

STATUS:

A156-B Budget Same as Uni. S 56-B BUDGET

Budget Bills

TITLE....Enacts into law major components of legislation necessary to implement the public protection and general government budget for the 2009 - 2010 state fiscal year

01/07/09 referred to ways and means
01/21/09 amend and recommit to ways and means
01/21/09 print number 156a
03/29/09 amend (t) and recommit to ways and means
03/29/09 print number 156b
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03/31/09 delivered to senate
03/31/09 REFERRED TO FINANCE
04/01/09 SUBSTITUTED FOR S56B
04/01/09 3RD READING CAL.135
04/02/09 MOTION TO AMEND LOST
04/02/09 MOTION TO AMEND LOST
04/02/09 PASSED SENATE
04/02/09 RETURNED TO ASSEMBLY
04/03/09 delivered to governor
04/07/09 signed chap.56

BILL TEXT:

STATE OF NEW YORK

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SENATE - ASSEMBLY

(Prefiled)

January 7, 2009

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

discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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

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for certain inmates (Part L); to amend the executive law and the correction law, in relation to eliminating reimbursement to localities for housing technical parole violators and state ready inmates except in situations where the department of correctional services is unable

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

such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of

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such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; to amend chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, in relation to extending the expiration of the

inmate filing fee provisions of the civil practice law and rules and general filing fee provision and inmate property claims exhaustion requirement of the court of claims act of such chapter; to amend chapter 222 of the laws of 1994 constituting the family protection and domestic violence intervention act of 1994, in relation to extending the expiration of certain provisions of the criminal procedure law requiring the arrest of certain persons engaged in family violence; to amend chapter 505 of the laws of 1985, amending the criminal procedure law relating to the use of closed-circuit television and other protective measures for certain child witnesses, in relation to extending the expiration of the provisions thereof; to amend chapter 688 of the laws of 2003, amending the executive law relating to enacting the interstate compact for adult offender supervision, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 3 of the laws of 1995, enacting the sentencing reform act of 1995, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 689 of the laws of 1993 amending the criminal procedure law relating to electronic court appearance in certain counties, in relation to extending the effective date thereof; and to repeal subdivision (r) of section 427 of chapter 55 of the laws of 1992 amending the tax law and other laws relating to

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taxes (Part U); Intentionally omitted (Part V); Intentionally omitted (Part W); Intentionally omitted (Part X); Intentionally omitted (Part Y); Intentionally omitted (Part Z); Intentionally omitted (Part AA); Intentionally omitted (Part BB); Intentionally omitted (Part CC); Intentionally omitted (Part DD); Intentionally omitted (Part EE); Intentionally omitted (Part FF); to amend the state finance law, in relation to aid and incentives for municipalities (Part GG); Intentionally omitted (Part HH); to amend chapter 540 of the laws of 1992, amending the real property tax law relating to oil and gas charges, in relation to the effective date of such chapter (Part II); to amend the real property law and the state finance law, in relation to when conveyances of real property are not to be recorded and the fees associated with such conveyances and where such fees shall be deposited (Part JJ); to amend the state finance law, in relation to state assistance to cities and municipalities where a video lottery gaming facility is located (Part KK); Intentionally omitted (Part LL); Intentionally omitted (Part MM); Intentionally omitted (Part NN); Intentionally omitted (Part OO); to provide for the administration of certain funds and accounts related to the 2009-2010 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend chapter 57 of the

laws of 2008 providing for the administration of certain funds and accounts related to the 2008-2009 budget, in relation to the effectiveness of certain provisions thereof; to amend chapter 60 of the laws of 1993, amending the public authorities law and other laws relating to the bonding authority of the environmental facilities corporation, and the state finance law, in relation to the rainy day reserve fund; to amend the state finance law, in relation to temporary loans of money or other financial resources to the general fund; to amend chapter 57 of the laws of 2007, relating to the provision of funding of certain community projects; and to amend chapter 59 of the laws of 2008, amending chapter 57 of the laws of 2007, providing funding of certain community projects, in relation to reducing funding therefor; to direct the comptroller to transfer and deposit certain moneys; to amend the public authorities law, in relation to including drug courts within the courthouse facilities eligible for funding from the dormitory authority and urban development corporation; to amend the New York state medical care facilities finance agency act, in relation to increasing the bonding limits of such agency for mental health facilities; to amend the state finance law, in relation to variable rate bonds; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority and the New York state environmental facilities corporation; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, in relation to issuance of bonds by the urban development corporation; to amend chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, in relation to the issuance of bonds by the urban development corporation; to amend the state finance law, in relation to issuance of certificates of participation; to amend chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth improvement fund, in relation to issuance of debt by the urban development corporation; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the New York state urban development corporation act, in relation to economic development

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initiatives and the state's right to require redemption of bonds; to amend chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund, in relation to reducing funding therefor; to amend the state finance law, in relation to the issuance of revenue bonds; to amend the private housing finance law and the public authorities law, in relation to the state's right to require redemption of

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

executive law, in relation to parole; and to repeal certain provisions of the criminal procedure law relating thereto (Part AAA)

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

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

12

PART A

13 Section 1. Subdivision 3 of section 97-bb of the state finance law, as
14 added by chapter 309 of the laws of 1996, is amended to read as follows:
15 3. Monies of the criminal justice improvement account, following
16 appropriation by the legislature and allocation by the director of the
17 budget shall be made available for local assistance services and
18 expenses of programs to provide services to crime victims and witnesses,
19 including operations of the crime victims board, and for payments to
20 victims in accordance with the federal crime control act of 1984, as
21 administered pursuant to article twenty-two of the executive law.
22 § 2. This act shall take effect immediately and shall be deemed to
23 have been in full force and effect on and after April 1, 2009.

24

PART B

25 Section 1. Section 309 of the county law is REPEALED.
26 § 2. Subdivision 8 of section 186-e of the tax law, as added by chap-
27 ter 2 of the laws of 1995, is amended to read as follows:
28 8. Enhanced emergency telephone system surcharge fee and public safety
29 communications surcharge. Notwithstanding any other provision contained
30 in this chapter or any other law, any surcharge collected or any admin-
31 istrative fee retained by any provider of telecommunication services
32 acting as collection agent for a municipality pursuant to the provisions
33 of article six of the county law [shall] or acting as a collection agent

34 for the state pursuant to the provisions of section one hundred eighty-
35 six-f of this article will not be considered as, nor included in the
36 determination of gross receipts of the provider.

37 § 3. The tax law is amended by adding a new section 186-f to read as
38 follows:

39 § 186-f. Public safety communications surcharge. 1. Definitions. As
40 used in this section, where not otherwise specifically defined and
41 unless a different meaning is clearly required:

42 (a) "Place of primary use" has the same meaning as that term is
43 defined in paragraph twenty-six of subdivision (b) of section eleven
44 hundred one of this chapter.

