

STATE OF NEW YORK

9005--B

IN ASSEMBLY

January 14, 2016

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 executive law, in relation to the creation of an office of special investigation to review matters involving the use of deadly physical force by a police officer; to amend the criminal procedure law, in relation to grand jury reports and proceedings, the district attorney's letter and leave to appeal; to amend the criminal procedure law and the judiciary law, in relation to functions of the chief administrator of the courts; to amend the executive law, in relation to reporting requirements; and to amend the criminal procedure law, in relation to the contents of an application for a search warrant (Part A); to amend Part H of chapter 503 of the laws of 2009, relating to the disposition of monies recovered by county district attorneys before the filing of an accusatory instrument, in relation to the effectiveness thereof (Part B); to amend the tax law, in relation to suspending the transfer of monies into the emergency services revolving loan fund from the public safety communications account (Part C); to amend the executive law, in relation to transferring certain functions to the division of state police from the division of homeland security and emergency services; and in relation to collecting and analyzing information relating to terrorist threats and activities (Part D); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to the effectiveness of such chapter (Part E); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes, and revenues, in relation to extending the expiration date of certain provisions thereof; to amend chapter 1 of the laws of 2005 amending the state finance law relating to restricting contacts in the procurement process and the recording of contacts relating thereto, in relation to extending the expiration date of certain provisions there-

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

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of; and to amend the state finance law, in relation to allowing the state comptroller to excuse non-material deviations in a procurement, authorizing the commissioner of the office of general services and state agencies to develop alternative procurement methods not otherwise authorized by law under certain circumstances, providing unsuccessful offerors a reasonable opportunity for debriefing, reports on centralized contracts, increasing the threshold for the state comptroller's approval of certain contracts and clarifying the valuation of non-cash contracts by the state comptroller, and the commencement of the restricted period during the procurement process (Part F); to amend the workers' compensation law, in relation to the payment of claims of affected World Trade Center volunteers (Part G); to amend the workers' compensation law and the insurance law, in relation to providing benefits for injury or sickness, pregnancy or family leave (Part H); intentionally omitted (Part I); intentionally omitted (Part J); intentionally omitted (Part K); to amend the civil service law, in relation to the expiration of public arbitration panels (Part L); to amend the state finance law, in relation to the dedicated infrastructure investment fund (Part M); to provide for the administration of certain funds and accounts related to the 2016-17 budget, authorizing certain payments and transfers; to amend the state finance law, in relation to the rainy day reserve fund, the dedicated infrastructure investment fund infrastructure investment account, and the school tax relief fund; to amend the state finance law, in relation to payments, transfers and deposits; to amend the state finance law, in relation to the period for which appropriations can be made; to amend chapter 60 of the laws of 2015, providing for the administration of certain funds and accounts related to the 2015-16 budget, in relation to certain transfers and to the effectiveness of certain provisions thereof; to amend the New York state urban development corporation act, in relation to funding project costs for certain capital projects; to amend chapter 389 of the laws of 1997, relating to the financing of the correctional facilities improvement fund and the youth facility improvement fund, in relation to the issuance of bonds; to amend the private housing finance law, in relation to housing program bonds and notes; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to the issuance of bonds; to amend the public authorities law, in relation to the issuance of bonds; to amend the public authorities law, in relation to the dormitory authority; to amend chapter 61 of the laws of 2005 relating to providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend the New York state urban development corporation act, in relation to the issuance of bonds; to amend the public authorities law, in relation to the state environmental infrastructure projects; to amend the New York state urban development corporation act, in relation to authorizing the urban development corporation to issue bonds to fund project costs for the implementation of a NY-CUNY challenge grant program; to amend chapter 81 of the laws of 2002, relating to providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to increasing the aggregate amount of bonds to be issued by the New York state urban development corporation; to amend the public authorities law, in relation to financing of peace bridge and transportation capital projects; to amend the public authorities law, in



relation to dormitories at certain educational institutions other than state operated institutions and statutory or contract colleges under the jurisdiction of the state university of New York; to amend the New York state medical care facilities finance agency act, in relation to bonds and mental health facilities improvement notes; to amend chapter 63 of the laws of 2005, relating to the composition and responsibilities of the New York state higher education capital matching grant board, in relation to increasing the amount of authorized matching capital grants; to direct the distribution of local sales tax revenue from the city of New York; to amend the workers' compensation law, in relation to the distribution of assessment reserves; to amend the New York state urban development corporation act, in relation to the aggregate amount of and issuance of certain bonds; to amend the public authorities law, in relation to authorization for the issuance of bonds for the capital restructuring bond finance program and the health care facility transformation program; and providing for the repeal of certain provisions upon expiration thereof (Part N); to amend the public lands law, in relation to state aid on certain state leased or state owned land (Part O); intentionally omitted (Part P); to amend the public service law, in relation to creating the state office of the utility consumer advocate (Part Q); to amend the public service law, in relation to utility intervenor reimbursement; and to amend the state finance law, in relation to establishing the utility intervenor account (Part R); to amend the legislative law, in relation to extending the expiration of payments to members of the assembly serving in a special capacity; and to amend chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to extending such provisions (Part S); to amend the state finance law, in relation to the cost effectiveness of consultant contracts by state agencies; and providing for the repeal of such provisions upon expiration thereof (Part T); to amend the county law, in relation to plans for representation of persons accused of a crime or certain parties in family court or surrogate's court (Part U); to amend the correction law, in relation to a pilot program for the use of body-worn cameras on certain correction officers (Part V); to amend chapter 363 of the laws of 2010, amending the judiciary law relating to granting the chief administrator of the courts the authority to allow referees to determine applications for orders of protection during the hours family court is in session, in relation to the expiration date thereof; and to amend chapter 219 of the laws of 2002 amending the judiciary law relating to the judicial hearing officer pilot program and the powers of the chief administrator of the courts, in relation to extending the expiration of the provisions of such chapter (Part W); to amend the retirement and social security law, in relation to providing credit to members of public retirement systems of the state for military service; and making an appropriation therefor (Part X); to amend the civil service law, in relation to fiscally eligible municipalities in disputes in collective negotiations (Part Y); to amend chapter 747 of the laws of 2006, amending the state finance law relating to the tribal-state compact revenue account, in relation to the effectiveness thereof; to amend part W of chapter 60 of the laws of 2011, amending the state finance law relating to disbursements from the tribal-state compact revenue account to certain municipalities, in relation to the effectiveness thereof; and to amend the state finance law, in relation to the Niagara Falls underground railroad interpre-



tive center (Part Z); establishing the distribution of additional aid and incentives for municipality funds; and to amend the state finance law, in relation to prior year aid (Part AA); to amend the state finance law, in relation to qualifying the obligation requiring state agencies to pay small businesses within fifteen days of receipt of an invoice; and to amend chapter 568 of the laws of 2015, amending the state finance law relating to requiring state agencies to pay small businesses within fifteen days of receipt of an invoice, in relation to the effective date thereof (Part BB); and to amend the county law and the executive law, in relation to indigent defense services (Part CC)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state public protection and general
3 government budget for the 2016-2017 state fiscal year. Each component is
4 wholly contained within a Part identified as Parts A through CC. The
5 effective date for each particular provision contained within such Part
6 is set forth in the last section of such Part. Any provision in any
7 section contained within a Part, including the effective date of the
8 Part, which makes a reference to a section "of this act", when used in
9 connection with that particular component, shall be deemed to mean and
10 refer to the corresponding section of the Part in which it is found.
11 Section three of this act sets forth the general effective date of this
12 act.

13 PART A

14 Section 1. The executive law is amended by adding a new section 70-b
15 to read as follows:

16 § 70-b. Office of special investigation. 1. There shall be estab-
17 lished within the department of law an office of special investigation
18 which shall have the power to investigate and prosecute any alleged
19 criminal offense or offenses committed by a police officer as defined in
20 subdivision thirty-four of section 1.20 of the criminal procedure law,
21 or a peace officer as defined in subdivision thirty-three of section
22 1.20 of the criminal procedure law, concerning the death of any person
23 that resulted from or potentially resulted from injuries that occurred
24 or may have occurred as a result of any encounter with such police offi-
25 cer or peace officer. The office shall conduct such an investigation and
26 may conduct such a prosecution upon its written finding that such is
27 appropriate because: (i) there is a lack of alternative prosecutorial
28 resources to adequately investigate and prosecute such criminal offense
29 or offenses; (ii) such investigation and prosecution cannot be effec-
30 tively conducted by the district attorney of the county wherein the
31 offense or a portion thereof is alleged to have been committed; (iii)
32 the district attorney has failed or refused to effectively conduct such
33 investigation and prosecution; or (iv) the exercise of such jurisdiction
34 is necessary to ensure the confidence of the public in the criminal
35 justice system and judicial system. The office of special investigation
36 within the department of law shall be headed by the deputy attorney
37 general appointed by the attorney general pursuant to subdivision three
38 of this section.

1 2. In all proceedings pursuant to subdivision one of this section, the
2 deputy attorney general, appointed pursuant to subdivision three of this
3 section, may appear in person or by any assistant attorney general he or
4 she may designate before any court or grand jury in the state and exer-
5 cise all of the powers and perform all of the duties with respect to
6 such actions or proceedings which the district attorney would otherwise
7 be authorized or required to exercise or perform.

8 3. Notwithstanding any other provision of law, the attorney general
9 shall, without civil service examination, appoint and employ, fix his or
10 her compensation, and at his or her pleasure remove, a deputy attorney
11 general in charge of the office of special investigation. The attorney
12 general may, and without civil service examination, appoint and employ,
13 and at pleasure remove, such assistant deputies, investigators and other
14 persons as he or she deems necessary, determine their duties and fix
15 their compensation.

16 4. (a) Where an investigation or prosecution of the type described in
17 subdivision one of this section involves acts that appear to have been
18 engaged in by a police officer or peace officer employed by the state of
19 New York, the attorney general shall promptly apply to a superior court
20 in the county in which such acts allegedly occurred for the appointment
21 of a special assistant attorney general to investigate and potentially
22 prosecute such matter. Notwithstanding the provisions of any other law,
23 such court shall thereupon appoint a qualified attorney at law having an
24 office in or residing in such county or an adjoining county, not
25 employed as a district attorney or assistant district attorney, to act
26 as a special assistant attorney general with respect to such matter, at
27 a reasonable and appropriate hourly rate to be set by such court.

28 (b) The attorney general shall promptly notify the state comptroller
29 and the court when such appointment has been made and accepted by such
30 attorney. Reasonable fees for attorneys and investigation and liti-
31 gation expenses shall be paid by the state to such private counsel from
32 time to time during the pendency of the investigation and any prose-
33 cution and appeal, upon the audit and warrant of the comptroller. Any
34 dispute with respect to the payment of such fees and expenses shall be
35 resolved by the court upon motion or by way of a special proceeding.

36 (c) The deputy attorney general appointed pursuant to this subdivision
37 may appear in person or by any special assistant deputy attorney general
38 he or she may designate before any court or grand jury in the state and
39 exercise all of the powers and perform all of the duties with respect to
40 such actions or proceedings which the district attorney would otherwise
41 be authorized or required to exercise or perform.

42 § 2. Paragraph (d) of subdivision 3 of section 190.25 of the criminal
43 procedure law is amended and a new paragraph (a-1) is added to read as
44 follows:

45 (a-1) a judge or justice of the superior court;

46 (d) An interpreter. Upon request of the grand jury or the court, the
47 prosecutor must provide an interpreter to interpret the testimony of any
48 witness who does not speak the English language well enough to be readi-
49 ly understood. Such interpreter must, if he or she has not previously
50 taken the constitutional oath of office, first take an oath before the
51 grand jury that he or she will faithfully interpret the testimony of the
52 witness and that he or she will keep secret all matters before such
53 grand jury within his or her knowledge;

54 § 3. Subdivision 6 of section 190.25 of the criminal procedure law is
55 amended and a new subdivision 4-a is added to read as follows:

1 4-a. (a) Notwithstanding the provisions of subdivision four of this
2 section, when, following submission to a grand jury of a criminal charge
3 or charges, the grand jury dismisses all charges presented or directs
4 the district attorney to file in a local criminal court a prosecutor's
5 information charging an offense other than a felony, as provided in
6 subdivision one of section 190.70 of this article, an application may be
7 made to the superior court for disclosure of the following material
8 relating to the proceedings before such grand jury:

9 (i) the criminal charge or charges submitted;

10 (ii) the legal instructions provided to the grand jury;

11 (iii) the testimony of all public servants who testified in an offi-
12 cial capacity before the grand jury and of all persons who provided
13 expert testimony; and

14 (iv) the testimony of all other persons who testified before the grand
15 jury, redacted as necessary to prevent discovery of their names and such
16 other personal data or information that may reveal or help to reveal
17 their identities.

18 (b) The application specified in paragraph (a) of this subdivision may
19 be made by any person, must be in writing and, except where made by the
20 people, must be upon notice to the people. The court shall direct or
21 provide notice to any other appropriate person or agency. Where more
22 than one application is made hereunder in relation to such a dismissal
23 or direction, the court may consolidate such applications and determine
24 them together. When no application hereunder is made, the superior court
25 may order disclosure on its own motion as provided in paragraph (c) of
26 this subdivision at any time following notice to the people and an
27 opportunity to be heard and reasonable efforts to notify and provide an
28 opportunity to be heard to any other appropriate person or agency.

29 (c) Upon an application as provided in paragraph (a) of this subdivi-
30 sion or on the court's own motion, the court, after providing persons
31 given notice an opportunity to be heard, shall determine whether:

32 (i) a significant number of members of the general public in the coun-
33 ty in which the grand jury was drawn and impaneled are likely aware that
34 a criminal investigation had been conducted in connection with the
35 subject matter of the grand jury proceeding; and

36 (ii) a significant number of members of the general public in such
37 county are likely aware of the identity of the subject against whom the
38 criminal charge specified in paragraph (a) of this subdivision was
39 submitted to a grand jury, or such subject has consented to such disclo-
40 sure; and

41 (iii) there is significant public interest in disclosure.

42 Where the court is satisfied that all three of these factors are pres-
43 ent, and except as provided in paragraph (d) of this subdivision, the
44 court shall direct the district attorney to disclose the items specified
45 in paragraph (a) of this subdivision.

46 (d) Notwithstanding any other provisions of this subdivision, on
47 application of the district attorney or any interested person, or on its
48 own motion, the court shall limit disclosure of the items specified in
49 paragraph (a) of this subdivision, in whole or part, where the court
50 determines there is a reasonable likelihood that such disclosure may
51 lead to discovery of the identity of a witness who is not a public serv-
52 ant or expert witness, imperil the health or safety of a grand juror who
53 participated in the proceeding or a witness who appeared before the
54 grand jury, jeopardize an identified current or future criminal investi-
55 gation, create a specific threat to public safety, or despite the inter-

1 ests reflected by this subdivision is contrary to the interests of
2 justice.

3 (e) Where a court determines not to direct disclosure pursuant to this
4 subdivision, it shall do so in a written order dismissing the applica-
5 tion therefor that shall explain with specificity, to the extent practi-
6 cable, the basis for its determination.

7 6. (a) The legal advisors of the grand jury are the court and the
8 district attorney, and the grand jury may not seek or receive legal
9 advice from any other source. Where necessary or appropriate, the court
10 or the district attorney, or both, must instruct the grand jury concern-
11 ing the law with respect to its duties or any matter before it, and such
12 instructions must be recorded in the minutes.

13 (b) Notwithstanding paragraph (a) of this subdivision, or any other
14 law to the contrary, in any proceeding before a grand jury that involves
15 the submission of a criminal charge or charges against a person or
16 persons for an act or acts that occurred at a time when such person was
17 a police officer or peace officer, and that concern the death of any of
18 any person that resulted from or potentially resulted from injuries that
19 occurred or may have occurred as a result of any encounter with such
20 police officer or peace officer, the court, after consultation on the
21 record with the district attorney, shall instruct the grand jury as to
22 the criminal charge or charges to be submitted and the law applicable to
23 such charges and to the matters before such grand jury. Thereafter, any
24 questions, requests for exhibits, requests for readback of testimony or
25 other requests from the grand jury or a member thereof shall be provided
26 to the court, and addressed by the court after consultation on the
27 record with the district attorney.

28 (c) Notwithstanding the provisions of subdivisions four and four-a of
29 this section, following final action by the grand jury on the charge or
30 charges submitted pursuant to paragraph (b) of this section, the court
31 shall make such legal instructions and charges submitted to such grand
32 jury available to the public on request, provided that the names of
33 witnesses and any information that would identify such witnesses
34 included in such legal instructions or charges shall be redacted when
35 the court determines, in a written order released to the public, and
36 issued after notice to the people and the requester and an opportunity
37 to be heard and reasonable efforts to notify and provide an opportunity
38 to be heard to any other appropriate person or agency, that there is a
39 reasonable likelihood that public release of such information would
40 endanger any individual.

41 § 4. Section 230.20 of the criminal procedure law is amended by adding
42 a new subdivision 5 to read as follows:

43 5. Any party aggrieved by an order of the appellate division concern-
44 ing a motion made pursuant to subdivision two of this section may seek
45 leave to appeal from such order to the court of appeals, pursuant to
46 subdivision three of section 450.90 of this chapter.

47 § 5. Section 450.90 of the criminal procedure law is amended by adding
48 a new subdivision 3 to read as follows:

49 3. Provided that a certificate granting leave to appeal is issued
50 pursuant to section 460.20 of this title, an appeal may be taken to the
51 court of appeals by any party aggrieved by an order of the appellate
52 division concerning a motion made pursuant to subdivision two of section
53 230.20 of this chapter. Upon the request of either party, the hearing
54 and determination of an appeal granted pursuant to this subdivision
55 shall be conducted in an expeditious manner. The chief administrator of
56 the courts, with the advice and consent of the administrative board of

1 the courts, shall adopt rules for the expeditious briefing, hearing and
2 determination of such appeals.

3 § 6. Subdivision 1 of section 10.40 of the criminal procedure law, as
4 amended by chapter 237 of the laws of 2015, is amended to read as
5 follows:

6 1. The chief administrator of the courts shall have the power to
7 adopt, amend and rescind forms for the efficient and just administration
8 of this chapter. Such forms shall include, without limitation, the
9 forms described in paragraph (z) of subdivision two of section two
10 hundred twelve of the judiciary law. A failure by any party to submit
11 papers in compliance with forms authorized by this section shall not be
12 grounds for that reason alone for denial or granting of any motion.

13 § 7. Subdivision 2 of section 212 of the judiciary law is amended by
14 adding six new paragraphs (u), (v), (w), (x), (y) and (z) to read as
15 follows:

16 (u) Compile and publish data on misdemeanor offenses in all courts,
17 disaggregated by county, including the following information:

18 (i) the aggregate number of misdemeanors charged, by indictment or the
19 filing of a misdemeanor complaint or information;

20 (ii) the offense charged;

21 (iii) the race, ethnicity, age, and sex of the individual charged;

22 (iv) whether the individual was issued a summons or appearance ticket,
23 was subject to custodial arrest, and/or was held to arraignment as a
24 result of the alleged misdemeanor;

25 (v) the zip code or location where the alleged misdemeanor occurred;

26 (vi) the disposition, including, as the case may be, dismissal,
27 acquittal, adjournment in contemplation of dismissal, plea, conviction,
28 or other disposition;

29 (vii) in the case of dismissal, the reasons therefor; and

30 (viii) the sentence imposed, if any, including fines, fees, and
31 surcharges.

32 (v) Compile and publish data on violations in all courts, disaggre-
33 gated by county, including the following information:

34 (i) the aggregate number of violations charged by the filing of an
35 information;

36 (ii) the violation charged;

37 (iii) the race, ethnicity, age, and sex of the individual charged;

38 (iv) whether the individual was issued a summons or appearance ticket,
39 was subject to custodial arrest, and/or was held to arraignment as a
40 result of the alleged violation;

41 (v) the zip code or location where the alleged violation occurred;

42 (vi) the disposition, including, as the case may be, dismissal,
43 acquittal, conviction, or other disposition;

44 (vii) in the case of dismissal, the reasons therefor; and

45 (viii) the sentence imposed, if any, including fines, fees, and
46 surcharges.

47 (w) The chief administrator shall included the information required by
48 paragraphs (u) and (v) of this subdivision in the annual report submit-
49 ted to the legislature and the governor pursuant to paragraph (j) of
50 subdivision one of this section. The chief administrator shall also make
51 the information required by paragraphs (u) and (v) of this subdivision
52 available to the public by posting it on the website of the office of
53 court administration and shall update such information on a monthly
54 basis. The information shall be posted in alphanumeric form that can be
55 digitally transmitted or processed and not in portable document format
56 or scanned copies of original documents.



1 (x) Nothing in paragraphs (u) and (v) of this subdivision shall be
2 construed as granting authority to the chief administrator, a criminal
3 justice or law enforcement agency, a governmental entity, or any agent
4 or representative of the foregoing, to use, disseminate, or publish any
5 individual's name, date of birth, NYSID, social security number, docket
6 number, or other unique identifier in violation of the criminal proce-
7 dure law, the general business law, or any other law.

8 (y) Nothing in paragraphs (u) and (v) of this subdivision shall be
9 construed as granting authority to the chief administrator, a criminal
10 justice or law enforcement agency, a governmental entity, a party, a
11 judge, a prosecutor, or any agent or representative of the foregoing to
12 introduce, use, disseminate, publish or consider any records in any
13 judicial or administrative proceeding expunged or sealed under applica-
14 ble provisions of the criminal procedure law, the family court act, or
15 any other law.

16 (z) In executing the requirements of paragraphs (u) and (v) of this
17 section, the chief administrator may adopt rules consistent with the
18 requirements of paragraphs (x) and (y) of this subdivision requiring
19 appropriate law enforcement or criminal justice agencies to identify
20 actions and proceedings involving these offenses, and with respect to
21 such actions and proceedings, to report, in such form and manner as the
22 chief administrator shall prescribe, the information specified herein.
23 Further, to facilitate this provision, the chief administrator shall
24 adopt rules to facilitate record sharing, retention and other necessary
25 communication among the criminal courts and law enforcement agencies,
26 subject to applicable provisions of the criminal procedure law, the
27 family court act, and any other law pertaining to the confidentiality,
28 expungement and sealing of records.

29 § 8. The executive law is amended by adding a new section 837-s to
30 read as follows:

31 § 837-s. Reporting duties of law enforcement departments with respect
32 to arrest-related deaths. 1. The chief of every police department, each
33 county sheriff, and the superintendent of state police shall promptly
34 report to the division any arrest-related death, disaggregated by coun-
35 ty. An arrest-related death is a death that occurs during law enforce-
36 ment custody or an attempt to establish custody including, but not
37 limited to, deaths caused by any use of force. The data shall include
38 the following information:

39 (a) the number of arrest-related deaths;

40 (b) the race, ethnicity, age, and sex of the individual;

41 (c) the zip code or location where the death occurred; and

42 (d) a brief description of the circumstances surrounding the arrest-
43 related death.

44 2. The division shall present to the governor and the legislature an
45 annual report containing the information required by subdivision one of
46 this section. The initial report required by this subdivision shall be
47 for the period beginning July first, two thousand sixteen and ending
48 December thirty-first, two thousand sixteen and shall be presented no
49 later than February first, two thousand seventeen. Thereafter, each
50 annual report shall be presented no later than February first.

51 3. The division shall make the information required by subdivision one
52 of this section available to the public by posting it on the website of
53 the division and shall update such information on a monthly basis. The
54 information shall be posted in alphanumeric form that can be digitally
55 transmitted or processed and not in portable document format or scanned
56 copies of original documents.

1 § 9. Paragraph (e) of subdivision 3 of section 690.35 of the criminal
2 procedure law, as added by chapter 504 of the laws of 1991, such subdi-
3 vision as renumbered by chapter 815 of the laws of 1992, is amended and
4 a new paragraph (f) is added to read as follows:

5 (e) In the case of an application for a search warrant as defined in
6 paragraph (b) of subdivision two of section 690.05 of this article, a
7 copy of the warrant of arrest and the underlying accusatory instru-
8 ment[.]; and

9 (f) A full disclosure of all prior denials of the same or a similar
10 application, as well as any prior failure to issue a search warrant
11 based on the same or a similar application, by a different judge, if
12 known to the applicant.

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

22 § 11. This act shall take effect on the thirtieth day after it shall
23 have become a law; provided, however, that the amendments to subdivision
24 1 of section 10.40 of the criminal procedure law made by section six of
25 this act shall survive the expiration and reversion of such section as
26 provided in section 11 of chapter 237 of the laws of 2015, as amended.

27

PART B

28 Section 1. Section 2 of part H of chapter 503 of the laws of 2009,
29 relating to the disposition of monies recovered by county district
30 attorneys before the filing of an accusatory instrument, as amended by
31 section 25 of part B of chapter 55 of the laws of 2015, is amended to
32 read as follows:

33 § 2. This act shall take effect immediately and shall remain in full
34 force and effect until March 31, [2016] 2017, when it shall expire and
35 be deemed repealed.

36 § 2. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after March 31, 2016.

38

PART C

39 Section 1. Paragraph (b) of subdivision 6 of section 186-f of the tax
40 law, as amended by section 1 of part D of chapter 55 of the laws of
41 2014, is amended to read as follows:

42 (b) The sum of one million five hundred thousand dollars must be
43 deposited into the New York state emergency services revolving loan fund
44 annually; provided, however, that such sums shall not be deposited for
45 state fiscal years two thousand eleven--two thousand twelve, two thou-
46 sand twelve--two thousand thirteen, two thousand fourteen--two thousand
47 fifteen [and], two thousand fifteen--two thousand sixteen, two thousand
48 sixteen--two thousand seventeen and two thousand seventeen--two thousand
49 eighteen;

50 § 2. This act shall take effect immediately.

51

PART D

1 Section 1. Notwithstanding any law to the contrary, the responsibil-
2 ities, duties and functions, pursuant to subdivision 2 of section 70 of
3 the civil service law, of the intelligence and analysis unit of the
4 office of counterterrorism within the division of homeland security and
5 emergency services shall be transferred to the division of state police.

6 § 2. Paragraphs (f) and (g) of subdivision 2 of section 709 of the
7 executive law, as amended by section 14 of part B of chapter 56 of the
8 laws of 2010, are amended to read as follows:

9 (f) coordinate state resources for the collection and analysis of
10 information relating to [terrorist threats and terrorist activities and
11 other] natural and man-made disasters throughout the state subject to
12 any applicable laws, rules, or regulations;

13 (g) coordinate and facilitate information sharing among local, state,
14 and federal [law enforcement] agencies to ensure appropriate intelli-
15 gence to assist in the early identification of and response to [poten-
16 tial terrorist activities and other] natural and man-made disasters,
17 subject to any applicable laws, rules, or regulations governing the
18 release, disclosure or sharing of any such information;

19 § 3. Section 709-a of the executive law, as added by section 15-a of
20 part B of chapter 56 of the laws of 2010, is amended to read as follows:

21 § 709-a. Office of counterterrorism. The office of counterterrorism
22 shall develop and analyze the state's policies, protocols and strategies
23 relating to the prevention and detection of terrorist acts and terrorist
24 threats. The office shall also be responsible for [the collection, anal-
25 ysis and sharing of information relating to terrorist threats and
26 terrorist activities throughout the state;] coordinating strategies,
27 protocols and first responder equipment needs to detect a biological,
28 chemical or radiological terrorist act or threat; working with private
29 entities and local, state and federal agencies to conduct assessments of
30 the vulnerability of critical infrastructure to terrorist attack; and
31 consulting with appropriate state and local governments and private
32 entities to facilitate and foster cooperation to better prepare the
33 state to prevent and detect threats and acts of terrorism.

34 § 3-a. Section 223 of the executive law, as amended by chapter 428 of
35 the laws of 1999, is amended to read as follows:

36 § 223. Duties and powers of the superintendent of state police and of
37 members of the state police. 1. It shall be the duty of the superinten-
38 dent of the state police and of members of the state police to prevent
39 and detect crime and apprehend criminals. They shall also be subject to
40 the call of the governor and are empowered to co-operate with any other
41 department of the state or with local authorities. They shall also
42 collect and analyze information relating to terrorist threats and
43 terrorist activities throughout the state and share such information
44 among local, state, and federal law enforcement agencies to ensure the
45 coordination of appropriate intelligence to assist in the early iden-
46 tification of and response to potential terrorist threats and terrorist
47 activities. They shall have power to arrest, without a warrant, any
48 person committing or attempting to commit within their presence or view
49 a breach of the peace or other violation of law, to serve and execute
50 warrants of arrest or search issued by proper authority and to exercise
51 all other powers of police officers of the state of New York. Any such
52 warrants issued by any magistrate of the state may be executed by them
53 in any part of the state according to the tenor thereof without indorse-
54 ment. But they shall not exercise their powers within the limits of any
55 city to suppress rioting and disorder except by direction of the gover-
56 nor or upon the request of the mayor of the city with the approval of

1 the governor. Any member of the rank of sergeant or above may take pre-
2 arraignment bail from any defendant in the amounts and under the circum-
3 stances and conditions that police may take bail.

