardous waste remedial clean up account (06).
46
      14. Mass transportation operating assistance fund (313):
47
       a. Public transportation systems account (01).
       b. Metropolitan mass transportation (02).
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15. Clean air fund (314):
 2
        a. Operating permit program account (01).
 3
        b. Mobile source account (02).
 4
      16. Centralized services fund (323).
 5
      17. State exposition special fund (325).
 6
      18. Agency enterprise fund (331):
 7
        a. OGS convention center account (55).
      19. Agencies internal service fund (334):
 9
        a. Archives records management account (02).
10
        b. Federal single audit account (05).
11
        c. Quick copy center account (07).
12
        d. Civil service law: sec 11 admin account (09).
13
        e. Civil service EHS occupational health program account (10).
14
        f. Banking services account (12).
15
        g. Cultural resources survey account (14).
16
        h. Neighborhood work project (17).
17
        i. Automation & printing chargeback account (18).
18
        j. OFT NYT account (20).
19
        k. Data center account (23).
20
        1. Human service telecom account (24).
21
        m. Centralized Technology services account (30).
22
        n. OMRDD copy center account (26).
23
        o. Intrusion detection account (27).
24
        p. Domestic violence grant account (28).
25
      20. Miscellaneous special revenue fund (339):
26
        a. Statewide planning and research cooperative system account (03).
27
        b. OMRDD provider of service account (05).
28
        c. New York state thruway authority account (08).
29
        d. Mental hygiene patient income account (13).
30
        e. Financial control board account (15).
31
        f. Regulation of racing account (16).
32
        g. New York metropolitan transportation council account (17).
33
        h. Quality of care account (20).
34
        i. Cyber upgrade account (25).
35
        j. Certificate of need account (26).
36
        k. Hospital and nursing home management account (44).
37
        1. State university dormitory income reimbursable account (47).
38
        m. Training, management and evaluation (50).
39
        n. Energy research account (60).
40
        o. Criminal justice improvement account (62).
41
        p. Fingerprint identification and technology account (68).
42
        q. Environmental laboratory reference fee account (81).
43
        r. Clinical laboratory reference system assessment account (90).
44
        s. Public employment relations board account (93).
45
        t. Radiological health protection account (95).
46
        u. Teacher certification account (A4).
        v. Banking department account (A5).
47
48
        w. Cable television account (A6).
49
        x. Indirect cost recovery account (AH).
50
        y. High school equivalency program account (AI).
51
        z. Rail safety inspection account (AQ).
52
        aa. Child support revenue account (AX).
53
        bb. Multi-agency training account (AY).
54
        cc. Critical infrastructure account (B3).
55
        dd. Insurance department account (B6).
56
        ee. Bell jar collection account (BJ).
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ff. Industry and utility service account (BK).
1
 2
        gg. Real property disposition account (BP).
 3
        hh. Parking account (BQ).
 4
        ii. Asbestos safety training program account (BW).
 5
        jj. Improvement of real property tax administration account (BZ).
 6
        kk. Public service account (C3).
 7
        11. Plant industry account (CZ).
8
        mm. Batavia school for the blind account (D9).
 9
        nn. Investment services account (DC).
10
        oo. Surplus property account (DE).
11
        pp. OMRDD day services account (DH).
12
        qq. Financial oversight account (DI).
13
        rr. Regulation of indian gaming account (DT).
14
        ss. Special conservation activities account (CU).
15
        tt. Interest assessment account (DZ).
16
        uu. Office of the professions account (E3).
17
        vv. Rome school for the deaf account (E6).
18
        ww. Seized assets account (E8).
19
        xx. Administrative adjudication account (E9).
20
        yy. Client notices system (EG).
21
        zz. Federal salary sharing account (EC).
22
        aaa. Cultural education account (EN).
23
        bbb. Examination and miscellaneous revenue account (ER).
24
        ccc. Transportation regulation account (F1).
        ddd. Local services account (G3).
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26
        eee. Electronic benefit transfer and common benefit identification
2.7
               card account (GD).
28
        fff. Housing special revenue account (H2).
29
        ggg. Department of motor vehicles compulsory insurance account (H7).
        hhh. Housing Indirect cost recovery (HI).
30
31
        iii. Housing credit agency application fee account (J5).
32
        jjj. EPIC premium account (J6).
33
        kkk. Federal gasoline and diesel fuel excise tax account (L6).
34
        111. OTDA earned revenue account (L7).
35
        mmm. Medical assistance disability account (LF).
36
        nnn. Low income housing credit monitoring fee account (NG).
37
        ooo. Procurement opportunities newsletter account (P4).
        ppp. Corporation administration account (P6).
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39
        qqq. Montrose veteran's home account (Q6).
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        rrr. Excelsior capital corporation reimbursement account (R1).
41
        sss. Motor fuel quality account (R4).
42
        ttt. Weights and measures account (R5).
43
        uuu. Deferred compensation administration account (R7).
44
        vvv. Rent revenue other account (RR).
45
        www. Batavia medicaid income account (S1).
46
        xxx. Rent revenue account (S8).
47
        yyy. Tax revenue arrearage account (TR).
48
        zzz. Solid waste management account (W3).
49
        aaaa. Occupational health clinics account (W4).
        bbbb. Capacity contracting (XU).
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51
        cccc. Point insurance reduction program account.
52
        dddd. Internet point insurance reduction program account.
53
        eeee. Mental hygiene program fund account (10).
54
      21. State university income fund (345):
55
        a. State university general income offset account (11).
      22. State police and motor vehicle law enforcement fund (354):
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a. State police motor vehicle law enforcement account (02).
      23. Youth facilities improvement fund (357):
 3
        a. Youth facilities improvement account (01).
 4
      24. Highway safety program fund (362):
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        a. Highway safety program account (01).
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      25. Drinking water program management and administration fund (366):
 7
        a. EFC drinking water program account (01).
        b. DOH drinking water program account (02).
      26. New York city county clerks offset fund (368):
 9
10
        a. NYCCC operating offset account (01).
11
      27. Housing assistance fund (374).
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      28. Housing program fund (376).
13
      29. Department of transportation - engineering services fund (380):
14
        a. Highway facility purpose account (01).
15
      30. Miscellaneous capital projects fund (387):
16
        a. Clean air capital account (08).
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       b. New York racing account.
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      31. Mental hygiene facilities capital improvement fund (389).
19
      32. Joint labor/management administration fund (394):
20
        a. Joint labor/management administration fund (01).
21
      33. Audit and control revolving fund (395):
22
        a. Executive direction internal audit account (04).
23
      34. Health insurance internal service fund (396):
24
        a. Health insurance internal service account (00).
25
        b. Civil service employee benefits div admin (01).
26
      35. Correctional industries revolving fund (397).
27
      36. Correctional facilities capital improvement fund (399).
      37. Industrial exhibit authority fund (450).
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      38. Federal unemployment insurance administration fund (480):
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        a. UI administration (01).
      39. Federal unemployment insurance occupational training fund (484):
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32
        a. Federal unemployment insurance occupational training (00).
33
        b. Disaster relief grants (01).
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      40. Federal employment and training grants (486):
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        a. DOL workforce investment act (09).
      41. HCRA resources fund (061):
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37
        a. EPIC premium account (J6).
38
        b. Maternal and child HIV services account (LC).
39
        c. Hospital based grants program account (AF).
40
        d. Child health plus program account (29).
41
      § 1-a. The state comptroller is hereby authorized and directed to loan
42 money in accordance with the provisions set forth in subdivision 5 of
   section 4 of the state finance law to any account within the following
44 federal funds, provided the comptroller has made a determination that
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   sufficient federal grant award authority is available to reimburse such
46 loans:
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     1. Federal USDA-food nutrition services fund (261).
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     2. Federal health and human services fund (265).
     3. Federal education grants fund (267).
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      4. Federal block grant fund (269).
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     5. Federal operating grants fund (290).
     6. Federal capital projects fund (291).
      § 2. Notwithstanding any law to the contrary, and in accordance with
54 section 4 of the state finance law, the comptroller is hereby authorized
   and directed to transfer, upon request of the director of the budget, on
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or before March 31, 2010, up to the unencumbered balance or the following amounts:

Economic Development and Public Authorities:

- 1. \$300,000 from the miscellaneous special revenue fund (339) underground facilities safety training account (US), to the general fund.
- 2. An amount up to the unencumbered balance from the miscellaneous special revenue fund (339), business and licensing services account (AG), to the general fund.
- 3. \$14,260,000 from the miscellaneous special revenue fund (339), code enforcement account (07), to the general fund.
- 4. \$15,000,000 from the miscellaneous special revenue fund (339), 11 insurance department account (B6), to the general fund.
- 13 5. \$8,000,000 from the miscellaneous special revenue fund (339), banking department account (A5), to the general fund.
- 6. \$177,700,000 from the miscellaneous special revenue fund (339), 16 insurance department account (B6), to the health care reform fund (061), HCRA undistributed account (99).

#### Education:

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- 1. \$2,279,000,000 from the general fund to the state lottery fund (160), education account (03), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax
- 2. \$478,000,000 from the general fund to the state lottery fund (160), 26 VLT education account (06), as reimbursement for disbursements made from such fund for supplemental aid to education pursuant to section 92-c of the state finance law that are in excess of the amounts deposited in such fund for such purposes pursuant to section 1612 of the tax law.
  - 3. Moneys from the state lottery fund (160) up to an amount deposited in such fund pursuant to section 1612 of the tax law in excess of current year appropriation for supplemental aid to education pursuant to section 92-c of the state finance law.
  - 4. \$300,000 from the local government records management improvement fund (052) to the archives partnership trust fund (024).
  - 5. \$700,000 from the general fund to the miscellaneous special revenue fund (339), Batavia school for the blind account (D9).
  - 6. \$400,000 from the general fund to the miscellaneous special revenue fund (339), Rome school for the deaf account (E6).
- 7. \$1,500,000 from the general fund for the private schools for the 41 blind and deaf may be transferred to the department of health miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB). Notwithstanding any other law, rule or regulation to the contrary, funds shall be available for transfer to the department of health miscellaneous special revenue fund (339), quality 46 assurance and audit revenue activities account (GB), upon the approval 47 by the director of the budget of a staffing and expenditure plan developed by the department of health in consultation with the state education department.
- 50 8. \$40,000,000 from the state university dormitory income fund (330) 51 to the state university residence hall rehabilitation fund (074).
- 9. \$315,000,000 from the state university dormitory income fund (330) to the miscellaneous special revenue fund (339), state university dormitory income reimbursable account (47).
- 10. \$500,000 from the miscellaneous special revenue fund (339), volun-56 teer recruitment service scholarships account (VR) to the general fund.

- 11. \$1,000,000 from the miscellaneous special revenue fund (339), cultural education account (EN), to the miscellaneous special revenue fund (339), summer school of the arts account (38).
- 12. \$22,000,000 from the state university income fund (345), state 5 university general income fund reimbursable account (10), to the general 6 fund.
- 7 13. \$24,000,000 from any of the state education department special revenue and internal service funds to the miscellaneous special revenue fund (339), indirect cost recovery account (AH).
- 14. \$8,318,000 from the general fund to the state university income 10 fund (345), state university income offset account (11), for the states 11 share of repayment of the STIP loan. 12
- 13 15. \$75,000,000 from the state university income fund (345), state university general income fund reimbursable account (10), to the state 15 university income fund (345), supplemental operating fund account. 16

Environmental Affairs:

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- 1. \$500,000 from the department of transportation's federal capital 18 projects fund (291) to the office of parks and recreation federal operating grants fund (290), miscellaneous operating grants account.
- 20 2. \$5,000,000 from the general fund to the hazardous waste remedial 21 fund (312), hazardous waste remediation oversight and assistance account 22 (00).
  - 3. \$95,000,000 from resources made available through the use of bond financing for activities in the environmental protection fund (078), environmental protection transfer account (01), to the general fund.
  - 4. \$5,000,000 from the general fund to the state parks infrastructure fund (076), state infrastructure account (01).
- 5. \$16,000,000 from any of the department of environmental conserva-29 tion's special revenue federal funds to the special revenue fund (301) 30 federal grant indirect cost recovery account.
  - 6. \$2,000,000 from any of the office of parks, recreation, and historical preservation special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account.
- 7. \$1,000,000 from any of the office of parks, recreation and historic 35 preservation special revenue federal funds to the special revenue fund (339) federal grant indirect cost recovery account (Z1).
  - 8. \$1,000,000 from any of the office of parks, recreation and historic preservation special revenue federal funds to the special revenue fund (339), I love NY water account (39).
- 9. \$1,000,000 from any of the office of parks, recreation and historic 41 preservation special revenue federal funds to the special revenue fund (339), patron services account (T2).
  - 10. \$500 from the Hudson river valley greenway fund (056), greenway communities council account (01), to the general fund.
  - 11. \$44 from the Hudson river valley greenway fund (056), greenway heritage conservancy account (02), to the general fund.
- 47 12. \$3,000,000 from the hazardous waste remedial fund (312) 48 investigation and construction account (01), to the general fund.
- 13. \$20,000,000 from the hazardous waste remedial fund (312) oversight 50 and assistance account (05), to the general fund.
- 51 14. \$1,700,000 from the environmental conservation special revenue fund (301) mined land reclamation account (XB), to the general fund. Family Assistance:
- 54 1. \$10,000,000 from any of the office of children and family services, 55 office of temporary and disability assistance, or department of health 56 special revenue federal funds and the general fund, in accordance with

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

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- 1 15. \$2,322,000 from any of the office of temporary and disability 2 assistance special revenue federal funds, in accordance with agreements 3 with social services districts, to the miscellaneous special revenue 4 fund (339), OTDA office of human resources development state match 5 account (49).
- 6 16. \$10,731,000 from any of the office of temporary and disability 7 assistance special revenue federal funds, to the miscellaneous special 8 revenue fund (339), OTDA training contract account (48).
- 9 17. \$97,000 from the employment training fund (341), JTPA youth 10 employment account (04), to the general fund.
- 11 18. \$147,000 from the employment training fund (341), JTPA youth 12 employment account (01), to the general fund.
- 13 19. \$6,000,000 from the miscellaneous special revenue fund (339), 14 adult shelter sanction account (GA), to the general fund.
- 20. \$203,000,000 from the miscellaneous special revenue fund (339), youth facility per Diem account (YF), to the general fund.
- 17 21. \$10,000,000 from the miscellaneous special revenue fund (339), 18 office of temporary and disability assistance earned revenue account 19 (L7), to the general fund.
- 20 22. \$1,381,800 from the general fund to the children and family trust 21 fund (020).
- 22 23. \$13,000 from the agency enterprise fund (331) training materials account (07), to the general fund.
- 24 24. \$7,000,000 from any of the office of temporary and disability 25 assistance accounts within the federal health and human services fund 26 (265), to the general fund.
- 27 25. \$1,300,000 from any of the office of temporary and disability 28 assistance and department of health special revenue federal funds to the 29 miscellaneous special revenue fund (339), welfare inspector general 30 administrative reimbursement account (WW).
- 26. \$1,000,000 from any of the office of children and family services or office of temporary and disability assistance special revenue federal funds and any other miscellaneous revenues generated from the operation of office of children and family services programs to the miscellaneous special revenue fund (339), office of children and family services program account (L4).

General Government:

- 1. \$1,545,000 from the miscellaneous special revenue fund (339), examination and miscellaneous revenue account (ER) to the general fund.
- 2. \$12,500,000 from the general fund to the health insurance revolving fund (396).
  - 3. \$192,400,000 from the health insurance reserve receipts fund (167) to the general fund.
  - 4. \$150,000 from the general fund to the not-for-profit revolving loan fund (055).
- 5. \$150,000 from the not-for-profit revolving loan fund (055) to the 47 general fund.
  - 6. \$11,000,000 from the miscellaneous special revenue fund (339), real property disposition account (BP), to the general fund.
- 7. \$3,000,000 from the miscellaneous special revenue fund (339), surplus property account (DE), to the general fund.
- 8. \$21,480,000 from the general fund to the miscellaneous special revenue fund (339), alcoholic beverage control account (DB).
- 9. \$2,000,000 from the miscellaneous special revenue fund (339), federal liability account (FL), to the general fund.

- 10. \$10,000,000 from centralized services fund (323), OGS building administration account (ZY), to the general fund.
- 11. \$16,580,000 from the miscellaneous special revenue fund (339), revenue arrearage account (CR), to the general fund.
- 5 12. \$1,326,000 from the miscellaneous special revenue fund (339) revenue arrearage account (CR), to the miscellaneous special revenue 7 fund (339) authority budget office account.
- 13. \$1,000,000 from the miscellaneous special revenue fund (339), parking services account (BQ), to the general debt service fund (311), general debt service account. 10
  - 14. Intentionally omitted.
  - 15. \$60,000,000 from any account within the special revenue federal funds receiving money pursuant to federal Medicare Part D legislation to the general fund.

Health:

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- 1. \$1,500,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality assurance and audit revenue activities account (GB).
- 2. \$139,560,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), quality of care account (20).
- 3. \$1,000,000 from the general fund to the combined gifts, grants and 24 bequests fund (020), breast cancer research and education account (BD), an amount equal to the monies collected and deposited into that account in the previous fiscal year.
- 4. \$2,464,000 from any of the department of health accounts within the federal health and human services fund (265) to the department of health 29 miscellaneous special revenue fund (339), statewide planning 30 research cooperation system (SPARCS) program account (03).
- 5. \$250,000 from the general fund to the combined gifts, grants and 32 bequests fund (020), prostate cancer research, detection, and education 33 account (PR), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.
- 6. \$500,000 from the general fund to the combined gifts, grants and 36 bequests fund (020), Alzheimer's disease research and assistance account (AA), an amount equal to the moneys collected and deposited into that account in the previous fiscal year.
- 7. \$1,000,000 from the miscellaneous special revenue fund (339), 40 administration account (AP), to the general fund.
  - 8. \$600,000,000 from any of the department of health accounts within the federal health and human services fund (265) to the miscellaneous special revenue fund (339), federal state health reform partnership account (FS).
- 9. \$85,000,000 from the general fund to the miscellaneous special 46 revenue fund (339) empire state stem cell trust fund account (SR).
- 10. \$1,250,000 from the miscellaneous new york state agency fund (169), medical assistance account to the department of health miscellaneous special revenue fund (339), third party health insurance account 50 (35).
- 51 11. \$3,700,000 from the miscellaneous new york state agency fund (169), medical assistance account to the office of medicaid inspector 53 general miscellaneous special revenue fund (339), recoveries and revenue 54 account (C9).
- 55 Labor:

- 1 1. \$700,000 from the labor standards miscellaneous special revenue 2 fund (339), fee and penalty account (30), to the child performer 3 protection fund (025), child performer protection account (CP).
  - 2. \$9,000,000 from the labor standards miscellaneous special revenue fund (339), fee and penalty account (30), to the general fund.
  - 3. \$9,000,000 from the occupational safety and health special revenue fund (305), occupational safety and health training and education account (01), to the general fund.
  - 4. \$5,000,000 from the unemployment insurance interest and penalty special revenue fund (482), unemployment insurance special interest and penalty account (01), to the general fund.

Mental Hygiene:

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- 1. \$5,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13), to the miscellaneous special revenue fund (339), federal salary sharing account (EC).
- 16 2. \$10,000,000 from the miscellaneous special revenue fund (339), 17 mental hygiene patient income account (13), to the miscellaneous special 18 revenue fund (339), federal salary sharing account (EC).
- 3. \$190,000,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the miscellaneous special revenue fund (339), provider of service accounts (05).
- 4. \$144,000,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the miscellaneous special revenue fund (339), provider of service account (05).
- 5. \$150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene patient income account (13).
- 27 6. \$150,000,000 from the general fund to the miscellaneous special revenue fund (339), mental hygiene program fund account (10).
- 7. \$3,600,000 from the miscellaneous special revenue fund (332), Intermediate Care Facility (ICF)/Home and Community Based Services (HCBS) loan account (05), to the general fund.
- 8. \$197,400,000 from the miscellaneous special revenue fund (339), mental hygiene program fund account (10) to the general fund.
  - 9. \$24,200,000 from the miscellaneous special revenue fund (339), mental hygiene patient income account (13) to the general fund.

Public Protection:

- 1. \$1,350,000 from the miscellaneous special revenue fund (339), emergency management account (61), to the general fund.
- 2. \$3,300,000 from the general fund to the miscellaneous special revenue fund (339), recruitment incentive account (U2).
- 3. \$14,000,000 from the general fund to the correctional industries revolving fund (397), correctional industries internal service account (00).
  - 4. \$25,500,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the miscellaneous special revenue fund (339), seized assets account (E8).
- 5. \$1,500,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the combined gifts, grants and bequests fund (020), New York state emergency services revolving loan account (AU).
- 51 6. \$10,000,000 from the miscellaneous special revenue fund (339), 52 statewide public safety communications account (LZ), to the miscella-53 neous special revenue fund (339), local wireless public safety answering 54 point account (LW).

- 7. \$23,559,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the general debt service fund (311), revenue bond tax account (02).
- 8. \$10,000,000 from federal miscellaneous operating grants fund (290), 5 DMNA damage account (71), to the general fund.
  - 9. \$6,000,000 from the general fund to the miscellaneous special revenue fund (339), crimes against revenue program account (CA).
- 10. \$2,000,000 from the general fund to the Attica state employee victims' fund (013).
- 11. \$20,000,000 from any office of homeland security account within 10 the federal miscellaneous operating grants fund (290), receiving money 11 through the homeland security grants program, to the general fund. 12
- 12. \$11,500,000 from the federal miscellaneous operating grants fund 13 (290) world trade center account, to the general fund.
- 15 13. \$4,800,000 from the federal miscellaneous operating grants fund (290) world trade center account, to the miscellaneous special revenue 16 17 fund (339) New York alert account.
- 14. \$100,000,000 from the miscellaneous special revenue fund (339), 18 statewide public safety communications account (LZ), to the state capi-19 20 tal projects fund (002).
- 15. \$9,946,000 from the miscellaneous special revenue fund (339) crim-22 inal justice improvement account (62) to the general fund.
- 23 16. \$7,200,000 from the miscellaneous special revenue fund (390) indigent legal services fund (01), to the general fund.
- 25 17. \$600,000 from the agency enterprise fund (331) farm program 26 account (FM), to the general fund.

#### Transportation:

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- 1. \$17,672,000 from the federal miscellaneous operating grants fund (290) to the special revenue fund (339), tri-state federal regional 30 planning account (17).
- 2. \$20,147,000 from the federal capital projects fund (291) to the 32 special revenue fund (339), tri-state federal regional planning accounts 33 (17).
- 3. \$12,300,000 from the miscellaneous special revenue fund (339), 35 compulsory insurance account (H7), to the general fund.
  - 4. \$20,000,000 from the suburban transportation fund (327) to the mass transportation operating assistance fund (313), additional mass transportation fund account (06).
- 39 5. \$14,183,000 from the general fund to the mass transportation oper-40 ating assistance fund (313) public transportation systems accounts (01).
  - 6. \$16,721,000 from the mass transportation operating assistance fund (313) metropolitan mass transit operating assistance account (02), to the mass transportation operating assistance fund (313) public transportation systems operating assistance account (01).
- 7. \$478,234,000 from the general fund to the dedicated highway and 46 bridge trust fund (072).

### Miscellaneous:

- 1. \$75,000,000 from the general fund to any funds or accounts for the 49 purpose of reimbursing certain outstanding accounts receivable balances.
- 50 2. \$250,000,000 from the general fund to the debt reduction reserve 51 fund (064).
- 3. \$23,300,000 from the general fund to the miscellaneous special 53 revenue fund (339), improvement of real property tax administrative 54 account (BZ).

- § 3. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, on or before March 31, 2010:
- 1. Upon request of the commissioner of environmental conservation, up to \$10,463,500 from revenues credited to any of the department of environmental conservation special revenue funds, including \$3,068,300 from the environmental protection and oil spill compensation fund (303), and \$1,723,000 from the conservation fund (302), to the environmental conservation special revenue fund (301), indirect charges account (BJ).
- 2. Upon request of the commissioner of agriculture and markets, up to \$3,000,000 from any special revenue fund or enterprise fund within the department of agriculture and markets to the miscellaneous special revenue fund (339) administrative costs account, to pay appropriate administrative expenses.
- 3. Upon request of the commissioner of agriculture and markets, up to 16 \$2,000,000 from the state exposition special fund (325), state fair receipts account (01), or the industrial exhibit authority fund (450), industrial exhibit authority account (01), to the miscellaneous capital projects fund (387), state fair capital improvement account (13).
  - 4. Upon request of the commissioner of the division of housing and community renewal, up to \$2,911,000 from revenues credited to any division of housing and community renewal miscellaneous special revenue fund (339) to the agency cost recovery account (HI).
  - 5. Upon request of the commissioner of health up to \$15,000,000 from revenues credited to any of the department of health's special revenue funds, to the miscellaneous special revenue fund (339), administration account (AP).
  - 6. Upon request of the director of the budget, up to \$20,000,000 from the miscellaneous special revenue fund (339), statewide public safety communications account (LZ), to the general fund.
- \$ 4. Notwithstanding section 2815 of the public health law or any other contrary provision of law, upon the direction of the director of the budget and the commissioner of health, the dormitory authority of the state of New York is directed to transfer seven million dollars annually from funds available and uncommitted in the New York state 36 health care restructuring pool to the health care reform act (HCRA) resources fund - HCRA resources account.
- § 5. Notwithstanding any law to the contrary, the state university chancellor or his designee is authorized and directed to transfer esti-40 mated tuition revenue balances from the state university collection fund (344) to the state university fund (345), state university revenue offset account (12) on or before March 31, 2010.
- § 6. Notwithstanding any law to the contrary, and in accordance with 44 section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, upon request of the state university chancellor or his designee, up to \$40,000,000 from the state university income fund (345), state university hospitals income reimbursable account (22) under hospital income reimbursable for services and expenses of hospital operations and capital expenditures at the state university hospitals, and the state university income fund (345) Long Island veterans' home account (09) to the state university capital projects fund (384) on or before June 30, 2010.
- § 7. Notwithstanding any law to the contrary, and in accordance with 54 section 4 of the state finance law, the comptroller is hereby authorized 55 and directed to transfer, upon request of the director of the budget, up 56 to \$128,700,000 from the general fund to the state university income

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

- § 8. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller, after consultation with the state university chancellor or his or her designee, is hereby authorized and directed to transfer moneys, in the first instance, from the state university collection fund (344), Stony Brook hospital collection account (07), Brooklyn hospital collection account (08), and Syracuse hospital collection account (09) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to transfer moneys, in amounts sufficient to permit the 16 full transfer of moneys authorized for transfer, to the general debt service fund (311) for payment of debt service related to the SUNY 18 hospitals. Notwithstanding any law to the contrary, the comptroller is also hereby authorized and directed, after consultation with the state 20 university chancellor or his or her designee, to transfer moneys from the state university income fund (345) to the state university income fund (345), state university hospitals income reimbursable account (22) in the event insufficient funds are available in the state university income fund (345), state university hospitals income reimbursable account (22) to pay hospital operating costs or to transfer moneys, 26 amounts sufficient to permit the full transfer of moneys authorized for transfer, to the general debt service fund (311) for payment of debt service related to the SUNY hospitals on or before March 31, 2010.
- § 9. On or before March 31, 2010, the comptroller is authorized and 30 directed to transfer the unencumbered balance from the family benefit fund (329) to the general fund.
  - § 10. On or before March 31, 2010, the comptroller is hereby authorized and directed to deposit earnings that would otherwise accrue to the general fund that are attributable to the operation of section 98-a of the state finance law, to the agencies internal service fund (334), banking services account (12), for the purpose of meeting direct payments from such account.
- § 11. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer monies, upon request of the director of the budget, on or before March 31, 2010, from and to any of the following accounts: the miscellaneous special revenue fund (339), patient income account (13), the miscellaneous special revenue fund (339), mental 44 hygiene program fund account or the general fund in any combination, the aggregate of which shall not exceed \$200 million.
- § 12. Notwithstanding any law to the contrary, and in accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer, at the request of the director of the budget, up to \$200 million from the unencumbered balance of any special revenue fund or account, or combination of funds and accounts, to the general fund. The amounts transferred pursuant to this authorization shall be in addition to any other transfers expressly authorized in the 2009-10 53 budget. Transfers from federal funds, debt service funds, capital 54 projects funds, or the community projects fund are not permitted pursuant to this authorization. The director of the budget shall notify both

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

- § 13. Subdivision 5 of section 97-rrr of the state finance law, as 4 amended by section 14 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:
- 5. Notwithstanding the provisions of section one hundred seventy-one-a of the tax law, as separately amended by chapters four hundred eightyone and four hundred eighty-four of the laws of nineteen hundred eighty-one, or any other provisions of law to the contrary, during the fiscal year beginning April first, two thousand [eight] nine, the state comptroller is hereby authorized and directed to deposit to the fund created 12 pursuant to this section from amounts collected pursuant to article 13 twenty-two of the tax law and pursuant to a schedule submitted by the 14 director of the budget, up to [\$4,970,000,000] \$3,524,450,000, as may be 15 certified in such schedule as necessary to meet the purposes of such 16 fund for the fiscal year beginning April first, two thousand [eight] nine.
- \$ 13-a. Section 51 of part RR of chapter 57 of the laws of 2008 19 providing for the administration of certain funds and accounts related 20 to the 2008-2009 budget, is amended to read as follows:
- § 51. This act shall take effect immediately and shall be deemed to 22 have been in full force and effect on and after April 1, 2008; provided, 23 however, that the amendments to subdivision 6 of section 4 and subdivision 4 of section 40 of the state finance law made by sections fifteen and sixteen of this act shall expire on the same date such subdivisions 26 expire; and provided, further, however, that section thirty-four of this 27 act shall take effect on the same date as the reversion of section 69-c 28 of the state finance law as provided in section 58 of part T of chapter 29 57 of the laws of 2007, as amended; provided, further that such amend-30 ments shall expire and be deemed repealed March 31, 2010; and provided, further, however, that sections one, three, four, [fourteen,] and eigh-32 teen through twenty-seven of this act shall expire March 31, 2009 when 33 upon such date the provisions of such sections shall be deemed repealed; and provided further that section fourteen of this act shall expire 35 March 31, 2010 when upon such date the provisions of such section shall be deemed repealed.
  - § 14. Section 41 of chapter 60 of the laws of 1993, amending the public authorities law and other laws relating to the bonding authority of the environmental facilities corporation is amended by adding a new subdivision 4 to read as follows:
  - 4. Moneys in the contingency reserve fund may be temporarily loaned to the general fund during any fiscal year in anticipation of the receipt of revenues from taxes, fees and other sources required to be paid into the general fund during such fiscal year. Moneys so temporarily loaned shall be repaid in cash during the same fiscal year.
  - § 15. Section 92-cc of the state finance law is amended by adding a new subdivision 5 to read as follows:
  - 5. Moneys in the rainy day reserve fund may be temporarily loaned to the general fund during any fiscal year in anticipation of the receipt of revenues from taxes, fees and other sources required to be paid into the general fund during such fiscal year. Moneys so temporarily loaned shall be repaid in cash during the same fiscal year.
  - 16. Subdivision 5 of section 4 of the state finance law, as amended by chapter 524 of the laws of 2008, is amended to read as follows:
- 5. No money or other financial resources shall be transferred or 56 temporarily loaned from one fund to another without specific statutory

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

- § 17. Section 3 of part MM of chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding for certain community projects, relating to increasing such funding, is REPEALED.
- § 18. Subdivision (b) of section 1 of part P of chapter 57 of the laws of 2007, relating to the provision of funding of certain community projects, as amended by section 1 of part MM of chapter 59 of the laws of 2008, is amended to read as follows:
- (b) [One hundred twenty-five] Sixty-two million five hundred thousand dollars [(\$125,000,000)] (\$62,500,000) for the period April 1, 2009 through March 31, 2010, as follows: sixty-two million five hundred thousand dollars (\$62,500,000) to account AA[; and sixty-two million five hundred thousand dollars (\$62,500,000) to account CC]. Such [transfers transfer shall be made in accordance with section 99-d of the state finance law, as added by chapter 474 of the laws of 1996, amended.
- § 19. Subdivision (a) of section 2 of part MM of chapter 59 of the 46 laws of 2008, amending chapter 57 of the laws of 2007, providing funding of certain community projects, is amended to read as follows:
- (a) [Seventy] Thirty million [six hundred thousand]  $[\frac{\$70,600,000}]$  (\\$30,000,000) for the period April 1, 2009 through March 31, 2010, as follows: thirty million dollars (\$30,000,000) to account AA[; thirty million dollars (\$30,000,000) to account CC; and ten million six hundred thousand dollars (\$10,600,000) to account GG]. Such [trans-53 **fers**] **transfer** shall be made in accordance with section 99-d of the 54 state finance law, as added by chapter 474 of the laws of 1996, as 55 amended.

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- 19-a. In accordance with section 4 of the state finance law, the comptroller is hereby authorized and directed to transfer from the general fund -- state purposes account to the community projects fund the following amounts:
- (a) Eighty-five million dollars (\$85,000,000) for the period April 1, 2010 through March 31, 2011, as follows: forty-two million five hundred thousand dollars (\$42,500,000) to account BB; and forty-two million five hundred thousand dollars (\$42,500,000) to account CC. Such transfers shall be made in accordance with section 99-d of the state finance law, as added by chapter 474 of the laws of 1996, as amended.
- (b) Eighty-five million dollars (\$85,000,000) for the period April 1, 2011 through March 31, 2012, as follows: forty-two million five hundred thousand dollars (\$42,500,000) to account BB; and forty-two million five hundred thousand dollars (\$42,500,000) to account CC. Such transfers shall be made in accordance with section 99-d of the state finance law, as added by chapter 474 of the laws of 1996, as amended.
- § 19-b. Notwithstanding the provisions of subdivisions (a) and (b) of 18 section nineteen-a of this act, if, during the period April 1, 2009 through March 31, 2010, an account has insufficient funds to make timely 20 payments upon presentment of proper vouchers therefor, the comptroller is authorized and directed to transfer, upon the joint request of the director of the budget, the secretary of the senate finance committee 23 and the secretary of the assembly ways and means committee, to such account monies that are otherwise authorized for transfer during the 25 period April 1, 2010 through March 31, 2011, provided, however that the 26 monies transferred to any account shall not exceed the total authorized for such account in subdivision (a) of section nineteen-a of this act. 28 The comptroller shall provide the director of the budget, the chair of 29 the senate finance committee, and the chair of the assembly ways and 30 means committee with an accurate accounting and report of any transfers that occur pursuant to this section on or before the fifteenth day of the following month in which such transfers occur.
- § 20. The comptroller is authorized and directed to deposit to the 34 general fund-state purposes account reimbursements from moneys appropriated or reappropriated to the correctional facilities capital improve-36 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall be available for spending from appropriations made to the department of correctional services in the general fund-state purposes account by a chapter of the laws of 2009 for costs associated with the administration 40 and security of capital projects and for other costs which are attributable, according to a plan, to such capital projects.
- § 21. Notwithstanding any other law, rule, or regulation to the 43 contrary, the comptroller is hereby authorized and directed to deposit, 44 to the credit of the capital projects fund, reimbursement from the 45 proceeds of notes and bonds issued by the environmental facilities 46 corporation for a capital appropriation for \$22,404,000 authorized by chapter 55 of the laws of 1999 to the department of environmental 48 conservation for payment of a portion of the state's match for federal 49 capitalization grants for the water pollution control revolving loan 50 fund, reimbursements for spending from various appropriations for 51 projects related to the New York city watershed, reimbursement from the 52 proceeds of notes and bonds issued by the environmental facilities 53 corporation for a capital appropriation for \$22,500,000 authorized by 54 chapter 55 of the laws of 1999 to the environmental facilities corpo-55 ration for payment for the jobs two thousand pipeline for jobs program, 56 reimbursement from the proceeds of notes and bonds issued by the dormi-

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

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

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

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

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

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

\$19,500,000 authorized by chapter 50 of the laws of 2003 to the office 50 of general services for payment of capital construction costs for the 3 51 Elk street parking garage building located in the city of Albany, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to \$10,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the 7 laws of 2003 to the office of general services for various purposes, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of \$13,250,000 authorized by chapter 55 of the laws of 2003 to the energy research and 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 13 the dormitory authority for disbursements of up to \$16,400,000 from any capital appropriation or reappropriation authorized by chapter 51 of the 15 laws of 2003 to the judiciary for courthouse improvements, reimbursement 16 from the proceeds of notes or bonds issued by the urban development corporation for disbursements of up to \$10,000,000 from appropriations 18 or reappropriations authorized by chapter 50 of the laws of 2003 to any agency for costs related to homeland security, reimbursement from the 20 proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of \$10,000,000 authorized by chapter 55 of the laws of 2003 to the department of environmental conservation for Onondaga lake, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to \$11,000,000 from any capital appropriations or reappropriations 26 authorized by chapter 55 of the laws of 2003 to the department of envi-27 ronmental conservation for environmental purposes, and reimbursement 28 from the proceeds of notes or bonds issued by the dormitory authority 29 for disbursements of up to \$100,000,000 from a capital appropriation 30 authorized by chapter 50 of the laws of 2003 to the department of state for enhanced 911 wireless service.

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

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1 mental purposes, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of \$80,000,000 authorized by chapter 53 of the laws of 2004 to the education department for capital transition grants for transportation, reimbursement from the proceeds of notes or bonds issued by the dormito-6 ry authority for a capital appropriation of \$250,000,000 authorized by 7 chapter 55 of the laws of 2004 for payment of costs related to economic development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended 10 by chapter 108 of the laws of 2006, for payment of costs related to the 11 H. H. Richardson complex and the Darwin Martin House, and reimbursement 12 from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of \$350,000,000 authorized by chapter 3 the laws of 2004 for the New York state economic development program. § 27. Notwithstanding any other law, rule, or regulation to the 16 17

contrary, the comptroller is hereby authorized and directed to deposit 18 to the credit of the capital projects fund, reimbursement from the 19 proceeds of notes or bonds issued by the environmental facilities corpo-20 ration for a capital appropriation for \$29,602,000 authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for payment of a portion of the state's match for federal capitalization grants for the water pollution control revolving loan fund, reimbursement from the proceeds of notes or bonds issued by the urban development 25 corporation for disbursements of up to \$10,000,000 from any capital 26 appropriation or reappropriation authorized by chapter 50 of the laws of 2005 to the office of general services for various purposes, reimburse-28 ment from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of \$11,350,000 30 authorized by chapter 55 of the laws of 2005 to the energy research and development authority for the Western New York Nuclear Service Center at 32 West Valley, reimbursement from the proceeds of notes or bonds issued by the environmental facilities corporation for a capital appropriation of \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-35 ment of environmental conservation for Onondaga lake, reimbursement from 36 the proceeds of notes or bonds issued by the environmental facilities corporation for disbursements of up to \$11,000,000 from any capital appropriations or reappropriations authorized by chapter 55 of the laws of 2005 to the department of environmental conservation for environ-40 mental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation \$350,000,000 authorized by chapter 55 of the laws of 2005 for the Javits center, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of \$90,000,000 authorized by chapter 62 of the laws of 2005 for regional development, 46 reimbursement from the proceeds of notes or bonds issued by the dormitory authority for a capital appropriation of \$250,000,000 authorized by chapter 62 of the laws of 2005 for technology and development, reimbursement from the proceeds of notes or bonds issued by the urban 50 development corporation for a capital appropriation of \$75,000,000 authorized by chapter 162 of the laws of 2005 for the New York state economic development program, reimbursement from the proceeds of notes 53 or bonds issued by the urban development corporation for a capital appropriation of \$150,000,000 authorized by chapter 62 of the laws of 2005 for the higher education facilities capital matching grants 56 program, reimbursement from the proceeds of notes or bonds issued by the

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

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

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1 authorized by chapter 108 of the laws of 2006 to the urban development corporation for economic development/other projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of \$269,500,000 authorized by chapter 5 108 of the laws of 2006 to the dormitory authority or the urban development corporation for economic development projects, reimbursement from 7 the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for university development projects, reimburse-10 ment from the proceeds of notes or bonds issued by the dormitory author-11 ity or for a capital appropriation of \$143,000,000 authorized by chapter 12 13 108 of the laws of 2006 to the urban development corporation for cultural facilities projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for capital appropriations totaling \$60,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation 18 for energy/environmental projects, reimbursement from the proceeds of notes or bonds issued by the dormitory authority or the urban development corporation for a capital appropriation of \$20,000,000 authorized by chapter 108 of the laws of 2006 to the urban development corporation for a competitive solicitation for construction of a pilot cellulosic ethanol refinery, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban 25 26 development corporation for services and expenses related to infrastructure for a new stadium in Queens county, and reimbursement from the 28 proceeds of notes or bonds issued by the urban development corporation for a capital appropriation of \$74,700,000 authorized by chapter 55 of laws of 2006 to the urban development corporation for services and expenses related to infrastructure improvements to construct a new park-32 ing facility at a new stadium in Bronx county, reimbursement from the 33 proceeds of notes and bonds issued by the environmental facilities corporation for a capital appropriation for \$5,000,000 authorized by 35 chapter 55 of the laws of 2006 to the environmental facilities corpo-36 ration for payment for the pipeline for jobs program, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for 37 capital disbursements of up to \$14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2006 40 for the library construction purpose, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Cornell equine drug testing laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns of Bristol and Canandaigua public water systems, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of \$5,500,000 authorized 50 by chapter 53 of the laws of 2006 for Belleayre mountain ski center, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation 53 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement from the proceeds of notes or bonds issued by the urban development the dormitory authority for an appropriation corporation or

\$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of 2 New York umbilical cord bank, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory authority for an appropriation of \$5,500,000 authorized by chapter 53 of 5 the laws of 2006 for an Old Gore mountain ski bowl connection, reimbursement from the proceeds of notes or bonds issued by the urban 7 development corporation or the dormitory authority for an appropriation of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard laboratory, reimbursement from the proceeds of notes or bonds issued by the urban development corporation or the dormitory 10 authority for an appropriation of \$99,500,000 authorized by chapter 108 11 of the laws of 2006 to the office for technology for payment of capital 12 13 construction costs for a consolidated data center, reimbursement from 14 the proceeds of notes or bonds issued by the dormitory authority or the 15 urban development corporation for an appropriation of \$40,000,000 16 authorized by chapter 108 of the laws of 2006 for a food testing laboratory, reimbursement from the proceeds of notes or bonds issued by the 18 New York state thruway authority for an appropriation of \$22,000,000 authorized by chapter 108 of the laws of 2006 to the department of 20 transportation for high speed rail, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to \$500,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for development of a semiconductor manufacturing facility, reimbursement from the proceeds of notes or bonds issued by the urban development 26 corporation of up to \$150,000,000 from an appropriation authorized by chapter 108 of the laws of 2006 to the urban development corporation for 28 research and development activities of a semiconductor manufacturer, and 29 reimbursement from the proceeds of notes or bonds issued by the urban 30 development corporation for capital disbursements of up to \$300,000,000 from an appropriation to the urban development corporation authorized by chapter 108 of the laws of 2006 for community revitalization projects. 33

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

1 mental purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to \$3,000,000 from any capital appropriation or reappropriation authorized by chapter 50 of the laws of 2007 to the division of military and naval affairs for various purposes, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for 7 disbursements from a capital appropriation of \$50,000,000 authorized by chapter 50 of the laws of 2007 to the division of state police for construction of a Troop G facility, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for disbursements from a capital appropriation of \$6,000,000 authorized by chapter 11 of the laws of 2007 to the division of state police for construction 12 13 of evidence storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriations totaling \$77,900,000 authorized by chapter 51 of the laws of 2007 to the judiciary for court training facilities and courthouse improvement projects, reimbursement from the proceeds of notes or bonds 18 issued by the urban development corporation for a capital appropriation of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state departments and agencies for the purchase of equipment, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up to \$14,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for library construction, reimbursement from the proceeds of notes or bonds issued by the dormitory authority for capital disbursements of up 26 to \$60,000,000 from any capital appropriation or reappropriation authorized by chapter 53 of the laws of 2007 for cultural education storage facilities, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to \$15,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for the Roosevelt Island Operating Corporation aerial tramway, reimbursement from the proceeds of notes or 33 bonds issued by the urban development corporation for capital disbursements of up to \$20,000,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Governor's 36 Island, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to \$7,500,000 from any capital appropriation or reappropriation authorized by chapter 55 of the laws of 2007 for Harriman research and technology 40 park, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to \$7,950,000 from any capital appropriation or reappropriation authorized 43 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital disbursements of up to \$1,300,000 from appropri-46 ations authorized by chapter 50 of the laws of 2007 made to the office 47 of general services for legislative office building hearing rooms.

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

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

for a capital appropriation of \$35,000,000 authorized by chapter 53 of the laws of 2008 for economic and community development projects, reimbursement from the proceeds of bonds or notes issued by the urban development corporation for a capital appropriation of \$30,000,000 5 authorized by chapter 53 of the laws of 2008 for New York City front development projects, reimbursement from the proceeds of bonds or 7 notes issued by the urban development corporation for a capital appropriation of \$45,000,000 authorized by chapter 53 of the laws of 2008 for luther forest infrastructure projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$35,000,000 authorized by chapter 53 of the laws of 11 12 2008 to the urban development corporation for services and expenses 13 related to downstate regional projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$145,000,000 authorized by chapter 53 of the laws 16 of 2008 to the urban development corporation for services and expenses related to upstate city-by-city projects, reimbursement from the 18 proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$35,000,000 authorized by chapter 53 of the 20 laws of 2008 to the urban development corporation for services and expenses related to the downstate revitalization projects, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$120,000,000 authorized by 23 chapter 53 of the laws of 2008 to the urban development corporation for 25 services and expenses related to the upstate regional blueprint fund, 26 reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$40,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corpo-29 ration for services and expenses related to the upstate agricultural 30 economic development fund, reimbursement from the proceeds of notes or 31 bonds issued by the urban development corporation for capital appropriation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and expenses related to the New York state capital assistance program, reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to the urban development corporation for services and 37 expenses related to the New York state economic development assistance 39 program, and reimbursement from the proceeds of notes or bonds issued by the urban development corporation for capital appropriation of \$20,000,000 authorized by chapter 55 of the laws of 2008 to the urban development corporation for services and expenses related to the empire state economic development fund.

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

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

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

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

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

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

- § 34. (1) Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller shall at the commencement of each month certify to the director of the budget, the commissioner of environmental conservation, the chair of the senate finance committee, and the chair of the assembly ways and means committee the amounts disbursed from all appropriations for hazardous waste site remediation disbursements for the month preceding such certification.
- (2) Notwithstanding any law to the contrary, prior to the issuance by 26 the comptroller of bonds authorized pursuant to subdivision a of section 4 of the environmental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, disbursements from all 29 appropriations for that purpose shall first be reimbursed from moneys 30 credited to the hazardous waste remedial fund, site investigation and construction account, to the extent moneys are available in such 32 account. For purposes of determining moneys available in such account, 33 the commissioner of environmental conservation shall certify to the comptroller the amounts required for administration of the hazardous 35 waste remedial program.
- (3) The comptroller is hereby authorized and directed to transfer any 37 balance above the amounts certified by the commissioner of environmental conservation to reimburse disbursements pursuant to all appropriations from such site investigation and construction account; provided, howev-40 er, that if such transfers are determined by the comptroller to be insufficient to assure that interest paid to holders of state obligations issued for hazardous waste purposes pursuant to the environ-43 mental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, is exempt from federal income taxation, 45 the comptroller is hereby authorized and directed to transfer, from such 46 site investigation and construction account to the general fund, the amount necessary to redeem bonds in an amount necessary to assure the continuation of such tax exempt status. Prior to the making of any such transfers, the comptroller shall notify the director of the budget of the amount of such transfers.
- 51 § 35. Section 69-c of the state finance law, as amended by section 34 of part RR of chapter 57 of the laws of 2008, is amended to read as 53 follows:
- § 69-c. Variable rate bonds. Notwithstanding any other provision of law to the contrary, any State-supported debt may be issued as variable 56 rate bonds.

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

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

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

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

- § 37. Paragraph j of subdivision 2 of section 1680 of the public 24 authorities law, as amended by section 36 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:
- j. Subject to the provisions of chapter fifty-nine of the laws of two thousand, the maximum amount of bonds and notes to be issued after March 28 thirty-first, two thousand two for a housing unit for the use 29 students at a state-operated institution or statutory or contract 30 college under the jurisdiction of the state university of New York shall 31 be one billion [ $\frac{\text{one}}{\text{one}}$ ]  $\frac{\text{two}}{\text{ome}}$  hundred [ $\frac{\text{fifty}}{\text{ome}}$ ]  $\frac{\text{thirty}}{\text{ome}}$  million dollars. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of issuance, and to refund any outstanding bonds and notes relating to a housing unit under the jurisdiction of the state university of New York.
  - § 38. Subdivision 10-a of section 1680 of the public authorities law, as amended by section 37 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:
- 10-a. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provision of the law to the contrary, the maximum amount of bonds and notes to be issued after March thirty-first, two thousand two, on behalf of the state, in relation to 43 any locally sponsored community college, shall be [four] five hundred [sixty-six] thirty-six million dollars. Such amount shall be exclusive of bonds and notes issued to fund any reserve fund or funds, costs of 46 issuance and to refund any outstanding bonds and notes, issued on behalf of the state, relating to a locally sponsored community college.
  - § 39. Paragraph (c) of subdivision 14 of section 1680 of the public authorities law, as amended by section 38 of part RR of chapter 57 the laws of 2008, is amended to read as follows:
- (c) Subject to the provisions of chapter fifty-nine of the laws of two thousand, (i) the dormitory authority shall not deliver a series of 53 bonds for city university community college facilities, except to refund 54 or to be substituted for or in lieu of other bonds in relation to city 55 university community college facilities pursuant to a resolution of the 56 dormitory authority adopted before July first, nineteen hundred eighty-

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five or any resolution supplemental thereto, if the principal amount of bonds so to be issued when added to all principal amounts of bonds previously issued by the dormitory authority for city university community college facilities, except to refund or to be substituted in lieu of other bonds in relation to city university community college facili-6 ties will exceed the sum of four hundred twenty-five million dollars and 7 (ii) the dormitory authority shall not deliver a series of bonds issued for city university facilities, including community college facilities, pursuant to a resolution of the dormitory authority adopted on or after July first, nineteen hundred eighty-five, except to refund or to be substituted for or in lieu of other bonds in relation to city university 11 12 facilities and except for bonds issued pursuant to a resolution supple-13 mental to a resolution of the dormitory authority adopted prior to July first, nineteen hundred eighty-five, if the principal amount of bonds so 15 to be issued when added to the principal amount of bonds previously 16 issued pursuant to any such resolution, except bonds issued to refund or to be substituted for or in lieu of other bonds in relation to city 18 university facilities, will exceed six billion [ene] eight hundred [eighteen] forty-three million two hundred thousand dollars. The legis-20 lature reserves the right to amend or repeal such limit, and the state of New York, the dormitory authority, the city university, and the fund are prohibited from covenanting or making any other agreements with or 23 for the benefit of bondholders which might in any way affect such right. § 40. Subdivision 1 of section 1689-i of the public authorities law, 24 as amended by section 39 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

- § 45. Subdivision 4 of section 66-b of the state finance law, 19 amended by section 44 of part RR of chapter 57 of the laws of 2008, is amended to read as follows:
- 4. Subject to the provisions of chapter fifty-nine of the laws of two thousand, but notwithstanding any other provisions of law to the contrary, the maximum amount of certificates of participation or similar instruments representing periodic payments due from the state of New York, issued on behalf of state departments and agencies, the city 26 university of New York and any other state entity otherwise specified after March thirty-first, two thousand three shall be [four] five 28 hundred [thirty-four] sixty-four million dollars. Such amount shall 29 exclusive of certificates of participation or similar instruments issued 30 to fund a reserve fund or funds, costs of issuance and to refund outstanding certificates of participation.
- \$ 46. Subdivision 1 of section 16 of part D of chapter 389 of the laws 33 of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, as amended by section 46 of part RR of chapter 57 of the laws of 2008, is amended to 36 read as follows:
- 1. Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding the provisions of section 18 of section 1 of chapter 174 of the laws of 1968, the New York state urban development corporation is hereby authorized to issue bonds, notes and other obligations in an aggregate principal amount not to exceed five billion [five] eight hundred [eleven] thirty-seven million [four] eight hundred thousand dollars [\$5,511,400,000] \$5,837,800,000, and shall include all bonds, notes and other obligations issued pursuant to chapter 56 of the laws of 1983, as amended or supplemented. The proceeds of such bonds, notes or other obligations shall be paid to the state, for deposit in the correctional facilities capital improvement fund to pay for all or any portion the amount or amounts paid by the state from appropriations or reap-49 propriations made to the department of correctional services from the correctional facilities capital improvement fund for capital projects. The aggregate amount of bonds, notes or other obligations authorized to be issued pursuant to this section shall exclude bonds, notes or other 53 obligations issued to refund or otherwise repay bonds, notes or other 54 obligations theretofore issued, the proceeds of which were paid to the 55 state for all or a portion of the amounts expended by the state from 56 appropriations or reappropriations made to the department of correction-

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

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

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

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

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

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

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

(b) Any service contract or contracts for projects authorized pursuant to sections 10-c, 10-f, 10-g and 80-b of the highway law and section 14-k of the transportation law, and entered into pursuant to subdivision (a) of this section, shall provide for state commitments to provide annually to the thruway authority a sum or sums, upon such terms and conditions as shall be deemed appropriate by the director of the budget, 33 to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund such projects having a cost not in excess of [\frac{\frac{5}{5},806,200,000}{95}] \frac{5}{5},860,800,000 \text{ cumulatively by} the end of fiscal year 2009-10.