45 (b) "Wireless communications customer" means mobile telecommunications
46 customer as defined in subparagraph (i) of paragraph twenty-seven of
47 subdivision (b) of section eleven hundred one of this chapter, who
48 contracts for or is the end user of wireless communications service.

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1 (c) "Wireless communications device" means any equipment used to
2 access a wireless communications service.

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

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

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

25 (b) Each wireless communications service supplier providing wireless
26 communications service in New York state must act as a collection agent
27 for the state for the collection of the surcharge. The wireless communi-

28 cations service supplier has no legal obligation to enforce the
29 collection of the surcharge from its customers. However, each wireless
30 communications service supplier must collect and retain the name and
31 address of any wireless communications customer with a place of primary
32 use in this state that refuses or fails to pay the surcharge, as well as
33 the cumulative amount of the surcharge remaining unpaid, and must
34 provide this information to the commissioner at the time and according
35 to the procedures the commissioner may provide. The surcharge must be
36 reported and paid to the commissioner on a quarterly basis on or before
37 the fifteenth day of the month following each quarterly period ending on
38 the last day of February, May, August and November, respectively. The
39 payments must be accompanied by a return in the form and containing the
40 information the commissioner may prescribe.

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

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

55 3. Applicability of article twenty-seven. For purposes of article
56 twenty-seven of this chapter as applied to this section by section two

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

6 4. Exemptions. The state of New York and any of its agencies, instru-
7 mentalities and political subdivisions are exempt from the surcharge
8 imposed by this section.

9 5. Deposits of surcharge monies collected and received. Notwithstand-
10 ing any provision of law to the contrary, all surcharge monies collected
11 and received by the commissioner under this section must be deposited
12 daily to the credit of the comptroller with those responsible banks,
13 banking houses or trust companies the comptroller may designate. Those

14 deposits must be kept separate and apart from all other monies in the
15 possession of the comptroller. The comptroller must require adequate
16 security from all such depositories. Of the total revenue collected or
17 received under this section, the comptroller must retain in the comp-
18 troller's hands an amount determined by the commissioner to be necessary
19 for refunds under this section, out of which the comptroller will pay
20 any refunds to which taxpayers are entitled under the provisions of this
21 section. The comptroller, after reserving the amount to pay refunds,
22 must, on or before the tenth day of each month, pay all surcharge monies
23 collected and received under this section and remaining to the comp-
24 troller's credit as follows:

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

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

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

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

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

42 (c) To fund costs associated with the design, construction, and opera-
43 tion of the statewide wireless network annually pursuant to appropri-
44 ation by the legislature;

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

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

52 § 4. This act shall take effect on the first day of the quarterly
53 period, as described in paragraph (b) of subdivision 2 of section 186-f
54 of the tax law, as added by section three of this act, next commencing
55 at least 120 days after this act becomes a law.

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PART C

Intentionally omitted.

PART D

Intentionally omitted.

PART E

Section 1. Subdivision 13 of section 631 of the executive law, as added by chapter 264 of the laws of 2003, is amended to read as follows:

13. Notwithstanding any other provision of law, rule, or regulation to the contrary, when any New York state accredited hospital, accredited sexual assault examiner program, or licensed health care provider furnishes services to any sexual assault survivor, including but not limited to a health care forensic examination in accordance with the sex offense evidence collection protocol and standards established by the department of health, such hospital, sexual assault examiner program, or licensed healthcare provider shall provide such services to the person without charge and shall bill the board directly. The board, in consultation with the department of health, shall define the specific services to be covered by the sexual assault forensic exam reimbursement fee, which must include at a minimum forensic examiner services, hospital or healthcare facility services related to the exam, and related laboratory tests and pharmaceuticals. Follow-up HIV post-exposure prophylaxis costs shall continue to be reimbursed according to established board procedure. The board, in consultation with the department of health, shall also generate the necessary regulations and forms for the direct reimbursement procedure. The rate for reimbursement shall be the amount of itemized charges not exceeding eight hundred dollars, to be reviewed and adjusted annually by the board in consultation with the department of health. The hospital, sexual assault examiner program, or licensed health care provider must accept this fee as payment in full for these specified services. No additional billing of the survivor for said services is permissible. A sexual assault survivor may voluntarily assign any private insurance benefits to which she or he is entitled for the healthcare forensic examination, in which case the hospital or healthcare provider may not charge the board. A hospital, sexual assault examiner program or licensed health care provider shall, at the time of the initial visit, request assignment of any private health insurance benefits to which the sexual assault survivor is entitled on a form prescribed by the board; provided, however, such sexual assault survivor shall be advised orally and in writing that he or she may decline to provide such information regarding private health insurance benefits if

41 he or she believes that the provision of such information would substan-
42 tially interfere with his or her personal privacy or safety and in such
43 event, the sexual assault forensic exam fee shall be paid by the board.
44 Such sexual assault survivor shall also be advised that providing such
45 information may provide additional resources to pay for services to
46 other sexual assault victims. If he or she declines to provide such
47 health insurance information, he or she shall indicate such decision on
48 the form provided by the hospital, sexual assault examiner program or
49 licensed health care provider, which form shall be prescribed by the
50 board.

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

3 PART F

4 Intentionally omitted.

5 PART G

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

9 8-b. Notwithstanding any other provision of law to the contrary,
10 charge a fee for the provision of agency materials and publications,
11 conferences, criminal history record reviews, legal services, the
12 provision of services to analyze or prepare data that is not prepared in
13 the ordinary course of business, the provision of information in a
14 computerized format, the application for approval and renewal of securi-
15 ty guard training schools and the certification and renewal certifi-
16 cation of security guard instructors, the service and repair of munici-
17 pal law enforcement agency equipment and collect reimbursement and other
18 moneys. Such fees shall be reasonably related to the actual costs
19 incurred, including the costs of salaries, computer time, shipping and
20 handling, as appropriate. The comptroller is hereby authorized to
21 deposit such fees into the general fund effective August thirty-first,
22 nineteen hundred ninety-six.

23 § 2. This act shall take effect immediately.

24 PART H

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

27 follows:

28 § 79-a. Closure of correctional facilities; notice. Before the closure
29 of any correctional facility, [which for purposes of this section shall
30 include a correctional facility annex, or any special housing unit
31 established to confine inmates in accordance with the provisions of
32 subdivision six of section one hundred thirty-seven of this chapter],
33 for reasons other than those set forth in paragraph (a) of subdivision
34 eight of section forty-five of this chapter, the commissioner shall take
35 the following actions:

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

40 2. consult with the department of economic development and any other
41 appropriate state agencies to develop strategies which attempt to mini-
42 mize the impact of such closures on the local and regional economies;
43 and

44 3. provide notice by certified mail to (i) all local governments of
45 any political subdivision in which the correctional facility is located,
46 (ii) all employee labor organizations operating within, or representing
47 employees of, the correctional facility, and (iii) managerial and confi-
48 dential employees employed within the correctional facility at least
49 twelve months prior to any such closure.