4 2. The superintendent may, by written order, designate a police offi-
5 cer, as defined in paragraph (b), (c) or (d) of subdivision thirty-four
6 of section 1.20 of the criminal procedure law, to assist members of the
7 state police in order to more effectively address the detection of crime
8 and apprehension of criminals within the state and its localities.
9 Police officers so designated, while actively working in conjunction
10 with members of the state police either directly or as part of a specif-
11 ic task force, shall be paid by and remain employees of their particular
12 county, city, town or village, but shall for purposes of the criminal
13 procedure law, have their geographic area of employment deemed to be New
14 York state.

15 § 3-b. Section 223 of the executive law, as amended by chapter 843 of
16 the laws of 1980, is amended to read as follows:

17 § 223. Duties and powers of the superintendent of state police and of
18 members of the state police. It shall be the duty of the superintendent
19 of the state police and of members of the state police to prevent and
20 detect crime and apprehend criminals. They shall also be subject to the
21 call of the governor and are empowered to co-operate with any other
22 department of the state or with local authorities. They shall also
23 collect and analyze information relating to terrorist threats and
24 terrorist activities throughout the state and share such information
25 among local, state, and federal law enforcement agencies to ensure the
26 coordination of appropriate intelligence to assist in the early iden-
27 tification of and response to potential terrorist threats and terrorist
28 activities. They shall have power to arrest, without a warrant, any
29 person committing or attempting to commit within their presence or view
30 a breach of the peace or other violation of law, to serve and execute
31 warrants of arrest or search issued by proper authority and to exercise
32 all other powers of police officers of the state of New York. Any such
33 warrants issued by any magistrate of the state may be executed by them
34 in any part of the state according to the tenor thereof without indorse-
35 ment. But they shall not exercise their powers within the limits of any
36 city to suppress rioting and disorder except by direction of the gover-
37 nor or upon the request of the mayor of the city with the approval of
38 the governor. Any member of the rank of sergeant or above may take pre-
39 arraignment bail from any defendant in the amounts and under the circum-
40 stances and conditions that police may take bail.

41 § 4. 1. Transfer of records. Upon the transfer of functions, pursuant
42 to section one of this act, the division of homeland security and emer-
43 gency services shall deliver to the division of state police, all perti-
44 nent books, papers, records and property.

45 2. Existing rights and remedies preserved. No existing right or remedy
46 of any character shall be lost, impaired or affected by reason of this
47 act.

48 3. Pending actions and proceedings. No action or proceeding pending at
49 the time when this act shall take effect, brought by or against the
50 division of homeland security and emergency services relating to the
51 function, power or duty transferred to or devolved upon the division of
52 state police shall be affected by this act, but the same may be prose-
53 cuted or defended in the name of the division of state police and upon
54 the application to the court, the division of state police shall be
55 substituted as a party.

1 4. Completion of unfinished business. Any business or other matter
2 undertaken or commenced by the division of homeland security and emer-
3 gency services pertaining to or connected with the functions, powers,
4 obligations and duties transferred and assigned to the division of state
5 police, pending on the effective date of this act, may be conducted and
6 completed by the division of state police in the same manner and under
7 the same terms and conditions and with the same effect as if conducted
8 and completed by the division of homeland security and emergency
9 services.

10 § 5. This act shall take effect immediately; provided, however, that
11 the amendments to section 223 of the executive law made by section
12 three-a of this act shall be subject to the expiration and reversion of
13 such section pursuant to section 3 of chapter 428 of the laws of 1999,
14 as amended, when upon such date the provisions of section three-b of
15 this act shall take effect.

16 PART E

17 Section 1. Section 5 of chapter 268 of the laws of 1996, amending the
18 education law and the state finance law relating to providing a recruit-
19 ment incentive and retention program for certain active members of the
20 New York army national guard, New York air national guard, and New York
21 naval militia, as amended by section 24 of part A of chapter 57 of the
22 laws of 2011, is amended to read as follows:

23 § 5. This act shall take effect January 1, 1997 and shall expire and
24 be deemed repealed September 1, [2016] 2021; provided that any person
25 who has begun to receive the benefits of this act prior to its expira-
26 tion and repeal shall be entitled to continue to receive the benefits of
27 this act after its expiration and repeal until completion of a baccalau-
28 reate degree or cessation of status as an active member, whichever
29 occurs first.

30 § 2. This act shall take effect immediately.

31 PART F

32 Section 1. Subdivision 5 of section 362 of the chapter 83 of the laws
33 of 1995 amending the state finance law and other laws relating to bonds,
34 notes and revenues, as amended by section 37 of part L of chapter 55 of
35 the laws of 2012, is amended to read as follows:

36 5. Sections thirty-one through forty-two of this act shall take effect
37 on the thirtieth day after it shall have become a law and shall be
38 deemed to have been in full force and effect on and after April 1, 1995;
39 provided that section 163 of the state finance law, as added by section
40 thirty-three of this act shall remain in full force and effect until
41 June 30, [2016] 2021 at which time it shall expire and be deemed
42 repealed. Contracts executed prior to the expiration of such section 163
43 shall remain in full force and effect until the expiration of any such
44 contract notwithstanding the expiration of certain provisions of this
45 act.

46 § 2. Section 16 of chapter 1 of the laws of 2005, amending the state
47 finance law relating to restricting contacts in the procurement process
48 and the recording of contacts relating thereto, as amended by chapter 62
49 of the laws of 2014, is amended to read as follows:

50 § 16. This act shall take effect immediately; provided, however, that
51 sections one, six, eight, nine, ten, eleven and fifteen of this act
52 shall take effect January 1, 2006; and provided, however, the amendments

1 to paragraph f of subdivision 9 of section 163 of the state finance law
2 made by section fifteen of this act shall not affect the repeal of such
3 section and shall be deemed repealed therewith; provided, further, that
4 the amendments to article 1-A of the legislative law, made by this act,
5 shall not affect the repeal of such article pursuant to chapter 2 of the
6 laws of 1999, as amended, and shall be deemed repealed therewith;
7 provided, further, that sections thirteen and fourteen of this act shall
8 take effect January 1, 2006 and shall be deemed repealed July 31, [2016]
9 2021; provided, further, that effective immediately, the advisory coun-
10 cil on procurement lobbying created pursuant to section twelve of this
11 act shall be constituted no later than sixty days following the effec-
12 tive date of this act, provided that effective sixty days following the
13 effective date of this act, the advisory council on procurement lobbying
14 shall be authorized to establish model guidelines and to add, amend
15 and/or repeal any rules or regulations necessary for the implementation
16 of its duties under sections twelve and thirteen of this act, and the
17 advisory council authorized to make and complete such model guidelines
18 on or before the effective date of section thirteen of this act;
19 provided, further, that procurement contracts for which bid solicita-
20 tions have been issued prior to the effective date of this act shall be
21 awarded pursuant to the provisions of law in effect at the time of issu-
22 ance.

23 § 2-a. Subdivision 12 of section 163 of the state finance law, as
24 added by chapter 83 of the laws of 1995, is amended to read as follows:

25 12. Review by the office of the state comptroller. Review by the
26 office of the state comptroller shall be in accordance with section one
27 hundred twelve of this chapter. If the contracting agency has not
28 complied with one or more provisions of this article, the state comp-
29 troller may approve the awarded contract if:

30 a. the contracting agency determines and certifies, based on clear and
31 convincing evidence, that the noncompliance was a non-material deviation
32 from one or more provisions of this article. For the purposes of this
33 subdivision "non-material deviation" shall mean that such noncompliance
34 did not prejudice or favor any vendor or potential vendor, such noncom-
35 pliance did not substantially affect the fairness of the competitive
36 process, and that a new procurement would not be in the best interest of
37 the state. Such determination by the contracting agency and the state
38 comptroller shall be documented in the procurement record; and

39 b. the state comptroller concurs in such determination.

40 § 2-b. Paragraph (a) of subdivision 2 of section 112 of the state
41 finance law, as amended by section 18 of part L of chapter 55 of the
42 laws of 2012, is amended to read as follows:

43 (a) Before any contract made for or by any state agency, department,
44 board, officer, commission, or institution, except the office of general
45 services, shall be executed or become effective, whenever such contract
46 exceeds fifty thousand dollars in amount and before any contract made
47 for or by the office of general services shall be executed or become
48 effective, whenever such contract exceeds eighty-five thousand dollars
49 in amount, it shall first be approved by the comptroller and filed in
50 his or her office, with the exception of contracts established as a
51 centralized contract through the office of general services [and
52 purchase orders or other procurement transactions issued under such
53 centralized contracts] that were not awarded pursuant to subdivision
54 sixteen of section one hundred sixty-three of this chapter. The comp-
55 troller shall make a final written determination with respect to
56 approval of such contract within ninety days of the submission of such

1 contract to his or her office unless the comptroller shall notify, in
2 writing, the state agency, department, board, officer, commission, or
3 institution, prior to the expiration of the ninety day period, and for
4 good cause, of the need for an extension of not more than fifteen days,
5 or a reasonable period of time agreed to by such state agency, depart-
6 ment, board, officer, commission, or institution and provided, further,
7 that such written determination or extension shall be made part of the
8 procurement record pursuant to paragraph f of subdivision one of section
9 one hundred sixty-three of this chapter.

10 § 2-c. Section 163 of the state finance law is amended by adding a new
11 subdivision 16 to read as follows:

12 16. Alternative procurement methods for the acquisition of non-con-
13 struction related commodities, services and technology. a. When the
14 commissioner or a state agency determines that it is in the best inter-
15 est of the state to develop a procurement method not authorized by this
16 section for non-construction related commodities, services or technolo-
17 gy, the commissioner or state agency is hereby authorized to develop and
18 use such method for a specific contract award. Such determination shall
19 be made in writing and shall include documentation for the procurement
20 record that such alternative procurement method: (i) would serve the
21 interest of the state better than other methods currently available
22 under this section; (ii) can be applied on a competitive, fair and equi-
23 table basis; and (iii) contains an appropriate evaluation methodology
24 that considers both cost and qualitative evaluation factors. Such
25 alternative procurement method shall be subject to all other applicable
26 provisions of this section. The commissioner or a state agency may not
27 undertake an alternative procurement method until the comptroller has
28 determined that the proposed alternative procurement method is in the
29 best interest of the state; can be applied on a competitive, fair and
30 equitable basis; and utilizes an appropriate evaluation methodology that
31 considers both cost and qualitative evaluation factors.

32 b. When using an alternative procurement method authorized by this
33 subdivision, the commissioner or agency shall include in its sollicita-
34 tion a detailed description of the proposed method of award. In advance
35 of the initial receipt of offers or bids, the commissioner or state
36 agency shall determine and document in the procurement record the evalu-
37 ation criteria and process to be used in the determination of the
38 specific contract award and the process by which the evaluation and
39 selection shall be conducted. In addition to the requirements set forth
40 in paragraph g of subdivision nine of this section, the procurement
41 record shall document the basis upon which the agency has determined
42 that potential vendors will be able to respond with viable bids to such
43 alternative procurement.

44 c. Notwithstanding the provisions of subdivision five of section three
45 hundred fifty-five of the education law to the contrary or section
46 sixty-two hundred eighteen of the education law, before any contract
47 awarded under this section which exceeds fifty thousand dollars in
48 amount becomes effective it must be approved by the comptroller and
49 filed in his or her office.

50 d. For each procurement awarded pursuant to this section, the commis-
51 sioner or state agency shall submit to the governor, the comptroller and
52 the heads of the fiscal committees of each house of the state legisla-
53 ture no later than the mid-point of the initial term of the resultant
54 contract a report assessing the validity of the procurement method and
55 comparing its results to procurement methods for commodities or services
56 or technology.

1 § 2-d. Paragraph c of subdivision 9 of section 163 of the state
2 finance law, as amended by chapter 137 of the laws of 2008, is amended
3 to read as follows:

4 c. Where provided in the solicitation, state agencies may require
5 clarification from [offerers] offerors for purposes of assuring a full
6 understanding of responsiveness to the solicitation requirements. Where
7 provided for in the solicitation, revisions may be permitted from all
8 [offerers] offerors determined to be susceptible of being selected for
9 contract award, prior to award. [Offerers] Offerors shall be accorded
10 fair and equal treatment with respect to their opportunity for
11 discussion and revision of offers. [A state agency shall, upon request,
12 provide a debriefing to any unsuccessful offerer that responded to a
13 request for proposal or an invitation for bids, regarding the reasons
14 that the proposal or bid submitted by the unsuccessful offerer was not
15 selected for an award. The opportunity for an unsuccessful offerer to
16 seek a debriefing shall be stated in the solicitation, which shall
17 provide a reasonable time for requesting a debriefing.]

18 § 2-e. Subdivision 9 of section 163 of the state finance law is
19 amended by adding a new paragraph h to read as follows:

20 h. (i) Within fifteen days of the selection of a successful offeror by
21 a state agency and prior to the submission for approval of a contract to
22 the office of the state comptroller if that contract is subject to the
23 approval of the comptroller, all unsuccessful offerors shall be advised
24 in writing of the completion of the selection process and that their
25 offer was not selected for this award. This notice shall disclose the
26 identity of the successful offeror.

27 (ii) For any contract established as a centralized contract by the
28 office of general services, within fifteen days of selection of the
29 successful offeror by the office of general services, all unsuccessful
30 offerors shall be advised in writing of the completion of the selection
31 process and that their offer was not selected for award. This notice
32 shall disclose the identity of the successful offeror.

33 (iii) Each request for proposals or invitation for bids shall state
34 that each unsuccessful offeror that responded to such request or invita-
35 tion shall be provided an opportunity for a debriefing by the state
36 agency seeking such proposals or bids if such a request is made within
37 fifteen days of written notification that such offeror was not selected
38 for award.

39 (iv) The state agency, upon a request made within fifteen days of its
40 written notice to unsuccessful offerors pursuant to subparagraph (i) or
41 (ii) of this paragraph by an unsuccessful offeror, shall provide an
42 opportunity for an in-person, or if necessary a video-conferenced
43 debriefing discussion with agency personnel who were involved in and are
44 knowledgeable about the procurement evaluation process within thirty
45 days of such request. Such debriefing, shall include, but need not be
46 limited to: (A) the reasons that the proposal or bid submitted by the
47 unsuccessful offeror was not selected for award; (B) the qualitative and
48 quantitative analysis employed by the agency in assessing the relative
49 merits of the offers; (C) the application of each of the selection
50 criteria to the unsuccessful offeror's proposal or bid; and (D) the
51 reasons for the selection of the winning proposal or bid. Such personnel
52 shall also provide, to the extent practicable, advice and guidance to
53 the unsuccessful offeror concerning methods of improving proposals or
54 bids by such offeror.

55 (v) The state agency shall provide an unsuccessful offeror a thorough
56 written explanation detailing the information discussed during the

1 debriefing conducted pursuant to subparagraph (iv) of this paragraph if
2 such a written explanation is requested by an unsuccessful offeror with-
3 in fifteen days of such debriefing. The state agency shall provide such
4 unsuccessful offeror with such written explanation within thirty days of
5 receiving such a request.

6 § 2-f. Subdivision 15 of section 163 of the state finance law is
7 amended by adding a new paragraph d to read as follows:

8 d. In addition to other reports required by this subdivision, the
9 commissioner of general services shall prepare a report on the savings
10 achieved from all contracts established as a centralized contract
11 through the office of general services pursuant to this section, the
12 impact of such contracts on small, minority and women-owned and
13 service-disabled veteran-owned business enterprises, and the effective-
14 ness of such contracts in fulfilling the purchasing needs of all author-
15 ized users of such contracts. Such report shall be submitted by such
16 commissioner to the governor, the state comptroller, and the heads of
17 the fiscal committees of each house of the state legislature no later
18 than January fifteenth, two thousand seventeen, and thereafter annually
19 on or before such date.

20 § 2-g. Subdivision 3 of section 112 of the state finance law, as
21 amended by chapter 319 of the laws of 1992, is amended to read as
22 follows:

23 3. A contract or other instrument wherein the state or any of its
24 officers, agencies, boards or commissions agrees to give a consideration
25 other than the payment of money, when the value or reasonably estimated
26 value of such consideration exceeds [ten] twenty-five thousand dollars,
27 shall not become a valid enforceable contract unless such contract or
28 other instrument shall first be approved by the comptroller and filed in
29 his office. For purposes of this subdivision, where consideration cannot
30 be determined in terms of monetary value, it shall be valued in terms of
31 intrinsic value.

32 § 2-h. Paragraph f of subdivision 1 of section 139-j of the state
33 finance law, as amended by chapter 4 of the laws of 2010, is amended to
34 read as follows:

35 f. "Restricted period" shall mean the period of time commencing with
36 the earliest written notice, advertisement or solicitation of a request
37 for proposal, invitation for bids, or solicitation of proposals, or any
38 other method provided for by law or regulation for soliciting a response
39 from [offerers] offerors intending to result in a procurement contract
40 with a governmental entity and ending with the final contract award and
41 approval by the governmental entity and, where applicable, the state
42 comptroller. A governmental entity's determination of a procurement
43 need, including pursuant to subdivision five of section one hundred
44 sixty-three of this chapter, shall not, without public notice, adver-
45 tisement, solicitation, or invitation for bids or proposals in the
46 state's procurement opportunities newsletter in accordance with article
47 four-C of the economic development law, a governmental entity's website,
48 or as otherwise provided for by law, rule or regulation, be deemed to
49 commence a restricted period.

50 § 3. This act shall take effect immediately and shall be deemed to
51 have been in full force and effect on and after April 1, 2016; provided,
52 however, that the provisions of sections two-a, two-c, two-d, two-e,
53 two-f, two-g and two-h of this act shall apply to any procurement initi-
54 ated on or after such date; provided, further however, that the amend-
55 ments to section 163 of the state finance law made by sections two-a,
56 two-c, two-d, two-e and two-f of this act shall not affect the repeal of

1 such section as provided in subdivision 5 of section 362 of chapter 83
2 of the laws of 1995, as amended, and shall be deemed repealed therewith;
3 provided, further, however, that the amendments to section 139-j of the
4 state finance law made by section two-h of this act shall not affect the
5 repeal of such section as provided in section 16 of chapter 1 of the
6 laws of 2005, as amended, and shall be deemed repealed therewith.

7

PART G

8 Section 1 - 23. Intentionally omitted.

9 § 24. Section 167 of the workers' compensation law, as added by chap-
10 ter 446 of the laws of 2006, is amended to read as follows:11 § 167. Claims of volunteers. For persons who participated in World
12 Trade Center rescue, recovery and clean-up operations as volunteers, the
13 uninsured employers' fund shall be deemed to be the employer [only] for
14 the purposes of administering and paying claims pursuant to this arti-
15 cle. Benefits under this chapter shall be payable to such volunteers
16 [only] in the first instance and to the extent that funds are available
17 out of funds appropriated to the United States Department of Labor under
18 Public Law 109-148 to reimburse the uninsured employer's fund for the
19 payment of such benefits and thereafter from the uninsured employers'
20 fund. The uninsured employers' fund may pay for volunteers' medical
21 treatment notwithstanding such medical expenses having been denied by
22 the World Trade Center Health Organization.

23 § 25 - 39. Intentionally omitted.

24 § 40. This act shall take effect immediately.

25

PART H

26 Section 1. Subdivision 2 of section 76 of the workers' compensation
27 law, as added by chapter 600 of the laws of 1949, is amended to read as
28 follows:29 2. The purposes of the state insurance fund herein created are hereby
30 enlarged to provide [for the] insurance [by the state insurance fund of]
31 for the payment of the benefits required by section two hundred four of
32 this chapter, including benefits for family care provided either in the
33 same policy with or in a separate policy from benefits for disability
34 resulting from injury, sickness or pregnancy of an employee, and as
35 provided pursuant to section two hundred eleven-a of this chapter. A
36 separate fund is hereby created within the state insurance fund, which
37 shall be known as the "disability benefits fund", and which shall
38 consist of all premiums received and paid into said fund on account of
39 such insurance, all securities acquired by and through the use of moneys
40 belonging to said fund and of interest earned upon moneys belonging to
41 said fund and deposited or invested as herein provided. Said disability
42 benefits fund shall be applicable to the payment of benefits, expenses
43 and assessments on account of insurance written pursuant to article nine
44 of this chapter.45 § 2. Section 88-c of the workers' compensation law, as added by chap-
46 ter 103 of the laws of 1981, is amended to read as follows:47 § 88-c. Coverage of state employees. Notwithstanding any other
48 provisions of law to the contrary and except as set forth in section two
49 hundred eleven-a of this chapter, the liability of the state for the
50 payment of compensation under this chapter heretofore existing or here-
51 inafter arising shall be secured by an insuring agreement to be entered
52 into between the department of civil service and the state insurance

1 fund wherein the state, from moneys appropriated therefor, shall pay in
2 advance to the fund on a periodic basis the actual costs to the fund for
3 the meeting and paying, as the same become due and payable, all obli-
4 gations incurred under this chapter by the state as an employer.
5 Notwithstanding any law to the contrary, the fund may on an actuarially
6 sound basis provide to the state insurance for any portion of the obli-
7 gations of the state as employer under this chapter with respect to
8 injuries or deaths resulting from accidents arising out of and in the
9 course of employment on or after April first, nineteen hundred eighty-
10 one. All such payments made by the state and paid into the state fund
11 shall constitute a separate account in the fund to be used solely for
12 the purpose of discharging all compensation obligations of the state
13 pursuant to the provisions of this chapter and in accordance with the
14 insuring agreement as provided in this section. Any portion of the
15 account may be invested in the same manner as the assets of the fund as
16 provided in section eighty-seven of this article. The liability of the
17 fund for the payment of any claims or the meeting of any obligations of
18 the state as an employer as provided in this chapter shall not exceed
19 the moneys paid into such separate account and any increments or diminu-
20 tions thereof. The agreement shall further provide that the fund shall
21 render all services and make all reasonable expenditures necessary or
22 required for the processing, defense and payment of all claims under
23 this chapter, including the protection of liens, subrogation, credit and
24 other rights of the state as an employer or the fund as an insurer, in
25 situations where the employees' injuries or deaths were caused by culpa-
26 bility of third parties. Except to the extent that the state obtains
27 insurance on an actuarially sound basis pursuant to the provisions of
28 this section, the provisions of section eighty-six of this chapter with
29 respect to the maintenance of reserves for the purpose of meeting antic-
30 ipated compensation losses, shall not in any manner be applicable to
31 claims of employees of the state with respect to injuries or deaths
32 resulting from accidents arising out of and in the course of employment
33 prior to April first, nineteen hundred eighty-one, or to an insuring
34 agreement entered into between the state insurance fund and the depart-
35 ment of civil service in accordance with the provisions of this section.

36 § 3. The section heading and the first undesignated paragraph of
37 section 120 of the workers' compensation law, as amended by chapter 61
38 of the laws of 1989, are amended to read as follows:

39 Discrimination against employees [who bring proceedings]. It shall be
40 unlawful for any employer or his or her duly authorized agent to
41 discharge or fail to reinstate pursuant to section two hundred three-b
42 of this chapter, or in any other manner discriminate against an employee
43 as to his or her employment because such employee has claimed or
44 attempted to claim compensation from such employer, or claimed or
45 attempted to claim any benefits provided under this chapter, or because
46 he or she has testified or is about to testify in a proceeding under
47 this chapter and no other valid reason is shown to exist for such action
48 by the employer.

49 § 4. Subdivision 1 of section 141-a of the workers' compensation law,
50 as added by chapter 6 of the laws of 2007, is amended to read as
51 follows:

52 § 141-a. Civil enforcement. 1. To investigate violations of sections
53 fifty-two [and], one hundred thirty-one, and two hundred thirteen of
54 this chapter, the chair or his or her designees shall have the power to:

55 (a) Enter and inspect any place of business at any reasonable time for
56 the purpose of investigating employer compliance.

1 (b) Examine and copy business records.

2 (c) Administer oaths and affirmations.

3 (d) Issue and serve subpoenas for attendance of witnesses or
4 production of business records, books, papers, correspondence, memoran-
5 da, and other records. Such subpoenas may be served without the state on
6 any defendant over whom a New York court would have personal jurisdic-
7 tion under the civil practice law and rules as to the subject matter
8 under investigation, provided the information or testimony sought bears
9 a reasonable relationship to the subject matter under investigation.

10 § 5. Subdivision 9 of section 201 of the workers' compensation law is
11 amended by adding two new paragraphs C and D to read as follows:

12 C. "Disability" also includes family care, as defined in subdivision
13 fifteen of this section.

14 D. Unless otherwise set forth in this article, all provisions of this
15 article applicable to "disability" shall apply to (i) disability arising
16 from injury or sickness; (ii) disability caused by or in connection with
17 pregnancy; and (iii) family care. Unless otherwise set forth in this
18 article, all provisions of this article applicable to a "disabled
19 employee" shall apply to employees in need of time off for the purposes
20 of subparagraphs (i), (ii) and (iii) of this paragraph.

21 § 6. Subdivision 14 of section 201 of the workers' compensation law,
22 as added by chapter 600 of the laws of 1949 and as renumbered by chapter
23 438 of the laws of 1964, is amended to read as follows:

24 14. "A day of disability" means any day on which the employee was
25 prevented from performing work because of disability, including any day
26 which the employee uses for family care, and for which [he] the employee
27 has not received his or her regular remuneration.

28 § 7. Section 201 of the workers' compensation law is amended by adding
29 twelve new subdivisions 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25 and
30 26 to read as follows:

31 15. "Family care" shall mean any leave taken by an employee from work:

32 A. to participate in providing care, including physical or psycholog-
33 ical care, for a family member of the employee made necessary by a seri-
34 ous health condition of the family member; or

35 B. to bond with the employee's child during the first twelve months
36 after the child's birth, or the first twelve months after the placement
37 of the child for adoption or foster care with the employee.

38 C. because of any qualifying exigency as interpreted under the Family
39 and Medical Leave Act, 29 U.S.C. § 2612(a)(1)(E) and 29 C.F.R. §
40 825.126(a)(1)-(8), arising out of the fact that the spouse, domestic
41 partner, child, or parent of the employee is on active duty (or has been
42 notified of an impending call or order to active duty) in the armed
43 forces of the United States.

44 16. "Child" means a biological, adopted or foster child, a step-child,
45 a legal ward or a child of a person who stands in parental relationship
46 to the child.

47 17. "Domestic partner" has the meaning set forth in subdivision one of
48 section four of this chapter.

49 18. "Serious health condition" means an illness, injury, impairment,
50 or physical or mental condition that:

51 A. requires inpatient care in a hospital, hospice or residential
52 health care facility; or

53 B. requires continuing treatment by a health care provider.

54 19. "Parent" means biological or adoptive parent, foster parent, step-
55 parent, parent-in-law, or person who stood in parental relationship to
56 an employee.

1 20. "Family member" means a child, spouse, domestic partner, parent,
2 grandchild, grandparent, sibling or parent of a spouse or domestic part-
3 ner.

4 21. "Parental relationship" is a relationship in which a person
5 assumes the obligations incident to parenthood for a child and actually
6 discharges those obligations, or a relationship in which a person
7 assumed those obligations and discharged them before the child attained
8 adulthood. A biological or legal relationship is not necessary.

9 22. "Grandchild" means the child of a child.

10 23. "Health care provider" means a health care practitioner who is
11 licensed under relevant federal or state laws to provide medical, emer-
12 gency or health services and is treating an employee's disability
13 resulting from injury, sickness or pregnancy, or a family member for a
14 serious health condition. For an employee or a family member who
15 adheres to the faith or teachings of any church or denomination and who
16 in accordance with its creed, tenets or principles depends for healing
17 upon prayer through spiritual means alone in the practice of religion,
18 "health care provider" includes a practitioner duly accredited by the
19 church or denomination who is providing care to the employee or family
20 member.

21 24. "Family care cost" shall mean:

22 A. prior to July first, two thousand eighteen, up to forty-five cents
23 per week; and

24 B. during every subsequent year commencing on July first such maximum
25 amount as shall be set by regulation of the superintendent of financial
26 services following consultation with the family care advisory council by
27 April first of the same year based on the superintendent's actuarially
28 sound estimation of the cost per employee of providing family care bene-
29 fits, but in no event more than one hundred fifteen percent of such
30 estimation of the cost per employee of providing family care benefits
31 through the state insurance fund.

32 25. "Grandparent" means the parent of a parent.

33 26. "Sibling" means a brother or a sister, whether related through
34 half blood, whole blood or adoption or a step-sibling.

35 § 8. The workers' compensation law is amended by adding a new section
36 203-a to read as follows:

37 § 203-a. Retaliatory action prohibited. 1. The provisions of section
38 one hundred twenty of this chapter and section two hundred forty-one of
39 this article shall be applicable to family care leave as fully as if set
40 forth in this section.

41 2. Nothing in this section shall be deemed to diminish the rights,
42 privileges, or remedies of any employee under any collective bargaining
43 agreement or employment contract.

44 § 9. The workers' compensation law is amended by adding a new section
45 203-b to read as follows:

46 § 203-b. Family care leave. Any eligible employee of a covered employ-
47 er who takes leave under this section shall be entitled, on return from
48 such leave, to be restored by the employer to the position of employment
49 held by the employee when the leave commenced, or to be restored to a
50 comparable position with comparable employment benefits, pay and other
51 terms and conditions of employment. The taking of leave for the purpose
52 of family care shall not result in the loss of any employment benefit
53 accrued prior to the date on which the leave commenced. Nothing in this
54 section shall be construed to entitle any restored employee to the
55 accrual of any seniority or employment benefits during any period of
56 leave, or any right, benefit or position to which the employee would

1 have been entitled had the employee not taken the leave. A violation of
2 this section shall be a violation of section one hundred twenty of this
3 chapter and all remedies and penalties available under section one
4 hundred twenty of this chapter shall be available for violations of this
5 section as fully as if set forth in this section.