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

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

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

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

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

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

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

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

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

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

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

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

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

- § 51. For purposes of sections twenty-one through thirty-one of this 10 act, the comptroller is also hereby authorized and directed to deposit to the credit of any capital projects fund, reimbursement from the 12 proceeds of bonds and notes issued by any authorized issuer, as defined 13 by section 68-a of the state finance law, in the amounts and for the purposes listed in such sections.
- § 52. Section 49 of the private housing finance law is amended to read 16 as follows:
- § 49. State's right to require redemption of bonds. Notwithstanding 18 and in addition to any provisions for the redemption of bonds which may 19 be contained in any contract with the holders of the bonds, the state 20 may, upon furnishing sufficient funds therefor, require the agency to redeem, prior to maturity, as a whole, any issue of bonds on any inter-22 est payment date not less than twenty years after the date of the bonds 23 of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be provided in the bonds in case of the redemption thereof as a whole on the redemption 26 date. Notice of such redemption shall be published in at least two news-27 papers publishing and circulating respectively in the cities of Albany 28 and New York at least twice, the first publication to be at least thirty 29 days before the date of redemption. The provisions of this section 30 relating to the state's right to require redemption of bonds, shall not apply to state-supported debt, as defined in section sixty-seven-a of the state finance law, issued by the agency. Such agency bonds shall 33 remain subject to redemption pursuant to any contract with the holders of such bonds.
- § 53. Section 25 of section 1 of chapter 174 of the laws of 1968, 36 constituting the New York state urban development corporation act, is amended to read as follows:
- § 25. State's right to require redemption of bonds. Notwithstanding and in addition to any provisions for the redemption of bonds which may be contained in any contract with the holders of the bonds, the state may, upon furnishing sufficient funds therefor, require the corporation to redeem, prior to maturity, as a whole, any issue of bonds on any interest payment date not less than twenty years after the date of the 44 bonds of such issue at one hundred five per centum of their face value and accrued interest or at such lower redemption price as may be 46 provided in the bonds in case of the redemption thereof as a whole on the redemption date. Notice of such redemption shall be published at least twice in at least two newspapers publishing and circulating 49 respectively in the cities of Albany and New York, the first publication 50 to be at least thirty days before the date of redemption. The provisions of this section relating to the state's right to require redemption of bonds shall not apply to state-supported debt, as defined by section 67-a of the state finance law, issued by the corporation. Such corporation bonds shall remain subject to redemption pursuant to any contract 55 with the holders of such bonds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 PART QQ

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

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

54 premium by each such insurance carrier bore to the total [written premi-

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

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

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

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

- § 2. Paragraph (b) of subdivision 2 of section 151 of the workers' compensation law, as amended by chapter 6 of the laws of 2007, the opening paragraph as amended by chapter 139 of the laws of 2008, is amended to read as follows:
- (b) An itemized statement of the expenses so ascertained shall be open to public inspection in the office of the board for thirty days after notice to the state insurance fund, all insurance carriers and all selfinsurers including group self-insurers affected thereby, before the 30 board shall make an assessment for such expenses. The chair shall assess upon and collect a proportion of such expenses as hereinafter provided 32 from each insurance carrier, the state insurance fund and each self-in-33 surer including group self-insurers. The assessment for such expenses shall be allocated to (i) self-insurers except group self-insurers and the state insurance fund based upon the proportion that the total 36 compensation payments made by all self-insurers except group self-insurers and the state insurance fund in such year bore to the total compensation payments made by all self-insurers except group self-insurers, the state insurance fund, all insurance carriers and group self-insurers 40 and (ii) insurance carriers based upon the proportion that the total compensation payments made by all insurance carriers in such year bore to the total compensation payments by all self-insurers, the state 43 insurance fund and all insurance carriers [during the fiscal year which 44 ended within said preceding calendar year], and (iii) group self-insurers based upon the proportion that the total compensation payments made 46 by all group self-insurers in such year bore to the total compensation payments made by all self-insurers, the state insurance fund and all 48 insurance carriers [during the fiscal year which ended within said 49 preceding calendar year]. The portion of the assessment for such 50 expenses allocated to self-insurers except group self-insurers and the 51 state insurance fund that shall be collected from each self-insurer 52 except group self-insurers and the state insurance fund shall be a sum 53 equal to the proportion of the amount which the total compensation 54 payments of each such self-insurer except a group self-insurer or the 55 state insurance fund in such year bore to the total compensation 56 payments made by all self-insurers except group self-insurers and the

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

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

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

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

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

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

- (c) Any affected insurance carrier that makes payments to the workers' 31 compensation board in accordance with this section shall not be subject to any civil or criminal liability for damages arising out of the collection or maintenance of any funds so paid, that were collected under subdivision 8 of section 15, subdivision 3 of section 25-a or section 151 of the workers' compensation law.
- (d) Except for the immunity of an affected insurance carrier pursuant 36 37 to subdivision (c) of this section, this section does not confer any immunity or create a cause of action or provide a defense.
- § 4. This act shall take effect immediately, provided that sections one and two of this act shall take effect on January 1, 2010.

## 41 PART RR

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

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

§ 2. This act shall take effect immediately.

PART SS 1

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

## ARTICLE 12

## LOCAL CONDITIONAL RELEASE COMMISSION

## Section 270. Definitions.

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- 271. Local conditional release commission; organization.
- 272. Local conditional release commission; function, powers and
- 273. Conditional release; procedures for application and determinations.
- 274. Conditional release; procedures for violation, delinquency, warrants and revocation.
- 275. Transfer of custody and supervision of conditional releasee.
- 276. Regulations and report.
- § 270. Definitions. As used in this article, the following terms have 18 the following meanings:
  - 1. "Commission" means the local conditional release commission.
  - 2. "County" means each county in the state, except a county within the city of New York.
  - 3. "County executive" means the county commissioner, county manager, county director or county president.
- 4. "Division" means the division of probation and correctional alter-25 **natives**.
- § 271. Local conditional release commission; organization. 1. Every county, and the city of New York, may adopt a local law establishing a local conditional release commission. Such commission shall be appointed by the county executive, upon the advice and consent of the county <u>legislature</u>, or in the case of the city of New York, such commission shall be appointed by the mayor, upon the advice and consent of the city council. Each such commission shall consist of at least five members. 33 Each member of the commission shall have graduated from an accredited four year college or university and shall have had at least five years of experience in the field of criminology, administration of criminal justice, law enforcement, probation, parole, law, social work, social science, psychology, psychiatry or corrections.
- 2. The term of office of each member of such commission shall be for 39 four years; provided, however, that any member chosen to fill a vacancy 40 occurring otherwise than by expiration of term shall be appointed for the remainder of the unexpired term of the member whom the person is to succeed. Vacancies caused by expiration of term or otherwise shall be filled in the same manner as original appointments.
- 3. No member of the commission shall serve as a representative of any 45 political party on an executive committee or other governing body thereof, as an executive officer or employee of any political committee, organization or association, nor be a judge or justice, a sheriff or district attorney.
- 4. Any member may be removed by the county executive, or the mayor in 50 the case of the city of New York, for cause, after notice and an oppor-51 tunity to be heard.
- 5. The director of the local probation department, or such director's 53 designee, shall serve as an ex-officio, non-voting member of the commis-54 sion.

- 6. The local probation department shall assign staff support to the 2 commission.
  - § 272. Local conditional release commission; function, powers and duties. The commission shall:
  - 1. have the power and duty of determining which persons sentenced within the county, or the city of New York, and serving a definite sentence of imprisonment and eligible for conditional release pursuant to subdivision two of section 70.40 of the penal law may be released on conditional release and when and under what conditions in accordance with section two hundred seventy-three of this article;
  - 2. have the power to determine, as each inmate applies for conditional release, the need for supplemental investigation of the background of such inmate and cause such investigation as may be necessary to be made as soon as practicable. The commission may require that the probation department located in the jurisdiction of the commission conduct such supplemental investigation. The results of such investigation together with all other information compiled by the local correctional facility and the complete criminal record and family court record of such inmate shall be readily available when the conditional release of such inmate is being considered. Such information shall include a complete statement of the crime for which the inmate has been sentenced, the circumstances of such crime, all presentence memoranda, the nature of the sentence, the court in which such inmate was sentenced, the name of the judge and district attorney and copies of such probation reports as may have been made as well as reports as to the inmate's social, physical, mental and psychiatric condition and history;
- 3. have the legal custody of persons conditionally released and placed 28 under the supervision of the local probation department for a period of one year, or until returned to the custody of the local correctional facility located in the jurisdiction of the commission, as the case may
  - 4. have the power to revoke the conditional release of any person in the legal custody of the commission and to issue declarations of delinquency and authorize the issuance of a warrant for the retaking of such person, as provided for in section two hundred seventy-four of this article;
  - 5. for the purpose of any investigation necessary in the performance of its duties, have the power to issue subpoenas, to compel the attendance of witnesses and the production of books, papers, and other documents pertinent to the subject of its inquiry. The minutes of all commission meetings must be recorded and such records shall be retained according to applicable standards;
- 6. have the power to authorize any members thereof to administer oaths 44 and take the testimony of persons under oath;
  - 7. notify, in writing, the initial sentencing court, the district attorney and defense counsel within five business days of receipt of an application for a local conditional release filed under this article and provide a fifteen day period for comment on such application. Comments submitted under this subdivision shall be provided to the commission and all parties;
  - 8. notify in writing the appropriate local probation department prior to release of a conditionally released person of such department's responsibilities to supervise such person;
- Such notice shall include the name and residence of the person, the 55 date of release, the conditions of release, and all necessary records 56 maintained on such person to aid the local probation department in the

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

- 9. have the power to transfer the legal custody of persons conditionally released in accordance with the provisions of section two hundred seventy-five of this article;
- 10. present an annual report to the county legislature, or in the case of the city of New York, to the city council, of its findings and actions on submitted applications.
- § 273. Conditional release; procedures for application and determinations. 1. Any inmate who is eligible for conditional release by a commission pursuant to subdivision two of section 70.40 of the penal law and who has served a minimum period of sixty days in a local correctional facility may apply for conditional release. Eligibility criteria shall be limited to inmates:
- (a) who have not been previously convicted and who do not stand 16 convicted of any crime which would make such inmate ineligible for receipt of merit time pursuant to section eight hundred three of this chapter, any crime pursuant to article two hundred thirty-five of penal law when the victim of such offense was under the age of eighteen at the time of the offense, or any crime which the commission determines constituted a crime of domestic violence;
  - (b) having jail records which make them eligible for a reduction of sentence under section eight hundred four of this chapter;
  - (c) having verified community ties in one of the following areas: employment, permanent residence and family.

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

- 2. The commission shall review and make a determination on each application within thirty days of receipt of such application. No determination granting or denying such application shall be valid unless made by a majority vote of at least three commission members present. No release shall be granted unless there is a reasonable probability that, if such inmate is released, he or she shall live and remain at liberty without violating the law, and that his or her release is not incompatible with the welfare of society and shall not so deprecate the seriousness of his or her crime as to undermine respect for law.
- 3. If conditional release is granted, the commission shall set the conditions for release of the person in accordance with rules and regulations promulgated by the division. Such person shall be given a copy of the conditions of release. Such conditions shall, where appropriate, include a requirement that the person comply with any restitution order previously imposed by a court of competent jurisdiction that applies to the person.
- 4. No person who has been granted conditional release shall be released until such person has served a minimum period of incarceration of ninety days, in accordance with subdivision two of section 70.40 of the penal law, and unless such person has agreed in writing to the conditions set by the commission. Such agreement shall state in plain, easily understandable language the consequences of a violation of one or more of the conditions of release.
- 5. Persons who have been granted conditional release by the commission established pursuant to this article shall, while on conditional release, be in the legal custody of the commission for a period of one year, or until returned to the custody of the local correctional facility located in the jurisdiction of the commission, as the case may be. The probation department located in the jurisdiction of the commission

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has the duty of supervising the person during the period of such conditional release. The commission shall impose a minimum of four supervision contacts per month while the person is on conditional release, unless the commission determines that fewer contacts are appropriate in any individual case.

- 6. If conditional release is not granted, the commission shall inform the person in writing of the factors and reasons for such denial of conditional release within fifteen days of the decision. Such reasons shall be given in detail and not in conclusory terms. Inmates denied conditional release are eligible to reapply sixty days after the date of the denial.
- § 274. Conditional release; procedures for violation, delinquency, 13 warrants and revocation. 1. If at any time during the period of conditional release, the commission, or any member thereof, has reasonable cause to believe that a person who has been conditionally released has lapsed into criminal ways or company, or has violated one or more conditions of conditional release, the commission or such member may declare such person delinquent and issue a written declaration of delinquency. Upon such declaration, such commission or such member may issue a warrant for the retaking and temporary detention of such person.
  - 2. A warrant issued pursuant to this section shall constitute sufficient authority to the chief administrative officer of any local correctional facility to whom it is delivered to hold in temporary detention the person named therein.
- 3. A warrant issued pursuant to this section may be executed by any 26 probation officer or any officer authorized to serve criminal process or any peace officer, who is acting pursuant to his or her special duties, or any police officer. Any such officer to whom such warrant shall be delivered is authorized and required to execute such warrant by taking such person and having him or her detained as provided for in this section.
  - 4. The alleged violator shall, within five days of the execution of the warrant, be given written notice of the time, place and purpose of the hearing. The notice shall state what conditions of conditional release are alleged to have been violated and in what manner and shall inform the alleged violator of his or her right to counsel as provided for in subdivision seven of this section.
  - 5. The alleged conditional release violator shall appear before the commission within twenty days of the execution of the warrant. At the time of such appearance the commission shall ask the alleged violator whether he or she wishes to make any statement with respect to the violation. If the alleged violator makes a statement, the commission may accept it and base a decision thereon. If the commission does not accept it, or if the alleged violator does not make a statement, the commission shall proceed with the hearing.
  - 6. The commission may receive any relevant evidence. The alleged violator may cross examine witnesses and may present evidence on his or her own behalf.
  - 7. The alleged violator is entitled to counsel at all stages of any proceeding under this section and the commission shall advise him or her of such right upon delivering to the alleged violator written notice, required pursuant to subdivision four of this section.
  - 8. At the conclusion of the hearing, the commission shall issue a finding. If the commission is not satisfied that there is a preponderance of evidence in support of the violation, the commission shall dismiss the violation, cancel delinquency and restore the person to

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- supervision. If the commission is satisfied that there is a preponderance of evidence that the alleged violator violated one or more conditions of conditional release in an important respect, the commission shall so find.
- 9. Upon a finding in support of the violation, the commission may revoke the conditional release, or continue or modify the conditions of such conditional release. Where the commission revokes a person's conditional release, such person shall be committed to the custody of the chief administrative officer of the local correctional facility to serve the time remaining on his or her sentence, in accordance with subdivision three of section 70.40 of the penal law. Where the commission modifies the conditions of the conditional release, the commission shall inform the person, in writing, of such modified conditions.
- 10. Any actions by the commission pursuant to this article shall be 15 deemed a judicial function and shall not be reviewable if done in accordance with law.
  - § 275. Transfer of custody and supervision of conditional releasee. 1. If a person who has been granted conditional release pursuant to this article resides or desires to reside in a place other than the one located within the jurisdiction of the commission which has legal custody of such person, such commission, or any member thereof, may designate any other commission established pursuant to this article, or the parole board, to assume custody of such person and may so transfer custody upon the consent of such other commission or the parole board.
- 2. Where custody of a person who has been granted conditional release 26 pursuant to this article is transferred pursuant to subdivision one of this section, upon designation and prior to transfer, the commission 28 making the designation shall notify the commission which has been designated to receive custody of such transfer or the parole board. The commission making the designation shall immediately forward its entire case record regarding such person to the receiving commission or the parole board. The commission to which legal custody has been transferred, or the parole board, shall assume the same powers and duties exercised by the designating commission and shall have the sole custody of such person.
  - 3. The commission making the designation shall, upon designation and prior to transfer, notify the local probation department located in the jurisdiction of the receiving commission of the duties of supervision and conditions of release of such person. Upon such notification, such probation department shall assume responsibilities of supervision. The commission making the designation shall immediately forward its entire case record regarding such person to such probation department.
  - § 276. Regulations and report. The division shall promulgate regulations in conformance with the provisions of this article which ensure that local conditional release commissions operate in accordance with the requirements provided in this article. The division shall report annually to the speaker of the assembly and to the temporary president of the senate concerning the operations of local conditional release commissions.
- 50 § 2. The executive law is amended by adding a new section 257-b to read as follows: 51
  - § 257-b. Conditional releasees; duties of supervision. 1. It shall be the duty of every probation officer to furnish each person who has been ordered to his or her supervision pursuant to subdivision two of section 70.40 of the penal law, with a statement of the conditions of release and to instruct such person with regard thereto; to keep informed

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

- 2. Probation officers shall report to the head of the local probation department who shall in turn report in writing to the local conditional release commission having custody of such person at least monthly concerning the conduct and condition of persons conditionally released pursuant to subdivision two of section 70.40 of the penal law; keep records of their work as probation officers; keep accurate and complete accounts of all money collected from such persons; give receipts therefor and make prompt returns thereof at least monthly; aid in securing employment; perform such other duties in connection with the supervision of such persons as may be required by rules and regulations promulgated by the division; and make any other reports to the division as it may require.
- 3. If at any time during the period of supervision, a probation officer has reasonable cause to believe a person conditionally released pursuant to subdivision two of section 70.40 of the penal law has lapsed into criminal ways or company, or has violated one or more conditions of his or her release, such probation officer shall report such fact to a member of the local conditional release commission having custody of such person.
- § 3. Subdivision 4 of section 259-a of the executive law, as separate-27 ly amended by chapter 635 of the laws of 1985 and chapter 1 of the laws of 1998, is amended to read as follows:
- 4. [The] In accordance with the provisions of this chapter, the divi-30 sion shall supervise [all] inmates released on parole or conditional release, or to post-release supervision, except that the division may 32 consent to the supervision of a released inmate by the United States 33 parole commission pursuant to the witness security act of nineteen hundred eighty-four.
- § 4. Subdivision 2 of section 70.40 of the penal law, as amended by 36 chapter 467 of the laws of 1979, is amended to read as follows:
- 2. Definite sentence. A person who is serving one or more than one definite sentence of imprisonment with a term or aggregate term in excess of ninety days, and is eligible for release according to the criteria set forth in paragraphs (a), (b) and (c) of subdivision one of section two hundred seventy-three of the correction law, may, if he she so requests, be conditionally released from the institution in which 43 he or she is confined at any time after service of sixty days of that term, exclusive of credits allowed under subdivisions four and six of section 70.30. In computing service of sixty days, the credit allowed 46 for jail time under subdivision three of section 70.30 shall be calculated as time served. Conditional release from such institution shall be in the discretion of the parole board, [and] or a local conditional release commission established pursuant to article twelve of the correction law, provided, however that where such release is by a local conditional release commission, the person must be serving a definite sentence with a term in excess of one hundred twenty days and may only be released after service of ninety days of such term. In computing 54 service of ninety days, the credit allowed for jail time under subdivision three of section 70.30 of this article shall be calculated as time 56 served. A conditional release granted under this subdivision shall be

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1 upon such conditions as may be imposed by [that] the parole board, in accordance with the provisions of the executive law, or a local conditional release commission in accordance with the provisions of the correction law.

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

- § 5. Paragraph (b) of subdivision 3 of section 70.40 of the penal law, 21 as separately amended by chapter 1 of the laws of 1998, is amended to read as follows:
- (b) When a person is alleged to have violated the terms of his condi-24 tional release or post-release supervision and has been declared delinquent by the parole board or the local conditional release commission 26 having supervision over [him] such person, the declaration of delinquen-27 cy shall interrupt the period of supervision or post-release supervision 28 as of the date of the delinquency. For a conditional release, such 29 interruption shall continue until the return of the person to the insti-30 tution from which he was released or, if he was released from an institution under the jurisdiction of the state department of [correction] 32 **correctional services**, to an institution under the jurisdiction of that 33 department. Upon such return, the person shall resume service of his 34 sentence. For a person released to post-release supervision, the 35 provisions of section 70.45 shall apply.
- § 6. This act shall take effect immediately.

37 PART TT

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

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

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of a new [trial] court appearance date by registered or certified mail, return receipt requested, and [he] fails to appear.

§ 2. This act shall take effect immediately.

4 PART UU

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

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

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

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

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

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

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

appropriation of no less than two hundred thousand dollars, the commissioner, after consultation with the chairman of the division of parole, the commissioner of the department of health, and the commissioner of the office of temporary and disability assistance, shall establish a pilot program at a designated correctional facility for the purpose of filing applications for enrollment in the medical assistance program established under title eleven of article five of the social services law for eligible inmates prior to their release to the community; provided, however, that the commissioner shall not establish such pilot program at the Orleans correctional facility. For purposes of this pilot program, eligible inmates shall not include any inmates who were receiving such medical assistance immediately prior to their commitment to the department and whose medical assistance was thereafter suspended pursuant to the provisions of subdivision one-a of section three hundred sixty-six of the social services law.

- 2. In determining the facility where the pilot program shall be established, the commissioner shall give due consideration to the following factors, which shall include, but not be limited to: (i) the degree to which pre-release services and re-entry services are either already available at such facility or can be made readily available at such facility; (ii) the proximity of the facility to the communities to which the eligible inmates will be released; (iii) the availability of community linkages which would facilitate the preparation and submission of such medical assistance applications for eligible inmates; and (iv) the recommendations of the commissioner of the office of temporary and disa-26 bility assistance, the commissioner of the department of health and the chairman of the division of parole.
  - 3. The commissioner may use the appropriation for this pilot program to establish one or more department positions to perform any responsibilities which may arise in connection with the preparation and submission of such medical assistance applications. The commissioner may also use the appropriation to enter into any contract with one or more outside individuals or entities to provide any services that may be needed in connection with this pilot program. Further, all or a portion of the funds appropriated for the pilot program may be transferred to another state agency in order to establish positions to perform any responsibilities which may be necessary to operate the pilot program.
  - 4. Applications for medical assistance shall be submitted to the statewide enrollment center established by contract with the department of health pursuant to subdivision twenty-four of section two hundred six of the public health law in sufficient time before the anticipated release, conditional release or discharge of the eligible inmate to permit the enrollment center to process the application prior to such inmate's release from the custody; provided, however, that where the eligible inmate will be released to the same county where the pilot program is established, the application for medical assistance may be filed with the local county department of social services.
  - 5. Upon receipt of an application filed pursuant to this section, the centralized statewide enrollment center shall determine the eligibility of such inmate for enrollment in the medical assistance program established under title eleven of article five of the social services law. Such determination shall be based on whether the inmate, except for his or her status as an inmate, would be eligible to receive medical assistance. Notwithstanding any inconsistent provision of law, enrollment in the medical assistance program shall be effective on the date an eligible inmate is released, conditionally released or discharged from custo-

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

- 6. After the pilot program becomes operational, the commissioner shall periodically monitor all indicators related to the preparation and processing of inmate applications which shall include, but not be limited to: (i) the degree to which all of the requisite information for an application can be obtained while the inmate is incarcerated by the department; (ii) the average processing times to prepare and complete applications; (iii) the most effective manner for the transmittal of a completed application for an eligibility determination; (iv) the average amount of time required before an eligibility determination can be completed and the necessary medical assistance eligibility card is provided to the eligible individual; and (v) the identification of issues and factors which may prevent, impede, or delay the preparation and submission of applications, which could be ameliorated by modifications to existing laws, rules and regulations, or policies and procedures.
- 7. After the pilot program has been operational for a period of twelve months, or sooner if determined to be appropriate by the commissioner, a report shall be prepared by the commissioner and submitted to the governor, the temporary president of the senate and the speaker of the assem-26 bly on the factors listed in subdivision six of this section. report shall also include any recommendations for additional legislative enactments that may be needed, or new appropriations that may be required, to improve, enhance and subsequently expand the program to other correctional facilities as determined to be appropriate by the commissioner, with the ultimate goal to assist as many inmates as feasible to submit applications for medical assistance prior to their release to the community.
- 8. The division of parole shall assist the department in any manner 35 necessary to assure that the purposes and objective of this section are effectively accomplished.
  - 9. The commissioner and the commissioner of the department of health may promulgate rules and regulations necessary for the uniform and timely preparation, submission, acceptance and processing of applications by eligible inmates prior to their release from custody.
- § 3. This act shall take effect immediately, provided however that the 42 provisions of section two of this act shall be implemented upon the 43 certification by the commissioner of the department of health that the 44 centralized statewide enrollment center, established through contract with the department of health pursuant to subdivision 24 of section 206 46 of the public health law, is able to accept and process medical assistance applications. This act shall remain in effect until April 1, 2012, when it shall expire and be deemed repealed.

49 PART VV

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

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- § 679-e. New York state district attorney and indigent legal services attorney loan forgiveness program. 1. Purpose. The president shall grant student loan forgiveness awards for the purpose of increasing the number of experienced attorneys serving in the position of district attorney or indigent legal services attorney in the counties of the state.
- 2. Definitions. a. (i) "Eligible attorney" means an attorney, admitted to practice law in New York state, who is employed full-time as either a district attorney, as defined in subparagraph (ii) of this paragraph, or an indigent legal services attorney, as defined in subparagraph (iii) of this paragraph, who is [employed full time as a district attorney; and who holds a degree from a law school] admitted to practice law in this state for not more than eleven years and who was within the eligible 14 period as defined in paragraph b of this subdivision during the time for which such person is seeking a student loan expense grant.
- (ii) "District attorney" means the district attorney of one of the 17 counties of the state or an employee of the office of any such district attorney.
  - (iii) "Indigent legal services attorney" means an attorney who is an employee of (A) any agency designated by subdivisions one and two of section seven hundred twenty-two of the county law, who is engaged in the practice of criminal law on behalf of persons charged with a crime who are financially unable to obtain counsel; (B) a not-for-profit corporation that is exempt from the payment of federal income taxes pursuant to section 501(c)(3) of the internal revenue code and established for the purpose of providing legal services that include civil legal services to persons within New York state who are financially unable to obtain counsel; or (C) an agency specified in clause (A) of this subparagraph and/or a corporation specified in clause (B) of this subparagraph and who provides a combination of the civil and criminal services specified therein.
- b. "Eligible period" means the six-year period after completion of the 33 third year and before the commencement of the tenth year of employment as [a district] an eligible attorney. For purposes of this section, all periods of time during which an admitted attorney was employed as [a district] an eligible attorney and all periods of time during which a law school graduate awaiting admission to the New York state bar was employed by a prosecuting or criminal defense agency as permitted by section four hundred eighty-four of the judiciary law shall be combined.
- "Student loan expense" means the total loan balance required to be 41 paid by the eligible attorney on the cumulative total of the attorney's 42 outstanding student loans covering his or her cost of attendance at an 43 undergraduate institution and/or law school, at the time of the attorney's first application for reimbursement. Interest paid or due on such loans shall be considered eligible for reimbursement under this program. 46 For purposes of this calculation, the amount of the student loan expenses shall be reduced by any grants, loan forgiveness, or similar 48 reductions to the attorney's indebtedness that the attorney has received or shall receive, including, but not limited to, law school loan 50 forgiveness and public service scholarships.
- d. "Year of qualified service" means the twelve month period measured 52 from the anniversary of the attorney's employment as an eligible attor-53 ney, or as a law school graduate awaiting admission to the New York 54 state bar employed by a prosecuting or criminal defense agency as 55 permitted by section four hundred eighty-four of the judiciary law, 56 adjusted for any interruption in employment. Any period of temporary

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leave from service taken by an eligible attorney shall not be considered in the calculation of qualified service. However, the period of temporary leave shall be considered an interruption in employment and the calculation of the time period of qualified service shall recommence when the eligible attorney returns to full time service.

- 3. Awards. a. An eligible attorney may apply for reimbursement after the completion of each year of qualified service provided however that reimbursement to each eligible attorney shall not exceed three thousand four hundred dollars, per qualifying year, subject to appropriations available therefor. The president may establish: (i) an application deadline and (ii) a method of selecting recipients if in any given year there are insufficient funds to cover the needs of all the applicants. Awards shall be within the amounts appropriated for such purpose and based on availability of funds.
- b. An eligible attorney may apply after the completion of the fourth year of qualified service, and annually thereafter after the completion of the fifth through ninth year of qualified service, and may seek a student loan expense grant for only the previous year of qualified service within the time periods prescribed by the president. An eligible attorney may receive student loan expense grants for no more than six years of qualified service within an eligible period.
- 4. Rules and regulations. The president shall promulgate rules and regulations for the administration of this program. The president may promulgate rules and regulations to delegate to the entities employing the eligible attorneys the responsibility to certify the employment status and the student loan balance of the applicants.
  - § 2. This act shall take effect immediately.

28 PART WW

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

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

§ 2. This act shall take effect immediately.

37 PART XX

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

\$ 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30, [2009] 2010 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

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

SENATORS SERVING IN SPECIAL CAPACITY

Chairman of senate finance committee

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

|                | S. 56B                                       | 110   | А. 156В     |
|----------------|--|---|-------------|
| 1<br>2         |  | ee  | 15,000      |
| 3<br>4         | Chairman of senate t                         | missions committee ransportation committee  |             |
| 5<br>6<br>7    | committee                                    | ber of senate transportation griculture committee   |             |
| 8              | Ranking minority mem                         | ber of senate agriculture   | ·           |
| 10<br>11       | Chairman of senate of Ranking minority mem   | onsumer protection committee ber of senate consumer protection  | 12,500      |
| 12             | Chairman of senate c                         | ities committee   | 15,000      |
| 14<br>15<br>16 | Chairman of senate of                        | ber of senate cities committee ivil service and pensions  |             |
| 17<br>18       | Ranking minority mem pensions committee      | ber of senate civil service and   |             |
| 19<br>20<br>21 | and small business                           | commerce, economic development committee  | 12,500      |
| 22 23          | economic developmen<br>Chairman of senate e  | t and small business committee  |             |
| 24<br>25       | Ranking minority mem                         | ber of senate environmental   |             |
| 26<br>27<br>28 | Chairman of senate o                         | tee rime victims, crime and correction  |             |
| 29<br>30       | Ranking minority mem crime and correction    | ber of senate crime victims, n committee  | 9,000       |
| 31<br>32<br>33 | Ranking minority mem                         | lections committeeber of senate elections   |             |
| 34<br>35       | Chairman of senate h<br>Ranking minority mem | igher education committee   | 12,500      |
| 36<br>37<br>38 | Chairman of senate h                         | ousing, construction and community deve   | lopment     |
| 39<br>40       | Ranking minority mem                         | ber of senate housing, construction and committee   |             |
| 41<br>42       | cultural affairs, t                          | tourism, recreation and sports developm courism, parks and recreation committee   | 12,500      |
| 43<br>44<br>45 | development] cultur                          | ber of senate [tourism, recreation and al affairs, tourism, parks and recreati  | on          |
| 46<br>47       | Chairman of senate v affairs committee .     | eterans, homeland security and military   | 12,500      |
| 48<br>49<br>50 | and military affair                          | ber of senate veterans, homeland securi s committee   | 9,000       |
| 51<br>52<br>53 | law entitled "ASSEMB                         | n of subdivision 1 of section 5-a of th<br>LYMEN SERVING IN SPECIAL CAPACITY",<br>aws of 1998, is amended to read as foll | as added by |
| 54             | ASS  | EMBLYMEN SERVING IN SPECIAL CAPACITY  |             |

| 24       | commerce and industry committee18,000                            |
|----------|--|
| 25       | Ranking minority member of assembly economic development,        |
| 26       | job creation, commerce and industry committee 11,000             |
| 27       | Chairman of assembly environmental conservation committee 12,500 |
| 28       | Ranking minority member of assembly environmental                |
| 29       | conservation committee 9,000                                     |
| 30       | Chairman of assembly corporations, authorities                   |
| 31       | and commissions committee 15,000                                 |
| 32       | Ranking minority member of assembly corporations,                |
| 33       | authorities, and commissions committee 9,500                     |
| 34       | Chairman of assembly correction committee 12,500                 |
| 35       | Ranking minority member of assembly correction committee 9,000   |
| 36       | Chairman of assembly ethics and guidance committee 12,500        |
| 37       | Ranking minority member of assembly ethics and guidance          |
| 38       | committee 9,000  |
| 39       | Chairman of assembly governmental employees committee 12,500     |
| 40       | Ranking minority member of assembly governmental                 |
| 41       | employees committee 9,000  |
| 42       | Chairman of assembly governmental operations committee 12,500    |
| 43       | Ranking minority member of assembly governmental                 |
| 44       | operations committee   |
| 45       | Chairman of assembly housing committee                           |
| 46       | Ranking minority member of assembly housing committee 9,000      |
| 47       | Chairman of assembly insurance committee                         |
| 48       | Ranking minority member of assembly insurance committee 9,000    |
| 49       | Chairman of assembly labor committee                             |
| 50       | Ranking minority member of assembly labor committee 9,000        |
| 51       | Chairman of assembly racing and wagering committee               |
| 52<br>53 | Ranking minority member of assembly racing and wagering          |
| 54       | committee  |
| 55       | Ranking minority member of assembly social services              |
| 55       | ranking minority member of assembly social services              |
|          |  |
|          |  |
|          |  |
|          | N N C C  |

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

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

55 and after June 30, 2009.

PART YY 1

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

§ 2. This act shall take effect immediately. 19

20 PART ZZ

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

§ 2. This act shall take effect immediately.

39 PART AAA

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

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

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

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

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

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

- § 3. The criminal procedure law is amended by adding a new section 160.58 to read as follows:
- 9 § 160.58 Conditional sealing of certain controlled substance, marihuana 10 or specified offense convictions.
  - 1. A defendant convicted of any offense defined in article two hundred twenty or two hundred twenty-one of the penal law or a specified offense defined in subdivision five of section 410.91 of this chapter who has successfully completed a judicial diversion program under article two hundred sixteen of this chapter, or one of the programs heretofore known as drug treatment alternative to prison or another judicially sanctioned drug treatment program of similar duration, requirements and level of supervision, and has completed the sentence imposed for the offense offenses, is eligible to have such offense or offenses sealed pursuant to this section.
- 2. The court that sentenced the defendant to a judicially sanctioned 22 drug treatment program may on its own motion, or on the defendant's motion, order that all official records and papers relating to the arrest, prosecution and conviction which resulted in the defendant's participation in the judicially sanctioned drug treatment program be 26 conditionally sealed. In such case, the court may also conditionally seal the arrest, prosecution and conviction records for no more than three of the defendant's prior eligible misdemeanors, which for purposes of this subdivision shall be limited to misdemeanor offenses defined in article two hundred twenty or two hundred twenty-one of the penal law. The court may only seal the records of the defendant's arrests, prosecutions and convictions when:
  - (a) the sentencing court has requested and received from the division of criminal justice services or the Federal Bureau of Investigation a fingerprint based criminal history record of the defendant, including any sealed or suppressed information. The division of criminal justice services shall also include a criminal history report, if any, from the Federal Bureau of Investigation regarding any criminal history information that occurred in other jurisdictions. The division is hereby authorized to receive such information from the Federal Bureau of Investigation for this purpose. The parties shall be permitted to examine these records;
  - (b) the defendant or court has identified the misdemeanor conviction or convictions for which relief may be granted;
  - (c) the court has received documentation that the sentences imposed on the eligible misdemeanor convictions have been completed, or if no such documentation is reasonably available, a sworn affidavit that the sentences imposed on the prior misdemeanors have been completed; and
- (d) the court has notified the district attorney of each jurisdiction in which the defendant has been convicted of an offense with respect to which sealing is sought, and the court or courts of record for such offenses, that the court is considering sealing the records of the defendant's eligible misdemeanor convictions. Both the district attorney and the court shall be given a reasonable opportunity, which shall not 55 be less than thirty days, in which to comment and submit materials to aid the court in making such a determination.

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- 3. At the request of the defendant or the district attorney of a county in which the defendant committed a crime that is the subject of the sealing application, the court may conduct a hearing to consider and review any relevant evidence offered by either party that would aid the court in its decision whether to seal the records of the defendant's arrests, prosecutions and convictions. In making such a determination, the court shall consider any relevant factors, including but not limited to: (i) the circumstances and seriousness of the offense or offenses that resulted in the conviction or convictions; (ii) the character of the defendant, including his or her completion of the judicially sanctioned treatment program as described in subdivision one of this section; (iii) the defendant's criminal history; and (iv) the impact of sealing the defendant's records upon his or her rehabilitation and his or her successful and productive reentry and reintegration into society, 15 and on public safety.
- 4. When a court orders sealing pursuant to this section, all official records and papers relating to the arrests, prosecutions, and convictions, including all duplicates and copies thereof, on file with the division of criminal justice services or any court shall be sealed 20 and not made available to any person or public or private agency; 21 provided, however, the division shall retain any fingerprints, palmprints and photographs, or digital images of the same.
  - 5. When the court orders sealing pursuant to this section, the clerk of such court shall immediately notify the commissioner of the division of criminal justice services, and any court that sentenced the defendant for an offense which has been conditionally sealed, regarding the records that shall be sealed pursuant to this section.
  - 6. Records sealed pursuant to this subdivision shall be made available to:
    - (a) the defendant or the defendant's designated agent;
  - (b) qualified agencies, as defined in subdivision nine of section eight hundred thirty-five of the executive law, and federal and state law enforcement agencies, when acting within the scope of their law enforcement duties; or
  - (c) any state or local officer or agency with responsibility for the issuance of licenses to possess guns, when the person has made application for such a license; or
- (d) any prospective employer of a police officer or peace officer as those terms are defined in subdivisions thirty-three and thirty-four of section 1.20 of this chapter, in relation to an application for employ-41 ment as a police officer or peace officer; provided, however, that every person who is an applicant for the position of police officer or peace officer shall be furnished with a copy of all records obtained under this paragraph and afforded an opportunity to make an explanation thereto.
  - 7. The court shall not seal the defendant's record pursuant to this section while any charged offense is pending.
- 8. If, subsequent to the sealing of records pursuant to this subdivision, the person who is the subject of such records is arrested for or formally charged with any misdemeanor or felony offense, such records shall be unsealed immediately and remain unsealed; provided, however, that if such new misdemeanor or felony arrest results in a termination in favor of the accused as defined in subdivision three of section 160.50 of this article or by conviction for a non criminal offense as described in section 160.55 of this article, such unsealed records shall be conditionally sealed pursuant to this section.

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

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## ARTICLE 216

## JUDICIAL DIVERSION PROGRAM FOR CERTAIN FELONY OFFENDERS

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Section 216.00 Definitions.

216.05 Judicial diversion program; court procedures.

§ 216.00 Definitions.

The following definitions are applicable to this article:

- 1. "Eligible defendant" means any person who stands charged in an indictment or a superior court information with a class B, C, D or E felony offense defined in article two hundred twenty or two hundred twenty-one of the penal law or any other specified offense as defined in subdivision four of section 410.91 of this chapter, provided, however, a defendant is not an "eligible defendant" if he or she:
- (a) within the preceding ten years, excluding any time during which the offender was incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony, has previously been convicted of: (i) a violent felony offense as defined in section 70.02 of the penal law or (ii) any other offense for which a merit time allowance is not available pursuant to subparagraph (ii) of paragraph (d) of subdivision one of section eight hundred three of the correction law, or (iii) a class A felony offense defined in article two hundred twenty of the penal law; or
- (b) has previously been adjudicated a second violent felony offender 26 pursuant to section 70.04 of the penal law or a persistent violent felony offender pursuant to section 70.08 of the penal law.
- A defendant who also stands charged with a violent felony offense as 29 defined in section 70.02 of the penal law or an offense for which merit time allowance is not available pursuant to subparagraph (ii) of paragraph (d) of subdivision one of section eight hundred three of the correction law for which the court must, upon the defendant's conviction thereof, sentence the defendant to incarceration in state prison is not an eligible defendant while such charges are pending. A defendant who is excluded from the judicial diversion program pursuant to this paragraph or paragraph (a) or (b) of this subdivision may become an eligible defendant upon the prosecutor's consent.
  - 2. "Alcohol and substance abuse evaluation" means a written assessment and report by a court-approved entity or licensed health care professional experienced in the treatment of alcohol and substance abuse, or by an addiction and substance abuse counselor credentialed by the office of alcoholism and substance abuse services pursuant to section 19.07 of the mental hygiene law, which shall include:
  - (a) an evaluation as to whether the defendant has a history of alcohol or substance abuse or alcohol or substance dependence, as such terms are defined in the diagnostic and statistical manual of mental disorders, fourth edition, and a co-occurring mental disorder or mental illness and the relationship between such abuse or dependence and mental disorder or mental illness, if any;
  - (b) a recommendation as to whether the defendant's alcohol or substance abuse or dependence, if any, could be effectively addressed by judicial diversion in accordance with this article;
- (c) a recommendation as to the treatment modality, level of care and 54 length of any proposed treatment to effectively address the defendant's alcohol or substance abuse or dependence and any co-occurring mental 56 disorder or illness; and

- (d) any other information, factor, circumstance, or recommendation deemed relevant by the assessing entity or specifically requested by the
- § 216.05 Judicial diversion program; court procedures.
- 1. At any time after the arraignment of an eligible defendant, but prior to the entry of a plea of guilty or the commencement of trial, the court at the request of the eligible defendant, may order an alcohol and substance abuse evaluation. An eligible defendant may decline to participate in such an evaluation at any time. The defendant shall provide a written authorization, in compliance with the requirements of any applicable state or federal laws, rules or regulations authorizing disclosure of the results of the assessment to the defendant's attorney, the prosecutor, the local probation department, the court, authorized court 14 personnel and other individuals specified in such authorization for the sole purpose of determining whether the defendant should be offered 16 judicial diversion for treatment for substance abuse or dependence, alcohol abuse or dependence and any co-occurring mental disorder or mental illness.
- 2. Upon receipt of the completed alcohol and substance abuse evalu-20 ation report, the court shall provide a copy of the report to the eligi-21 ble defendant and the prosecutor.
  - 3. (a) Upon receipt of the evaluation report either party may request a hearing on the issue of whether the eligible defendant should be offered alcohol or substance abuse treatment pursuant to this article. At such a proceeding, which shall be held as soon as practicable so as to facilitate early intervention in the event that the defendant is found to need alcohol or substance abuse treatment, the court may consider oral and written arguments, may take testimony from witnesses offered by either party, and may consider any relevant evidence including, but not limited to, evidence that:
  - (i) the defendant had within the preceding ten years (excluding any time during which the offender was incarcerated for any reason between the time of the acts that led to the youthful offender adjudication and the time of commission of the present offense) been adjudicated a youthful offender for: (A) a violent felony offense as defined in section 70.02 of the penal law; or (B) any offense for which a merit time allowance is not available pursuant to subparagraph (ii) of paragraph (d) of subdivision one of section eight hundred three of the correction law; and
  - (ii) in the case of a felony offense defined in subdivision four of section 410.91 of this chapter, any statement of or submitted by the victim, as defined in paragraph (a) of subdivision two of section 380.50 of this chapter.
  - (b) Upon completion of such a proceeding, the court shall consider and make findings of fact with respect to whether:
  - (i) the defendant is an eligible defendant as defined in subdivision one of section 216.00 of this article;
  - (ii) the defendant has a history of alcohol or substance abuse or dependence;
  - (iii) such alcohol or substance abuse or dependence is a contributing factor to the defendant's criminal behavior;
  - (iv) the defendant's participation in judicial diversion could effectively address such abuse or dependence; and
  - (v) institutional confinement of the defendant is or may not be necessary for the protection of the public.

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- 4. When an authorized court determines, pursuant to paragraph (b) of subdivision three of this section, that an eligible defendant should be offered alcohol or substance abuse treatment, or when the parties and the court agree to an eligible defendant's participation in alcohol or substance abuse treatment, an eligible defendant may be allowed to participate in the judicial diversion program offered by this article. Prior to the court's issuing an order granting judicial diversion, the eligible defendant shall be required to enter a plea of guilty to the charge or charges; provided, however, that no such guilty plea shall be required when:
- (a) the people and the court consent to the entry of such an order without a plea of guilty; or
- (b) based on a finding of exceptional circumstances, the court deter-14 mines that a plea of guilty shall not be required. For purposes of this subdivision, exceptional circumstances exist when, regardless of the ultimate disposition of the case, the entry of a plea of guilty is likely to result in severe collateral consequences.
  - 5. The defendant shall agree on the record or in writing to abide by the release conditions set by the court, which, shall include: participation in a specified period of alcohol or substance abuse treatment at a specified program or programs identified by the court, which may include periods of detoxification, residential or outpatient treatment, or both, as determined after taking into account the views of the health care professional who conducted the alcohol and substance abuse evaluation and any health care professionals responsible for providing such treatment or monitoring the defendant's progress in such treatment; and may include: (i) periodic court appearances, which may include periodic urinalysis; (ii) a requirement that the defendant refrain from engaging in criminal behaviors.
  - 6. Upon an eligible defendant's agreement to abide by the conditions set by the court, the court shall issue a securing order providing for bail or release on the defendant's own recognizance and conditioning any release upon the agreed upon conditions. The period of alcohol or substance abuse treatment shall begin as specified by the court and as soon as practicable after the defendant's release, taking into account the availability of treatment, so as to facilitate early intervention with respect to the defendant's abuse or condition and the effectiveness of the treatment program. In the event that a treatment program is not immediately available or becomes unavailable during the course of the defendant's participation in the judicial diversion program, the court may release the defendant pursuant to the securing order.
- 7. When participating in judicial diversion treatment pursuant to this 43 article, any resident of this state who is covered under a private health insurance policy or contract issued for delivery in this state pursuant to article thirty-two, forty-three or forty-seven of the insurance law or article forty-four of the public health law, or who is covered by a self-funded plan which provides coverage for the diagnosis and treatment of chemical abuse and chemical dependence however defined in such policy; shall first seek reimbursement for such treatment in accordance with the provisions of such policy or contract.
- 8. During the period of a defendant's participation in the judicial diversion program, the court shall retain jurisdiction of the defendant. The court may require the defendant to appear in court at any time to enable the court to monitor the defendant's progress in alcohol or substance abuse treatment. The court shall provide notice, reasonable 56 under the circumstances, to the people, the treatment provider, the

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

- 9. (a) If at any time during the defendant's participation in the judicial diversion program, the court has reasonable grounds to believe that the defendant has violated a release condition or has failed to appear before the court as requested, the court shall direct the defendant to appear or issue a bench warrant to a police officer or an appropriate peace officer directing him or her to take the defendant into custody and bring the defendant before the court without unnecessary delay. The provisions of subdivision one of section 530.60 of this chapter relating to revocation of recognizance or bail shall apply to such proceedings under this subdivision.
- (b) In determining whether a defendant violated a condition of his or 16 her release under the judicial diversion program, the court may conduct a summary hearing consistent with due process and sufficient to satisfy the court that the defendant has, in fact, violated the condition.
- (c) If the court determines that the defendant has violated a condition of his or her release under the judicial diversion program, the court may modify the conditions thereof, reconsider the order of recognizance or bail pursuant to subdivision two of section 510.30 of this chapter, or terminate the defendant's participation in the judicial diversion program; and when applicable proceed with the defendant's sentencing in accordance with the agreement. Notwithstanding any provision of law to the contrary, the court may impose any sentence authorized for the crime of conviction in accordance with the plea agreement, or any lesser sentence authorized to be imposed on a felony drug offender pursuant to paragraph (b) or (c) of subdivision two of section 70.70 of the penal law taking into account the length of time the defendant spent in residential treatment and how best to continue treatment while the defendant is serving that sentence. In determining what action to take for a violation of a release condition, the court shall consider all relevant circumstances, including the views of the 35 prosecutor, the defense and the alcohol or substance abuse treatment provider, and the extent to which persons who ultimately successfully complete a drug treatment regimen sometimes relapse by not abstaining from alcohol or substance abuse or by failing to comply fully with all requirements imposed by a treatment program. The court shall also consider using a system of graduated and appropriate responses or sanctions designed to address such inappropriate behaviors, protect public safety and facilitate, where possible, successful completion of the alcohol or substance abuse treatment program.
  - (d) Nothing in this subdivision shall be construed as preventing a court from terminating a defendant's participation in the judicial diversion program for violating a release condition when such a termination is necessary to preserve public safety. Nor shall anything in this subdivision be construed as precluding the prosecution of a defendant for the commission of a different offense while participating in the judicial diversion program.
  - (e) A defendant may at any time advise the court that he or she wishes to terminate participation in the judicial diversion program, at which time the court shall proceed with the case and, where applicable, shall impose sentence in accordance with the plea agreement. Notwithstanding any provision of law to the contrary, the court may impose any sentence authorized for the crime of conviction in accordance with the plea

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

- 10. Upon the court's determination that the defendant has successfully completed the required period of alcohol or substance abuse treatment and has otherwise satisfied the conditions required for successful completion of the judicial diversion program, the court shall comply with the terms and conditions it set for final disposition when it accepted the defendant's agreement to participate in the judicial diversion program. Such disposition may include, but is not limited to: (a) requiring the defendant to undergo a period of interim probation supervision and, upon the defendant's successful completion of the interim 15 probation supervision term, notwithstanding the provision of any other law, permitting the defendant to withdraw his or her guilty plea and dismissing the indictment; or (b) requiring the defendant to undergo a 18 period of interim probation supervision and, upon successful completion of the interim probation supervision term, notwithstanding the provision of any other law, permitting the defendant to withdraw his or her guilty plea, enter a guilty plea to a misdemeanor offense and sentencing the defendant as promised in the plea agreement, which may include a period of probation supervision pursuant to section 65.00 of the penal law; or (c) allowing the defendant to withdraw his or her guilty plea and dismissing the indictment.
- 11. Nothing in this article shall be construed as restricting or 27 prohibiting courts or district attorneys from using other lawful procedures or models for placing appropriate persons into alcohol or substance abuse treatment.
- § 5. Subdivision 6 of section 390.30 of the criminal procedure law, as 31 amended by chapter 216 of the laws of 1999, is amended to read as follows:
- 6. Interim probation supervision. In any case where the court deter-34 mines that a defendant is eligible for a sentence of probation, the court, after consultation with the prosecutor and upon the consent of the defendant, may adjourn the sentencing to a specified date and order that the defendant be placed on interim probation supervision. In no event may the sentencing be adjourned for a period exceeding one year from the date the conviction is entered, except that upon good cause shown, the court may, upon the defendant's consent, extend the period for an additional one year where the defendant has agreed to and is still participating in a substance abuse treatment program in connection 43 with a court designated a drug court by the chief administrator of the courts. When ordering that the defendant be placed on interim probation supervision, the court shall impose all of the conditions relating to 46 supervision specified in subdivision three of section 65.10 of the penal 47 law and may impose any or all of the conditions relating to conduct and 48 rehabilitation specified in subdivisions two, four and five of section 65.10 of such law; provided, however, that the defendant must receive a 50 written copy of any such conditions at the time he or she is placed on 51 interim probation supervision. The defendant's record of compliance with 52 such conditions, as well as any other relevant information, shall be 53 included in the presentence report, or updated presentence report, 54 prepared pursuant to this section, and the court must consider such 55 record and information when pronouncing sentence.

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- § 6. Subdivision 2 of section 410.91 of the criminal procedure law, as added by chapter 3 of the laws of 1995, is amended to read as follows:
- 2. A defendant is an "eligible defendant" for purposes of a sentence 4 of parole supervision when such defendant is a [second] felony offender convicted of a specified offense or offenses as defined in subdivision five of this section, who stands convicted of no other felony offense, who has not previously been convicted of either a violent felony offense as defined in section 70.02 of the penal law, a class A felony offense or a class B felony offense other than a class B felony offense defined in article two hundred twenty of the penal law, and is not subject to an undischarged term of imprisonment.
- $\S$  7. Subdivision 4 of section 410.91 of the criminal procedure law is 13 REPEALED.
- § 8. Subdivision 5 of section 410.91 of the criminal procedure law, as 15 added by chapter 3 of the laws of 1995, is amended to read as follows:
- 5. For the purposes of this section, a "specified offense" is an offense defined by any of the following provisions of the penal law: 18 burglary in the third degree as defined in section 140.20, criminal 19 mischief in the third degree as defined in section 145.05, criminal 20 mischief in the second degree as defined in section 145.10, grand larce-21 ny in the fourth degree as defined in subdivision one, two, three, four, 22 five, six, eight, nine or ten of section 155.30, grand larceny in the 23 third degree as defined in section 155.35 (except where the property consists of one or more firearms, rifles or shotguns), unauthorized use 25 of a vehicle in the second degree as defined in section 165.06, criminal 26 possession of stolen property in the fourth degree as defined in subdi-27 vision one, two, three, five or six of section 165.45, criminal 28 possession of stolen property in the third degree as defined in section 29 165.50 (except where the property consists of one or more firearms, 30 rifles or shotguns), forgery in the second degree as defined in section 31 170.10, criminal possession of a forged instrument in the second degree 32 as defined in section 170.25, unlawfully using slugs in the first degree 33 as defined in section 170.60, or an attempt to commit any of the afore-34 mentioned offenses if such attempt constitutes a felony offense; or a class B felony offense defined in article two hundred twenty where a sentence is imposed pursuant to paragraph (a) of subdivision two of section 70.70 of the penal law; or any class C, class D or class E controlled substance or marihuana felony offense as defined in article two hundred twenty or two hundred twenty-one.
  - § 9. The criminal procedure law is amended by adding a new section 440.46 to read as follows:
    - $\S$  440.46 Motion for resentence; certain controlled substance offenders.
    - 1. Any person in the custody of the department of correctional services convicted of a class B felony offense defined in article two hundred twenty of the penal law which was committed prior to January thirteenth, two thousand five, who is serving an indeterminate sentence with a maximum term of more than three years, may, except as provided in subdivision five of this section, upon notice to the appropriate district attorney, apply to be resentenced to a determinate sentence in accordance with sections 60.04 and 70.70 of the penal law in the court which imposed the sentence.
    - 2. As part of any such application, the defendant may also move to be resentenced to a determinate sentence in accordance with section 70.70 of the penal law for any one or more class C, D, or E felony offenses defined in article two hundred twenty or two hundred twenty-one of the penal law, the sentence or sentences for which were imposed by the

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

- 3. The provisions of section twenty-three of chapter seven hundred thirty-eight of the laws of two thousand four shall govern the proceedings on and determination of a motion brought pursuant to this section; provided, however that the court's consideration of the institutional record of confinement of such person shall include but not be limited to such person's participation in or willingness to participate in treatment or other programming while incarcerated and such person's disciplinary history. The fact that a person may have been unable to participate in treatment or other programming while incarcerated despite such person's willingness to do so shall not be considered a negative factor in determining a motion pursuant to this section.
- 4. Subdivision one of section seven hundred seventeen and subdivision four of section seven hundred twenty-two of the county law, and the related provisions of article eighteen-A of such law, shall apply to the preparation of and proceedings on motions pursuant to this section, including any appeals.
- 5. The provisions of this section shall not apply to any person who is 20 serving a sentence on a conviction for or has a predicate felony conviction for an exclusion offense. For purposes of this subdivision, an "exclusion offense" is:
  - (a) a crime for which the person was previously convicted within the preceding ten years, excluding any time during which the offender was incarcerated for any reason between the time of commission of the previous felony and the time of commission of the present felony, which was: (i) a violent felony offense as defined in section 70.02 of the penal law; or (ii) any other offense for which a merit time allowance is not available pursuant to subparagraph (ii) of paragraph (d) of subdivision one of section eight hundred three of the correction law; or
  - (b) a second violent felony offense pursuant to section 70.04 of the penal law or a persistent violent felony offense pursuant to section 70.08 of the penal law for which the person has previously been adjudicated.
- § 10. Subdivision 1 of section 450.90 of the criminal procedure law, 36 as amended by chapter 498 of the laws of 2002, is amended to read as follows:
- 1. Provided that a certificate granting leave to appeal is issued pursuant to section 460.20, an appeal may, except as provided in subdi-40 vision two, be taken to the court of appeals by either the defendant or 41 the people from any adverse or partially adverse order of an intermedi-42 ate appellate court entered upon an appeal taken to such intermediate 43 appellate court pursuant to section 450.10, 450.15, or 450.20, or from an order granting or denying a motion to set aside an order of an intermediate appellate court on the ground of ineffective assistance or 46 wrongful deprivation of appellate counsel, or by either the defendant or the people from any adverse or partially adverse order of an intermedi-48 ate appellate court entered upon an appeal taken to such intermediate appellate court from an order entered pursuant to section 440.46 of this 50 chapter. An order of an intermediate appellate court is adverse to the party who was the appellant in such court when it affirms the judgment, sentence or order appealed from, and is adverse to the party who was the 53 respondent in such court when it reverses the judgment, sentence or 54 order appealed from. An appellate court order which modifies a judgment 55 or order appealed from is partially adverse to each party.