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1 § 2. Paragraph (a) of subdivision 3 of section 70 of the correction
2 law, as amended by section 2 of part D of chapter 63 of the laws of
3 2005, is amended to read as follows:

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

17 § 3. Notwithstanding the requirements of sections 79-a and 79-b of the
18 correction law, or any other inconsistent provision of law, the commis-
19 sioner of the department of correctional services may close Camp

20 Gabriels, Camp Pharsalia and Camp Mt. McGregor any time on or after July
21 1, 2009, and prior to March 31, 2010. By October 1, 2009, such commis-
22 sioner shall provide a report for an adaptive reuse plan for each of the
23 above named facilities, in a manner consistent with section 79-b of the
24 correction law.

25 § 4. Paragraph (b) of subdivision 8 of section 45 of the correction
26 law, as amended by section 2 of part D of chapter 63 of the laws of
27 2005, is amended to read as follows:

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

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

37 § 91. Agreements for custody of definite sentence inmates. 1. The
38 [state] commissioner [of correction] may enter into an agreement with
39 any county or with the city of New York to provide for custody by the
40 [state] department [of correction] of persons who receive definite
41 sentences of imprisonment with terms in excess of ninety days who other-
42 wise would serve such sentences in the jail, workhouse, penitentiary or
43 other local correctional institution maintained by such locality;
44 provided, however, that a person committed to the custody of the depart-
45 ment pursuant to an agreement established by this section, except a
46 person committed pursuant to an agreement with the city of New York,
47 shall be delivered to a reception center designated by the commissioner
48 for an initial processing period which shall be no longer than seven
49 days, and thereafter, shall be transferred to a general confinement
50 correctional facility located in the same county or in a county adjacent
51 to the county where such person would otherwise be committed to a local
52 correctional facility. In the event, however, that exigent circumstances
53 related to health, safety or security arise which require the immediate
54 transfer of an inmate to a different facility not within the county or
55 adjacent county, then the department shall, as soon thereafter as prac-

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

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

7 officer of the county. An agreement made with the city of New York may
8 be made with the commissioner of correction of that city and shall be
9 subject to the approval of the mayor.

10 3. An agreement made under this section shall [not] require the local-
11 ity to pay the cost of treatment, maintenance and custody furnished by
12 the [state] department [of correction], and the costs incurred under
13 subdivision two or three of section one hundred twenty-five of this
14 chapter relating to the provision of clothing, money and transportation
15 upon release or discharge of inmates delivered to the department pursu-
16 ant to the agreement, and shall contain at least the following
17 provisions:

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

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

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

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

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

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

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

51 [(g)] (f) A provision giving either party the right to cancel the

52 agreement by giving the other party notice in writing, with cancellation
53 to become effective on such date as may be specified in such notice.
54 4. Notwithstanding any other provision of law, the commissioner shall
55 be authorized to grant, withhold, cause to be forfeited, or cancel time

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

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

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

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

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

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

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

30 4. In the event any such agreement is cancelled, inmates delivered to
31 the [state] department [of correction] prior to the date of cancellation
32 shall continue to serve their sentences in the custody of such depart-
33 ment and the provisions of such agreement shall continue to apply with
34 respect to such inmates. A copy of the notice of cancellation shall be
35 filed with the secretary of state and with the clerks of courts in the
36 manner provided in subdivision four of section ninety-one of this arti-
37 cle, and no inmates shall be delivered to the custody of the [state]
38 department [of correction] under such agreement after the date on which

39 such cancellation becomes effective.

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

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

50 2. The commissioner may enter into an agreement to provide for custody
51 by the department of persons who are being detained by virtue of an
52 order issued by a court of the United States. An agreement made under
53 this section shall require the United States to pay the cost of treat-
54 ment, maintenance and custody furnished by the department.

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

4 PART I

5 Intentionally omitted.

6 PART J

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

12 Release on medical parole for terminally ill inmates.

13 (a) The board shall have the power to release on medical parole any
14 inmate serving an indeterminate or determinate sentence of imprisonment
15 who, pursuant to subdivision two of this section, has been certified to
16 be suffering from a terminal condition, disease or syndrome and to be so
17 debilitated or incapacitated as to create a reasonable probability that
18 he or she is physically or cognitively incapable of presenting any
19 danger to society, provided, however, that no inmate serving a sentence
20 imposed upon a conviction for murder in the first degree or an attempt
21 or conspiracy to commit murder in the first degree shall be eligible for
22 such release, and provided further that no inmate serving a sentence

23 imposed upon a conviction for any of the following offenses shall be
24 eligible for such release unless in the case of an indeterminate
25 sentence he or she has served at least one-half of the minimum period of
26 the sentence and in the case of a determinate sentence he or she has
27 served at least one-half of his or her sentence: [murder in the first
28 degree,] murder in the second degree, manslaughter in the first degree,
29 any offense defined in article one hundred thirty of the penal law or an
30 attempt to commit any of these offenses.

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

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

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

4 (b) Such release shall be granted only after the board considers
5 whether, in light of the inmate's medical condition, there is a reason-
6 able probability that the inmate, if released, will live and remain at
7 liberty without violating the law, and that such release is not incom-
8 patible with the welfare of society and will not so deprecate the seri-
9 ousness of the crime as to undermine respect for the law, and shall be
10 subject to the limits and conditions specified in subdivision four of
11 this section. [Such] Except as set forth in paragraph (a) of this subdi-
12 vision, such release may be granted at any time during the term of an
13 inmate's sentence, notwithstanding any other provision of law.

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

16 2. (a) The commissioner of correctional services, on the commission-
17 er's own initiative or at the request of an inmate, or an inmate's
18 spouse, relative or attorney, may, in the exercise of the commissioner's
19 discretion, direct that an investigation be undertaken to determine
20 whether a diagnosis should be made of an inmate who appears to be
21 suffering from a terminal condition, disease or syndrome. Any such
22 medical diagnosis shall be made by a physician licensed to practice
23 medicine in this state pursuant to section sixty-five hundred twenty-
24 four of the education law. Such physician shall either be employed by
25 the department of correctional services, shall render professional
26 services at the request of the department of correctional services, or
27 shall be employed by a hospital or medical facility used by the depart-
28 ment of correctional services for the medical treatment of inmates. The
29 diagnosis shall be reported to the commissioner of correctional services
30 and shall include but shall not be limited to a description of the
31 terminal condition, disease or syndrome suffered by the inmate, a prog-
32 nosis concerning the likelihood that the inmate will not recover from
33 such terminal condition, disease or syndrome, a description of the
34 inmate's physical or cognitive incapacity which shall include a predic-
35 tion respecting the likely duration of the incapacity, and a statement
36 by the physician of whether the inmate is so debilitated or incapaci-
37 tated as to be severely restricted in his or her ability to self-ambu-
38 late [and to care for him or herself] or to perform significant normal
39 activities of daily living. This report also shall include a recommenda-
40 tion of the type and level of services and treatment the inmate would
41 require if granted medical parole and a recommendation for the types of
42 settings in which the services and treatment should be given.