6 § 10. The workers' compensation law is amended by adding a new section
7 203-c to read as follows:

8 § 203-c. Health insurance during family leave. In accordance with the
9 Family and Medical Leave Act (29 U.S.C. §§ 2601-2654), during any period
10 of family leave the employer shall maintain any existing health benefits
11 of the employee in force for the duration of such leave as if the
12 employee had continued to work from the date he or she commenced family
13 leave until the date he or she returns to employment.

14 § 11. Subdivision 1 of section 204 of the workers' compensation law,
15 as added by chapter 600 of the laws of 1949, is amended and two new
16 subdivisions 3 and 4 are added to read as follows:

17 1. Disability benefits shall be payable to an eligible employee for
18 disabilities commencing after June thirtieth, nineteen hundred fifty,
19 beginning with the eighth consecutive day of disability and thereafter
20 during the continuance of disability, subject to the limitations as to
21 maximum and minimum amounts and duration and other conditions and limi-
22 tations in this section and in sections two hundred five and two hundred
23 six of this article. When an employee is eligible to receive benefits
24 for family care reasons immediately after receiving benefits for the
25 employee's own injury, sickness or pregnancy, benefits shall be payable
26 to the employee beginning on the first day of eligible family care.
27 Successive periods of disability caused by the same or related injury or
28 sickness or reason for family care shall be deemed a single period of
29 disability only if separated by less than three months.

30 3. The weekly benefit which the disabled employee is entitled to
31 receive for disability commencing on or after January first, two thou-
32 sand seventeen shall be two-thirds of the employee's average weekly
33 wage, but in no case shall such benefit exceed fifty percent of the
34 statewide average weekly wage as determined by the state department of
35 labor pursuant to subdivision sixteen of section two of this chapter.
36 The weekly benefit which the disabled employee is entitled to receive
37 for disability commencing on or after April first, two thousand eighteen
38 shall be two-thirds of the employee's average weekly wage, but in no
39 case shall such benefit exceed fifty-five percent of the statewide aver-
40 age weekly wage as determined by the state department of labor pursuant
41 to subdivision sixteen of section two of this chapter. The weekly bene-
42 fit which the disabled employee is entitled to receive for disability
43 commencing on or after April first, two thousand nineteen shall be two-
44 thirds of the employee's average weekly wage but in no case shall such
45 benefit exceed sixty percent of the statewide average weekly wage as
46 determined by the state department of labor pursuant to subdivision
47 sixteen of section two of this chapter. The weekly benefit which the
48 disabled employee is entitled to receive for disability commencing on or
49 after April first, two thousand twenty and subsequently shall be two-
50 thirds of the employee's average weekly wage but in no case shall such
51 benefit exceed sixty-seven percent of the statewide average weekly wage
52 as determined by the state department of labor pursuant to subdivision
53 sixteen of section two of this chapter. For disability commencing on or
54 after January first, two thousand seventeen, the weekly benefit for a
55 disabled employee who is concurrently eligible for benefits in the
56 employment of more than one covered employer shall, within the maximum

1 herein provided, be two-thirds of the total of the employee's average
2 weekly wages received from all such covered employers, and shall be
3 allocated in the proportion of their respective average weekly wage
4 payments.

5 4. Notwithstanding any contrary provisions in this article, an employ-
6 ee shall be entitled to take leave for family care under this article on
7 an intermittent or reduced leave schedule, except that an employee shall
8 not be entitled to intermittent or reduced leave to provide family care
9 under paragraph A of subdivision fifteen of section two hundred one of
10 this article unless shown to be medically necessary. The employee shall
11 make a reasonable effort to schedule intermittent or reduced leave so as
12 not to unduly disrupt the operations of the employer. Leave taken on an
13 intermittent or reduced leave schedule shall not result in a reduction
14 of the total amount of leave to which an employee is entitled under this
15 article beyond the amount of leave actually taken.

16 § 12. Subdivisions 1, 2, 3, 4, 7 and 8 of section 205 of the workers'
17 compensation law, subdivision 1 as amended by chapter 651 of the laws of
18 1958, subdivision 2 as amended by chapter 270 of the laws of 1990 and
19 subdivisions 3, 4, 7 and 8 as added by chapter 600 of the laws of 1949
20 and as renumbered by chapter 352 of the laws of 1981, are amended and a
21 new subdivision 9 is added to read as follows:

22 1. (a) For disability resulting from injury, sickness or pregnancy of
23 an employee, for more than twenty-six weeks during a period of fifty-two
24 consecutive calendar weeks or during any one period of disability; or
25 (b) For family care, for more than twelve weeks during a period of
26 fifty-two consecutive calendar weeks or during any one period of family
27 care;

28 2. for any period of disability resulting from the injury, sickness or
29 pregnancy of an employee during which an employee is not under the care
30 of a [duly licensed physician or with respect to disability resulting
31 from a condition of the foot which may lawfully be treated by a duly
32 registered and licensed podiatrist of the state of New York or with
33 respect to a disability resulting from a condition which may lawfully be
34 treated by a duly registered and licensed chiropractor of the state of
35 New York or with respect to a disability resulting from a condition
36 which may lawfully be treated by a duly licensed dentist of the state of
37 New York or with respect to a disability resulting from a condition
38 which may lawfully be treated by a duly registered and licensed psychol-
39 ogist of the state of New York or with respect to a disability resulting
40 from a condition which may lawfully be treated by a duly certified nurse
41 midwife, for any period of such disability during which an employee is
42 neither under the care of a physician nor a podiatrist, nor a chiroprac-
43 tor, nor a dentist, nor a psychologist, nor a certified nurse midwife;
44 and for any period of disability during which an employee who adheres to
45 the faith or teachings of any church or denomination and who in accord-
46 ance with its creed, tenets or principles depends for healing upon pray-
47 er through spiritual means alone in the practice of religion, is not
48 under the care of a practitioner duly accredited by the church or denom-
49 ination, and provided such employee shall submit to all physical exam-
50 inations as required by this chapter.] health care provider;

51 3. for any disability resulting from injury or sickness of an employee
52 occasioned by the wilful intention of the employee to bring about injury
53 to or the sickness of himself or another, or resulting from any injury
54 or sickness sustained in the perpetration by the employee of an illegal
55 act;

1 4. for any day of disability during which the employee performed work
2 for remuneration or profit; but not including any remuneration received
3 for caring for a foster or adopted child or other individual residing in
4 the employee's place of residence;

5 7. for any disability due to any act of war, declared or undeclared,
6 if such act shall occur after June thirtieth, nineteen hundred fifty,
7 except that nothing in this subdivision shall bar an employee from
8 receiving benefits under this article for care of a family member disa-
9 bled due to an act of war;

10 8. for any disability resulting from an injury, sickness or pregnancy
11 of the employee commencing before the employee becomes eligible to bene-
12 fits hereunder [or commencing prior to July first, nineteen hundred
13 fifty, but this shall not preclude benefits for recurrence after July
14 first, nineteen hundred fifty, of a disability commencing prior there-
15 to.];

16 9. for any day of absence from work resulting from injury, sickness or
17 pregnancy of the employee taken under section seventy-one or seventy-
18 three of the civil service law.

19 § 13. The workers' compensation law is amended by adding a new section
20 205-a to read as follows:

21 § 205-a. Relationship between disability benefits for family care and
22 for the employee's own injury, sickness or pregnancy. 1. The receipt of
23 benefits for disability resulting from injury, sickness or pregnancy of
24 the employee, shall not count toward any time limitation under subdivi-
25 sion one of section two hundred five of this article on the receipt of
26 benefits for family care, and the receipt of benefits for family care
27 shall not count toward any time limitation under subdivision one of
28 section two hundred five of this article on the receipt of benefits for
29 disability resulting from injury, sickness or pregnancy to the employee,
30 except that an employee may receive disability benefits on only one
31 claim at any time.

32 2. An employer may require that an individual who is entitled to leave
33 under the provisions of the family and medical leave act of 1993, 29
34 U.S.C. Sec. 2601 et seq. shall take any family care benefits provided
35 under this article concurrently with leave taken pursuant to the family
36 and medical leave act.

37 § 13-a. Subdivision 1 of section 208 of the workers' compensation law,
38 as amended by chapter 314 of the laws of 2010, is amended to read as
39 follows:

40 1. Benefits provided under this article shall be paid periodically and
41 promptly and, except as to a contested period of disability, without any
42 decision by the board. [The] For disability as defined in paragraphs A
43 and B of subdivision nine of section two hundred one of this article,
44 the first payment of benefits shall be due on the fourteenth day of
45 disability and benefits for that period shall be paid directly to the
46 employee within four business days thereafter or within four business
47 days after the filing of required proof of claim, whichever is the
48 later. For disability as defined in paragraphs C and D of subdivision
49 nine of section two hundred one of this article, the first payment of
50 benefits shall be due on the first day of eligible family care and bene-
51 fits for that period shall be paid directly to the employee within four
52 business days thereafter or within four business days after the filing
53 of required proof of claim, whichever is later. Thereafter benefits
54 shall be due and payable bi-weekly in like manner. The chairman may
55 determine that benefits may be paid monthly or semi-monthly if wages
56 were so paid, and may authorize deviation from the foregoing require-

1 ments to facilitate prompt payment of benefits. Any inquiry which
2 requires the employee's response in order to continue benefits uninter-
3 rupted or unmodified shall provide a reasonable time period in which to
4 respond and include a clear and prominent statement of the deadline for
5 responding and consequences of failing to respond.

6 § 14. Subdivisions 3 and 5 of section 209 of the workers' compensation
7 law, subdivision 3 as amended by chapter 415 of the laws of 1983, and
8 subdivision 5 as added by chapter 600 of the laws of 1949, are amended
9 to read as follows:

10 3. The contribution of each such employee to the cost of disability
11 benefits provided by this article shall be one-half of one per centum of
12 the employee's wages paid to him on and after July first, nineteen
13 hundred fifty, but not in excess of sixty cents per week for the cost of
14 disability benefits for injury, sickness or pregnancy of the employee
15 plus the family care cost, as defined in subdivision twenty-four of
16 section two hundred one of this article.

17 5. In collecting employee contributions through payroll deductions,
18 the employer shall act as the agent of his or her employees and shall
19 use the contributions only to provide disability benefits as required by
20 this article. In no event may the employee's annual contribution for
21 family leave exceed his or her pro rata share of the actual annual
22 premium charged for the same year. After June thirtieth, nineteen
23 hundred fifty, if the employer is not providing, or to the extent that
24 he or she is not then providing, for the payment of disability benefits
25 to his or her employees by insuring with the state fund or with another
26 insurance carrier, he or she shall keep the contributions of his employ-
27 ees as trust funds separate and apart from all other funds of the
28 employer. The payment of such contributions by the employer to a carrier
29 providing for the payment of such benefits shall discharge the employer
30 from responsibility with respect to such contributions.

31 § 14-a. Section 210 of the workers' compensation law, as added by
32 chapter 600 of the laws of 1949, is amended to read as follows:

33 § 210. Employer contributions. 1. Every covered employer shall, on and
34 after January first, nineteen hundred fifty, contribute the cost of
35 providing [disability] benefits for disability resulting from injury,
36 sickness or pregnancy in excess of the contributions collected from his
37 employees, to the extent and in the manner provided in this article.

38 2. The special contribution of each covered employer to the accumu-
39 lation of funds to provide benefits for disabled unemployed shall be as
40 provided in subdivision one of section two hundred fourteen of this
41 article.

42 3. The contribution of every covered employer to the cost of providing
43 [disability] benefits for disability resulting from injury, sickness or
44 pregnancy after June thirtieth, nineteen hundred fifty, shall be the
45 excess of such cost over the amount of the contributions of his employ-
46 ees.

47 4. No profit shall be derived by any employer or association of
48 employers or of employees from providing payment of disability benefits
49 under this article. All funds representing contributions of employers
50 and employees, and increments thereon, held by employers or associations
51 of employers or of employees authorized or permitted to pay benefits
52 under the provisions of this article, and by trustees paying benefits
53 under plans or agreements meeting the requirements of section two
54 hundred eleven of this article, shall be trust funds and shall be
55 expended only to provide for the payment of benefits to employees and

1 for the costs of administering this article and for the support of the
2 fund established under section two hundred fourteen of this article.

3 § 15. Section 211 of the workers' compensation law is amended by
4 adding two new subdivisions 7 and 8 to read as follows:

5 7. such family care benefits as are provided for in this article shall
6 be in addition to, and shall not amend, repeal or replace, the terms of
7 any agreement that is collectively negotiated between an employer and
8 an employee organization, including agreement or interest arbitration
9 awards made pursuant to article fourteen of the civil service law.

10 8. nothing in this article shall require an employer to use the same
11 carrier to provide benefits required by or permissible under this arti-
12 cle for disability resulting from injury, sickness or pregnancy of the
13 employee as it uses to provide benefits required by or permissible under
14 this article for family care. An employer may use a different means,
15 among those set forth in subdivisions one through five of this section,
16 to provide benefits required by this article for disability resulting
17 from injury, sickness or pregnancy of the employee, from the means used
18 to provide benefits required by this article for family care.

19 § 16. The workers' compensation law is amended by adding a new section
20 211-a to read as follows:

21 § 211-a. Public employees; employee opt in. 1. For purposes of this
22 section, "public employee" means any employee of the state, any poli-
23 tical subdivision of the state, a public authority or any other govern-
24 mental agency or instrumentality. "Public employer" means the state, any
25 political subdivision of the state, a public authority or any other
26 governmental agency or instrumentality thereof. "Employee organization"
27 shall have the meaning set forth in section two hundred one of the civil
28 service law.

29 2. Public employers shall provide benefits for family care to public
30 employees where an employee organization that represents those employees
31 opts in to family care in accordance with the procedures and terms set
32 forth in subdivision three of this section.

33 3. An employee organization may opt in to the family care benefit on
34 behalf of those employees it represents:

35 a. upon notice given prior to April first, two thousand seventeen,
36 which opt in shall become effective only on July first, two thousand
37 seventeen;

38 b. at any time upon ninety days notice for any employer who is not
39 providing disability benefits for injury, sickness or pregnancy of an
40 employee under section two hundred twelve of this article, or who is
41 self-insured for such benefits;

42 c. for any employer who is providing disability benefits for injury,
43 sickness or pregnancy of an employee under section two hundred twelve of
44 this article, upon notice at least ninety days prior to the expiration
45 of the employer's insurance policy for such benefits, which opt in shall
46 be effective only for the time period covered by any subsequent policy
47 or renewal; or

48 d. at any time as is mutually agreed upon between the employee organ-
49 ization and any public employer.

50 An employee organization that has opted in to the family care benefit
51 may opt out of it within the time periods, and effective upon the same
52 dates, set forth in this subdivision.

53 4. In the absence of any contrary statement in a collectively negoti-
54 ated agreement under article fourteen of the civil service law, a public
55 employer may require public employees who opt in under this section to
56 contribute up to the family care cost, as defined in subdivision twen-

1 ty-four of section two hundred one of this article, per week in accord-
2 ance with the procedure set forth in section two hundred nine of this
3 article.

4 5. For public employees who are not represented by an employee organ-
5 ization, the public employer may opt-in to paid family leave benefits
6 within ninety days notice to such public employees. Following opt-in by
7 a public employer for public employees not represented by an employee
8 organization, the public employer may opt-out of paid family leave bene-
9 fits with twelve months notice to those public employees.

10 6. Coverage for family leave benefits may be secured by a public
11 employer, as that term is defined in subdivision one of this section, as
12 permitted by this article, including as applicable section two hundred
13 eleven, subdivision four of section fifty, or section eighty-eight-c of
14 this article.

15 § 17. Subdivisions 1 and 2 of section 212 of the workers' compensation
16 law, subdivision 1 as amended by chapter 740 of the laws of 1960 and
17 subdivision 2 as amended by chapter 120 of the laws of 1969, are amended
18 to read as follows:

19 1. Any employer not required by this article to provide for the
20 payment of disability benefits to his employees, or to any class or
21 classes thereof, may become a covered employer or bring within the
22 provisions of this article such employees or class or classes thereof by
23 voluntarily electing to provide for payment of [such] benefits for disa-
24 bility resulting from injury, sickness or pregnancy of an employee or
25 for family care, or both, in one or more of the ways set forth in
26 section two hundred eleven of this article; but such election shall be
27 subject to the approval of the [chairman] chair, and if the employees
28 are required to contribute to the cost of such benefits the assent with-
29 in thirty days before such approval is granted, of more than one-half of
30 such employees shall be evidenced to the satisfaction of the [chairman]
31 chair. On approval by the [chairman] chair of such election to provide
32 benefits, all the provisions of this article shall become and continue
33 applicable as if the employer were a covered employer as defined in this
34 article. The obligation to continue as a covered employer with respect
35 to employees for whom provision of benefits is not required under this
36 article, may be discontinued by such employer on ninety days notice to
37 the [chairman] chair in writing and to his employees, after he has
38 provided for payment of benefits for not less than one year and with
39 such provision for payment of obligations incurred on and prior to the
40 termination date as the [chairman] chair may approve. Any election by a
41 public employer to provide family care benefits made prior to July
42 first, two thousand seventeen shall be effective on that date.

43 2. Notwithstanding the definition of "employer" and "employment" in
44 section two hundred one of this article, the state, a public authority,
45 a municipal corporation or a fire district or other political subdivi-
46 sion may become a covered employer under this article by complying with
47 the provisions of subdivision one of this section and may discontinue
48 such status only as provided in [that] such subdivision.

49 § 18. Subdivisions 1, 2, 3 and 4 of section 217 of the workers'
50 compensation law, subdivision 1 as amended by chapter 167 of the laws of
51 1999, subdivisions 2 and 3 as amended by chapter 270 of the laws of 1990
52 and subdivision 4 as added by chapter 600 of the laws of 1949, are
53 amended to read as follows:

54 1. Written notice and proof of disability shall be furnished to the
55 employer by or on behalf of the employee claiming benefits or, in the
56 case of a claimant under section two hundred seven of this article, to

1 the chair, within thirty days after commencement of the period of disa-
2 bility. Additional proof shall be furnished thereafter from time to time
3 as the employer or carrier or chair may require but not more often than
4 once each week. Such proof shall include:

5 (a) in the case of disability resulting from injury, sickness or preg-
6 nancy of the employee, a statement of disability by the employee's
7 attending [physician or attending podiatrist or attending chiropractor
8 or attending dentist or attending psychologist or attending certified
9 nurse midwife, or in the case of an employee who adheres to the faith or
10 teachings of any church or denomination, and who in accordance with its
11 creed, tenets or principles depends for healing upon prayer through
12 spiritual means alone in the practice of religion, by an accredited
13 practitioner, containing facts and opinions as to such disability in
14 compliance with regulations of the chair.] health care provider;

15 (b) in the case of family care for bonding with a new child, a birth
16 certificate, certificate of adoption, or other competent evidence show-
17 ing that the employee is the parent of a child within twelve months of
18 that child's birth or placement for adoption or foster care with the
19 employee;

20 (c) in the case of benefits for care of a family member with a serious
21 health condition:

22 (i) a statement by the family member's health care provider, contain-
23 ing facts and opinions as to such health condition in compliance with
24 regulations of the chair; and

25 (ii) a statement subscribed by the employee and affirmed by him or her
26 as true under penalties of perjury, or other equivalent documentary
27 proof, that the employee is a primary care giver for the family member
28 during the time of disability;

29 (d) in the case of benefits due to a military exigency, proof of call
30 to active duty and certification that the leave is for one of the
31 exigencies authorized for leave under regulation of the Family and
32 Medical Leave Act, 29 CFR Sec. 825.309(6).

33 Failure to furnish notice or proof within the time and in the manner
34 above provided shall not invalidate the claim but no benefits shall be
35 required to be paid for any period more than two weeks prior to the date
36 on which the required proof is furnished unless it shall be shown to the
37 satisfaction of the chair not to have been reasonably possible to
38 furnish such notice or proof and that such notice or proof was furnished
39 as soon as possible; provided, however, that no benefits shall be paid
40 unless the required proof of disability is furnished within twenty-six
41 weeks after commencement of the period of disability. No limitation of
42 time provided in this section shall run as against any person who is
43 mentally incompetent, or physically incapable of providing such notice
44 as a result of a serious medical condition, or a minor so long as such
45 person has no guardian of the person and/or property.

46 2. An employee claiming benefits for the employee's injury, sickness
47 or pregnancy shall, as requested by the employer or carrier, submit
48 himself or herself at intervals, but not more than once a week, for
49 examination by a [physician or podiatrist or chiropractor or dentist or
50 psychologist or certified nurse midwife] relevant health care provider
51 designated by the employer or carrier. All such examinations shall be
52 without cost to the employee and shall be held at a reasonable time and
53 place.

54 3. The chair may direct the claimant who seeks disability benefits for
55 his or her injury, sickness or pregnancy, or the claimant's family
56 member where the claimant seeks disability benefits for family leave to

1 provide care to that family member to submit to examination by a [physi-
2 cian or podiatrist or chiropractor or dentist or psychologist] relevant
3 health care provider designated by him or her in any case in which the
4 claim to disability benefits is contested and in claims arising under
5 section two hundred seven of this article, and in other cases as the
6 chair or board may require.

7 4. Refusal of the claimant or family member without good cause to
8 submit to any such examination shall disqualify [him] the claimant from
9 all benefits hereunder for the period of such refusal, except as to
10 benefits already paid.

11 § 19. Section 221 of the workers' compensation law, as separately
12 amended by chapters 425 and 500 of the laws of 1985, is amended to read
13 as follows:

14 § 221. Determination of contested claims for disability benefits.
15 Within twenty-six weeks of written notice of rejection of claim, the
16 employee may file with the [chairman] chair a notice that his or her
17 claim for disability benefits has not been paid, and the employee shall
18 submit proof of disability and of his or her employment, wages and other
19 facts reasonably necessary for determination of the employee's right to
20 such benefits. Failure to file such notice within the time provided,
21 may be excused by the [chairman] chair if it can be shown to the satis-
22 faction of the [chairman] chair not to have been reasonably possible to
23 furnish such notice and that such notice was furnished as soon as possi-
24 ble. On demand of the [chairman] chair the employer or carrier shall
25 forthwith deliver to the [chairman] chair proof of disability, including
26 if relevant the original or a true copy of the [attending physician's or
27 attending podiatrist's or accredited practitioner's] health care provid-
28 er's statement, wage and employment data and all other papers in the
29 possession of the employer or carrier with respect to such claim or
30 complaint.

31 The board shall have full power and authority to determine all issues
32 in relation to every such claim for disability benefits required or
33 provided under this article, and shall file its decision in the office
34 of the [chairman] chair. Upon such filing, the [chairman] chair shall
35 send to the parties a copy of the decision. Either party may present
36 evidence and be represented by counsel at any hearing on such claim.
37 The decision of the board shall be final as to all questions of fact
38 and, except as provided in section twenty-three of this chapter, as to
39 all questions of law. Every decision of the board shall be complied with
40 in accordance with its terms within ten days thereafter except in case
41 of appeal, and any payments due under such decision shall draw simple
42 interest from thirty days after the making thereof at the rate provided
43 in section five thousand four of the civil practice law and rules.

44 § 19-a. Subdivisions 2 and 3 of section 226 of the workers' compen-
45 sation law, as added by chapter 600 of the laws of 1949, are amended to
46 read as follows:

47 2. Every such policy shall contain a provision that, as between the
48 employee and the insurance carrier, the notice to or knowledge of the
49 occurrence of the [injury or sickness] disability on the part of the
50 employer shall be deemed notice or knowledge as the case may be, on the
51 part of the insurance carrier; that jurisdiction of the employer shall,
52 for the purpose of this chapter, be jurisdiction of the insurance carri-
53 er and that the insurance carrier shall in all things be bound by and
54 subject to the orders, findings or decisions rendered in connection with
55 the payment of benefits under the provisions of this article.

1 3. Every such policy shall contain a provision to the effect that the
2 insolvency or bankruptcy of the employer shall not relieve the insurance
3 carrier from the payment of benefits for disability [suffered by an
4 employee] that occurs during the life of such policy.

5 § 20. Subdivisions 1 and 2 of section 229 of the workers' compensation
6 law, subdivision 1 as amended and subdivision 2 as added by chapter 271
7 of the laws of 1985, are amended to read as follows:

8 1. Each covered employer shall post and maintain in a conspicuous
9 place or places in and about the employer's place or places of business
10 typewritten or printed notices in form prescribed by the [chairman]
11 chair, stating that the employer has provided for the payment of disa-
12 bility benefits as required by this article. The [chairman] chair may
13 require any covered employer to furnish a written statement at any time
14 showing the carrier insuring the payment of benefits under this article
15 or the manner in which such employer has complied with section two
16 hundred eleven or any other provision of this article. Failure for a
17 period of ten days to furnish such written statement shall constitute
18 presumptive evidence that such employer has neglected or failed in
19 respect of any of the matters so required. Each covered employer shall
20 provide each employee with a typewritten, printed or electronic notice
21 in a form prescribed by the chair, stating that the employer has
22 provided for the payment of disability benefits as required by this
23 article within thirty days of the effective date of the chapter of the
24 laws of two thousand sixteen which amended this subdivision. Each
25 covered employer shall provide such notice to all new employees within
26 thirty days of their first day of work.

27 2. Whenever an employee of a covered employer who is eligible for
28 benefits under section two hundred four of this article shall be absent
29 from work due to a disability as defined in subdivision nine of section
30 two hundred one of this article for more than seven consecutive days,
31 the employer shall provide the employee with a written statement of the
32 employee's rights under this article in a form prescribed by the [chair-
33 man] chair. The statement shall be provided to the employee within five
34 business days after the employee's seventh consecutive day of absence
35 due to disability or within five business days after the employer knows
36 or should know that the employee's absence is due to disability, which-
37 ever is later.

38 § 21. Section 232 of the workers' compensation law, as amended by
39 chapter 270 of the laws of 1990, is amended to read as follows:

40 § 232. Fees for testimony of [physicians, podiatrists, chiropractors,
41 dentists and psychologists] health care providers. Whenever his or her
42 attendance at a hearing or deposition before the board or its referees
43 is required, the attending physician or attending [podiatrist or attend-
44 ing chiropractor or attending dentist or attending psychologist or
45 attending certified nurse midwife of the disabled employee, except such
46 physicians as are disqualified from testifying pursuant to subdivision
47 one of section thirteen-b, or section nineteen-a of this chapter, and
48 except such podiatrists as are disqualified from testifying under the
49 provisions of section thirteen-k, and except such chiropractors as are
50 disqualified from testifying under the provisions of section thirteen-l,
51 and except such psychologists as are disqualified from testifying under
52 the provisions of section thirteen-m,] health care provider shall be
53 entitled to receive a fee from the carrier or the fund established under
54 section two hundred fourteen, in an amount as directed and fixed by the
55 board, or its referees, and such fee shall be in addition to any witness
56 fee.

1 § 22. The workers' compensation law is amended by adding a new section
2 239-a to read as follows:

3 § 239-a. Family care outreach study and monitoring. 1. The department
4 shall develop and implement a public education campaign to inform work-
5 ers and employers regarding the availability of family care under this
6 chapter. The department's public outreach campaign may include locally
7 tailored public education strategies targeted to new parents and family
8 caregivers who may be eligible for family care under this chapter. As
9 part of the public education program, public officials may maintain a
10 supply of informational leaflets in public buildings, including but not
11 limited to local employment services offices of the department, insti-
12 tutions and facilities under the supervision or control of the depart-
13 ment of health, hospitals, union halls, community centers, schools and
14 local agencies providing services to employers and employees to help
15 ensure that such persons are informed of the availability of family care
16 under this chapter. The department shall make public education informa-
17 tion available in English, Spanish, Chinese, Russian, Italian, Korean,
18 Haitian Creole, and any other languages deemed appropriate by the
19 department.

20 2. The department of financial services shall study, and report to the
21 governor and both houses of the legislature by April first, two thousand
22 seventeen, on the feasibility and impact of community rating disability
23 insurance or any aspect thereof.

24 3. There shall be created the family care advisory council, which
25 shall consist of fifteen members to be appointed by the governor as
26 follows: two on recommendation by the New York state American federation
27 of labor-congress of industrial organizations, one of whom shall be
28 representative of public employee organizations certified under article
29 fourteen of the civil service law, participating in the paid family care
30 plan, one of whom is representative of unions representing workers
31 employed in the private sector; two who are representatives of organiza-
32 tions that represent either covered business or public employers in New
33 York state participating in the paid family leave plan; two on nomi-
34 nation of the speaker of the assembly; one on nomination by the minority
35 leader of the assembly; two on nomination by the temporary president of
36 the senate; one on nomination by the minority leader of the senate; and
37 the superintendent of financial services, commissioner of labor and
38 chair of the workers' compensation board, who shall serve as members ex
39 officio. The commissioner of labor shall serve as chair of the council.
40 The superintendent of financial services and chair of the workers'
41 compensation board shall consult regularly with the council on the
42 implementation of the family care benefit. The department, the depart-
43 ment of financial services and the workers' compensation board shall
44 provide all necessary personnel and logistical support as may be neces-
45 sary to complete the duties of the advisory council. The council or any
46 of its members may issue such recommendations or reports as they deem
47 warranted on the family care benefit, including on the scope of the
48 benefit, problems with the benefit; funding of the benefit including
49 pass-through costs; possible statutory amendments and regulatory chang-
50 es; usage rates; outreach; and community rating. Any such recommenda-
51 tions or reports shall be provided to the governor, superintendent of
52 financial services, speaker of the assembly, temporary president of the
53 senate and minority leaders of the senate and assembly. Each member of
54 the commission shall serve a term of three years. An appointment to fill
55 a vacancy shall be made for the remainder of the affected term. Members
56 shall receive no compensation.