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

(c) Criminal possession of a controlled substance in the seventh degree as defined in section 220.03 of the penal law, criminal 6 possession of a controlled substance in the fifth degree as defined in section 220.06 of the penal law, criminal possession of a controlled substance in the fourth degree as defined in section 220.09 of the penal law, criminal possession of a controlled substance in the third degree as defined in section 220.16 of the penal law, criminal possession of a controlled substance in the second degree as defined in section 220.18 of the penal law, criminal possession of a controlled substance in the first degree as defined in section 220.21 of the penal law, criminal sale of a controlled substance in the fifth degree as defined in section 220.31 of the penal law, criminal sale of a controlled substance in the 16 fourth degree as defined in section 220.34 of the penal law, criminal sale of a controlled substance in the third degree as defined in section 18 220.39 of the penal law, criminal sale of a controlled substance in the second degree as defined in section 220.41 of the penal law, criminal sale of a controlled substance in the first degree as defined in section 220.43 of the penal law, criminally possessing a hypodermic instrument as defined in section 220.45 of the penal law, criminal possession of methamphetamine manufacturing material in the second degree as defined in section 220.70 of the penal law, criminal possession of methamphetamine manufacturing material in the first degree as defined in section 26 220.71 of the penal law, criminal possession of precursors of methamphetamine as defined in section 220.72 of the penal law, unlawful manufacture of methamphetamine in the third degree as defined in section 220.73 29 of the penal law, unlawful manufacture of methamphetamine in the second 30 degree as defined in section 220.74 of the penal law, unlawful manufac-31 ture of methamphetamine in the first degree as defined in section 220.75 of the penal law, unlawful disposal of methamphetamine laboratory material as defined in section 220.76 of the penal law, operating as a major trafficker as defined in section 220.77 of the penal law, criminal 35 possession of marihuana in the first degree as defined in section 221.30 36 of the penal law, criminal sale of marihuana in the first degree as defined in section 221.55 of the penal law, promoting gambling in the second degree as defined in section 225.05 of the penal law, promoting gambling in the first degree as defined in section 225.10 of the penal 40 law, possession of gambling records in the second degree as defined in section 225.15 of the penal law, possession of gambling records in the first degree as defined in section 225.20 of the penal law, 43 possession of a gambling device as defined in section 225.30 of the penal law;

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

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

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1 ing be considered: (i) the institutional record including program goals and accomplishments, academic achievements, vocational education, train-3 ing or work assignments, therapy and interpersonal relationships with staff and inmates; (ii) performance, if any, as a participant in a 5 temporary release program; (iii) release plans including community 6 resources, employment, education and training and support services available to the inmate; (iv) any deportation order issued by the federal government against the inmate while in the custody of the department of correctional services and any recommendation regarding deportation 10 made by the commissioner of the department of correctional services pursuant to section one hundred forty-seven of the correction law; [and] 11 (v) any statement made to the board by the crime victim or the victim's 13 representative, where the crime victim is deceased or is mentally or 14 physically incapacitated; and (vi) the length of the determinate 15 sentence to which the inmate would be subject had he or she received a 16 sentence pursuant to section 70.70 or section 70.71 of the penal law for a felony defined in article two hundred twenty or article two hundred 18 twenty-one of the penal law. The board shall provide toll free tele-19 phone access for crime victims. In the case of an oral statement made in 20 accordance with subdivision one of section 440.50 of the criminal proce-21 dure law, the parole board member shall present a written report of the 22 statement to the parole board. A crime victim's representative shall 23 mean the crime victim's closest surviving relative, the committee or 24 guardian of such person, or the legal representative of any such person. Such statement submitted by the victim or victim's representative may 26 include information concerning threatening or intimidating conduct 27 toward the victim, the victim's representative, or the victim's family, 28 made by the person sentenced and occurring after the sentencing. Such 29 information may include, but need not be limited to, the threatening or 30 intimidating conduct of any other person who or which is directed by the 31 person sentenced. Notwithstanding the provisions of this section, in 32 making the parole release decision for persons whose minimum period of 33 imprisonment was not fixed pursuant to the provisions of subdivision one of this section, in addition to the factors listed in this paragraph the 35 board shall consider the factors listed in paragraph (a) of subdivision 36 one of this section.

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

Merit termination of sentence and discharge from presumptive release, 43 parole [and], conditional release and release to post-release supervision. 1. The division of parole may grant to any person a merit termination of sentence from presumptive release, parole [or from], 46 conditional release or release to post-release supervision prior to the 47 expiration of the full term or maximum term, provided it is determined 48 by the division of parole that such merit termination is in the best 49 interests of society, such person is not required to register as a sex 50 offender pursuant to article [six-c] six-c of the correction law, and such person is not on presumptive release, parole  $[ex]_{\underline{L}}$  conditional 52 release or release to post-release supervision from a term of imprison-53 ment imposed for any of the following offenses, or for an attempt to 54 commit any of the following offenses:

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

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- (b) murder in the first degree or murder in the second degree;
- (c) an offense defined in article one hundred thirty of the penal law;
- (d) unlawful imprisonment in the first degree, kidnapping in the first degree, or kidnapping in the second degree, in which the victim is less than seventeen years old and the offender is not the parent of the victim;
- (e) an offense defined in article two hundred thirty of the penal law involving the prostitution of a person less than nineteen years old;
- (f) disseminating indecent material to minors in the first degree or disseminating indecent material to minors in the second degree;
  - (q) incest;

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- (h) an offense defined in article two hundred sixty-three of the penal
  - (i) a hate crime as defined in section 485.05 of the penal law; or
- (j) an offense defined in article four hundred ninety of the penal 16 law.
- 3. A merit termination of sentence may be granted after two years of 18 presumptive release  $[ex]_{\underline{\prime}}$  parole, conditional release or release to 19 **post-release supervision** to a person serving a sentence for a class A 20 felony offense as defined in article two hundred twenty of the penal law. A merit termination of sentence may be granted to all other eligi-22 ble persons after one year of presumptive release, parole [or], conditional release or release to post-release supervision.
- 4. Except where a determinate sentence was imposed for a felony[7] other than a felony defined in article two hundred twenty or article two 26 <u>hundred twenty-one of the penal law,</u> if the board of parole is satisfied that an absolute discharge from presumptive release, parole [or], condi-28 tional release or release to a period of post-release supervision is in 29 the best interests of society, the board may grant such a discharge 30 prior to the expiration of the full term or maximum term to any person who has been on unrevoked presumptive release, parole  $[extit{ord}]_{\underline{t}}$  conditional 32 release or release to post-release supervision for at least three 33 consecutive years. A discharge granted under this section shall consti-34 tute a termination of the sentence with respect to which it was granted. 35 No such discharge shall be granted unless the board of parole is satis-36 fied that the parolee or releasee, otherwise financially able to comply with an order of restitution and the payment of any mandatory surcharge, sex offender registration fee or DNA databank fee previously imposed by 39 a court of competent jurisdiction, has made a good faith effort to 40 comply therewith.
- § 14. Subdivision 16 of section 296 of the executive law, as amended 42 by chapter 639 of the laws of 2007, is amended to read as follows:
- 16. It shall be an unlawful discriminatory practice, unless specif-44 ically required or permitted by statute, for any person, agency, bureau, 45 corporation or association, including the state and any political subdi-46 vision thereof, to make any inquiry about, whether in any form of appli-47 cation or otherwise, or to act upon adversely to the individual 48 involved, any arrest or criminal accusation of such individual not then 49 pending against that individual which was followed by a termination of 50 that criminal action or proceeding in favor of such individual, as defined in subdivision two of section 160.50 of the criminal procedure law, or by a youthful offender adjudication, as defined in subdivision 53 one of section 720.35 of the criminal procedure law, or by a conviction 54 for a violation sealed pursuant to section 160.55 of the criminal proce-55 dure law or by a conviction which is sealed pursuant to section 160.58 56 of the criminal procedure law, in connection with the licensing, employ-

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

- § 14-a. Subdivision 4 of section 837 of the executive law is amended 26 by adding a new paragraph (b-1) to read as follows:
  - (b-1) collect data and undertake research, studies and analyses of judicial diversion programs including but not limited to the judicial diversion program described in article two hundred sixteen of the criminal procedure law; and
  - § 15. Subdivision 2 of section 212 of the judiciary law is amended by adding a new paragraph (r) to read as follows:
  - (r) Ensure that cases eligible for judicial diversion pursuant to article two hundred sixteen of the criminal procedure law shall be assigned to court parts in the manner provided by the chief administrator and that, to the extent practicable, such cases are presided over by judges who, by virtue of the structure, caseload and resources of the parts and the judges' training, are in the best position to provide effective supervision over such cases, such as the drug treatment courts. In compliance with these provisions, the chief administrator shall give due weight to the need for diverted defendants to make reqular court appearances, and be closely supervised by the court, for the duration of drug treatment and the pendency of the criminal charge.
  - § 16. Section 19.07 of the mental hygiene law is amended by adding a new subdivision (h) to read as follows:
  - (h) The office of alcoholism and substance abuse services shall monitor programs providing care and treatment to inmates in correctional facilities operated by the department of correctional services who have a history of alcohol or substance abuse or dependence. The office shall also develop guidelines for the operation of alcohol and substance abuse treatment programs in such correctional facilities in order to ensure that such programs sufficiently meet the needs of inmates with a history of alcohol or substance abuse or dependence and promote the successful transition to treatment in the community upon release. No later than the first day of December of each year, the office shall submit a report regarding the adequacy and effectiveness of alcohol and substance abuse

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treatment programs operated by the department of correctional services to the governor, the temporary president of the senate, the speaker of the assembly, the chairman of the senate committee on crime victims, crime and correction, and the chairman of the assembly committee on correction.

- § 17. Subdivisions 3 and 5 of section 60.04 of the penal law, as added by chapter 738 of the laws of 2004, are amended to read as follows:
- 3. Class B felonies. Every person convicted of a class B felony must be sentenced to imprisonment in accordance with the applicable provisions of section 70.70 of this [title] chapter, [unless such person is convicted of a class B felony and is sentenced to] a definite sentence of imprisonment with a term of one year or less or probation in accordance with section 65.00 of this [title] chapter provided, however, a person convicted of criminal sale of a controlled substance to a child as defined in section 220.48 of this chapter must be sentenced to a determinate sentence of imprisonment in accordance with the applicable provisions of section 70.70 of this chapter or to a sentence of probation in accordance with the opening paragraph of paragraph (b) of subdivision one of section 65.00 of this chapter.
- 5. Multiple felony offender. Where the court imposes a sentence pursuant to subdivision three of section 70.70 of this chapter upon a second felony drug offender, as defined in paragraph (b) of subdivision one of section 70.70 of this [title] chapter, it must sentence such offender to imprisonment in accordance with the applicable provisions of section 70.70 of this [title] chapter, a definite sentence of imprisonment with a term of one year or less, or probation in accordance with section 65.00 of this chapter, provided, however, that where the court imposes a sentence upon a class B second felony drug offender, it must sentence such offender to a determinate sentence of imprisonment in accordance with the applicable provisions of section 70.70 of this chapter or to a sentence of probation in accordance with the opening paragraph of paragraph (b) of subdivision one of section 65.00 of this chapter. When the court imposes sentence on a second felony drug offender pursuant to subdivision four of section 70.70 of this chapter, it must impose a determinate sentence of imprisonment in accordance with such subdivision.
- § 18. Section 60.04 of the penal law is amended by adding a new subdivision 7 to read as follows:
- 7. a. Shock incarceration participation. When the court imposes a sentence of imprisonment which requires a commitment to the department of correctional services upon a person who stands convicted of a controlled substance or marihuana offense, upon motion of the defendant, the court may issue an order directing that the department of correctional services enroll the defendant in the shock incarceration program as defined in article twenty-six-A of the correction law, provided that the defendant is an eligible inmate, as described in subdivision one of section eight hundred sixty-five of the correction law. Notwithstanding the foregoing provisions of this subdivision, any defendant to be enrolled in such program pursuant to this subdivision shall be governed by the same rules and regulations promulgated by the department of correctional services, including without limitation those rules and regulations establishing requirements for completion and such rules and regulations governing discipline and removal from the program.
- b. (i) In the event that an inmate designated by court order for enrollment in the shock incarceration program requires a degree of medical care or mental health care that cannot be provided at a shock

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incarceration facility, the department, in writing, shall notify the inmate, provide a proposal describing a proposed alternative-to-shockincarceration program, and notify him or her that he or she may object in writing to placement in such alternative-to-shock-incarceration program. If the inmate objects in writing to placement in such alternative-to-shock-incarceration program, the department of correctional services shall notify the sentencing court, provide such proposal to the court, and arrange for the inmate's prompt appearance before the court. The court shall provide the proposal and notice of a court appearance to the people, the inmate and the appropriate defense attorney. After considering the proposal and any submissions by the parties, and after a reasonable opportunity for the people, the inmate and counsel to be heard, the court may modify its sentencing order accordingly, notwithstanding the provisions of section 430.10 of the criminal procedure law. (ii) An inmate who successfully completes an alternative-to-shockincarceration program within the department of correctional services shall be treated in the same manner as a person who has successfully completed the shock incarceration program, as set forth in subdivision four of section eight hundred sixty-seven of the correction law.

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

The court, with the concurrence of either the administrative judge of 24 the court or of the judicial district within which the court is situated or such administrative judge as the presiding justice of the appropriate 26 appellate division shall designate, may sentence a person to a period of 27 probation upon conviction of a class A-II felony [or a class B felony] 28 defined in article two hundred twenty, the class B felony defined in 29 section 220.48 of this chapter or any other class B felony defined in article two hundred twenty of this chapter where the person is a second felony drug offender as defined in paragraph (b) of subdivision one of section 70.70 of this chapter, if the prosecutor either orally on the 33 record or in a writing filed with the indictment recommends that the court sentence such person to a period of probation upon the ground that such person has or is providing material assistance in the investigation, apprehension or prosecution of any person for a felony defined in article two hundred twenty or the attempt or the conspiracy to commit any such felony, and if the court, having regard to the nature and circumstances of the crime and to the history, character and condition of the defendant is of the opinion that:

- § 20. Subparagraphs (i) and (ii) of paragraph (a) of subdivision 3 of section 65.00 of the penal law, subparagraph (i) as amended by chapter 264 of the laws of 2003, subparagraph (ii) as amended by chapter 738 of the laws of 2004, are amended to read as follows:
- (i) For a felony, other than a class A-II felony [or a class B felony] 46 defined in article two hundred twenty of this chapter or the class B felony defined in section 220.48 of this chapter, or any other class B felony defined in article two hundred twenty of this chapter committed by a second felony drug offender, or a sexual assault, the period of probation shall be five years;

(ii) For a class A-II felony [controlled substance] drug offender as defined in paragraph (a) of subdivision one of section 70.71 of this [chapter or a class B second felony drug offender as defined in para-54 graph (b) of subdivision one of section 70.70 of this chapter as described in paragraph (b) of subdivision one of this section, or a class B felony committed by a second felony drug offender described in

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paragraph (b) of subdivision one of this section, the period of probation shall be life[, and for a class B felony drug offender as defined in paragraph (a) of subdivision one of section 70.70 of this chapter, the period of probation shall be twenty-five years] and for a class B felony defined in section 220.48 of this chapter, the period of probation shall be twenty-five years;

- § 21. Subparagraph (i) of paragraph (a) of subdivision 2 of section 70.70 of the penal law, as amended by chapter 436 of the laws of 2006, is amended to read as follows:
- (i) for a class B felony, the term shall be at least one year and shall not exceed nine years, except that for the class B felony of criminal sale of a controlled substance in or near school grounds as defined in subdivision two of section 220.44 of this chapter or on a school bus as defined in subdivision seventeen of section 220.00 of this chapter or criminal sale of a controlled substance to a child as defined in section 220.48 of this chapter, the term shall be at least two years and shall not exceed nine years;
- § 22. Paragraph (b) of subdivision 2 of section 70.70 of the penal 19 law, as added by chapter 738 of the laws of 2004, is amended to read as follows:
- (b) Probation. Notwithstanding any other provision of law, the court 22 may sentence a defendant convicted of a class B, class C, class D or class E felony offense defined in article two hundred twenty or two 24 hundred twenty-one of this chapter to probation in accordance with the provisions of [sections] sections 60.04 and 65.00 of this chapter.
- § 23. Paragraph (c) of subdivision 2 and paragraphs (a) and (b) of 27 subdivision 3 of section 70.70 of the penal law, as added by chapter 738 28 of the laws of 2004, are amended and subdivision 2 is amended by adding 29 a new paragraph (d) to read as follows:
- (c) Alternative definite sentence for class B, class C, class D, and 31 class E felonies. If the court, having regard to the nature and circum-32 stances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose a determinate sentence upon a person convicted of a class C, class D or class E felony offense defined in 36 article two hundred twenty or two hundred twenty-one of this chapter, or a class B felony defined in article two hundred twenty of this chapter, other than the class B felony defined in section 220.48 of this chapter, as added by a chapter of the laws of two thousand nine the court may impose a definite sentence of imprisonment and fix a term of one year or
  - (d) The court may direct that a determinate sentence imposed on a defendant convicted of a class B felony, other than the class B felony defined in section 220.48 of this chapter, pursuant to this subdivision be executed as a sentence of parole supervision in accordance with section 410.91 of the criminal procedure law.
  - (a) Applicability. This subdivision shall apply to a second felony drug offender whose prior felony conviction was not a violent felony.
- (b) Authorized sentence. Except as provided in [paragraph] paragraphs 50 (c)  $[extit{or}]_{\underline{I}}$  (d) and (e) of this subdivision, when the court has found pursuant to the provisions of section 400.21 of the criminal procedure law that a defendant is a second felony drug offender who stands 53 convicted of a class B, class C, class D or class E felony offense 54 defined in article two hundred twenty or two hundred twenty-one of this 55 chapter the court shall impose a determinate sentence of imprisonment. 56 Such determinate sentence shall include as a part thereof a period of

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1 post-release supervision in accordance with section 70.45 of this article. The terms of such determinate sentence shall be imposed by the court in whole or half years as follows:

- (i) for a class B felony, the term shall be at least [three and one-5 half | two years and shall not exceed twelve years;
  - (ii) for a class C felony, the term shall be at least [two] one one-half years and shall not exceed eight years;
  - (iii) for a class D felony, the term shall be at least one and onehalf years and shall not exceed four years; and
  - (iv) for a class E felony, the term shall be at least one and one-half years and shall not exceed two years.
- § 24. Paragraph (c) of subdivision 3 of section 70.70 of the penal 13 law, as added by chapter 738 of the laws of 2004, is amended to read as follows:
- (c) [Lifetime probation] Probation. Notwithstanding any 16 provision of law, the court may sentence a [defendant] second felony drug offender convicted of a class B felony [defined in article two 18 hundred twenty of this chapter | to lifetime probation in accordance with 19 the provisions of section 65.00 of this chapter and may sentence a second felony drug offender convicted of a class C, class D or class E felony to probation in accordance with the provisions of section 65.00 of this chapter.
  - § 25. Subdivision 3 of section 70.70 of the penal law is amended by adding a new paragraph (e) to read as follows:
- (e) Alternate definite sentence for class C, class D and class E felo-26 nies. If the court, having regard to the nature and circumstances of the crime and to the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose a determinate sentence upon a person convicted of a class C, class D or class E felony offense defined in article two hundred twenty or two hundred twenty-one of this chapter, the court may impose a definite sentence of imprisonment and fix a term of one year or less.
- § 26. Paragraph (a) of subdivision 2 of section 70.71 of the penal 35 law, as added by chapter 738 of the laws of 2004, is amended and a new subdivision 5 is added to read as follows:
  - (a) Applicability. Except as provided in subdivision three [ex], four or five of this section, this subdivision shall apply to a person convicted of a class A felony as defined in article two hundred twenty of this chapter.
    - 5. Sentence of imprisonment for operating as a major trafficker.
  - (a) Applicability. This subdivision shall apply to a person convicted of the class A-I felony of operating as a major trafficker as defined in section 220.77 of this chapter.
- (b) Authorized sentence. Except as provided in paragraph (c) of this 46 subdivision, the court shall impose an indeterminate term of imprisonment for an A-I felony, in accordance with the provisions of section 70.00 of this article.
- (c) Alternative determinate sentence. If a defendant stands convicted of violating section 220.77 of this chapter, and if the court, having regard to the nature and circumstances of the crime and the history and character of the defendant, is of the opinion that a sentence of imprisonment is necessary but that it would be unduly harsh to impose the indeterminate sentence for a class A-I felony specified under section 70.00 of this article, the court may instead impose the determinate 56 sentence of imprisonment authorized by clause (i) of subparagraph (b) of

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- subdivision two of this section for a class A-I drug felony; in such case, the reasons for the court's opinion shall be set forth on the record.
- § 27. Section 220.00 of the penal law is amended by adding three new subdivisions 18, 19 and 20 to read as follows:
- 18. "Controlled substance organization" means four or more persons sharing a common purpose to engage in conduct that constitutes or advances the commission of a felony under this article.
- 19. "Director" means a person who is the principal administrator, organizer, or leader of a controlled substance organization or one of several principal administrators, organizers, or leaders of a controlled substance organization.
- 20. "Profiteer" means a person who: (a) is a director of a controlled substance organization; (b) is a member of a controlled substance organization and has managerial responsibility over one or more other members of that organization; or (c) arranges, devises or plans one or more transactions constituting a felony under this article so as to obtain profits or expected profits. A person is not a profiteer if he or she is acting only as an employee; or if he or she is acting as an accommodation to a friend or relative; or if he or she is acting only under the direction and control of others and exercises no substantial, independent role in arranging or directing the transactions in question.
- 28. The penal law is amended by adding a new section 220.48 to read 23 24 as follows:
  - § 220.48 Criminal sale of a controlled substance to a child.
  - A person is guilty of criminal sale of a controlled substance to a child when, being over twenty-one years old, he or she knowingly and unlawfully sells a controlled substance in violation of section 220.34 or 220.39 of this article to a person less than seventeen years old.
  - Criminal sale of a controlled substance to a child is a class B felony.
- § 29. The penal law is amended by adding a new section 220.77 to read 33 as follows:
  - § 220.77 Operating as a major trafficker.
    - A person is guilty of operating as a major trafficker when:
  - 1. Such person acts as a director of a controlled substance organization during any period of twelve months or less, during which period such controlled substance organization sells one or more controlled substances, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more;
  - 2. As a profiteer, such person knowingly and unlawfully sells, on or more occasions within six months or less, a narcotic drug, and the proceeds collected or due from such sale or sales have a total aggregate value of seventy-five thousand dollars or more.
  - 3. As a profiteer, such person knowingly and unlawfully possesses, on one or more occasions within six months or less, a narcotic drug with intent to sell the same, and such narcotic drugs have a total aggregate value of seventy-five thousand dollars or more.

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

- § 30. Paragraph (a) of subdivision 1 of section 460.10 of the penal law, as separately amended by chapters 312 and 472 of the laws of 2008, is amended to read as follows:
- (a) Any of the felonies set forth in this chapter: sections 120.05, 55 120.10 and 120.11 relating to assault; sections 125.10 to 125.27 relat-56 ing to homicide; sections 130.25, 130.30 and 130.35 relating to rape;

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1 sections 135.20 and 135.25 relating to kidnapping; section 135.35 relating to labor trafficking; section 135.65 relating to coercion; sections 3 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10 and 145.12 relating to criminal mischief; article one hundred fifty 5 relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to 7 health care fraud; article one hundred sixty relating to robbery; sections 165.45, 165.50, 165.52 and 165.54 relating to criminal possession of stolen property; sections 165.72 and 165.73 relating to trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30, 10 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25, 11 175.35, 175.40 and 210.40 relating to false statements; sections 176.15, 12 13 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20 and 178.25 relating to criminal diversion of prescription medications and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40, 16 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22, 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections 18 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage fraud, sections 190.40 and 190.42 relating to criminal usury; section 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relating to hindering prosecution; sections 210.10, 210.15, and 215.51 relating to perjury and contempt; section 215.40 relating to tampering with physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55 [and], 220.60 and 220.77 relating to controlled substances; sections 225.10 and 225.20 26 relating to gambling; sections 230.25, 230.30, and 230.32 relating to 27 promoting prostitution; section 230.34 relating to sex trafficking; 28 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity; 29 sections 263.10 and 263.15 relating to promoting a sexual performance by 30 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the 31 provisions of section 265.10 which constitute a felony relating to firearms and other dangerous weapons; and sections 265.14 and 265.16 33 relating to criminal sale of a firearm; and section 275.10, 275.20, 275.30, or 275.40 relating to unauthorized recordings; and sections 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or

§ 31. Paragraphs (a) and (b) of subdivision 7 of section 480.00 of the penal law, as added by chapter 655 of the laws of 1990, are amended to read as follows:

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

(b) three or more violations of any of the felonies defined in section 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43, 220.77, or 221.55 of this chapter, which violations do not constitute a single criminal offense as defined in subdivision one of section 40.10 of the criminal procedure law, or a single criminal transaction, 53 defined in paragraph (a) of subdivision two of section 40.10 of the 54 criminal procedure law, and at least one of which resulted in a conviction of such offense, or where the accusatory instrument charges

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one or more of such felonies, conviction upon a plea of guilty to a felony for which such plea is otherwise authorized by law; or

- § 32. Severability. If any clause, sentence, paragraph, section or 4 part of this act shall be adjudged by any court of competent jurisdic-5 tion to be invalid and after exhaustion of all further judicial review, 6 the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, 8 paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.
  - § 33. This act shall take effect immediately; provided however that:
  - (a) section three of this act shall take effect on the sixtieth day after it shall have become a law;
  - (b) sections four and ten of this act shall take effect six months after this act shall have become a law;
- (c) sections eleven, twenty-six, twenty-seven, twenty-eight, twenty-16 nine, thirty and thirty-one of this act shall take effect on the first of November next succeeding the date on which it shall have become a 18 law;
- (d) section sixteen of this act shall take effect on the one hundred 20 twentieth day after it shall have become a law;
- (e) section nine of this act shall take effect six months after it 22 shall have become a law, except that the amendments to subdivision 4 of 23 section 440.46 of the criminal procedure law made by section nine of this act shall take effect immediately;
- (f) sections four, five, six, seven, eight, seventeen, nineteen, twen-26 ty, twenty-two, twenty-three, twenty-four, and twenty-five of this act shall apply to offenses committed on or after the date this act shall 28 have become a law, and shall also apply to offenses committed before 29 such date provided that sentence upon conviction for such offense has 30 not been imposed on or before such date; and
- (g) provided further that the amendments to section 410.91 of the 32 criminal procedure law made by sections six and eight of this act shall 33 not affect the repeal of such section and shall be deemed to be repealed therewith.
- § 2. Severability clause. If any clause, sentence, paragraph, subdivi-36 sion, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in 39 its operation to the clause, sentence, paragraph, subdivision, section 40 or part thereof directly involved in the controversy in which such judg-41 ment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
- § 3. This act shall take effect immediately provided, however, that 45 the applicable effective date of Parts A through AAA of this act shall 46 be as specifically set forth in the last section of such Parts.

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# STATE OF NEW YORK

5503

2009-2010 Regular Sessions

#### IN SENATE

May 12, 2009

Introduced by Sens. SAVINO, KLEIN, MONSERRATE, ADAMS, DILAN, HUNTLEY, LANZA, ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on

AN ACT to amend the executive law, in relation to the terms and conditions of employment for members of the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police; to amend the executive law, in relation to salary schedules for such members of such units; to amend the state finance law, in relation to the employee benefit fund for members of such units; to amend the civil service law, in relation to salary schedules for members of the collective negotiating unit designated as the professional, scientific and technical services unit; making an appropriation therefor; and to repeal certain provisions of the executive law and the state finance law relating to the salary and benefits payable to members of the collective bargaining units representing troopers, and commissioned and non-commissioned officers of the division of state police

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

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

- 2. a. Salary schedules for the titles of trooper, sergeant, technical sergeant, station commander, zone sergeant, first sergeant, staff sergeant, chief technical sergeant, lieutenant, technical lieutenant, lieutenant BCI, captain, captain BCI and major:
- (1) Effective April first, two thousand seven, members of the collec-8 tive negotiating unit consisting of troopers in the division of state 9 police shall receive a basic annual salary pursuant to the following schedule:

Orange, City of New Nassau and

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

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| 1  |   | Putnam and   | York, Rockland   | Suffolk  | Locations   |
|--|---|--|--|--|---|
| 2  |   | Dutchess   | and Westchester  | Counties   |   |
| 3  |   | Counties   | Counties   |  |   |
| 4  | Trainee 1   | Not Applicable   | Not Applicable   | Not Applicable   | \$50,374  |
| 5  | Trainee 2   | \$60,820   | <u> \$61,785</u>   | \$62,037   | \$60,639  |
| 6  | Step 1  | \$64,766   | <u> \$65,732</u>   | <u> \$65,985</u>   | \$64,586  |
| 7  | Step 2  | \$68,710   | <u>\$69,675</u>  | \$69,929   | \$68,530  |
| 8  | Step 3  | <u>\$71,072</u>  | <u>\$72,037</u>  | <u>\$72,290</u>  | \$70,891  |
| 9  | Step 4  | <u>\$73,872</u>  | <u> \$74,837</u>   | <u>\$75,090</u>  | \$73,690  |
| 10   | Step 5  | <u> \$76,983</u>   | <u> \$77,948</u>   | <u> \$78,201</u>   | <u>\$76,803</u>   |
| 11   |   |  |  | ght, members of the  | _   |
| 12   |   |  |  | in the division  | of state  |
| 13   | police shall  | receive a ba   | sic annual salary  | y pursuant to the  | following   |
| 14   | schedule:   | 0  | City of Nove   | Wassey and   | 311 O+b   |
| 15   |   | Orange,  | City of New  | Nassau and   | All Other   |
| 16   |   | Putnam and   | York, Rockland   |  | Locations   |
| 17   |   | <u>Dutchess</u><br>Counties  | and Westchester Counties   | Counties   |   |
| 18<br>19   | Trainee 1   | Not Applicable   |  | Not Applicable   | \$50,374  |
| 20   | Trainee 2   | \$62,645   | \$63,639   | \$63,898   | \$62,458  |
| 21   | Step 1  | \$66,709   | \$67,704   | \$67,965   | \$66,524  |
| 22   | Step 1  | \$70,771   | \$71,765   | \$72,027   | \$70,586  |
| 23   | Step 3  | \$73,204   | \$74,198   | \$74,459   | \$73,018  |
| 24   | Step 4  | \$76,088   | \$77,082   | \$77,343   | \$75,901  |
| 25   | Step 5  | \$79,292   | \$80,286   | \$80,547   | \$79,107  |
| 26   |   |  |  | e, members of the  |   |
| 27   |   |  |  | rs in the division   |   |
| 28   | police shall  | receive a basic  | annual salary p  | irsuant to the   | following   |
|  |   |  |  |  |   |
| 29   | schedule:   |  |  |  |   |
| 29<br>30   | schedule:   | Orange,  | City of New  | Nassau and   | All Other   |
| 30<br>31   | schedule:   | Orange,<br>Putnam and  | York, Rockland   | Suffolk  | All Other<br>Locations  |
| 30<br>31<br>32   | schedule:   | Putnam and<br>Dutchess   | York, Rockland and Westchester   | Suffolk  |   |
| 30<br>31<br>32<br>33   |   | Putnam and<br>Dutchess<br>Counties   | York, Rockland and Westchester Counties  | Suffolk<br>Counties  | Locations   |
| 30<br>31<br>32<br>33<br>34   | Trainee 1   | Putnam and Dutchess Counties Not Applicable  | York, Rockland<br>and Westchester<br>Counties<br>Not Applicable  | Suffolk<br>Counties<br>Not Applicable  | Locations<br>\$50,374   |
| 30<br>31<br>32<br>33<br>34<br>35   | Trainee 1 Trainee 2   | Putnam and Dutchess Counties Not Applicable \$64,524   | York, Rockland<br>and Westchester<br>Counties<br>Not Applicable<br>\$65,548  | Suffolk Counties  Not Applicable \$65,815  | \$50,374<br>\$64,332  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36   | Trainee 1 Trainee 2 Step 1  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710  | York, Rockland<br>and Westchester<br>Counties<br>Not Applicable<br>\$65,548<br>\$69,735  | Not Applicable \$65,815  | \$50,374<br>\$64,332<br>\$68,520  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37   | Trainee 1 Trainee 2 Step 1 Step 2   | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894   | York, Rockland<br>and Westchester<br>Counties<br>Not Applicable<br>\$65,548<br>\$69,735<br>\$73,918  | Not Applicable \$65,815<br>\$70,004<br>\$74,188  | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400  | York, Rockland<br>and Westchester<br>Counties<br>Not Applicable<br>\$65,548<br>\$69,735<br>\$73,918<br>\$76,424  | Not Applicable<br>\$65,815<br>\$70,004<br>\$74,188<br>\$76,693   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4   | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371   | York, Rockland<br>and Westchester<br>Counties<br>Not Applicable<br>\$65,548<br>\$69,735<br>\$73,918<br>\$76,424<br>\$79,394  | Not Applicable<br>\$65,815<br>\$70,004<br>\$74,188<br>\$76,693<br>\$79,663   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671  | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695   | Not Applicable<br>\$65,815<br>\$70,004<br>\$74,188<br>\$76,693<br>\$79,663<br>\$82,963   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 ye April first,  | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten  | Not Applicable<br>\$65,815<br>\$70,004<br>\$74,188<br>\$76,693<br>\$79,663<br>\$82,963<br>, members of the   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 TO Applicable first, unit consisting   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the   | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of sta  | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, unit consisting a basic annual   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the   | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following state and state are all to the following states are all the following states                | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:   |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, unit consisting a basic annual Orange,   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New   | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following state and   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, unit consisting a basic annual Orange, Putnam and  | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland  | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following suffolk   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:   |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, unit consisting a basic annual Orange, Putnam and Dutchess   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester  | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following suffolk   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective  | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, init consisting a basic annual Orange, Putnam and Dutchess Counties  | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester Counties   | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$82,963 , members of the one division of state to the following state to the following suffolk Counties  | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations   |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47   | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5  (4) Effective   | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, unit consisting a basic annual Orange, Putnam and Dutchess   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester  | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following suffolk   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other  |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48                                     | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective negotiating to shall receive   | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, init consisting a basic annual Orange, Putnam and Dutchess Counties Not Applicable   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester Counties Not Applicable  | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following state to the follo               | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations   |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48                                     | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective negotiating to shall receive   | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, init consisting a basic annual Orange, Putnam and Dutchess Counties Not Applicable \$67,105  | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester Counties Not Applicable \$68,170   | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following state to the follo               | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations   |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52             | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective negotiating to shall receive  Trainee 1 Trainee 2 Step 1 Step 2 Step 3 | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 re April first, init consisting a basic annual Orange, Putnam and Dutchess Counties Not Applicable \$67,105 \$71,458 \$75,810 \$78,416                                   | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant city of New York, Rockland and Westchester Counties Not Applicable \$68,170 \$72,524 \$76,875 \$79,481                                      | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state to the following: Nassau and Suffolk Counties  Not Applicable \$68,448 \$72,804 \$77,156 \$79,761  | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations<br>\$50,374<br>\$66,905<br>\$71,261<br>\$75,612<br>\$78,217   |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53       | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (4) Effective negotiating to shall receive  Trainee 1 Trainee 2 Step 1 Step 2        | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 The April first, Init consisting a basic annual corange, Putnam and Dutchess Counties Not Applicable \$67,105 \$71,458 \$75,810 \$78,416 \$81,506                        | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester Counties Not Applicable \$68,170 \$72,524 \$76,875 \$79,481 \$82,570                             | Not Applicable<br>\$65,815<br>\$70,004<br>\$74,188<br>\$76,693<br>\$79,663<br>\$82,963<br>, members of the one division of state of the following | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations<br>\$50,374<br>\$66,905<br>\$71,261<br>\$75,612<br>\$78,217<br>\$81,305                             |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53<br>54 | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5  (4) Effective  Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5               | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 TO April first, Init consisting a basic annual Orange, Putnam and Dutchess Counties Not Applicable \$67,105 \$71,458 \$75,810 \$78,416 \$81,506 \$84,938                 | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester Counties Not Applicable \$68,170 \$72,524 \$76,875 \$79,481 \$82,570 \$86,003                    | Not Applicable<br>\$65,815<br>\$70,004<br>\$74,188<br>\$76,693<br>\$79,663<br>\$82,963<br>, members of the one division of state of the following state of th | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations<br>\$50,374<br>\$66,905<br>\$71,261<br>\$75,612<br>\$78,217<br>\$81,305<br>\$84,739                 |
| 30<br>31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53       | Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5  (4) Effective  Trainee 1 Trainee 2 Step 1 Step 2 Step 3 Step 4 Step 5 (5) Effective | Putnam and Dutchess Counties Not Applicable \$64,524 \$68,710 \$72,894 \$75,400 \$78,371 \$81,671 TO April first, Init consisting a basic annual Orange, Putnam and Dutchess Counties Not Applicable \$67,105 \$71,458 \$75,810 \$78,416 \$81,506 \$84,938 TO April first, | York, Rockland and Westchester Counties Not Applicable \$65,548 \$69,735 \$73,918 \$76,424 \$79,394 \$82,695 two thousand ten of troopers in the salary pursuant City of New York, Rockland and Westchester Counties Not Applicable \$68,170 \$72,524 \$76,875 \$79,481 \$82,570 \$86,003 two thousand sever | Not Applicable \$65,815 \$70,004 \$74,188 \$76,693 \$79,663 \$82,963 , members of the one division of state of the following: Nassau and Suffolk Counties  Not Applicable \$68,448 \$72,804 \$77,156 \$79,761 \$82,850   | \$50,374<br>\$64,332<br>\$68,520<br>\$72,704<br>\$75,209<br>\$78,178<br>\$81,480<br>collective<br>ate police<br>schedule:<br>All Other<br>Locations<br>\$50,374<br>\$66,905<br>\$71,261<br>\$75,612<br>\$78,217<br>\$81,305<br>\$84,739<br>e collective |

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| 1<br>2   |  | he division of s<br>nt to the follow   |  | l receive a bas   | ic annual  |
|--|--|--|--|---|--|
| 3  | sarary parsua  |  | City of New  | Naggau and  | All Other  |
|  |  | Orange,  |  | Nassau and  |  |
| 4  |  | Putnam and   | York, Rockland   |   | Locations  |
| 5  |  | Dutchess   | and Westchester  | Counties  |  |
| 6  |  | Counties   | Counties   |   |  |
| 7  | Sergeant and   |  |  |   |  |
| 8  | Technical  |  |  |   |  |
| 9  | Sergeant   | <u>\$90,677</u>  | \$91,643   | <u>\$91,896</u>   | \$90,498   |
| 10   | Station  |  |  |   |  |
| 11   | Commander  | <u>\$93,607</u>  | \$94,574   | \$94,826  | \$93, <b>4</b> 28  |
| 12   | Zone   |  |  |   |  |
| 13   | Sergeant   | <u>\$95,100</u>  | \$96,064   | <u> \$96,318</u>  | \$94,921   |
| 14   | <u>First</u>   |  |  |   |  |
| 15   | Sergeant,  |  |  |   |  |
| 16   | Staff  |  |  |   |  |
| 17   | Sergeant and   |  |  |   |  |
| 18   | Chief  |  |  |   |  |
| 19   | Technical  |  |  |   |  |
| 20   | Sergeant   | <u>\$99,993</u>  | \$100,958  | <u>\$101,212</u>  | <u>\$99,813</u>  |
| 21   | Lieutenant   |  |  |   |  |
| 22   | and  |  |  |   |  |
| 23   | Technical  |  |  |   |  |
| 24   | <u>Lieutenant</u>  | <u>\$108,364</u>   | <u>\$109,328</u>   | <u>\$109,582</u>  | <u> \$108,185</u>  |
| 25   | <u>Lieutenant</u>  |  |  |   |  |
| 26   | BCI  | \$110,486  | \$111,450  | \$111,705   | \$110,306  |
| 27   | Captain  | \$115,567  | \$116,531  | \$116,786   | \$115,387  |
| 28   | Captain BCI  | \$117,720  | \$118,684  | \$118,938   | \$117,539  |
| 29   | Major  | \$123,141  | \$124,105  | \$124,359   | S122 960   |
| 2.0  |  | -  |  |   | \$122,960  |
| 30   | (6) Effect   | ive April first,   | two thousand ei  | ght, members of t   | he collec-   |
| 31   | (6) Effect<br>tive negotiat  | ive April first,<br>ing unit consist   | two thousand ei  | ght, members of too<br>oned and non-co  | he collec-<br>mmissioned   |
| 31<br>32   | (6) Effect<br>tive negotiat<br>officers in   | ive April first,<br>ing unit consist<br>the division o   | two thousand ei<br>ing of commissi<br>f state police s   | ght, members of t   | he collec-<br>mmissioned   |
| 31<br>32<br>33   | (6) Effect<br>tive negotiat<br>officers in   | ive April first, ing unit consist the division o nt to the follow  | two thousand ei<br>ing of commissi<br>f state police s<br>ing schedule:  | ght, members of to<br>oned and non-con<br>hall receive a ba   | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34   | (6) Effect<br>tive negotiat<br>officers in   | ive April first, ing unit consist the division ont to the follow Orange,   | two thousand ei<br>ing of commissi<br>f state police s<br>ing schedule:<br>City of New   | ght, members of tooned and non-conhall receive a ba   | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34<br>35   | (6) Effect<br>tive negotiat<br>officers in   | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and   | two thousand ei<br>ing of commissi<br>f state police s<br>ing schedule:<br>City of New<br>York, Rockland                                       | ght, members of tooned and non-conhall receive a ba  Nassau and Suffolk                                     | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34<br>35<br>36   | (6) Effect<br>tive negotiat<br>officers in   | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess                                      | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester                                      | ght, members of tooned and non-conhall receive a ba  Nassau and Suffolk                                     | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34<br>35<br>36<br>37   | (6) Effect<br>tive negotiat<br>officers in<br>salary pursua  | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and   | two thousand ei<br>ing of commissi<br>f state police s<br>ing schedule:<br>City of New<br>York, Rockland                                       | ght, members of tooned and non-conhall receive a ba  Nassau and Suffolk                                     | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38   | (6) Effect tive negotiat officers in salary pursua Sergeant and  | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess                                      | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester                                      | ght, members of tooned and non-conhall receive a ba  Nassau and Suffolk                                     | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical   | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess Counties                             | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties                             | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties                             | he collec-<br>mmissioned<br>sic annual  All Other Locations                                    |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant  | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess                                      | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester                                      | ght, members of tooned and non-conhall receive a ba  Nassau and Suffolk                                     | he collec-<br>mmissioned<br>sic annual   |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station  | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties                             | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec-<br>mmissioned<br>sic annual  All Other Locations                                    |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander  | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess Counties                             | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties                             | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties                             | he collec-<br>mmissioned<br>sic annual  All Other Locations                                    |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone   | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant  | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties                             | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec-<br>mmissioned<br>sic annual  All Other Locations                                    |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First  | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant,  | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47   | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff  | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48                                     | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and   | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49                               | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief   | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50                         | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief Technical                                   | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess Counties  \$93,397 \$96,415 \$97,953 | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411 \$98,946 | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653 \$97,671 \$99,208 | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231  \$97,769            |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>50<br>51                         | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief Technical Sergeant                          | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties \$93,397                     | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411          | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653                   | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231                      |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50                         | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief Technical                                   | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess Counties  \$93,397 \$96,415 \$97,953 | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411 \$98,946 | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653 \$97,671 \$99,208 | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231  \$97,769            |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>50<br>51<br>52<br>53             | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief Technical Sergeant Lieutenant and           | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess Counties  \$93,397 \$96,415 \$97,953 | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411 \$98,946 | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653 \$97,671 \$99,208 | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231  \$97,769            |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>49<br>50<br>51<br>52<br>53<br>54 | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief Technical Sergeant Lieutenant and Technical | ive April first, ing unit consist the division ont to the follow Orange, Putnam and Dutchess Counties  \$93,397 \$96,415 \$97,953  | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411 \$98,946 | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653 \$97,671 \$99,208 | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231  \$97,769  \$102,807 |
| 31<br>32<br>33<br>34<br>35<br>36<br>37<br>38<br>39<br>40<br>41<br>42<br>43<br>44<br>45<br>46<br>47<br>48<br>50<br>51<br>52<br>53             | (6) Effect tive negotiat officers in salary pursua  Sergeant and Technical Sergeant Station Commander Zone Sergeant First Sergeant, Staff Sergeant and Chief Technical Sergeant Lieutenant and           | ive April first, ing unit consist the division o nt to the follow Orange, Putnam and Dutchess Counties  \$93,397 \$96,415 \$97,953 | two thousand ei ing of commissi f state police s ing schedule: City of New York, Rockland and Westchester Counties  \$94,392 \$97,411 \$98,946 | ght, members of toned and non-conhall receive a ba  Nassau and Suffolk Counties  \$94,653 \$97,671 \$99,208 | he collec- mmissioned sic annual  All Other Locations  \$93,213  \$96,231  \$97,769            |

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| 1  | BCI              | \$113,801            | \$114,794         | \$115,056                                      | \$113,615       |
|----|------------------|----------------------|-------------------|--|-----------------|
| 2  | Captain          | \$119,034            | \$120,027         | \$120,290                                      | \$118,849       |
| 3  | Captain BCI      | \$121,252            | \$122,245         | \$122,506                                      | \$121,065       |
| 4  | Major            | \$126,835            | \$127,828         | \$128,090                                      | \$126,649       |
| 5  |                  |                      |                   |  |                 |
|    |                  |                      |                   | ine, members of t                              |                 |
| 6  |                  |                      | ing of commissi   |  | mmissioned      |
| 7  | officers in      |                      |                   | hall receive a ba                              | sic annual      |
| 8  | salary pursua    | nt to the follow     | ing schedule:     |  |                 |
| 9  |                  | Orange,              | City of New       | Nassau and                                     | All Other       |
| 10 |                  | Putnam and           | York, Rockland    | Suffolk  | Locations       |
| 11 |                  | Dutchess             | and Westchester   |  |                 |
| 12 |                  | Counties             | Counties          |  |                 |
| 13 | 0                | Councies             | Councies          |  |                 |
|    | Sergeant and     |                      |                   |  |                 |
| 14 | Technical        |                      |                   |  |                 |
| 15 | Sergeant         | \$96,199             | \$97,22 <b>4</b>  | <u> \$97,493</u>                               | <u>\$96,009</u> |
| 16 | Station          |                      |                   |  |                 |
| 17 | Commander        | \$99,307             | \$100,333         | \$100,601                                      | \$99,118        |
| 18 | Zone             |                      |                   |  |                 |
| 19 | Sergeant         | \$100,892            | \$101,914         | \$102,184                                      | \$100,702       |
| 20 | First            | 1 7                  | 1 = 0 = 7 = = =   | 1/   | 1=00/:0=        |
| 21 |                  |                      |                   |  |                 |
|    | Sergeant,        |                      |                   |  |                 |
| 22 | Staff            |                      |                   |  |                 |
| 23 | Sergeant and     |                      |                   |  |                 |
| 24 | Chief            |                      |                   |  |                 |
| 25 | Technical        |                      |                   |  |                 |
| 26 | Sergeant         | \$106,083            | \$107,107         | \$107,375                                      | \$105,891       |
| 27 | Lieutenant       | <u></u>              | <u> </u>          | <u>·                                      </u> | ·               |
| 28 | and              |                      |                   |  |                 |
| 29 | Technical        |                      |                   |  |                 |
| 30 | Lieutenant       | ¢114 062             | \$115,986         | \$116,255                                      | \$114,774       |
|    |                  | <u>\$114,963</u>     | \$115,986         | <del>9110,233</del>                            | 7114,774        |
| 31 | Lieutenant       | ****                 | 4110 000          | 4110 500                                       | ****            |
| 32 | BCI              | \$117,215            | \$118,238         | \$118,508                                      | \$117,023       |
| 33 | <u>Captain</u>   | <u>\$122,605</u>     | <u>\$123,628</u>  | <u>\$123,899</u>                               | \$122,414       |
| 34 | Captain BCI      | <u> \$124,890</u>    | <b>\$125,912</b>  | <u> \$126,181</u>                              | \$124,697       |
| 35 | Major            | \$130,640            | \$131,663         | \$131,933                                      | \$130,448       |
| 36 | (8) Effecti      | ve April first,      | two thousand ten  | , members of the                               | collective      |
| 37 |                  |                      |                   | nd non-commissio                               |                 |
| 38 |                  |                      |                   | ceive a basic ann                              |                 |
| 39 |                  | he following sch     |                   | CCIVE a Dabie ann                              | dar barary      |
| 40 | parsuall to t    |                      | City of New       | Nassau and                                     | All Other       |
|    |                  | Orange,              |                   |  |                 |
| 41 |                  | Putnam and           | York, Rockland    | Suffolk  | Locations       |
| 42 |                  | Dutchess             | and Westchester   | Counties                                       |                 |
| 43 |                  | Counties             | Counties          |  |                 |
| 44 | Sergeant and     |                      |                   |  |                 |
| 45 | Technical        |                      |                   |  |                 |
| 46 | Sergeant         | \$100,047            | \$101,113         | \$101,393                                      | \$99,849        |
| 47 | Station          | <del>4</del> 200/021 | 4-0-7-10          | +=0=/000                                       | 400/020         |
| 48 |                  | \$103 270            | \$104 346         | \$104 62E                                      | \$103 003       |
|    | Commander        | <u>\$103,279</u>     | \$104,346         | <u>\$104,625</u>                               | \$103,083       |
| 49 | Zone             | ***                  |                   | ***  |                 |
| 50 | Sergeant         | <u> \$104,928</u>    | <u> \$105,991</u> | <u> \$106,271</u>                              | \$104,730       |
| 51 | <u>First</u>     |                      |                   |  |                 |
| 52 | Sergeant,        |                      |                   |  |                 |
| 53 | Staff            |                      |                   |  |                 |
| 54 | Sergeant and     |                      |                   |  |                 |
| 55 | Chief            |                      |                   |  |                 |
|    |                  |                      |                   |  |                 |
| 56 | <u>Technical</u> |                      |                   |  |                 |

| 1  | Sergeant    | \$110,326        | \$111,391        | \$111,670 | \$110,127         |
|----|-------------|------------------|------------------|-----------|-------------------|
| 2  | Lieutenant  |                  |                  |           |                   |
| 3  | and         |                  |                  |           |                   |
| 4  | Technical   |                  |                  |           |                   |
| 5  | Lieutenant  | \$119,562        | \$120,625        | \$120,905 | \$119,365         |
| 6  | Lieutenant  |                  |                  |           |                   |
| 7  | BCI         | \$121,904        | \$122,968        | \$123,248 | \$121,704         |
| 8  | Captain     | \$127,509        | \$128,573        | \$128,855 | \$127,311         |
| 9  | Captain BCI | \$129,886        | \$130,948        | \$131,228 | \$129,685         |
| 10 | Major       | \$135,866        | \$136,930        | \$137,210 | \$135,666         |
| 11 | b. The      | salary schedules | in subparagraphs | one, two, | three and four of |

- b. The salary schedules in subparagraphs one, two, three and four of paragraph a of this subdivision shall reflect a five-step progression from the entry level, step 1 salary to the highest level, step 5, for the position of trooper.
- c. The salary schedules in paragraph a of this subdivision reflect the 16 basic annual salary for employees in those titles listed whose principal place of employment, or in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller is located in the locations listed in the salary schedule. The salary schedules shall not be applicable to those members in the title of Special Trooper.
- § 2. Paragraph a of subdivision 2 of section 207-b of the state 23 finance law is REPEALED and a new paragraph a is added to read as follows:
- a. Where, and to the extent that, the agreements between the state and 26 an employee organization entered into pursuant to article fourteen of the civil service law so provide on behalf of employees in the collective negotiating units consisting of troopers and commissioned and noncommissioned officers in the division of state police, established pursuant to article fourteen of the civil service law, and upon audit and warrant of the state comptroller, the director shall provide for the payment of monies to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating units covered by the controlling provisions of such agreements providing for such employee benefit fund. Such amounts are to be determined consistent with said agreements on the basis of the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand seven for payments to be made on April first, two thousand seven, the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand eight for payments to be made on April first, two thousand eight, the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand nine for payments to be made on April first, two thousand nine and the number of full-time annual salaried employees, other than full-time seasonal employees, on the payroll on March first, two thousand ten for payments to be made on April first, two thousand ten. The amounts, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the state comptroller will establish procedures to ensure repayment from said special or administrative funds. The director shall enter into an agreement with the employee 55 organization that sets forth the specific terms and conditions for the transmittal of monies pursuant to this section.