43 (b) The commissioner, or the commissioner's designee, shall review the
44 diagnosis and may certify that the inmate is suffering from such termi-
45 nal condition, disease or syndrome and that the inmate is so debilitated
46 or incapacitated as to create a reasonable probability that he or she is
47 physically or cognitively incapable of presenting any danger to society.
48 If the commissioner does not so certify then the inmate shall not be
49 referred to the board of parole for consideration for release on medical
50 parole. If the commissioner does so certify, then the commissioner
51 shall, within seven working days of receipt of such diagnosis, refer the
52 inmate to the board of parole for consideration for release on medical
53 parole. However, no such referral of an inmate to the board of parole
54 shall be made unless the inmate has been examined by a physician and
55 diagnosed as having a terminal condition, disease or syndrome as previ-

1 ously described herein at some time subsequent to such inmate's admis-
2 sion to a facility operated by the department of correctional services.

3 (c) When the commissioner refers an inmate to the board, the commis-
4 sioner shall provide an appropriate medical discharge plan jointly
5 established by the department of correctional services and the division
6 of parole. The department of correctional services and the division of
7 parole are authorized to request assistance from the department of
8 health and from the county in which the inmate resided and committed his
9 or her crime, which shall provide assistance with respect to the devel-
10 opment and implementation of a discharge plan, including potential
11 placements of a releasee. The department of correctional services, the
12 division of parole and the department of health shall jointly develop
13 standards for the medical discharge plan that are appropriately adapted
14 to the criminal justice setting, based on standards established by the
15 department of health for hospital medical discharge planning. The board
16 may [reject all or part of the discharge plan submitted by the depart-
17 ment of correctional services, and may] postpone its decision pending
18 [submission of a new] completion of an adequate discharge plan, or may
19 deny release based on inadequacy of the discharge plan. [The department
20 of correctional services and the division of parole shall jointly devel-
21 op standards for the medical discharge plan that are appropriately
22 adapted to the criminal justice setting, based on standards established
23 by the department of health for hospital medical discharge planning.]

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

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

29 (b) The board shall require as a condition of release on medical
30 parole that the releasee agree to remain under the care of a physician
31 while on medical parole and in a hospital established pursuant to arti-
32 cle twenty-eight of the public health law, a hospice established pursu-
33 ant to article forty of the public health law or any other placement
34 that can provide appropriate medical care as specified in the medical
35 discharge plan required by subdivision two of this section. The medical
36 discharge plan shall state that the availability of the placement has
37 been confirmed, and by whom. Notwithstanding any other provision of
38 law, when an inmate who qualifies for release under this section is
39 cognitively incapable of signing the requisite documentation to effectu-
40 ate the medical discharge plan and, after a diligent search no person
41 has been identified who could otherwise be appointed as the inmate's
42 guardian by a court of competent jurisdiction, then, solely for the
43 purpose of implementing the medical discharge plan, the facility health
44 services director at the facility where the inmate is currently incar-
45 cerated shall be lawfully empowered to act as the inmate's guardian for

46 the purpose of effectuating the medical discharge.

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

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

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

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

13 (f) If the updated medical report presented to the board states that a
14 parolee released pursuant to this section is no longer so debilitated or
15 incapacitated as to create a reasonable probability that he or she is
16 physically or cognitively incapable of presenting any danger to society
17 or if the releasee fails to submit the updated medical report then the
18 board may not make a new grant of medical parole pursuant to paragraph
19 (e) of this subdivision. Where the board has not granted medical parole
20 pursuant to such paragraph (e) the board shall promptly conduct through
21 one of its members, or cause to be conducted by a hearing officer desig-
22 nated by the board, a hearing to determine whether the releasee is
23 suffering from a terminal condition, disease or syndrome and is so
24 debilitated or incapacitated as to create a reasonable probability that
25 he or she is physically or cognitively incapable of presenting any
26 danger to society and does not present a danger to society. If the board
27 makes such a determination then it may make a new grant of medical
28 parole pursuant to the standards of paragraph (b) of subdivision one of
29 this section. At the hearing, the releasee shall have the right to
30 representation by counsel, including the right, if the releasee is
31 financially unable to retain counsel, to have the appropriate court

32 assign counsel in accordance with the county or city plan for represen-
33 tation placed in operation pursuant to article eighteen-B of the county
34 law.

35 (g) The hearing and determination provided for by paragraph (f) of
36 this subdivision shall be concluded within the [four] six month period
37 of medical parole. If the board does not renew the grant of medical
38 parole, it shall order that the releasee be returned immediately to the
39 custody of the department of correctional services.

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

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

50 § 6. The executive law is amended by adding a new section 259-s to
51 read as follows:

52 § 259-s. Release on medical parole for inmates suffering significant
53 debilitating illnesses. 1. (a) The board shall have the power to
54 release on medical parole any inmate serving an indeterminate or deter-
55 minate sentence of imprisonment who, pursuant to subdivision two of this
56 section, has been certified to be suffering from a significant and

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

16 (b) Such release shall be granted only after the board considers
17 whether, in light of the inmate's medical condition, there is a reason-

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

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

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

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1 department of correctional services, or shall be employed by a hospital
2 or medical facility used by the department of correctional services for
3 the medical treatment of inmates. The diagnosis shall be reported to the

4 commissioner of correctional services and shall include but shall not be
5 limited to a description of the condition, disease or syndrome suffered
6 by the inmate, a prognosis concerning the likelihood that the inmate
7 will not recover from such condition, disease or syndrome, a description
8 of the inmate's physical or cognitive incapacity which shall include a
9 prediction respecting the likely duration of the incapacity, and a
10 statement by the physician of whether the inmate is so debilitated or
11 incapacitated as to be severely restricted in his or her ability to
12 self-ambulate or to perform significant normal activities of daily
13 living. This report also shall include a recommendation of the type and
14 level of services and treatment the inmate would require if granted
15 medical parole and a recommendation for the types of settings in which
16 the services and treatment should be given.

17 (b) The commissioner, or the commissioner's designee, shall review the
18 diagnosis and may certify that the inmate is suffering from such condi-
19 tion, disease or syndrome and that the inmate is so debilitated or inca-
20 pacitated as to create a reasonable probability that he or she is phys-
21 ically or cognitively incapable of presenting any danger to society. If
22 the commissioner does not so certify then the inmate shall not be
23 referred to the board of parole for consideration for release on medical
24 parole. If the commissioner does so certify, then the commissioner
25 shall, within seven working days of receipt of such diagnosis, refer the
26 inmate to the board of parole for consideration for release on medical
27 parole. However, no such referral of an inmate to the board of parole
28 shall be made unless the inmate has been examined by a physician and
29 diagnosed as having a condition, disease or syndrome as previously
30 described herein at some time subsequent to such inmate's admission to a
31 facility operated by the department of correctional services.