1 § 23. Section 242 of the workers' compensation law, as added by chap-
2 ter 600 of the laws of 1949, is amended to read as follows:

3 § 242. Separability of provisions. 1. If any provision of this act or
4 the application thereof to any person or circumstances is held invalid,
5 the remainder of this act and the application of such provision to other
6 persons or circumstances shall not be affected thereby.

7 2. Nothing in this article shall be interpreted or applied so as to
8 create a conflict with federal law.

9 3. The chair shall have authority to adopt regulations to effectuate
10 any of the provisions of this article.

11 § 24. Paragraph 3 of subsection (a) of section 1113 of the insurance
12 law is amended to read as follows:

13 (3) "Accident and health insurance," means (i) insurance against death
14 or personal injury by accident or by any specified kind or kinds of
15 accident and insurance against sickness, ailment or bodily injury,
16 including insurance providing disability benefits pursuant to article
17 nine of the workers' compensation law, including any insurance under
18 that article for family care benefits, disability benefits resulting
19 from injury, sickness or pregnancy of an employee, or all, except as
20 specified in item (ii) [hereof] of this paragraph; and (ii) non-cancell-
21 able disability insurance, meaning insurance against disability result-
22 ing from sickness, ailment or bodily injury (but excluding insurance
23 solely against accidental injury) under any contract which does not give
24 the insurer the option to cancel or otherwise terminate the contract at
25 or after one year from its effective date or renewal date.

26 § 25. This act shall take effect immediately; provided, however, that:

27 (a) Sections three, five, six, seven, eight, nine, ten, eleven,
28 twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nine-
29 teen, nineteen-a, twenty and twenty-four of this act shall take effect
30 January 1, 2017.

31 (b) Paragraph a of subdivision 3 and subdivision 5 of section 211-a of
32 the workers' compensation law, as added by section sixteen of this act
33 allowing public employees to opt in to family care benefits prior to
34 July 1, 2017 and subdivision 1 of section 212 of the workers' compen-
35 sation law as amended by section seventeen of this act allowing public
36 employers to opt in to family care benefits prior to July 1, 2017, shall
37 take effect immediately.

38 (c) Effective immediately, the addition, amendment and/or repeal of
39 any rules or regulations necessary for the implementation of this act on
40 its effective date are authorized and directed to be made and completed
41 on or before such effective date.

42 PART I

43 Intentionally Omitted

44 PART J

45 Intentionally Omitted

46 PART K

47 Intentionally Omitted

48 PART L

1 Section 1. Paragraph (d) of subdivision 4 of section 209 of the civil
2 service law, as amended by chapter 67 of the laws of 2013, is amended to
3 read as follows:

4 (d) The provisions of this subdivision shall expire [thirty-nine years
5 from July first, nineteen hundred seventy-seven, and hereafter may be
6 renewed every four years] July first, two thousand nineteen.

7 § 2. Intentionally omitted.

8 § 3. This act shall take effect immediately.

9

PART M

10 Section 1. The opening paragraph of subdivision 3 of section 93-b of
11 the state finance law, as added by section 1 of part H of chapter 60 of
12 the laws of 2015, is amended to read as follows:

13 Notwithstanding any other provisions of law to the contrary, for the
14 state fiscal year commencing on April first, two thousand fifteen, and
15 each state fiscal year thereafter, the comptroller is hereby authorized
16 to transfer monies from the dedicated infrastructure investment fund to
17 the general fund, and from the general fund to the dedicated infrastruc-
18 ture investment fund, in an amount determined by the director of the
19 budget to the extent moneys are available in the fund; provided, howev-
20 er, that the comptroller is only authorized to transfer monies from the
21 dedicated infrastructure investment fund to the general fund in the
22 event of an economic downturn as described in paragraph (a) of this
23 subdivision; and/or to fulfill disallowances and/or settlements related
24 to over-payments of federal medicare and medicaid revenues in excess of
25 one hundred million dollars from anticipated levels, as determined by
26 the director of the budget and described in paragraph (b) of this subdi-
27 vision.

28 § 1-a. (a) None of the funds appropriated or otherwise made available
29 by section 93-b of the state finance law may be used for a project for
30 the construction, alteration, maintenance, or repair of a public build-
31 ing or public work unless all of the iron, steel, and manufactured goods
32 that are permanently incorporated into the project are produced in the
33 United States.

34 (b) Paragraph (a) shall not apply in any case or category of cases in
35 which the department, agency or authority involved finds that:

36 (1) applying paragraph (a) would be inconsistent with the public
37 interest;

38 (2) iron, steel, and the relevant manufactured goods are not produced
39 in the United States in sufficient and reasonably available quantities
40 and of a satisfactory quality; or

41 (3) inclusion of iron, steel, and manufactured goods produced in the
42 United States will increase the cost of the overall project by more than
43 25 percent.

44 (c) If the department, agency or authority determines that it is
45 necessary to waive the application of paragraph (a) based on a finding
46 under paragraph (b) the department, agency, or authority shall document
47 in writing, and post on its website, if one exists, a detailed
48 description of all decisions made justifying the provisions of paragraph
49 (a) being waived.

50 (d) This section shall be applied in a manner consistent with United
51 States obligations under international agreements including but not
52 limited to those signed with the Government of Canada.

53 (e) For purposes of this section "permanently incorporated" shall mean
54 an iron, steel or manufactured product that is required to remain in

1 place at the end of the project contract, in a fixed location, affixed
2 to the public work or public building to which it was incorporated.

3 Electronic and communications devices and machinery that are not
4 affixed to the public work or public building that are capable of being
5 moved from one location to another are not permanently incorporated into
6 a public building or public work.

7 § 2. This act shall take effect immediately, provided that section
8 one-a of this act shall apply to all capital projects wholly or partial-
9 ly funded by monies allocated or appropriated to or transferred from the
10 dedicated infrastructure investment fund established pursuant to section
11 93-b of the state finance law in which contracts for the project are
12 entered into, modified, amended, altered, or renewed on or after the
13 effective date of this act.

14

PART N

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

- 19 1. Proprietary vocational school supervision account (20452).
- 20 2. Local government records management account (20501).
- 21 3. Child health plus program account (20810).
- 22 4. EPIC premium account (20818).
- 23 5. Education - New (20901).
- 24 6. VLT - Sound basic education fund (20904).
- 25 7. Sewage treatment program management and administration fund
26 (21000).
- 27 8. Hazardous bulk storage account (21061).
- 28 9. Federal grants indirect cost recovery account (21065).
- 29 10. Low level radioactive waste account (21066).
- 30 11. Recreation account (21067).
- 31 12. Public safety recovery account (21077).
- 32 13. Environmental regulatory account (21081).
- 33 14. Natural resource account (21082).
- 34 15. Mined land reclamation program account (21084).
- 35 16. Great lakes restoration initiative account (21087).
- 36 17. Environmental protection and oil spill compensation fund (21200).
- 37 18. Public transportation systems account (21401).
- 38 19. Metropolitan mass transportation (21402).
- 39 20. Operating permit program account (21451).
- 40 21. Mobile source account (21452).
- 41 22. Statewide planning and research cooperative system account
42 (21902).
- 43 23. Mental hygiene program fund account (21907).
- 44 24. Mental hygiene patient income account (21909).
- 45 25. Financial control board account (21911).
- 46 26. Regulation of racing account (21912).
- 47 27. New York Metropolitan Transportation Council account (21913).
- 48 28. State university dormitory income reimbursable account (21937).
- 49 29. Criminal justice improvement account (21945).
- 50 30. Environmental laboratory reference fee account (21959).
- 51 31. Clinical laboratory reference system assessment account (21962).
- 52 32. Indirect cost recovery account (21978).
- 53 33. High school equivalency program account (21979).
- 54 34. Multi-agency training account (21989).



- 1 35. Interstate reciprocity for post-secondary distance education
- 2 account.
- 3 36. Bell jar collection account (22003).
- 4 37. Industry and utility service account (22004).
- 5 38. Real property disposition account (22006).
- 6 39. Parking account (22007).
- 7 40. Asbestos safety training program account (22009).
- 8 41. Batavia school for the blind account (22032).
- 9 42. Investment services account (22034).
- 10 43. Surplus property account (22036).
- 11 44. Financial oversight account (22039).
- 12 45. Regulation of Indian gaming account (22046).
- 13 46. Rome school for the deaf account (22053).
- 14 47. Seized assets account (22054).
- 15 48. Administrative adjudication account (22055).
- 16 49. Federal salary sharing account (22056).
- 17 50. New York City assessment account (22062).
- 18 51. Cultural education account (22063).
- 19 52. Local services account (22078).
- 20 53. DHCR mortgage servicing account (22085).
- 21 54. Department of motor vehicles compulsory insurance account (22087).
- 22 55. Housing indirect cost recovery account (22090).
- 23 56. DHCR-HCA application fee account (22100).
- 24 57. Low income housing monitoring account (22130).
- 25 58. Corporation administration account (22135).
- 26 59. Montrose veteran's home account (22144).
- 27 60. Deferred compensation administration account (22151).
- 28 61. Rent revenue other New York City account (22156).
- 29 62. Rent revenue account (22158).
- 30 63. Tax revenue arrearage account (22168).
- 31 64. Highway use tax administration account.
- 32 65. State university general income offset account (22654).
- 33 66. Lake George park trust fund account (22751).
- 34 67. State police motor vehicle law enforcement account (22802).
- 35 68. Highway safety program account (23001).
- 36 69. EFC drinking water program account (23101).
- 37 70. DOH drinking water program account (23102).
- 38 71. NYCCC operating offset account (23151).
- 39 72. Commercial gaming revenue account (23701).
- 40 73. Commercial gaming regulation account (23702).
- 41 74. Highway and bridge capital account (30051).
- 42 75. State university residence hall rehabilitation fund (30100).
- 43 76. State parks infrastructure account (30351).
- 44 77. Clean water/clean air implementation fund (30500).
- 45 78. Hazardous waste remedial cleanup account (31506).
- 46 79. Youth facilities improvement account (31701).
- 47 80. Housing assistance fund (31800).
- 48 81. Housing program fund (31850).
- 49 82. Highway facility purpose account (31951).
- 50 83. Information technology capital financing account (32215).
- 51 84. New York racing account (32213).
- 52 85. Mental hygiene facilities capital improvement fund (32300).
- 53 86. Correctional facilities capital improvement fund (32350).
- 54 87. New York State Storm Recovery Capital Fund (33000).
- 55 88. OGS convention center account (50318).
- 56 89. Empire Plaza Gift Shop (50327)

- 1 90. Centralized services fund (55000).
- 2 91. Archives records management account (55052).
- 3 92. Federal single audit account (55053).
- 4 93. Civil service EHS occupational health program account (55056).
- 5 94. Banking services account (55057).
- 6 95. Cultural resources survey account (55058).
- 7 96. Automation & printing chargeback account (55060).
- 8 97. OFT NYT account (55061).
- 9 98. Data center account (55062).
- 10 99. Intrusion detection account (55066).
- 11 100. Domestic violence grant account (55067).
- 12 101. Centralized technology services account (55069).
- 13 102. Labor contact center account (55071).
- 14 103. Human services contact center account (55072).
- 15 104. Tax contact center account (55073).
- 16 105. Policing the NYS thruway account.
- 17 106. Executive direction internal audit account (55251).
- 18 107. CIO Information technology centralized services account (55252).
- 19 108. Health insurance internal service account (55300).
- 20 109. Civil service employee benefits division administrative account
- 21 (55301).
- 22 110. Correctional industries revolving fund (55350).
- 23 111. Employees health insurance account (60201).
- 24 112. Medicaid management information system escrow fund (60900).
- 25 § 1-a. The state comptroller is hereby authorized and directed to loan
- 26 money in accordance with the provisions set forth in subdivision 5 of
- 27 section 4 of the state finance law to any account within the following
- 28 federal funds, provided the comptroller has made a determination that
- 29 sufficient federal grant award authority is available to reimburse such
- 30 loans:
- 31 1. Federal USDA-food and nutrition services fund (25000).
- 32 2. Federal health and human services fund (25100).
- 33 3. Federal education fund (25200).
- 34 4. Federal block grant fund (25250).
- 35 5. Federal miscellaneous operating grants fund (25300).
- 36 6. Federal unemployment insurance administration fund (25900).
- 37 7. Federal unemployment insurance occupational training fund (25950).
- 38 8. Federal emergency employment act fund (26000).
- 39 9. Federal capital projects fund (31350).
- 40 § 2. Notwithstanding any law to the contrary, and in accordance with
- 41 section 4 of the state finance law, the comptroller is hereby authorized
- 42 and directed to transfer, upon request of the director of the budget, on
- 43 or before March 31, 2017, and with respect to item 5 under the miscella-
- 44 neous category set forth in this section, up to and after March 31,
- 45 2017, up to the unencumbered balance or the following amounts:
- 46 Economic Development and Public Authorities:
- 47 1. \$175,000 from the miscellaneous special revenue fund, underground
- 48 facilities safety training account (22172), to the general fund.
- 49 2. An amount up to the unencumbered balance from the miscellaneous
- 50 special revenue fund, business and licensing services account (21977),
- 51 to the general fund.
- 52 3. \$14,810,000 from the miscellaneous special revenue fund, code
- 53 enforcement account (21904), to the general fund.
- 54 4. \$3,000,000 from the general fund to the miscellaneous special
- 55 revenue fund, tax revenue arrearage account (22168).
- 56 Education:



- 1 1. \$2,260,000,000 from the general fund to the state lottery fund,
2 education account (20901), as reimbursement for disbursements made from
3 such fund for supplemental aid to education pursuant to section 92-c of
4 the state finance law that are in excess of the amounts deposited in
5 such fund for such purposes pursuant to section 1612 of the tax law.
 - 6 2. \$986,000,000 from the general fund to the state lottery fund, VLT
7 education account (20904), as reimbursement for disbursements made from
8 such fund for supplemental aid to education pursuant to section 92-c of
9 the state finance law that are in excess of the amounts deposited in
10 such fund for such purposes pursuant to section 1612 of the tax law.
 - 11 3. Moneys from the state lottery fund up to an amount deposited in
12 such fund pursuant to section 1612 of the tax law in excess of the
13 current year appropriation for supplemental aid to education pursuant to
14 section 92-c of the state finance law.
 - 15 4. Up to \$137,700,000 from the moneys deposited in commercial gaming
16 revenue account (23701) to the general fund as reimbursement for
17 disbursements made from the general fund for supplemental aid to educa-
18 tion during the prior fiscal year due to the unencumbered balance of the
19 commercial gaming revenue account during the prior fiscal year being
20 less than required to fully fund payments of general support for public
21 schools, pursuant to Chapter 61 of the laws of 2015.
 - 22 5. \$300,000 from the local government records management improvement
23 fund (20500) to the archives partnership trust fund (20350).
 - 24 6. \$900,000 from the general fund to the miscellaneous special revenue
25 fund, Batavia school for the blind account (22032).
 - 26 7. \$900,000 from the general fund to the miscellaneous special revenue
27 fund, Rome school for the deaf account (22053).
 - 28 8. \$343,400,000 from the state university dormitory income fund
29 (40350) to the miscellaneous special revenue fund, state university
30 dormitory income reimbursable account (21937).
 - 31 9. \$24,000,000 from any of the state education department special
32 revenue and internal service funds to the miscellaneous special revenue
33 fund, indirect cost recovery account (21978).
 - 34 10. \$8,318,000 from the general fund to the state university income
35 fund, state university income offset account (22654), for the state's
36 share of repayment of the STIP loan.
 - 37 11. \$40,000,000 from the state university income fund, state universi-
38 ty hospitals income reimbursable account (22656) to the general fund for
39 hospital debt service for the period April 1, 2015 through March 31,
40 2016.
 - 41 12. An amount up to \$14,251,000 from the general fund to the state
42 university income fund, state university general revenue account
43 (22653).
- 44 Environmental Affairs:
- 45 1. \$16,000,000 from any of the department of environmental conserva-
46 tion's special revenue federal funds to the environmental conservation
47 special revenue fund, federal indirect recovery account (21065).
 - 48 2. \$2,000,000 from any of the department of environmental conserva-
49 tion's special revenue federal funds to the conservation fund as neces-
50 sary to avoid diversion of conservation funds.
 - 51 3. \$3,000,000 from any of the office of parks, recreation and historic
52 preservation capital projects federal funds and special revenue federal
53 funds to the miscellaneous special revenue fund, federal grant indirect
54 cost recovery account (22188).



1 4. \$1,000,000 from any of the office of parks, recreation and historic
2 preservation special revenue federal funds to the miscellaneous special
3 revenue fund, I love NY water account (21930).

4 5. \$146,000,000 from the general fund to the environmental protection
5 fund, environmental protection fund transfer account (30451).

6 6. \$9,700,000 from the general fund to the hazardous waste remedial
7 fund, hazardous waste oversight and assistance account (31505).

8 Family Assistance:

9 1. \$10,000,000 from any of the office of children and family services,
10 office of temporary and disability assistance, or department of health
11 special revenue federal funds and the general fund, in accordance with
12 agreements with social services districts, to the miscellaneous special
13 revenue fund, office of human resources development state match account
14 (21967).

15 2. \$4,000,000 from any of the office of children and family services
16 or office of temporary and disability assistance special revenue federal
17 funds to the miscellaneous special revenue fund, family preservation and
18 support services and family violence services account (22082).

19 3. \$18,670,000 from any of the office of children and family services,
20 office of temporary and disability assistance, or department of health
21 special revenue federal funds and any other miscellaneous revenues
22 generated from the operation of office of children and family services
23 programs to the general fund.

24 4. \$140,000,000 from any of the office of temporary and disability
25 assistance or department of health special revenue funds to the general
26 fund.

27 5. \$2,500,000 from any of the office of temporary and disability
28 assistance special revenue federal funds to the miscellaneous special
29 revenue fund, office of temporary and disability assistance program
30 account (21980).

31 6. \$21,000,000 from any of the office of children and family services,
32 office of temporary and disability assistance, department of labor, and
33 department of health special revenue federal funds to the office of
34 children and family services miscellaneous special revenue fund, multi-
35 agency training contract account (21989).

36 7. \$65,000,000 from the miscellaneous special revenue fund, youth
37 facility per diem account (22186), to the general fund.

38 8. \$621,850 from the general fund to the combined gifts, grants, and
39 bequests fund, WB Hoyt Memorial account (20128).

40 9. \$3,100,000 from the miscellaneous special revenue fund, state
41 central registry (22028), to the general fund.

42 10. \$1,000,000 from the general fund to the housing program fund
43 (31850).

44 General Government:

45 1. \$1,566,000 from the miscellaneous special revenue fund, examination
46 and miscellaneous revenue account (22065) to the general fund.

47 2. \$12,500,000 from the general fund to the health insurance revolving
48 fund (55300).

49 3. \$192,400,000 from the health insurance reserve receipts fund
50 (60550) to the general fund.

51 4. \$150,000 from the general fund to the not-for-profit revolving loan
52 fund (20650).

53 5. \$150,000 from the not-for-profit revolving loan fund (20650) to the
54 general fund.

55 6. \$3,000,000 from the miscellaneous special revenue fund, surplus
56 property account (22036), to the general fund.



- 1 7. \$19,000,000 from the miscellaneous special revenue fund, revenue
2 arrearage account (22024), to the general fund.
- 3 8. \$1,826,000 from the miscellaneous special revenue fund, revenue
4 arrearage account (22024), to the miscellaneous special revenue fund,
5 authority budget office account (22138).
- 6 9. \$1,000,000 from the miscellaneous special revenue fund, parking
7 services account (22007), to the general fund, for the purpose of reim-
8 bursing the costs of debt service related to state parking facilities.
- 9 10. \$21,789,000 from the general fund to the centralized services
10 fund, COPS account (55013).
- 11 11. \$2,360,000 from the general fund to the agencies internal service
12 fund, central technology services account (55069), for the purpose of
13 enterprise technology projects.
- 14 12. \$15,000,000 from the miscellaneous special revenue fund, workers'
15 compensation account (21995), to the miscellaneous capital projects
16 fund, workers' compensation board IT business process design fund.
- 17 Health:
- 18 1. \$33,710,000 from the miscellaneous special revenue fund, quality of
19 care account (21915), to the general fund.
- 20 2. A transfer from the general fund to the combined gifts, grants and
21 bequests fund, breast cancer research and education account (20155), up
22 to an amount equal to the monies collected and deposited into that
23 account in the previous fiscal year.
- 24 3. A transfer from the general fund to the combined gifts, grants and
25 bequests fund, prostate cancer research, detection, and education
26 account (20183), up to an amount equal to the moneys collected and
27 deposited into that account in the previous fiscal year.
- 28 4. A transfer from the general fund to the combined gifts, grants and
29 bequests fund, Alzheimer's disease research and assistance account
30 (20143), up to an amount equal to the moneys collected and deposited
31 into that account in the previous fiscal year.
- 32 5. \$30,295,000 from the HCRA resources fund (20800) to the miscella-
33 neous special revenue fund, empire state stem cell trust fund account
34 (22161).
- 35 6. \$7,000,000 from the miscellaneous special revenue fund, certificate
36 of need account (21920), to the miscellaneous capital projects fund,
37 healthcare IT capital subfund (32216).
- 38 7. \$1,000,000 from the miscellaneous special revenue fund, adminis-
39 tration program account (21982), to the miscellaneous capital projects
40 fund, healthcare IT capital account (32216).
- 41 8. \$1,000,000 from the miscellaneous special revenue fund, vital
42 records account (22103), to the miscellaneous capital projects fund,
43 healthcare IT capital account (32216).
- 44 9. \$25,500,000 from the HCRA resources fund (20800) to the capital
45 projects fund (30000).
- 46 10. \$3,700,000 from the miscellaneous New York state agency fund,
47 medical assistance account to the general fund.
- 48 11. \$4,886,000 from the general fund to the medical marihuana trust
49 fund, health operation and oversight account (23755).
- 50 12. \$1,086,000 from the miscellaneous special revenue fund, certifi-
51 cate of need account (21920), to the general fund.
- 52 13. \$1,000,000 from the miscellaneous special revenue fund, profes-
53 sional medical conduct account (22088), to the miscellaneous capital
54 projects fund, healthcare IT capital account (32216).
- 55 Labor:



- 1 1. \$400,000 from the miscellaneous special revenue fund, DOL fee and
2 penalty account (21923), to the child performer's protection fund, child
3 performer protection account (20401).
- 4 2. \$8,400,000 from the miscellaneous special revenue fund, DOL fee and
5 penalty account (21923), to the general fund.
- 6 3. \$3,300,000 from the unemployment insurance interest and penalty
7 fund, unemployment insurance special interest and penalty account
8 (23601), to the general fund.
- 9 Mental Hygiene:
 - 10 1. \$10,000,000 from the miscellaneous special revenue fund, mental
11 hygiene patient income account (21909), to the miscellaneous special
12 revenue fund, federal salary sharing account (22056).
 - 13 2. \$1,950,000,000 from the general fund to the miscellaneous special
14 revenue fund, mental hygiene patient income account (21909).
 - 15 3. \$1,550,000,000 from the general fund to the miscellaneous special
16 revenue fund, mental hygiene program fund account (21907).
 - 17 4. \$100,000,000 from the miscellaneous special revenue fund, mental
18 hygiene program fund account (21907), to the general fund.
 - 19 5. \$100,000,000 from the miscellaneous special revenue fund, mental
20 hygiene patient income account (21909), to the general fund.
 - 21 6. \$3,800,000 from the miscellaneous special revenue fund, mental
22 hygiene patient income account (21909), to the agencies internal service
23 fund, civil service EHS occupational health program account (55056).
 - 24 7. \$5,000,000 from the chemical dependence service fund, substance
25 abuse services fund account (22700), to the miscellaneous capital
26 projects fund, chemical dependence service capital account.
- 27 Public Protection:
 - 28 1. \$1,350,000 from the miscellaneous special revenue fund, emergency
29 management account (21944), to the general fund.
 - 30 2. \$3,300,000 from the general fund to the miscellaneous special
31 revenue fund, recruitment incentive account (22171).
 - 32 3. \$10,500,000 from the general fund to the correctional industries
33 revolving fund, correctional industries internal service account
34 (55350).
 - 35 4. \$3,000,000 from the federal miscellaneous operating grants fund,
36 DMNA damage account (25324), to the general fund.
 - 37 5. \$6,300,000 from the general fund to the miscellaneous special
38 revenue fund, crimes against revenue program account (22015).
 - 39 6. \$10,683,000 from the miscellaneous special revenue fund, criminal
40 justice improvement account (21945), to the general fund.
 - 41 7. \$106,000,000 from the state police motor vehicle law enforcement
42 and motor vehicle theft and insurance fraud prevention fund, state
43 police motor vehicle enforcement account (22802), to the general fund
44 for state operation expenses of the division of state police.
 - 45 8. \$53,500,000 from the general fund to the correctional facilities
46 capital improvement fund (32350).
 - 47 9. \$5,000,000 from the general fund to the dedicated highway and
48 bridge trust fund (30050) for the purpose of work zone safety activities
49 provided by the division of state police for the department of transpor-
50 tation.
 - 51 10. \$10,000,000 from the miscellaneous special revenue fund, statewide
52 public safety communications account (22123), to the capital projects
53 fund (30000).
 - 54 11. Intentionally omitted.



1 12. \$300,000 from the state police motor vehicle law enforcement and
2 motor vehicle theft and insurance fraud prevention fund, motor vehicle
3 theft and insurance fraud account (22801), to the general fund.

4 13. \$1,000,000 from the general fund to the agencies internal service
5 fund, center for employment opportunities NWP account.

6 14. \$30,000,000 from the miscellaneous special revenue fund, statewide
7 public safety communications account (22123) to the general fund.

8 Transportation:

9 1. \$17,672,000 from the federal miscellaneous operating grants fund to
10 the miscellaneous special revenue fund, New York Metropolitan Transpor-
11 tation Council account (21913).

12 2. \$20,147,000 from the federal capital projects fund to the miscella-
13 neous special revenue fund, New York Metropolitan Transportation Council
14 account (21913).

15 3. \$1,240,000 from the miscellaneous special revenue fund, compulsory
16 insurance account (22087), to the dedicated highway and bridge trust
17 fund (30050).

18 4. \$15,046,384 from the general fund to the mass transportation oper-
19 ating assistance fund, public transportation systems operating assist-
20 ance account (21401), of which \$12,000,000 constitutes the base need for
21 operations.

22 5. \$810,000,000 from the general fund to the dedicated highway and
23 bridge trust fund (30050).

24 6. \$936,000 from the miscellaneous special revenue fund, accident
25 prevention course program account (22094), to the dedicated highway and
26 bridge trust fund (30050).

27 7. \$1,234,000 from the miscellaneous special revenue fund, motorcycle
28 safety account (21976), to the dedicated highway and bridge trust fund
29 (30050).

30 8. \$309,250,000 from the general fund to the MTA financial assistance
31 fund, mobility tax trust account (23651).

32 9. \$5,000,000 from the miscellaneous special revenue fund, transporta-
33 tion regulation account (22067) to the dedicated highway and bridge
34 trust fund (30050), for disbursements made from such fund for motor
35 carrier safety that are in excess of the amounts deposited in the dedi-
36 cated highway and bridge trust fund (30050) for such purpose pursuant to
37 section 94 of the transportation law.

38 10. \$34,000 from the miscellaneous special revenue fund, seized assets
39 account (21906), to the dedicated highway and bridge trust fund (30050).

40 Miscellaneous:

41 1. \$250,000,000 from the general fund to any funds or accounts for the
42 purpose of reimbursing certain outstanding accounts receivable balances.

43 2. \$500,000,000 from the general fund to the debt reduction reserve
44 fund (40000).

45 3. \$450,000,000 from the New York state storm recovery capital fund
46 (33000) to the revenue bond tax fund (40152).

47 4. \$15,500,000 from the general fund, community projects account GG
48 (10256), to the general fund, state purposes account (10050).

49 5. Up to \$1,840,000,000 from the general fund to the dedicated infras-
50 tructure investment fund.

51 § 2-a. Subdivision 6 of section 151 of the workers' compensation law
52 is amended by adding a new paragraph (c) to read as follows:

53 (c) Effective immediately, notwithstanding any law to the contrary,
54 pursuant to the provisions of this chapter, the assessment reserves
55 remitted to the chair pursuant to this paragraph shall, at the request
56 of the director of the budget, be distributed as follows:

1 (i) Effective immediately, the chair of the board shall authorize the
2 board to expend up to sixty million dollars to implement infrastructure
3 and system upgrades consistent with recommendations of the board's rede-
4 sign and reengineering project.