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§ 3. Subparagraph 4 of paragraph c of subdivision 1 of section 130 of the civil service law, as added by chapter 114 of the laws of 2008, is amended to read as follows:

4 (4) Effective April first, two thousand ten for officers and employees 5 on the administrative payroll and effective March twenty-fifth, two 6 thousand ten for officers and employees on the institutional payroll:

| 8 HIRING JOB ADVANCE AMOUNT AMOUNT 10 1 \$21,115 \$27,249 \$877 \$877 \$877 \$11 2 \$21,916 \$22,988 \$29,730 \$964 \$964 \$964 \$964 \$13 4 \$24,020 \$31,115 \$1,011 \$1,033 \$14 5 \$25,158 \$32,602 \$1,064 \$1,06 | 7  |    |                    |                    |                  | JR                     |
|--|----|----|--------------------|--------------------|------------------|------------------------|
| 10         1         \$21,115         \$27,249         \$877         \$919         \$919           11         2         \$21,916         \$28,343         \$919         \$919         \$919           12         3         \$22,988         \$29,730         \$964         \$964           13         4         \$24,020         \$31,115         \$1,011         \$1,033           14         5         \$25,158         \$32,602         \$1,064         \$1,064           15         6         \$26,506         \$34,317         \$1,116         \$1,116           16         7         \$27,994         \$36,173         \$1,162         \$1,212           17         8         \$29,535         \$38,089         \$1,203         \$1,339           18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,600           21         12         \$36,791         \$47,138         \$1,434         \$1,745           22         13         \$38,934         \$49,821         \$1,491         \$1   | 8  |    | HIRING             | JOB                | ADVANCE          | ADVANCE                |
| 11         2         \$21,916         \$28,343         \$919         \$964           12         3         \$22,988         \$29,730         \$964         \$9664           13         4         \$24,020         \$31,115         \$1,011         \$1,033           14         5         \$25,158         \$32,602         \$1,064         \$1,064           15         6         \$26,506         \$34,317         \$1,116         \$1,116           16         7         \$27,994         \$36,173         \$1,162         \$1,212           17         8         \$29,535         \$38,089         \$1,203         \$1,339           18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,602           21         12         \$36,791         \$47,138         \$1,434         \$1,745           22         13         \$38,934         \$49,821         \$1,491         \$1,941           21         12         \$36,791         \$47,138         \$1,434         \$1,794           <   | 9  | SG | RATE               |                    | AMOUNT           | AMOUNT                 |
| 12         3         \$22,988         \$29,730         \$964         \$964           13         4         \$24,020         \$31,115         \$1,011         \$1,033           14         5         \$25,158         \$32,602         \$1,064         \$1,064           15         6         \$26,506         \$34,317         \$1,116         \$1,116           16         7         \$27,994         \$36,173         \$1,162         \$1,212           17         8         \$29,535         \$38,089         \$1,203         \$1,339           18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,608           21         12         \$36,791         \$47,138         \$1,434         \$1,745           22         13         \$38,934         \$49,821         \$1,594         \$1,824           24         15         \$41,170         \$52,552         \$1,594         \$1,824           24         15         \$43,500         \$55,455         \$1,652         \$2,045   | 10 | 1  | \$21,115           | \$27 <b>,</b> 249  | \$877            | \$877                  |
| 13       4       \$24,020       \$31,115       \$1,011       \$1,033         14       5       \$25,158       \$32,602       \$1,064       \$1,064         15       6       \$26,506       \$34,317       \$1,116       \$1,116         16       7       \$27,994       \$36,173       \$1,162       \$1,212         17       8       \$29,535       \$38,089       \$1,203       \$1,339         18       9       \$31,181       \$40,136       \$1,247       \$1,477         19       10       \$32,950       \$42,368       \$1,302       \$1,610         20       11       \$34,838       \$44,762       \$1,387       \$1,608         21       12       \$36,791       \$47,138       \$1,491       \$1,745         22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466  | 11 | 2  | \$21,916           | \$28,343           | \$919            | \$919                  |
| 14       5       \$25,158       \$32,602       \$1,064       \$1,064         15       6       \$26,506       \$34,317       \$1,116       \$1,116         16       7       \$27,994       \$36,173       \$1,162       \$1,212         17       8       \$29,535       \$38,089       \$1,203       \$1,339         18       9       \$31,181       \$40,136       \$1,247       \$1,477         19       10       \$32,950       \$42,368       \$1,302       \$1,610         20       11       \$34,838       \$44,762       \$1,387       \$1,608         21       12       \$36,791       \$47,138       \$1,494       \$1,745         22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$448,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362  | 12 | 3  | \$22,988           | \$29 <b>,</b> 730  | \$964            | \$964                  |
| 14       5       \$25,158       \$32,602       \$1,064       \$1,064         15       6       \$26,506       \$34,317       \$1,116       \$1,116         16       7       \$27,994       \$36,173       \$1,162       \$1,212         17       8       \$29,535       \$38,089       \$1,203       \$1,339         18       9       \$31,181       \$40,136       \$1,247       \$1,477         19       10       \$32,950       \$42,368       \$1,302       \$1,610         20       11       \$34,838       \$44,762       \$1,387       \$1,608         21       12       \$36,791       \$47,138       \$1,494       \$1,745         22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$448,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362  | 13 | 4  | \$24,020           | \$31,115           | \$1,011          | \$1,033                |
| 15         6         \$26,506         \$34,317         \$1,116         \$1,116           16         7         \$27,994         \$36,173         \$1,162         \$1,212           17         8         \$29,535         \$38,089         \$1,203         \$1,339           18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,608           21         12         \$36,791         \$47,138         \$1,491         \$1,745           22         13         \$38,934         \$49,821         \$1,491         \$1,941           23         14         \$41,170         \$52,552         \$1,594         \$1,824           24         15         \$43,500         \$55,455         \$1,662         \$2,045           25         16         \$45,940         \$58,468         \$1,715         \$2,238           26         17         \$48,518         \$61,763         \$1,797         \$2,466           27         18         \$51,268         \$65,190         \$1,761         \$3,362 <tr< td=""><td>14</td><td>5</td><td>\$25,158</td><td></td><td>\$1,064</td><td>\$1,064</td></tr<>   | 14 | 5  | \$25,158           |                    | \$1,064          | \$1,064                |
| 17         8         \$29,535         \$38,089         \$1,203         \$1,339           18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,608           21         12         \$36,791         \$47,138         \$1,434         \$1,745           22         13         \$38,934         \$49,821         \$1,491         \$1,941           23         14         \$41,170         \$52,552         \$1,594         \$1,824           24         15         \$43,500         \$55,455         \$1,652         \$2,045           25         16         \$45,940         \$58,468         \$1,715         \$2,238           26         17         \$48,518         \$61,763         \$1,797         \$2,466           27         18         \$51,268         \$65,190         \$1,761         \$3,362           28         19         \$54,045         \$68,637         \$1,834         \$3,594           29         20         \$56,813         \$72,076         \$1,911         \$3,803      <   | 15 | 6  | \$26,506           | \$34,317           |                  |                        |
| 17         8         \$29,535         \$38,089         \$1,203         \$1,339           18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,608           21         12         \$36,791         \$47,138         \$1,434         \$1,745           22         13         \$38,934         \$49,821         \$1,491         \$1,941           23         14         \$41,170         \$52,552         \$1,594         \$1,824           24         15         \$43,500         \$55,455         \$1,652         \$2,045           25         16         \$45,940         \$58,468         \$1,715         \$2,238           26         17         \$48,518         \$61,763         \$1,797         \$2,466           27         18         \$51,268         \$65,190         \$1,761         \$3,362           28         19         \$54,045         \$68,637         \$1,834         \$3,594           29         20         \$56,813         \$72,076         \$1,911         \$3,803      <   | 16 | 7  | \$27,994           | \$36 <b>,</b> 173  | \$1,162          | \$1,212                |
| 18         9         \$31,181         \$40,136         \$1,247         \$1,477           19         10         \$32,950         \$42,368         \$1,302         \$1,610           20         11         \$34,838         \$44,762         \$1,387         \$1,608           21         12         \$36,791         \$47,138         \$1,434         \$1,745           22         13         \$38,934         \$49,821         \$1,491         \$1,941           23         14         \$41,170         \$52,552         \$1,594         \$1,824           24         15         \$43,500         \$55,455         \$1,652         \$22,045           25         16         \$45,940         \$58,468         \$1,715         \$2,238           26         17         \$48,518         \$61,763         \$1,797         \$2,466           27         18         \$51,268         \$65,190         \$1,761         \$3,362           28         19         \$54,045         \$68,637         \$1,834         \$3,594           29         20         \$56,813         \$72,076         \$1,911         \$3,803           31         21         \$59,825         \$75,862         \$1,994         \$4,074  | 17 | 8  | \$29,535           |                    |                  | \$1,339                |
| 19       10       \$32,950       \$42,368       \$1,302       \$1,610         20       11       \$34,838       \$44,762       \$1,387       \$1,608         21       12       \$36,791       \$47,138       \$1,434       \$1,745         22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,803]         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599  | 18 | 9  |                    |                    |                  |                        |
| 20       11       \$34,838       \$44,762       \$1,387       \$1,608         21       12       \$36,791       \$47,138       \$1,434       \$1,745         22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865   | 19 | 10 |                    |                    |                  |                        |
| 22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,803         31       21       \$59,825       \$75,862       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150   | 20 | 11 | \$34,838           | \$44,762           | \$1,387          | \$1,608                |
| 22       13       \$38,934       \$49,821       \$1,491       \$1,941         23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,803         31       21       \$59,825       \$75,862       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150   | 21 | 12 | \$36,791           | \$47,138           | \$1,434          | \$1 <b>,</b> 745       |
| 23       14       \$41,170       \$52,552       \$1,594       \$1,824         24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,803]         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567   | 22 | 13 | \$38,934           | \$49,821           | \$1,491          |                        |
| 24       15       \$43,500       \$55,455       \$1,652       \$2,045         25       16       \$45,940       \$58,468       \$1,715       \$2,238         26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,804]         30       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769  | 23 | 14 | \$41,170           |                    | \$1,594          |                        |
| 26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,804]         30       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,779         40       30       \$95,42  | 24 | 15 |                    |                    |                  |                        |
| 26       17       \$48,518       \$61,763       \$1,797       \$2,466         27       18       \$51,268       \$65,190       \$1,761       \$3,362         28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,804]         30       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,779         40       30       \$95,42  | 25 | 16 |                    |                    |                  |                        |
| 28       19       \$54,045       \$68,637       \$1,834       \$3,594         29       20       \$56,813       \$72,076       [\$1,911]       [\$3,804]         30       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,567         38       28       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$1  | 26 | 17 | \$48,518           | \$61 <b>,</b> 763  | \$1 <b>,</b> 797 |                        |
| 29       20       \$56,813       \$72,076       [\$1,911]       [\$3,804]         30       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$  | 27 | 18 | \$51 <b>,</b> 268  | \$65,190           | \$1,761          | \$3 <b>,</b> 362       |
| 29       20       \$56,813       \$72,076       [\$1,911]       [\$3,804]         30       \$1,910       \$3,803         31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$  | 28 | 19 | \$54,045           | \$68 <b>,</b> 637  | \$1,834          | \$3 <b>,</b> 594       |
| 31       21       \$59,825       \$75,862       \$1,994       \$4,074         32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$17,556       \$141,585       \$3,290       \$4,290   | 29 | 20 |                    |                    |                  | [ <del>\$3,804</del> ] |
| 32       22       \$63,041       \$79,819       \$2,078       \$4,316         33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$17,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396   | 30 |    |                    |                    | \$1,910          | \$3,803                |
| 33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512] </td <td>31</td> <td>21</td> <td>\$59<b>,</b>825</td> <td>\$75<b>,</b>862</td> <td>\$1,994</td> <td>\$4,074</td>   | 31 | 21 | \$59 <b>,</b> 825  | \$75 <b>,</b> 862  | \$1,994          | \$4,074                |
| 33       23       \$66,375       \$83,954       \$2,164       \$4,599         34       24       \$69,911       \$88,256       \$2,247       \$4,865         35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512] </td <td>32</td> <td>22</td> <td>\$63,041</td> <td>\$79<b>,</b>819</td> <td>\$2,078</td> <td>\$4,316</td>  | 32 | 22 | \$63,041           | \$79 <b>,</b> 819  | \$2,078          | \$4,316                |
| 35       25       \$73,768       \$92,974       \$2,343       \$5,150         36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 33 | 23 | \$66 <b>,</b> 375  |                    | \$2,164          | \$4,599                |
| 36       26       \$77,654       \$95,718       \$2,438       \$3,438         37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 34 | 24 | \$69,911           | \$88 <b>,</b> 256  | \$2,247          | \$4,865                |
| 37       27       \$81,856       \$100,822       \$2,567       \$3,567         38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 35 | 25 | \$73 <b>,</b> 768  | \$92 <b>,</b> 974  | \$2,343          | \$5 <b>,</b> 150       |
| 38       28       \$86,168       \$105,829       \$2,666       \$3,666         39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]   | 36 | 26 | \$77 <b>,</b> 654  | \$95 <b>,</b> 718  | \$2,438          | \$3 <b>,</b> 438       |
| 39       29       \$90,684       \$111,064       \$2,769       \$3,769         40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 37 | 27 | \$81,856           | \$100,822          | \$2 <b>,</b> 567 | \$3 <b>,</b> 567       |
| 40       30       \$95,423       \$116,516       \$2,871       \$3,871         41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]   | 38 | 28 | \$86,168           | \$105 <b>,</b> 829 | \$2,666          | \$3 <b>,</b> 666       |
| 41       31       \$100,510       \$122,354       \$2,978       \$3,978         42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 39 | 29 | \$90,684           | \$111,064          | \$2,769          | \$3 <b>,</b> 769       |
| 42       32       \$105,853       \$128,400       \$3,079       \$4,079         43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 40 | 30 |                    |                    | \$2 <b>,</b> 871 | \$3 <b>,</b> 871       |
| 43       33       \$111,611       \$134,868       \$3,180       \$4,180         44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 41 | 31 | \$100,510          |                    | \$2 <b>,</b> 978 | \$3 <b>,</b> 978       |
| 44       34       \$117,556       \$141,585       \$3,290       \$4,290         45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 42 | 32 | \$105 <b>,</b> 853 | \$128,400          | \$3,079          | \$4,079                |
| 45       35       \$123,651       \$148,421       \$3,396       \$4,396         46       36       \$129,866       \$155,451       \$3,513       [\$4,512]  | 43 | 33 | \$111,611          | \$134,868          | \$3 <b>,</b> 180 | \$4,180                |
| 46 36 \$129,866 \$155,451 \$3,513 [ <b>\$4,512</b> ]   | 44 | 34 | \$117 <b>,</b> 556 | \$141,585          | \$3 <b>,</b> 290 | \$4,290                |
|  | 45 | 35 | \$123,651          | \$148,421          | \$3 <b>,</b> 396 |                        |
| //7 ¢/ F13   | 46 | 36 | \$129,866          | \$155,451          | \$3 <b>,</b> 513 | [ <b>\$4,512</b> ]     |
| 71,013   | 47 |    |                    |                    |                  | \$4,513                |
| 48 37 \$136,681 \$163,033 \$3,622 \$4,622  |    |    |                    | \$163,033          | \$3 <b>,</b> 622 | \$4,622                |
| 49 38 \$127,518  | 49 | 38 | \$127,518          |                    |                  |                        |

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

2. (a) [Effective March thirty-first, two thousand three, members in the position of trooper, who on their anniversary date of employment with the division of state police have attained six or more years of

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such satisfactory service in that position, shall be paid a longevity award of two hundred ninety-five (\$295) dollars for each year of such satisfactory service up to twenty-five years. Such payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates. 6 The longevity amounts provided by this subdivision shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not impair any increments or other rights or benefits to which a 9 member may be entitled; provided, however, that longevity awards shall 10 be included as compensation for purposes of computation of overtime pay 11 and for retirement purposes.] (1) Effective April first, two thousand 12 seven, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state 15 police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service | Amount per year |
|------------------|-----------------|
| 6-10             | \$430           |
| 11-15            | \$480           |
| 16-25            | \$530           |

(2) Effective April first, two thousand eight, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be 28 paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service | Amount per year |
|------------------|-----------------|
| 6-10             | \$460           |
| 11-15            | \$510           |
| 16-25            | \$560           |

(3) Effective April first, two thousand nine, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service | Amount per year |
|------------------|-----------------|
| 6-10             | \$500           |
| 11-15            | \$550           |
| 16-25            | \$600           |

(4) Effective April first, two thousand ten, all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| 52 | Years of Service | Amount per year |
|----|------------------|-----------------|
| 53 | 6-10             | \$540           |
| 54 | 11-15            | \$590           |
| 55 | 16-25            | \$640           |

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Individuals with greater than twenty-five years of service shall continue to receive a longevity award at the twenty-five year Such payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates.

[Effective April first, two thousand six, the longevity schedule referenced in paragraph (a) of this subdivision shall be replaced for all members in the position of trooper in the division of state police, which shall not include those in the title of special trooper. Members in the position of trooper, other than those in the title of special trooper, who on their anniversary date of employment with the division 12 of state police have attained six or more years of such satisfactory 13 service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service | <del></del>      |
|------------------|------------------|
|                  |                  |
| 6-10             | <del>\$400</del> |
|                  |                  |
| <del>11-15</del> | <del>\$450</del> |
|                  | 1 - 1 - 1        |
| <del>16-25</del> | <del>\$500</del> |

Individuals with greater than twenty-five years of service shall continue to receive a longevity award at the twenty five year amount. payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates. The longevity amounts provided by this subdivision shall be in addition to, and shall not be a part of, a member's annual basic 26 salary, and shall not impair any increments or other rights or benefits 27 to which a member may be entitled; provided, however, that longevity 28 awards shall be included as compensation for purposes of computation of 29 overtime pay and for retirement purposes. The provisions of this para-30 graph shall not apply to members in the title of special trooper.

(c) Members of the unit who are receiving a longevity award under 32 paragraph (a) of this subdivision shall be eligible to receive an 33 increased longevity award that corresponds to the schedule in paragraph (b) of this subdivision on April first, two thousand six. Such member 35 shall not be required to wait until his or her next anniversary date to 36 receive an increased longevity award under paragraph (b) of this subdivision. Additionally, members of the unit who are not eligible to receive a longevity award under paragraph (a) of this subdivision, but who on April first, two thousand six, are eligible to receive a longev-40 ity award under paragraph (b) of this subdivision, shall receive a longevity award that corresponds to the schedule in paragraph (b) of this subdivision on April first, two thousand six. Such member shall not 43 be required to wait until his or her next anniversary date to begin receiving a longevity award under paragraph (b) of this subdivision. 45 Members shall only be entitled to receive a pro-rata share of a full-46 year longevity award from the period April first, two thousand six, to his or her next anniversary date. The longevity amounts provided by this subdivision shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not impair any increments or other rights or benefits to which a member may be entitled; provided, however, that longevity awards shall be included as compensation for 52 purposes of computation of overtime pay and for retirement purposes. The 53 provisions of this paragraph shall not apply to members in the title of 54 special trooper.

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§ 5. Subdivision 3 of section 216-b of the executive law, as amended by chapter 157 of the laws of 2005, paragraph (b) as amended by chapter 112 of the laws of 2006, is amended to read as follows:

[Effective March thirty-first, two thousand three, members in 5 the collective negotiating unit consisting of commissioned and non-com-6 missioned officers in the division of state police who on their anniversary date of employment with the division have attained six or more 8 years of such satisfactory service shall be paid a longevity award in 9 accordance with the following schedule:

| 10 | Years of Service         | Amount             |
|----|--------------------------|--------------------|
| 11 | 6                        | \$800              |
| 12 | 7                        | <del>\$850</del>   |
| 13 | 8                        | <del>\$900</del>   |
| 14 | 9                        | <del>\$950</del>   |
| 15 | 10                       | \$1,000            |
| 16 | 11                       | <del>\$1,050</del> |
| 17 | <del>12</del>            | \$1,100            |
| 18 | 13                       | <del>\$1,150</del> |
| 19 | 14                       | <del>\$1,200</del> |
| 20 | <del>15</del>            | <del>\$1,650</del> |
| 21 | <del>16</del>            | \$1,700            |
| 22 | <del>17</del>            | \$1,750            |
| 23 | <del>18</del>            | \$1,800            |
| 24 | <del>19</del>            | <del>\$1,850</del> |
| 25 | 20                       | \$2,000            |
| 26 | 21                       | <del>\$2,050</del> |
| 27 | 22                       | \$2,100            |
| 28 | 23                       | \$2,150            |
| 29 | 24                       | \$2,200            |
| 30 | <del>25 or greater</del> | <del>\$2,250</del> |

31 Such payment shall commence in the pay period following such anniversary 32 date and shall be annualized and paid over the year-long period between 33 anniversary dates. [ (1) Effective April first, two thousand seven, all 34 members in the collective negotiating unit consisting of commissioned 35 and non-commissioned officers in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service  | Amount per year |
|-------------------|-----------------|
| 6-10              | \$430           |
| <del>11-1</del> 5 | \$480           |
| 16-25             | \$530           |

(2) Effective April first, two thousand eight, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| 52 | Years of Service | Amount per year |
|----|------------------|-----------------|
| 53 | 6-10             | \$460           |
| 54 | 11-15            | \$510           |
| 55 | 16-25            | \$560           |

(3) Effective April first, two thousand nine, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service | Amount per year |  |
|------------------|-----------------|--|
| 6-10             | \$500           |  |
| 11-15            | \$550           |  |
| 16-25            | \$600           |  |

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(4) Effective April first, two thousand ten, all members in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, who on their anniversary date of employment with the division of state police have attained 16 six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service  | Amount per year |
|-------------------|-----------------|
| 6-10              | \$540           |
| <del>11-1</del> 5 | \$590           |
| 16-25             | \$640           |
| 10 20             | 4010            |

- (5) Individuals with greater than twenty-five years of service shall continue to receive a longevity award at the twenty-five year amount. Such payment shall commence in the pay period following such anniversary 26 date and shall be annualized and paid over the year-long period between anniversary dates.
- (b) [Effective April first, two thousand six, the longevity schedule 29 referenced in paragraph (a) of this subdivision shall be replaced for 30 all members in the collective negotiating unit consisting of commis-31 sioned and non-commissioned officers in the division of state police, 32 who on their anniversary date of employment with the division have 33 attained six or more years of such satisfactory service in the division, 34 shall be paid a longevity award according to the following schedule for 35 each year of such satisfactory service up to twenty-five years:

| Years of Service | Amount per year  |
|------------------|------------------|
| 6-10             | \$400            |
| 11-15            | \$450            |
|                  |                  |
| <del>16-25</del> | <del>\$500</del> |

40 Individuals with greater than twenty-five years of service shall contin-41 ue to receive a longevity award at the twenty-five year amount. Such 42 payment shall commence in the pay period following such anniversary date 43 and shall be annualized and paid over the year-long period between anniversary dates. The longevity amounts provided by this subdivision shall 45 be in addition to, and shall not be a part of, a member's annual basic 46 salary, and shall not impair any increments or other rights or benefits to which a member may be entitled; provided, however, that longevity 48 awards shall be included as compensation for purposes of computation of 49 overtime pay and for retirement purposes.

(e) Eligible members in the collective negotiating unit consisting of 51 commissioned and non-commissioned officers in the division of state 52 police, who are commissioned officers, effective April first, two thou-53 sand, shall be paid supplemental longevities in addition to the longev-54 ities provided for in paragraph (a) of this subdivision, in accordance 55 with the following schedule:

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After five years following appointment as a commissioned officer five hundred dollars

After ten years following appointment as a commissioned officer - one 4 thousand dollars

After fifteen years following appointment as a commissioned officer one thousand five hundred dollars

Such payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates.

 $[\frac{d}{d}]$  (c) The longevity amounts provided by this subdivision shall be in addition to, and shall not be a part of, a member's annual basic salary, and shall not impair any other rights or benefits to which a member may be entitled; provided, however, that longevity awards shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.

[<del>(e)</del> Members of the unit who are receiving a longevity award under paragraph (a) of this subdivision shall be eligible to receive an increased longevity award which corresponds to the schedule listed in 19 paragraph (b) of this subdivision on April first, two thousand six. Such 20 member shall not be required to wait until his or her next anniversary 21 date to receive an increased longevity award under paragraph (b) of this 22 subdivision. Additionally, members of the unit who are not eligible to 23 receive a longevity award under paragraph (a) of this subdivision, but who on April first, two thousand six, are eligible to receive a longevity award under paragraph (b) of this subdivision, shall receive a 26 longevity award that corresponds to the schedule in paragraph (b) of this subdivision on April first, two thousand six. Such member shall not 28 be required to wait until his or her next anniversary date to begin 29 receiving a longevity award under paragraph (b) of this subdivision. 30 Members shall only be entitled to receive a pro-rata share of a fullyear longevity award from the period April first, two thousand six, to 32 his or her next anniversary date.

§ 6. Retroactive lump sum payment. Pursuant to the terms of an agree-34 ment negotiated between the state and the employee organization representing the collective negotiating unit consisting of troopers in the division of state police, members of such unit at the Trainee 1 step at any point during the period April 1, 2007 up to and including September 16, 2008 shall receive the equivalent of a three percent increase to the basic annual salary received at the Trainee 1 rate for the period 40 between April 1, 2007 and the completion of such employee's service at 41 the Trainee 1 step. The amounts herein shall be included as compensation 42 for purposes of computation of overtime pay and for retirement purposes 43 and shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which the lump sum is paid.

§ 7. Location compensation. (a) Notwithstanding any other provision of 47 law to the contrary, pursuant to the terms of the agreements negotiated 48 between the state and the employee organization representing the collec-49 tive negotiating units consisting of troopers and commissioned and non-50 commissioned officers in the division of state police, members in these collective negotiating units whose principal place of employment, or, in 52 the case of a field employee, whose official station as determined in 53 accordance with the regulations of the state comptroller, is located in 54 the county of Monroe and who were on the payroll on March 31, 1985, and 55 who have received this location compensation continually since then, 56 shall continue to receive location pay at the rate of two hundred

dollars (\$200) per year, provided the member continues to be otherwise eligible. Such location pay shall continue to be annualized and paid during the regular bi-weekly periods. Such location pay shall be in 4 addition to, and shall not be a part of, a member's annual basic salary, 5 and shall not affect or impair any increments or other rights or benefits to which the member may be entitled; provided, however, that 7 location pay shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.

(b) Notwithstanding any other provision of law to the contrary, pursu-10 ant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units 12 consisting of troopers and commissioned and non-commissioned officers in 13 the division of state police, members in these collective negotiating 14 units whose principal place of employment, or, in the case of a field 15 employee, whose official station as determined in accordance with the 16 regulations of the state comptroller, is located in the city of New York, or in the county of Rockland, Westchester, Nassau or Suffolk shall 18 receive location pay as follows:

> Effective Date Amount April 1, 2007 \$1,392 April 1, 2008 \$1,434 April 1, 2009 \$1,477 April 1, 2010 \$1,536

24 Such location pay shall continue to be annualized and paid during regular bi-weekly periods. Such location pay shall be in addition to, and 26 shall not be a part of, a member's annual basic salary, and shall not affect or impair any increments of other rights or benefits to which the 28 member may be entitled; provided, however, that the location pay shall 29 be included as compensation for purposes of computation of overtime pay 30 and for retirement purposes.

§ 8. Supplemental location compensation. (a) Notwithstanding any other 32 provision of law to the contrary, pursuant to the terms of the agree-33 ments negotiated between the state and the employee organization repres-34 enting the collective negotiating units consisting of troopers and 35 commissioned and non-commissioned officers in the division of state 36 police, members in these collective negotiating units whose principal place of employment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state 39 comptroller, is located in the city of New York, or in the county of 40 Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk shall 41 receive supplemental location pay as follows:

42 Effective April 1, 2007

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| 43 | Orange, Putnam or Dutchess County         | \$1,160 |
|----|---|---------|
| 44 | Rockland or Westchester County or city of | +1/100  |
| 45 | New York                                  | \$1,739 |
| 46 | Nassau or Suffolk County                  | \$2,029 |
| 47 | Effective April 1, 2008                   |         |
| 48 | Orange, Putnam or Dutchess County         | \$1,195 |
| 49 | Rockland or Westchester County or city of |         |
| 50 | New York                                  | \$1,791 |
| 51 | Nassau or Suffolk County                  | \$2,090 |
| 52 | Effective April 1, 2009                   |         |
| 53 | Orange, Putnam or Dutchess County         | \$1,230 |
| 54 | Rockland or Westchester County or city of |         |
| 55 | New York                                  | \$1,845 |

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Nassau or Suffolk County \$2,153 Effective April 1, 2010 Orange, Putnam or Dutchess County \$1,280 4 Rockland or Westchester County or city of 5 New York \$1,918 6 Nassau or Suffolk County \$2,239

- (b) Such supplemental location pay shall continue to be annualized and paid during regular bi-weekly periods. Such supplemental location compensation shall be in addition to, and shall not be a part of, a 10 member's annual basic salary, and shall not affect or impair any incre-11 ments or other rights or benefits to which a member may be entitled; 12 provided, however, that such compensation shall be included as compensation for purposes of computation of overtime pay and for retirement 14 purposes.
- § 9. Expanded duty pay. (a) Notwithstanding any other provision of law 16 to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collec-18 tive negotiating units consisting of troopers and commissioned and noncommissioned officers in the division of state police, effective April 20 1, 2007, members in the collective negotiating units described above shall receive expanded duty pay in the amount of three thousand eight 22 hundred fifty-two dollars (\$3,852). Effective April 1, 2008 this amount shall be increased to five thousand fifty-two dollars (\$5,052). Effective April 1, 2009, this amount shall be increased to six thousand two hundred fifty-two dollars (\$6,252). Effective April 1, 2010, this amount 26 shall be increased to seven thousand four hundred fifty-two dollars (\$7,452).
- (b) Such expanded duty pay shall continue to be annualized and paid during regular bi-weekly periods. Such additional compensation as 30 provided in this section shall be in addition to, and shall not be part of, the member's annual basic salary, and shall not affect or impair any 32 rights or benefits to which the member may be entitled; provided, howev-33 er, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for 35 retirement. No expanded duty pay shall be paid to any member while at the Trainee 1 step or to any member in the title of Special Trooper.
- § 10. Hazardous duty pay. (a) Notwithstanding any other provision of 38 law to the contrary, pursuant to the terms of the agreements negotiated 39 between the state and the employee organization representing the collec-40 tive negotiating units consisting of troopers and commissioned and noncommissioned officers in the division of state police, effective April 2010, members in the collective negotiating units described above 43 shall receive hazardous duty pay in the amount of twelve hundred dollars (\$1,200) annually.
- (b) Such hazardous duty pay shall be payable to those unit members 46 the payroll on November first of each year during the pay period that includes December first. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the 49 member's annual basic salary, and shall not affect or impair any rights 50 or benefits to which the member may be entitled; provided, however, that 51 such additional compensation shall be included as compensation for 52 purposes of computation of overtime pay and as compensation for retire-53 ment.
- 54 § 11. Command pay. (a) Notwithstanding any provision of law to the 55 contrary, pursuant to the terms of an agreement negotiated between the 56 state and the employee organization representing the collective negoti-

ating unit consisting of commissioned and non-commissioned officers in the division of state police, in recognition that commissioned and noncommissioned officers in the division of state police assume higher level responsibilities, such commissioned and non-commissioned officers 5 shall receive command pay in the amount of two hundred eighty-nine dollars (\$289) effective April 1, 2007. Effective April 1, 2008, such 7 command pay shall be increased to two hundred ninety-eight dollars (\$298). Effective April 1, 2009, such command pay shall be increased to three hundred seven dollars (\$307). Effective April 1, 2010, such command pay shall be increased to three hundred nineteen dollars (\$319). 10 Such payment shall be annualized and paid during the regular 11 12 bi-weekly periods and shall be in addition to, and not part of, the 13 member's annual basic salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, such

- payments shall be included as compensation for retirement purposes. Command pay shall be included for overtime calculations for non-commissioned officers.
- § 12. Physical fitness program. (a) Pursuant to the terms of the 19 agreements negotiated between the state and the employee organization 20 representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state 22 police, and the terms of the interest arbitration awards made pursuant to subdivision 4 of section 209 of the civil service law binding the executive branch of the state of New York and the employee organization 25 representing such units, effective April 1, 2001 a joint labor-manage-26 ment committee shall be continued for the purpose of evaluating the assessment, study, and testing for the fitness of members of these 28 units.
- (b) Effective March 31, 2003, members in the collective negotiating 30 units described in this section shall continue to receive an annual fitness bonus if they satisfy the fitness requirements developed by the division of state police during a fiscal year. The committee shall determine the amount of such fitness bonus and such awards shall be paid on or about December first of each fiscal year.
- (c) The amounts received pursuant to this section shall be paid in 36 addition to, and shall not be a part of, the member's annual basic salary, and shall not affect or impair any increments or other rights or benefits to which the employee may be entitled; provided, however, that any amounts shall be included as compensation for overtime and retire-40 ment purposes.
  - (d) The division of state police and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police may agree to expend the funds appropriated on an annual basis for the physical fitness program for a mutually agreeable alternate purpose.
- § 13. Health benefits committees. (a) Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit consisting of troopers in the division of state police, during the period April 1, 2007 through March 31, 2011, there shall continue to be a committee on health benefits funded in the amount of \$12,500 per fiscal year in the above cited period. One-half of this amount in each year shall be made available to 53 the state and one-half shall be made available to the employee organization representing such unit.
- (b) Pursuant to the terms of an agreement negotiated between the state 56 and the employee organization representing the collective negotiating

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unit consisting of commissioned and non-commissioned officers in the division of state police, during the period April 1, 2007 through March 31, 2011, there shall continue to be a committee on health benefits funded in the amount of \$5,000 per fiscal year in the above cited period. One-half of this amount in each year shall be made available to the state and one-half shall be made available to the employee organization representing such unit.

- § 14. Professional development and training funds. (a) Pursuant to the terms of an agreement negotiated between the state and the employee organization representing the collective negotiating unit consisting of troopers in the division of state police, during the period April 1, 2007 to March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of \$92,400 per fiscal year in the above cited period, from which the tuition reimbursement program, the master's program and the employee 16 assistance program shall be supported.
- (b) Pursuant to the terms of an agreement negotiated between the state 18 and the employee organization representing the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police, during the period April 1, 2007 to March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of \$92,400 per fiscal year in the above cited period, from which the tuition reimbursement program, the master's program and the employee assistance program shall 25 be supported.
- § 15. Recognized degree pay. Notwithstanding any provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective 29 negotiating units consisting of troopers and commissioned and non-com-30 missioned officers in the division of state police, or the terms of the interest arbitration awards made pursuant to subdivision 4 of section 32 209 of the civil service law binding the executive branch of the state 33 of New York and the employee organization representing such units, effective March 31, 2003, the lump sum payments for degrees, as contained in sections 4 and 5 of chapter 244 of the laws of 2002, shall continue.
  - § 16. Member in charge of satellite station compensation. Members of the collective negotiating unit consisting of troopers in the division state police who are designated "members in charge" of a satellite station shall continue to receive four hundred thirty-five dollars (\$435) per year. Such payment for the "member in charge" designation shall commence upon such designation and shall be prorated based upon the duration of the designation.
- § 17. Short swings. (a) Notwithstanding any provision of law to the contrary, pursuant to the terms of the agreements negotiated between the 46 state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police, or the terms of the interest arbitration awards made pursuant to subdivision 4 of section 209 of the civil service law binding the executive branch of the state of New York and the employee organization representing such units, effective March 2003, members of these units who are required to work short swings 53 shall continue to receive compensation of thirty dollars (\$30) for each 54 short swing they are required to work and actually work. There shall be 55 no short swing compensation where the short swing is worked at the 56 request of, or for the convenience of the member, as determined by the

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division of state police. The definition of short swing shall be a tour of duty commencing between the hours of five a.m. and nine a.m. (B line) followed by a tour of duty commencing between nine p.m. and one a.m. (A line) on consecutive days, or, a tour of duty commencing between the 5 hours of one p.m. and five p.m. (C line) followed by a tour of duty commencing between the hours of five a.m. and nine a.m. (B line) on 7 consecutive days. Such additional compensation shall not be payable if such member's hours of work continue from the conclusion of the former shift to the commencement of the latter shift without interruption.

- (b) The additional compensation payable pursuant to this section shall be in addition to, and shall not be a part of, the member's annual basic salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that any compensation payable pursuant to this section shall be included as compensation for the purposes of computation of overtime pay and for retirement purposes. 16 The director of the budget may adopt such regulations as may be deemed necessary to carry out the provisions of this section.
  - § 18. Unused sick leave at retirement. Effective March 31, 2003, lump sum payment for unused sick leave at retirement as provided in section 9 of chapter 9 of the laws of 2001 and as provided in section 9 of chapter 10 of the laws of 2001 shall continue.
- § 19. Overtime meal allowance. Notwithstanding any other provision of law to the contrary, pursuant to the terms of the agreements negotiated between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and non-26 commissioned officers in the division of state police, or the terms of the interest arbitration awards made pursuant to subdivision 4 of section 209 of the civil service law binding the executive branch of the state of New York and the employee organization representing such units, the overtime meal allowance for unit members shall continue at the rates in effect as of March 31, 2007.
- § 20. The salary increases and benefit modifications provided for by 33 this act for state employees in the collective negotiating units designated as the unit consisting of troopers in the division of state police and the unit consisting of commissioned and non-commissioned officers in 36 the division of state police established pursuant to article 14 of the civil service law shall not be implemented until the director of employee relations shall have delivered to the director of the budget and the comptroller a letter certifying that there is in effect with respect to 40 each such negotiating unit a collective negotiating agreement which 41 provides for such increases and modifications and which is fully executed in writing with the state pursuant to article 14 of the civil 43 service law, and ratified pursuant to the ratification procedure of the employee organization certified pursuant to article 14 of the civil service law to represent each such collective negotiating unit.
  - § 21. Payment and publication of grievance arbitration settlements and awards. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance arbitration settlements and awards pursuant to article 15 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating units consisting of troopers and commissioned and noncommissioned officers in the division of state police.
- 54 § 22. Date of entitlement to salary increase. Notwithstanding the 55 provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any member of the collective

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1 negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof 13 pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary 15 rights of benefits on such officer or employee. Payment of such salary 16 increase may be deferred pursuant to section twenty-three of this act.

 $\S$  23. Deferred payment of salary increase. Notwithstanding the 18 provisions of any other section of this act or of any other provision of law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2007 until the time when basic annual salaries are first paid pursuant to this act for such services in excess 26 of the compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such 28 incumbent is entitled for such service and the compensation actually 29 received therefor. Such lump sum payment shall be made as soon as prac-30 ticable. Any amount payable in such lump sum paid represents compen-31 sation earned in each of the year or years for which it is calculated 32 pursuant to this act and not as compensation earned wholly in the year during which the lump sum is paid.

§ 24. Use of appropriations. Notwithstanding any provision of the 35 state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of 40 the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts 42 necessary to make such payments. Any appropriations or other funds available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 2009 shall be available for the payment of any liabilities or obli-46 gations incurred pursuant to the foregoing provisions of this act, whether occurring prior to or during the state fiscal year commencing April 1, 2009 or during the state fiscal year commencing April 1, 2010.

§ 25. Appropriations. Notwithstanding any provision of the state 50 finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section are hereby appropriated from the funds so designated for use by any state department or agency 53 for the fiscal year beginning April 1, 2009 to supplement appropriations from each respective fund available for personal service, other than 55 personal service and fringe benefits, and to carry out the provisions of 56 this act. The monies hereby appropriated are available for payment of

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1 any liabilities or obligations incurred prior to or during the State
  fiscal year commencing April 1, 2009 in addition to liabilities or obli-
  gations associated with the state fiscal year commencing April 1, 2010.
 4 For this purpose, these appropriations shall remain in full force and
5 effect for the payment of liabilities incurred on or before April 1,
6 2010. No money shall be available for expenditure from this appropri-
7 ation until a certification of approval has been issued by the director
8 of the budget and a copy of such certificate or any amendment thereto
9 has been filed with the state comptroller, the chairperson of the senate
10 finance committee, and the chairperson of the assembly ways and means
11 committee.
12 ALL STATE DEPARTMENTS AND AGENCIES
13 Special Pay Bills
14
    General Fund - State Purposes Account
15
               PERSONAL SERVICE
16 Personal Service - Regular.....$52,345,000
17 Overtime.....$6,091,000
18 Other compensation, including but not limit-
   ed to expanded duty pay, command pay, location compensation and supplemental
20
21
    location compensation.....$23,156,000
22 Supervisory Re-alignment......$200,000
2.3
             NON-PERSONAL SERVICE
24 Fringe benefits......$7,020,000
25 Health Benefits Committee.....$35,000
26 Professional Development Fund......$554,000
27 Contract Administration.....$25,000
28 Employee Benefit Fund......$1,088,000
29
     Special Revenue Funds - Other / State Operations
    Miscellaneous Special Revenue Fund - 339
30
31
    New York State Thruway Authority Fund
32
               PERSONAL SERVICE
34 Overtime......$981,000
35 Other compensation, including but not limit-
    ed to expanded duty pay, command pay,
37
    location compensation and supplemental
38
    location compensation.....$2,520,000
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             NON-PERSONAL SERVICE
40 Fringe Benefits.....$4,452,000
41
     Special Revenue Funds - Other / State Operations
42
    Miscellaneous Special Revenue Fund - 339
     Regulation of Indian Gaming Account
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| 1                          | PERSONAL SERVICE   |
|----------------------------|--|
| 2<br>3<br>4<br>5<br>6<br>7 | Personal Service - Regular\$125,000  Overtime\$8,000  Other compensation, including but not limited to expanded duty pay, command pay, location compensation and supplemental location compensation\$48,000  |
| 8                          | NON-PERSONAL SERVICE   |
| 9                          | Fringe benefits\$89,000  |
| 10<br>11<br>12             | Special Revenue Funds - Other / State Operations<br>Highway Safety Fund - 362<br>Commercial Vehicle Safety Account   |
| 13                         | PERSONAL SERVICE   |
| 14<br>15<br>16<br>17<br>18 | Personal Service - Regular\$495,000 Overtime\$105,000 Other compensation, including but not limited to expanded duty pay, command pay, location compensation and supplemental location compensation\$181,000 |
|                            |  |
| 20                         | NON-PERSONAL SERVICE   |
| 21                         | Fringe benefits\$386,000   |

§ 26. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2007.

REPEAL NOTE.--Subdivision 2 of section 215 of the executive law, repealed by section one of this act, provided salary schedules for state employees in the particular titles in the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police and is replaced by revised salary schedules in a new subdivision 2 implementing an agreement between the state and the employee organization representing such units.

Paragraph a of subdivision 2 of section 207-b of the state finance law, repealed by section two of this act, provided for payments to an employee benefit fund for state employees in the particular titles in the collective negotiating units consisting of troopers and commissioned and non-commissioned officers in the division of state police is replaced by a revised schedule of payments to be made to such fund in a new paragraph a implementing an agreement between the state and the employee organization representing such units.

## STATE OF NEW YORK

5504

2009-2010 Regular Sessions

#### IN SENATE

May 12, 2009

Introduced by Sens. SAVINO, KLEIN, MONSERRATE, ADAMS, DILAN, HUNTLEY, LANZA, ROBACH -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; to amend the state finance law, in relation to terms and conditions of employment for members of the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police; in relation to implementing an agreement covering such members of such unit and in relation to the employee benefit fund for members of such unit; to amend the executive law, in relation to salary schedules for such members of such unit; making an appropriation therefor; and to repeal certain provisions of such laws relating thereto

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

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

- § 2. Paragraph a of subdivision 2 of section 216 of the executive law is REPEALED and a new paragraph a is added to read as follows:
- a. Salary schedules for investigators, senior investigators, and investigative specialists in the division of state police.
- (1) Effective April first, two thousand seven, members assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

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 Senior

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 Investigator
 Investigator

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 Nassau and Suffolk
 \$82,698
 \$86,898

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

LBD12055-02-9

\$82,444 New York City, Rockland, Westchester \$86,646 Orange, Putnam, Dutchess \$81,479 \$85,680 All other locations \$81,300 \$85,500

(2) Effective April first, two thousand eight, members assigned to the 5 bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

Senior 9 Investigator Investigator \$85,179 10 Nassau and Suffolk \$89,505 New York City, Rockland, Westchester \$84,917 \$89,245 11 12 Orange, Putnam, Dutchess \$83,923 \$88,250 13 All other locations \$83,739 \$88,065 14

(3) Effective April first, two thousand nine, members assigned to the 15 bureau of criminal investigation and investigative specialists appointed 16 to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

Senior Investigator Investigator 20 Nassau and Suffolk \$87,734 \$92,190 \$91,922 21 New York City, Rockland, Westchester \$87,465 22 Orange, Putnam, Dutchess \$86,441 \$90,898 23 All other locations \$86,251 \$90,707

(4) Effective April first, two thousand ten, members assigned to the 25 bureau of criminal investigation and investigative specialists appointed 26 to the bureau by the superintendent, shall receive a basic annual salary 27 pursuant to the following schedule:

Senior

Investigator Investigator \$91,243 \$95,878 30 Nassau and Suffolk \$90,964 \$95,599 New York City, Rockland, Westchester Orange, Putnam, Dutchess \$89,899 \$94,534 33 All other locations \$89,701 \$94,335

(5) Effective March thirty-first, two thousand eleven, members 35 assigned to the bureau of criminal investigation and investigative specialists appointed to the bureau by the superintendent, shall receive a basic annual salary pursuant to the following schedule:

Senior Investigator Investigator 40 Nassau and Suffolk \$106,157 \$95,878 41 New York City, Rockland, Westchester \$105,878 \$95,599 \$94,534 42 Orange, Putnam, Dutchess \$104,813 43 All other locations \$104,615 \$94,335

- § 3. Paragraph b of subdivision 2 of section 207-b of the state 45 finance law is REPEALED and a new paragraph b is added to read as 46 follows:
- b. Pursuant to the terms of an agreement negotiated between the execu-48 tive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, and upon audit and warrant of the state comptroller, the director shall provide for the payment of monies to such employee organization for the establishment and maintenance of an 54 employee benefit fund established by the employee organization for the 55 employees in the collective negotiating unit covered by the controlling 56 provisions of such agreement providing for such employee benefit fund,

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such amount to be determined consistent with said agreement on the basis of the number of full-time annual salaried employees, other than fulltime seasonal employees, on the payroll on March first, two thousand seven, for payments to be made on April first, two thousand seven, and on the payroll on March first, two thousand eight, for payments to be made on April first, two thousand eight and on the payroll on March first, two thousand nine, for payments to be made on April first, two thousand nine and on the payroll on March first, two thousand ten, for payments to be made on April first, two thousand ten. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the appropriations as provided by law, in which case the state comptroller shall establish 14 procedures to ensure repayment from said special or administrative funds. The director shall enter into an agreement with an employee organization, which sets forth the specific terms and conditions for the transmittal of monies pursuant to this section.

- 4. Subdivision 2 of section 216-c of the executive law is REPEALED and a new subdivision 2 is added to read as follows:
- 2. In addition to the compensation provided in subdivision one of this section, members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, on the payroll on November first of each year, shall receive, effective April first, two thousand seven, thirteen hundred ninety-two dollars. Effective April first, two thousand eight, such amount shall be increased to fourteen hundred thirty-four dollars. Effective April first, two thousand nine, such amount shall be increased to fourteen hundred seventy-seven dollars. Effective April first, two thousand ten, such amount shall be increased to fifteen hundred thirtysix dollars. Such payments shall be in addition to, and shall not be part of, the member's annual basic salary, except for the purpose of retirement, and shall be made in a separate check during the payroll period which includes December first each year.
- § 5. Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of 35 the executive law are REPEALED and two new paragraphs (b) and (c) are added to read as follows:
  - (b) (1) Effective April first, two thousand seven, all members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

| Years of Service | Amount per year |
|------------------|-----------------|
| 6-10             | \$430           |
| 11-15            | \$480           |
| 16-25            | \$530           |

(2) Effective April first, two thousand eight, all members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five 56 years:

Years of Service 1 Amount per year 2 6-10 \$460 3 <del>11-1</del>5 \$510 <del>16-2</del>5 \$560 4

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Effective April first, two thousand nine, all members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

Years of Service Amount per year 6-10 \$500 11-15 \$550 16-25 \$600

(4) Effective April first, two thousand ten, all members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police, who on their anniversary date of employment with the division of state police have attained six or more years of such satisfactory service in the division, shall be paid a longevity award according to the following schedule for each year of such satisfactory service up to twenty-five years:

Years of Service Amount per year 6-10 \$540 11-15 \$590 16-25 \$640

- Individuals with greater than twenty-five years of service shall continue to receive a longevity award at the twenty-five year amount. Such payment shall commence in the pay period following such anniversary date and shall be annualized and paid over the year-long period between anniversary dates.
- (c) The longevity amounts provided by this subdivision shall be addition to, and shall not be a part of, a member's annual basic salary, and shall not impair any other rights or benefits to which a member may be entitled; provided, however, that longevity awards shall be included as compensation for purposes of computation of overtime pay and for retirement purposes.
- § 6. Premium in lieu of overtime. (a) Pursuant to the terms of 41 agreement negotiated between the executive branch of the state of New 42 York and the employee organization representing the collective negotiat-43 ing unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, senior investigators in the division of state police shall receive 46 an overtime premium in the amount of ten thousand eight hundred eighteen dollars (\$10,818). Effective April 1, 2008, such amount shall be 48 increased to eleven thousand one hundred forty-three dollars (\$11,143). 49 Effective April 1, 2009, such amount shall be increased to eleven thousand four hundred and seventy-seven dollars (\$11,477). Effective April 51 1, 2010, such amount shall be increased to eleven thousand nine hundred thirty-six dollars (\$11,936). Effective March 31, 2011, such amount shall be rolled into base salary.
- (b) Such payment shall be annualized and paid during the regular 55 bi-weekly periods. Such compensation shall be in addition to and shall 56 not be part of the member's basic annual salary and shall not affect or

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

- § 7. Command pay. (a) Pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, in recognition that senior investigators in the division of state police assume higher-level responsibilities, such members shall receive command pay in the amount of two thousand six hundred ninety-nine dollars (\$2,699). Effec-13 tive April 1, 2008, such amount shall be increased to two thousand seven 14 hundred eighty dollars (\$2,780). Effective April 1, 2009, such amount shall be increased to two thousand eight hundred sixty-three dollars (\$2,863). Effective April 1, 2010, such amount shall be increased to two thousand nine hundred seventy-eight dollars (\$2,978). Effective March 31, 2011, such amount shall be rolled into base salary.
- (b) Such payment shall be annualized and paid during the regular 20 bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that command pay shall be included as compensation for the computation of overtime pay and retirement.
- § 8. Health benefits committee. Pursuant to the terms of an agreement 26 negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2007 through March 31, 2011, there shall continue to be a committee on 31 health benefits funded in the amount of five thousand dollars (\$5,000) annually. One-half of this amount in each year shall be made available to the state and one-half shall be made available to the employee organization representing such unit.
- § 9. Maintenance allowance. (a) Pursuant to the terms of an agreement 36 negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, each member of such unit shall receive two thousand eight hundred sixty-five dollars (\$2,865) as a maintenance allowance. Effective April 1, 2008, such amount shall be increased to two thousand nine hundred fifty-one dollars (\$2,951). Effective April 1, 2009, such amount shall be increased to three thousand forty dollars (\$3,040). Effective April 2010, such amount shall be increased to three thousand one hundred sixty-two dollars (\$3,162).
  - (b) Such maintenance allowance shall be paid on an annualized basis in regular bi-weekly paychecks. Such additional compensation, as provided in this section, shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and retirement.
- 54 § 10. Expertise pay. (a) Notwithstanding any other provision of law to the contrary, pursuant to the terms of an agreement negotiated between the executive branch of the state of New York and the employee organiza-

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tion representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2010, members in such collective negotiating unit shall receive expertise pay in the amount of twelve hundred dollars (\$1,200) annually.