32 (c) When the commissioner refers an inmate to the board, the commis-
33 sioner shall provide an appropriate medical discharge plan jointly
34 established by the department of correctional services and the division
35 of parole. The department of correctional services and the division of
36 parole are authorized to request assistance from the department of
37 health and from the county in which the inmate resided and committed his
38 or her crime, which shall provide assistance with respect to the devel-
39 opment and implementation of a discharge plan, including potential
40 placements of a releasee. The department of correctional services, the
41 division of parole and the department of health shall jointly develop
42 standards for the medical discharge plan that are appropriately adapted
43 to the criminal justice setting, based on standards established by the
44 department of health for hospital medical discharge planning. The board
45 may postpone its decision pending completion of an adequate discharge
46 plan, or may deny release based on inadequacy of the discharge plan.

47 3. Any certification by the commissioner or the commissioner's desig-
48 nee pursuant to this section shall be deemed a judicial function and

49 shall not be reviewable if done in accordance with law.

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

52 (b) The board shall require as a condition of release on medical
53 parole that the releasee agree to remain under the care of a physician
54 while on medical parole and in a hospital established pursuant to arti-
55 cle twenty-eight of the public health law, a hospice established pursu-
56 ant to article forty of the public health law or any other placement,

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

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

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

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

35 (f) If the updated medical report presented to the board states that a
36 parolee released pursuant to this section is no longer so debilitated or
37 incapacitated as to create a reasonable probability that he or she is
38 physically or cognitively incapable of presenting any danger to society
39 or if the releasee fails to submit the updated medical report then the
40 board may not make a new grant of medical parole pursuant to paragraph
41 (e) of this subdivision. Where the board has not granted medical parole
42 pursuant to such paragraph (e) the board shall promptly conduct through
43 one of its members, or cause to be conducted by a hearing officer desig-
44 nated by the board, a hearing to determine whether the releasee is
45 suffering from a significant and permanent non-terminal and incapacitat-
46 ing condition, disease or syndrome and is so debilitated or incapaci-
47 tated as to create a reasonable probability that he or she is physically
48 or cognitively incapable of presenting any danger to society and does
49 not present a danger to society. If the board makes such a determination
50 then it may make a new grant of medical parole pursuant to the standards
51 of paragraph (b) of subdivision one of this section. At the hearing, the
52 releasee shall have the right to representation by counsel, including
53 the right, if the releasee is financially unable to retain counsel, to
54 have the appropriate court assign counsel in accordance with the county
55 or city plan for representation placed in operation pursuant to article
56 eighteen-B of the county law.

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1 (g) The hearing and determination provided for by paragraph (f) of
2 this subdivision shall be concluded within the six month period of
3 medical parole. If the board does not renew the grant of medical parole,
4 it shall order that the releasee be returned immediately to the custody
5 of the department of correctional services.

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

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

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

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

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

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

35 9. The chair of the board shall report annually to the governor, the
36 temporary president of the senate and the speaker of the assembly, the
37 chairpersons of the assembly and senate codes committees, the chair-
38 person of the senate crime and corrections committee, and the chair-
39 person of the assembly corrections committee the number of inmates who
40 have applied for medical parole under this section; the number who have
41 been granted medical parole; the nature of the illness of the appli-
42 cants, the counties to which they have been released and the nature of
43 the placement pursuant to the medical discharge plan; the categories of
44 reasons for denial for those who have been denied; the number of releas-
45 ees who have been granted an additional period or periods of medical
46 parole and the number of such grants; the number of releasees on medical
47 parole who have been returned to the custody of the department of
48 correctional services and the reasons for return.

49 § 7. Subparagraph (v) of paragraph (a) of subdivision 1 of section
50 70.40 of the penal law, as amended by chapter 3 of the laws of 1995, is
51 amended to read as follows:

52 (v) Notwithstanding any other subparagraph of this paragraph, a person
53 may be paroled from the institution in which he is confined at any time
54 on medical parole pursuant to section two hundred fifty-nine-r or
55 section two hundred fifty-nine-s of the executive law or for deportation
56 pursuant to paragraph (d) of subdivision two of section two hundred

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

4 § 8. Subdivision 1 of section 259-c of the executive law, as amended
5 by chapter 3 of the laws of 1995, is amended to read as follows:

6 1. have the power and duty of determining which inmates serving an

7 indeterminate or determinate sentence of imprisonment may be released on
8 parole, or on medical parole pursuant to section two hundred
9 fifty-nine-r or section two hundred fifty-nine-s of this article, and
10 when and under what conditions;

11 § 9. This act shall take effect immediately; provided that:

12 (a) the amendments to paragraph (a) of subdivision 1 of section 259-r
13 of the executive law made by section one of this act shall be subject to
14 the expiration and reversion of such paragraph pursuant to chapter 3 of
15 the laws of 1995, as amended, when upon such date the provisions of
16 section two of this act shall take effect;

17 (b) the amendments to the section heading, paragraph (a) of subdivi-
18 sion 1, paragraph (b) of subdivision 1, subdivision 2 and subdivision 4
19 of section 259-r of the executive law made by sections one, two, three,
20 four and five, respectively, of this act shall not affect the expiration
21 of such section and shall be deemed to expire therewith; and

22 (c) the amendments to subparagraph (v) of paragraph (a) of subdivision
23 1 of section 70.40 of the penal law and the amendments to subdivision 1
24 of section 259-c of the executive law made by sections seven and eight,
25 respectively, of this act shall not affect the expiration of such para-
26 graph and subdivision and shall be deemed to expire therewith.

27

PART K

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

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

44 § 2. This act shall take effect immediately.

45

PART L

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

48 follows:

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

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

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

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

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

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

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

48 § 803-b. Limited credit time allowances for inmates serving indetermi-
49 nate or determinate sentences imposed for specified offenses. 1. Defi-
50 nitions. As used in this section the following terms shall have the
51 following meanings:

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

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

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

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

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

13 (b) "limited credit time benefit" means:

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

19 (ii) (A) in the case of an eligible offender who is not subject to an
20 indeterminate sentence with a maximum term of life imprisonment, such
21 offender shall be eligible for conditional release six months earlier
22 than as provided by paragraph (b) of subdivision one of section 70.40 of
23 the penal law, provided that the department determines such offender has

24 earned the full amount of good time authorized by section eight hundred
25 three of this article; the withholding of any good behavior time credit
26 by the department shall render an inmate ineligible for the credit
27 defined herein;

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

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

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

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

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

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

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

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

55 (v) successfully works as an inmate hospice aid for a period of no
56 less than two years.

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1 (d) "serious disciplinary infraction" or "overall poor institutional
2 record" shall be defined in regulations promulgated by the commissioner
3 and need not be the same as the regulations promulgated for the meaning
4 of serious disciplinary infraction pursuant to paragraph (d) of subdivi-
5 sion one of section eight hundred three of this article.