5 (ii) Effective immediately, the chair of the board shall authorize the
6 board to expend up to fifty million dollars for: (A) transfer into the
7 training and educational program on occupational safety and health fund
8 created pursuant to chapter eight hundred eighty-six of the laws of
9 nineteen hundred eighty-five and section ninety-seven-c of the state
10 finance law; (B) the department of labor occupational safety and health
11 program; (C) transfer into the uninsured employers' fund pursuant to
12 subdivision two of section twenty-six-a of this chapter in connection
13 with payment of claims made pursuant to article eight-A of this chapter;
14 (D) a reduction in liabilities of the special disability fund pursuant
15 to subdivision eight of section fifteen of this chapter and/or the fund
16 for reopened cases pursuant to section twenty-five-a of this chapter;
17 and/or (E) transfer to or payment on behalf of the superintendent of
18 financial services for costs associated with the implementation of the
19 paid family leave act of article nine of this chapter.

20 (iii) As soon as practicable on or after April first, two thousand
21 sixteen, the chair of the board shall transfer one hundred forty million
22 dollars to the state insurance fund, for partial payment and partial
23 satisfaction of the state's obligations to the state insurance fund
24 under section eighty-eight-c of this chapter for the year two thousand
25 sixteen.

26 (iv) As soon as practicable on or after April first, two thousand
27 seventeen, the chair of the board shall transfer one hundred million
28 dollars to the state insurance fund, for partial payment and partial
29 satisfaction of the state's obligations to the state insurance fund
30 under section eighty-eight-c of this chapter for the year two thousand
31 seventeen.

32 (v) As soon as practicable on or after April first, two thousand eigh-
33 teen, the chair of the board shall transfer one hundred million dollars
34 to the state insurance fund, for partial payment and partial satisfac-
35 tion of the state's obligations to the state insurance fund under
36 section eighty-eight-c of this chapter for the year two thousand eigh-
37 teen.

38 (vi) As soon as practicable on or after April first, two thousand
39 nineteen, the chair of the board shall transfer thirty-five million
40 dollars to the state insurance fund, for partial payment and partial
41 satisfaction of the state's obligations to the state insurance fund
42 under section eighty-eight-c of this chapter for the year two thousand
43 nineteen.

44 Any and all funds remaining after accounting for the transfers and
45 expenditures set forth above may, at the discretion of the director of
46 the budget, either remain with the board or be transferred to the gener-
47 al fund for the purpose of reducing budget gaps.

48 Annually, the board will provide to the director of the budget, the
49 chair of the senate finance committee, and the chair of the assembly
50 ways and means committee, an accounting of such funds and all asso-
51 ciated income received. Such accounting will continue until March thir-
52 ty-first, two thousand twenty.

53 § 3. 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, on or before March 31, 2017:

1 1. Upon request of the commissioner of environmental conservation, up
2 to \$11,410,000 from revenues credited to any of the department of envi-
3 ronmental conservation special revenue funds, including \$3,293,400 from
4 the environmental protection and oil spill compensation fund (21200),
5 and \$1,783,600 from the conservation fund (21150), to the environmental
6 conservation special revenue fund, indirect charges account (21060).

7 2. Upon request of the commissioner of agriculture and markets, up to
8 \$3,000,000 from any special revenue fund or enterprise fund within the
9 department of agriculture and markets to the general fund, to pay appro-
10 priate administrative expenses.

11 3. Upon request of the commissioner of agriculture and markets, up to
12 \$2,000,000 from the state exposition special fund, state fair receipts
13 account (50051) to the miscellaneous capital projects fund, state fair
14 capital improvement account (32208).

15 4. Upon request of the commissioner of the division of housing and
16 community renewal, up to \$6,221,000 from revenues credited to any divi-
17 sion of housing and community renewal federal or miscellaneous special
18 revenue fund to the miscellaneous special revenue fund, housing indirect
19 cost recovery account (22090).

20 5. Upon request of the commissioner of the division of housing and
21 community renewal, up to \$5,500,000 may be transferred from any miscel-
22 laneous special revenue fund account, to any miscellaneous special
23 revenue fund.

24 6. Upon request of the commissioner of health up to \$5,000,000 from
25 revenues credited to any of the department of health's special revenue
26 funds, to the miscellaneous special revenue fund, administration account
27 (21982).

28 § 4. On or before March 31, 2017, the comptroller is hereby authorized
29 and directed to deposit earnings that would otherwise accrue to the
30 general fund that are attributable to the operation of section 98-a of
31 the state finance law, to the agencies internal service fund, banking
32 services account (55057), for the purpose of meeting direct payments
33 from such account.

34 § 5. Notwithstanding any law to the contrary, upon the direction of
35 the director of the budget and upon requisition by the state university
36 of New York, the dormitory authority of the state of New York is
37 directed to transfer, up to \$22,000,000 in revenues generated from the
38 sale of notes or bonds, to the state university of New York for
39 reimbursement of bondable equipment for further transfer to the state's
40 general fund.

41 § 6. Notwithstanding any law to the contrary, and in accordance with
42 section 4 of the state finance law, the comptroller is hereby authorized
43 and directed to transfer, upon request of the director of the budget and
44 upon consultation with the state university chancellor or his or her
45 designee, on or before March 31, 2017, up to \$16,000,000 from the state
46 university income fund general revenue account (22653) to the state
47 general fund for debt service costs related to campus supported capital
48 project costs for the NY-SUNY 2020 challenge grant program at the
49 University at Buffalo.

50 § 7. Notwithstanding any law to the contrary, and in accordance with
51 section 4 of the state finance law, the comptroller is hereby authorized
52 and directed to transfer, upon request of the director of the budget and
53 upon consultation with the state university chancellor or his or her
54 designee, on or before March 31, 2017, up to \$6,500,000 from the state
55 university income fund general revenue account (22653) to the state
56 general fund for debt service costs related to campus supported capital

1 project costs for the NY-SUNY 2020 challenge grant program at the
2 University at Albany.

3 § 8. Notwithstanding any law to the contrary, the state university
4 chancellor or his or her designee is authorized and directed to transfer
5 estimated tuition revenue balances from the state university collection
6 fund (61000) to the state university income fund, state university
7 general revenue offset account (22655) on or before March 31, 2017.

8 § 9. Notwithstanding any law to the contrary, and in accordance with
9 section 4 of the state finance law, the comptroller is hereby authorized
10 and directed to transfer, upon request of the director of the budget, up
11 to \$87,864,000 from the general fund to the state university income
12 fund, state university hospitals income reimbursable account (22656)
13 during the period July 1, 2016 through June 30, 2017 to reflect ongoing
14 state subsidy of SUNY hospitals and to pay costs attributable to the
15 SUNY hospitals' state agency status.

16 § 10. Notwithstanding any law to the contrary, and in accordance with
17 section 4 of the state finance law, the comptroller is hereby authorized
18 and directed to transfer, upon request of the director of the budget, up
19 to \$1,188,590,300 from the general fund to the state university income
20 fund, state university general revenue offset account (22655) during the
21 period of July 1, 2016 through June 30, 2017 to support operations at
22 the state university.

23 § 11. Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller is hereby authorized
25 and directed to transfer, upon request of the state university chancel-
26 lor or his or her designee, up to \$55,000,000 from the state university
27 income fund, state university hospitals income reimbursable account
28 (22656), for services and expenses of hospital operations and capital
29 expenditures at the state university hospitals; and the state university
30 income fund, Long Island veterans' home account (22652) to the state
31 university capital projects fund (32400) on or before June 30, 2017.

32 § 12. Notwithstanding any law to the contrary, and in accordance with
33 section 4 of the state finance law, the comptroller, after consultation
34 with the state university chancellor or his or her designee, is hereby
35 authorized and directed to transfer moneys, in the first instance, from
36 the state university collection fund, Stony Brook hospital collection
37 account (61006), Brooklyn hospital collection account (61007), and Syra-
38 cuse hospital collection account (61008) to the state university income
39 fund, state university hospitals income reimbursable account (22656) in
40 the event insufficient funds are available in the state university
41 income fund, state university hospitals income reimbursable account
42 (22656) to permit the full transfer of moneys authorized for transfer,
43 to the general fund for payment of debt service related to the SUNY
44 hospitals. Notwithstanding any law to the contrary, the comptroller is
45 also hereby authorized and directed, after consultation with the state
46 university chancellor or his or her designee, to transfer moneys from
47 the state university income fund to the state university income fund,
48 state university hospitals income reimbursable account (22656) in the
49 event insufficient funds are available in the state university income
50 fund, state university hospitals income reimbursable account (22656) to
51 pay hospital operating costs or to permit the full transfer of moneys
52 authorized for transfer, to the general fund for payment of debt service
53 related to the SUNY hospitals on or before March 31, 2017.

54 § 13. Notwithstanding any law to the contrary, upon the direction of
55 the director of the budget and the chancellor of the state university of
56 New York or his or her designee, and in accordance with section 4 of the

1 state finance law, the comptroller is hereby authorized and directed to
2 transfer monies from the state university dormitory income fund (40350)
3 to the state university residence hall rehabilitation fund (30100), and
4 from the state university residence hall rehabilitation fund (30100) to
5 the state university dormitory income fund (40350), in a net amount not
6 to exceed \$80 million.

7 § 14. Notwithstanding any law to the contrary, and in accordance with
8 section 4 of the state finance law, the comptroller is hereby authorized
9 and directed to transfer monies, upon request of the director of the
10 budget, on or before March 31, 2017, from and to any of the following
11 accounts: the miscellaneous special revenue fund, patient income account
12 (21909), the miscellaneous special revenue fund, mental hygiene program
13 fund account (21907), the miscellaneous special revenue fund, federal
14 salary sharing account (22056), or the general fund in any combination,
15 the aggregate of which shall not exceed \$350 million.

16 § 15. Notwithstanding any law to the contrary, and in accordance with
17 section 4 of the state finance law, the comptroller is hereby authorized
18 and directed to transfer, at the request of the director of the budget,
19 up to \$250 million from the unencumbered balance of any special revenue
20 fund or account, agency fund or account, internal service fund or
21 account, enterprise fund or account, or any combination of such funds
22 and accounts, to the general fund. The amounts transferred pursuant to
23 this authorization shall be in addition to any other transfers expressly
24 authorized in the 2016-17 budget. Transfers from federal funds, debt
25 service funds, capital projects funds, the community projects fund, or
26 funds that would result in the loss of eligibility for federal benefits
27 or federal funds pursuant to federal law, rule, or regulation as assent-
28 ed to in chapter 683 of the laws of 1938 and chapter 700 of the laws of
29 1951 are not permitted pursuant to this authorization.

30 § 16. Notwithstanding any law to the contrary, and in accordance with
31 section 4 of the state finance law, the comptroller is hereby authorized
32 and directed to transfer, at the request of the director of the budget,
33 up to \$100 million from any non-general fund or account, or combination
34 of funds and accounts, to the miscellaneous special revenue fund, tech-
35 nology financing account (22207) or the miscellaneous capital projects
36 fund, information technology capital financing account (32215), for the
37 purpose of consolidating technology procurement and services. The
38 amounts transferred to the miscellaneous special revenue fund, technolo-
39 gy financing account (22207) pursuant to this authorization shall be
40 equal to or less than the amount of such monies intended to support
41 information technology costs which are attributable, according to a
42 plan, to such account made in pursuance to an appropriation by law.
43 Transfers to the technology financing account shall be completed from
44 amounts collected by non-general funds or accounts pursuant to a fund
45 deposit schedule or permanent statute, and shall be transferred to the
46 technology financing account pursuant to a schedule agreed upon by the
47 affected agency commissioner. Transfers from funds that would result in
48 the loss of eligibility for federal benefits or federal funds pursuant
49 to federal law, rule, or regulation as assented to in chapter 683 of the
50 laws of 1938 and chapter 700 of the laws of 1951 are not permitted
51 pursuant to this authorization.

52 § 17. Notwithstanding any law to the contrary, and in accordance with
53 section 4 of the state finance law, the comptroller is hereby authorized
54 and directed to transfer, at the request of the director of the budget,
55 up to \$300 million from any non-general fund or account, or combination
56 of funds and accounts, to the general fund for the purpose of consol-

1 idating technology procurement and services. The amounts transferred
2 pursuant to this authorization shall be equal to or less than the amount
3 of such monies intended to support information technology costs which
4 are attributable, according to a plan, to such account made in pursuance
5 to an appropriation by law. Transfers to the general fund shall be
6 completed from amounts collected by non-general funds or accounts pursu-
7 ant to a fund deposit schedule. Transfers from funds that would result
8 in the loss of eligibility for federal benefits or federal funds pursu-
9 ant to federal law, rule, or regulation as assented to in chapter 683 of
10 the laws of 1938 and chapter 700 of the laws of 1951 are not permitted
11 pursuant to this authorization.

12 § 18. Notwithstanding any provision of law to the contrary, as deemed
13 feasible and advisable by its trustees, the power authority of the state
14 of New York is authorized and directed to transfer to the state treasury
15 to the credit of the general fund \$20,000,000 for the state fiscal year
16 commencing April 1, 2016, the proceeds of which will be utilized to
17 support energy-related state activities.

18 § 18-a. Notwithstanding any provision of law to the contrary, as
19 deemed feasible and advisable by its trustees, the power authority of
20 the state of New York is authorized and directed to transfer to the New
21 York state thruway authority to the credit of the New York state canal
22 corporation \$70,000,000 for the state fiscal year commencing April 1,
23 2016.

24 § 19. Notwithstanding any provision of law, rule or regulation to the
25 contrary, the New York State energy research and development authority
26 is authorized and directed to make a contribution to the state treasury
27 to the credit of the general fund in the amount of \$23,000,000 from
28 proceeds collected by the authority from the auction or sale of carbon
29 dioxide emission allowances allocated by the department of environmental
30 conservation on or before March 31, 2017.

31 § 20. Notwithstanding any provision of law, rule or regulation to the
32 contrary, the New York state energy research and development authority
33 is authorized and directed to transfer to the state university income
34 fund general revenue account (22653), in an amount not to exceed
35 \$15,000,000 for the state fiscal year commencing April 1, 2016 from the
36 proceeds collected by the authority from the auction or sale of carbon
37 dioxide emission allowances allocated by the department of environmental
38 conservation, which amount shall be utilized to support the Clean Energy
39 Workforce Opportunity Program to offer additional courses, to hire
40 faculty, to purchase or upgrade necessary machinery and lab equipment,
41 and to integrate workforce training in order to implement easily-repli-
42 cated renewable energy projects, including solar arrays, heat pumps and
43 wind turbines across the state in public low-income housing in suburban,
44 urban and rural areas; provided that up to two and one-half million
45 dollars of this amount shall be used for training programs for individ-
46 uals who have been discharged from state correctional facilities or
47 local jails; provided further, that up to \$5,000,000 of such amount
48 shall be available to support Clean Energy Workforce Opportunity Program
49 initiatives at state university of New York community colleges.

50 § 21. Subdivision 5 of section 97-rrr of the state finance law, as
51 amended by section 21 of part I of chapter 60 of the laws of 2015, is
52 amended to read as follows:

53 5. Notwithstanding the provisions of section one hundred seventy-one-a
54 of the tax law, as separately amended by chapters four hundred eighty-
55 one and four hundred eighty-four of the laws of nineteen hundred eight-
56 y-one, and notwithstanding the provisions of chapter ninety-four of the

1 laws of two thousand eleven, or any other provisions of law to the
2 contrary, during the fiscal year beginning April first, two thousand
3 [fifteen] sixteen, the state comptroller is hereby authorized and
4 directed to deposit to the fund created pursuant to this section from
5 amounts collected pursuant to article twenty-two of the tax law and
6 pursuant to a schedule submitted by the director of the budget, up to
7 [\$3,382,279,000] \$3,381,844,000, as may be certified in such schedule as
8 necessary to meet the purposes of such fund for the fiscal year begin-
9 ning April first, two thousand [fifteen] sixteen.

10 § 22. The comptroller is authorized and directed to deposit to the
11 general fund-state purposes account reimbursements from moneys appropri-
12 ated or reappropriated to the correctional facilities capital improve-
13 ment fund by a chapter of the laws of 2016. Reimbursements shall be
14 available for spending from appropriations made to the department of
15 corrections and community supervision in the general fund-state purposes
16 accounts by a chapter of the laws of 2016 for costs associated with the
17 administration and security of capital projects and for other costs
18 which are attributable, according to a plan, to such capital projects.

19 § 23. The opening paragraph of section 2 and section 47 of part I of
20 chapter 60 of the laws of 2015, providing for the administration of
21 certain funds and accounts related to the 2015-16 budget, are amended to
22 read as follows:

23 Notwithstanding any law to the contrary, and in accordance with
24 section 4 of the state finance law, the comptroller is hereby authorized
25 and directed to transfer, upon request of the director of the budget, on
26 or before March 31, 2016, and with respect to item 5 under the miscella-
27 neous category set forth in this section, up to and after March 31,
28 2016, up to the unencumbered balance or the following amounts:

29 § 47. This act shall take effect immediately and shall be deemed to
30 have been in full force and effect on and after April 1, 2015; provided,
31 however, [that] with the exception of item 5 of the miscellaneous cate-
32 gory set forth within section two of this act, the provisions of
33 sections one through eight and sections thirteen through twenty of this
34 act shall expire March 31, 2016, when upon such date the provisions of
35 such sections shall be deemed repealed.

36 § 24. Subdivision 6 of section 4 of the state finance law, as amended
37 by section 22 of part I of chapter 55 of the laws of 2014, is amended to
38 read as follows:

39 6. Notwithstanding any law to the contrary, at the beginning of the
40 state fiscal year, the state comptroller is hereby authorized and
41 directed to receive for deposit to the credit of a fund and/or an
42 account such monies as are identified by the director of the budget as
43 having been intended for such deposit to support disbursements from such
44 fund and/or account made in pursuance of an appropriation by law. As
45 soon as practicable upon enactment of the budget, the director of the
46 budget shall, but not less than three days following preliminary
47 submission to the chairs of the senate finance committee and the assem-
48 bly ways and means committee, file with the state comptroller an iden-
49 tification of specific monies to be so deposited. Any subsequent change
50 regarding the monies to be so deposited shall be filed by the director
51 of the budget, as soon as practicable, but not less than three days
52 following preliminary submission to the chairs of the senate finance
53 committee and the assembly ways and means committee.

54 All monies identified by the director of the budget to be deposited to
55 the credit of a fund and/or account shall be consistent with the intent

1 of the budget for the then current state fiscal year as enacted by the
2 legislature.

3 The provisions of this subdivision shall expire on March thirty-first,
4 two thousand [sixteen] eighteen.

5 § 25. Subdivision 4 of section 40 of the state finance law, as amended
6 by section 23 of part I of chapter 55 of the laws of 2014, is amended to
7 read as follows:

8 4. Every appropriation made from a fund or account to a department or
9 agency shall be available for the payment of prior years' liabilities in
10 such fund or account for fringe benefits, indirect costs, and telecommu-
11 nications expenses and expenses for other centralized services fund
12 programs without limit. Every appropriation shall also be available for
13 the payment of prior years' liabilities other than those indicated
14 above, but only to the extent of one-half of one percent of the total
15 amount appropriated to a department or agency in such fund or account.

16 The provisions of this subdivision shall expire March thirty-first,
17 two thousand [sixteen] eighteen.

18 § 26. Subparagraph (i) of paragraph (a) of subdivision 3 of section
19 92-cc of the state finance law, as added by chapter 1 of the laws of
20 2007, is amended to read as follows:

21 (i) Economic downturn. The commissioner of labor shall calculate and
22 publish, on or before the fifteenth day of each month, a composite index
23 of business cycle indicators. Such index shall be calculated using
24 monthly data on New York state private sector employment, [total] aver-
25 age weekly hours of manufacturing [hours worked] workers, and the unem-
26 ployment rate prepared by the department of labor or its successor agen-
27 cy, and total sales tax [collected net of law changes] collections
28 adjusted for inflation, prepared by the department of taxation and
29 finance or its successor agency. Such index shall be [constructed in
30 accordance with the procedures for calculating composite indexes issued
31 by the conference board or its successor organization, and] adjusted for
32 seasonal variations in accordance with the procedures issued by the
33 [census bureau of the] United States [department of commerce] Census
34 Bureau or its successor agency. If the composite index declines for five
35 consecutive months, the commissioner of labor shall notify the governor,
36 the speaker of the assembly, the temporary president of the senate, and
37 the minority leaders of the assembly and the senate. Upon such notifica-
38 tion, the director of the budget may authorize and direct the comp-
39 troller to transfer from the rainy day reserve fund to the general fund
40 such amounts as the director of the budget deems necessary to meet the
41 requirements of the state financial plan. The authority to transfer
42 funds under the provisions of this subdivision shall lapse when the
43 composite index shall have increased for five consecutive months or
44 twelve months from the original notification of the commissioner of
45 labor, whichever occurs earlier. Provided, however, that for every addi-
46 tional and consecutive monthly decline succeeding the five month decline
47 so noted by the commissioner of labor, the twelve month lapse date shall
48 be extended by one additional month; or

49 § 27. Paragraph (a) of subdivision 3 of section 93-b of the state
50 finance law, as added by section 1 of part H of chapter 60 of the laws
51 of 2015, is amended to read as follows:

52 (a) Economic downturn. Notwithstanding any law to the contrary, for
53 the purpose of this section, the commissioner of labor shall calculate
54 and publish, on or before the fifteenth day of each month, a composite
55 index of business cycle indicators. Such index shall be calculated using
56 monthly data on New York state private sector employment, [total] aver-

1 age weekly hours of manufacturing [hours worked] workers, and the unem-
2 ployment rate prepared by the department of labor or its successor agen-
3 cy, and total sales tax [collected net of law changes] collections
4 adjusted for inflation, prepared by the department of taxation and
5 finance or its successor agency. Such index shall be [constructed in
6 accordance with the procedures for calculating composite indexes issued
7 by the conference board or its successor organization, and] adjusted for
8 seasonal variations in accordance with the procedures issued by the
9 [census bureau of the] United States [department of commerce] Census
10 Bureau or its successor agency. If the composite index declines for five
11 consecutive months, the commissioner of labor shall notify the governor,
12 the speaker of the assembly, the temporary president of the senate, and
13 the minority leaders of the assembly and the senate. Upon such notifica-
14 tion, the director of the budget may authorize and direct the comp-
15 troller to transfer from the dedicated infrastructure investment fund to
16 the general fund such amounts as the director of the budget deems neces-
17 sary to meet the requirements of the state financial plan. The authority
18 to transfer funds under the provisions of this paragraph shall lapse
19 when the composite index shall have increased for five consecutive
20 months or twelve months from the original notification of the commis-
21 sioner of labor, whichever occurs earlier. Provided, however, that for
22 every additional and consecutive monthly decline succeeding the five
23 month decline so noted by the commissioner of labor, the twelve month
24 lapse date shall be extended by one additional month.

25 § 28. Notwithstanding any other law, rule, or regulation to the
26 contrary, the state comptroller is hereby authorized and directed to use
27 any balance remaining in the mental health services fund debt service
28 appropriation, after payment by the state comptroller of all obligations
29 required pursuant to any lease, sublease, or other financing arrangement
30 between the dormitory authority of the state of New York as successor to
31 the New York state medical care facilities finance agency, and the
32 facilities development corporation pursuant to chapter 83 of the laws of
33 1995 and the department of mental hygiene for the purpose of making
34 payments to the dormitory authority of the state of New York for the
35 amount of the earnings for the investment of monies deposited in the
36 mental health services fund that such agency determines will or may have
37 to be rebated to the federal government pursuant to the provisions of
38 the internal revenue code of 1986, as amended, in order to enable such
39 agency to maintain the exemption from federal income taxation on the
40 interest paid to the holders of such agency's mental services facilities
41 improvement revenue bonds. Annually on or before each June 30th, such
42 agency shall certify to the state comptroller its determination of the
43 amounts received in the mental health services fund as a result of the
44 investment of monies deposited therein that will or may have to be
45 rebated to the federal government pursuant to the provisions of the
46 internal revenue code of 1986, as amended.

47 § 29. Subdivision 1 of section 47 of section 1 of chapter 174 of the
48 laws of 1968, constituting the New York state urban development corpo-
49 ration act, as amended by section 25 of part I of chapter 60 of the laws
50 of 2015, is amended to read as follows:

51 1. Notwithstanding the provisions of any other law to the contrary,
52 the dormitory authority and the corporation are hereby authorized to
53 issue bonds or notes in one or more series for the purpose of funding
54 project costs for the office of information technology services, depart-
55 ment of law, and other state costs associated with such capital
56 projects. The aggregate principal amount of bonds authorized to be

1 issued pursuant to this section shall not exceed [two] three hundred
2 [sixty-nine] sixty-four million [one] eight hundred forty thousand
3 dollars, excluding bonds issued to fund one or more debt service reserve
4 funds, to pay costs of issuance of such bonds, and bonds or notes issued
5 to refund or otherwise repay such bonds or notes previously issued. Such
6 bonds and notes of the dormitory authority and the corporation shall not
7 be a debt of the state, and the state shall not be liable thereon, nor
8 shall they be payable out of any funds other than those appropriated by
9 the state to the dormitory authority and the corporation for principal,
10 interest, and related expenses pursuant to a service contract and such
11 bonds and notes shall contain on the face thereof a statement to such
12 effect. Except for purposes of complying with the internal revenue code,
13 any interest income earned on bond proceeds shall only be used to pay
14 debt service on such bonds.

15 § 30. Subdivision 1 of section 16 of part D of chapter 389 of the laws
16 of 1997, relating to the financing of the correctional facilities
17 improvement fund and the youth facility improvement fund, as amended by
18 section 27 of part I of chapter 60 of the laws of 2015, is amended to
19 read as follows:

20 1. Subject to the provisions of chapter 59 of the laws of 2000, but
21 notwithstanding the provisions of section 18 of section 1 of chapter 174
22 of the laws of 1968, the New York state urban development corporation is
23 hereby authorized to issue bonds, notes and other obligations in an
24 aggregate principal amount not to exceed seven billion [one] four
25 hundred [sixty-three] twenty-four million [three] nine hundred [sixty-
26 nine] ninety-nine thousand dollars [[\$7,163,369,000] \$7,424,999,000, and
27 shall include all bonds, notes and other obligations issued pursuant to
28 chapter 56 of the laws of 1983, as amended or supplemented. The proceeds
29 of such bonds, notes or other obligations shall be paid to the state,
30 for deposit in the correctional facilities capital improvement fund to
31 pay for all or any portion of the amount or amounts paid by the state
32 from appropriations or reappropriations made to the department of
33 corrections and community supervision from the correctional facilities
34 capital improvement fund for capital projects. The aggregate amount of
35 bonds, notes or other obligations authorized to be issued pursuant to
36 this section shall exclude bonds, notes or other obligations issued to
37 refund or otherwise repay bonds, notes or other obligations theretofore
38 issued, the proceeds of which were paid to the state for all or a
39 portion of the amounts expended by the state from appropriations or
40 reappropriations made to the department of corrections and community
41 supervision; provided, however, that upon any such refunding or repay-
42 ment the total aggregate principal amount of outstanding bonds, notes or
43 other obligations may be greater than seven billion [one] four hundred
44 [sixty-three] twenty-four million [three] nine hundred [sixty-nine]
45 ninety-nine thousand dollars [[\$7,163,369,000] \$7,424,999,000, only if
46 the present value of the aggregate debt service of the refunding or
47 repayment bonds, notes or other obligations to be issued shall not
48 exceed the present value of the aggregate debt service of the bonds,
49 notes or other obligations so to be refunded or repaid. For the purposes
50 hereof, the present value of the aggregate debt service of the refunding
51 or repayment bonds, notes or other obligations and of the aggregate debt
52 service of the bonds, notes or other obligations so refunded or repaid,
53 shall be calculated by utilizing the effective interest rate of the
54 refunding or repayment bonds, notes or other obligations, which shall be
55 that rate arrived at by doubling the semi-annual interest rate
56 (compounded semi-annually) necessary to discount the debt service

1 payments on the refunding or repayment bonds, notes or other obligations
2 from the payment dates thereof to the date of issue of the refunding or
3 repayment bonds, notes or other obligations and to the price bid includ-
4 ing estimated accrued interest or proceeds received by the corporation
5 including estimated accrued interest from the sale thereof.

6 § 31. Paragraph (a) of subdivision 2 of section 47-e of the private
7 housing finance law, as amended by section 28 of part I of chapter 60 of
8 the laws of 2015, is amended to read as follows:

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

36 § 32. Subdivision (b) of section 11 of chapter 329 of the laws of
37 1991, amending the state finance law and other laws relating to the
38 establishment of the dedicated highway and bridge trust fund, as amended
39 by section 29 of part I of chapter 60 of the laws of 2015, is amended to
40 read as follows:

41 (b) Any service contract or contracts for projects authorized pursuant
42 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
43 14-k of the transportation law, and entered into pursuant to subdivision
44 (a) of this section, shall provide for state commitments to provide
45 annually to the thruway authority a sum or sums, upon such terms and
46 conditions as shall be deemed appropriate by the director of the budget,
47 to fund, or fund the debt service requirements of any bonds or any obli-
48 gations of the thruway authority issued to fund or to reimburse the
49 state for funding such projects having a cost not in excess of
50 [\$8,658,881,000] \$9,347,234,000 cumulatively by the end of fiscal year
51 [2015-16] 2016-17.