- (b) Such expertise pay shall be payable to those unit members on the payroll on November 1 of each year during the pay period that includes December 1. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.
- § 11. Professional development and training funds. Pursuant to the 15 terms of an agreement negotiated between the executive branch of the 16 state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, during the period April 1, 2007 through March 31, 2011, there shall continue to be a professional development and quality of working life committee funded in the amount of \$81,900 annually, from which the tuition reimbursement program, the master's program, and the employee assistance program shall be supported.
- $\S$  12. Expanded duty pay. (a) Pursuant to the terms of an agreement 25 negotiated between the executive branch of the state of New York and the 26 employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 2007, 29 each member of such unit shall receive expanded duty pay of three thou-30 sand eight hundred fifty-two dollars (\$3,852). Effective April 1, 2008 this amount shall be increased to five thousand fifty-two dollars (\$5,052). Effective April 1, 2009, this amount shall be increased to six 33 thousand two hundred fifty-two dollars (\$6,252). Effective April 1, 2010, this amount shall be increased to seven thousand four hundred fifty-two dollars (\$7,452). Such expanded duty pay is in recognition of such members expanded duties, including those related to counterterrorism and other post-September 11, 2001 initiatives, computer crimes, and law enforcement activities involving gambling regulation.
- (b) Such expanded duty pay shall be annualized and paid during regular 40 bi-weekly periods. Such additional compensation as provided in this section shall be in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for purposes of computation of overtime pay and as compensation for retirement.
- § 13. Supervisory responsibility pay. (a) Pursuant to the terms of agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective March 31, 2005, certain members shall continue to receive additional compensation, prescribed in the interest arbitration award dated February 4, 2005, 53 when designated by the division of state police to work as a "unit coor-54 dinator", "acting senior investigator", or "acting administrative senior 55 investigator".

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

§ 14. Location compensation. (a) Notwithstanding any other provision of law to the contrary, members in the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police whose principal place of employment or, in the case of a field employee, whose official station, 12 as determined in accordance with the regulations of the state comp-13 troller, is located in the county of Monroe, who were on the payroll on 14 March 31, 1985, and who have received this location compensation contin-15 ually since then, shall receive location pay at the rate of \$200 per 16 year; provided that each such member continues to be otherwise eligible.

(b) Pursuant to the terms of an agreement negotiated between the exec-18 utive branch of the state of New York and the employee organization 19 representing the collective negotiating unit consisting of investi-20 gators, senior investigators, and investigative specialists in the divi-21 sion of state police, members of such unit whose principal place of 22 employment or, in the case of a field employee, whose official station, 23 as determined in accordance with the regulations of the state comptroller, is located in the city of New York or in the counties of Rockland, Westchester, Nassau, or Suffolk shall receive location pay as 26 follows: Efforting Date

| Effect | lVe | e Date | Amount  |
|--------|-----|--------|---------|
| April  | 1,  | 2007   | \$1,392 |
| April  | 1,  | 2008   | \$1,434 |
| April  | 1,  | 2009   | \$1,477 |
| April  | 1,  | 2010   | \$1,536 |

(c) Such location pay as provided in this section shall be annualized 33 and paid during the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that location pay shall be included as compensation for the purposes of computation of overtime pay and retirement.

§ 15. Supplemental location pay. (a) Pursuant to the terms of an 40 agreement negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiat-42 ing unit consisting of investigators, senior investigators, and investi-43 gative specialists in the division of state police, members of such unit whose principal place of employment, or, in the case of a field employee, whose official station, as determined in accordance with the regu-46 lations of the state comptroller, is located in the city of New York or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau, or Suffolk shall receive supplemental location pay, in addition to the location pay provided in section fourteen of this act, according 50 to the following schedule:

51 Effective April 1, 2007

52 Orange, Putnam or Dutchess County \$1,160 53 Rockland or Westchester County or city of 54 \$1,739 New York 55 Nassau or Suffolk County \$2,029

Effective April 1, 2008 2 Orange, Putnam or Dutchess County \$1,195 3 Rockland or Westchester County or city of 4 New York \$1,791 5 Nassau or Suffolk County \$2,090 6 Effective April 1, 2009 7 Orange, Putnam or Dutchess County \$1,230 8 Rockland or Westchester County or city of 9 \$1,845 New York 10 Nassau or Suffolk County \$2,153 11 Effective April 1, 2010 Orange, Putnam or Dutchess County \$1,280 Rockland or Westchester County or city of 13 14 New York \$1,918 15 Nassau or Suffolk County \$2,239

- (b) Such supplemental location pay shall be annualized and paid during 17 the regular bi-weekly periods. Such compensation shall be in addition to and shall not be part of the member's basic annual salary and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that supplemental location pay shall be 21 included as compensation for the purposes of computation of overtime pay and retirement.
- § 16. Unused sick leave at retirement. Pursuant to the terms of an 24 agreement negotiated between the executive branch of the state of New 25 York and the employee organization representing the collective negotiat-26 ing unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit 28 shall continue to receive a lump sum cash payment for accumulated and 29 unused sick leave credits standing to the employee's credit at the time 30 of separation from service by retirement. The amount of such payment shall be determined in the following manner:
- (a) Effective April 1, 1998, the number of days of such accumulated 33 and unused sick leave, not to exceed 300 days, less 165 days, shall be 34 multiplied by the member's daily rate of pay in effect at the time of separation from service by retirement.
- (b) The lump sum payment shall be one-fifth of such amount provided 37 for in subdivision (a) of this section.
- (c) Such additional compensation shall be in addition to and shall not 39 be part of the member's basic annual salary, and shall not affect or 40 impair any rights or benefits to which the member may be entitled; 41 provided, however, that such additional compensation shall be included as compensation for retirement purposes.
- § 17. Physical fitness program. (a) Pursuant to the terms of an agree-44 ment negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating 46 unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, effective April 1, 48 1999, a joint labor management committee shall be continued for the 49 purpose of evaluating the assessment, study, and testing for the fitness 50 of members of the employee organization. The division of state police 51 shall administer such program through the provision of an annual appro-52 priation. Members in the employee organization shall receive an annual 53 fitness bonus if they satisfy the fitness requirements developed by the 54 division of state police during a fiscal year. The amount of such

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fitness bonus shall be determined by the committee within the amount appropriated therefor. Such awards shall be paid on or about December first of each fiscal year.

- (b) Any amounts received pursuant to this section shall be in addition to, and shall not be a part of, the member's basic annual salary, and shall not affect or impair, any increments or other rights or benefits to which the member may be entitled; provided, however, that any amounts received shall be included as compensation for retirement purposes.
- (c) The division of state police and the employee organization representing such unit may agree to expend the funds appropriated on an annual basis for the physical fitness program for a mutually agreeable alternate purpose.
- § 18. Recognized degree pay. (a) Pursuant to the terms of an agreement 14 negotiated between the executive branch of the state of New York and the employee organization representing the collective negotiating unit 16 consisting of investigators, senior investigators, and investigative specialists in the division of state police, members of such unit 18 possess or obtain a recognized degree from an accredited and recognized college or university on or after April 1, 2001, shall continue to 20 receive a lump sum payment of \$250 for an associate degree, \$500 for a bachelor's degree, and \$750 for a graduate degree. Payment for such degree shall occur annually in June of each year, and shall be for one 23 degree only. When such degree is obtained in a fiscal year, such payment shall be made as soon as practicable after conferral of the degree.
- (b) Such additional compensation as provided in this section shall be 26 in addition to, and shall not be part of, the member's basic annual salary, and shall not affect or impair any rights or benefits to which the member may be entitled; provided, however, that such additional compensation shall be included as compensation for retirement purposes.
  - § 19. Payment and publication of grievance arbitration settlements and Notwithstanding any provision of law to the contrary, appropriations contained in this act shall be available to the state for the payment and publication of grievance arbitration settlements and awards pursuant to article 15 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police, such provisions being in effect pursuant to paragraph (e) of subdivision 1 of section 209-a of the civil service law.
- § 20. Date of entitlement to salary increase. Notwithstanding the 41 provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any member of the collective 43 negotiating unit consisting of investigators, senior investigators, and investigative specialists in the division of state police provided by this act shall be added to the salary of such member at the beginning of 46 that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that, for the purposes of determining the salary of such officer or employee upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other 53 change of status, such salary increase shall be deemed to be effective 54 on the date thereof as prescribed by this act, with payment thereof 55 pursuant to this section on a date prior thereto, instead of on such 56 effective date, and shall not operate to confer any additional salary

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rights or benefits on such officer or employee. Payment of such salary increase may be deferred pursuant to section twenty-one of this act.

§ 21. Deferred payment of salary increase. Notwithstanding the 4 provisions of any other section of this act or of any provision of law to the contrary, pending payment pursuant to this act of the basic annu-6 al salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2007 until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the 12 compensation actually received therefor, shall be entitled to a lump sum 13 payment for the difference between the salary to which such incumbent is 14 entitled for such service and the compensation actually received there-15 for. Such lump sum payment shall be made as soon as practicable. The 16 amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which the lump sum is paid.

§ 22. Use of appropriations. Notwithstanding any provision of the 20 state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of the budget is authorized to allocate to the various departments and 26 agencies, from any appropriations available in any fund, the amounts 27 necessary to make such payments. Any appropriations or other funds 28 available to any state department or agency for personal service or for other related employee benefits during the fiscal year commencing April 30 1, 2009 shall be available for the payment of any liabilities or obligations incurred pursuant to the foregoing provisions of this act, whether occurred prior to or during the state fiscal year commencing April 1, 2009 or during the state fiscal year commencing April 1, 2010.

§ 23. Appropriations. Notwithstanding any provision of the state 35 finance law or any other provision of law to the contrary, the several 36 amounts as hereinafter set forth in this section are hereby appropriated from the funds so designated for use by any state department or agency for the fiscal year beginning April 1, 2009 to supplement appropriations from each respective fund available for personal service, other than 40 personal service and fringe benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for payment of 42 any liabilities or obligations incurred prior to or during the state 43 fiscal year commencing April 1, 2009 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2010. 45 For this purpose, these appropriations shall remain in full force and 46 effect for the payment of liabilities incurred on or before April 1, 2010. No money shall be available for expenditure from this appropriation until a certification of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto 50 has been filed with the state comptroller, the chairperson of the senate finance committee, and the chairperson of the assembly ways and means committee.

ALL STATE DEPARTMENTS AND AGENCIES

54 Special Pay Bills

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S. 5504 11

| 1  | General Fund - State Purposes Account   |
|--|---|
| 2  | PERSONAL SERVICE  |
| 3<br>4<br>5<br>6<br>7<br>8<br>9              | Personal Service - Regular\$24,396,000 Overtime\$1,934,000 Other compensation, including but not limited to premium in lieu of overtime, command pay, maintenance allowance, expanded duty pay, supervisory responsibility pay, location compensation and supplemental location compensation\$9,637,000 |
| 11   | NONPERSONAL SERVICE   |
| 12<br>13<br>14<br>15<br>16                   | Fringe benefits   |
| 18<br>19<br>20                               | Special Revenue Funds - Other<br>Miscellaneous Special Revenue Fund - 339<br>Indian Gaming Account  |
| 21   | PERSONAL SERVICE  |
| 22<br>23<br>24<br>25<br>26<br>27<br>28       | Personal Service - Regular  |
| 29   | NONPERSONAL SERVICE   |
| 30   | Fringe Benefits\$1,029,000  |
| 31<br>32<br>33                               | Special Revenue Funds - Other<br>Miscellaneous Special Revenue Fund - 339<br>New York State Thruway Authority Account   |
| 34   | PERSONAL SERVICE  |
| 35<br>36<br>37<br>38<br>39<br>40<br>41<br>42 | Personal Service - Regular  |

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#### NONPERSONAL SERVICE

- 2 Fringe Benefits.....\$100,000
- § 24. This act shall take effect immediately and shall be deemed to 4 have been in full force and effect on and after April 1, 2007.

REPEAL NOTE. -- Paragraph b of subdivision 2 of section 216 of the executive law, repealed by section one of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of commissioned and non-commissioned officers in the division of state police which are now contained in section 215 of the executive law.

Paragraph a of subdivision 2 of section 216 of the executive law, repealed by section two of this act, provided salary schedules for state employees in particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised salary schedules in a new paragraph a of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Paragraph b of subdivision 2 of section 207-b of the state finance law, repealed by section three of this act, provided for payments to an employee benefit fund for state employees in the particular titles in the collective negotiating unit consisting of investigators and senior investigators in the division of state police and is replaced by revised schedule of payments to be made to such fund in a new paragraph b of such subdivision 2 implementing an agreement pursuant to Article 14 of the civil service law.

Subdivision 2 of section 216-c of the executive law, repealed by section four of this act, provided for holiday compensation payments based on four days pay to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised payment amount in a new subdivision 2 of such section implementing an agreement pursuant to Article 14 of the civil service law.

Paragraphs (b), (c) and (d) of subdivision 5 of section 216-b of the executive law, repealed by section five of this act, provided for certain longevity payments to eligible members of the collective negotiating unit consisting of investigators, senior investigators and investigative specialists in the division of state police and is replaced by a revised longevity schedule in new paragraphs (b) and (c) of such subdivision 5 implementing an agreement pursuant to Article 14 of the civil service law.

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## STATE OF NEW YORK

2970

2009-2010 Regular Sessions

#### IN SENATE

March 9, 2009

Introduced by Sen. SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the domestic relations law, in relation to establishing automatic orders in matrimonial actions

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

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

2. Matrimonial actions. a. Except as provided in subdivision five of 5 this part, the provisions of this part shall be applicable to actions 6 for an annulment or dissolution of a marriage, for a divorce, for a separation, for a declaration of the nullity of a void marriage, for a 8 declaration of the validity or nullity of a foreign judgment of divorce, 9 for a declaration of the validity or nullity of a marriage, and to 10 proceedings to obtain maintenance or a distribution of marital property 11 following a foreign judgment of divorce, commenced on and after the 12 effective date of this part. Any application which seeks a modification 13 of a judgment, order or decree made in an action commenced prior to the 14 effective date of this part shall be heard and determined in accordance 15 with the provisions of part A of this section.

b. With respect to matrimonial actions which commence on or after the effective date of this paragraph, the plaintiff shall cause to be served 18 upon the defendant, simultaneous with the service of the summons, a copy 19 of the automatic orders set forth in this paragraph. The automatic 20 orders shall be binding upon the plaintiff in a matrimonial action immediately upon the filing of the summons, or summons and complaint, upon the defendant immediately upon the service of the automatic orders with the summons. The automatic orders shall remain in full force and 24 effect during the pendency of the action, unless terminated, modified or amended by further order of the court upon motion of either of the

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

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parties or upon written agreement between the parties duly executed and acknowledged. The automatic orders are as follows:

- (1) Neither party shall sell, transfer, encumber, conceal, assign, remove or in any way dispose of, without the consent of the other party in writing, or by order of the court, any property (including, but not limited to, real estate, personal property, cash accounts, stocks, mutual funds, bank accounts, cars and boats) individually or jointly held by the parties, except in the usual course of business, for customary and usual household expenses or for reasonable attorney's fees in connection with this action.
- (2) Neither party shall transfer, encumber, assign, remove, withdraw or in any way dispose of any tax deferred funds, stocks or other assets held in any individual retirement accounts, 401K accounts, profit sharing plans, Keough accounts, or any other pension or retirement account, and the parties shall further refrain from applying for or requesting the payment of retirement benefits or annuity payments of any kind, without the consent of the other party in writing, or upon further order of the court.
- (3) Neither party shall incur unreasonable debts hereafter, including, 20 but not limited to further borrowing against any credit line secured by the family residence, further encumbrancing any assets, or unreasonably using credit cards or cash advances against credit cards, except in the usual course of business or for customary or usual household expenses, or for reasonable attorney's fees in connection with this action.
- (4) Neither party shall cause the other party or the children of the 26 marriage to be removed from any existing medical, hospital and dental insurance coverage, and each party shall maintain the existing medical, 28 hospital and dental insurance coverage in full force and effect.
- (5) Neither party shall change the beneficiaries of any existing life 30 insurance policies, and each party shall maintain the existing life insurance, automobile insurance, homeowners and renters insurance policies in full force and effect.
- 33 § 2. This act shall take effect on the first of the calendar month 34 next succeeding the sixtieth day after it shall have become a law.

## STATE OF NEW YORK

2312

2009-2010 Regular Sessions

#### IN SENATE

February 17, 2009

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

AN ACT to amend the retirement and social security law, in relation to the extension of the temporary benefits and supplementation programs and to amend chapter 625 of the laws of 1975 amending the retirement and social security law, relating to the extension of temporary rights and benefits, in relation to the extension of such rights and benefits

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

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

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

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

§ 480. Extension of temporary benefits and supplementation programs.

21 a. Every temporary right, privilege or benefit conferred pursuant to 22 the provisions of a general, special or local law (other than pursuant

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

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to articles fourteen and fifteen of this chapter) for any member of a public retirement system or pension plan funded by the state or one of its political subdivisions, which is scheduled to expire or terminate at any time during nineteen hundred seventy-four, nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, 6 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eightytwo, nineteen hundred eighty-three, nineteen hundred eighty-four, nineteen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-11 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen 12 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred 13 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, 14 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen 15 hundred ninety-nine, two thousand, two thousand one, two thousand two, 16 two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven [ex], two thousand eight, two thousand nine, two thousand ten or two thousand eleven, is hereby extended until July first, two thousand [nine] eleven, notwithstanding the provisions of 20 such general, special or local law. Notwithstanding the foregoing, nothing in this section shall be construed to extend the provisions of arti-22 cle eighteen of this chapter or to affect any statutory deadlines provided in such article.

- b. (i) Any program under which an employer in a public retirement system funded by the state or one of its political subdivisions assumes 26 all or part of the contribution which would otherwise be made by its employees toward retirement, which expires or terminates during nineteen 28 hundred seventy-four, is hereby extended until July first, two thousand [nine] eleven, notwithstanding the provisions of any other general, 30 special or local law, except that commencing with the payroll period the first day of which is nearest to January first, nineteen hundred seven-32 ty-six, and until July first, two thousand [nine] eleven, the rate of 33 such contribution assumed by an employer in any of the public retirement 34 systems funded and maintained by a city, shall be one-half the rate of 35 such contribution assumed by such employer for the immediately preceding 36 payroll period except as provided in paragraph (ii) of this subdivision.
- (ii) Commencing with the first payroll period the first day of which is subsequent to October first, two thousand and until July first, two eleven, the rate of such contribution assumed by an thousand [nine] 40 employer in the New York city police pension fund and in the New York city fire department pension fund shall be equal to the rate of such contributions assumed by such employer for the payroll period preceding January first, nineteen hundred seventy-six.
- c. All supplemental retirement allowances or supplemental pensions 45 paid to pensioners or beneficiaries of any retirement system supported in whole or in part by the state or a political subdivision thereof, which are scheduled to expire at any time during nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, 49 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen 50 hundred eighty, nineteen hundred eighty-one, nineteen hundred eightytwo, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-52 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred 53 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-54 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen 55 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred 56 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six,

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1 nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen 2 hundred ninety-nine, two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven [ex], two thousand eight, two thousand nine, two thousand ten or two thousand eleven, shall be continued for an additional year 6 notwithstanding any other provision of any general, special or local law provided, however, that all such supplemental retirement allowances or supplemental pensions which are scheduled to expire at any time during two thousand [seven] nine shall be continued for two additional years notwithstanding any other provisions of any general, special or local

- § 3. Section 615 of the retirement and social security law, as amended 13 by chapter 27 of the laws of 2007, is amended to read as follows:
- § 615. Duration. Notwithstanding any other provisions of this chapter 15 or of any other law, the provisions of article fourteen of this chapter 16 shall expire on June thirtieth, two thousand [nine] eleven, but shall no longer apply to members to whom this article applies on the date article 18 fifteen of this chapter becomes effective, provided, however, any member 19 who has retired pursuant to the provisions of article fourteen of this 20 chapter before the effective date of this article or any beneficiary of such a member or a beneficiary of a member who dies before the effective 22 date of this article and who is entitled to a death benefit pursuant to article fourteen of this chapter shall receive such benefits pursuant to the provisions of article fourteen of this chapter, except as provided 25 pursuant to the provisions of section six hundred seventeen of this 26 article. All benefits provided by a public retirement system of the state shall continue with respect to members to which this article is 28 applicable only until June thirtieth, two thousand [nine] eleven.
- § 4. Section 6 of chapter 625 of the laws of 1975 amending the retire-30 ment and social security law, relating to the extension of temporary rights and benefits, as amended by chapter 27 of the laws of 2007, is amended to read as follows:
- $\S$  6. Notwithstanding any inconsistent provisions of this act or of any 34 general, special or local law, on and after July 1, 1975 and up to and 35 including June 30, [<del>2009</del>] **2011:** (a) a participating employer in the New 36 York state and local employees' retirement system or the New York state and local police and fire retirement system and its employees shall continue to have the right to negotiate with respect to any benefit provided by or to be provided by such employer to such employees as 40 members of such system and not requiring approval by act of the legisla-41 ture; and (b) a public authority or public benefit corporation which is 42 not a participating employer in the New York state and local employees' 43 retirement system or the New York city employees' retirement system shall continue to have the right to negotiate with its employees with respect to benefits to be provided by such employer to such employees 46 upon retirement and not requiring approval by act of the legislature.
- § 5. This act shall take effect immediately; provided that the amend-48 ments to section 615 of the retirement and social security law made by section three of this act shall expire on the same date as such section expires pursuant to such section 615.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would extend for 2 years those temporary benefits provided by a public retirement system of the State, including the right of members to negotiate for improved benefits not requiring approval by an Act of the legislature.

S. 2312

Insofar as this would affect the New York State and Local Employees' Retirement System (NYS&LERS) and the New York State and Local Police and Fire Retirement System (NYS&LPFRS), there would be no increase in employer contributions over current levels for the State of New York or the participating employers in the NYS&LERS or the NYS&LPFRS.

This estimate, dated February 6, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-144, prepared by the Actuary for the NYS&LERS and the NYS&LPFRS.

6565

2009-2010 Regular Sessions

#### IN ASSEMBLY

March 6, 2009

Introduced by M. of A. ZEBROWSKI, JAFFEE  $\operatorname{\mathsf{--}}$  read once and referred to the Committee on Local Governments

AN ACT to amend the local finance law, in relation to authorizing and empowering the county of Rockland to amortize the cost of the targeted county retirement program of the county of Rockland

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

- Section 1. Paragraph a of section 11.00 of the local finance law is amended by adding a new subdivision 104 to read as follows:
- 104. Payments of a targeted retirement program by the county of Rockland incentive payments by the county of Rockland with respect to a targeted retirement program for current employees, ten years.
- 6 § 2. This act shall take effect immediately.

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

LBD08110-02-9

7685

2009-2010 Regular Sessions

#### IN ASSEMBLY

April 21, 2009

Introduced by M. of A. HOOPER -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the local finance law, in relation to authorizing and empowering the county of Nassau to amortize the cost of payments to employees upon separation of service from the county

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

1 Section 1. Paragraph a of section 11.00 of the local finance law is 2 amended by adding a new subdivision 104 to read as follows:

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

11 § 2. This act shall take effect immediately.

EXPLANATION--Matter in in [-] is old law to be omitted.

LBD10757-02-9

8954

2009-2010 Regular Sessions

#### IN ASSEMBLY

June 16, 2009

Introduced by M. of A. ABBATE, JOHN -- (at request of the Governor) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law, in relation to compensation, benefits and other terms and conditions of employment of certain members of the security supervisors unit who are employed by the state department of correctional services and are designated as peace officers; to amend the state finance law, in relation to the employee benefit fund for certain members of the security supervisors unit; to provide for the payment of a firearms training and safety incentive for peace officers who are members of the professional, scientific and professional services bargaining unit; to implement an interest arbitration award issued between the state and the employee organization representing certain members of the security supervisors unit; to make an appropriation for the purpose of effectuating certain of the provisions thereof; and to repeal certain provisions of the civil service law relating thereto

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

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

#### (1) Effective April first, two thousand five:

| 5 | SECURITY SUPERVISORS SALARY SCHEDULE -       |
|---|--|
| 6 | ARBITRATION ELIGIBLE ONLY                    |
| 7 | Effective March 31, 2005 (Institutional) and |
| 8 | Effective April 7, 2005 (Administrative)     |
|   |  |
| Q | Parf Parf Parf Parf                          |

| 9  |      | Perf. | Perf. | Perf. | Perf. | Perf. |  | Long  |
|----|------|-------|-------|-------|-------|-------|--|-------|
| 10 |      | Ad-   | Ad-   | Ad-   | Ad-   | Ad-   |  | Max.  |
| 11 | Hir- | vance | vance | vance | vance | vance | <u>10-yr</u> <u>15-yr</u> <u>20-yr</u> | 25-yr |

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

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    25 68656 71073 73490 75907 78324 80741 83158 2417 86782 90405 95193 98817
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#### (2) Effective April first, two thousand six:

# 29 30 ARBITRATION ELIGIBLE ONLY 31 Effective March 30, 2006 (Institutional) and 32 Effective April 6, 2006 (Administrative)

| 33 |    |       | Perf.    | Perf. | Perf.    | Perf. | Perf.    |       |       |       |       |       | Long  |
|----|----|-------|----------|-------|----------|-------|----------|-------|-------|-------|-------|-------|-------|
| 34 |    |       | Ad-      | Ad-   | Ad-      | Ad-   | Ad-      |       |       |       |       |       | Max.  |
| 35 |    | Hir-  | vance    | vance | vance    | vance | vance    |       |       | 10-yr | 15-yr | 20-yr | 25-yr |
| 36 |    | ing   | Step     | Step  | Step     | Step  | Step     | Job   | Perf. | Long  | Long  | Long  | Long  |
| 37 | SG | Rate  | <u>1</u> | 2     | <u>3</u> | 4     | <u>5</u> | Rate  | Adv.  | Step  | Step  | Step  | Step  |
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| 39 | 2  | 20047 | 20945    | 21843 | 22741    | 23639 | 24537    | 25435 | 898   | 26783 | 28131 | 30674 | 32023 |
| 40 | 3  | 21083 | 22020    | 22957 | 23894    | 24831 | 25768    | 26705 | 937   | 28112 | 29518 | 32119 | 33526 |
| 41 | 4  | 22079 | 23066    | 24053 | 25040    | 26027 | 27014    | 28001 | 987   | 29481 | 30959 | 33633 | 35111 |
| 42 | 5  | 23173 | 24212    | 25251 | 26290    | 27329 | 28368    | 29407 | 1039  | 30963 | 32519 | 35270 | 36826 |
| 43 | 6  | 24442 | 25534    | 26626 | 27718    | 28810 | 29902    | 30994 | 1092  | 32633 | 34272 | 37107 | 38746 |
| 44 | 7  | 25885 | 27024    | 28163 | 29302    | 30441 | 31580    | 32719 | 1139  | 34423 | 36127 | 39026 | 40730 |
| 45 | 8  | 27403 | 28584    | 29765 | 30946    | 32127 | 33308    | 34489 | 1181  | 36260 | 38032 | 40995 | 42768 |
| 46 | 9  | 28992 | 30224    | 31456 | 32688    | 33920 | 35152    | 36384 | 1232  | 38236 | 40086 | 43133 | 44983 |
| 47 | 10 | 30697 | 31993    | 33289 | 34585    | 35881 | 37177    | 38473 | 1296  | 40413 | 42352 | 45485 | 47425 |
| 48 | 11 | 32574 | 33922    | 35270 | 36618    | 37966 | 39314    | 40662 | 1348  | 42681 | 44700 | 47915 | 49935 |
| 49 | 12 | 34444 | 35851    | 37258 | 38665    | 40072 | 41479    | 42886 | 1407  | 45000 | 47114 | 50420 | 52533 |
| 50 | 13 | 36563 | 38033    | 39503 | 40973    | 42443 | 43913    | 45383 | 1470  | 47584 | 49785 | 53181 | 55382 |
| 51 | 14 | 38723 | 40264    | 41805 | 43346    | 44887 | 46428    | 47969 | 1541  | 50275 | 52581 | 56081 | 58387 |
| 52 | 15 | 41012 | 42615    | 44218 | 45821    | 47424 | 49027    | 50630 | 1603  | 53032 | 55436 | 59030 | 61431 |
| 53 | 16 | 43385 | 45060    | 46735 | 48410    | 50085 | 51760    | 53435 | 1675  | 55946 | 58457 | 62160 | 64670 |

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   <u>21</u> <u>56891</u> <u>58999</u> <u>61107</u> <u>63215</u> <u>65323</u> <u>67431</u> <u>69539</u> <u>2108</u> <u>72702</u> <u>75863</u> <u>80219</u>
                                                                                 83380
   22 59986 62219 64452 66685 68918 71151 73384 2233 76729 80072 84609
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   23 63285 65582 67879 70176 72473 74770 77067 2297 80513 83959 88597
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   24 66764 69146 71528 73910 76292 78674 81056 2382 84627 88198 92965
                                                                                 96536
   25 70544 73028 75512 77996 80480 82964 85448 2484 89172 92894 97814 101538
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#### 10 (3) Effective March thirty-first, two thousand seven:

#### 11 SECURITY SUPERVISORS SALARY SCHEDULE -12 ARBITRATION ELIGIBLE ONLY 13 Effective March 31, 2007 (Institutional) and 14 Effective March 31, 2007 (Administrative)

| 15 |          |         | Perf.    | Perf.          | Perf.        | Perf.   | Perf.    |       |        |         |        |          | Long   |
|----|----------|---------|----------|----------------|--------------|---------|----------|-------|--------|---------|--------|----------|--------|
| 16 |          |         | Ad-      | Ad-            | Ad-          | Ad-     | Ad-      |       |        |         |        |          | Max.   |
| 17 |          | Hir-    | vance    | vance          | vance        | vance   | vance    |       |        | 10-yr   | 15-yr  | 20-yr    | 25-yr  |
| 18 |          | ing     | Step     | Step           | Step         | Step    | Step     | Job   | Perf.  | Long    | Long   | Long     | Long   |
| 19 | SG       | Rate    | <u>1</u> | 2              | <u>3</u>     | 4       | <u>5</u> | Rate  | Adv.   | Step    | Step   |          | Step   |
| 20 | <u>1</u> |         |          | 24061          |              |         |          |       |        |         |        |          | 33766  |
| 21 | 2        | 23097   | 23995    | 24893<br>26007 | 25791        | 26689   | 27587    | 28485 | 898    | 29833   | 31181  | 33724    | 35073  |
| 22 | 3        | 24133   | 25070    | 26007          | 26944        | 27881   | 28818    | 29755 | 937    | 31162   | 32568  | 35169    | 36576  |
| 23 | 4        |         |          | 27103          |              |         |          |       |        |         |        |          | 38161  |
| 24 | 5        |         |          | 28301          |              |         |          |       |        |         |        |          | 39876  |
| 25 | 6        |         |          | 29676          |              |         |          |       |        |         |        |          | 41796  |
| 26 | 7        | 28935   | 30074    | 31213          | 32352        | 33491   | 34630    | 35769 | 1139   | 37473   | 39177  | 42076    | 43780  |
| 27 | 8        | 30453   | 31634    | 32815          | 33996        | 35177   | 36358    | 37539 | 1181   | 39310   | 41082  | 44045    | 45818  |
| 28 | 9        | 32042   | 33274    | 34506          | 35738        | 36970   | 38202    | 39434 | 1232   | 41286   | 43136  | 46183    | 48033  |
| 29 | 10       | 33747   | 35043    | 36339          | <u>37635</u> | 38931   | 40227    | 41523 | 1296   | 43463   | 45402  | 48535    | 50475  |
| 30 |          |         |          | 38320          |              |         |          |       |        |         |        |          | 52985  |
| 31 | 12       | 37494   | 38901    | 40308          | 41715        | 43122   | 44529    | 45936 | 1407   | 48050   | 50164  | 53470    | 55583  |
| 32 | 13       | 39613   | 41083    | 42553          | 44023        | 45493   | 46963    | 48433 | 1470   | 50634   | 52835  | 56231    | 58432  |
| 33 | 14       | 41773   | 43314    | 44855          | 46396        | 47937   | 49478    | 51019 | 1541   | 53325   | 55631  | 59131    | 61437  |
| 34 | 15       | 44062   | 45665    | 47268          | 48871        | 50474   | 52077    | 53680 | 1603   | 56082   | 58486  | 62080    | 64481  |
| 35 | 16       | 46435   | 48110    | 49785          | 51460        | 53135   | 54810    | 56485 | 1675   | 58996   | 61507  | 65210    | 67720  |
| 36 | 17       | 48931   | 50695    | 52459          | 54223        | 55987   | 57751    | 59515 | 1764   | 62157   | 64797  | 68633    | 71275  |
| 37 | 18       | 51598   | 53450    | 55302          | 57154        | 59006   | 60858    | 62710 | 1852   | 65487   | 68266  | 72237    | 75015  |
| 38 | 19       | 54302   | 56236    | 58170          | 60104        | 62038   | 63972    | 65906 | 1934   | 68805   | 71703  | 75797    | 78696  |
| 39 | 20       | 56985   | 59006    | 61027          | 63048        | 65069   | 67090    | 69111 | 2021   | 72145   | 75179  | 79406    | 82441  |
| 40 | 21       | 59941   | 62049    | 64157          | 66265        | 68373   | 70481    | 72589 | 2108   | 75752   | 78913  | 83269    | 86430  |
| 41 | 22       | 63036   | 65269    | 67502          | 69735        | 71968   | 74201    | 76434 | 2233   | 79779   | 83122  | 87659    | 91004  |
| 42 | 23       | 66335   | 68632    | 70929          | 73226        | 75523   | 77820    | 80117 | 2297   | 83563   | 87009  | 91647    | 95092  |
| 43 | 24       | 69814   | 72196    | 74578          | 76960        | 79342   | 81724    | 84106 | 2382   | 87677   | 91248  | 96015    | 99586  |
| 44 | 25       | 73594   | 76078    | 78562          | 81046        | 83530   | 86014    | 88498 | 2484   | 92222   | 95944  | 100864   | 104588 |
| 45 |          | 2.      | Subdi    | vision         | 2-a          | of sec  | ction 2  | 207-a | of the | e state | e fina | nce law, | as     |
| 16 | 2 mc     | anded h | or char  | ntar 3'        | 75 of t      | -ha lat | √c ∩f    | 2007  | ie     | aman    | ded to | read     | 2 6    |

46 amended by chapter 375 of the laws of 2007, is amended to read as 47 follows:

2-a. Where and to the extent that an agreement between the state and an employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant 51 to subdivision four of section two hundred nine of the civil service law 52 so provides on behalf of employees in the collective negotiating unit 53 designated as the security supervisors unit established pursuant to

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article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund established by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement providing for such employee benefit fund, such amount to be determined consistent with said agreement on the basis of the number of full-time annual salaried employees, as determined by the comptroller, on the payroll on the last day of the payroll period in which March first, two thousand three falls for payments to be made on April first, two thousand three, on the last day of the payroll period 11 in which March first, two thousand four falls for payments to be made on 13 April first, two thousand four, on the last day of the payroll period in which March first, two thousand five falls for payments to be made on April first, two thousand five and on the last day of the payroll period in which March first, two thousand six falls for payments to be made on April first, two thousand six. The amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital 20 projects fund of the state, will be paid from the appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or administrative funds. The 23 director may enter into an agreement with an employee organization which sets forth the specific terms and conditions of the establishment and 25 administration of an employee benefit fund as a condition for the transmittal of moneys pursuant to this section. Such agreement shall provide that any contributions paid to the employee organization for the establishment and maintenance of the employee benefit fund pursuant to this section on behalf of eligible members of this unit shall be offset by contributions already made on behalf of those members in each 30 31 covered years, where applicable. 32

- § 3. Compensation for certain members of the collective negotiating unit designated as security supervisors pursuant to an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law.
- 1. The provisions of this section shall apply to full-time annual salaried members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law.
- 2. Effective April 1, 2005, the basic annual salary of members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law and who are in full-time annual salaried employment status on March 31, 2005 shall be increased by 2 1/4 percent.
- 3. Effective April 1, 2006, the basic annual salary of members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law and who are in full-time annual salaried employment status on March 31, 2006 shall be increased by 2 3/4 percent.
- 4. Effective March 31, 2007, the basic annual salary of members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of

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the criminal procedure law, and who are in full-time annual salaried employment status on March 31, 2007 shall be increased by \$3,050 to reflect the items of clothing maintenance allowance and security enforcement differential added to base salary.

- 5. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for members of the collective negotiating unit designated as security supervisors who are entitled to such payments shall be payable pursuant to the terms of a determination made by the arbitration panel and pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.
- 6. Effective April 1, 2005, pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the collective negotiating unit designated as security supervisors who are employed by the state depart-16 ment of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, for such unit members who are on the institutional or administrative payroll, the 10-year, the 15-year, the 20-year and the 25-year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount prescribed by subparagraphs 1, 2 or 3 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act.
- 23 7. Notwithstanding any of the foregoing provisions of this section, if 25 the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance 27 advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2005 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 1 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one 36 of this act, to take effect on April 1, 2005 for such unit members to 37 whom the provisions of this section apply on the institutional or administrative payroll. If the basic annual salary of such unit members to 40 whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longev-43 ity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2006 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, perform-47 ance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 50 2 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2006 for such unit members to whom the provisions of this section apply 53 on the institutional or administrative payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity

step, the 20-year longevity step or the 25-year longevity step of the salary grade of his or her position on March 31, 2007 for such unit members to whom the provisions of this section apply on the institutional or administrative payroll, such basic annual salary shall be increased to the hiring rate, performance advance step 1, 2, 3, 4 or 5, the job rate, the 10-year longevity step, the 15-year longevity step, the 20-year longevity step or the 25-year longevity step of such salary grade as contained in subparagraph 3 of paragraph j of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on March 31, 2007 for such unit members to whom the 10 provisions of this section apply on the institutional or administrative 11 payroll. The increases in basic annual salary provided by this subdivision shall be in lieu of any increase in basic annual salary provided 13 for in subdivisions two, three and four of this section.

- 8. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit members to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencum-22 bered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.
  - 9. Notwithstanding any of the foregoing provisions of this section, increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate.
- § 4. Additional compensation for certain members of the collective 31 negotiating unit designated as security supervisors who are full-time annual salaried and who are employed by the state department of correctional services and are peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law.
- 1. In recognition of the general requirement for full-time employees of the state in the collective negotiating unit designated as security 36 supervisors established pursuant to article 14 of the civil service law, to assemble for briefing prior to the commencement of duties, where and to the extent an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides on behalf of employees in the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law, each such employee except such an employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, shall receive additional compensation in recognition of pre-shift briefing.
  - 2. Each such employee holding a position in the collective negotiating unit designated as security supervisors shall be compensated for preshift briefing in accordance with the terms of a collectively negotiated agreement, continued pursuant to subparagraph e of subdivision 1 of section 209-a of the civil service law, between the state and the employee organization representing the security supervisors unit. No payments authorized pursuant to this section and such negotiated agreement shall be made to an employee who is in non-pay status for that day.
- 3. Any such additional compensation pursuant to this section shall be 56 paid in addition to and shall not be a part of the employee's basic

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annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such employees in recognition of pre-shift briefing.

§ 5. Corrections clothing maintenance allowance. Effective April 1, 2005, pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the collective negotiating unit designated as security 11 supervisors who are full-time annual salaried employees and are employed 12 13 by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, in recognition of the general requirement for such 16 unit members to wear a uniform and to the extent that a determination 17 made by the public arbitration panel so provides on behalf of such unit members each such employee who is on the payroll on the first day of November preceding the annual effective date shall continue to receive an allowance for cleaning and maintenance at the rate of \$1,500 per year 20 effective December 1, 2005, in accordance with the determination made by the public arbitration panel. Such allowance shall be payable by separate check on or about December first of each year. Effective March 31, 23 2007, the corrections clothing maintenance allowance of \$1,500 shall be 25 added to the basic annual salary of those employees in payroll status on March 30, 2007. Such addition to basic annual salary on March 31, 2007 27 is specified in subdivision 4 of section three of this act. Effective March 31, 2007, the separate allowance for the cleaning and maintenance of such unit members' uniforms to whom the provisions of this section apply shall be rolled into basic annual salary and shall no longer be reflected separately for the unit members to whom the provisions of this section apply. Retroactive payments shall be payable as soon as practi-33 cable for the retroactive provisions of this section. Any amounts to be received by eligible members of this unit shall be offset by payments already received as uniform allowance in each year and the remainder, if 36 any, shall be calculated as part of a retroactive payment.

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

50 Orange, Putnam, Dutchess \$1,092 51 NYC, Rockland, Westchester \$2,938 52 Nassau, Suffolk \$3,093

Effective April 1, 2006, all members of this unit who are employed by the state department of correctional services as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees and whose principal place of employ-

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1 ment, or, in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller, is located in the city of New York, or in the county of Putnam, Orange, Dutchess, Rockland, Westchester, Nassau or Suffolk, shall receive location pay in the following annual amounts:

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

This payment shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes. Furthermore, effective April 1, 2005, there shall be no other payment for location pay or supplemental location pay as they have been combined into a single payment and increased in accordance with the amounts set forth herein. Any amounts to be received by eligible members of this unit shall be offset by payments already 16 received as location pay and supplemental location pay in each year and the remainder, if any, shall be calculated as part of a retroactive payment. Retroactive payments shall be payable as soon as practicable for the retroactive provisions of this section.

20 § 7. Security enforcement differential. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering certain members of the collective negotiating unit designated as security supervisors, members of the 23 collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are desig-25 nated as peace officers pursuant to subdivision 25 of section 2.10 of 27 the criminal procedure law, are full-time annual salaried employees, and notwithstanding any provision of law, rule or regulation to the contrary, effective April 1, 2005, the annual security enforcement differen-30 tial for such unit members to whom the provisions of this section apply shall be increased by \$275 to \$850; and effective April 1, 2006, the differential shall be increased by \$250 to \$1,100. Effective March 31, 2007, the security enforcement differential shall be increased by \$450 to \$1,550, and such amount shall be added on March 31, 2007 to the basic annual salary of such unit members to whom the provisions of this section apply in accordance with subdivision 4 of section three of this 37 act. Effective March 31, 2007, the security enforcement differential will thereafter be rolled into base annual salary and shall no longer be reflected separately for the unit members to whom the provisions of this section apply. Such amounts cited in this section shall be offset by payments already received as security enforcement differential in each year and the remainder shall be calculated as part of a retroactive payment. All compensation received pursuant to this section shall continue to be included as compensation for retirement purposes.

§ 8. Inconvenience pay program. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security supervisors unit who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, effective April 1, 2006, such unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of correctional services, shall be paid \$1,800 per year in equal bi-weekly installments for work on such shift. Effective April 1, 2006, such unit members to whom the provisions of this section apply who work 56 the night shift as defined by the individual facilities within the

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department of correctional services shall be paid \$900 per year in equal bi-weekly installments for work on such shift. Such amounts, for such unit members to whom the provisions of this section apply and who work either the evening shift or the night shift as specified above, shall be offset by payments already received as inconvenience pay effective April 1, 2006 and the remainder shall be calculated as part of a retroactive payment. Such unit members to whom the provisions of this section apply on approved paid leave shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall be included as compensation for retirement purposes.

§ 9. Command pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering those members of the collective negotiating unit designated as security supervisors who are employed by the department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, and are full-time annual salaried employees, notwithstanding any provision of law, rule or regulation to the contrary, effective April 1, 2005, these designated unit members shall continue to receive \$1,500 annually, in recognition of the command duties and responsibilities performed by these designated peace officers with regard to infectious disease, mental health, crime scene control, prisoner transport and other interagency issues which arise in correctional facilities. This payment will be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes.

§ 10. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security supervisors collective negotiating unit who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, are full-time annual salaried employees, and notwithstanding any provision of law, rule or regulation to the contrary, during the period April 1, 2005 through March 31, 2007, there shall continue to be a committee on health benefits funded in the amount of \$6,400 annually. One-half of these amounts in each year shall be made available to each party.

§ 11. Notwithstanding any provision of law to the contrary, effective April 1, 2008, where and to the extent that an agreement between the state and an employee organization entered into pursuant to article 14 of the civil service law so provides for a pilot program concerning a firearms training and safety incentive for peace officers in the professional, scientific and technical services bargaining unit, a lump sum payment for such incentive shall be paid for each year of such pilot program to any employee who is deemed qualified pursuant to such agreement. Such payment shall be in an amount negotiated for those employees who meet criteria established by such pilot program. Such payment shall occur at the time prescribed by such pilot program or as soon as practicable thereafter. Such lump sum payment shall not be paid in any year an employee does not meet the qualifications and criteria of such pilot program or upon cessation of such pilot program on April 1, 2011 unless an extension is negotiated by the parties. Such lump sum payment shall be considered salary for overtime purposes.

§ 12. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agree-

ment between the state and the employee organization representing the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law.

- § 13. No member of the collective negotiating unit designated as security supervisors shall be entitled to any increase in any compensation provided for in this act until and unless such member is employed by the state department of correctional services and is designated as a peace officer pursuant to subdivision 25 of section 2.10 of the criminal procedure law and is a full-time annual salaried employee.
- § 14. Notwithstanding any provision of law, rule or regulation to the contrary, and where and to the extent an agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as security supervisors established pursuant to article 14 of the civil service law so provides, 15 salaries of newly hired employees on or after September 1, 1992 into 16 state service in positions within said negotiating unit shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.
- 19 15. Date of entitlement to salary increase. Notwithstanding the 20 provisions of this act or of any other provision of law to the contrary, the increase of salary or compensation of any members of the collective 22 negotiating unit designated as security supervisors established pursuant 23 to article 14 of the civil service law who are full-time annual salaried employees and who are employed by the state department of correctional services and are peace officers pursuant to subdivision 25 of section 25 2.10 of the criminal procedure law, provided by this act shall be added to the salary of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as 29 provided in this act, or at the beginning of the earlier of two payroll periods the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, 32 however, that for the purposes of determining the salary of such unit 33 members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not 37 operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to 40 section sixteen of this act.
- 16. Deferred payment of salary increase. Notwithstanding the 42 provisions of any other section of this act, or of any other law to the contrary, pending payment pursuant to this act of the basic annual sala-44 ries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2005, until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the 50 compensation actually received therefor, shall be entitled to a lump sum payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received there-53 for. Such lump sum payment shall be made as soon as practicable. The amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation 56 earned wholly in the year in which it is paid. Notwithstanding any

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1 provision of law, rule or regulation to the contrary, and pursuant to the terms of an interest arbitration award issued by the public arbitration panel pursuant to subdivision 4 of section 209 of the civil service law, no member of the collective negotiating unit designated as security supervisors to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the interest arbitration award issued by the public arbitration panel pursuant to subdivision 4 of section 209 of the civil service law. 10 § 17. Use of appropriations. Notwithstanding any provision of the 11 state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of 16 the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts 17 18 necessary to make such payments. Any appropriations or other funds available to any state department or agency for personal service or for 20 other related employee benefits during the fiscal year commencing April 21 1, 2009 shall be available for the payment of any liabilities or obli-22 gations incurred pursuant to the foregoing provisions of this act, whether occurred prior to or during the state fiscal year commencing April 1, 2009. 23

§ 18. Appropriations. Notwithstanding any provision of the state 25 finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section, or so much thereof as 28 may be necessary, are hereby appropriated from the fund so designated 29 for use by any state department or agency for the fiscal year beginning 30 April 1, 2009 to supplement appropriations from each respective fund 31 available for personal service, other than personal service and fringe 32 benefits, and to carry out the provisions of this act. The monies hereby appropriated are available for payment of any liabilities or obligations 34 incurred prior to April 1, 2009 in addition to liabilities or obligations associated with the state fiscal year commencing April 1, 2009. 36 For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2009. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate 42 finance committee and the chairperson of the assembly ways and means 43 committee.

#### 44 ALL STATE DEPARTMENTS AND AGENCIES

- 45 General Fund / State Operations
- 46 State Purposes Account
- 47 Personal Service
- 48 Personal service regular ...... \$9,722,000
- 49 Other compensation, including but not limit-
- 50 ed to, overtime, holiday pay, longevities,
- 51 security enforcement differential,

| 1 2         | location, supplemental location, inconven-ience pay, expanded duty pay |
|-------------|--|
| 3           | NONPERSONAL SERVICE  |
| 5<br>6<br>7 | Fringe benefits  |

9 § 19. This act shall take effect immediately and shall be deemed to 10 have been in full force and effect on and after April 1, 2005; provided 11 that section eleven of this act shall be deemed to have been in full 12 force and effect on and after April 1, 2008.

REPEAL NOTE.—Subparagraphs 1 and 2 of paragraph j of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security supervisors who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in new subparagraphs 1, 2 and 3 of paragraph j of subdivision 1 of section 130 of the civil service law.