6 (e) "disqualifying judicial determination" means a judicial determi-
7 nation that the person, while an inmate, commenced or continued a civil
8 action or proceeding or claim that was found to be frivolous as defined
9 in subdivision (c) of section eight thousand three hundred three-a of

10 the civil practice law and rules, or an order of a federal court pursu-
11 ant to rule 11 of the federal rules of civil procedure imposing sanc-
12 tions in an action commenced by a person while an inmate against a state
13 agency, officer or employee.

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

19 (a) successfully completes one or more significant programmatic accom-
20 plishments; and

21 (b) has not committed a serious disciplinary infraction or maintained
22 an overall negative institutional record as defined in rules and regu-
23 lations promulgated by the commissioner; and

24 (c) has not received a disqualifying judicial determination.

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

33 § 5. This act shall take effect immediately.

34 PART M

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

38 § 2. Section 601-c of the correction law is REPEALED and a new section
39 601-c is added to read as follows:

40 § 601-c. Felony prisoners; reimbursement for costs. Notwithstanding
41 any other provision of law, in any case where a person has been
42 convicted of a felony and a sentence has been pronounced which requires
43 that he or she be committed to the custody of the commissioner, if such
44 person has not been accepted for custody by the commissioner within ten
45 business days of receipt of a written notification by the department
46 from the appropriate local official that he or she is prepared to trans-
47 port such person to the facility designated by the department, provided
48 that there has been compliance with subdivision (a) of section six
49 hundred one of this article, and provided further that such person is
50 not in need of immediate medical care requiring the availability of a
51 hospital or infirmary bed, then the expense of maintaining such person
52 shall be paid by the state at the rate of one hundred dollars per day

53 per capita, or the actual per day per capita cost as certified by the

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

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

5

PART N

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

8 4-a. To facilitate the supervision of all inmates released on parole
9 or conditional release, or to post-release supervision, the chairman of
10 the state board of parole shall consider the implementation of a program
11 of graduated sanctions, including but not limited to the utilization of
12 a risk and needs assessment instrument that would be administered to all
13 inmates eligible for parole supervision. Such a program would include
14 various components including approaches that concentrate supervision on
15 new releases, alternatives to incarceration for technical parole viola-
16 tors and the use of enhanced technologies.

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

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

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

27 16. It shall be an unlawful discriminatory practice, unless specif-
28 ically required or permitted by statute, for any person, agency, bureau,
29 corporation or association, including the state and any political subdi-
30 vision thereof, to make any inquiry about, whether in any form of appli-
31 cation or otherwise, or to act upon adversely to the individual
32 involved, any arrest or criminal accusation of such individual not then
33 pending against that individual which was followed by a termination of
34 that criminal action or proceeding in favor of such individual, as
35 defined in subdivision two of section 160.50 of the criminal procedure
36 law, or by a youthful offender adjudication, as defined in subdivision
37 one of section 720.35 of the criminal procedure law, or by a conviction
38 for a violation sealed pursuant to section 160.55 of the criminal proce-
39 dure law in connection with the licensing, employment or providing of

40 credit or insurance to such individual; provided, [however, that the]
41 further, no person shall be required to divulge information pertaining
42 to any arrest or criminal accusation of such individual not then pending
43 against that individual which was followed by a termination of that
44 criminal action or proceeding in favor of such individual, as defined in
45 subdivision two of section 160.50 of the criminal procedure law, or by a
46 youthful offender adjudication, as defined in subdivision one of section
47 720.35 of the criminal procedure law, or by a conviction for a violation
48 sealed pursuant to section 160.55 of the criminal procedure law. The
49 provisions [hereof] of this subdivision shall not apply to the licensing
50 activities of governmental bodies in relation to the regulation of guns,
51 firearms and other deadly weapons or in relation to an application for
52 employment as a police officer or peace officer as those terms are
53 defined in subdivisions thirty-three and thirty-four of section 1.20 of
54 the criminal procedure law; provided further that the provisions of this

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1 subdivision shall not apply to an application for employment or member-
2 ship in any law enforcement agency with respect to any arrest or crimi-
3 nal accusation which was followed by a youthful offender adjudication,
4 as defined in subdivision one of section 720.35 of the criminal proce-
5 dure law, or by a conviction for a violation sealed pursuant to section
6 160.55 of the criminal procedure law.

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

9

PART O

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

13 6. Interim probation supervision. (a) In any case where the court
14 determines that a defendant is eligible for a sentence of probation, the
15 court, after consultation with the prosecutor and upon the consent of
16 the defendant, may adjourn the sentencing to a specified date and order
17 that the defendant be placed on interim probation supervision. In no
18 event may the sentencing be adjourned for a period exceeding one year
19 from the date the conviction is entered. When ordering that the defend-
20 ant be placed on interim probation supervision, the court shall impose
21 all of the conditions relating to supervision specified in subdivision
22 three of section 65.10 of the penal law and the court may impose any or
23 all of the conditions relating to conduct and rehabilitation specified
24 in subdivisions two, four [and], five and five-a of section 65.10 of
25 such law[; provided, however, that the]. The defendant must receive a

26 written copy of any such conditions at the time he or she is placed on
27 interim probation supervision. The defendant's record of compliance with
28 such conditions, as well as any other relevant information, shall be
29 included in the presentence report, or updated presentence report,
30 prepared pursuant to this section, and the court must consider such
31 record and information when pronouncing sentence. If a defendant satis-
32 factorily completes a term of interim probation supervision, he or she
33 shall receive credit for the time served under the period of interim
34 probation supervision toward any probation sentence that is subsequently
35 imposed in that case.

36 (b) In its discretion, the supervising probation department may
37 utilize the provisions of sections 410.20, 410.30, 410.40, 410.50,
38 410.60 and 410.92 of this title, where applicable.

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

45 PART P

46 Intentionally omitted.

47 PART Q

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

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1 3. [Visit] Except in circumstances involving health, safety or alleged
2 violations of established standards of the commission, visit, and
3 inspect correctional facilities consistent with a schedule determined by
4 the chairman of the commission, taking into consideration available
5 resources, workload and staffing, and appraise the management of such
6 correctional facilities with specific attention to matters such as safe-
7 ty, security, health of inmates, sanitary conditions, rehabilitative
8 programs, disturbance and fire prevention and control preparedness, and
9 adherence to laws and regulations governing the rights of inmates.