52 § 33. Subdivision 1 of section 1689-i of the public authorities law,
53 as amended by section 30 of part I of chapter 60 of the laws of 2015, is
54 amended to read as follows:

55 1. The dormitory authority is authorized to issue bonds, at the
56 request of the commissioner of education, to finance eligible library

1 construction projects pursuant to section two hundred seventy-three-a of
2 the education law, in amounts certified by such commissioner not to
3 exceed a total principal amount of one hundred [forty] sixty-four
4 million dollars.

5 § 34. Subdivision (a) of section 27 of part Y of chapter 61 of the
6 laws of 2005, providing for the administration of certain funds and
7 accounts related to the 2005-2006 budget, as amended by section 31 of
8 part I of chapter 60 of the laws of 2015, is amended to read as follows:

9 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
10 notwithstanding any provisions of law to the contrary, the urban devel-
11 opment corporation is hereby authorized to issue bonds or notes in one
12 or more series in an aggregate principal amount not to exceed
13 [\\$155,600,000] \\$167,600,000, excluding bonds issued to finance one or
14 more debt service reserve funds, to pay costs of issuance of such bonds,
15 and bonds or notes issued to refund or otherwise repay such bonds or
16 notes previously issued, for the purpose of financing capital projects
17 including IT initiatives for the division of state police, debt service
18 and leases; and to reimburse the state general fund for disbursements
19 made therefor. Such bonds and notes of such authorized issuer shall not
20 be a debt of the state, and the state shall not be liable thereon, nor
21 shall they be payable out of any funds other than those appropriated by
22 the state to such authorized issuer for debt service and related
23 expenses pursuant to any service contract executed pursuant to subdivi-
24 sion (b) of this section and such bonds and notes shall contain on the
25 face thereof a statement to such effect. Except for purposes of comply-
26 ing with the internal revenue code, any interest income earned on bond
27 proceeds shall only be used to pay debt service on such bonds.

28 § 35. Section 44 of section 1 of chapter 174 of the laws of 1968,
29 constituting the New York state urban development corporation act, as
30 amended by section 32 of part I of chapter 60 of the laws of 2015, is
31 amended to read as follows:

32 § 44. Issuance of certain bonds or notes. 1. Notwithstanding the
33 provisions of any other law to the contrary, the dormitory authority and
34 the corporation are hereby authorized to issue bonds or notes in one or
35 more series for the purpose of funding project costs for the regional
36 economic development council initiative, the economic transformation
37 program, state university of New York college for nanoscale and science
38 engineering, projects within the city of Buffalo or surrounding envi-
39 rons, the New York works economic development fund, projects for the
40 retention of professional football in western New York, the empire state
41 economic development fund, the clarkson-trudeau partnership, the New
42 York genome center, the cornell university college of veterinary medi-
43 cine, the olympic regional development authority, a project at nano
44 Utica, onondaga county revitalization projects, Binghamton university
45 school of pharmacy, New York power electronics manufacturing consortium,
46 regional infrastructure projects, and other state costs associated with
47 such projects. The aggregate principal amount of bonds authorized to be
48 issued pursuant to this section shall not exceed [two] three billion
49 [eight] six hundred [eighty-eight] fifty-three million two hundred
50 fifty-seven thousand dollars, excluding bonds issued to fund one or more
51 debt service reserve funds, to pay costs of issuance of such bonds, and
52 bonds or notes issued to refund or otherwise repay such bonds or notes
53 previously issued. Such bonds and notes of the dormitory authority and
54 the corporation shall not be a debt of the state, and the state shall
55 not be liable thereon, nor shall they be payable out of any funds other
56 than those appropriated by the state to the dormitory authority and the

1 corporation for principal, interest, and related expenses pursuant to a
2 service contract and such bonds and notes shall contain on the face
3 thereof a statement to such effect. Except for purposes of complying
4 with the internal revenue code, any interest income earned on bond
5 proceeds shall only be used to pay debt service on such bonds.

6 2. Notwithstanding any other provision of law to the contrary, in
7 order to assist the dormitory authority and the corporation in undertak-
8 ing the financing for project costs for the regional economic develop-
9 ment council initiative, the economic transformation program, state
10 university of New York college for nanoscale and science engineering,
11 projects within the city of Buffalo or surrounding environs, the New
12 York works economic development fund, projects for the retention of
13 professional football in western New York, the empire state economic
14 development fund, the clarkson-trudeau partnership, the New York genome
15 center, the cornell university college of veterinary medicine, the olym-
16 pic regional development authority, a project at nano Utica, onondaga
17 county revitalization projects, Binghamton university school of pharma-
18 cy, New York power electronics manufacturing consortium, regional
19 infrastructure projects and other state costs associated with such
20 projects, the director of the budget is hereby authorized to enter into
21 one or more service contracts with the dormitory authority and the
22 corporation, none of which shall exceed thirty years in duration, upon
23 such terms and conditions as the director of the budget and the dormito-
24 ry authority and the corporation agree, so as to annually provide to the
25 dormitory authority and the corporation, in the aggregate, a sum not to
26 exceed the principal, interest, and related expenses required for such
27 bonds and notes. Any service contract entered into pursuant to this
28 section shall provide that the obligation of the state to pay the amount
29 therein provided shall not constitute a debt of the state within the
30 meaning of any constitutional or statutory provision and shall be deemed
31 executory only to the extent of monies available and that no liability
32 shall be incurred by the state beyond the monies available for such
33 purpose, subject to annual appropriation by the legislature. Any such
34 contract or any payments made or to be made thereunder may be assigned
35 and pledged by the dormitory authority and the corporation as security
36 for its bonds and notes, as authorized by this section.

37 § 36. Subdivision 3 of section 1285-p of the public authorities law,
38 as amended by section 33 of part I of chapter 60 of the laws of 2015, is
39 amended to read as follows:

40 3. The maximum amount of bonds that may be issued for the purpose of
41 financing environmental infrastructure projects authorized by this
42 section shall be [one] two billion [seven hundred seventy-five] fifty-
43 eight million [seven] two hundred sixty thousand dollars, exclusive of
44 bonds issued to fund any debt service reserve funds, pay costs of issu-
45 ance of such bonds, and bonds or notes issued to refund or otherwise
46 repay bonds or notes previously issued. Such bonds and notes of the
47 corporation shall not be a debt of the state, and the state shall not be
48 liable thereon, nor shall they be payable out of any funds other than
49 those appropriated by the state to the corporation for debt service and
50 related expenses pursuant to any service contracts executed pursuant to
51 subdivision one of this section, and such bonds and notes shall contain
52 on the face thereof a statement to such effect.

53 § 37. Subdivision 1 of section 45 of section 1 of chapter 174 of the
54 laws of 1968, constituting the New York state urban development corpo-
55 ration act, as amended by section 34 of part I of chapter 60 of the laws
56 of 2015, is amended to read as follows:

1 1. Notwithstanding the provisions of any other law to the contrary,
2 the urban development corporation of the state of New York is hereby
3 authorized to issue bonds or notes in one or more series for the purpose
4 of funding project costs for the implementation of a NY-SUNY and NY-CUNY
5 2020 challenge grant program subject to the approval of a NY-SUNY and
6 NY-CUNY 2020 plan or plans by the governor and either the chancellor of
7 the state university of New York or the chancellor of the city universi-
8 ty of New York, as applicable. The aggregate principal amount of bonds
9 authorized to be issued pursuant to this section shall not exceed
10 [\$440,000,000] \$550,000,000, excluding bonds issued to fund one or more
11 debt service reserve funds, to pay costs of issuance of such bonds, and
12 bonds or notes issued to refund or otherwise repay such bonds or notes
13 previously issued. Such bonds and notes of the corporation shall not be
14 a debt of the state, and the state shall not be liable thereon, nor
15 shall they be payable out of any funds other than those appropriated by
16 the state to the corporation for principal, interest, and related
17 expenses pursuant to a service contract and such bonds and notes shall
18 contain on the face thereof a statement to such effect. Except for
19 purposes of complying with the internal revenue code, any interest
20 income earned on bond proceeds shall only be used to pay debt service on
21 such bonds.

22 § 38. Subdivision (a) of section 48 of part K of chapter 81 of the
23 laws of 2002, providing for the administration of certain funds and
24 accounts related to the 2002-2003 budget, as amended by section 35 of
25 part I of chapter 60 of the laws of 2015, is amended to read as follows:

26 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
27 notwithstanding the provisions of section 18 of the urban development
28 corporation act, the corporation is hereby authorized to issue bonds or
29 notes in one or more series in an aggregate principal amount not to
30 exceed \$197,000,000 excluding bonds issued to fund one or more debt
31 service reserve funds, to pay costs of issuance of such bonds, and bonds
32 or notes issued to refund or otherwise repay such bonds or notes previ-
33 ously issued, for the purpose of financing capital costs related to
34 homeland security and training facilities for the division of state
35 police, the division of military and naval affairs, and any other state
36 agency, including the reimbursement of any disbursements made from the
37 state capital projects fund, and is hereby authorized to issue bonds or
38 notes in one or more series in an aggregate principal amount not to
39 exceed [\$469,800,000] \$509,600,000, excluding bonds issued to fund one
40 or more debt service reserve funds, to pay costs of issuance of such
41 bonds, and bonds or notes issued to refund or otherwise repay such bonds
42 or notes previously issued, for the purpose of financing improvements to
43 State office buildings and other facilities located statewide, including
44 the reimbursement of any disbursements made from the state capital
45 projects fund. Such bonds and notes of the corporation shall not be a
46 debt of the state, and the state shall not be liable thereon, nor shall
47 they be payable out of any funds other than those appropriated by the
48 state to the corporation for debt service and related expenses pursuant
49 to any service contracts executed pursuant to subdivision (b) of this
50 section, and such bonds and notes shall contain on the face thereof a
51 statement to such effect.

52 § 39. Subdivision 1 of section 386-b of the public authorities law, as
53 amended by section 36 of part I of chapter 60 of the laws of 2015, is
54 amended to read as follows:

55 1. Notwithstanding any other provision of law to the contrary, the
56 authority, the dormitory authority and the urban development corporation

1 are hereby authorized to issue bonds or notes in one or more series for
2 the purpose of financing peace bridge projects and capital costs of
3 state and local highways, parkways, bridges, the New York state thruway,
4 Indian reservation roads, and facilities, and transportation infrastruc-
5 ture projects including aviation projects, non-MTA mass transit
6 projects, and rail service preservation projects, including work appur-
7 tenant and ancillary thereto. The aggregate principal amount of bonds
8 authorized to be issued pursuant to this section shall not exceed [one]
9 two billion [six hundred ninety] seven hundred twenty-five million
10 dollars [\$1,690,000,000] \$2,725,000,000, excluding bonds issued to fund
11 one or more debt service reserve funds, to pay costs of issuance of such
12 bonds, and to refund or otherwise repay such bonds or notes previously
13 issued. Such bonds and notes of the authority, the dormitory authority
14 and the urban development corporation shall not be a debt of the state,
15 and the state shall not be liable thereon, nor shall they be payable out
16 of any funds other than those appropriated by the state to the authori-
17 ty, the dormitory authority and the urban development corporation for
18 principal, interest, and related expenses pursuant to a service contract
19 and such bonds and notes shall contain on the face thereof a statement
20 to such effect. Except for purposes of complying with the internal
21 revenue code, any interest income earned on bond proceeds shall only be
22 used to pay debt service on such bonds.

23 § 40. Paragraph (c) of subdivision 19 of section 1680 of the public
24 authorities law, as amended by section 37 of part I of chapter 60 of the
25 laws of 2015, is amended to read as follows:

26 (c) Subject to the provisions of chapter fifty-nine of the laws of two
27 thousand, the dormitory authority shall not issue any bonds for state
28 university educational facilities purposes if the principal amount of
29 bonds to be issued when added to the aggregate principal amount of bonds
30 issued by the dormitory authority on and after July first, nineteen
31 hundred eighty-eight for state university educational facilities will
32 exceed [eleven] twelve billion [two hundred twenty-eight] twenty-three
33 million dollars; provided, however, that bonds issued or to be issued
34 shall be excluded from such limitation if: (1) such bonds are issued to
35 refund state university construction bonds and state university
36 construction notes previously issued by the housing finance agency; or
37 (2) such bonds are issued to refund bonds of the authority or other
38 obligations issued for state university educational facilities purposes
39 and the present value of the aggregate debt service on the refunding
40 bonds does not exceed the present value of the aggregate debt service on
41 the bonds refunded thereby; provided, further that upon certification by
42 the director of the budget that the issuance of refunding bonds or other
43 obligations issued between April first, nineteen hundred ninety-two and
44 March thirty-first, nineteen hundred ninety-three will generate long
45 term economic benefits to the state, as assessed on a present value
46 basis, such issuance will be deemed to have met the present value test
47 noted above. For purposes of this subdivision, the present value of the
48 aggregate debt service of the refunding bonds and the aggregate debt
49 service of the bonds refunded, shall be calculated by utilizing the true
50 interest cost of the refunding bonds, which shall be that rate arrived
51 at by doubling the semi-annual interest rate (compounded semi-annually)
52 necessary to discount the debt service payments on the refunding bonds
53 from the payment dates thereof to the date of issue of the refunding
54 bonds to the purchase price of the refunding bonds, including interest
55 accrued thereon prior to the issuance thereof. The maturity of such
56 bonds, other than bonds issued to refund outstanding bonds, shall not



1 exceed the weighted average economic life, as certified by the state
2 university construction fund, of the facilities in connection with which
3 the bonds are issued, and in any case not later than the earlier of
4 thirty years or the expiration of the term of any lease, sublease or
5 other agreement relating thereto; provided that no note, including
6 renewals thereof, shall mature later than five years after the date of
7 issuance of such note. The legislature reserves the right to amend or
8 repeal such limit, and the state of New York, the dormitory authority,
9 the state university of New York, and the state university construction
10 fund are prohibited from covenanting or making any other agreements with
11 or for the benefit of bondholders which might in any way affect such
12 right.

13 § 41. Paragraph (c) of subdivision 14 of section 1680 of the public
14 authorities law, as amended by section 38 of part I of chapter 60 of the
15 laws of 2015, is amended to read as follows:

16 (c) Subject to the provisions of chapter fifty-nine of the laws of two
17 thousand, (i) the dormitory authority shall not deliver a series of
18 bonds for city university community college facilities, except to refund
19 or to be substituted for or in lieu of other bonds in relation to city
20 university community college facilities pursuant to a resolution of the
21 dormitory authority adopted before July first, nineteen hundred eighty-
22 five or any resolution supplemental thereto, if the principal amount of
23 bonds so to be issued when added to all principal amounts of bonds
24 previously issued by the dormitory authority for city university commu-
25 nity college facilities, except to refund or to be substituted in lieu
26 of other bonds in relation to city university community college facili-
27 ties will exceed the sum of four hundred twenty-five million dollars and
28 (ii) the dormitory authority shall not deliver a series of bonds issued
29 for city university facilities, including community college facilities,
30 pursuant to a resolution of the dormitory authority adopted on or after
31 July first, nineteen hundred eighty-five, except to refund or to be
32 substituted for or in lieu of other bonds in relation to city university
33 facilities and except for bonds issued pursuant to a resolution supple-
34 mental to a resolution of the dormitory authority adopted prior to July
35 first, nineteen hundred eighty-five, if the principal amount of bonds so
36 to be issued when added to the principal amount of bonds previously
37 issued pursuant to any such resolution, except bonds issued to refund or
38 to be substituted for or in lieu of other bonds in relation to city
39 university facilities, will exceed seven billion [three] eight hundred
40 [ninety-two] ninety-four million [seven] three hundred [fifty-three]
41 ninety-one thousand dollars. The legislature reserves the right to amend
42 or repeal such limit, and the state of New York, the dormitory authori-
43 ty, the city university, and the fund are prohibited from covenanting or
44 making any other agreements with or for the benefit of bondholders which
45 might in any way affect such right.

46 § 42. Subdivision 10-a of section 1680 of the public authorities law,
47 as amended by section 39 of part I of chapter 60 of the laws of 2015, is
48 amended to read as follows:

49 10-a. Subject to the provisions of chapter fifty-nine of the laws of
50 two thousand, but notwithstanding any other provision of the law to the
51 contrary, the maximum amount of bonds and notes to be issued after March
52 thirty-first, two thousand two, on behalf of the state, in relation to
53 any locally sponsored community college, shall be eight hundred [thir-
54 ty-eight] sixty-four million four hundred [fifty-eight] fifty-four thou-
55 sand dollars. Such amount shall be exclusive of bonds and notes issued
56 to fund any reserve fund or funds, costs of issuance and to refund any

1 outstanding bonds and notes, issued on behalf of the state, relating to
2 a locally sponsored community college.

3 § 43. Subdivision 1 of section 17 of part D of chapter 389 of the laws
4 of 1997, relating to the financing of the correctional facilities
5 improvement fund and the youth facility improvement fund, as amended by
6 section 41 of part I of chapter 60 of the laws of 2015, is amended to
7 read as follows:

8 1. Subject to the provisions of chapter 59 of the laws of 2000, but
9 notwithstanding the provisions of section 18 of section 1 of chapter 174
10 of the laws of 1968, the New York state urban development corporation is
11 hereby authorized to issue bonds, notes and other obligations in an
12 aggregate principal amount not to exceed six hundred [eleven] forty-sev-
13 en million [two hundred fifteen] sixty-five thousand dollars
14 [(\$611,215,000)] (\$647,065,000), which authorization increases the
15 aggregate principal amount of bonds, notes and other obligations author-
16 ized by section 40 of chapter 309 of the laws of 1996, and shall include
17 all bonds, notes and other obligations issued pursuant to chapter 211 of
18 the laws of 1990, as amended or supplemented. The proceeds of such
19 bonds, notes or other obligations shall be paid to the state, for depos-
20 it in the youth facilities improvement fund, to pay for all or any
21 portion of the amount or amounts paid by the state from appropriations
22 or reappropriations made to the office of children and family services
23 from the youth facilities improvement fund for capital projects. The
24 aggregate amount of bonds, notes and other obligations authorized to be
25 issued pursuant to this section shall exclude bonds, notes or other
26 obligations issued to refund or otherwise repay bonds, notes or other
27 obligations theretofore issued, the proceeds of which were paid to the
28 state for all or a portion of the amounts expended by the state from
29 appropriations or reappropriations made to the office of children and
30 family services; provided, however, that upon any such refunding or
31 repayment the total aggregate principal amount of outstanding bonds,
32 notes or other obligations may be greater than six hundred [eleven]
33 forty-seven million [two hundred fifteen] sixty-five thousand dollars
34 [(\$611,215,000)] (\$647,065,000), only if the present value of the aggre-
35 gate debt service of the refunding or repayment bonds, notes or other
36 obligations to be issued shall not exceed the present value of the
37 aggregate debt service of the bonds, notes or other obligations so to be
38 refunded or repaid. For the purposes hereof, the present value of the
39 aggregate debt service of the refunding or repayment bonds, notes or
40 other obligations and of the aggregate debt service of the bonds, notes
41 or other obligations so refunded or repaid, shall be calculated by
42 utilizing the effective interest rate of the refunding or repayment
43 bonds, notes or other obligations, which shall be that rate arrived at
44 by doubling the semi-annual interest rate (compounded semi-annually)
45 necessary to discount the debt service payments on the refunding or
46 repayment bonds, notes or other obligations from the payment dates ther-
47 eof to the date of issue of the refunding or repayment bonds, notes or
48 other obligations and to the price bid including estimated accrued
49 interest or proceeds received by the corporation including estimated
50 accrued interest from the sale thereof.

51 § 44. Paragraph b of subdivision 2 of section 9-a of section 1 of
52 chapter 392 of the laws of 1973, constituting the New York state medical
53 care facilities finance agency act, as amended by section 42 of part I
54 of chapter 60 of the laws of 2015, is amended to read as follows:

55 b. The agency shall have power and is hereby authorized from time to
56 time to issue negotiable bonds and notes in conformity with applicable

1 provisions of the uniform commercial code in such principal amount as,
2 in the opinion of the agency, shall be necessary, after taking into
3 account other moneys which may be available for the purpose, to provide
4 sufficient funds to the facilities development corporation, or any
5 successor agency, for the financing or refinancing of or for the design,
6 construction, acquisition, reconstruction, rehabilitation or improvement
7 of mental health services facilities pursuant to paragraph a of this
8 subdivision, the payment of interest on mental health services improve-
9 ment bonds and mental health services improvement notes issued for such
10 purposes, the establishment of reserves to secure such bonds and notes,
11 the cost or premium of bond insurance or the costs of any financial
12 mechanisms which may be used to reduce the debt service that would be
13 payable by the agency on its mental health services facilities improve-
14 ment bonds and notes and all other expenditures of the agency incident
15 to and necessary or convenient to providing the facilities development
16 corporation, or any successor agency, with funds for the financing or
17 refinancing of or for any such design, construction, acquisition, recon-
18 struction, rehabilitation or improvement and for the refunding of mental
19 hygiene improvement bonds issued pursuant to section 47-b of the private
20 housing finance law; provided, however, that the agency shall not issue
21 mental health services facilities improvement bonds and mental health
22 services facilities improvement notes in an aggregate principal amount
23 exceeding [seven] eight billion [seven hundred twenty-two] twenty-one
24 million eight hundred fifteen thousand dollars, excluding mental health
25 services facilities improvement bonds and mental health services facili-
26 ties improvement notes issued to refund outstanding mental health
27 services facilities improvement bonds and mental health services facili-
28 ties improvement notes; provided, however, that upon any such refunding
29 or repayment of mental health services facilities improvement bonds
30 and/or mental health services facilities improvement notes the total
31 aggregate principal amount of outstanding mental health services facili-
32 ties improvement bonds and mental health facilities improvement notes
33 may be greater than [seven] eight billion [seven hundred twenty-two]
34 twenty-one million eight hundred fifteen thousand dollars only if,
35 except as hereinafter provided with respect to mental health services
36 facilities bonds and mental health services facilities notes issued to
37 refund mental hygiene improvement bonds authorized to be issued pursuant
38 to the provisions of section 47-b of the private housing finance law,
39 the present value of the aggregate debt service of the refunding or
40 repayment bonds to be issued shall not exceed the present value of the
41 aggregate debt service of the bonds to be refunded or repaid. For
42 purposes hereof, the present values of the aggregate debt service of the
43 refunding or repayment bonds, notes or other obligations and of the
44 aggregate debt service of the bonds, notes or other obligations so
45 refunded or repaid, shall be calculated by utilizing the effective
46 interest rate of the refunding or repayment bonds, notes or other obli-
47 gations, which shall be that rate arrived at by doubling the semi-annual
48 interest rate (compounded semi-annually) necessary to discount the debt
49 service payments on the refunding or repayment bonds, notes or other
50 obligations from the payment dates thereof to the date of issue of the
51 refunding or repayment bonds, notes or other obligations and to the
52 price bid including estimated accrued interest or proceeds received by
53 the authority including estimated accrued interest from the sale there-
54 of. Such bonds, other than bonds issued to refund outstanding bonds,
55 shall be scheduled to mature over a term not to exceed the average
56 useful life, as certified by the facilities development corporation, of

1 the projects for which the bonds are issued, and in any case shall not
2 exceed thirty years and the maximum maturity of notes or any renewals
3 thereof shall not exceed five years from the date of the original issue
4 of such notes. Notwithstanding the provisions of this section, the agen-
5 cy shall have the power and is hereby authorized to issue mental health
6 services facilities improvement bonds and/or mental health services
7 facilities improvement notes to refund outstanding mental hygiene
8 improvement bonds authorized to be issued pursuant to the provisions of
9 section 47-b of the private housing finance law and the amount of bonds
10 issued or outstanding for such purposes shall not be included for
11 purposes of determining the amount of bonds issued pursuant to this
12 section. The director of the budget shall allocate the aggregate princi-
13 pal authorized to be issued by the agency among the office of mental
14 health, office for people with developmental disabilities, and the
15 office of alcoholism and substance abuse services, in consultation with
16 their respective commissioners to finance bondable appropriations previ-
17 ously approved by the legislature.

18 § 45. Paragraph (b) of subdivision 3 of section 1 and clause (B) of
19 subparagraph (iii) of paragraph (j) of subdivision 4 of section 1 of
20 part D of chapter 63 of the laws of 2005 relating to the composition and
21 responsibilities of the New York state higher education capital matching
22 grant board, as amended by section 43 of part I of chapter 60 of the
23 laws of 2015, is amended to read as follows:

24 (b) Within amounts appropriated therefor, the board is hereby author-
25 ized and directed to award matching capital grants totaling [210] 240
26 million dollars. Each college shall be eligible for a grant award amount
27 as determined by the calculations pursuant to subdivision five of this
28 section. In addition, such colleges shall be eligible to compete for
29 additional funds pursuant to paragraph (h) of subdivision four of this
30 section.

31 (B) The dormitory authority shall not issue any bonds or notes in an
32 amount in excess of [210] 240 million dollars for the purposes of this
33 section; excluding bonds or notes issued to fund one or more debt
34 service reserve funds, to pay costs of issuance of such bonds, and bonds
35 or notes issued to refund or otherwise repay such bonds or notes previ-
36 ously issued. Except for purposes of complying with the internal revenue
37 code, any interest on bond proceeds shall only be used to pay debt
38 service on such bonds.

39 § 46. Intentionally omitted.

40 § 46-a. Subdivision 1 of section 51 of section 1 of chapter 174 of the
41 laws of 1968, constituting the New York state urban development corpo-
42 ration act, as added by section 26 of part I of chapter 60 of the laws
43 of 2015, is amended to read as follows:

44 1. Notwithstanding the provisions of any other law to the contrary,
45 the dormitory authority and the urban development corporation are hereby
46 authorized to issue bonds or notes in one or more series for the purpose
47 of funding project costs for the nonprofit infrastructure capital
48 investment program and other state costs associated with such capital
49 projects. The aggregate principal amount of bonds authorized to be
50 issued pursuant to this section shall not exceed [fifty] one hundred
51 million dollars, excluding bonds issued to fund one or more debt service
52 reserve funds, to pay costs of issuance of such bonds, and bonds or
53 notes issued to refund or otherwise repay such bonds or notes previously
54 issued. Such bonds and notes of the dormitory authority and the urban
55 development corporation shall not be a debt of the state, and the state
56 shall not be liable thereon, nor shall they be payable out of any funds

1 other than those appropriated by the state to the dormitory authority
 2 and the urban development corporation for principal, interest, and
 3 related expenses pursuant to a service contract and such bonds and notes
 4 shall contain on the face thereof a statement to such effect. Except for
 5 purposes of complying with the internal revenue code, any interest
 6 income earned on bond proceeds shall only be used to pay debt service on
 7 such bonds.

8 § 46-b. Subdivision 1 of section 1680-r of the public authorities law,
 9 as amended by section 40 of part I of chapter 60 of the laws of 2015, is
 10 amended to read as follows:

11 1. Notwithstanding the provisions of any other law to the contrary,
 12 the dormitory authority and the urban development corporation are hereby
 13 authorized to issue bonds or notes in one or more series for the purpose
 14 of funding project costs for the capital restructuring financing program
 15 for health care and related facilities licensed pursuant to the public
 16 health law or the mental hygiene law and other state costs associated
 17 with such capital projects and the health care facility transformation
 18 program. The aggregate principal amount of bonds authorized to be issued
 19 pursuant to this section shall not exceed two billion [two] four hundred
 20 fifty-five million dollars, excluding bonds issued to fund one or more
 21 debt service reserve funds, to pay costs of issuance of such bonds, and
 22 bonds or notes issued to refund or otherwise repay such bonds or notes
 23 previously issued. Such bonds and notes of the dormitory authority and
 24 the urban development corporation shall not be a debt of the state, and
 25 the state shall not be liable thereon, nor shall they be payable out of
 26 any funds other than those appropriated by the state to the dormitory
 27 authority and the urban development corporation for principal, interest,
 28 and related expenses pursuant to a service contract and such bonds and
 29 notes shall contain on the face thereof a statement to such effect.
 30 Except for purposes of complying with the internal revenue code, any
 31 interest income earned on bond proceeds shall only be used to pay debt
 32 service on such bonds.

33 § 47. This act shall take effect immediately and shall be deemed to
 34 have been in full force and effect on and after April 1, 2016; provided,
 35 however, with the exception of item 5 of the miscellaneous category set
 36 forth within section two of this act, the provisions of sections one
 37 through eight, and sections twelve through twenty of this act shall
 38 expire March 31, 2017, when upon such date the provisions of such
 39 sections shall be deemed repealed.