8955

2009-2010 Regular Sessions

#### IN ASSEMBLY

June 16, 2009

Introduced by M. of A. ABBATE -- (at request of the Governor) -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the civil service law and the state finance law, in relation to compensation, benefits and other terms and conditions of employment of certain state correctional officers and certain other employees employed within the state department of correctional services; authorizing funding of joint labor-management committees; implementing an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law between the state and an employee organization; to amend chapter 333 of the laws of 1969 amending the civil service law and other laws relating to salary increases for certain state officers and employees; and to amend chapter 10 of the laws of 2008 amending the civil service law and the state finance law relating to compensation and other terms and conditions of employment of certain state officers and employees, in relation to providing compensation for seasonal management/confidential employees; making an appropriation therefor; and repealing certain provisions of the civil service law relating thereto

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

Section 1. Paragraph g of subdivision 1 of section 130 of the civil service law is REPEALED and a new paragraph g is added to read as follows:

g. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision four of section two hundred nine of this chapter covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective on the dates indicated, salary grades for such unit members shall be as follows:

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

LBD12093-01-9

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

|          | _               | · · ·         |               |               |               | •            |   |               |             |               |               |                |                |
|----------|-----------------|---------------|---------------|---------------|---------------|--------------|---|---------------|-------------|---------------|---------------|----------------|----------------|
| 2        |                 |               | Perf.         | Perf.         | Perf.         | Perf.        | Perf.                                     |               |             |               |               |                | Long           |
| 3        |                 |               | Ad-           | Ad-           | Ad-           | Ad-          | Ad-                                       |               |             |               |               |                | Max.           |
| 4        |                 | Hir-          | vance         | vance         | vance         | vance        | vance                                     |               |             | 10-Yr         | 15-Yr         | 20-Yr          | 25-Yr          |
| 5        |                 | ing           | Step          | Step          | Step          | Step         | Step                                      | Job           | Perf.       | Long          | Long          | Long           | Long           |
| 6        | SG              | Rate          | 1             | 2             | 3             | 4            | 5   | Rate          |             | Step          | Step          | Step           | Step           |
| 7        | 1               |               |               |               |               |              | 26983                                     |               |             | 29414         | 30780         | 33246          | 34612          |
| 8        | 2               | 23352         |               |               |               |              | 27977                                     |               |             | 30543         | 31989         | 34523          | 35969          |
| 9        | 2<br>3<br>4     |               |               |               |               |              | 29250                                     |               |             | 31928         |               | 36022          | 37529          |
| 10       | 4               | 25445         | 26463         | 27481         | 28499         | 29517        | 30535                                     | 31553         | 1018        | 33475         | 34938         | 37594          | 39057          |
| 11       | 5               | 26573         | 27642         | 28711         | 29780         | 30849        | 31918                                     | 32987         | 1069        | 34881         | 36548         | 39275          | 40942          |
| 12       | <u>6</u>        | <u>27879</u>  | <u> 29005</u> | 30131         | 31257         | <u>32383</u> | 31918<br>33509<br>35220<br>37003<br>38914 | <u>34635</u>  | 1126        | <u>36630</u>  | <u> 38387</u> | 41192          | 42949          |
| 13       | 7               | <u> 29365</u> | <u>30536</u>  | <u>31707</u>  | <u>32878</u>  | 34049        | <u>35220</u>                              | 36391         | <u>1171</u> | <u>38466</u>  | 40291         | 43156          | 44980          |
| 14       | 8               | 30928         | 32143         | 33358         | 34573         | 35788        | 37003                                     | 38218         | 1215        | 40374         | 42271         | 45198          | 47096          |
| 15       | 9               | 32564         | 33834         | 35104         | 36374         | 37644        | 38914                                     | 40184         | 1270        | 42438         | 44420         | 47423          | 49406          |
| 16       | 10              | 34322         | 35657         | <u> 36992</u> | 38327         | 39662        | 40997                                     | 42332         | 1335        | 44693         | 46771         | 49853          | 51932          |
| 17       | 11              |               |               |               |               |              | 43200                                     |               |             |               |               | 52371          | 54536          |
| 18       |                 |               |               |               |               |              | 45430                                     |               |             |               |               | 54961          | 57224          |
| 19       | 13              |               |               |               |               |              | 47933                                     |               |             |               |               | 57813          | 60168          |
| 20       |                 |               |               |               |               |              | 50524                                     |               |             |               | 57388         | 60812          | 63282          |
| 21       |                 |               |               |               |               |              | 53197                                     |               |             |               |               | 63857          | 66429          |
| 22       |                 |               |               |               |               |              | 56016                                     |               |             |               |               | 67100          | 69789          |
| 23<br>24 | $\frac{17}{18}$ |               |               |               |               |              | 59049<br>62243                            |               |             |               |               | 70650<br>74370 | 73479<br>77345 |
| 25       | 19              |               |               |               |               |              | 65453                                     |               |             |               |               | 78055          | 81160          |
| 26       | $\frac{19}{20}$ |               |               |               |               |              | 68672                                     |               |             |               |               | 81798          | 85048          |
| 27       | $\frac{20}{21}$ |               |               |               |               |              | 72156                                     |               |             | 78176         |               | 85784          | 89171          |
| 28       | 22              |               |               |               |               |              | 75983                                     |               |             | 82353         |               | 90325          | 93905          |
| 29       | 23              |               |               |               |               |              | $\frac{79714}{79714}$                     |               |             | 86273         | 89963         | 94447          | 98137          |
| 30       |                 |               |               |               |               |              | 83731                                     |               |             |               |               |                | 102782         |
| 31       |                 |               |               |               |               |              |   |               |             |               |               |                | 107966         |
|          |                 |               |               |               |               |              |   |               |             |               |               |                |                |
| 32       |                 | (2) Efi       | fective       | a April       | L first       | t, two       | thousa                                    | and ei        | ght:        |               |               |                |                |
|          |                 |               |               |               |               |              |   |               |             |               |               |                |                |
| 33       |                 |               | Perf.         | Perf.         | Perf.         | Perf.        | Perf.                                     |               |             |               |               |                | Long           |
| 34       |                 |               | Ad-           | Ad-           | Ad-           | Ad-          | Ad-                                       |               |             |               |               |                | Max.           |
| 35       |                 | <u> Hir-</u>  | vance         |               | vance         |              |   |               |             | <u> 10-Yr</u> | 15-Yr         | 20-Yr          | 25-Yr          |
| 36       |                 | ing           | Step          | Step          | Step          | Step         | Step                                      | Job           | Perf.       |               | Long          |                |                |
| 37       |                 | Rate          | <u>1</u>      | 2             | 3             | 4            | <u>5</u>                                  | Rate          |             | Step          | Step          |                |                |
| 38       |                 |               |               |               |               |              | 27791                                     |               |             |               |               |                |                |
| 39       | 2               | <u>24053</u>  | <u>25006</u>  | <u>25959</u>  | <u> 26912</u> | <u>27865</u> | 28818<br>30128                            | <u> 29771</u> | <u>953</u>  | 31461         | 32951         |                |                |
| 40       | 3               | 25153         | 26148         | 27143         | 28138         | 29133        | 30128                                     | 31123         | 995         | 32886         |               |                |                |
| 41       | 4               | 26208         |               |               |               |              | 31453                                     |               |             |               | 35989         |                |                |
| 42       |                 | 27370         |               |               |               |              | 32875                                     |               |             |               | 37644         |                |                |
| 43       | <u>6</u>        | 28715         |               |               |               |              | 34515                                     |               |             |               | 39540         |                |                |
| 44       | 7               | 30246         | 31452         | 32658         | 33864         | 35070        | 36276                                     | 37482         | 1206        | 39619         | 41499         |                |                |
| 45       | 8               | 31856         | 33108         | 34360         | 35612         | 36864        | 38116<br>40081                            | 39368         | 1252        | 41589         | 43543         |                |                |
| 46       | 19              | 33541         | 34849         | 36157         | 3/465         | 38//3        | 40081                                     | 41389         | 1308        | 43/11         | 45752         |                |                |
| 47       |                 |               |               |               |               |              | 42227                                     |               |             |               | 48174         |                |                |
| 48       |                 |               |               |               |               |              | 44498                                     |               |             |               | 50690         |                |                |
| 49       | 12              | 39325         | 40819         | 42313         | 4380/         | 45301        | 46795                                     | 48289         | 1494        | 50939         | 53270         | 56612          | 58943          |

<u>13</u> <u>41574</u> <u>43133</u> <u>44692</u> <u>46251</u> <u>47810</u> <u>49369</u> <u>50928</u> <u>1559</u> <u>53688</u>

<u>14</u> <u>43867</u> <u>45502</u> <u>47137</u> <u>48772</u> <u>50407</u> <u>52042</u> <u>53677</u> <u>1635</u> <u>56568</u>

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- 10 § 2. Subdivision 2 of section 207-a of the state finance law, as amended by chapter 113 of the laws of 2006, is amended to read as 11 12 follows:
- 13 2. Where and to the extent that an agreement between the state and an 14 employee organization entered into pursuant to article fourteen of the civil service law or an interest arbitration award issued pursuant to 16 subdivision four of section two hundred nine of the civil service law 17 between the state and an employee organization so provides on behalf of 18 employees in the collective negotiating unit designated as the security 19 services unit established pursuant to article fourteen of the civil service law, and upon audit and warrant of the comptroller, the director shall provide for the payment of moneys to such employee organization for the establishment and maintenance of an employee benefit fund estab-22 lished by the employee organization for the employees in the negotiating unit covered by the controlling provision of such agreement or award 25 providing for such employee benefit fund, such amount to be determined consistent with said agreement or award on the basis of the number of full-time annual salaried employees, as determined by the comptroller, on the payroll on the last day of the payroll period in which March 28 first, two thousand [three] seven, falls for payments to be made on April first, two thousand [three] seven, on the last day of the payroll period in which March first, two thousand [four] eight falls for payments to be made on April first, two thousand [four, on the last day 33 of the payroll period in which March first, two thousand five falls for payments to be made on April first, two thousand five and on the last 35 day of the payroll period in which March first, two thousand six falls 36 for payments to be made on April first, two thousand six] eight. The 37 amount, which will be determined pursuant to this section, for employees who are paid from special or administrative funds, other than the general fund or the capital projects fund of the state, will be paid from the 40 appropriations as provided by law, in which case the comptroller will establish procedures to ensure repayment from said special or adminis-42 trative funds. The director may enter into an agreement with an employee 43 organization which sets forth the specific terms and conditions for the establishment and administration of an employee benefit fund as a condi-45 tion for the transmittal of moneys pursuant to this section.
  - § 3. Compensation for members of the security services collective negotiating unit pursuant to an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law.
- 1. The provisions of this section shall apply to full-time members of 50 the security services collective negotiating unit employed within the state department of correctional services, who are designated as peace 52 officers pursuant to section 2.10 of the criminal procedure law.
- 53 2. Effective April 1, 2007 the basic annual salary of members of the security services collective negotiating unit who are in annual salaried employment status on March 31, 2007 shall be increased by 3 percent.

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3. Effective April 1, 2008 the basic annual salary of members of the security services collective negotiating unit who are in annual salaried employment status on March 31, 2008 shall be increased by 3 percent.

- 4. Payments pursuant to the provisions of subdivision 6 of section 131 of the civil service law for members of the security services collective negotiating unit who are entitled to such payments shall be payable pursuant to the terms of a determination made by the arbitration panel pursuant to the terms of an agreement between the state and an employee organization representing employees subject to the provisions of this section.
- 5. Effective April 1, 2007 pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed with the state department of correctional services and who are designated as peace officers pursuant to 16 section 2.10 of the criminal procedure law, for such unit members who are on the institutional payroll, the ten year, fifteen year, twenty year and twenty-five year longevity step payment for such unit members to whom the provisions of this section apply shall be that amount 20 prescribed by subparagraphs 1 and 2 of paragraph g of subdivision 1 of section 130 of the civil service law as added by section one of this act.
- 23 6. Notwithstanding any of the foregoing provisions of this section, if 24 the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, performance advance step one, performance advance step two, performance advance step three, performance advance step four, performance advance step five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or the twenty-five year longevity step of 30 the salary grade of his or her position on March 31, 2007 for such unit 31 members to whom the provisions of this section apply on the institutional payroll, such basic annual salary shall be increased to the 33 hiring rate, performance advance step one, two, three, four or five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or twenty-five year longevity step of such salary grade as contained in subparagraph 1 of paragraph g of 36 subdivision 1 of section 130 of the civil service law, as added by 37 section one of this act, to take effect on April 1, 2007 for such unit 39 members to whom the provisions of this section apply on the institu-40 tional payroll. If the basic annual salary of such unit members to whom the provisions of this section apply is identical with the hiring rate, 42 performance advance step one, performance advance step two, performance advance step three, performance advance step four, performance advance step five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or twenty-five year longevity step of the salary grade of his or her position on March 31, 47 2008 for such unit members to whom the provisions of this section apply on the institutional payroll such basic annual salary shall be increased to the hiring rate, performance advance step one, two, three, four or 50 five, the job rate, the ten year longevity step, the fifteen year longevity step, the twenty year longevity step or the twenty-five year longevity step of such salary grade as contained in subparagraph 2 of 53 paragraph g of subdivision 1 of section 130 of the civil service law, as added by section one of this act, to take effect on April 1, 2008 for such unit members to whom the provisions of this section apply on the 56 institutional payroll. The increases in basic annual salary provided by

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this subdivision shall be in lieu of any increase in basic annual salary provided for in subdivisions two and three of this section.

- 7. If an unencumbered position is one which if encumbered, would be subject to the provisions of this section, the salary of such position shall be increased by the salary increase amounts specified in this section. If a position is created, and is filled by the appointment of such unit member to whom the provisions of this section apply, the salary otherwise provided for such position shall be increased in the same manner as though such position had been in existence but unencumbered. Notwithstanding the provisions of this section, the director of the budget may reduce the salary of any such position, which is or becomes vacant.
- 8. Notwithstanding any of the foregoing provisions of this section, any increase in compensation may be withheld in whole or in part from any such unit members to whom the provisions of this section apply when, in the opinion of the director of the budget and the director of employee relations, such increase is not warranted or is not appropriate.
- § 4. Additional compensation for members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers, pursuant to section 2.10 of the criminal procedure law, in recognition of pre-shift briefing.
- 1. In recognition of the general requirement for full-time unit members to assemble for briefing prior to the commencement of duties, where and to the extent a determination made by the public arbitration panel so provides on behalf of such unit members to whom the provisions of this section apply on behalf of each such employee except such employee receiving additional compensation pursuant to subdivision 5 of section 134 of the civil service law, such members shall receive additional compensation in recognition of pre-shift briefing.
- 2. Each such unit member to whom the provisions of this section apply, shall receive a minimum of \$4.80 for each day while in payroll status when such pre-shift briefing time is not otherwise compensated at a greater amount at the one and one-half times the hourly rate of pay provided for by subdivision 1 of section 134 of the civil service law and the rules and regulations of the director of the budget. Each such unit member to whom the provisions of this section apply, subject to the provisions of this section, shall be guaranteed a minimum of \$24 per week in addition to base pay. No payments authorized pursuant to this section shall be made to an employee who is in non-pay status for that day.
- 3. Any such additional compensation pursuant to this section shall be paid in addition to and shall not be a part of such employee's basic annual salary and shall not be included as compensation for the purposes of computation of overtime pay, provided, however, that such additional compensation shall be included for retirement purposes. Notwithstanding the foregoing provisions of this section or of any other law, such additional compensation as added by this section shall be in lieu of the continuation of any other additional compensation for such unit members in recognition of pre-shift briefing.
- § 5. Locational compensation for members of the security services collective negotiating units.
- 1. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who

are designated as peace officers pursuant to section 2.10 of the criminal procedure law, and notwithstanding any inconsistent provision of law, effective April 1, 2007, for such unit members to whom the provisions of this section apply who are full-time employees and in employment status on March 31, 2007, and whose principal place of employment, or in the case of a field employee, whose official station as determined in accordance with the regulations of the state comptroller is located in the city of New York or in the counties of Nassau, Westchester or Rockland, location compensation shall be Suffolk, increased to \$3,117. Effective April 1, 2008, this amount shall be 11 increased to \$3,210.

- 2. Effective April 1, 2007, for such unit members to whom the provisions of this section apply who are full-time employees and in employment status on March 31, 2007, and whose principal place of employment, or in the case of a field employee, whose official station 16 as determined in accordance with the regulations of the state comptroller is located in the counties of Orange, Putnam or Dutchess, location compensation shall be increased to \$1,160. Effective April 1, 2008, this amount shall be increased to \$1,195.
- 3. Payments for location compensation pursuant to this section shall be equally divided over the 26 payroll periods in each fiscal year and shall count as compensation for overtime and retirement purposes; provided, however, that effective April 1, 2007, there shall be no other separate payments for location or supplemental location compensation. 25 Payments pursuant to this section shall be offset by any location and/or supplemental location compensation already received by such members.
- 6. Inconvenience pay. Pursuant to the terms of an interest arbi-29 tration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective negotiating unit who are employed within the state department of correctional services and who are designated as peace officers pursuant to section 2.10 of the criminal procedure law, effective April 1, 2007, such unit members to whom the provisions of this section apply who work the evening shift as defined by the individual facilities within the department of correctional services, shall continue to be paid \$1,800 36 per year in equal bi-weekly installments for work on such shift. Effec-37 tive April 1, 2007, such unit members to whom the provisions of this section apply who work the night shift as defined by the individual 40 facilities within the department of correctional services shall continue to be paid \$900 per year in equal bi-weekly installments for work on such shift. Such amounts, for such unit members to whom the provisions of this section apply and who work both the evening shift and the night shift as specified above, shall be offset by payments already received as inconvenience pay effective April 1, 2006 and the remainder shall be calculated as part of a retroactive payment. Such unit members to whom 47 the provisions of this section apply on paid leave for line of duty injuries shall continue to receive inconvenience payments as provided above. Any such additional compensation pursuant to this section shall 50 be included as compensation for retirement purposes.
- 51 § 7. Expanded duty pay. Pursuant to the terms of an interest arbitration award issued pursuant to subdivision 4 of section 209 of the civil service law covering members of the security services collective 54 negotiating unit who are employed within the state department of correc-55 tional services and who are designated as peace officers pursuant to 56 section 2.10 of the criminal procedure law and notwithstanding any other

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1 provision of law, effective April 1, 2007, such unit members to whom the provisions of this section apply shall be paid an expanded duty pay in the amount of \$1,500 per year. Payment for such compensation shall be equally divided over the 26 payroll periods of a fiscal year. Such compensation pursuant to this section shall be included as compensation for overtime and retirement purposes.

- § 8. During the period April 1, 2007 through March 31, 2009, there shall be a statewide joint labor-management committee continued and administered pursuant to the terms of the agreement negotiated between the state and the employee organization representing employees in the collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law which shall, after March 31, 2007, with the amounts available therefore, study and make recommendations concerning major issues of employee assistance, performance evaluation, education and training, quality of work life and provide for the implementation of the terms of agreements of such 16 committee.
  - 9. Paragraph (d) of subdivision 1 of section 7 of part B of chapter 10 of the laws of 2008, amending the civil service law and the state finance law relating to compensation and other terms and conditions of employment of certain state officers and employees, is amended to read as follows:
    - (d) part-time [and seasonal] employees;
  - § 10. Subdivision 2 of section 17 of chapter 333 of the laws of 1969, amending the civil service law and other laws relating to salary increases for certain state officers and employees, as amended by section 17 of part A of chapter 10 of the laws of 2008, is amended to read as follows:
  - 2. Any employee subject to this section who is required to work a tour of duty which includes four or more hours between the hours of six p.m. and six a.m., exclusive of any hours for which he or she receives overtime compensation, shall be entitled to inconvenience pay for such tour of duty in an amount equal to the daily rate equivalent of four hundred dollars per year, unless a higher daily rate is authorized under the terms of a collective negotiated agreement between the state and an employee organization pursuant to article 14 of the civil service law, or is authorized by the director of the budget for employees excluded from negotiating rights under article 14 of the civil service law, in which case such daily rate may be up to five hundred seventy-five dollars per year, effective April 2, 2007. The provisions of this subdivision shall apply on a prorated basis to officers and employees serving on a seasonal basis in the collective negotiating units designated as the administrative services unit, the institutional services unit, the operational services unit, and the division of military and naval affairs unit, and officers and employees excluded from collective negotiating units established pursuant to article 14 of the civil service law.
  - § 11. Notwithstanding any provision of law to the contrary, the appropriations contained in this act shall be available to the state for the payment and publication of grievance and arbitration settlements and awards pursuant to articles 7 and 8 of the collective negotiating agreement between the state and the employee organization representing the collective negotiating unit designated as the security services unit established pursuant to article 14 of the civil service law.
- 55 § 12. No individual who is a Correction Officer Trainee or Correction 56 Officer Trainee, Spanish Language shall be eligible for any increase in

any compensation provided for in this act until such individual is designated a peace officer pursuant to section 2.10 of the criminal procedure law. Nothing herein shall alter or change any other eligibility requirements for any compensation a Correction Officer Trainee or Correction Officer Trainee, Spanish Language must satisfy in order to be eligible for such compensation.

§ 13. Notwithstanding any provision of law, rule or regulation to the contrary, and where and to the extent an agreement negotiated between the state and the employee organization representing employees in the security services unit established pursuant to article 14 of the civil service law so provides, the salaries of newly hired employees on or after September 1, 1992 into state service in positions within negotiating units shall not be subject to the provisions of subdivision 2-a of section 200 of the state finance law.

§ 14. Date of entitlement to salary increase. Notwithstanding the 15 16 provisions of this act or of any other provision of law to the contrary, 17 the increase of salary or compensation of any members of the security services collective negotiating unit established pursuant to article 14 of the civil service law who are full-time annual salaried employees and 20 who are employed by the state department of correctional services and are peace officers pursuant to subdivision 25 of section 2.10 of the criminal procedure law, provided by this act shall be added to the sala-23 ry of such member at the beginning of that payroll period the first day of which is nearest to the effective date of such increase as provided in this act, or at the beginning of the earlier of two payroll periods 25 the first days of which are nearest but equally near to the effective date of such increase as provided in this act; provided, however, that for the purposes of determining the salary of such unit members upon reclassification, reallocation, appointment, promotion, transfer, demotion, reinstatement, or other change of status, such salary increase shall be deemed to be effective on the date thereof as prescribed by this act, with payment thereof pursuant to this section on a date prior thereto, instead of on such effective date, and shall not operate to confer any additional salary rights or benefits on such unit members. Payment of such salary increase may be deferred pursuant to section fifteen of this act. 36

§ 15. Deferred payment of salary increase. Notwithstanding the provisions of any other section of this act, or of any other law to the contrary, pending payment pursuant to this act of the basic annual salaries of incumbents of positions subject to this act, such incumbents shall receive, as partial compensation for services rendered, the rate of compensation otherwise payable in their respective positions. An incumbent holding a position subject to this act at any time during the period from April 1, 2007, until the time when basic annual salaries are first paid pursuant to this act for such services in excess of the compensation actually received therefor, shall be entitled to a lump sum 47 payment for the difference between the salary to which such incumbent is entitled for such services and the compensation actually received therefor. Such lump sum payment shall be made as soon as practicable. The amounts paid under this act shall count as compensation earned during the year or years for which it is calculated and not as compensation earned wholly in the year in which it is paid. Notwithstanding any 53 provision of law, rule or regulation to the contrary, and pursuant to the terms of an interest arbitration award issued by the public arbitration panel pursuant to subdivision 4 of section 209 of the civil 56 service law, no member of the security services collective negotiating

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unit to whom the provisions of this act apply shall be entitled to, or owed, any interest or other penalty for any reason on any monies due to such member pursuant to the terms of this act and the terms of the interest arbitration award issued by the public arbitration panel pursuant to subdivision 4 of section 209 of the civil service law.

§ 16. Use of appropriations. Notwithstanding any provision of the state finance law or any other provision of law to the contrary, the state comptroller is authorized to pay any amounts required by the foregoing provisions of this act. To the extent that existing appropriations available to any state department or agency in any fund are insufficient to accomplish the purposes set forth in this section, the director of the budget is authorized to allocate to the various departments and agencies, from any appropriations available in any fund, the amounts 14 necessary to make such payments. Any appropriations or other funds available to any state department or agency for personal service or for 16 other related employee benefits during the fiscal year commencing April 1, 2009 shall be available for the payment of any liabilities or obli-18 gations incurred pursuant to the foregoing provisions of this act, whether occurred prior to or during the State fiscal year commencing April 1, 2009.

20 21 § 17. Appropriations. Notwithstanding any provision of the state 22 finance law or any other provision of law to the contrary, the several amounts as hereinafter set forth in this section, or so much thereof as 23 24 may be necessary, are hereby appropriated from the fund so designated for use by any state department or agency for the fiscal year beginning 25 26 April 1, 2009 to supplement appropriations from each respective fund available for personal service, other than personal service and fringe 28 benefits, and to carry out the provisions of this act. The monies hereby 29 appropriated are available for payment of any liabilities or obligations 30 incurred prior to April 1, 2009 in addition to liabilities or obli-31 gations associated with the state fiscal year commencing April 1, 2009. 32 For this purpose, these appropriations shall remain in full force and effect for the payment of liabilities incurred on or before April 1, 2009. No money shall be available for expenditure from this appropriation until a certificate of approval has been issued by the director of 36 the budget and a copy of such certificate or any amendment thereto has been filed with the state comptroller, the chairperson of the senate finance committee and the chairperson of the assembly ways and means 39 committee.

ALL STATE DEPARTMENTS AND AGENCIES

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41
      General Fund / State Operations
42
      State Purposes Account 003
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43 PERSONAL SERVICE

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Personal service - regular ...... $181,392,000
   Other compensation, including but not limit-
     ed to, overtime, holiday pay, longevities,
47
     security
                 enforcement differential,
```

location, inconvenience pay ...... \$111,963,000 48

#### 1 NONPERSONAL SERVICE

| 2 | Fringe benefits \$22,442,000                 | ) |
|---|--|---|
| 3 | Labor Management Committees \$3,142,000      | ) |
| 4 | Employee assistance program \$400,000        | ) |
| 5 | Joint committee on health benefits \$294,000 | ) |
| 6 | Contract administration \$200,000            | ) |
| 7 | Employee Benefit Fund \$313,000              | ) |

8 § 18. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2007.

REPEAL NOTE.—Paragraph g of subdivision 1 of section 130 of the civil service law, repealed by section one of this act, provided salary schedules for certain state employees who are members of the collective negotiating unit designated as security services who are employed by the state department of correctional services and are designated as peace officers pursuant to subdivision twenty-five of section 2.10 of the criminal procedure law. They are replaced by revised salary schedules in subparagraphs 1 and 2 of a new paragraph g of subdivision 1 of section 130 of the civil service law.

7864

2009-2010 Regular Sessions

#### IN ASSEMBLY

April 27, 2009

Introduced by M. of A. BACALLES, O'MARA -- read once and referred to the Committee on Governmental Employees

AN ACT authorizing the Chemung county/city of Elmira regional civil service commission to retroactively appoint and set seniority dates of certain employees of the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties

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

Section 1. Notwithstanding any other inconsistent provision of law, 2 rule or regulation, Kevin Mark, who was employed by the former board of 3 cooperative educational services, sole supervisory district for Steuben 4 and Allegany counties, as a physical therapist from October 31, 1983 to June 30, 2006 and who is currently employed as a physical therapist by 6 the board of cooperative educational services, sole supervisory district 7 for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 8 1, 2006 and who, for reasons not ascribable to his own negligence, was 9 not appointed to a civil service title by the Steuben county department 10 of personnel effective October 31, 1983, shall have his appointment as a 11 physical therapist deemed to have been on October 31, 1983 by the 12 Chemung county/city of Elmira regional civil service commission. Such 13 employee shall enjoy all rights and protections of the civil service law 14 as calculated from the above appointment date, including seniority 15 rights.

§ 2. Notwithstanding any other inconsistent provision of law, rule or regulation, Beverly Jonas, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from September 4, 1990 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 4, 1990, shall have her

EXPLANATION--Matter in <a href="italics">italics</a> (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD10176-01-9

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appointment as an occupational therapist deemed to have been on September 4, 1990 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.

- § 3. Notwithstanding any other inconsistent provision of law, rule or regulation, Linda McLaughlin, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from October 7, 1991 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational service, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective October 7, 1991, shall have her appointment as an occupational therapist deemed to have been on October 1991 by the Chemung county/city of Elmira regional civil service 18 commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.
  - § 4. Notwithstanding any other inconsistent provision of law, rule or regulation, Margaret Wilson, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist from April 26, 1993 to June 30, 2006 and who is currently employed as a physical therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective April 26, 1993, shall have her appointment as a physical therapist deemed to have been on April 26, 1993 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.
- § 5. Notwithstanding any other inconsistent provision of law, rule or 36 regulation, Theresa Wolf, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapy assistant from September 1994 to June 30, 2006 and who is currently employed as an occupational therapy assistant by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 6, 1994, shall have her appointment as an occupational therapy assistant 46 deemed to have been on September 6, 1994 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.
- § 6. Notwithstanding any other inconsistent provision of law, rule or regulation, Diana Ayers, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and 53 Allegany counties, as an occupational therapist from March 6, 1995 to June 30, 2006 and who is currently employed as an occupational therapist the board of cooperative educational services, sole supervisory 56 district for Schuyler, Steuben, Chemung, Tioga and Allegany counties

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since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective March 6, 1995, shall have her appointment as an occupational therapist deemed to have been on March 6, 1995 5 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil 7 service law as calculated from the above appointment date, including seniority rights.

- § 7. Notwithstanding any other inconsistent provision of law, rule or 10 regulation, Anne Slocum, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist assistant from September 4, 2001 to June 30, 2006 and who is currently employed as a physical thera-14 pist assistant by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany 16 counties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steu-18 ben county department of personnel effective September 4, 2001, shall 19 have her appointment as a physical therapist assistant deemed to have 20 been on September 4, 2001 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and 22 protections of the civil service law as calculated from the above appointment date, including seniority rights.
- § 8. Notwithstanding any other inconsistent provision of law, rule or 25 regulation, Carrie Van Slyke, who was employed by the former board of 26 cooperative educational services, sole supervisory district for Steuben and Allegany counties, as a physical therapist from October 15, 2002 June 30, 2006 and who is currently employed as a physical therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany counties since July 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective October 15, 2002, shall have her appointment as a 34 physical therapist deemed to have been on October 15, 2002 by the Chemung county/city of Elmira regional civil service commission. Such 36 employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.
- § 9. Notwithstanding any other inconsistent provision of law, rule or 40 regulation, Patricia Sperle, who was employed by the former board of cooperative educational services, sole supervisory district for Steuben and Allegany counties, as an occupational therapist from September 1, 2004 to June 30, 2006 and who is currently employed as an occupational therapist by the board of cooperative educational services, sole supervisory district for Schuyler, Steuben, Chemung, Tioga and Allegany coun-46 ties since July 1, 2006 and who, for reasons not ascribable to her own negligence, was not appointed to a civil service title by the Steuben county department of personnel effective September 1, 2004, shall have 49 her appointment as an occupational therapist deemed to have been on September 1, 2004 by the Chemung county/city of Elmira regional civil service commission. Such employee shall enjoy all rights and protections of the civil service law as calculated from the above appointment date, including seniority rights.
- 54 § 10. This act shall take effect immediately.

4905--A

2009-2010 Regular Sessions

#### IN ASSEMBLY

February 6, 2009

Introduced by M. of A. MARKEY, REILLY, SPANO, WEISENBERG, COLTON, ROBIN-SON, TITONE, DenDEKKER, JOHN, JAFFEE, COOK, PHEFFER, SCHIMEL, ZEBROW-SKI, MILLMAN, GORDON, EDDINGTON, HOOPER -- Multi-Sponsored by -- M. of A. GABRYSZAK, GUNTHER, HYER-SPENCER, MAISEL, MENG, RUSSELL, SWEENEY, TITUS -- read once and referred to the Committee on Governmental Employees -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the retirement and social security law, in relation to increasing certain special accidental death benefits

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

Section 1. Subdivision c of section 208-f of the general municipal 2 law, as amended by chapter 76 of the laws of 2008, is amended to read as 3 follows:

c. Commencing July first, two thousand [eight] nine the special acci-5 dental death benefit paid to a widow or widower or the deceased member's 6 children under the age of eighteen or, if a student, under the age of twenty-three, if the widow or widower has died, shall be escalated by adding thereto an additional percentage of the salary of the deceased 9 member (as increased pursuant to subdivision b of this section) in 10 accordance with the following schedule:

| ΤŢ | calendar year of death |                                     |
|----|------------------------|-------------------------------------|
| 12 | of the deceased member | per centum                          |
| 13 | 1977 or prior          | [ <del>150.0%</del> ] <u>157.5%</u> |
| 14 | 1978                   | $[\frac{142.7\%}{150.0\%}]$         |
| 15 | 1979                   | $[\frac{135.7\%}{142.7\%}]$         |
| 16 | 1980                   | $[\frac{128.8\%}{135.7\%}]$         |
| 17 | 1981                   | $[\frac{122.1\%}{128.8\%}]$         |
| 18 | 1982                   | $[\frac{115.7\%}{122.1\%}]$         |
|    |                        |                                     |

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

LBD07040-03-9

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1
                      1983
                                                                            [<del>109.4%</del>] 115.7%
 2
                      1984
                                                                            [<del>103.3%</del>] <del>109.4%</del>
 3
                      1985
                                                                              [<del>97.4%</del>] <del>103.3%</del>
 4
                      1986
                                                                              [<del>91.6%</del>]
                                                                                            97.4%
                                                                              [<del>86.0%</del>]
 5
                      1987
                                                                                            91.6%
 6
                      1988
                                                                              [<del>80.6%</del>] 86.0%
 7
                      1989
                                                                                            80.6%
                                                                              [<del>75.4%</del>]
                      1990
                                                                              [<del>70.2%</del>]
                                                                                            75.4%
 9
                      1991
                                                                              [<del>65.3%</del>]
                                                                                            70.2%
10
                      1992
                                                                              [<del>60.5%</del>]
                                                                                            65.3%
11
                      1993
                                                                              [<del>55.8%</del>]
                                                                                            60.5%
12
                      1994
                                                                              [<del>51.3%</del>]
                                                                                            55.8%
1.3
                     1995
                                                                             [<del>46.9%</del>]
                                                                                            51.3%
14
                     1996
                                                                             [<del>42.6%</del>]
                                                                                            46.9%
15
                     1997
                                                                                           42.6%
                                                                             [38.4%]
16
                     1998
                                                                             [34.4%]
                                                                                            38.4%
17
                      1999
                                                                              [<del>30.5%</del>]
                                                                                            34.4%
18
                      2000
                                                                              [<del>26.7%</del>]
                                                                                            <del>30</del>.5%
19
                      2001
                                                                              [<del>23.0%</del>]
                                                                                            26.7%
20
                      2002
                                                                              [<del>19.4%</del>]
                                                                                            23.0%
                                                                              [<del>15.9%</del>]
21
                      2003
                                                                                            19.4%
                                                                                           15.9%
22
                      2004
                                                                              [<del>12.6%</del>]
23
                      2005
                                                                                            12.6%
                                                                               [<del>9.3%</del>]
24
                                                                                             9.3%
                      2006
                                                                                [<del>6.1%</del>]
25
                                                                                              6.1%
                      2007
                                                                                [<del>3.0%</del>]
26
                      2008
                                                                               [<del>0.0%</del>]
                                                                                              3.0%
27
                      2009
                                                                                0.0%
```

- § 2. Subdivision c of section 361-a of the retirement and social secu-29 rity law, as amended by chapter 76 of the laws of 2008, is amended to 30 read as follows:
- c. Commencing July first, two thousand [eight] nine the special acci-32 dental death benefit paid to a widow or widower or the deceased member's 33 children under the age of eighteen or, if a student, under the age of 34 twenty-three, if the widow or widower has died, shall be escalated by 35 adding thereto an additional percentage of the salary of the deceased 36 member, as increased pursuant to subdivision b of this section, in 37 accordance with the following schedule:

38 calendar year of death 39 of the deceased member per centum 40 1977 or prior [<del>150.0%</del>] **157.5**% [<del>142.7%</del>] <del>15</del>0.0% 1978 41 1979 42 [<del>135.7%</del>] **142.7**% [<del>128.8%</del>] <del>135.7</del>% 1980 43 1981 [<del>122.1%</del>] 128.8% 44 45 [<del>115.7%</del>] <del>122.1%</del> 1982 1983 [<del>109.4%</del>] <del>115.7%</del> 46 47 1984 [<del>103.3%</del>] <del>109.4%</del> [<del>97.4%</del>] <del>103.3%</del> 48 1985 [<del>91.6%</del>] **97.4**% 49 1986 50 1987 [<del>86.0%</del>] 91.6% 51 1988 86.0% [<del>80.6%</del>] 52 1989 [<del>75.4%</del>] 80.6% 53 1990 75.4% [<del>70.2%</del>] 54 1991 [<del>65.3%</del>] 70.2% 55 1992 [<del>60.5</del>%] 65.3% 56 1993 [<del>55.8%</del>] 60.5%

| 1   | 1994                   | [ <del>51.3%</del> ] | 55.8% |
|-----|------------------------|----------------------|-------|
| 2   | 1995                   | [ <del>46.9%</del> ] | 51.3% |
| 3   | 1996                   | [ <del>42.6%</del> ] | 46.9% |
| 4   | 1997                   | [ <b>38.4</b> %]     | 42.6% |
| 5   | 1998                   | [ <b>34.4</b> %]     | 38.4% |
| 6   | 1999                   | [ <del>30.5%</del> ] | 34.4% |
| 7   | 2000                   | [ <del>26.7%</del> ] | 30.5% |
| 8   | 2001                   | [ <del>23.0%</del> ] | 26.7% |
| 9   | 2002                   | [ <del>19.4%</del> ] | 23.0% |
| 10  | 2003                   | [ <del>15.9%</del> ] | 19.4% |
| 11  | 2004                   | [ <del>12.6%</del> ] | 15.9% |
| 12  | 2005                   | [ <del>9.3%</del> ]  | 12.6% |
| 13  | 2006                   | [ <del>6.1</del> %]  | 9.3%  |
| 14  | 2007                   | [ <del>3.0%</del> ]  | 6.1%  |
| 15  | 2008                   | [ <del>0.0%</del> ]  | 3.0%  |
| 16  | 2009                   | 0.0%                 |       |
| 1 7 | C 0 mb/s 1 - 1 1 + - 1 | - F.F+ T 1 0000      |       |

§ 3. This act shall take effect July 1, 2009.

FISCAL NOTE.—This bill would amend both the General Municipal Law and the Retirement and Social Security Law to increase the salary used in the computation of the special accidental death benefit by 3% in cases where the date of death was before 2009.

Insofar as this bill would amend the Retirement and Social Security Law, it is estimated that there would be an additional annual cost of approximately \$322,000 above the approximately \$7.1 million current annual cost of this benefit. This cost would be shared by the State of New York and all participating employers of the New York State and Local Police and Fire Retirement System.

This estimate, dated January 27, 2009 and intended of use only during the 2009 Legislative Session, is Fiscal Note No. 2009-115, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

FISCAL NOTE.--PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW: With respect to the City of New York (the "City"), this proposed legislation would amend General Municipal Law ("GML") Section 208-f.c to increase certain Special Accidental Death Benefits ("SADB") for line-of-duty widows/widowers and/or children of former uniformed employees of the City and the New York City Health and Hospitals Corporation who were members of the New York City Retirement Systems ("NYCRS").

In addition, the proposed legislation would amend Retirement and Social Security Law Section 361-a.c to cover such SADB of the survivors of former members who were employed in the New York State Police Department or as a New York State Firefighter.

The Effective Date of the proposed legislation is July 1, 2009.

IMPACT ON BENEFITS - SADB RECIPIENTS: The proposed legislation would impact the SADB payable to certain survivors of NYCRS members who were employed in uniformed positions at one of the following employers:

New York City Police Department,

New York City Fire Department,

New York City Housing Authority-Police Officer,

New York City Transit Authority-Police Officer,

New York City Department of Correction-Correction Officer,

New York City-Emergency Medical Technician ("EMT"),

New York City Health and Hospitals Corporation-EMT,

New York City Triborough Bridge and Tunnel Authority-Bridge and Tunnel Employee, and such employees were members of one of the following NYCRS:

\* New York City Employees' Retirement System ("NYCERS"),

- \* New York City Police Pension Fund ("POLICE"), or
- \* New York City Fire Pension Fund ("FIRE").

DESCRIPTION OF BENEFITS PAYABLE: Under the GML, the SADB is defined to equal:

The salary of the deceased member at date of death less:

- Any death benefit paid by the NYCRS to the member's survivors,
- Any death benefit paid by Social Security to the member's survivors, and
  - Any Worker's Compensation benefit paid to the member's survivors.

The SADB is paid to the deceased member's surviving widow or widower, if alive. If the widow/widower is no longer alive, then the SADB is paid to the deceased member's children under the age of eighteen or while attending school up to the age of twenty-three.

Under the proposed legislation, the SADB would be escalated effective July 1, 2009 to provide an increase of approximately 3.0% in the total benefits payable to the deceased member's surviving line-of-duty widows/widowers/children.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES OF BENEFITS ("APVB"): Under the actuarial assumptions and methods as noted herein, the enactment of this proposed legislation would result in an increase in additional APVB with respect to NYCRS members of approximately \$22.6 million as of June 30, 2009.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: As these SADB are provided on a pay-as-you-go basis, the additional annual employer payments expected to be paid during the first year, if the proposed legislation is enacted, would equal approximately \$2.2 million.

Note: This represents an average increase of approximately 5.1% in the annual rate of SADB being paid.

The SADB payment are made by the City and are reimbursed by the State of New York.

OTHER COSTS: The enactment of this proposed legislation would also be expected to result in modest increases in administrative expenses of NYCERS, POLICE, FIRE, the employers and certain New York City agencies.

CENSUS DATA: The financial impact of the proposed legislation is based upon the census date for such widows, widowers and children provided by the NYCRS.

For NYCERS, data for SADB recipients consisted of 29 survivors of deceased members as of June 30, 2008 with SADB payable at a rate of approximately \$1.0 million as of September 1, 2008.

For POLICE, data for SADB recipients consisted of 287 survivors of deceased members as of June 30, 2008 with SADB payable at a rate of approximately \$12.0 million as of September 1, 2008.

For FIRE, data for SADB recipients consisted of 611 survivors of deceased members as of June 30, 2008 with SADB payable at a rate of approximately \$30.2 million as of September 1, 2008.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APVB have been computed based on the actuarial assumptions and methods in effect for the June 30, 2008 (Lag) actuarial valuations of NYCERS, POLICE and FIRE for use in determining the Preliminary Fiscal Year 2010 Employer Contributions.

In addition, it has also been assumed that the average age and the estimated percentage increase in benefits for widows/widowers in receipt of benefits as of June 30, 2009 would be comparable with that for the widows/widowers and/or children in receipt of benefits as of June 30, 2008.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the

Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is fiscal Note 2009-05, dated March 26, 2009, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Police Pension Fund and the New York City Fire Pension Fund.

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#### STATE OF NEW YORK

7993

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 1, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to authorizing the transfer of service credit and membership of members of the New York state and local police and fire retirement system, who are in a 20 year retirement plan, to the New York state and local employees' retirement system

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

Section 1. Section 384-d of the retirement and social security law is 2 amended by adding a new subdivision y to read as follows:

- y. Any member currently enrolled pursuant to this section and who 4 previously transferred service credit from the New York state and local employees' retirement system to the New York state and local police and fire retirement system, may elect to transfer such previously transferred service credit back to the New York state and local employees' 8 retirement system, and such member shall have the option to retroactive-9 ly transfer his or her membership into such employees' retirement 10 system.
  - § 2. Section 381-b of the retirement and social security law is amended by adding a new subdivision g to read as follows:
- g. Transfer of membership to employees' retirement system. Any member 14 currently enrolled pursuant to this section and who previously trans-15 ferred service credit from the New York state and local employees' 16 retirement system to the New York state and local police and fire retirement system, may elect to transfer such previously transferred 18 service credit back to the New York state and local employees' retirement system, and such member shall have the option to retroactively transfer his or her membership into such employees' retirement system.
- 21 § 3. This act shall take effect immediately. FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

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

LBD11520-01-9

This bill will allow any member of the New York State and Local Police and Fire Retirement System, who is covered by Sections 384-d or 381-b of the Retirement and Social Security Law, and who transferred service credit from the New York State and Local Employees' Retirement System to the New York State and Local Police and Fire Retirement System, to transfer that service credit back to the New York State and Local Employees' Retirement System. If such member had been in a contributory plan in the New York State and Local Employees' Retirement System, and had withdrawn those contributions when they transferred, then by reinstating their membership in the New York State and Local Employees' Retirement System, they would be required to replace any member contributions, with interest.

Insofar as this will affect the New York State and Local Employees' Retirement System, if this bill is enacted, we anticipate that there will be negligible costs to the State of New York and all of the participating employers of the New York State and Local Employees' Retirement System, since this will generally match the release of liabilities from the New York State and Local Employees' Retirement System at the time of the original transfer from the New York State and Local Employees' Retirement System. However there would be costs to members who had transferred from a contributory plan, to replace those contributions. This cost to the members would depend on their salaries and years of service in the New York State and Local Employees' Retirement System.

This estimate, dated March 27, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-191, prepared by the Actuary for the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

8019--A

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 1, 2009

Introduced by M. of A. O'MARA -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Elmira to offer an optional twenty year retirement plan to certain police officers employed by such city

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the city of Elmira, in the county of Chemung, a participating employer in the New York state and local police and fire retirement system, which 4 previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social secu-6 rity law, to police officers employed by such city, is hereby authorized to make participation in such plan available to Brooks A. Shaw, Brian 8 J. Williams and Erica LaPierre, police officers employed by the city of 9 Elmira, who, for reasons not ascribable to their own negligence, failed 10 to make timely applications to participate in such optional twenty year 11 retirement plan. The city of Elmira may so elect by filing with the 12 state comptroller, on or before December 31, 2009, a resolution of its 13 local legislative body together with certification that such police 14 officers did not bar themselves from participation in such retirement 15 plan as a result of their own negligence. Thereafter, such police offi-16 cers may elect to be covered by the provisions of section 384-d of the 17 retirement and social security law, and shall be entitled to the full 18 rights and benefits associated with coverage under such section, by 19 filing a request to that effect with the state comptroller on or before 20 June 30, 2010.

21 § 2. All employer costs associated with implementing the provisions of 22 this act shall be borne by the city of Elmira.

§ 3. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to Legislative Law, section 50:

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

LBD11400-04-9

This bill will allow the City of Elmira to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for three of its police officers, Brooks A. Shaw, Brian J. Williams and Erica LaPierre.

If this bill is enacted, and all three eligible police officers become covered under Section 384-d, we anticipate that there will be an increase of approximately \$6,600 in the annual contributions of the City of Elmira for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$45,500 which would be borne by the City of Elmira as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated June 8, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-265, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

8228

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 11, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to implementing a provision in a collective bargaining agreement between the state university construction fund and an employee organization relating to unused sick leave and retirement service credit

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

1 Section 1. Paragraph 1 of subdivision j of section 41 of the retire-2 ment and social security law, as amended by chapter 271 of the laws of 3 2008, is amended to read as follows:

1. In addition to any other service credit to which he or she is enti-5 tled, a member who meets the requirements set forth in paragraphs two 6 and three of this subdivision shall be granted one day of additional service credit for each day of accumulated unused sick leave which he or 8 she has at time of retirement for service, but such credit shall not (a) 9 exceed one hundred sixty-five days, (b) be considered in meeting any 10 service or age requirements prescribed in this chapter, and (c) be 11 considered in computing final average salary. However, for an executive 12 branch member designated managerial or confidential pursuant to article 13 fourteen of the civil service law or in the collective negotiating units 14 established by article fourteen of the civil service law designated the 15 professional, scientific and technical services unit, the rent regu-16 lation services negotiating unit, the security services negotiating 17 unit, the security supervisors negotiating unit, the state university 18 professional services negotiating unit, the administrative services 19 negotiating unit, the institutional services negotiating unit, the oper-20 ational services negotiating unit and the division of military and naval 21 affairs negotiating unit such service credit limitation provided in 22 subparagraph (a) of this paragraph shall not exceed two hundred days. 23 For a nonjudicial officer or employee of the unified court system not in

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

LBD09761-02-9

A. 8228

a collective negotiating unit or in a collective negotiating unit specified in section one of chapter two hundred three of the laws of two thousand four, for employees of the New York state dormitory authority, for employees of the New York state thruway authority [and], the New York state canal corporation and the state university construction fund and for employees of the New York liquidation bureau such service credit limitation provided in subparagraph (a) of this paragraph shall not exceed two hundred days.

- 9 § 2. Notwithstanding any other provision of law, the past service cost 10 associated with section one of this act shall be paid by the New York 11 state university construction fund over a period not to exceed five 12 years.
- \$ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2003.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would amend subdivision j of Section 41 of the Retirement and Social Security Law to allow employees of the New York State University Construction Fund who are members of the New York State and Local Employees' Retirement System to be granted additional service credit for up to a maximum of 200 days of accumulated unused sick leave. Currently, the maximum is 165 days. This would be deemed to be in effect as of April 1, 2003.

If this bill is enacted, there will be a total past service cost of approximately \$21,300 which would be borne by the New York State University Construction Fund. If this cost is amortized over a period of 5 years, the cost for the first year, including interest, would be approximately \$4,940. In addition to the past service cost, there could be future increases in the annual contributions of the New York State University Construction Fund.

This estimate, dated April 23, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-226 prepared by the Actuary for the New York State and Local Employees' Retirement System.

8588

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 29, 2009

Introduced by M. of A. GORDON -- read once and referred to the Committee on Governmental Employees

AN ACT authorizing Steven Roy to file for retroactive membership in the optional 20 year retirement plan of the New York state and local police and fire retirement system pursuant to section 384-d of the retirement and social security law

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the town of Schodack, a participating employer in the New York state and 3 local police and fire retirement system, which previously elected to 4 offer the optional 20 year retirement plan established pursuant to 5 section 384-d of the retirement and social security law, to police officers employed by such town, is hereby authorized to make participation in such plan available to Steven Roy, a police officer employed by the 8 town of Schodack, who, for reasons not ascribable to his own negligence 9 failed to make timely application to participate in such optional 20 10 year retirement plan. The town of Schodack may so elect by filing with 11 the state comptroller, on or before December 31, 2009, a resolution of 12 the Schodack town board together with certification that such police 13 officer did not bar himself from participation in such retirement plan 14 as a result of his own negligence. Thereafter, such police officer may 15 elect to be covered by the provisions of section 384-d of the retirement 16 and social security law, and shall be entitled to the full rights and 17 benefits associated with coverage under such section, by filing a 18 request to that effect with the state comptroller on or before June 30, 19 2010.

20 § 2. All past service costs associated with implementing the 21 provisions of this act shall be borne by the town of Schodack.

\$ 3. This act shall take effect immediately. FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

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

LBD11231-02-9

A. 8588

This bill will allow the Town of Schodack to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officer Steven Roy.

If this bill is enacted, and Officer Roy becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$2,500 in the annual contributions of the Town of Schodack for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$20,500 which would be borne by the Town of Schodack as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated April 23, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-225, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

2234

2009-2010 Regular Sessions

### IN ASSEMBLY

January 15, 2009

Introduced by M. of A. ZEBROWSKI -- read once and referred to the Committee on Governmental Employees

AN ACT to amend chapter 218 of the laws of 2008, relating to authorizing John Lawless, Anthony Akers, Manfredo Figueroa, Richard Spatta, David Kryger, Michael Freeman and Concepcion Crespo to file for retroactive membership in the optional twenty year retirement plan of the New York state and local police and fire retirement system pursuant to section 384-d of the retirement and social security law, in relation to the payment of past service costs

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

Section 1. Section 2 of chapter 218 of the laws of 2008, relating to authorizing John Lawless, Anthony Akers, Manfredo Figueroa, Richard Spatta, David Kryger, Michael Freeman and Concepcion Crespo to file for retroactive membership in the optional twenty year retirement plan of the New York state and local police and fire retirement system pursuant to section 384-d of the retirement and social security law, is amended to read as follows:

8 § 2. All past service costs associated with implementing the 9 provisions of this act shall be borne by the town of Haverstraw, with one interest over a ten year period.

11 § 2. This act shall take effect immediately and shall be deemed to 12 have been in full force and effect on and after July 7, 2009.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill will permit the Town of Haverstraw to amortize the past service cost of chapter 218 of the laws of 2008 over a ten year period at an 8% interest rate.

If this bill is enacted, there will be no cost to employers of the New York State and Local Police and Fire Retirement System.

This estimate, dated December 31, 2008 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-62, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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

LBD02531-02-9

3078--A

2009-2010 Regular Sessions

#### IN ASSEMBLY

January 22, 2009

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the city of Oneonta, in the county of Otsego, to offer an optional twenty year retirement plan to fire chief Robert S. Barnes

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

Section 1. Notwithstanding any other provision of law to the contra-2 ry, the city of Oneonta, in the county of Otsego, a participating 3 employer in the New York state and local police and fire retirement 4 system, which previously elected to offer the optional twenty year 5 retirement plan, established pursuant to section 384-d of the retirement 6 and social security law, and the additional pension benefits to members of such plan, established pursuant to section 384-e of the retirement 8 and social security law, to firefighters employed by such city, is here-9 by authorized to make participation in such plan available to Robert S. 10 Barnes, fire chief of the Oneonta fire department, employed by the city 11 of Oneonta, who, for reasons not ascribable to his own negligence failed 12 to make a timely application to participate in such optional twenty year retirement plan and the additional pension benefits therefor. The city 14 of Oneonta may so elect by filing with the state comptroller, on or 15 before December 31, 2009, a resolution of its governing body together 16 with certification that such firefighter did not bar himself from 17 participation in such retirement plan as a result of his own negligence. 18 Thereafter, such firefighter may elect to be covered by the provisions 19 of sections 384-d and 384-e of the retirement and social security law, 20 and shall be entitled to the full rights and benefits associated with 21 coverage under such sections, by filing a request to that effect with 22 the state comptroller on or before June 30, 2010.

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

LBD05330-04-9

A. 3078--A 2

- 1 § 2. All employer costs associated with implementing the provisions of this act shall be borne by the city of Oneonta.
- § 3. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill will allow the City of Oneonta to elect to reopen the provisions of Section 384-d together with Section 384-e of the Retirement and Social Security Law for Fire Chief Robert Barnes.

If this bill is enacted and Fire Chief Robert Barnes becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$1,600 in the annual contributions of the City of Oneonta for the fiscal year ending March 31, 2010.

There will be no past service cost.

This estimate, dated December 1, 2008, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-44, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

S. 1800 A. 4811

2009-2010 Regular Sessions

#### SENATE - ASSEMBLY

February 6, 2009

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

IN ASSEMBLY -- Introduced by M. of A. JORDAN -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Cambridge, in the county of Washington, to offer an optional twenty-five year retirement plan to police officers George G. Bell, Harold P. Spiezio III and Stephen E. Griffin, Jr.

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the village of Cambridge, in the county of Washington, a participating employer in the New York state and local police and fire retirement 4 system; which previously elected to offer the optional twenty-five year 5 retirement plan, established pursuant to section 384 of the retirement 6 and social security law, to police officers employed by such village, is 7 hereby authorized to make participation in such plan available to George G. Bell, Harold P. Spiezio III and Stephen E. Griffin, Jr., police officers employed by the village of Cambridge, who, for reasons not ascriba-10 ble to their own negligence, failed to make timely application to 11 participate in such optional twenty-five year retirement plan. The 12 village of Cambridge may so elect by filing with the state comptroller, 13 on or before December 31, 2009, a resolution of its board of trustees 14 together with certification that such police officers did not bar them-15 selves from participation in such retirement plan as a result of their 16 negligence. Thereafter, such police officers may elect to be covered by 17 the provisions of section 384 of the retirement and social security law, 18 and shall be entitled to the full rights and benefits associated with

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

LBD01276-02-9

- 1 coverage under such section, by filing a request to that effect with the 2 state comptroller on or before June 30, 2010.
- 3 § 2. All employer costs associated with implementing the provisions of 4 this act shall be borne by the village of Cambridge.
  - § 3. This act shall take effect immediately.

FISCAL NOTE.--This bill will allow the Village of Cambridge to elect to reopen the provisions of Section 384 of the Retirement and Social Security Law for its police officers George G. Bell, Harold P. Spiezio III, and Stephen E. Griffin, Jr.

If this bill is enacted and above officers become covered under Section 384, we anticipate that there will be an increase of approximately \$3,200 in the annual contributions of the Village of Cambridge for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$14,900 which would be borne by the Village of Cambridge.

This estimate, dated January 29, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-102, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

6153--A

2009-2010 Regular Sessions

#### IN ASSEMBLY

February 26, 2009

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT allowing Matthew A. Miraglia, employed by the village of Scarsdale, to enroll in a twenty year retirement plan

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

Section 1. Notwithstanding any other provision of law, Matthew A. 2 Miraglia, who is employed as a police officer by the village of Scars-3 dale, who is a member of the New York state and local police and fire 4 retirement system, who was eligible to enroll in the twenty year retire-5 ment plan pursuant to section 384-d of the retirement and social securi-6 ty law and who, for reasons not ascribable to his own negligence, failed to make timely application in such plan, shall be deemed eligible to 8 participate in such plan. The village of Scarsdale may elect to make 9 such provisions available to such officer by filing with the state comp-10 troller, on or before December 31, 2009, a resolution of its governing 11 body certifying that said officer is eligible to apply as of that date, 12 is not barred from participating in such retirement plan as the result 13 of his own negligence and that the said village will pay all costs 14 attributable to this act, as determined by the comptroller, into the 15 pension accumulation fund. Thereafter, such officer who is certified in 16 the resolution shall be deemed to have been a member in such plan enti-17 tled to the full rights and benefits associated with such membership. 18 Such officer may elect to be covered by the provisions of section 384-d 19 of the retirement and social security law, and shall be entitled to the 20 full rights and benefits associated with coverage under such section by 21 filing a request to that effect with the state comptroller on or before 22 June 30, 2010. 23 § 2. The cost for this election shall be paid by the village of Scars-

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

LBD06037-05-9

24 dale.

A. 6153--A

\$ 3. This act shall take effect immediately.
FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

This bill will allow the Village of Scarsdale to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer Matthew A. Miraglia.