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

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

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

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

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

34 2-a. The council, in consultation with the state commission of
35 correction, shall promulgate rules and regulations with respect to:

36 (a) The approval, or revocation thereof, of basic and other correc-
37 tional training programs administered by municipalities;

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

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

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

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

50 (b) Recommend studies, surveys and reports to be made by the commis-
51 sioner regarding the carrying out of the objectives and purposes of this
52 section;

53 (c) Visit and inspect any police training school and correctional
54 training programs approved by the commissioner or for which application
55 for such approval has been made;

1 (d) Make recommendations, from time to time, to the commissioner, the

2 governor and the legislature, regarding the carrying out of the purposes
3 of this section;

4 (e) Perform such other acts as may be necessary or appropriate to
5 carry out the functions of the council;

6 (f) Develop, maintain and disseminate, in consultation with the state
7 office for the prevention of domestic violence, written policies and
8 procedures consistent with article eight of the family court act and
9 applicable provisions of the criminal procedure and domestic relations
10 laws, regarding the investigation of and intervention by new and veteran
11 police officers in incidents of family offenses. Such policies and
12 procedures shall make provisions for education and training in the
13 interpretation and enforcement of New York's family offense laws,
14 including but not limited to:

15 (1) intake and recording of victim statements, on a standardized
16 "domestic violence incident report form" promulgated by the division of
17 criminal justice services in consultation with the superintendent of
18 state police, representatives of local police forces and the state
19 office for the prevention of domestic violence, and the investigation
20 thereof so as to ascertain whether a crime has been committed against
21 the victim by a member of the victim's family or household as such terms
22 are defined in section eight hundred twelve of the family court act and
23 section 530.11 of the criminal procedure law; and

24 (2) the need for immediate intervention in family offenses including
25 the arrest and detention of alleged offenders, pursuant to subdivision
26 four of section 140.10 of the criminal procedure law, and notifying
27 victims of their rights, including but not limited to immediately
28 providing the victim with the written notice required in subdivision six
29 of section 530.11 of the criminal procedure law and subdivision five of
30 section eight hundred twelve of the family court act; [and]

31 (g) Develop, maintain and disseminate, in consultation with the state
32 division of human rights and the state civil service department, written
33 policies and procedures to enhance police and correctional officer
34 recruitment efforts and to increase police and correctional officer
35 awareness of racial, ethnic, religious and gender differences, and other
36 diversity issues, in communities served by such police[.] and in correc-
37 tional facilities; and

38 (h) Consult with the state commission of correction regarding correc-
39 tional training programs.

40 § 6. Section 841 of the executive law, as amended by chapter 843 of
41 the laws of 1980, subdivision 3 as amended by chapter 551 of the laws of
42 2001, subdivision 9 as added by chapter 847 of the laws of 1986, is
43 amended to read as follows:

44 § 841. Functions, powers and duties of the commissioner with respect
45 to the council. In addition to the functions, powers and duties other-
46 wise provided by this article, the commissioner shall, with the general

47 advice of the council, and, in the case of subdivisions one, two and
48 three of this section, only in accordance with rules and regulations
49 promulgated by the governor pursuant to section eight hundred forty-two
50 of this article:

51 1. Approve police training schools administered by municipalities and
52 issue certificates of approval to such schools, and revoke such approval
53 or certificate;

54 1-a. Approve correctional training programs administered by munici-
55 palities and issue certificates of approval to such programs, and revoke
56 such approval or certificate;

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

3 2-a. Certify, as qualified, instructors at approved correctional
4 training programs and issue appropriate certificates to such instruc-
5 tors;

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

19 3-a. Certify correction officers who have satisfactorily completed
20 basic correctional training programs and issue certificates to such
21 correction officers;

22 4. Cause studies and surveys to be made relating to the establishment,
23 operation and approval of municipal police training schools and correc-
24 tional training programs;

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

31 6. Consult with and cooperate with universities, colleges and insti-
32 tutes in the state for the development of specialized courses of study

33 for police officers [and], peace officers, and correction officers in
34 police science [and], police administration, and criminal justice;
35 7. Consult with and cooperate with other departments and agencies of
36 the state concerned with police officer and peace officer training;
37 7-a. Consult with and cooperate with the state commission of
38 correction and other departments and agencies of the state concerned
39 with correction officer training;
40 8. Report to the council at each regular meeting of the council and at
41 such other times as may be appropriate[.]; and
42 9. Prepare, update and distribute to appropriate law enforcement offi-
43 cials the form and content of the written notice required to be given to
44 victims of family offenses pursuant to subdivision five of section eight
45 hundred twelve of the family court act and subdivision six of section
46 530.11 of the criminal procedure law.
47 § 7. Subdivisions 6 and 10 of section 45 of the correction law, as
48 added by chapter 865 of the laws of 1975, are amended to read as
49 follows:
50 6. Promulgate rules and regulations establishing minimum standards for
51 the review of the construction or improvement of correctional facilities
52 and the care, custody, correction, treatment, supervision, discipline,
53 and other correctional programs for all persons confined in correctional
54 facilities. Such rules and regulations shall be forwarded to the gover-
55 nor, the temporary president of the senate and the speaker of the assem-

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1 bly no later than January first, nineteen hundred seventy-six and annu-
2 ally thereafter.
3 10. Approve or reject plans and specifications for the construction or
4 improvement of correctional facilities that directly affect the health
5 of inmates and staff, safety, or security.
6 § 8. Subdivision 2 of section 504 of the correction law, as amended by
7 chapter 506 of the laws of 1982, is amended to read as follows:
8 2. Where the jail in a county becomes unfit or unsafe for the confine-
9 ment of some or all of the inmates due to an inmate disturbance [or a
10 natural disaster including but not limited to flood, earthquake, hurri-
11 cane, landslide or fire,] or other extraordinary circumstances, includ-
12 ing but not limited to a natural disaster, unanticipated deficiencies in
13 the structural integrity of a facility or the inability to provide one
14 or more inmates with essential services such as medical care, upon the
15 request of the municipal official as defined in subdivision four of
16 section forty of this chapter and no other suitable place within the
17 county nor the jail of any other county is immediately available to
18 house some or all of the inmates, the commissioner of correctional
19 services [is hereby authorized and empowered to] may, in his or her sole

20 discretion, make available, upon such terms and conditions as he may
21 deem appropriate, all or any part of a state correctional institution
22 for the confinement of some or all of such inmates as an adjunct to the
23 county jail for a period not to exceed thirty days. However, if the
24 county jail remains unfit or unsafe for the confinement of some or all
25 of such inmates beyond thirty days, the state commission of correction,
26 with the consent of the commissioner of correctional services, may
27 extend the availability of a state correctional institution for one or
28 more additional thirty day periods. The state commission of correction
29 shall promulgate rules and regulations governing the temporary transfer
30 of inmates to state correctional institutions from county jails includ-
31 ing but not limited to provisions for confinement of such inmates in the
32 nearest correctional facility, to the maximum extent practicable, taking
33 into account necessary security. The commissioner of correctional
34 services may, in his or her sole discretion, based on standards promul-
35 gated by the department, determine whether a county shall reimburse the
36 state for any or all of the actual costs of confinement as approved by
37 the director of the division of the budget. On or before the expiration
38 of each thirty day period, the state commission of correction must make
39 an appropriate designation pursuant to subdivision one if the county
40 jail remains unfit or unsafe for the confinement of some or all of the
41 inmates and consent to the continued availability of a state correction-
42 al institution as required for herein. The superintendence, management
43 and control of a state correctional institution or part thereof made
44 available pursuant hereto and the inmates housed therein shall be as
45 directed by the commissioner of correctional services.
46 § 9. This act shall take effect immediately; provided, however, that
47 sections two, four, five and six of this act shall take effect on the
48 one hundred eightieth day after it shall have become a law.