40

PART O

41 Section 1. Paragraph 1 of subdivision 2-a of section 19-a of the
 42 public lands law, as amended by section 1 of part T of chapter 55 of the
 43 laws of 2013, is amended to read as follows:

44 (1) Notwithstanding any provision of this section to the contrary, in
 45 addition to state aid otherwise payable pursuant to this section, there
 46 shall be payable to any city located in a county in which there has been
 47 constructed a state office building project in accordance with the
 48 provisions of chapter one hundred fifty-two of the laws of nineteen
 49 hundred sixty-four, as amended, and pursuant to an agreement entitled
 50 the "South Mall contract" dated May eleventh, nineteen hundred sixty-
 51 five, state aid in accordance with the following schedule:

52 State Fiscal Year	53 Amount
----------------------	-----------

1	2000-2001	\$4,500,000	
2	2001-2002	\$4,500,000	
3	2002-2003	\$4,500,000	
4	2003-2004	\$9,850,000	
5	2004-2005	\$16,850,000	
6	2005-2006	\$22,850,000	
7	2006-2007	\$22,850,000	
8	2007-2008	\$22,850,000	
9	2008-2009	\$22,850,000	
10	2009-2010	\$22,850,000	
11	2010-2011	\$22,850,000	
12	2011-2012	\$15,000,000	
13	2012-2013	\$22,850,000	
14	2013-2014	\$22,850,000	
15	2014-2015	\$15,000,000	
16	2015-2016	\$15,000,000	
17	2016-2017	[\$15,000,000]	<u>\$27,500,000</u>
18	2017-2018	\$15,000,000	
19	2018-2019	\$15,000,000	
20	2019-2020	\$15,000,000	
21	2020-2021	\$15,000,000	
22	2021-2022	\$15,000,000	
23	2022-2023	\$15,000,000	
24	2023-2024	\$15,000,000	
25	2024-2025	\$15,000,000	
26	2025-2026	\$15,000,000	
27	2026-2027	\$15,000,000	
28	2027-2028	\$15,000,000	
29	2028-2029	\$15,000,000	
30	2029-2030	\$15,000,000	
31	2030-2031	\$15,000,000	
32	2031-2032	[\$7,150,000]	<u>\$1,800,000</u>
33	[2032-2033	\$7,150,000]	

34 § 2. This act shall take effect immediately and shall be deemed to
 35 have been in full force and effect on and after April 1, 2016.

36 PART P

37 Intentionally Omitted

38 PART Q

39 Section 1. The public service law is amended by adding a new article
 40 1-A to read as follows:

41 ARTICLE 1-A

42 THE STATE OFFICE OF THE UTILITY CONSUMER ADVOCATE

43 Section 28-a. Definitions.

44 28-b. Establishment of the state office of the utility consumer
 45 advocate.

46 28-c. Powers of the state office of the utility consumer advo-
 47 cate.

48 28-d. Reports.

49 § 28-a. Definitions. When used in this article: (a) "Department"
 50 means the department of public service.

51 (b) "Commission" means the public service commission.

1 (c) "Residential utility customer" means any person who is sold or
2 offered for sale residential utility service by a utility company.

3 (d) "Utility company" means any person or entity operating an agency
4 for public service, including, but not limited to, those persons or
5 entities subject to the jurisdiction, supervision and regulations
6 prescribed by or pursuant to the provisions of this chapter.

7 § 28-b. Establishment of the state office of the utility consumer
8 advocate. There is established the state office of the utility consumer
9 advocate to represent the interests of residential utility customers.
10 The utility consumer advocate shall be appointed by the governor to a
11 term of six years, upon the advice and consent of the senate. The utili-
12 ty consumer advocate shall possess knowledge and experience in matters
13 affecting residential utility customers and shall be responsible for the
14 direction, control, and operation of the state office of the utility
15 consumer advocate, including its hiring of staff and retention of
16 experts for analysis and testimony in proceedings. The utility consumer
17 advocate shall not be removed for cause, but may be removed only after
18 notice and opportunity to be heard, and only for permanent disability,
19 malfeasance, a felony, or conduct involving moral turpitude. Exercise of
20 independent judgment in advocating positions on behalf of residential
21 utility customers shall not constitute cause for removal of the utility
22 consumer advocate.

23 § 28-c. Powers of the state office of the utility consumer advocate.
24 The state office of the utility consumer advocate shall have the power
25 and duty to: (a) initiate, intervene in, or participate on behalf of
26 residential utility customers in any proceedings before the commission,
27 the federal energy regulatory commission, the federal communications
28 commission, federal, state and local administrative and regulatory agen-
29 cies, and state and federal courts in any matter or proceeding that may
30 substantially affect the interests of residential utility customers,
31 including, but not limited to, a proposed change of rates, charges,
32 terms and conditions of service, the adoption of rules, regulations,
33 guidelines, orders, standards or final policy decisions where the utili-
34 ty consumer advocate deems such initiation, intervention or partic-
35 ipation to be necessary or appropriate;

36 (b) represent the interests of residential utility customers of the
37 state before federal, state and local administrative and regulatory
38 agencies engaged in the regulation of energy, telecommunications, water,
39 and other utility services, and before state and federal courts in
40 actions and proceedings to review the actions of utilities or orders of
41 utility regulatory agencies. Any action or proceeding brought by the
42 utility consumer advocate before a court or an agency shall be brought
43 in the name of the state office of the utility consumer advocate. The
44 utility consumer advocate may join with a residential utility customer
45 or group of residential utility customers in bringing an action;

46 (c) (i) in addition to any other authority conferred upon the utility
47 consumer advocate, he or she is authorized, and it shall be his or her
48 duty to represent the interests of residential utility customers as a
49 party, or otherwise participate for the purpose of representing the
50 interests of such customers before any agencies or courts. He or she may
51 initiate proceedings if in his or her judgment doing so may be necessary
52 in connection with any matter involving the actions or regulation of
53 public utility companies whether on appeal or otherwise initiated. The
54 utility consumer advocate may monitor all cases before regulatory agen-
55 cies in the United States, including the federal communications commis-
56 sion and the federal energy regulatory commission that affect the inter-

1 ests of residential utility customers of the state and may formally
2 participate in those proceedings which in his or her judgment warrants
3 such participation.

4 (ii) the utility consumer advocate shall exercise his or her independ-
5 ent discretion in determining the interests of residential utility
6 customers that will be advocated in any proceeding, and determining
7 whether to participate in or initiate any proceeding and, in so deter-
8 mining, shall consider the public interest, the resources available, and
9 the substantiality of the effect of the proceeding on the interest of
10 residential utility customers;

11 (d) request and receive from any state or local authority, agency,
12 department or division of the state or political subdivision such
13 assistance, personnel, information, books, records, other documentation
14 and cooperation necessary to perform its duties; and

15 (e) enter into cooperative agreements with other government offices to
16 efficiently carry out its work.

17 § 28-d. Reports. On July first, two thousand seventeen and annually
18 thereafter, the state office of the utility consumer advocate shall
19 issue a report to the governor and the legislature, and make such report
20 available to the public free of charge on a publicly available website,
21 containing, but not limited to, the following information:

22 (a) all proceedings that the state office of the utility consumer
23 advocate participated in and the outcome of such proceedings, to the
24 extent of such outcome and if not confidential;

25 (b) estimated savings to residential utility consumers that resulted
26 from intervention by the state office of the utility consumer advocate;
27 and

28 (c) policy recommendations and suggested statutory amendments that the
29 state office of the utility consumer advocate deems necessary.

30 § 2. This act shall take effect on the first of April next succeeding
31 the date on which it shall have become a law.

32 PART R

33 Section 1. The public service law is amended by adding a new section
34 24-c to read as follows:

35 § 24-c. Utility intervenor reimbursement. 1. As used in this
36 section, the following terms shall have the following meanings:

37 (a) "Compensation" means payment from the utility intervenor account
38 fund established by section ninety-seven-pppp of the state finance law,
39 for all or part, as determined by the department, of reasonable advo-
40 cate's fees, reasonable expert witness fees, and other reasonable costs
41 for preparation and participation in a proceeding.

42 (b) "Participant" means a group of persons that apply jointly for an
43 award of compensation under this section and who represent the interests
44 of a significant number of residential or small business customers, or a
45 not-for-profit organization in this state authorized pursuant to its
46 articles of incorporation or bylaws to represent the interests of resi-
47 dential or small business utility customers. For purposes of this
48 section, a participant does not include a non-profit organization or
49 other organization whose principal interests are the welfare of a public
50 utility or its investors or employees, or the welfare of one or more
51 businesses or industries which receive utility service ordinarily and
52 primarily for use in connection with the profit-seeking manufacture,
53 sale, or distribution of goods or services.

1 (c) "Other reasonable costs" means reasonable out-of-pocket expenses
2 directly incurred by a participant that are directly related to the
3 contentions or recommendations made by the participant that resulted in
4 a substantial contribution.

5 (d) "Party" means any interested party, respondent public utility, or
6 commission staff in a hearing or proceeding.

7 (e) "Proceeding" means a complaint, or investigation, rulemaking, or
8 other formal proceeding before the commission, or alternative dispute
9 resolution procedures in lieu of formal proceedings as may be sponsored
10 or endorsed by the commission, provided however such proceedings shall
11 be limited to those relating to public utilities that distribute and
12 deliver gas, electricity, or steam within this state and having annual
13 revenues in excess of two hundred million dollars arising under and
14 proceeding pursuant to the following articles of this chapter: (1) the
15 regulation of the price of gas and electricity, pursuant to article four
16 of this chapter; (2) the regulation of the price of steam, pursuant to
17 article four-A of this chapter; (3) the submetering, remetering or
18 resale of electricity to residential premises, pursuant to section
19 sixty-five and sixty-six of this chapter, and pursuant to regulations
20 regarding the submetering, remetering, or resale of electricity adopted
21 by the commission; and (4) such sections of this chapter as are applica-
22 ble to a proceeding in which the commission makes a finding on the
23 record that the public interest requires the reimbursement of utility
24 intervenor fees pursuant to this section.

25 (f) "Significant financial hardship" means that the participant will
26 be unable to afford, without undue hardship, to pay the costs of effec-
27 tive participation, including advocate's fees, expert witness fees, and
28 other reasonable costs of participation.

29 (g) "Small business" means a business with a gross annual revenue of
30 two hundred fifty thousand dollars or less.

31 (h) "Substantial contribution" means that, in the judgment of the
32 department, the participant's application may substantially assist the
33 commission in making its decision because the decision may adopt in
34 whole or in part one or more factual contentions, legal contentions, or
35 specific policy or procedural recommendations that will be presented by
36 the participant.

37 2. A participant may apply for an award of compensation under this
38 section in a proceeding in which such participant has sought active
39 party status as defined by the department. The department shall deter-
40 mine appropriate procedures for accepting and responding to such appli-
41 cations. At the time of application, such participant shall serve on
42 every party to the proceeding notice of intent to apply for an award of
43 compensation.

44 An application shall include:

45 (a) A statement of the nature and extent and the factual and legal
46 basis of the participant's planned participation in the proceeding as
47 far as it is possible to describe such participation with reasonable
48 specificity at the time the application is filed.

49 (b) At minimum, a reasonably detailed description of anticipated advo-
50 cates and expert witness fees and other costs of preparation and partic-
51 ipation that the participant expects to request as compensation.

52 (c) If participation or intervention will impose a significant finan-
53 cial hardship and the participant seeks payment in advance to an award
54 of compensation in order to initiate, continue or complete participation
55 in the hearing or proceeding, such participant must include evidence of
56 such significant financial hardship in its application.

1 (d) Any other requirements as required by the department.

2 3. (a) Within thirty days after the filing of an application the
3 department shall issue a decision that determines whether or not the
4 participant may make a substantial contribution to the final decision in
5 the hearing or proceeding. If the department finds that the participant
6 requesting compensation may make a substantial contribution, the depart-
7 ment shall describe this substantial contribution and determine the
8 amount of compensation to be paid pursuant to subdivision four of this
9 section.

10 (b) Notwithstanding subdivision four of this section, if the depart-
11 ment finds that the participant has a significant financial hardship,
12 the department may direct the public utility or utilities subject to the
13 proceeding to pay all or part of the compensation to the department to
14 be provided to the participant prior to the end of the proceeding. In
15 the event that the participant discontinues its participation in the
16 proceeding without the consent of the department, the department shall
17 be entitled to, in whole or in part, recover any payments made to such
18 participant to be refunded to the public utility or utilities that
19 provided such payment.

20 (c) The computation of compensation pursuant to paragraph (a) of this
21 subdivision shall take into consideration the market rates paid to
22 persons of comparable training and experience who offer similar
23 services. The compensation awarded may not, in any case, exceed the
24 comparable market rate for services paid by the department or the public
25 utility, whichever is greater, to persons of comparable training and
26 experience who are offering similar services.

27 (d) Any compensation awarded to a participant and not used by such
28 participant shall be returned to the department for refund to the public
29 utility or utilities that provided such payment.

30 (e) The department shall require that participants seeking payment
31 maintain an itemized record of all expenditures incurred as a result of
32 such proceeding.

33 (i) The department may use the itemized record of expenses to verify
34 the claim of financial hardship by a participant seeking payment pursu-
35 ant to paragraph (c) of subdivision two of this section.

36 (ii) The department may use the record of expenditures in determining,
37 after the completion of a proceeding, if any unused funds remain.

38 (iii) The department shall preserve the confidentiality of the partic-
39 ipant's records in making any audit or determining the availability of
40 funds after the completion of a proceeding.

41 (f) In the event that the department finds that two or more partic-
42 ipants' applications have substantially similar interests, the depart-
43 ment may require such participants to apply jointly in order to receive
44 compensation.

45 4. Any compensation pursuant to this section shall be paid at the
46 conclusion of the proceeding by the public utility or utilities subject
47 to the proceeding within thirty days. Such compensation shall be remit-
48 ted to the department which shall then remit such compensation to the
49 participant.

50 5. The department shall deny any award to any participant who attempts
51 to delay or obstruct the orderly and timely fulfillment of the depart-
52 ment's responsibilities.

53 § 2. The state finance law is amended by adding a new section 97-pppp
54 to read as follows:

55 § 97-pppp. Utility intervenor account. 1. There is hereby established
56 in the joint custody of the state comptroller and the commissioner of

1 taxation and finance a fund to be known as the utility intervenor
2 account.

3 2. Such account shall consist of all utility intervenor reimbursement
4 monies received from utilities pursuant to section twenty-four-c of the
5 public service law.

6 § 3. This act shall take effect on the thirtieth day after it shall
7 have become a law.

8

PART S

9 Section 1. The opening paragraph of subdivision 3 of section 5-a of
10 the legislative law, as amended by section 1 of part K of chapter 55 of
11 the laws of 2014, is amended to read as follows:

12 Any member of the assembly serving in a special capacity in a position
13 set forth in the following schedule shall be paid the allowance set
14 forth in such schedule only for the legislative term commencing January
15 first, two thousand [fifteen] seventeen and terminating December thir-
16 ty-first, two thousand [sixteen] eighteen:

17 § 2. Section 13 of chapter 141 of the laws of 1994, amending the
18 legislative law and the state finance law relating to the operation and
19 administration of the legislature, as amended by section 1 of part T of
20 chapter 56 of the laws of 2015, is amended to read as follows:

21 § 13. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect as of April 1, 1994, provided that,
23 the provisions of section 5-a of the legislative law as amended by
24 sections two and two-a of this act shall take effect on January 1, 1995,
25 and provided further that, the provisions of article 5-A of the legisla-
26 tive law as added by section eight of this act shall expire June 30,
27 [2016] 2017 when upon such date the provisions of such article shall be
28 deemed repealed; and provided further that section twelve of this act
29 shall be deemed to have been in full force and effect on and after April
30 10, 1994.

31 § 3. This act shall take effect immediately, provided, however, if
32 section two of this act shall take effect on or after June 30, 2016
33 section two of this act shall be deemed to have been in full force and
34 effect on and after June 30, 2016.

35

PART T

36 Section 1. Legislative intent. The legislature hereby finds and
37 declares that it is in the public interest to enact a cost benefit
38 review process when a state agency enters into contracts for personal
39 services. New York State spends over \$3.5 billion annually on personal
40 service contracts, over \$840 million more than the State spent on these
41 contracts in SFY 2003-04, a 32% increase. Despite an Executive Order
42 that has implemented a post contract review process for some personal
43 service contracts the cost of those contracts continues to escalate
44 every year well above the inflation rate. In addition the State Finance
45 Law does not require state agencies to compare the cost or quality of
46 personal services to be provided by consultants with the cost or quality
47 of providing the same services by the state employees. Numerous audits
48 by the Office of State Comptroller as well as a KPMG study commissioned
49 by the department of transportation have found that consultants hired
50 under personal service contracts can cost between fifty percent and
51 seventy-five percent more than state employees that do the exact same
52 work including the cost of state employee benefits. The Contract Disclo-

1 sure Law (Chapter 10 of the laws of 2006) required consultants who
2 provide personal services to file forms for each contract that outline
3 how many consultants they hired, what titles they employed them in and
4 how much they paid them. A review of these forms shows that the average
5 consultant makes about fifty percent more than state employees doing
6 comparable work. It is in the public interest for state agencies to
7 compare the cost of doing work by consultants with the cost of doing the
8 same work with state employees as well as document whether or not such
9 work can be done by state employees. If state government is to be smar-
10 ter, more efficient, and transparent then a cost benefit analysis proc-
11 ess that makes its findings public should be required by law.

12 § 2. Section 163 of the state finance law is amended by adding a new
13 subdivision 16 to read as follows:

14 16. Consultant services. a. Before a state agency enters into a
15 contract for consultant services which is anticipated to cost more than
16 two hundred fifty thousand dollars in a twelve month period the state
17 agency shall conduct a cost comparison review to determine whether the
18 services to be provided by the consultant can be performed at equal or
19 lower cost by utilizing state employees, unless the contract meets one
20 of the exceptions set forth in paragraph b of this subdivision. As used
21 in this section, the term "consultant services" shall mean any contract
22 entered into by a state agency for analysis, evaluation, research,
23 training, data processing, computer programming, engineering including
24 professional design services, health services, mental health services,
25 accounting, auditing, or similar services, but shall not include legal
26 services or services in connection with litigation including expert
27 witnesses and shall not include contracts for construction of public
28 works. For purposes of this subdivision, the costs of performing the
29 services by state employees shall include any salary, pension costs, all
30 other benefit costs, costs that are required for equipment, facilities
31 and all other overhead. The costs of consultant services shall include
32 the total cost of the contract including costs that are required for
33 equipment, facilities and all other overhead and any continuing state
34 costs directly associated with a contractor providing a contracted func-
35 tion including, but not limited to, those costs for inspection, super-
36 vision, monitoring of the contractor's work and any pro rata share of
37 existing costs or expenses, including administrative salaries and bene-
38 fits, rent, equipment costs, utilities and materials. The cost compar-
39 ison shall be expressed where feasible as an hourly rate, or where such
40 a calculation is not feasible, as a total estimated cost for the antic-
41 ipated term of the contract.

42 b. A cost comparison shall not be required if the contracting agency
43 demonstrates:

44 (i) the services are incidental to the purchase of real or personal
45 property; or

46 (ii) the contract is necessary in order to avoid a conflict of inter-
47 est on the part of the agency or its employees; or

48 (iii) the services are of such a highly specialized nature that it is
49 not feasible to utilize state employees to perform them or require
50 special equipment that is not feasible for the state to purchase or
51 lease; or

52 (iv) the services are of such an urgent nature that it is not feasible
53 to utilize state employees; or

54 (v) the services are anticipated to be short term and are not likely
55 to be extended or repeated after the contract is completed; or



1 (vi) a quantifiable improvement in services that cannot be reasonably
2 duplicated.

3 c. Nothing in this section shall be deemed to authorize a state agency
4 to enter into a contract which is otherwise prohibited by law.

5 d. All documents related to the cost comparison required by this
6 subdivision and the determinations made pursuant to paragraph b of this
7 subdivision shall be public records subject to disclosure pursuant to
8 article six of the public officers law.

9 e. This analysis shall be completed no more than thirty days after it
10 commences and must be initiated within three days of the contract being
11 identified.

12 § 3. On or before December 31, 2017 the office of general services
13 shall prepare a report, to be delivered to the governor, the temporary
14 president of the senate and the speaker of the assembly. Such report
15 shall include, but need not be limited to, an analysis of the effective-
16 ness of the cost comparison study and an analysis of the cost savings
17 associated with performing such cost comparison.

18 § 4. This act shall take effect on the ninetieth day after it shall
19 have become a law and shall expire and be deemed repealed December 31,
20 2018; provided, however, that the amendments to section 163 of the state
21 finance law made by section two of this act shall not affect the repeal
22 of such section and shall be deemed repealed therewith.

23

PART U

24 Section 1. Paragraphs (b) and (c) of subdivision 3 of section 722 of
25 the county law, as amended by section 3 of part E of chapter 56 of the
26 laws of 2010, are amended to read as follows:

27 (b) Any plan of a bar association must receive the approval of the
28 [state administrator] office of indigent legal services before the plan
29 is placed in operation. In the county of Hamilton, representation pursu-
30 ant to a plan of a bar association in accordance with subparagraph (i)
31 of paragraph (a) of this subdivision may be by counsel furnished by the
32 Fulton county bar association pursuant to a plan of the Fulton county
33 bar association, following approval of the [state administrator] office
34 of indigent legal services. When considering approval of an office of
35 conflict defender pursuant to this section, the [state administrator]
36 office of indigent legal services shall employ the guidelines it has
37 heretofore established [by the office of indigent legal services] pursu-
38 ant to paragraph (d) of subdivision three of section eight hundred thir-
39 ty-two of the executive law.

40 (c) Any county operating an office of conflict defender, as described
41 in subparagraph (ii) of paragraph (a) of this subdivision, as of March
42 thirty-first, two thousand ten may continue to utilize the services
43 provided by such office provided that the county submits a plan to the
44 state administrator within one hundred eighty days after the promulga-
45 tion of criteria for the provision of conflict defender services by the
46 office of indigent legal services. The authority to operate such an
47 office pursuant to this paragraph shall expire when the state adminis-
48 trator (or, on or after April first, two thousand seventeen, the office
49 of indigent legal services) approves or disapproves such plan. Upon
50 approval, the county is authorized to operate such office in accordance
51 with paragraphs (a) and (b) of this subdivision.

52 § 2. Subdivision 3 of section 722 of the county law is amended by
53 adding a new paragraph (d) to read as follows:

1 (d) For purposes of this subdivision, any plan of a bar association
2 approved hereunder pursuant to this subdivision, as provided prior to
3 April first, two thousand seventeen, shall remain in effect until it is
4 superseded by a plan approved by the office of indigent legal services
5 or disapproved by such office.

6 § 3. Subdivision 1 and paragraph (a) of subdivision 2 of section 722-f
7 of the county law, subdivision 1 as added by chapter 761 of the laws of
8 1966 and as designated and paragraph (a) of subdivision 2 as added by
9 section 4 of part J of chapter 62 of the laws of 2003, are amended to
10 read as follows:

11 1. A public defender appointed pursuant to article eighteen-A of this
12 chapter, a private legal aid bureau or society designated by a county or
13 city pursuant to subdivision two of section seven hundred twenty-two of
14 this [chapter] article, [and] an administrator of a plan of a bar asso-
15 ciation appointed pursuant to subdivision three of section seven hundred
16 twenty-two of this [chapter] article and an office of conflict defender
17 established pursuant to such subdivision shall file an annual report
18 with the [judicial conference] chief administrator of the courts and the
19 office of indigent legal services. Such report shall be filed at such
20 times and in such detail and form as the [judicial conference] office of
21 indigent legal services may direct.

22 (a) The county executive or chief executive officer of each county or,
23 in the case of a county wholly contained within a city, such city shall
24 file an annual report which specifies in detail and certifies to the
25 state comptroller the total expenditures of such county or city, identi-
26 fying "local funds", as defined in subdivision [four] two of section
27 ninety-eight-b of the state finance law, state funds, federal funds and
28 funds received from a "private source" as described in subdivision
29 [four] two of section ninety-eight-b of the state finance law, for
30 providing legal representation to persons who were financially unable to
31 afford counsel, pursuant to this article. Such annual report, a copy of
32 which also shall be filed with the office of indigent legal services,
33 shall be made on a form developed for such purpose by the state comp-
34 troller.

35 § 4. This act shall take effect April 1, 2017.

36 PART V

37 Section 1. The correction law is amended by adding a new section 135
38 to read as follows:

39 § 135. Body cameras for correction officers. 1. The commissioner
40 shall, after consultation with the chairman of the state commission of
41 corrections, establish a pilot program providing for the use of a body-
42 worn personal video recording device on certain correction officers
43 assigned to the supervision of general population inmates at a maximum
44 security facility. No fewer than fifty correction officers in a single
45 shift shall be selected to participate in this pilot program. Each offi-
46 cer chosen shall wear a personal video recording device affixed to his
47 or her uniform while on duty in the facility chosen for such pilot
48 program. The personal video recording device shall record all the inter-
49 actions of a correction officer and inmates under his or her care,
50 custody and control.

51 2. The commissioner shall promulgate rules and regulations necessary
52 for the use of personal video recording devices in correctional settings
53 including, but not limited to, a requirement that all video recordings
54 be catalogued and maintained as a record by the department for not less

1 than six months. Such rules and regulations shall provide for the
2 protection of personal privacy for those persons whose actions may be
3 recorded. No personal video recording devices may be used as a means to
4 conduct surveillance upon any inmate, officer or employee of the depart-
5 ment. All recordings shall include both audio and video. The rules and
6 regulations promulgated by the commissioner pursuant to this section
7 shall apply to the pilot program established by subdivision one of this
8 section and to any other use of personal video recording devices in
9 correctional facilities.

10 3. All equipment for the pilot program established in subdivision one
11 of this section shall be installed on or before six months after the
12 effective date of this section. The commissioner shall issue a report
13 within six months of the completion of the pilot program detailing the
14 use of and evaluating the effectiveness of personal video recording
15 devices including what impact, if any, the use of body-worn personal
16 cameras has on assaultive behaviors, serious injury, death, and other
17 indicators of increased physical safety of inmates, officers and person-
18 nel, and shall also provide relevant recommendations.

19 § 2. This act shall take effect on the one hundred eightieth day after
20 it shall have become a law.

21 PART W

22 Section 1. Section 2 of chapter 363 of the laws of 2010, amending the
23 judiciary law relating to granting the chief administrator of the courts
24 the authority to allow referees to determine applications for orders of
25 protection during the hours family court is in session, as amended by
26 chapter 29 of the laws of 2014, is amended to read as follows:

27 § 2. This act shall take effect immediately; provided that paragraph
28 (n) of subdivision 2 of section 212 of the judiciary law, as added by
29 section one of this act, shall expire and be deemed repealed September
30 1, [2016] 2018.

31 § 2. Section 2 of chapter 219 of the laws of 2002, amending the judi-
32 ciary law relating to the judicial hearing officer pilot program and the
33 powers of the chief administrator of the courts, as amended by chapter
34 29 of the laws of 2014, is amended to read as follows:

35 § 2. This act shall take effect immediately and shall expire [14] 16
36 years after its effective date, when, upon such date, the provisions of
37 this act shall be deemed repealed.

38 § 3. This act shall take effect immediately.

39 PART X

40 Section 1. Section 1000 of the retirement and social security law, as
41 added by chapter 548 of the laws of 2000, subdivision 9 as added by
42 chapter 547 of the laws of 2002 and subdivision 10 as added by chapter
43 18 of the laws of 2012, is amended to read as follows:

44 § 1000. Military service credit. Notwithstanding any law to the
45 contrary, a member of a public retirement system of the state, as
46 defined in subdivision twenty-three of section five hundred one of this
47 chapter, shall be eligible for credit for military service as hereinaft-
48 er provided:

49 1. A member, upon application to such retirement system, may obtain a
50 total not to exceed three years of service credit for up to three years
51 of military duty, as defined in section two hundred forty-three of the
52 military law, if the member was honorably discharged from the military

1 [and all or part of such military service was rendered during the
2 following periods: (a) commencing December seventh, nineteen hundred
3 forty-one and terminating December thirty-first, nineteen hundred
4 forty-six; (b) commencing June twenty-seventh, nineteen hundred fifty
5 and terminating January thirty-first, nineteen hundred fifty-five; or
6 (c) commencing February twenty-eighth, nineteen hundred sixty-one and
7 terminating May seventh, nineteen hundred seventy-five;

8 2. A member, upon application to such retirement system, may obtain a
9 total not to exceed three years of service credit for up to three years
10 of military duty, as defined in section two hundred forty-three of the
11 military law, if honorably discharged therefrom, if all or part of such
12 services was rendered in the military conflicts referenced below, as
13 follows:

14 (a) hostilities participated in by the military forces of the United
15 States in Lebanon, from the first day of June, nineteen hundred eighty-
16 three to the first day of December, nineteen hundred eighty-seven, as
17 established by receipt of the armed forces expeditionary medal, the navy
18 expeditionary medal, or the marine corps expeditionary medal;

19 (b) hostilities participated in by the military forces of the United
20 States in Grenada, from the twenty-third day of October, nineteen
21 hundred eighty-three to the twenty-first day of November, nineteen
22 hundred eighty-three, as established by receipt of the armed forces
23 expeditionary medal, the navy expeditionary medal, or the marine corps
24 expeditionary medal;

25 (c) hostilities participated in by the military forces of the United
26 States in Panama, from the twentieth day of December, nineteen hundred
27 eighty-nine to the thirty-first day of January, nineteen hundred ninety,
28 as established by receipt of the armed forces expeditionary medal, the
29 navy expeditionary medal, or the marine corps expeditionary medal; or

30 (d) hostilities participated in by the military forces of the United
31 States, from the second day of August, nineteen hundred ninety, to the
32 end of such hostilities in case of a veteran who served in the theater
33 of operations including Iraq, Kuwait, Saudi Arabia, Bahrain, Qatar, the
34 United Arab Emirates, Oman, the Gulf of Aden, the Gulf of Oman, the
35 Persian Gulf, the Red Sea, and the airspace above these locations].