If this bill is enacted, and Officer Miraglia becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$4,500 in the annual contributions of the Village of Scarsdale for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$74,500 which would be borne by the Village of Scarsdale. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated February 5, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-91, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

6731

2009-2010 Regular Sessions

#### IN ASSEMBLY

March 11, 2009

Introduced by M. of A. MAGEE, BUTLER -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Ilion, in the county of Herkimer, to offer an optional twenty year retirement plan to police officer Louis P. Romano

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the village of Ilion, in the county of Herkimer, a participating employ-3 er in the New York state and local police and fire retirement system, 4 which previously elected to offer the optional twenty year retirement 5 plan, established pursuant to section 384-d of the retirement and social 6 security law, to police officers employed by such city, is hereby authorized to make participation in such plan available to Louis P. 8 Romano, a police officer employed by the village of Ilion, who, for 9 reasons not ascribable to his own negligence failed to make a timely 10 application to participate in such optional twenty year retirement plan. The village of Ilion may so elect by filing with the state comp-12 troller, on or before December 31, 2009, a resolution of its governing 13 body together with certification that such police officer did not bar 14 himself from participation in such retirement plan as a result of his 15 own negligence. Thereafter, such police officer may elect to be covered 16 by the provisions of section 384-d of the retirement and social security 17 law, and shall be entitled to the full rights and benefits associated 18 with coverage under such section, by filing a request to that effect 19 with the state comptroller on or before June 30, 2010. § 2. All employer costs associated with implementing the provisions of 21 this act shall be borne by the village of Ilion.

\$ 3. This act shall take effect immediately.
FISCAL NOTE.-- Pursuant to Legislative Law, Section 50:

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

LBD05334-02-9

A. 6731

This bill will allow the Village of Ilion to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officer Louis P. Romano.

If this bill is enacted and Officer Romano becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$600 in the annual contributions of the Village of Ilion for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$950 which would be borne by the Village of Ilion as a one-time payment, assuming a February 1, 2010 payment date.

This estimate, dated March 2, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-164, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

7

### STATE OF NEW YORK

6732

2009-2010 Regular Sessions

#### IN ASSEMBLY

March 11, 2009

Introduced by M. of A. MAGEE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend chapter 648 of the laws of 2008 relating to permitting the reopening of the optional twenty year retirement plan to certain police officers in the city of Oneida, in relation to extending the deadline for certain filing requirements

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

Section 1. Section 1 of chapter 648 of the laws of 2008 relating to 2 permitting the reopening of the optional twenty year retirement plan to 3 certain police officers in the city of Oneida, is amended to read as 4 follows:

Section 1. Notwithstanding any other provision of law, the city of 6 Oneida, a participating employer in the New York state and local police and fire retirement system, which previously elected to make the bene-8 fits of section 384-d of the retirement and social security law avail-9 able to the police officers employed by it, is hereby authorized to make 10 participation in such plan available to officer David Meeker, Jr. who 11 for reasons not ascribable to his own negligence, was not enrolled in 12 such plan at the time of his hiring. Such participating employer may elect to make such provisions available to such officer by filing with 14 the state comptroller, on or before December 31, [2008] 2009, a resol-15 ution of its governing board certifying that such officer is eligible to 16 apply, is not barred from participating in such retirement plan as the 17 result of his own negligence, and that the city of Oneida will pay all 18 costs attributable to this act, as determined by the comptroller, into 19 the pension accumulation fund. Thereafter, such police officer may elect 20 to be covered by the provisions of section 384-d of the retirement and 21 social security law, and shall be entitled to the full rights and bene-22 fits associated with coverage under such section, by filing a request to

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

LBD09568-02-9

A. 6732

1 that effect with the state comptroller on or before June 30,  $\left[\frac{2009}{2}\right]$  2010.

§ 2. This act shall take effect immediately.

FISCAL NOTE.—This bill will amend Chapter 648 of the laws of 2008 to allow the City of Oneida to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for police officer David Meeker Jr.

If this bill is enacted and officer David Meeker Jr. becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$3,100 in the annual contributions of the City of Oneida for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$35,000 which would be borne by the City of Oneida as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated March 3, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-172, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

7711--A

2009-2010 Regular Sessions

#### IN ASSEMBLY

April 22, 2009

Introduced by M. of A. HAWLEY -- read once and referred to the Committee on Governmental Employees -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to authorize the county of Orleans, to offer an optional twenty year retirement plan to deputies Shannon E. Brett and James A. DeFilipps

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 in the county of Orleans, a participating employer in the New York state 3 and local employee retirement system, which previously elected to offer 4 the optional twenty year retirement plan, established pursuant to 5 sections 552 and 553 of the retirement and social security law, to deputies employed by such county, is hereby authorized to make participation in such plan available to Shannon E. Brett and James A. DeFilipps, depu-8 ty sheriffs employed by the county of Orleans, who, for reasons not 9 ascribable to their own negligence failed to make a timely application 10 to participate in such optional twenty year retirement plan. The county 11 of Orleans may so elect by filing with the state comptroller, on or 12 before December 31, 2009, a resolution of its governing body together 13 with certification that such deputy did not bar himself from partic-14 ipation in such retirement plan as a result of his own negligence. 15 Thereafter, such deputy may elect to be covered by the provisions of 16 sections 552 and 553 of the retirement and social security law, and 17 shall be entitled to the full rights and benefits associated with cover-18 age under such section, by filing a request to that effect with the 19 state comptroller on or before June 30, 2010. § 2. All employer costs associated with implementing the provisions of

§ 2. All employer costs associated with implementing the provisions of this act shall be borne by the county of Orleans.

\$ 3. This act shall take effect immediately. FISCAL NOTE.--Pursuant to Legislative Law, Section 50:

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

LBD09242-06-9

A. 7711--A 2

This bill will authorize Orleans County to reopen the provisions of Section 552 and Section 553 of the Retirement and Social Security Law for deputy sheriffs Shannon E. Brett and James A. DeFilipps who are currently not covered by that Section.

If this bill is enacted, we anticipate that there would be an estimated increase in the annual contributions of Orleans County of approximately \$3,100 for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$22,500 which will be borne by Orleans County, assuming a payment date of February 1, 2010.

This estimate, dated June 15, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-272, prepared by the Actuary for the New York State and Local Employees' Retirement System.

S. 4972 A. 7858

2009-2010 Regular Sessions

#### SENATE - ASSEMBLY

April 27, 2009

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

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred
to the Committee on Governmental Employees

AN ACT to authorize the village of East Hampton, in the county of Suffolk, to offer an optional twenty year retirement plan to certain police officers

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the village of East Hampton, in the county of Suffolk, a participating employer in the New York state and local police and fire retirement 4 system, which previously elected to offer the optional twenty year 5 retirement plan, established pursuant to section 384-d of the retirement 6 and social security law, to police officers employed by such village, is 7 hereby authorized to make participation in such plan available to certain police officers employed by the village of East Hampton, who, 9 for reasons not ascribable to their own negligence failed to make a 10 timely application to participate in such optional twenty year retire-11 ment plan. The village of East Hampton may so elect by filing with the 12 state comptroller, on or before December 31, 2009, a resolution of its 13 board of trustees together with certification that such police officers 14 did not bar themselves from participation in such retirement plan as a 15 result of their own negligence. Thereafter, such police officers may 16 elect to be covered by the provisions of section 384-d of the retirement and social security law, and shall be entitled to the full rights and 18 benefits associated with coverage under such section, by filing a 19 request to that effect with the state comptroller on or before June 30, 20 2010.

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

LBD11050-02-9

\$ 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of East Hampton over a period of five years.

§ 3. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill will allow the Village of East Hampton to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for all police officers in its employ.

If this bill is enacted, and all three eligible police officers become covered under Section 384-d, we anticipate that there will be an increase of approximately \$6,000 in the annual contributions of the Village of East Hampton for the fiscal year ending March 31, 2010.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$80,100 which would be borne by the Village of East Hampton as a one time payment. This estimate is based on the assumption that payment will be made on February 1, 2010. If the Village so elects, this cost may be paid, with interest, over a period of five (5) years, with an annual payment of approximately \$18,600.

This estimate, dated April 10, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-215, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

8286

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 13, 2009

Introduced by M. of A. CROUCH -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Port Dickinson, in the county of Broome, to offer an optional twenty year retirement plan to Sean D. Crouse and Paul Buttacovoli, Jr.

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the village of Port Dickinson, in the county of Broome, a participating 3 employer in the New York state and local police and fire retirement 4 system, which previously elected to offer the optional twenty year 5 retirement plan, established pursuant to section 384-d of the retirement 6 and social security law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Sean 8 D. Crouse, the chief of police, and Paul Buttacovoli, Jr., a police 9 officer employed by the village of Port Dickinson, who, for reasons not 10 ascribable to their own negligence failed to make timely applications to 11 participate in such optional twenty year retirement plan.

The village of Port Dickinson may so elect by filing with the state 13 comptroller, on or before December 31, 2009, a resolution of its govern-14 ing body together with certification that such chief of police and 15 police officer did not bar themselves from participation in such retire-16 ment plan as a result of their own negligence. Thereafter, such chief of 17 police and police officer may elect to be covered by the provisions of 18 section 384-d of the retirement and social security law, and shall be 19 entitled to the full rights and benefits associated with coverage under 20 such section, by filing a request to that effect with the state comp-21 troller on or before June 30, 2010.

- § 2. All employer costs associated with implementing the provisions of 23 this act shall be borne by the village of Port Dickinson.
- § 3. This act shall take effect immediately.

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

LBD10895-02-9

A. 8286

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill will allow the Village of Port Dickinson to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officers Paul Buttacavoli, Jr. and Sean D. Crouse.

If this bill is enacted and the above officers become covered under Section 384-d we anticipate that there will be an increase of approximately \$2,100 in the annual contributions of the Village of Port Dickinson for the fiscal year ending March 31, 2010.

In addition to annual contributions discussed above, there will be an immediate past service cost of approximately \$51,600 which would be borne by the Village of Port Dickinson as a one-time payment. This estimate is based on the assumption that payment will be made on February 1, 2010.

This estimate, dated May 11, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-236, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

8600

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 29, 2009

Introduced by M. of A. RABBITT -- read once and referred to the Committee on Governmental Employees

AN ACT to authorize the village of Monroe, in the county of Orange, to offer an optional twenty year retirement plan to police officer Anthony T. Amatetti

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 the village of Monroe, in the county of Orange, a participating employer in the New York state and local police and fire retirement system, which 4 previously elected to offer the optional twenty year retirement plan, established pursuant to section 384-d of the retirement and social secu-6 rity law, to police officers employed by such village, is hereby authorized to make participation in such plan available to Anthony T. Amatet-8 ti, a police officer employed by the village of Monroe, for the term of 9 his employment by such village, who, for reasons not ascribable to his 10 own negligence failed to make a timely application to participate in 11 such optional twenty year retirement plan. The village of Monroe may so 12 elect by filing with the state comptroller, on or before December 31, 13 2009, a resolution of its board of trustees together with certification 14 that such police officer did not bar himself from participation in such 15 retirement plan as a result of his own negligence. Thereafter, such 16 police officer may elect to be covered by the provisions of section 17 384-d of the retirement and social security law, and shall be entitled 18 to the full rights and benefits associated with coverage under such 19 section for his employment as a police officer by the village of Monroe 20 by filing a request to that effect with the state comptroller on or 21 before June 30, 2010.

22 § 2. All employer costs associated with implementing the provisions of this act shall be borne by the village of Monroe.

§ 3. This act shall take effect immediately.

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

LBD11303-03-9

A. 8600

FISCAL NOTE.—This bill will allow the Village of Monroe to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Police Officer Anthony T. Amatetti.

If this bill is enacted, and Officer Amatetti becomes covered under Section 384-d, we anticipate that there will be an increase of approximately \$2,900 in the annual contributions of the Village of Monroe for the fiscal year ending March 31, 2010.

There will be no past service cost for the Village of Monroe resulting from the enactment of this legislation.

This estimate, dated May 12, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-247, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

S. 26 A. 26

Twentieth Extraordinary Session

### SENATE - ASSEMBLY

December 2, 2009

IN SENATE -- Introduced by COMMITTEE ON RULES -- (at request of the Governor) -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

IN ASSEMBLY -- Introduced by COMMITTEE ON RULES -- (at request of M. of A. Silver, Abbate, Arroyo, Clark, Destito, Englebright, Fields, Galef, Hooper, Kellner, Morelle, Paulin, Peoples-Stokes, Sweeney, Thiele, Zebrowski) -- (at request of the Governor) -- read once and referred to the Committee on Ways and Means

AN ACT to amend the retirement and social security law, in relation to establishing police and fire retirement provisions; to amend the retirement and social security law and chapter 625 of the laws of 1975, amending the retirement and social security law relating to the extension of temporary rights and benefits, in relation to making the coordinated-escalator retirement plan and the coordinated retirement plan permanent; to amend the civil service law, in relation to extending the expiration of public arbitration of disputes between public employers and employee organizations (Part A); to amend the retirement and social security law and the general municipal law, in relation to persons joining a public retirement system on or after January 1, 2010; and to amend chapter 729 of the laws of 1994 relating to affecting the health insurance benefits and contributions of retired employees of school districts and certain boards, in relation to eliminating the expiration of the provisions thereof (Part B); and to amend the retirement and social security law, the administrative code of the city of New York and the education law, in relation to new entrants to the New York city teachers' retirement system and the New York city board of education retirement system (Part C)

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

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

LBD12149-15-9

Section 1. This act enacts into law legislation relating to retirement 2 for newly hired employees. Each component is wholly contained within a 3 Part identified as Parts A through C. The effective date for each 4 particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a 6 Part, including the effective date of the Part, which makes reference to 7 a section "of this act", when used in connection with that particular 8 component, shall be deemed to mean and refer to the corresponding 9 section of the Part in which it is found. Section three of this act 10 sets forth the general effective date of this act.

11 PART A

Section 1. The retirement and social security law is amended by adding 13 a new article 22 to read as follows:

#### ARTICLE 22

#### POLICE AND FIRE RETIREMENT PROVISIONS

Section 1200. Definitions. 16

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1201. Applicability.

1202. Vesting.

1203. Overtime.

1204. Member contributions.

1205. Recalculation of benefits.

1206. Conflicting provisions.

§ 1200. Definitions. For purposes of this article the terms:

- a. "Member" shall mean a person who is employed as a police officer or firefighter by any employer who first joins the retirement system on or after January first, two thousand ten.
- b. "Retirement system" shall mean the New York state and local police and fire retirement system.
- § 1201. Applicability. Notwithstanding any provision of law to the contrary, the provisions of this article shall be applicable to all employees in the retirement system who first joined such system on or after January first, two thousand ten.
- § 1202. Vesting. a. In order to qualify for a service retirement benefit, members subject to the provisions of this article must have a minimum of ten years of creditable service.
- b. In computing the years of total creditable service of a member, full credit shall be given for military service as defined in subdivisions twenty-nine-a and thirty of section three hundred two of this chapter.
- § 1203. Overtime. A member's final average salary shall be calculated in accordance with such provisions of article eight or article eleven of this chapter as govern the member's benefits, except that earnings classified as overtime compensation in an amount in excess of fifteen 44 percent of a member's annual wages not classified as overtime compensation shall be excluded from such calculation. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than 48 their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law.
- § 1204. Member contributions. Members who are subject to the 52 provisions of this article shall contribute three percent of annual 53 wages to the retirement system in which they have membership. Members 54 who are enrolled in a retirement plan that limits the amount of credita-

ble service a member can accrue shall not be required to make contributions pursuant to this section after accruing the maximum amount of service credit allowed by the retirement plan in which they are enrolled. The state comptroller shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed. In no way shall the member contributions made pursuant to this section be used to provide for pension increases or annuities of any kind.

- § 1205. Recalculation of benefits. Notwithstanding any other provision law, any member who has joined the retirement system pursuant to the provisions of article fourteen of this chapter on or after July first, two thousand nine may elect to have his or her retirement benefits calculated pursuant to this article by filing within one hundred twenty days of the effective date of this section a request for such calculation with the retirement system in the form and manner prescribed by the state comptroller.
- § 1206. Conflicting provisions. Except as otherwise provided in this article, or in conflict therewith, the provisions of article eleven this chapter, including any plan that has been elected by the employer or is otherwise applicable under article eight of this chapter shall govern the retirement benefits provided under this article. In the event of any conflict between the provisions of this article and any other provision of law, this article shall govern.
- § 2. Subdivision c of section 440 of the retirement and social securi-26 ty law, as amended by chapter 63 of the laws of 2007, is amended to read as follows:
- c. Notwithstanding any other provision of law, the provisions and 29 limitations of this article shall apply, as may be appropriate, to all 30 police officers and firefighters who last joined a public retirement system of the state or a municipality thereof, on or after July first, 32 nineteen hundred seventy-six, but prior to July first, two thousand 33 nine, and all employees subject to the provisions of article twenty-two of this chapter; provided, however, that in the case of a conflict 35 between the provisions of this article and article twenty-two of this chapter, the provisions of article twenty-two shall be controlling.
  - § 3. Intentionally omitted.
  - § 4. Section 470 of the retirement and social security law, as amended by chapter 79 of the laws of 2009, is amended to read as follows:
- § 470. Temporary suspension of retirement negotiations. [Until July first, two thousand eleven, changes | Changes | negotiated between any 42 public employer and public employee, as such terms are defined in section two hundred one of the civil service law, with respect to any 44 benefit provided by or to be provided by a public retirement system, or payments to a fund or insurer to provide an income for retirees or 46 payment to retirees or their beneficiaries, shall be prohibited. eafter, such changes shall be made only pursuant to negotiations between 48 public employers and public employees conducted on a coalition basis 49 pursuant to the provisions of this article; provided, however, any such 50 changes not requiring approval by act of the legislature may be implemented prior to July first, two thousand eleven, if negotiated as a result of collective bargaining authorized by section six of chapter six 53 hundred twenty-five of the laws of nineteen hundred seventy-five.
- § 5. Section 480 of the retirement and social security law, as amended 55 by chapter 79 of the laws of 2009, is amended to read as follows:

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§ 480. Extension of temporary benefits and supplementation programs. Every temporary right, privilege or benefit conferred pursuant to the provisions of a general, special or local law (other than pursuant to articles fourteen and fifteen of this chapter) for any member of a 5 public retirement system or pension plan funded by the state or one of its political subdivisions, which is scheduled to expire or terminate at any time during nineteen hundred seventy-four, nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-11 two, nineteen hundred eighty-three, nineteen hundred eighty-four, teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred 13 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-14 nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen 15 hundred ninety-two, nineteen hundred ninety-three, nineteen hundred 16 ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen 18 hundred ninety-nine, two thousand, two thousand one, two thousand two, 19 two thousand three, two thousand four, two thousand five, two thousand 20 six, two thousand seven, two thousand eight, two thousand nine, two thousand ten or two thousand eleven, is hereby extended [until July 22 first, two thousand eleven], notwithstanding the provisions of such general, special or local law. Notwithstanding the foregoing, nothing in this section shall be construed to extend the provisions of article eighteen of this chapter or to affect any statutory deadlines provided 26 in such article.

b. (i) Any program under which an employer in a public retirement 28 system funded by the state or one of its political subdivisions assumes all or part of the contribution which would otherwise be made by its 30 employees toward retirement, which expires or terminates during nineteen 31 hundred seventy-four, is hereby extended [until July first, two thousand 32 **eleven**], notwithstanding the provisions of any other general, special or 33 local law, except that commencing with the payroll period the first day of which is nearest to January first, nineteen hundred seventy-six[, and until July first, two thousand eleven], the rate of such contribution 36 assumed by an employer in any of the public retirement systems funded and maintained by a city, shall be one-half the rate of such contribution assumed by such employer for the immediately preceding payroll period except as provided in paragraph (ii) of this subdivision.

(ii) Commencing with the first payroll period the first day of which 41 is subsequent to October first, two thousand [and until July first, two 42 **thousand eleven**], the rate of such contribution assumed by an employer 43 in the New York city police pension fund and in the New York city fire department pension fund shall be equal to the rate of such contributions assumed by such employer for the payroll period preceding January first, 46 nineteen hundred seventy-six.

c. All supplemental retirement allowances or supplemental pensions 48 paid to pensioners or beneficiaries of any retirement system supported in whole or in part by the state or a political subdivision thereof, 50 which are scheduled to expire at any time during nineteen hundred seventy-five, nineteen hundred seventy-six, nineteen hundred seventy-seven, 52 nineteen hundred seventy-eight, nineteen hundred seventy-nine, nineteen 53 hundred eighty, nineteen hundred eighty-one, nineteen hundred eighty-54 two, nineteen hundred eighty-three, nineteen hundred eighty-four, nine-55 teen hundred eighty-five, nineteen hundred eighty-six, nineteen hundred 56 eighty-seven, nineteen hundred eighty-eight, nineteen hundred eighty-

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nine, nineteen hundred ninety, nineteen hundred ninety-one, nineteen hundred ninety-two, nineteen hundred ninety-three, nineteen hundred ninety-four, nineteen hundred ninety-five, nineteen hundred ninety-six, nineteen hundred ninety-seven, nineteen hundred ninety-eight, nineteen 5 hundred ninety-nine, two thousand one, two thousand two, two thousand 6 three, two thousand four, two thousand five, two thousand six, two thou-7 sand seven, two thousand eight, two thousand nine, two thousand ten or two thousand eleven, shall be continued [for an additional year] notwithstanding any other provision of any general, special or local law provided, however, that all such supplemental retirement allowances or 10 supplemental pensions which are scheduled to expire at any time during 11 two thousand nine shall be continued [for two additional years] notwith-12 13 standing any other provisions of any general, special or local law.

- § 6. Section 615 of the retirement and social security law, as amended 15 by chapter 79 of the laws of 2009, is amended to read as follows:
- § 615. Duration. Notwithstanding any other provisions of this chapter or of any other law, the provisions of article fourteen of this chapter shall [expire on June thirtieth, two thousand eleven, but shall] no longer apply to members to whom this article applies on the date article 20 fifteen of this chapter becomes effective, provided, however, any member who has retired pursuant to the provisions of article fourteen of this chapter before the effective date of this article or any beneficiary of such a member or a beneficiary of a member who dies before the effective date of this article and who is entitled to a death benefit pursuant to article fourteen of this chapter shall receive such benefits pursuant to 26 the provisions of article fourteen of this chapter, except as provided 27 pursuant to the provisions of section six hundred seventeen of this 28 article. [All benefits provided by a public retirement system of the 29 state shall continue with respect to members to which this article is 30 applicable only until June thirtieth, two thousand eleven.
- § 7. Section 6 of chapter 625 of the laws of 1975, amending the 32 retirement and social security law relating to the extension of temporary rights and benefits, as amended by chapter 79 of the laws of 2009, is amended to read as follows:
- § 6. Notwithstanding any inconsistent provisions of this act or of any 36 general, special or local law, on and after July 1, 1975 [and up to and including June 30, 2011]: (a) a participating employer in the New York state and local employees' retirement system or the New York state and local police and fire retirement system and its employees shall continue to have the right to negotiate with respect to any benefit provided by or to be provided by such employer to such employees as members of such system and not requiring approval by act of the legislature; and (b) a 43 public authority or public benefit corporation which is not a participating employer in the New York state and local employees' retirement system or the New York city employees' retirement system shall continue 46 to have the right to negotiate with its employees with respect to benefits to be provided by such employer to such employees upon retirement and not requiring approval by act of the legislature.
- § 8. Notwithstanding any provision of law to the contrary, nothing in 50 this act shall limit the eligibility of any member of an employee organization to join a special retirement plan open to him or her pursuant to a collectively negotiated agreement with any state or local government 53 employer, where such agreement is in effect on the effective date of 54 this act and so long as such agreement remains in effect thereafter; 55 provided, however, that any such eligibility shall not apply upon termi-56 nation of such agreement for employees otherwise subject to

1 provisions of article twenty-two of the retirement and social security

- § 9. Paragraph (d) of subdivision 4 of section 209 of the civil 4 service law, as amended by chapter 28 of the laws of 2009, is amended to read as follows:
  - (d) The provisions of this subdivision shall expire [thirty-four] thirty-six years from July first, nineteen hundred seventy-seven, and hereafter may be renewed every four years.
- § 9-a. Subdivision c of section 500 of the retirement and social secu-10 rity law, as added by chapter 890 of the laws of 1976, is amended to read as follows:
- c. If the comptroller certifies that the contribution rate under this 13 article for any participating employer who is participating on the 14 effective date hereof would be at least one percent higher than the rate 15 which would be applicable to such employer for an employee who is 16 subject to article eleven of this chapter and who was hired prior to July first, nineteen hundred seventy-six, the provisions of this article shall not apply with respect to such participating employer, provided, 19 however that members who first join the New York state and local police and fire retirement system on or after January first, two thousand ten shall not be subject to the provisions of this article. In such event, 22 the provisions of article eleven and article twenty-two of this chapter 23 shall continue to be applicable to such participating employer and its employees, as provided in section four hundred fifty-one of this chap-25 ter. If, as a result of actuarial experience, such employer's contrib-26 ution rate should increase to the extent that it is not at least one 27 percent lower than the contribution rate under this article, then, upon 28 certification of such fact by the comptroller, the provisions of this 29 subdivision shall no longer apply with respect to the employees of such 30 employer who thereafter first join or rejoin a public retirement system. § 10. This act shall take effect on the thirtieth day after it shall 32 have become a law.

33 PART B

Section 1. Subdivision 24 of section 501 of the retirement and social security law, as amended by chapter 891 of the laws of 1976, is amended to read as follows:

24. "Wages" shall mean regular compensation earned by and paid to a 38 member by a public employer, except that for members who first join the state and local employees' retirement system on or after January first, two thousand ten, overtime compensation paid in any year in excess of the overtime ceiling, as defined by this subdivision, shall not be included in the definition of wages. "Overtime compensation" shall mean, for purposes of this section, compensation paid under any law or 44 policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including 46 compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three percent each year thereafter. For the purpose of calculation a member's primary 51 federal social security retirement or disability benefit, wages shall, 52 in any calendar year, be limited to the portion of the member's wages 53 which would be subject to tax under section three thousand one hundred 54 twenty-one of the internal revenue code of nineteen hundred fifty-four,

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or any predecessor or successor provision relating thereto, if such member was employed by a private employer.

- § 2. Subdivisions a and b of section 502 of the retirement and social 4 security law, as amended by chapter 389 of the laws of 1998, are amended to read as follows:
- a. A member who first joins a public retirement system of this state 7 on or after June thirtieth, nineteen hundred seventy-six shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of creditable service after July first, nineteen hundred seventy-three, except that a member who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement 13 benefits pursuant to this article until such member has rendered a mini-14 mum of ten years of credited service.
- b. A member who previously was a member of a public retirement system 16 of this state shall not be eligible for service retirement benefits 17 hereunder until such member has rendered a minimum of five years of service which is creditable pursuant to section five hundred thirteen of 19 this article. A member who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this 22 article until such member has rendered a minimum of ten years of credited service.
- § 3. Subdivision c of section 504 of the retirement and social securi-25 ty law, as amended by chapter 174 of the laws of 1989, is amended to 26 read as follows:
- c. The early service retirement benefit for general members, except 28 for general members whose early retirement benefit is specified in 29 subdivision d of this section, shall be the service retirement benefit 30 specified in subdivision a or b of this section, as the case may be, without social security offset, reduced by one-fifteenth for each of the 32 first two years by which early retirement precedes age sixty-two, plus a 33 further reduction of: (1) one-thirtieth; or (2) one-twentieth for 34 members who first join the New York state and local employees' retire-35 ment system on or after January first, two thousand ten, for each year 36 by which early retirement precedes age sixty. At age sixty-two, the 37 benefit shall be reduced by fifty percent of the primary social security 38 retirement benefit, as provided in section five hundred eleven of this article.
- § 4. Subdivision a of section 516 of the retirement and social securi-41 ty law, as amended by chapter 389 of the laws of 1998, is amended to 42 read as follows:
- a. A member who has five or more years of credited service or ten or 44 more years of credited service for members who first join the New York state and local employees' retirement system on or after January first, two thousand ten upon termination of employment shall be entitled to deferred vested benefit as provided herein.
- § 5. Subdivision 1 of section 601 of the retirement and social securi-49 ty law, as added by chapter 414 of the laws of 1983, is amended to read 50 as follows:
- 1. "Wages" shall mean regular compensation earned by and paid to a member by a public employer, except that for members who first join the 53 New York state and local employees' retirement system or the New York 54 state teachers' retirement system on or after January first, two thousand ten, overtime compensation paid in any year in excess of the overtime ceiling, as defined by this subdivision, shall not be included in

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"Overtime compensation" shall mean, the definition of wages. purposes of this section, compensation paid under any law or policy under which employees are paid at a rate greater than their standard rate for additional hours worked beyond those required, including compensation paid under section one hundred thirty-four of the civil service law and section ninety of the general municipal law. The "overtime ceiling" shall mean fifteen thousand dollars per annum on January first, two thousand ten, and shall be increased by three per cent each year thereafter.

- § 6. Subdivisions a and b of section 602 of the retirement and social security law, as amended by chapter 389 of the laws of 1998, are amended to read as follows:
- a. A member who first joins a public retirement system of this state on or after July first, nineteen hundred seventy-six shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of credited service, except that a member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on after January first, two thousand ten shall not be eligible for service 20 retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service.
- b. A member who previously was a member of a public retirement system 23 of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this 26 article. A member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten shall not be eligible for service retirement benefits pursuant to this article until such member has rendered a minimum of ten years of credited service.
- § 7. Subdivision a of section 603 of the retirement and social securi-32 ty law, as amended by section 3 of chapter 19 of the laws of 2008, is amended to read as follows:
- a. The service retirement benefit specified in section six hundred 35 four of this article shall be payable to members who have met the minimum service requirements upon retirement and attainment of age sixtytwo, other than members who are eligible for early service retirement pursuant to subdivision c of section six hundred four-b of this article, subdivision c of section six hundred four-c of this article, subdivision 40 d of section six hundred four-d of this article, subdivision c of section six hundred four-e of this article, subdivision c of section six 42 hundred four-f of this article, subdivision c of section six hundred four-q of this article, subdivision c of section six hundred four-h of this article or subdivision c of section six hundred four-i of this article, provided, however, [a member who is a peace officer employed by 46 the unified court system or a member of a teachers' retirement system or the New York state and local employees' retirement system who first joins such system before January first, two thousand ten or a member who is a uniformed court officer or peace officer employed by the unified court system may retire without reduction of his or her retirement benefit upon attainment of at least fifty-five years of age and completion of thirty or more years of service, provided, however, that a uniformed court officer or peace officer employed by the unified court system who first becomes a member of the New York state and local employees' retirement system on or after January first, two thousand ten and retires without reduction of his or her retirement benefit upon attain-

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ment of at least fifty-five years of age and completion of thirty more years of service pursuant to this section shall be required to make the member contributions required by subdivision f of section six hundred thirteen of this article for all years of credited and creditable service.

- § 8. Subdivision i of section 603 of the retirement and social security law, as amended by chapter 19 of the laws of 2008, is amended to read as follows:
- i. 1. A member of a teachers' retirement system or the New York state and local employees' retirement system who has met the minimum service requirements but who has less than thirty years of credited service or a member who first joins the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten may retire prior to normal retire-15 ment age, but no earlier than attainment of age fifty-five, in which 16 event, unless such person is a member of the New York city teachers' retirement system who is otherwise eligible for early service retirement 18 pursuant to subdivision c of section six hundred four-i of this article, the amount of his or her retirement benefit otherwise computed without 20 optional modification shall be reduced in accordance with the following schedule:
- (i) for each of the first twenty-four full months that retirement 23 predates age sixty-two, one-half of one per centum per month; provided, however, that for members who first join the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, such amounts be equal to one-fifteenth per year; and
  - (ii) for each full month that retirement predates age sixty, one-quarter of one per centum per month; provided, however, that for members who first join the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, such amounts shall be equal to one-twentieth per year, but in no event shall retirement be permitted prior to attainment of age fifty-five.
- 2. A member of the New York city employees' retirement system or the 36 board of education retirement system of the city of New York who has met the minimum service requirement, but who is not (a) a participant in the twenty-five-year early retirement program, as defined in paragraph ten of subdivision a of section six hundred four-c of this article (as added by chapter ninety-six of the laws of nineteen hundred ninety-five), (b) a participant in the age fifty-seven retirement program, as defined in paragraph three of subdivision b of section six hundred four-d of this article, or (c) a New York city transit authority member, as defined in paragraph one of subdivision a of section six hundred four-b this article, may retire prior to normal retirement age, but no 46 earlier than attainment of age fifty-five, in which event, unless such person is a member of the board of education retirement system of such city who is otherwise eligible for early service retirement pursuant to subdivision c of section six hundred four-i of this article, the amount 50 of his or her retirement benefit computed without optional modification shall be reduced in accordance with the following schedule:
- (i) for each of the first twenty-four full months that retirement 53 predates age sixty-two, one-half of one per centum per month; and
- (ii) for each full month that retirement predates age sixty, one-quar-55 ter of one per centum per month, but in no event shall retirement be 56 permitted prior to attainment of age fifty-five.

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8-a. Section 603 of the retirement and social security law is amended by adding a new subdivision t to read as follows:

t. Members who join the New York state teachers' retirement system on or after January first, two thousand ten, shall be eligible to retire without reduction of his or her retirement benefit upon attainment of at least fifty-seven years of age and completion of thirty or more years of service. Members who retire pursuant to the provisions of this subdivision shall be required to make the member contributions required by subdivision g of section six hundred thirteen of this article for all years of credited and creditable service.

§ 8-b. Subdivisions a and b of section 604 of the retirement and 12 social security law, as amended by chapter 266 of the laws of 1998, are 13 amended to read as follows:

a. The service retirement benefit at normal retirement age for a 15 member with less than twenty years of credited service, or less than 16 twenty-five years credited service for a member who joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-sixtieth of final 19 average salary times years of credited service.

b. The service retirement benefit at normal retirement age for a 21 member with twenty years or more of credited service, or with twentyfive or more years credited service for a member who first joins the New York state teachers' retirement system on or after January first, two thousand ten, shall be a retirement allowance equal to one-fiftieth of final average salary times years of credited service not in excess of 26 thirty years.

§ 8-c. Paragraph 2 of subdivision b of section 609 of the retirement 28 and social security law, as added by chapter 414 of the laws of 1983, is 29 amended to read as follows:

2. Previous service credit shall not be granted unless such member 31 applies therefor and repays the amount refunded by a public retirement 32 system of the state for service rendered after July first, nineteen 33 hundred seventy-six together with interest through the date of repayment 34 at the rate of five percent per annum compounded annually and three 35 percent of the wages earned for service prior to that date together with 36 interest from July first, nineteen hundred seventy-six through the date of payment at the rate of five percent per annum compounded annually and three percent of the wages earned for service which predates the date of entry into the retirement system together with interest at the rate of 40 five percent per annum compounded annually from the date of such service 41 until the date of payment. Anything in this paragraph to the contrary 42 notwithstanding, in order to obtain credit for previous service, members who first join the New York state teachers' retirement system on or after January first, two thousand ten shall pay three and one-half percent of wages earned for service which predates the date of entry into the retirement system together with interest at the rate of five 47 percent per annum compounded annually from the date of such service until the date of payment.

§ 9. Subdivision a of section 612 of the retirement and social securi-50 ty law, as amended by chapter 659 of the laws of 1999, is amended to read as follows:

a. A member who has five or more years of credited service, or ten or 53 more years of credited service for a member who first joined the New 54 York state and local employees' retirement system or the New York state 55 teachers' retirement system on or after January first, two thousand ten, 56 upon termination of employment, other than a member who is entitled to a

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deferred vested benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. A member of a teachers' retirement system or the New York state and local employees' retirement system who has five or more 6 years of credited service, or ten or more years of credited service for a member who first becomes a member of the New York state and local employees' retirement system or the New York state teachers' retirement system on or after January first, two thousand ten, upon termination of employment shall be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in 12 accordance with the provisions of subdivision i of section six hundred 13 three of this article.

- § 9-a. Section 613 of the retirement and social security law is 15 amended by adding two new subdivisions f and g to read as follows:
  - f. Anything in subdivision a of this section to the contrary notwithstanding a member employed as a uniformed court officer or peace officer in the unified court system who first joins the New York state and local employees' retirement system on or after January first, two thousand ten shall contribute four percent of annual wages to the New York state and local employees' retirement system. The head of the New York state and local employees' retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.
  - g. Members who first join the New York state teachers' retirement system on or after January first, two thousand ten shall contribute three and one-half percent of annual wages to the New York state teachers' retirement system. The head of the New York state teachers' retirement system shall promulgate such regulations as may be necessary and appropriate with respect to the deduction of such contribution from members' wages and for the maintenance of any special fund or funds with respect to amounts so contributed.
- § 10. Paragraph 1 of subdivision b of section 902 of the retirement 35 and social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:
- 1. An eligible employee (i) with a date of membership in a retirement system on or after July twenty-seventh, nineteen hundred seventy-six and before January first, two thousand ten, and (ii) who has ten or more 40 years of membership or ten or more years of credited service with a 41 retirement system under the provisions of article fourteen or fifteen of 42 this chapter shall not be required to contribute to a retirement system 43 pursuant to section five hundred seventeen or six hundred thirteen of this chapter as of the cessation date.
  - § 11. Intentionally omitted.
  - § 12. Intentionally omitted.
  - § 13. Section 90 of the general municipal law, as amended by chapter 576 of the laws of 1964, is amended to read as follows:
- § 90. Payment of overtime compensation to public officers or employ-50 ees. The governing board of each municipal corporation or other civil division or political subdivision of the state, or in the city of New 52 York, the mayor, by ordinance, local law, resolution, order or rule, may 53 provide for the payment of overtime compensation to any or all public 54 officers except elective officers and those officers otherwise excluded 55 by law and to any or all public employees under their jurisdiction at 56 the regular basic pay rate of such officers or employees for all time

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such officers or employees are required to work in excess of their reqularly established hours of employment or at such other rate as such governing board, or in the city of New York, the mayor, may authorize. The amounts received as overtime compensation under this section shall 5 be regarded as salary or compensation for any of the purposes of any 6 pension or retirement system of which the officer or employee receiving the same is a member, except as set forth in sections five hundred one, six hundred one, and twelve hundred three of the retirement and social security law. Such overtime compensation shall not be regarded as salary or compensation for the purpose of determining the right to any increase of salary or any salary increment on account of length of 12 service or otherwise. No such overtime compensation shall be construed 13 to constitute a promotion.

§ 14. Section 1 of chapter 729 of the laws of 1994 relating to affect-15 ing the health insurance benefits and contributions of retired employees 16 of school districts and certain boards, as amended by chapter 30 of the laws of 2009, is amended to read as follows:

Section 1. From on and after June 30, 1994 [until May 15, 2010,] a 19 school district, board of cooperative educational services, vocational 20 education and extension board or a school district as enumerated in section 1 of chapter 566 of the laws of 1967, as amended, shall be 22 prohibited from diminishing the health insurance benefits provided to retirees and their dependents or the contributions such board or 24 district makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their 26 dependents by such district or board unless a corresponding diminution 27 of benefits or contributions is effected from the present level during 28 this period by such district or board from the corresponding group of 29 active employees for such retirees.

§ 15. Legislative intent. The legislature hereby finds and declares 31 its intent, in addition to the retirement benefit changes provided for in this act, to enact legislation, in conjunction with the executive, 33 which would offer a three-month period during calendar year 2010, during which members of the collective bargaining unit of the New York State 35 United Teachers ("NYSUT") within the New York state teachers retirement 36 system and the New York state and local employees' retirement system who 37 have reached fifty-five years of age and have accumulated twenty-five years of service as a member of either such retirement system, may retire early without penalty.

§ 16. This act shall take effect January 1, 2010; provided, however, 41 that the amendments to subdivision a of section 603 of the retirement 42 and social security law made by section seven of this act, shall not 43 affect the expiration of such subdivision and shall be deemed to expire 44 therewith.

45 PART C

Section 1. Subdivisions a and b of section 602 of the retirement and 47 social security law, as amended by chapter 389 of the laws of 1998, are 48 amended to read as follows:

a. [A] Except as provided in subdivision b-1 of this section, a member 50 who first joins a public retirement system of this state on or after July first, nineteen hundred seventy-six shall not be eligible for 52 service retirement benefits hereunder until such member has rendered a 53 minimum of five years of credited service.

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- b. [A] Except as provided in subdivision b-1 of this section, a member who previously was a member of a public retirement system of this state shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of five years of service which is credited pursuant to section six hundred nine of this article.
- § 2. Section 602 of the retirement and social security law is amended by adding a new subdivision b-1 to read as follows:
- b-1. Notwithstanding the provisions of subdivision a or b of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, and who became subject to the provisions of this article after the effective date of this subdivision, shall not be eligible for service retirement benefits hereunder until such member has rendered a minimum of ten years of credited service.
- § 3. Subdivision a of section 612 of the retirement and social securi-21 ty law, as amended by chapter 659 of the laws of 1999, is amended to read follows:
- a. [A] Except as provided in subdivision a-1 of this section, a member 24 who has five or more years of credited service upon termination of employment, other than a member who is entitled to a deferred vested 26 benefit pursuant to any other provision of this article, shall be entitled to a deferred vested benefit at normal retirement age computed in 28 accordance with the provisions of section six hundred four of this arti-29 cle. [A] Except as provided in subdivision a-1 of this section, a member 30 of a teachers' retirement system or the New York state and local employees' retirement system who has five or more years of credited service 32 upon termination of employment shall be entitled to a deferred vested 33 benefit prior to normal retirement age, but no earlier than age fiftyfive, computed in accordance with the provisions of subdivision i of section six hundred three of this article.
  - § 4. Section 612 of the retirement and social security law is amended by adding a new subdivision a-1 to read as follows:
  - a-1. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, (i) a member of the New York city teachers' retirement system who holds a position represented the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, or (ii) a member of the New York city board of education retirement system who holds a position represented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, other than such a member of either of such retirement systems who is entitled to a deferred vested benefit pursuant to any other provision of this article, shall, upon termination of employment, be entitled to a deferred vested benefit at normal retirement age computed in accordance with the provisions of section six hundred four of this article. Notwithstanding the provisions of subdivision a of this section or any other provision of law to the contrary, a member of the New York city teachers' retirement system who holds a position repres-

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ented by the recognized teacher organization for collective bargaining purposes, who became subject to the provisions of this article after the effective date of this subdivision, and who has ten or more years of credited service, shall, upon termination of employment, be entitled to a deferred vested benefit prior to normal retirement age, but no earlier than age fifty-five, computed in accordance with the provisions subdivision i of section six hundred three of this article.

- § 5. Paragraph 1 of subdivision b of section 911 of the retirement and 9 social security law, as amended by chapter 110 of the laws of 2000, is amended to read as follows:
- 1. [An] Subject to the provisions of paragraph one-a of this subdivision, an eligible member (i) with a date of membership in a retirement 13 system on or after July twenty-seventh, nineteen hundred seventy-six and 14 (ii) who has ten or more years of membership or ten or more years of 15 credited service with a retirement system under the provisions of arti-16 cle fourteen or fifteen of this chapter shall not be required to contribute to a retirement system pursuant to section five hundred 18 seventeen or six hundred thirteen of this chapter as of the cessation date.
- § 6. Subdivision b of section 911 of the retirement and social securi-21 ty law is amended by adding a new paragraph 1-a to read as follows:
  - 1-a. Notwithstanding the provisions of paragraph one of this subdivision or any other provision of law to the contrary, a member of the New York city teachers' retirement system or the New York city board of education retirement system:
  - (i) who is a twenty-seven year participant in the age fifty-five retirement program (as defined in paragraph twelve of subdivision a of section six hundred four-i of this chapter), and
  - (ii) who becomes subject to the provisions of article fifteen of this chapter after the effective date of this paragraph, shall contribute to a retirement system pursuant to section six hundred thirteen of this chapter until he or she has completed twenty-seven years of credited service.
  - § 7. Paragraph 2 of subdivision e of section 604-i of the retirement and social security law, as added by chapter 19 of the laws of 2008, is amended to read as follows:
- 2. A twenty-five-year participant in the age fifty-five retirement program (as defined in paragraph eleven of subdivision a of this section) shall contribute additional member contributions until the 40 later of (i) June twenty-ninth, two thousand eight, or (ii) the date on 41 which he or she has completed twenty-five years of credited service. A 42 twenty-seven-year participant in the age fifty-five retirement program shall contribute additional member contributions only until he or she 44 has completed twenty-seven years of credited service; provided, however, that a twenty-seven-year participant in the age fifty-five retirement program who becomes subject to the provisions of this article after the effective date of the chapter of the laws of two thousand nine that 48 amended this paragraph shall contribute additional member contributions 49 for all years of credited service as provided in subparagraph (ii) of paragraph one of this subdivision.
  - $\S$  8. Subdivision d of section 13-582 of the administrative code of the city of New York is amended to read as follows:
- d. [Interest] 1. Subject to the provisions of paragraph two of this 54 **<u>subdivision</u>**, **interest** shall be allowed on the participant's tax-deferred 55 account in the annuity savings fund at the same rate and in accordance

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1 with the same rules and procedures applicable to any account in the annuity savings fund, as provided in this chapter.

- 2. Notwithstanding the provisions of paragraph one of this subdivision, or any other provision of law, or any retirement board rule, regulation or resolution to the contrary, on or after the first business day immediately following the effective date of this paragraph, interest shall be allowed at the rate of seven percent per annum, compounded annually, on the tax-deferred account in the annuity savings fund of participants (i) who hold a position represented by the recognized teacher organization for collective bargaining purposes, or (ii) who held such a position at the time they retired or discontinued service with vested rights to a retirement allowance and elected to defer commencement of distribution of their tax-deferred accounts in accordance with subdivision g of this section.
- § 9. Section 13-582 of the administrative code of the city of New York 16 is amended by adding two new subdivisions n and o to read as follows:
- n. Notwithstanding any other provision of law, or any retirement board rule, regulation or resolution to the contrary, the amendment to subdivision d of this section enacted by the chapter of the laws of two thousand nine which added this subdivision shall not affect the rate of interest being charged on new loans from the tax-deferred annuity program, and the rate of interest that was being charged on such loans immediately prior to the effective date of this subdivision shall be used for new loans from the tax-deferred annuity program made on or after the effective date of this subdivision, unless the retirement 26 board, in accordance with its authority pursuant to paragraph two of subdivision 1 of this section, as added by chapter five hundred seven-28 teen of the laws of nineteen hundred ninety-three, shall amend its rules and regulations governing loans from the tax-deferred annuity program to establish a different rate of interest applicable to such loans.
- o. Notwithstanding any other provision of law, or any retirement board rule, regulation or resolution to the contrary, where a participant in the tax-deferred annuity program has elected to transfer all or a 34 portion of the amount credited to his or her tax-deferred account in the annuity savings fund to a tax-deferred account in the variable annuity savings fund, the retirement system shall effectuate such transfer as expeditiously as is administratively feasible.
  - § 10. Subdivision 20 of section 2575 of the education law, as added by chapter 509 of the laws of 1993, is amended by adding a new paragraph (e) to read as follows:
  - (e) Notwithstanding any other provision of law, or any rule or requlation, or the provisions of any retirement board resolution to the contrary:
  - (1) on or after the first business day immediately following the effective date of this paragraph, interest shall be allowed at the rate of seven percent per annum, compounded annually, on the tax-deferred accounts in the annuity savings fund of participants (i) who hold a position represented by the recognized teacher organization for collective bargaining purposes, or (ii) who held such a position at the time they retired or discontinued service with vested rights to a retirement allowance and elected to defer commencement of distribution of their tax-deferred accounts in accordance with paragraph (c) of this subdivision; and
- (2) the provisions of subparagraph one of this paragraph shall not 55 affect the rate of interest being charged on new loans from the tax-deferred annuity program, and the rate of interest that was being charged

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on such loans immediately prior to the effective date of this paragraph shall be used for new loans from the tax-deferred annuity program made on or after the effective date of this paragraph, unless the rules regulations governing loans from the tax-deferred annuity program are amended pursuant to paragraph (d) of this subdivision to establish a different rate of interest applicable to such loans; and

- (3) where a participant in the tax-deferred annuity program has elected to transfer all or a portion of the amount credited to his or her tax-deferred account in the annuity savings fund to a tax-deferred account in the variable annuity savings fund, the retirement system shall effectuate such transfer as expeditiously as is administratively feasible.
  - § 11. This act shall take effect immediately.
- § 2. Severability clause. If any clause, sentence, paragraph, subdivi-15 sion, section or part of this act shall be adjudged by any court of 16 competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in 18 its operation to the clause, sentence, paragraph, subdivision, section 19 or part thereof directly involved in the controversy in which such judg-20 ment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.
- § 3. This act shall take effect immediately provided, however, that 24 the applicable effective date of Parts A through C of this act shall be as specifically set forth in the last section of such Parts.

FISCAL NOTE. -- PROVISIONS OF PART C OF THE PROPOSED LEGISLATION - OVER-VIEW: With respect to the New York City Retirement Systems ("NYCRS"), Part C of this proposed legislation would amend New York State Retirement and Social Security Law ("RSSL") Sections 602, 604-i, 612 and 911.b, Administrative Code of the City of New York ("ACNY") Section 13-582 and Education Law ("Ed Law") Section 2575 to provide changes in the service eligibility requirements for certain members for Vested and Service Retirement benefits, to revise the duration of payability for member contributions for certain Tier IV members hired on and after the Effective Date, and to provide a change to the rate of interest to be credited on Fixed Fund account balances of certain participants in the Tax Deferred Annuity ("TDA") Programs of the New York City Teachers' Retirement System ("NYCTRS") and the New York City Board of Education Retirement System ("BERS").

The Effective Date of the proposed legislation would be the date of

IMPACT ON SECTIONS OF LAW: The proposed legislation would amend the following provisions of law for certain new NYCRS members hired on and after the Effective Date ("New Members") and also impact certain existmembers on the Effective Date with respect to certain TDA provisions.

#### Section of Law Provisions Being Amended Tier I-IV Provisions ACNY 13-582.d Provisions relating to NYCTRS TDA. ACNY 12-582.n.o Provisions relating to NYCTRS TDA loans. Tier IV Provisions RSSL Sec. 602.a,b Service Retirement ("SR") eligibility. RSSL Sec. 604-i Additional Member

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RSSL Sec. 612.a

Contributions ("AMC"). Eligibility for Vested benefits.

RSSL Sec. 911.b

Limitations on Basic Member Contributions

#### TDA Provisions and TDA Loans for BERS

Ed Law Sec. 2575

TDA provisions and TDA loans for BERS.

IMPACT ON NYCRS RETIREMENT PLANS - NON-TDA PROVISIONS: Part C of the proposed legislation would cover certain Tier IV New Members of NYCTRS and BERS and impact provisions of the following Plans:

- \* Basic Tier IV Plan Provisions ("Basic 62/5 Plan") and
- \* Optional Age Fifty-five Retirement Program for New York City Teachers and certain other members ("Age 55 Program").

IMPACT ON ELIGIBILITY PROVISIONS - NON-TDA PROVISIONS: Under the proposed legislation, certain New Members hired on and after the Effective Date would become subject to the following revised Service Retirement and Vesting eligibility requirements:

#### Service Retirement

Under the proposed legislation, the minimum service required for a Service Retirement benefit in the Basic 62/5 Plan would be increased to 10 years from 5 years of credited service.

#### Vesting

Under the proposed legislation, the minimum service required for a Vested benefit in the Basic 62/5 Plan would be increased to 10 years from 5 years of credited service.

While such New Members would participate in the Age 55 Program, in the event a participant terminated employment prior to meeting the eligibility requirements of the Age 55 Program for Service Retirement, the benefits payable upon vesting, retirement, disability or death would be based on the provisions of the Basic 62/5 Plan.

IMPACT ON MEMBER CONTRIBUTIONS - NON-TDA PROVISIONS: Currently, Basic Member Contributions ("BMC") of 3.0% of salary for Tier IV members are required (per Chapter 126 of the Laws of 2000) for only the first 10 years of membership or the first 10 years of credited service, whichever occurs earliest.

Under the proposed legislation, certain New Members would be required to pay BMC for all years of credited service up to a maximum of 27 years.

Currently, under the existing Age 55 Program, only those participants subject to the 27-year provisions are required to contribute AMC of 1.85% of salary to a maximum of 27 years of credited service.

Under Part C of the proposed legislation, New Member 27-year participants in the Age 55 Program after the Effective Date would be required to contribute AMC for all years of credited service.

FINANCIAL IMPACT - OVERVIEW: If enacted into law, the ultimate employer cost of this proposed legislation would be determined by the net change in benefits paid, offset by any increases in member contributions, and by the reduced amount of interest credited to TDA Fixed Fund account balances.

FINANCIAL IMPACT - NON-TDA PROVISIONS - ACTUARIAL PRESENT VALUES - CURRENT MEMBERS: Based on the census data and the actuarial assumptions and methods currently in effect, the enactment of this proposed legislation would not change the APV of benefits, the APV of member contributions or the APV of future salary of current members of NYCTRS or BERS as of June 30, 2008.

IMPACT ON NYCRS RETIREMENT PLANS - TDA PROVISIONS: The proposed legislation changes to the TDA provisions would cover both existing members and New Members of NYCTRS and BERS in Tier I, Tier II, Tier III and Tier IV whose job titles are represented in collective bargaining by the United Federation of Teachers ("UFT") ("Covered Members").

These TDA changes would impact all such NYCTRS and BERS members regardless of the Plan in which they participate.

BACKGROUND - EARNINGS ON TDA ACCOUNTS - CURRENT LAW: Under current law, eligible members of NYCTRS who elect to participate in the TDA Program select from among the following funds to allocate their TDA account balances (100.0% in one Fund or proportions (delineated in minimum 5.0% increments)) within the following six alternative funds:

- \* A Fixed Fund that provides a guaranteed annual rate of return of 8.25% per annum (for periods on and after July 1, 1988), or
- \* Five separate Variable Funds (i.e., Diversified Equity Fund, Stable Value Fund, International Equity Fund, Inflation Protection Fund or Socially Responsive Equity Fund) that provide alternative risk/reward characteristics.

Eligible BERS members who participate in the TDA Program select only from the Fixed Fund and the Diversified Equity Fund.

At retirement after age 59 1/2, TDA participants may receive their TDA account balances payable as a lump sum, as a monthly annuity based on annuitization factors used by the NYCTRS or BERS Qualified Pension Plan ("QPP") Programs, respectively, or in other amounts they elect subject to the Internal Revenue Code ("IRC") Minimum Required Distribution ("MRD") rules for those age 70 1/2 or greater.

BACKGROUND - EARNINGS ON TDA ACCOUNTS - PROPOSED LAW: Under the proposed legislation, the interest crediting rate for TDA participants in the Fixed Fund for Covered Members would be decreased (i.e., 8.25% per annum would decrease to 7.0% per annum).

FINANCIAL IMPACT - TDA FIXED FUND ASSETS - OVERVIEW: If enacted into law, the ultimate change in employer cost of this proposed legislation would equal the change in benefits payable by NYCTRS and BERS arising from revised TDA provisions.

Simplistically, this change in employer cost would equal the cumulative reduction in obligations between crediting 8.25% per annum and 7.0% per annum on TDA Fixed Fund account balances for Covered Members.

However, financing this change in obligations is not simplistic.

Under current law, TDA Fixed Fund assets of NYCTRS and BERS are co-invested with NYCTRS QPP assets.

The Investment Policy for NYCTRS QPP assets reflects a broad asset allocation of 70% equity-like securities and 30% bond-like securities.

The actuarial assumptions currently in effect include an Actuarial Interest Rate ("AIR") assumption of 8.0% per annum that is consistent with an assumption that the NYCTRS QPP assets are expected to earn an average of 8.0% per year. To the extent that TDA Fixed Fund assets earn more than 8.25% per year (i.e., the crediting rate on TDA Fixed Fund account balances), actuarial gains occur. To the extent that TDA Fixed Fund assets earn less than 8.25% per year, actuarial losses occur.

To the extent TDA Fixed Fund account balances are shifted to  $\,$  Variable Funds or vice versa, there are also impacts on the potential cost of the  $\,$  TDA  $\,$  Programs.

Under the proposed legislation, access to and earnings payable on the Variable Funds would not change.

Under current actuarial practice, the Actuary spreads through the Actuarial Asset Valuation Method ("AAVM") over six years and then over

the expected future working lifetimes of NYCTRS QPP and BERS QPP active members the investment gains/losses attributable to the TDA Fixed Fund earnings equaling more/less than the 8.25% per annum TDA Fixed Fund Interest Crediting Rate.

In particular, the Actuary includes in the NYCTRS QPP and BERS QPP actuarial valuations a modest load to the Actuarial Present Value of Benefits ("APVB") equal to approximately 2.3% of their respective TDA Fixed Fund assets. This amount is intended to represent a portion of the anticipated difference between the expected earnings on TDA Fixed Fund assets and the TDA Fixed Fund Interest Crediting Rate. These obligations are financed over the expected future working lifetimes of NYCTRS QPP and BERS QPP active members.

FINANCIAL IMPACT - TDA FIXED FUND ASSETS - RISK ADJUSTED: As noted earlier, the expected long-term actuarial loss on TDA Fixed Fund assets, under the current actuarial assumptions, is .25% of TDA Fixed Fund assets, per year.

However, on a risk-adjusted basis, the economic implications are more significant. Specifically, TDA Fixed Fund account balances are credited with interest at a rate of 8.25% per annum, not subject to any risk to the TDA participants.

To earn the AIR assumption of 8.0% per annum, (or the 8.25% per annum crediting rate), TDA Fixed Fund assets are subject to considerable investment risk.

Were NYCTRS to set aside TDA Fixed Fund assets whose characteristics had a comparable level of certainty of payment, it would have to invest in some form of risk-free asset class such as U.S. Treasury securities.

Although a TDA participant may move, following a modest notification period, his or her TDA account balance between the Fixed Fund and the Variable Funds, the Actuary has assumed an average TDA Fixed Fund holding period of 10 years. Comparing the expected yield on 10-year U.S. Treasury securities would then be a reasonable, risk-adjusted benchmark.

Over time, intermediate-term U.S. Treasury securities may be expected to earn a real rate of return of approximately 2.5% per year. Combined with a long-term assumption for inflation of 2.5% per year, a total rate of return for intermediate-term Treasury securities would equal approximately 5.0% per year.

Comparing the current risk-free TDA Fixed Fund interest crediting rate of 8.25% per annum with a long-term expected, market place, risk-free yield of 5.0% per year on intermediate-term U.S. Treasury securities indicates that TDA account balances are being credited with an expected 3.25% per year greater rate of return on a risk-adjusted basis than the expected earnings on the supporting TDA Fixed Fund assets.

Thus, on an economically robust, risk-adjusted basis, the crediting of TDA account balances with interest at either 7.0% or 8.25% per annum is more expensive than reported on a non-risk-adjusted basis.

FINANCIAL IMPACT - TDA VARIABLE ANNUITY CONVERSIONS: In addition, the Actuary holds as obligations of the NYCTRS QPP and BERS QPP, amounts to reflect the actuarial losses anticipated upon the conversion of some TDA account balances into Variable Annuities. This reflects the fact that the annuity factors used for such conversion, by law, are not actuarially equivalent to what the Actuary assumes in the actuarial valuations.

Under the proposed legislation, TDA participants would be permitted to transfer their TDA Fixed Fund account balances to one or more of the Variable Funds as soon as feasible under the direction of the Plan administrators of each NYCTRS and BERS.

However, it is not expected that enactment of the proposed legislation would result in substantial numbers of TDA participants transferring their TDA Fixed Fund account balances to TDA Variable Funds.

FINANCIAL IMPACT - TDA FIXED FUND - SUMMARY: Annual investment returns on the TDA Fixed Fund assets that exceed the guaranteed amounts to be credited to the TDA Fixed Fund accounts produce actuarial gains.

Conversely, annual investment returns less than the guaranteed amounts to be credited to the TDA Fixed Fund accounts produce actuarial losses.

Under the current AIR assumption of 8.0% per annum, an aggregate long-term net actuarial loss of .25% on TDA Fixed Fund account balances is expected. This loss ultimately increases employer costs.

The Actuary anticipates that enactment of the proposed legislation with respect to the decrease to 7.0% per annum from 8.25% per annum of the Interest Crediting Rate on TDA Fixed Fund account balances in NYCTRS and BERS would become effective in the Fiscal Year containing the Effective Date.

If enacted before June 30, 2010, the Actuary would likely reduce Fiscal Year 2010 employer contributions to reflect that there would be fewer TDA Fixed Fund account balances expected to be credited at 8.25% per annum.

As of June 30, 2008, TDA Fixed Fund account balances equaled approximately \$8.970 billion for NYCTRS and \$456.8 million for BERS.

Assuming a portion of the TDA Fixed Fund account balances would be transferred to the TDA Variable Funds following enactment of this proposed legislation, the Actuary would likely apply the 2.3% load to only non-UFT TDA account balances.

If the proposed legislation were enacted on or before June 30, 2010, the impact of reducing expected TDA Fixed Fund actuarial losses would result in decreases in Fiscal Year 2010 employer contributions of approximately \$18.7 million for NYCTRS and \$.4 million for BERS.

It is anticipated that the annualized expected reduction in Fiscal Year 2010 employer contributions to NYCTRS and BERS would continue for future years.

PROJECTED CHANGES IN EMPLOYER CONTRIBUTIONS - CURRENT ACTUARIAL ASSUMPTIONS AND METHODS: If the proposed legislation were enacted and effective for certain New Members on or after the Effective Date, these New Members would first join the NYCRS during Fiscal Year 2010 and first be included in the June 30, 2010 actuarial valuations of the NYCRS used to determine Fiscal Year 2012 employer contributions.

However, since most New Members of NYCTRS and BERS impacted by this proposed legislation would likely not be hired until September 2010 and would first be included in the June 30, 2011 actuarial valuations of the NYCRS, the first significant impact of the proposed legislation with respect to non-TDA provisions would likely be on the Fiscal Year 2013 employer contributions.

The proposed changes to the TDA provisions would first impact the Fiscal Year 2010 employer contributions.

The following Table 1 presents an estimate of the reduction in employer contributions that would occur based on current actuarial assumptions and methods:

#### Table 1

Estimated Reductions in Employer Contributions
If Proposed Legislation is Enacted to be Effective
On or Before June 30, 2010\*

#### Under Current Actuarial Assumptions and Methods

#### (\$ Millions)

| Fiscal Year | NYCTRS | BERS | Total |
|-------------|--------|------|-------|
| 2010        | 18.7   | 0.4  | 19.1  |
| 2011        | 17.6   | 0.4  | 18.0  |
| 2012        | 16.6   | 0.3  | 16.9  |
| 2013        | 23.2   | 0.5  | 23.7  |
| 2014        | 29.5   | 0.7  | 30.2  |
| 2015        | 35.9   | 0.8  | 36.7  |
| 2016        | 42.5   | 1.0  | 43.5  |
| 2017        | 49.0   | 1.2  | 50.2  |
| 2018        | 55.6   | 1.4  | 57.0  |
| 2019        | 62.6   | 1.5  | 64.1  |

\* Based on projection assumptions set forth in Actuarial Assumptions and Methods Section and as noted herein. Includes both impact of non-TDA provisions with first significant impact in Fiscal Year 2013 and TDA provisions with impact in Fiscal Year 2010 and later.

The estimated reductions in employer contributions shown in Table 1 are based upon the following projection assumptions:

- \* Level workforce (i.e., new employees are hired to replace those who leave active status).
- \* Projected salary increase consistent with those used in projections presented to the New York City Office of Management and Budget ("NYCOMB") on February 20, 2009 ("February Projections").
- $\ ^{\star}$  New entrant salaries consistent with those used in the February Projections.

These "open group" projections include future new entrants introduced into the census data models to project the future workforces.

As of each future actuarial valuation date, the current "closed group" actuarial assumptions and valuation methodology are used.

Under this methodology only Plan Participants as of each actuarial valuation date are utilized to determine Actuarial Present Values, employer costs and employer contributions.

To the extent Plan designs do not change markedly over time, such closed group actuarial methodology is well suited to funding a Retirement System.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES - POTENTIAL METHODOLOGY: The impact of enactment of the proposed legislation provided in this Fiscal Note has been based on the continued use of the current actuarial assumptions and methods.

However, the current actuarial assumptions and methods do not represent the only possible approach for funding the NYCRS.

Historically, actuarial assumptions and methods have been reviewed on average every five years in connection with an actuarial experience study mandated by New York City Charter Section 96.

Following this review, the Actuary generally proposes changes in actuarial assumptions and methods that he believes appropriate and reasonably related to such experience period and future expectations.

The next such review is anticipated during Fiscal Year 2011 or 2012.

If enacted, the proposed legislation would increase the duration of member contributions of New Members of the NYCTRS and BERS. This increase may possibly impact the timing of their election to retire for service and hence, their future working lifetimes. As such, the Actuary

will be considering alternative actuarial methodologies that could, directly or indirectly, reflect the impact of future new entrants as early as the Fiscal Year of enactment.

The Actuary may also consider revising the amortization periods for financing certain costs in order to reflect the expected change in the average working lifetimes of New Members hired after enactment of this proposed legislation.

Note: The Actuary has not committed to any particular methodology for determining employer costs and employer contributions in connection with the upcoming, experience review of actuarial assumptions and methods. However, the Actuary intends to consider seriously the potential implications for financing the NYCRS that could arise should the benefits and the expected future working lifetimes of certain New Members after the Effective Date differ from those of current new entrants.

FINANCIAL IMPACT - ENTRY AGE NORMAL COSTS: Entry Age Normal Costs can provide a useful basis to compare the value of alternative benefit programs. For each member who enters a NYCRS, there is a theoretical net annual employer cost to be paid for such member while such member remains actively employed (i.e., the Entry Age Normal Cost ("EANC")).

In addition, such EANC may be expressed as a percentage of salary earned over a working lifetime and referred to as the Entry Age Normal Rate ("EANR").

Under the proposed legislation and based on the actuarial assumptions noted herein, the EANC and EANR of New Members would be less than the EANC and EANR for comparable new members entering at the same attained age and gender under the current NYCRS provisions.

A summary of the change in EANC by NYCRS for entry age 25, 30 and 35 follows:

Table 2
Comparison of Representative Employer Entry Age Normal Rates\*
To Implement Proposed Legislation Impacting Certain
New Members of NYCTRS and BERS

#### EANR Under Proposed Legislation

| Retirement<br>System | Entr      | y Age 25    | Entry Ag   | re 30        | Entry Ag | e 35   |
|----------------------|-----------|-------------|------------|--------------|----------|--------|
| System               | Male      | Female      | Male       | Female       | Male     | Female |
| NYCTRS               | 5.68%     | 5.99%       | 6.39%      | 6.79%        | 6.99%    | 7.53%  |
| BERS                 | 3.72%     | 4.19%       | 4.21%      | 4.80%        | 4.47%    | 5.21%  |
|                      |           | EANR Under  | Current La | W**          |          |        |
| NYCTRS               | 7.08%     | 7.40%       | 7.79%      | 8.21%        | 8.46%    | 9.02%  |
| BERS                 | 5.07%     | 5.58%       | 5.55%      | 6.18%        | 5.80%    | 6.61%  |
| :                    | Reduction | in EANR Due | to Propos  | ed Legislati | on       |        |
| NYCTRS               | 1.40%     | 1.41%       | 1.40%      | 1.42%        | 1.47%    | 1.49%  |
| BERS                 | 1.35%     | 1.39%       | 1.34%      | 1.38%        | 1.33%    | 1.40%  |

- \* Based on salaries paid over entire working lifetime.
- \*\* EANR were determined as of June 30, 2008 and do not vary significantly over time, absent benefit and/or actuarial assumption changes.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS FISCAL YEARS 2010, 2011 and 2012 - CURRENT METHODOLOGY: Based on the census data and the actuarial assumptions and methods currently in effect, and assuming enactment to be effective on or before June 30, 2010, the enactment of this proposed legislation would, with respect to the changes in TDA provisions, result in changes in employer contributions to NYCTRS and BERS for Fiscal Years 2010, 2011 and 2012.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS FISCAL YEAR 2013 AND BEYOND - CURRENT METHODOLOGY: If enacted to be effective on or before June 30, 2010, the first significant number of New Members would join NYCTRS and BERS during September 2010 and be included in the June 30, 2011 (Lag) actuarial valuations of those NYCRS. Based on the actuarial assumptions and methods currently in effect, those provisions under the proposed legislation that affect New Members would first significantly impact employer contributions to NYCTRS and BERS for Fiscal Year 2013.

OTHER COSTS: Not measured in this Fiscal Note is the impact of this proposed legislation on Other Post-Employment Benefit ("OPEB") costs. Also not measured are the initial and ongoing additional administrative costs of NYCTRS and BERS and their participating employers to implement the proposed legislation.

CENSUS DATA: The starting census data used for the calculations presented herein are the census data used in the June 30, 2008 (Lag) actuarial valuations of NYCTRS and BERS.

The census data used for the estimates of additional APVB and employer contributions presented herein of the non-TDA portions of the proposed legislation are based on average salaries of new entrants in the June 30, 2008 (Lag) actuarial valuations of NYCTRS and BERS.

The metrics for new members of NYCTRS were approximately 25% male, age 34 and 75% female, age 34 and a combined average salary of \$48,239.

The metrics for new members of BERS were approximately 25% male, age 41 and 75% female, age 44 and a combined average salary of \$33,774.

The census data used for estimates of the impact on employer contributions of the TDA portion of the proposed legislation presented herein are those active participants included in the June 30, 2008 (Lag) actuarial valuations of the NYCTRS and BERS.

For NYCTRS, this consisted of 2,401 Tier I, 1,224 Tier II and 69,273 Tier IV TDA participants included in the June 30, 2008 (Lag) actuarial valuation of NYCTRS.

For BERS, this consisted of 108 Tier I, 58 Tier II and 11,799 Tier IV TDA participants included in the June 30, 2008 (Lag) actuarial valuation of BERS.

ACTUARIAL ASSUMPTIONS AND METHODS: The additional APVB, EANR and employer contributions under current methodology presented herein have been calculated based on the actuarial assumptions and methods in effect for the June 30, 2008 (Lag) actuarial valuations of NYCTRS and BERS.

Employer contributions under current methodology have been estimated assuming the additional  $\mbox{APVB}$  would be financed through future normal contributions.

Projections of salaries, reflecting the impact of estimated contractual wage increases, include information provided by NYCOMB. These and other projection assumptions (such as projected expenses) are set forth in the February Projections.

New entrants were projected to replace the NYCRS members expected to leave the active population to maintain a steady-state population.

The following Table 3 presents the total number of active employees used in the projections, assuming a level work force, and the net number of New Members as of each June 30 from 2009 to 2017.

Table 3

Active\* and Net New Members of NYCTRS and BERS\*
Used in the Projections for Table 1

|         | NYCTRS  |         | BERS    |                |
|---------|---------|---------|---------|----------------|
| June 30 |         | Net New |         | Net New        |
|         | Actives | Members | Actives | Members        |
| 2009    | 112,472 | 0       | 22,702  | 0              |
| 2010    | 112,472 | 0       | 22,702  | 0              |
| 2011    | 112,472 | 6,330   | 22,702  | 1,582          |
| 2012    | 112,472 | 12,213  | 22,702  | 3,096          |
| 2013    | 112,472 | 17,705  | 22,702  | 4,553          |
| 2014    | 112,472 | 22,846  | 22,702  | 5 <b>,</b> 940 |
| 2015    | 112,472 | 27,652  | 22,702  | 7,241          |
| 2016    | 112,472 | 32,181  | 22,702  | 8 <b>,</b> 457 |
| 2017    | 112,472 | 36,461  | 22,702  | 9,595          |

\* Active members included in the projections assume a level work force based on the June 30, 2008 (Lag) actuarial valuation census data. For simplification, all New Members in TRS and 15% of the New Members in BERS are assumed to be UFT Members.

The changes in employer contributions and costs have been estimated assuming that changes in the Actuarial Present Values of Future Employer Costs would be financed through future normal contributions.

Information on TDA Fixed Fund and TDA Variable Fund account balances used to estimate the impact on employer costs of the TDA portion of the legislation presented herein also reflect financial information provided by the accountants of NYCTRS and BERS.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is Fiscal Note 2009-17, dated November 17, 2009, prepared by the Chief Actuary of the New York City Teachers' Retirement System and the New York City Board of Education Retirement System.

FISCAL NOTE.--This bill would (1) create new benefits for new members who first join the New York State and Local Employees' Retirement System, the New York State Teachers' Retirement System, the New York City Teachers' Retirement System, the New York City Employees' Retirement System or the New York City Board of Education Retirement System on or after January 1, 2010 (2) create a new plan in the New York State and Local Police and Fire Retirement System.

Insofar as this bill would affect the New York State and Local Employees' Retirement System (ERS), the significant plan design changes for members who join on or after January 1, 2010 include:

1. Employee contributions of 3% of pay for all years of service, except

- State correction officer contributions would be limited to 30 years of service, &
- uniformed court officers/peace officers employed by the Unified Court System would contribute 4% of pay for all years of service.
  - 2. Ten year vesting,
- 3. Larger early retirement reductions would be in place for members retiring prior to age 62, and the waiver of reduction with 30 years would be eliminated except for uniformed court officers/peace officers employed by the Unified Court System,
- 4. Annual overtime pay in excess of \$15,000 would not be included in the definition of wages and final average salary. This overtime pay limitation would increase by 3% annually.

If this bill is enacted, we will calculate new plan rates for all ERS members who first enter on or after January 1, 2010. The long term expected annual employer contribution rate for new general members will be approximately 8.9% as compared to the current expected long term annual employer contribution rate for Tier 4 general members of approximately 11.0% of payroll. For fiscal year ending March 31, 2010, since the average Tier 4 employer contribution rate is approximately 7%, the new plan rate would be approximately 5.7%.

For ERS members in 20 or 25 year retirement plans that allow retirement without regard to age, the long term reductions would vary by plan and be less than 2% of salary, with the fiscal year ending March 31, 2010 reductions averaging approximately 1%.

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System (PFRS), the significant plan design changes for members who join on or after January 1, 2010 include:

- 1. An employee contribution of 3% of pay will be required for all years of service, except that a member who is enrolled in a plan that limits the amount of creditable service which may be accrued will not be required to contribute after accruing the maximum amount of creditable service under such plan,
- 2. Overtime pay in an amount in excess of 15% of a member's annual wages not classified as overtime pay shall be excluded from a member's final average salary,
  - 3. Ten year vesting.
- If this bill is enacted, we will calculate new plan rates for all PFRS members who first enter on or after January 1, 2010. The long term expected annual employer contribution rate would change as follows:
- -1.8% for municipal 20 year plans with additional 60ths (benefits for members hired on or after 7/1/2009 are now computed under Article 14),
- -0.6% for the state 20 year plan with additional 60ths (benefits for members hired on or after 7/1/2009 are now computed under Article 14),
- -2.6% for 20 year plans (benefits for members hired on or after 7/1/2009 are now computed under Article 14),
- -3.0% for 25 year plans with additional 60ths, 25 year plans, and regular plans previously non-contributory.

This estimate, dated November 16, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-297, prepared by the Actuary for the ERS and PFRS.

FISCAL NOTE.—This bill would amend various sections of the Education Law and the Retirement and Social Security Law to implement a new retirement benefit structure (Tier 5) for members who first join a public retirement system of the state (or New York City) on or after January 1, 2010. The following provisions are with respect to members of the New York State Teachers' Retirement System. Members would be eligi-

ble for a service retirement benefit after rendering a minimum of ten years of credited service and attainment of age 55. The service retirement benefit formula for a member with less than twenty-five years of service would be equal to one-sixtieth of final average salary times the years of service. The service retirement benefit formula for a member with twenty-five or more years of service would be equal to one-fiftieth of final average salary times the years of service (not in excess of thirty). Years of service in excess of thirty shall provide an additional retirement benefit equal to three two-hundredths of final average salary. Members retiring prior to age 62 would have their retirement benefit reduced by one-fifteenth per year for each of the first two years retirement predates age 62 and by one-twentieth per year for each year retirement predates age 60. However, members who are at least age 57 with 30 or more years of credited service would be permitted to retire without reduction. Members would be required to contribute three and one-half percent of annual salary for all years of service.

The current required employer contribution rate for the New York State Teachers' Retirement System is 6.19% of pay, applicable to 7/1/09 - 6/30/10 member salaries and to be collected in the fall of 2010. This rate is applicable to the salaries of all members, regardless of tier. In that this proposed benefit structure is only applicable to members joining on or after January 1, 2010, it will be at least several years before it has a noticeable impact on the employer contribution rate. The cost savings impact of this change will become more significant with time as the number of post-1/1/10 members grows as a percentage of the total membership.

Our "new entrant rate", a hypothetical employer contribution rate that would occur if we started a new Retirement System without any assets, is equal to 11.8% of pay under the current benefit structure. This can be thought of as the cost of the benefit structure for new entrants, based on current actuarial assumptions. Under the proposed benefit structure, this new entrant rate would be equal to 8.7% of pay.

The source of this estimate is Fiscal Note 2009-92 dated November 16, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

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# 2009

## SECTION II

Vetoed Legislation Affecting the New York State and Local Retirement System



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#### TO THE SENATE:

I am returning herewith, without my approval, the following bill:

Senate Bill Number 1409, entitled:

"AN ACT to amend the retirement and social security law, in relation to the membership of police officers and firefighters"

NOT APPROVED

This bill would extend statutory language ensuring that all police officers and firefighters receive the generous pension benefits provided under "Tier II" of the New York State pension system, so that new employees who first enter the system between July 1, 2009 and June 30, 2011 receive such benefits. Participants in Tier II may retire at half pay in twenty years, and do not generally make pension fund contributions.

The extended provision was first enacted in 1981. From 1976 to 1981, under Retirement and Social Security Law Section 501, the Comptroller performed a calculation on the relative costs of Tier II and less generous Tier III benefits, to determine in accordance with a statutory formula which benefit would apply to particular titles, a calculation that consistently placed police officers in Tier II. By 1981, however, it appeared that some police officers would soon be placed in Tier III, and this legislation was enacted to prevent that eventuality. The sponsors of the 1981 legislation indicated that the change was necessary "temporarily," until a review of police and fire pension benefits was conducted. Notwithstanding this statement, and the growing expense imposed on the State and localities by police officer and firefighter pension costs, this bill has been extended routinely since its initial enactment.

But these are not routine times.

The State and localities are hemorrhaging revenue at an alarming rate due to the recession and financial crisis. The State Comptroller announced last week that the New York State Pension Fund lost 26% of its value in the most recent fiscal year. This decline will inevitably require significantly higher contributions from the State, and from localities already in significant financial distress.

Police officers and firefighters have earned the State's gratitude, and they should be well-compensated upon retirement. But that does not mean we can continue the present, unaffordable pension system, without enacting measures to reduce costs.

I have submitted legislation, known as "Tier V," to address these problems by making certain cost-saving changes for new entrants into the public pension system, while still providing a high level of benefits for public retirees. With respect to police officers and firefighters, "Tier V" includes a lower-cost benefit for New York City, and allows other localities, and the State, the ability to opt into a lower-cost plan if they choose. I am willing to amend that legislation to make clear that, where the State or a locality does not opt in to the new

plan, Tier II will apply. But I am not willing to ignore the present reality, and simply re-enact the same provisions that have contributed to New York's financial straits, without accompanying reform.

The bill is disapproved.

(signed) DAVID A. PATERSON

#### STATE OF NEW YORK

1409

2009-2010 Regular Sessions

#### IN SENATE

January 29, 2009

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

AN ACT to amend the retirement and social security law, in relation to the membership of police officers and firefighters

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

Section 1. Subdivision c of section 440 of the retirement and social security law, as amended by chapter 63 of the laws of 2007, is amended to read as follows:

c. Notwithstanding any other provision of law, the provisions and limitations of this article shall apply, as may be appropriate, to all police officers and firefighters who last joined a public retirement system of the state or a municipality thereof, on or after July first, nineteen hundred seventy-six, but prior to July first, two thousand [nine] eleven.

10 § 2. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would extend the Tier 2 provisions to all police officers and firefighters who join a public retirement system on or after July 1, 2009 but prior to July 1, 2011.

Insofar as this bill would affect the New York State and Local Police and Fire Retirement System, if it is enacted, there would be no resulting additional annual cost to employers of the System. The estimated rates of contribution for the various Tier 2 plans would not increase due to enactment of the bill.

This estimate, dated January 14, 2009, and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-96, prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

EXPLANATION--Matter in  $\underline{\text{italics}}$  (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD07023-01-9

#### TO THE ASSEMBLY:

I am returning herewith, without my approval, the following bill:

Assembly Bill Number 5328, entitled:

"AN ACT in relation to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo"

#### NOT APPROVED

The Honorable Gustin L. Reichbach is a New York State Supreme Court Justice in the Second Judicial Department. He is a tier 4 member of the New York State and Local Employees' Retirement System ("Retirement System"). This bill would award him additional retirement credit for the period of September 1, 2003 through February 27, 2004, when he took a four-month leave of absence without pay from his position as Supreme Court Justice to serve as a judge with the United Nations Mission ("U.N.") in Kosovo.

Justice Reichbach first sought retirement credit for his work in Kosovo on June 2, 2003. After initially approving his request, the Retirement System notified him on that as a Tier 4 member, he should not be able to receive retirement credit for the time he would be off the State payroll. A member of the Retirement System may receive retirement credit only for active service with a participating employer; military service with the federal government may be credited up to a maximum of four years. Insofar as Justice Reichbach took an unpaid leave of absence from his position as Supreme Court Justice (i.e., was not on the State payroll) to serve as a U.N. judge in Kosovo, he would not be able to receive retirement credit for that work under current State law.

The import of this bill is that Justice Reichbach is nevertheless entitled to retirement credit. It would thus accomplish legislatively what could not be done administratively by the Retirement System. Justice Reichbach is without question a dedicated jurist and public servant, and he deserves great acclaim for his dedicated service in Kosovo, serving the cause of human rights. But the question is whether that dedication justifies a special act of the legislature which would make an exception to the general public policy of the State in his particular case. I think it does not.

The policy embodied in the Retirement and Social Security law is that State employees are entitled to additional retirement service credit only for active service with employers who participate in the Retirement System, or for military service. The approval of this legislation would establish a precedent for other individuals who undertake important public work outside those parameters to seek pension advantages for themselves through special acts of the legislature. The line between those who merit additional service credit and those who do not would be an exceedingly hard one to draw. Moreover, the precedential effect has fiscal implications: if this bill were enacted, there would be an immediate past-service cost of approximately \$18,700, which would be borne by th State of New York as a one-time payment. If others who engage in important acts of public service during leaves of absence from State

work also seek such pension credit, the costs will only grow. In light of the foregoing considerations, I am regretfully constrained to veto this bill.

The bill is disapproved. (signed) DAVID A. PATERSON

#### STATE OF NEW YORK

S. 2232 A. 5328

2009-2010 Regular Sessions

#### SENATE - ASSEMBLY

February 13, 2009

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

IN ASSEMBLY -- Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Governmental Employees

AN ACT in relation to allowing Gustin L. Reichbach to obtain service credit for his service as a judge with the United Nations administration mission in Kosovo

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

Section 1. Notwithstanding any other provision of law to the contrary, 2 Gustin L. Reichbach, currently serving as a justice of the supreme court, second judicial district, and an active tier 4 member of the New 4 York state and local employees' retirement system, shall be eligible to 5 receive additional service credit for any time not already credited in 6 such system for the period from September 1, 2003 through February 27, 2004, during which period he rendered service as a judge with the United 8 Nations administration mission in Kosovo. The additional service credit granted, when added to the service already credited, shall not exceed a total of one year of credit for all service rendered in the fiscal year 11 ending March 31, 2004. Such additional credit shall be obtained only if 12 on or before December 31, 2009, Gustin L. Reichbach files a written 13 request for such service credit with the administrative head of the said 14 retirement system. All costs necessary to finance the granting of this 15 service credit shall be borne by the state of New York.

§ 2. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would grant additional service credit to Gustin L. Reichbach, a justice of the supreme court, for service rendered as a judge

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

LBD08740-01-9

with the United Nations War Crimes Tribunal in Kosovo from September 1, 2003 through February 27, 2004.

If this bill is enacted, there will be an immediate past service cost of approximately \$18,700, which would be borne by the State of New York as a one-time payment. This estimate is based on the assumption that payment will be made on March 1, 2010.

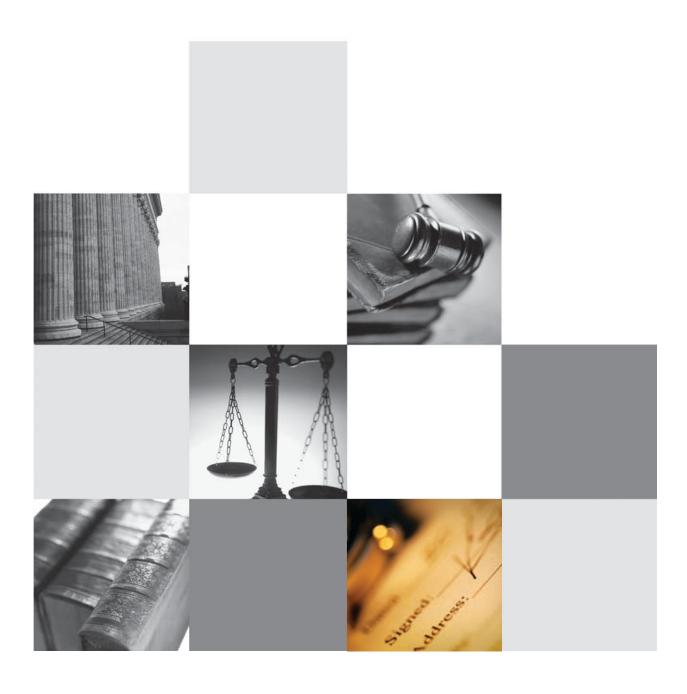
This estimate, dated February 4, 2009 and intended for use only during the 2009 Legislative Session, is Fiscal Note No. 2009-132, prepared by the Actuary for the New York State and Local Employees' Retirement System.

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# 2009

## SECTION III

Legislation Affecting the Other New York Public Retirement Systems



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#### STATE OF NEW YORK

3202

2009-2010 Regular Sessions

#### IN SENATE

March 12, 2009

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

AN ACT to amend the education law and the retirement and social security law, in relation to transfers of a pension reserve

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

Section 1. Subdivision 5 of section 522 of the education law, as added by chapter 647 of the laws of 2004, is amended to read as follows:

5. Notwithstanding any other provision of law to the contrary, except 4 for the purposes of providing the benefits, if any, of subdivision four of this section, with respect to transfers pursuant to this section 6 which occur on or after the effective date of this subdivision, no transfer of a pension reserve pursuant to subdivision one or two of this section shall be required when the member is transferring from a public 9 employee retirement system of this state to any other public employee 10 retirement system of this state. For the purpose of giving the trans-11 ferring member such status and crediting such service in the retirement 12 system to which the member is transferring as such member was allowed in 13 the retirement system from which the member has transferred, the trans-14 fer shall be deemed complete upon receipt by the transferee retirement 15 system of (a) a statement from the transferor retirement system of the 16 transferring member's date of membership in the transferor retirement 17 system, tier status, service credited to the transferred membership, and 18 such other information as the transferee retirement system may require 19 to effectuate the transfer, and (b) such member's accumulated contrib-20 utions from the transferor retirement system, if same had not been 21 previously withdrawn, or notice from the transferor retirement system 22 that such member had no accumulated contributions, or notice from the 23 transferor retirement system that such member's accumulated contrib-24 utions had been withdrawn and the amount thereof and, as applicable,

EXPLANATION--Matter in  $\underline{\text{italics}}$  (underscored) is new; matter in brackets [-] is old law to be omitted.

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receipt from such member of such member's accumulated contributions and

- § 2. Subdivision k of section 43 of the retirement and social security law, as amended by chapter 647 of the laws of 2004, is amended to read as follows:
- k. Notwithstanding any other provision of this section, any member of the New York state and local employees' retirement system or the New York city teachers' retirement system who retired from service from either the New York city employees' retirement system or the New York city board of education retirement system as a member of the career 11 pension plan maintained by such system and who, but for the fact that he 12 or she retired, would be eligible for transfer and who has not, in fact, 13 received a pension payment from such system shall be permitted to trans-14 fer his or her retirement system membership pursuant to the provisions 15 of this section. In such event, the application for retirement shall be 16 deemed to have been rescinded and the retirement system from which the service shall be transferred shall transfer the appropriate reserves as 18 provided by this section, provided, however, that with respect to transfers pursuant to this subdivision which occur on or after the [effective 20 date of the chapter of the laws of two thousand four which amended this 21 subdivision] twenty-sixth day of October, two thousand four, except for 22 the purposes of providing the benefits, if any, of subdivision four of 23 section five hundred twenty-two of the education law, no determination of a reserve pursuant to subdivision c of this section or transfer thereof pursuant to the first sentence of subdivision d of this section 26 shall be required in the case of any transfer pursuant to this subdivi-Notwithstanding the provision of this subdivision or any other 28 provision of law, an individual who transfers pursuant to this subdivi-29 sion shall not be required to render any minimum period of service 30 following transfer in order to be eligible to receive the full benefit 31 provided hereunder. Notwithstanding the foregoing, a retiree covered by 32 either the career pension plan or the fifty-five-year-increased-ser-33 vice-fraction plan who has received a pension payment or payments from 34 such system shall be eliqible for the provisions of this subdivision 35 upon payment, to the retirement system from which the pension payment or 36 payments were made, of an amount equal to such pension payment or payments. After such payments are received, such person shall be permitted to transfer his or her retirement system membership pursuant to the provisions of this section.
- § 3. Subdivision 1 of section 43 of the retirement and social security 41 law, as added by chapter 647 of the laws of 2004, is amended to read as follows:
- 1. Notwithstanding any other provision of law to the contrary, with 44 respect to transfers pursuant to this section which occur on or after the [effective date of this subdivision] twenty-sixth day of October, two thousand four, except for the purposes of providing the benefits, if any, of subdivision four of section five hundred twenty-two of the education law, no determination of a reserve pursuant to subdivision c of this section or transfer thereof pursuant to the first sentence of subdivision d of this section shall be required in the case of any transfer pursuant to this section. For the purpose of giving the transferring member such status and crediting such service in the second 53 retirement system as such member was allowed in the first retirement 54 system in those cases to which this subdivision shall apply, the trans-55 fer shall be deemed complete upon receipt by the second retirement 56 system of:

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1 1. a statement from the first retirement system of the transferring 2 member's date of membership in the first retirement system, tier status, 3 service credited to such membership being transferred, and such other 4 information as the second retirement system may require to effectuate 5 the transfer; and

- 2. such member's accumulated contributions from the first retirement system, if same had not been previously withdrawn, or notice from the first retirement system that such member had no accumulated contributions, or notice from the first retirement system that such member's accumulated contributions had been withdrawn and the amount thereof and, as applicable, receipt from such member of such member's accumulated contributions and interest.
- 13 § 4. This act shall take effect immediately and shall be deemed to 14 have been in full force and effect on and after October 26, 2004.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would amend section 522 of the Education Law and section 43 of the Retirement and Social Security Law to once again require the transfer of reserves for former members of the New York City Teachers' Retirement System (NYCTRS) who transferred to the New York State Teachers' Retirement System (NYSTRS) and meet the eligibility requirements of subdivision 4 of section 522. Subdivision 4 provides a benefit for former NYCTRS members who had at least 20 years of service and whose date of membership is prior to 7/27/76 and whose transfer reserves, including ITHP, exceeds their accrued liability in the NYSTRS. Any "excess ITHP" resulting from this calculation is given to the member. Subdivision 5 ended the practice of transferring reserves between these retirement systems in 2004.

It is estimated that there will be no additional annual cost to the employers of members of the New York State Teachers' Retirement System if this bill is enacted. Reserves will be transferred from the NYCTRS to the NYSTRS on behalf of these individuals.

The source of this estimate is Fiscal Note 2009-12 dated January 30, 2009 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

#### STATE OF NEW YORK

8933

2009-2010 Regular Sessions

#### IN ASSEMBLY

June 16, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the administrative code of the city of New York, in relation to the rate of regular interest used in the actuarial valuation of liabilities for the purpose of calculating contributions to the New York city employees' retirement system, the New York city teachers' retirement system, the police pension fund, subchapter two, the fire department pension fund, subchapter two and the board of education retirement system of such city by public employers and other obligers required to make employer contributions to such retirement systems, and the crediting of special interest and additional interest to members of such retirement systems, and the allowance of supplementary interest on the funds of such retirement systems

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

Section 1. Paragraph 2 of subdivision b of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 152 of the laws of 2006, is amended to read as follows:

4 (2) With respect to each retirement system, such rate of interest 5 shall be as hereinafter set forth in this paragraph:

| 6  |            |                   | First day and                                   |
|----|------------|-------------------|---|
| 7  |            |                   | last day of                                     |
| 8  |            | Rate of interest  | fiscal year or                                  |
| 9  |            | per centum per    | series of fiscal                                |
| 10 | Retirement | annum, compounded | years for which                                 |
| 11 | System     | annually          | rate is effective                               |
| 12 |            |                   |   |
| 13 | NYCERS     | 8%                | July 1, 2004 to                                 |
| 14 |            |                   | June 30, [ <del>2009</del> ] <u><b>2010</b></u> |
| 15 | NYCTRS     | 8%                | July 1, 2004 to                                 |

EXPLANATION--Matter in  $\underline{\text{italics}}$  (underscored) is new; matter in brackets [-] is old law to be omitted.

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| 1 |      |    | June 30, [ <del>2009</del> ] <u>201</u> | 0 |
|---|------|----|---|---|
| 2 | PPF  | 8% | July 1, 2004 to                         |   |
| 3 |      |    | June 30, [ <del>2009</del> ] <u>201</u> | 0 |
| 4 | FPF  | 8% | July 1, 2004 to                         |   |
| 5 |      |    | June 30, [ <del>2009</del> ] <u>201</u> | 0 |
| 6 | BERS | 8% | July 1, 2004 to                         |   |
| 7 |      |    | June 30, [ <del>2009</del> ] <b>201</b> | 0 |

- \$ \$ 2. Paragraph 2 of subdivision f of section 13-638.2 of the adminis- \$ trative code of the city of New York, as amended by chapter 152 of the \$ 10 laws of 2006, is amended to read as follows:
- 11 (2) Such special interest shall be allowed at the rates and for the 12 periods set forth below in this paragraph:

| 13 |            |                   | First day and                                   |
|----|------------|-------------------|---|
| 14 |            |                   | last day of                                     |
| 15 |            | Rate of interest  | fiscal year or                                  |
| 16 |            | per centum per    | series of fiscal                                |
| 17 | Retirement | annum, compounded | years for which                                 |
| 18 | System     | annually          | rate is effective                               |
| 19 |            |                   |   |
| 20 | NYCERS     | 1 1/4%            | July 1, 2004 to                                 |
| 21 |            |                   | June 30, [ <del>2009</del> ] <u><b>2010</b></u> |
| 22 | NYCTRS     | 1 1/4%            | July 1, 2004 to $\overline{}$                   |
| 23 |            |                   | June 30, [ <del>2009</del> ] <u>2010</u>        |
| 24 | PPF        | 1 1/4%            | July 1, 2004 to                                 |
| 25 |            |                   | June 30, [ <del>2009</del> ] <u><b>2010</b></u> |
| 26 | FPF        | 1 1/4%            | July 1, 2004 to $\overline{}$                   |
| 27 |            |                   | June 30, [ <del>2009</del> ] <u><b>2010</b></u> |
| 28 | BERS       | 1 1/4%            | July 1, 2004 to                                 |
| 29 |            |                   | June 30, [ <del>2009</del> ] <b>2010</b>        |

- \$ 3. Paragraph 2 of subdivision g of section 13-638.2 of the adminis-31 trative code of the city of New York, as amended by chapter 152 of the 32 laws of 2006, is amended to read as follows:
- 33 (2) Such additional interest shall be included at the rates and for 34 the periods set forth below in this paragraph:

| 35<br>36<br>37<br>38<br>39<br>40<br>41 | Retirement<br>System | Rate of interest per centum per annum, compounded annually | First day and last day of fiscal year or series of fiscal years for which rate is effective |
|--|----------------------|--|---|
| 42<br>43                               | NYCERS               | 1 1/4%   | July 1, 2004 to<br>June 30, [ <del>2009</del> ] <b>2010</b>                                 |
| 44<br>45                               | NYCTRS               | 1 1/4%   | July 1, 2004 to<br>June 30, [ <del>2009</del> ] <b>2010</b>                                 |
| 46<br>47                               | PPF                  | 1 1/4%   | July 1, 2004 to<br>June 30, [ <del>2009</del> ] <b>2010</b>                                 |
| 48<br>49                               | FPF                  | 1 1/4%   | July 1, 2004 to<br>June 30, [ <del>2009</del> ] <b>2010</b>                                 |
| 50<br>51                               | BERS                 | 1 1/4%   | July 1, 2004 to<br>June 30, [ <del>2009</del> ] <u>2010</u>                                 |

§ 4. Paragraph 2 of subdivision i of section 13-638.2 of the administrative code of the city of New York, as amended by chapter 152 of the laws of 2006, is amended to read as follows:

4 (2) Such supplementary interest shall be allowed at the rates and for 5 the periods set forth below in this paragraph:

| 6<br>7<br>8<br>9 |            | Rate of interest per centum per | First day and last day of fiscal year or series of fiscal |
|------------------|------------|---------------------------------|---|
| 10               | Retirement | annum, compounded               | years for which   |
| 11               | System     | annually                        | rate is effective   |
| 12               |            |                                 |   |
| 13               | NYCERS     | 1%                              | July 1, 2004 to   |
| 14               |            |                                 | June 30, [ <del>2009</del> ] <u><b>2010</b></u>           |
| 15               | NYCTRS     | 1%                              | July 1, 2004 to   |
| 16               |            |                                 | June 30, [ <del>2009</del> ] <u><b>2010</b></u>           |
| 17               | PPF        | 1%                              | July 1, 2004 to   |
| 18               |            |                                 | June 30, [ <del>2009</del> ] <u><b>2010</b></u>           |
| 19               | FPF        | 1%                              | July 1, 2004 to   |
| 20               |            |                                 | June 30, [ <del>2009</del> ] <u><b>2010</b></u>           |
| 21               | BERS       | 1%                              | July 1, 2004 to   |
| 22               |            |                                 | June 30, [ <del>2009</del> ] <u><b>2010</b></u>           |

§ 5. This act shall take effect July 1, 2009, except that if it shall have become a law subsequent to such date, this act shall take effect immediately and shall be deemed to have been in full force and effect on and after July 1, 2009.

FISCAL NOTE. -- PROVISIONS OF PROPOSED LEGISLATION - OVERVIEW:

The enactment of this proposed legislation (referred to hereafter as "Interest Rate Extender Legislation") would amend Administrative Code of the City of New York ("ACNY") Section 13-638.2 to continue for Fiscal Year 2010 for the five actuarially-funded New York City Retirement Systems ("NYCRS") the following rates that expire on June 30, 2009:

- \* The 8.25% per annum rate used to credit interest on Tier I and Tier II member account balances and Increased-Take-Home-Pay ("ITHP") Reserves, and
- \* The 8.0% per annum Actuarial Interest Rate ("AIR") assumption used to compute employer contributions.

The Effective Date for this proposed Interest Rate Extender Legislation would be July 1, 2009.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The continuation for Fiscal Year 2010 of the same 8.25% per annum rate that was used for Fiscal Year 2009 to credit interest on Tier I and Tier II member contributions and ITHP Reserves would not change the amount or timing of expected employer contributions.

The continuation for Fiscal Year 2010 of the AIR assumption of 8.0% per annum that was used to determine employer contributions to the NYCRS for Fiscal Year 2009 would not change the expected amount or timing of employer contributions.

Note: The Actuary anticipates developing proposed changes in actuarial assumptions and methods to be effective for Fiscal Year 2010 or 2011 but not until late Fiscal Year 2010 or sometime during Fiscal Year 2011.

The financial impact of implementing those proposed changes in actuarial assumptions and methods can be expected to differ from the financial

impact determined using the actuarial assumptions and methods  $\,$  continued from Fiscal Year 2009.

OTHER COSTS: Enactment of this proposed legislation would not be expected to produce any additional costs.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is Fiscal Note 2009-10, dated June 9, 2009, prepared by the Chief Actuary for the New York City Retirement Systems.

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#### STATE OF NEW YORK

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2009-2010 Regular Sessions

#### IN SENATE

March 20, 2009

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

AN ACT to amend the education law, in relation to the mandated payment of unclaimed funds in the amount of one thousand dollars or less

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

Section 1. Section 531 of the education law is amended by adding a new subdivision 5 to read as follows:

5. Notwithstanding any provision of this section to the contrary and in lieu of any other procedure provided for in this section, the retire-5 ment board is authorized to mandate the distribution of unclaimed amounts not to exceed one thousand dollars in each case to former members or contributors, or persons entitled to a benefit from the system, in cases in which at least seven years have elapsed since the member or contributor withdrew from service or ceased to be a teacher 10 for any cause other than death or retirement or at least seven years 11 have elapsed from the date any other person became entitled to a benefit 12 from the system pursuant to any provision of this chapter or of the retirement and social security law.

§ 2. This act shall take effect immediately.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This bill would amend Section 531 of the Education Law to authorize the Retirement Board of the New York State Teachers' Retirement System to promulgate rules and regulations allowing for the mandated distribution of unclaimed funds in the amount of \$1,000 or less.

The annual cost to the employers of members of the New York State Teachers' Retirement System is estimated to be negligible if this bill is enacted.

The source of this estimate is Fiscal Note 2009-6 dated October 15, 2008 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2009 Legislative Session.

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

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#### STATE OF NEW YORK

8371

2009-2010 Regular Sessions

#### IN ASSEMBLY

May 15, 2009

Introduced by M. of A. ABBATE -- read once and referred to the Committee on Governmental Employees

AN ACT to amend the retirement and social security law, in relation to removing limitations pertaining to certain retirees earnings

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

Section 1. Subdivision a of section 607-b of the retirement and social security law, as amended by chapter 725 of the laws of 2004, is amended to read as follows:

a. Any member of the New York city employees' retirement system who is 5 employed by the city of New York or by the New York city health and 6 hospital corporation in the position of emergency medical technician or advanced emergency medical technician, as those terms are defined in 8 section three thousand one of the public health law, who, on or after 9 March seventeenth, nineteen hundred ninety-six, becomes physically or 10 mentally incapacitated for the performance of duties as the natural and 11 proximate result of an injury, sustained in the performance or discharge 12 of his or her duties shall be paid a performance of duty disability 13 retirement allowance equal to three-quarters of final average salary, 14 subject to [the provisions of subdivision c of section six hundred five 15 **of this article and**] section 13-176 of the administrative code of the 16 city of New York. Any member who has made application or who, after the 17 effective date of the chapter of the laws of two thousand four which 18 amended this subdivision, makes application for such performance of duty 19 pension shall be entitled to invoke the medical review procedure 20 provided for in subdivision e of section six hundred five of this article, subject to the terms and conditions set forth in such subdivision. § 2. This act shall take effect immediately and shall be deemed to 23 have been in full force and effect on and after January 1, 2009;

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

24 provided, however, the amendments to subdivision a of section 607-b of 25 the retirement and social security law made by section one of this act

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l shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

FISCAL NOTE. -- Pursuant to Legislative Law, Section 50:

This proposed legislation would amend Retirement and Social Security Law ("RSSL") Section 607-b.a to remove one of the references to RSSL Section 605.c in the definition of Performance of Duty Accidental Disability Retirement ("ADR") benefits ("ACCDIS") of certain Emergency Medical Technician ("EMT") members of the New York City Employees' Retirement System ("NYCERS").

The Effective Date of the proposed legislation would be January 1, 2009.

IMPACT ON BENEFITS: Tier IV EMT members of NYCERS who become mentally or physically incapacitated as the result of an accident sustained in the performance of duty are, under RSSL 607-b (Chapter 587 of the Laws of 1998, effective August 5, 1998), entitled to an ACCDIS of 75% of Final Average Salary.

Under RSSL Section 605.c NCERS is permitted to make a determination as to whether such EMT member is disabled so that such member may be retired. In addition, NYCERS is permitted to establish rules for the purpose of determining initial entitlement or continued entitlement to disability benefits.

NYCERS has established rules to administer the eligibility for and entitlement to disability benefits arising under RSSL Sections 507-a and 605

One of the NYCERS rules restricts the total Personal Service Income ("PSI") of a disabled retiree, in a calendar year, resulting from employment in a position with:

the State of New York ("NYS"), or

the City of New York ("City") or

any non-NYS or non-City employer.

If a disabled retiree's PSI exceeds the NYCERS PSI limitation, then such retiree's ACCDIS is suspended for up to a year.

Since RSSL 607-b.a subjects the amount of the EMT ACCDIS to RSSL 605.c, NYCERS determined, in Calendar Year 2008, that the PSI limitation rule would also apply to EMT ADR retiree earnings under RSSL 607-b.a and that such limitation should be effective for Calendar Years commencing on and after January 1, 2009. This limitation of PSI, if imposed, would be approximately \$26,000 for Calendar Year 2009.

If the proposed legislation is enacted, the RSSL 605.c reference would be eliminated. Therefore, commencing on and after January 1, 2009, EMT ADR retirees PSI earnings would not be limited by the NYCERS rules.

It is the understanding of the Actuary that in lieu of such NYCERS limitations, the limitations on PSI for EMT ACCDIS recipients would fall back to the restrictions imposed by New York City Charter ("NYCC") Section 1117.

NYCC Section 1117 limits the sum of the retirement allowance and the PSI for all New York City Retirement Systems retirees to \$1,800 per year from all public employment with NYS and the City ("NY Employ"). However, NYCC Section 1117 places no limits on the amounts of PSI that may be earned from employment with non-NY Employ employers.

FINANCIAL IMPACT - EMPLOYER COST: The ultimate cost of a pension  $\$ plan is the benefits it pays.

To the extent NYCERS earnings limitations would have applied in Calendar Years 2009 and later, certain EMT ACCDIS would have been temporarily suspended in years where PSI exceeded those NYCERS earnings limitations.

Enactment of the legislation would eliminate the decrease in benefits to ADR retirees where PSI exceeds the NYCERS earnings limitations. As the Actuary believes that few, if any, ADR retirees would continue to earn excess PSI if that income resulted in a suspension of their ACCDIS benefits, the decrease in benefits would be de minimis.

FINANCIAL IMPACT: EMPLOYER CONTRIBUTIONS: If enacted during the 2009 Legislative Session prior to June 30, 2009, reduced employer costs to NYCERS would begin Fiscal Year 2009.

If enacted during the 2009 Legislative Session after June 30, 2009 and prior to June 30, 2010, reduced employer costs to NYCERS would begin Fiscal Year 2010.

Any, change in the Actuarial Present value of Benefits would be financed through future employer normal contributions.

Overall, the Actuary believes that change in employer costs and employer contributions to NYCERS to be de minimis.

OTHER COSTS: Not measured in this Fiscal Note are any possible increased administrative costs attributable to enactment of the proposed legislation.

CENSUS DATA: There were approximately 230 EMT ADR retirees in the June 30, 2008 actuarial valuation of NYCERS who could potentially be impacted by this proposed legislation.

STATEMENT OF ACTUARIAL OPINION: I, Robert C. North, Jr., am the Chief Actuary for the New York City Retirement Systems. I am a Fellow of the Society of Actuaries and a Member of the American Academy of Actuaries. I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

FISCAL NOTE IDENTIFICATION: This estimate is intended for use only during the 2009 Legislative Session. It is Fiscal Note 2009-09, dated May 14, 2009 prepared by the Chief Actuary for the New York City Employees' Retirement.

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