36 [3] 2. A member must have at least five years of credited service (not
37 including service granted hereunder) to be eligible to receive credit
38 under this section.

39 [4] 3. To obtain such credit, a member shall pay such retirement
40 system, for deposit in the fund used to accumulate employer contrib-
41 utions, a sum equal to the product of the number of years of military
42 service being claimed and three percent of such member's compensation
43 earned during the twelve months of credited service immediately preced-
44 ing the date that the member made application for credit pursuant to
45 this section. If permitted by rule or regulation of the applicable
46 retirement system, the member may pay such member costs by payroll
47 deduction for a period which shall not exceed the time period of mili-
48 tary service to be credited pursuant to this section. In the event the
49 member leaves the employer payroll prior to completion of payment, he or
50 she shall forward all remaining required payments to the appropriate
51 retirement system prior to the effective date of retirement. If the full
52 amount of such member costs is not paid to the appropriate retirement
53 system prior to the member's retirement, the amount of service credited
54 shall be proportional to the total amount of the payments made prior to
55 retirement.



1 [5] 4. In no event shall the credit granted pursuant to this section,
2 when added to credit granted for military service with any retirement
3 system of this state pursuant to this or any other provision of law,
4 exceed a total of three years.

5 [6] 5. To be eligible to receive credit for military service under
6 this section, a member must make application for such credit before the
7 effective date of retirement. [Notwithstanding the foregoing provisions
8 of this subdivision, an individual who retired on or after December
9 twenty-first, nineteen hundred ninety-eight and before the effective
10 date of this section may make application for credit pursuant to this
11 section within one year following the effective date of this section, in
12 which event, the cost to the retiree would be based on the twelve month
13 period immediately preceding retirement.]

14 [7] 6. All costs for service credited to a member pursuant to this
15 section, other than the member costs set forth in subdivision three of
16 this section, shall be paid by the state and all employers which partic-
17 ipate in the retirement system in which such member is granted credit.

18 [8] 7. A member who has purchased military service credit pursuant to
19 section two hundred forty-four-a of the military law shall be entitled
20 to a refund of the difference between the amount paid by the member for
21 such purchase and the amount that would be payable if service had been
22 purchased pursuant to this section.

23 [9] 8. Notwithstanding any other provision of law, in the event of
24 death prior to retirement, amounts paid by the member for the purchase
25 of military service credit pursuant to this section shall be refunded,
26 with interest, to the extent the military service purchased with such
27 amounts does not produce a greater death benefit than would have been
28 payable had the member not purchased such credit.

29 Notwithstanding any other provision of law, in the event of retire-
30 ment, amounts paid by the member for the purchase of military service
31 credit pursuant to this section shall be refunded, with interest, to the
32 extent the military service purchased with such amounts does not produce
33 a greater retirement allowance than would have been payable had the
34 member not purchased such credit.

35 [10.] 9. Anything to the contrary in subdivision [four] three of this
36 section notwithstanding, to obtain such credit, a member who first joins
37 a public retirement system of the state on or after April first, two
38 thousand twelve shall pay such retirement system, for deposit in the
39 fund used to accumulate employer contributions, a sum equal to the prod-
40 uct of the number of years of military service being claimed and six
41 percent of such member's compensation earned during the twelve months of
42 credited service immediately preceding the date that the member made
43 application for credit pursuant to this section.

44 § 2. The sum of twenty-four million eight hundred thousand dollars
45 (\$24,800,000), or so much thereof as may be necessary, is hereby appro-
46 priated to the department of audit and control out of any moneys in the
47 state treasury in the general fund to the credit of the state purposes
48 account, not otherwise appropriated, and made immediately available, for
49 the purpose of carrying out the provisions of this act. Such moneys
50 shall be payable on the audit and warrant of the comptroller on vouchers
51 certified or approved by the head of the appropriate public retirement
52 system in the manner prescribed by law.

53 § 3. This act shall take effect immediately.

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

This bill would allow up to three (3) years of service credit for
military duty by removing all existing requirements that such military

service be performed during certain war periods, during certain hostilities while in the theater of operations or upon receipt of an expeditionary medal. However, the total service credit granted for active and peacetime military service shall not exceed three (3) years. Members must have at least five years of credited service (not including military service). Tier 1-5 members would be required to make a payment of three percent of their most recent compensation per year of additional service credit granted by this bill. Tier 6 members would be required to make a payment of six percent of their most recent compensation per year of additional service credit.

If this bill is enacted, insofar as this proposal affects the New York State and Local Employees' Retirement System (ERS), it is estimated that the past service cost will average approximately 15% (12% for Tier 6) of an affected members' compensation for each year of additional service credit that is purchased.

Insofar as this proposal affects the New York State and Local Police and Fire Retirement System (PFRS), it is estimated that the past service cost will average approximately 19% (16% for Tier 6) of an affected members' compensation for each year of additional service that is purchased.

The exact number of current members as well as future members who could be affected by this legislation cannot be readily determined.

ERS costs would be borne entirely by the State of New York. Since a member can apply for this service credit at any time prior to retirement, a precise cost can't be determined until each member, as well as future members, applies for the service credit. Every year a cost will be determined (and billed to the state) based on those benefiting from this provision.

PFRS costs would be shared by the State of New York and the participating employers in the PFRS.

Summary of relevant resources:

The membership data used in measuring the impact of the proposed change was the same as that used in the March 31, 2015 actuarial valuation. Distributions and other statistics can be found in the 2015 Report of the Actuary and the 2015 Comprehensive Annual Financial Report.

The actuarial assumptions and methods used are described in the 2015 Annual Report to the Comptroller on Actuarial Assumptions, and the Codes Rules and Regulations of the State of New York: Audit and Control.

The Market Assets and GASB Disclosures are found in the March 31, 2015 New York State and Local Retirement System Financial Statements and Supplementary Information.

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

This estimate, dated January 14, 2016 and intended for use only during the 2016 Legislative Session, is Fiscal Note No. 2016-25, prepared by the Actuary for the New York State and Local Retirement System.

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

With respect to certain New York City Retirement Systems (NYCRS), this proposed legislation would amend New York State Retirement and Social Security Law (RSSL) Section 1000 to provide certain members of the New York City Employees' Retirement System (NYCERS), the New York City Teachers' Retirement System (NYCTRS), the New York City Board of Education Retirement System (BERS), the New York City Police Pension Fund (POLICE) and the New York Fire Department Pension Fund (FIRE), collectively, the New York City Retirement Systems (NYCRS), the opportunity to

obtain additional retirement service credits for certain Military Service.

This proposed legislation would permit any NYCERS member, prior to the effective date of retirement, to make application for these additional service credits.

To obtain such Military Service credits, members would be required to pay to the appropriate NYCERS, for each year of Military Service purchased, a sum equal to 3.0% (6.0% for members who first join on and after April 1, 2012) of such member's compensation earned during the twelve months of credited service immediately preceding the date that the member makes application for credit.

MEMBERS IMPACTED: Insofar as this proposed legislation relates to the NYCERS, the number of members who could potentially benefit from this proposed legislation cannot be readily determined.

IMPACT ON BENEFITS: With respect to the NYCERS, a member who served in the U.S. military and received an honorable discharge would be permitted, after completing five years of credited service (exclusive of the service credit that could be purchased under this proposed legislation), to purchase a maximum of three years of Military Service (inclusive of any prior purchases of Military Service credit).

In order to purchase the Military Service credits provided in this proposed legislation, a member must have been honorably discharged following a period of "military duty" as defined in New York State Military Law Section 243.

If a member's Military Service meets these conditions, then that member would be permitted to purchase a maximum of three years of Military Service (inclusive of any previously-received Military Service credit) attributable to any period of the member's military career.

For purposes of the respective NYCERS, each year of Military Service credit purchased would apply toward providing the member with a year of benefit accrual under the particular benefit formula covering the member.

In certain circumstances, the member also may be entitled to utilize such Military Service as qualifying service for benefit eligibility purposes.

For purposes of this Fiscal Note, it has been assumed that members who purchase Military Service in accordance with this proposed legislation would generally be entitled to count such service for benefit accrual purposes and for the purpose of qualifying for benefits.

FINANCIAL IMPACT - OVERVIEW: With respect to an individual member, the additional cost of this proposed legislation would depend on the length of all New York City service, age, salary history and Plan in which the member participates, as well as the number of years of service credit purchased.

With respect to employers participating in the NYCERS, the ultimate employer cost of this proposed legislation would be determined by the increase in benefits to be paid, the impact of certain benefits commencing earlier and the reduction in certain future member contributions.

FINANCIAL IMPACT - ACTUARIAL PRESENT VALUES: The additional Actuarial Present Value (APV) of benefits would depend on the number, salaries, ages and lengths of Military Service purchased by members who would be affected by this proposed legislation.

With respect to the NYCERS and based on the census data and assumptions herein, the enactment of this proposed legislation would increase the Actuarial Present Value (APV) of benefits (APVB) by approximately \$147.1 million of June 30, 2016.

In addition, with respect to the NYCERS, the APV of future member contributions (primarily attributable to the payments by members of 3.0% (6.0% for members who first join on and after April 1, 2012) of salary per year of Military Service purchased) would increase by approximately \$22.2 million when measured as of June 30, 2016.

Consequently, with respect to the NYCERS, the APV of net future employer contributions would increase by approximately \$124.9 million as of June 30, 2016.

FINANCIAL IMPACT - ANNUAL EMPLOYER COSTS: The ultimate cost of a pension plan is the benefits it pays. With respect to the NYCERS, the financing of that ultimate cost depends upon the census data used and the actuarial assumptions and methods employed. Assuming that all eligible members were to purchase the eligible Military Service during Fiscal Year 2016 and based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2015, the enactment of this proposed legislation would increase annual employer costs by approximately \$14.8 million per year.

FINANCIAL IMPACT - EMPLOYER CONTRIBUTIONS: The impact of the proposed legislation on employer contributions would be a function of the census data (i.e., age/service/salary, etc.) reported to the Actuary and of the timing of the members electing to buy back their Military Service.

With respect to the NYCERS, based on the Actuary's actuarial assumptions and methods in effect as of June 30, 2015, the enactment of this proposed legislation would ultimately increase employer contributions by approximately the estimated additional annual employer costs.

If applications for buying back Military Service were completed during Fiscal Year 2016 and the NYCERS census data were updated to reflect this information by June 30, 2016, then employer contributions would first be impacted for Fiscal Year 2018.

If the Military Service buybacks were completed after Fiscal Year 2016, then the increase in employer contributions would first occur after Fiscal Year 2018.

FINANCIAL IMPACT - SUMMARY: The following table summarizes the estimated financial impact of this proposed legislation on the NYCERS.

Estimated Financial Impact to Allow Members of the NYCERS
To Purchase up to Three Years of Military Service Credit
(\$ Millions)

Retirement System	Additional APV of Benefits	Additional APV of Future Employer Contributions{1}	Estimated First Year Additional Employer Costs{2}
NYCERS	\$51.0	\$42.9	\$5.1
NYCTRS	15.6	12.8	1.5
BERS	2.2	1.9	0.2
POLICE	61.8	53.0	6.3
FIRE	<u>16.5</u>	<u>14.3</u>	<u>1.7</u>
TOTAL	\$147.1	124.9	\$14.8

{1} Equals increase in APVB minus increase in APV of future member contributions.

{2} Estimated Additional Employer Costs are determined without regard to the funded status of the Retirement Systems and represent the best estimates of the ultimate annual financial burden of the proposed legislation. Estimated Additional Employer Contributions would ultimately approximate Estimated Additional Employer Costs.

ADDITIONAL EMPLOYER COSTS - GENERAL: In general, the real cost of the enactment of this proposed legislation would be the additional benefits paid.

This Fiscal Note does not include analyses of the impact of this proposed legislation on the expected increases in administrative costs or costs for Other Post-Employment Benefits (OPEB).

CENSUS DATA: The census data used for estimates of APV of benefits and employer contributions presented herein are the active members included in the June 30, 2015 (Lag) actuarial valuations of NYCERS, NYCTRS, BERS, POLICE and FIRE used to determine the Preliminary Fiscal Year 2017 employer contributions.

ACTUARIAL ASSUMPTIONS AND METHODS: Additional APV of benefits, of member contributions and of employer contributions have been estimated as of June 30, 2017 using various approximating techniques and assumptions by the Actuary, including, but not limited to:

- * A certain percentage of Veterans being honorably discharged.
- * A certain percentage of honorably discharged Veterans being disabled.
- * Different percentages of members by NYCERS having prior Military Service.
- * Each eligible member purchasing an average of 2.5 years of the Military Service.

Changes in employer contributions have been estimated assuming the increase in the APV of Future Employer Contributions would be financed over a time period comparable to that used for actuarial losses under the Entry Age Actuarial Cost Method. Using this approach, the Additional APV of Future Employer Contributions would be amortized over a closed 15-year period (14 payments under One-Year Lag Methodology) using level dollar payments.

STATEMENT OF ACTUARIAL OPINION: I, Sherry S. Chan, am the Chief Actuary for the New York City Retirement Systems. I am an Associate of the Society of Actuaries, a Fellow of the Conference of Consulting 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 2016 Legislative Session. It is Fiscal Note 2016-04, dated March 1, 2016, prepared by the Chief Actuary for the New York City Employees' Retirement System, the New York City Teachers' Retirement System, the New York City Board of Education Retirement System, the New York City Police Pension Fund and the New York Fire Department Pension Fund.

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

This bill would amend Section 1000 of the Retirement and Social Security Law to allow active members of public retirement systems of New York State to claim service credit for up to three years of military service, regardless of when or where it was performed. Currently, active members can receive service credit for military service performed, but only during specified periods of war. A member must have at least five years of credited service to be eligible and make application for such credit before the effective date of retirement. To obtain such credit, a member must make payments as required in Section 1000 of the Retirement and Social Security Law. Tier 1, 2, 3, 4 and 5 members are required to pay three percent of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service. Tier 6 members are required to pay six percent

of salary earned during the twelve months of credited service immediately preceding the year in which a claim is made for each year of military service.

It is not possible to determine the total annual cost of this bill since the total amount of service credit which would be claimed under this bill cannot be estimated. Pursuant to Section 25 of the Retirement and Social Security Law, the cost to the New York State Teachers' Retirement System (NYSTRS) would be borne by the State of New York and would require an itemized appropriation adequate to pay the cost of this bill. The cost to the State of New York is estimated to be \$19,700 per year of service credited for Tier 1, 2, 3, 4 and 5 members and \$15,200 per year of service credited for Tier 6 members if this bill is enacted. Each year a cost will be computed and billed to the State of New York for those members of NYSTRS receiving a benefit under this bill.

Employee data is from the System's most recent actuarial valuation files, consisting of data provided by the employers to the Retirement System. Data distributions and statistics can be found in the System's Comprehensive Annual Financial Report (CAFR). System assets are as reported in the System's financial statements, and can also be found in the CAFR. Actuarial assumptions and methods are provided in the System's Actuarial Valuation Report.

The source of this estimate is Fiscal Note 2016-8 dated February 3, 2016 prepared by the Actuary of the New York State Teachers' Retirement System and is intended for use only during the 2016 Legislative Session. I, Richard A. Young, am the Actuary for the New York State Teachers' Retirement System. I am a member of the American Academy of Actuaries and I meet the Qualification Standards of the American Academy of Actuaries to render the actuarial opinion contained herein.

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PART Y

2 Section 1. Paragraph (f) of subdivision 6 of section 209 of the civil
3 service law, as added by chapter 67 of the laws of 2013, is amended to
4 read as follows:

5 (f) The provisions of this subdivision shall expire [three years from]
6 July first, two thousand [thirteen] nineteen.

7 § 2. This act shall take effect immediately.

8

PART Z

9 Section 1. Section 2 of chapter 747 of the laws of 2006, amending the
10 state finance law relating to the tribal-state compact revenue account,
11 is amended to read as follows:

12 § 2. This act shall take effect immediately, and shall expire and be
13 deemed repealed December 31, [2016] 2023.

14 § 2. Section 3 of part W of chapter 60 of the laws of 2011, amending
15 the state finance law relating to disbursements from the tribal-state
16 compact revenue account to certain municipalities, as amended by section
17 22 of part HH of chapter 57 of the laws of 2013, is amended to read as
18 follows:

19 § 3. This act shall take effect immediately; provided that[:

20 (a)] the amendments to subdivision 3 [of section 99-h of the state
21 finance law made by section one of this act shall expire and be deemed
22 repealed December 31, 2016; and

23 (b) the amendments to] and paragraph (a) of subdivision 4 of section
24 99-h of the state finance law made by [section] sections one and two of



1 this act shall not affect the expiration of such section and shall be
2 deemed to expire therewith.

3 § 3. Paragraph (a) of subdivision 4 of section 99-h of the state
4 finance law, as amended by section 2 of part W of chapter 60 of the laws
5 of 2011, is amended to read as follows:

6 (a) Monies which are appropriated and received each year by the state
7 as a portion of the negotiated percentage of the net drop from electron-
8 ic gaming devices the state receives in relation to the operation of a
9 gaming facility in the city of Niagara Falls, county of Niagara which
10 subdivision three of this section requires to be a minimum of twenty-
11 five percent, shall be budgeted and disbursed by the city of Niagara
12 Falls in the following manner:

13 (i) seventy-three and one-half percent of the total annual amount
14 received shall be available for expenditure by the city of Niagara Falls
15 for such public purposes as are determined, by the city, to be necessary
16 and desirable to accommodate and enhance economic development, neighbor-
17 hood revitalization, public health and safety, and infrastructure
18 improvement in the city, shall be deposited into the tribal revenue
19 account of the city and any and all interest and income derived from the
20 deposit and investment of such monies shall be deposited into the gener-
21 al operating fund of the city; provided however, that any amount allo-
22 cated to the not-for-profit organization known as the Niagara Falls
23 underground railroad interpretive center created to continue the Niagara
24 Falls Underground Railroad Heritage [Commission] Commission's mission to
25 operate an underground railroad museum, to the extent that its share
26 pursuant to the formula established in clause five of subparagraph (ii)
27 of this paragraph exceeds one percent, such amounts shall be distributed
28 from the funds available to the city for its public purposes pursuant to
29 this paragraph; and

30 (ii) the remaining twenty-six and one-half percent of the total annual
31 amount received shall be allocated for the city of Niagara Falls to be
32 available for expenditure in the following manner:

33 (1) within thirty-five days upon receipt of such funds by such city,
34 five and one-half percent of the total annual amount received in each
35 year, not to exceed seven hundred fifty thousand dollars annually, shall
36 be transferred to Niagara Falls memorial medical center to be used for
37 capital construction projects; and

38 (2) within thirty-five days upon receipt of such funds by such city,
39 five and one-half percent of the total annual amount received in each
40 year, not to exceed seven hundred fifty thousand dollars annually, shall
41 be transferred to the Niagara Falls city school district for capital
42 construction projects; and

43 (3) within thirty-five days upon receipt of such funds by such city,
44 seven percent in each year shall be transferred to the Niagara tourism
45 and convention center corporation for marketing and tourism promotion in
46 the county of Niagara including the city of Niagara Falls; and

47 (4) an amount equal to the lesser of one million dollars or seven
48 percent of the total amount in each year shall be transferred to the
49 city of Niagara Falls and held in an escrow account maintained by the
50 city of Niagara Falls and, if additional funding has been secured by the
51 Niagara frontier transportation authority to finance construction of a
52 new terminal at Niagara Falls, such amount held in escrow shall be
53 transferred to the Niagara frontier transportation authority for such
54 purpose provided however that if such additional funding has not been
55 secured or construction of a new terminal has not commenced within two
56 years of the date which such monies were received by the city of Niagara

1 Falls such amounts held in escrow by the city of Niagara Falls shall be
2 distributed pursuant to subparagraph (iii) of this paragraph; and

3 (5) within thirty-five days upon receipt of such funds by such city,
4 one percent or [three hundred fifty] two hundred thousand dollars,
5 whichever is greater, of the total annual amount received in each year
6 shall be transferred to the not-for-profit organization known as the
7 Niagara Falls underground railroad interpretive center created to
8 continue the Niagara Falls Underground Railroad Heritage [Commission,
9 established pursuant to article forty-three of the parks, recreation and
10 historic preservation law] Commission's mission to operate an under-
11 ground railroad museum, to be used for, but not limited to, development,
12 capital improvements, acquisition of real property, and acquisition of
13 personal property within the heritage area in the city of Niagara Falls
14 as established pursuant to the commission; provided in the event the
15 distribution available pursuant to this clause exceeds one percent, it
16 shall be distributed from the moneys available pursuant to subparagraph
17 (i) of this paragraph; and

18 (6) within thirty-five days upon receipt of such funds by such city,
19 one hundred fifty thousand dollars of the total annual amount received
20 in each year shall be transferred to the Niagara Falls housing authority
21 established pursuant to title twelve of article thirteen of the public
22 housing law for upgrades to their facilities; and

23 (iii) all other monies appropriated or received for distribution
24 pursuant to this subdivision after the transfer of money pursuant to
25 this subparagraph and subparagraphs (i) and (ii) of this paragraph in
26 each year shall be allocated to the city of Niagara Falls for infras-
27 tructure and road improvement projects.

28 § 4. This act shall take effect immediately; provided, however, that
29 the amendments to paragraph (a) of subdivision 4 of section 99-h of the
30 state finance law made by section three of this act shall not affect the
31 expiration of such section and shall be deemed to expire therewith.

32

PART AA

33 Section 1. Notwithstanding any other provision of law to the contrary,
34 for the fiscal year commencing April 1, 2016, a \$100,000,000 increase in
35 aid and incentives for municipalities' base level grants in the general
36 fund aid to localities fund for each municipality shall be apportioned
37 in an amount equal to the percentage of the total 2016-17 base level
38 grant each municipality shall receive; provided, however, that no muni-
39 cipality shall receive an increase of more than \$10,000,000.

40 1. The total amount of grants provided in addition to the total 2016-
41 17 base level grant shall be \$100,000,000.

42 2. "Total 2016-17 base level grant" shall mean the sum of the amount
43 of grants each municipality shall receive in the state fiscal year
44 commencing April 1, 2016, and the amount of miscellaneous financial
45 assistance from the local assistance account received by a village in
46 fiscal year beginning April 1, 2015; provided, however, that the amount
47 of miscellaneous financial assistance from the local assistance account
48 received by a village in fiscal year beginning April 1, 2015 shall not
49 include any financial assistance paid to the village of Amityville,
50 county of Suffolk, for a flood mitigation project.

51 § 2. Subparagraph (viii) of paragraph a of subdivision 10 of section
52 54 of the state finance law is amended by adding a new clause 3 to read
53 as follows:



1 able and practicable efforts shall be taken to satisfy or rectify such
2 conditions as soon as possible.

3 6. As used in this section, "small business" shall mean a business
4 whose primary place of business is in New York state, has a significant
5 business presence in the state, is independently owned and operated, not
6 dominant in its field, and employs no more than [three] two hundred
7 employees at the time of payment. The small business shall, upon
8 request, provide the contracting entity with sufficient documentation to
9 reflect and confirm its status as a small business.

10 § 2. Section 2 of chapter 568 of the laws of 2015 amending the state
11 finance law relating to requiring state agencies to pay small businesses
12 within fifteen days of receipt of an invoice, is amended to read as
13 follows:

14 § 2. This act shall take effect on [the one hundred eightieth day
15 after it shall have become a law] June 1, 2017 and shall apply only to
16 invoices received after such date.

17 § 3. This act shall take effect on the same date and in the same
18 manner as chapter 568 of the laws of 2015 amending the state finance law
19 relating to requiring state agencies to pay small businesses within
20 fifteen days of receipt of an invoice, takes effect.

21

PART CC

22 Section 1. Legislative findings and declaration. It is a fundamental
23 right of all persons in the United States to be represented by counsel
24 in all criminal prosecutions. In the case of Gideon v. Wainwright, 372
25 U.S. 335, the United States Supreme Court ruled that indigent persons
26 accused in state felony cases who were unable to afford counsel had a
27 constitutional right to be defended by an appointed attorney paid by the
28 state. Subsequently, the Supreme Court determined that indigent persons
29 accused of any criminal charge that could result in imprisonment, wheth-
30 er a felony or misdemeanor, are entitled to counsel at the expense of
31 the state.

32 New York state has chosen to fulfill its obligation to provide repre-
33 sentation to indigent persons accused of a crime by requiring each coun-
34 ty outside New York city and New York city to implement and fund a plan
35 to provide such representation. In 2006 the Commission on the Future of
36 Indigent Legal Services concluded that a system of county operated and
37 funded indigent defense services failed to satisfy the constitutional
38 obligation to protect the rights of indigent persons accused of a crime.
39 Such Commission recommended that funding for indigent legal services
40 come from the State's general fund rather than from the counties.

41 New York state has entered into an agreement to settle a class action
42 lawsuit that alleged deprivation of the right to counsel in five coun-
43 ties. The agreement acknowledges that the Office of Indigent Legal
44 Services and the Indigent Legal Services Board are authorized "to moni-
45 tor and study indigent legal services in the state, to recommend meas-
46 ures to improve those services, to award grant monies to counties to
47 support their indigent representation capability, and to establish
48 criteria for the distribution of such funds." While the settlement
49 agreement pertains to only five counties, its criteria establish a stan-
50 dard for providing indigent legal services that should apply statewide.

51 The legislature finds and declares that in all criminal proceedings
52 against people unable to afford counsel, New York state is constitu-
53 tionally required to provide public defense services. The legislature
54 further finds that the state is obligated to undertake initiatives to

1 improve the quality of indigent defense, ensure representation at
2 arraignment, implement caseload standards for providers of indigent
3 legal services, and implement statewide standards for determining eligi-
4 bility for mandated representation. Mandating counties to finance the
5 state's obligation to provide indigent legal services imposes a signif-
6 icant uncontrollable financial burden on counties dependent on real
7 property taxes to fund needed services, and subject to a state imposed
8 tax cap.

9 The legislature finds and declares that in order to fulfill its
10 constitutional obligation to provide indigent legal services, the state
11 shall pay counties the full amount necessary to ensure the delivery of
12 quality legal services for indigent criminal defendants in a consistent
13 manner throughout the State.

14 § 2. Section 722-e of the county law, as added by chapter 878 of the
15 laws of 1965, is amended to read as follows:

16 § 722-e. Expenses. All expenses for providing counsel and services
17 other than counsel hereunder shall be a county charge or in the case of
18 a county wholly located within a city a city charge to be paid out of an
19 appropriation for such purposes and shall be reimbursed by the state to
20 the county or city providing such services, provided, however, that in
21 the state fiscal year beginning:

22 (a) April first, two thousand seventeen, the state shall provide
23 reimbursement for not less than twenty-five percent of such expenses;
24 and

25 (b) April first, two thousand eighteen, the state shall provide
26 reimbursement for not less than thirty-five percent of such expenses;
27 and

28 (c) April first, two thousand nineteen, the state shall provide
29 reimbursement for not less than forty-five percent of such expenses; and

30 (d) April first, two thousand twenty, the state shall provide
31 reimbursement for not less than fifty-five percent of such expenses; and

32 (e) April first, two thousand twenty-one, the state shall provide
33 reimbursement for not less than sixty-five percent of such expenses; and

34 (f) April first, two thousand twenty-two, the state shall provide
35 reimbursement for not less than seventy-five percent of such expenses;
36 and

37 (g) every year thereafter, the state shall provide reimbursement for
38 the full amount of such expenses.

39 § 3. Subdivision 3 of section 832 of the executive law is amended by
40 adding a new paragraph (o) to read as follows:

41 (o) to adopt, promulgate, amend or rescind rules and regulations to
42 carry out the provisions of this section, including to (i) ensure the
43 presence of counsel at the first appearance of any eligible defendant
44 charged with a crime, (ii) establish caseload/workload regulations for
45 attorneys providing mandated representation that allow for meaningful
46 and effective assistance of counsel, and (iii) improve the quality of
47 mandated representation.

48 § 4. Paragraphs (l) and (m) of subdivision 3 of section 832 of the
49 executive law, as added by section 1 of part E of chapter 56 of the laws
50 of 2010, are amended and a new paragraph (n) is added to read as
51 follows:

52 (l) to present findings and make recommendations for consideration by
53 the indigent legal services board established pursuant to section eight
54 hundred thirty-three of this article; [and]

1 (m) to execute decisions of the indigent legal services board estab-
2 lished pursuant to section eight hundred thirty-three of this article,
3 including the distribution of funds[.];

4 (n) to review the public defense operations of any county for compli-
5 ance with applicable professional standards promulgated by the office
6 and to ensure that recipients of services provided pursuant to article
7 eighteen-B of the county law are provided with meaningful and effective
8 representation before making reimbursement pursuant to section seven
9 hundred twenty-two-e of the county law; and

10 § 5. This act shall take effect April 1, 2017. Effective immediately,
11 the addition, amendment and/or repeal of any rule or regulation neces-
12 sary for the implementation of this act on its effective date are
13 authorized to be made and completed on or before such effective date.

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

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