49 PART R

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

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

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

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

11 PART S

12 Intentionally omitted.

13 PART T

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

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

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

32 (e) All moneys received by the superintendent which are collected from
33 policyholders of insurance on [passenger] motor vehicles [subject to the
34 provisions of paragraph a of subdivision six of section four hundred one
35 of the vehicle and traffic law] shall be paid [to the state police motor
36 vehicle law enforcement account established pursuant to section ninety-
37 seven-mm of the state finance law] by the tenth day of the month follow-
38 ing receipt of such collections[. By the end of each fiscal year, any
39 moneys paid to the state police motor vehicle law enforcement account
40 established pursuant to section ninety-seven-mm of the state finance law
41 which exceed sixty million four hundred thousand dollars shall be paid
42 to the motor vehicle theft and insurance fraud prevention fund estab-
43 lished pursuant to section eighty-nine-d of the state finance law.] in
44 the following manner:

45 (1) Each fiscal year, the first four million seven hundred thousand
46 dollars shall be paid to the motor vehicle theft and insurance fraud

47 prevention fund established pursuant to section eighty-nine-d of the
48 state finance law.

49 (2) All remaining moneys shall be paid to the state police motor vehi-
50 cle law enforcement account established pursuant to section ninety-sev-
51 en-mm of the state finance law.

52 § 3. Subsection (f) of section 9110 of the insurance law is REPEALED.

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1 § 4. Subdivision 2 of section 89-d of the state finance law, as
2 amended by chapter 170 of the laws of 1994, is amended to read as
3 follows:

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

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

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

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

36 § 6. Section 7 of part Q of chapter 62 of the laws of 2003, amending

37 the insurance law and other laws relating to motor vehicle law enforce-
38 ment fees, as amended by section 1 of part M of chapter 56 of the laws
39 of 2008, is amended to read as follows:

40 § 7. This act shall take effect immediately, provided that sections
41 one, two and three of this act shall take effect June 1, 2003; [and
42 provided further that the amendments made to subsection (b) of section
43 9110 of the insurance law made by section one of this act shall expire
44 and be deemed repealed on July 1, 2009 and the provisions of such
45 subsection shall be read as such provisions existed on the date imme-
46 diately preceding the effective date of this act;] and provided further
47 that the amendments made to subsection (e) of section 9110 of the insur-
48 ance law made by section two of this act and the amendments made to
49 subdivision 3 of section 97-mm of the state finance law made by section
50 three of this act shall expire and be deemed repealed on March 31, 2004
51 and the provisions of such subsection and such subdivision shall be read
52 as such provisions existed on the date immediately preceding the effec-
53 tive date of this act.

54 § 7. Section 3 of part A of chapter 56 of the laws of 2004, amending
55 the insurance law and the state finance law relating to motor vehicle

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

3 § 3. This act shall take effect immediately and shall be deemed to
4 have been in full force and effect on and after April 1, 2004[;
5 provided, however, that the amendments made to subsections (e) and (f)
6 of section 9110 of the insurance law made by section one of this act
7 shall expire and be deemed repealed on March 31, 2009, and provided
8 further that the amendments made to subdivisions 2 and 3 of section
9 97-mm of the state finance law made by section two of this act shall
10 expire and be deemed repealed on March 31, 2009].

11 § 8. Subdivision (bbb) of section 427 of chapter 55 of the laws of
12 1992, amending the tax law generally and enacting the omnibus revenue
13 act of 1992 relating to taxes, surcharges, fees and funding, is
14 REPEALED.

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

18 (b) Activities eligible for funding include, but are not limited to,
19 the following: prosecution and adjudication services; law enforcement
20 services; neighborhood or community based programs designed to reduce
21 the incidence of motor vehicle theft and motor vehicle insurance fraud;
22 educational programs designed to inform owners of motor vehicles
23 concerning activities designed to prevent the incidence of theft of

24 motor vehicles and fraudulent claims practices; and programs designed to
25 examine, evaluate and make recommendations relating to the efficacy of
26 motor vehicle theft prevention devices or methods including, but not
27 limited to, passive tracking devices designed to identify the location
28 of a motor vehicle at any given point in time and window glass etching
29 with vehicle identification numbers or any other unique identifying
30 symbol including decal programs such as New York city's operation combat
31 auto theft (C.A.T.). Funds provided under this program shall be used to
32 augment, and not to supplant, the provider agency's current funding, if
33 any, for motor vehicle theft and insurance fraud detection, prevention,
34 or reduction activities[, and shall only be used to fund pilot programs
35 of a specified duration not to extend beyond July first, two thousand
36 nine].

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

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

44 § 10. Section 9 of part T of chapter 57 of the laws of 2000, amending
45 the state finance law relating to a report on automobile theft
46 prevention activities of the state police, as amended by section 5 of
47 part M of chapter 56 of the laws of 2008, is amended to read as follows:

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

55 § 11. The article heading of article 36-A of the executive law, as
56 added by chapter 170 of the laws of 1994, is amended to read as follows:

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1 NEW YORK MOTOR VEHICLE THEFT AND INSURANCE FRAUD
PREVENTION

2 [DEMONSTRATION] PROGRAM

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

6

PART U

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

11 § 2. This act shall take effect on the one hundred eightieth day after
12 it shall have become a law and shall remain in effect until September 1,
13 [2009] 2011.

14 § 2. Section 3 of chapter 428 of the laws of 1999, amending the execu-
15 tive law and the criminal procedure law relating to expanding the
16 geographic area of employment of certain police officers, as amended by
17 section 2 of part C of chapter 56 of the laws of 2007, is amended to
18 read as follows:

19 § 3. This act shall take effect on the first day of November next
20 succeeding the date on which it shall have become a law, and shall
21 remain in effect until the first day of September, [2009] 2011, when it
22 shall expire and be deemed repealed.

23 § 3. Section 3 of chapter 886 of the laws of 1972, amending the
24 correction law and the penal law relating to prisoner furloughs in
25 certain cases and the crime of absconding therefrom, as amended by
26 section 3 of part C of chapter 56 of the laws of 2007, is amended to
27 read as follows:

28 § 3. This act shall take effect 60 days after it shall have become a
29 law and shall remain in effect until September 1, [2009] 2011.

30 § 4. Section 20 of chapter 261 of the laws of 1987, amending chapters
31 50, 53 and 54 of the laws of 1987, the correction law, the penal law and
32 other chapters and laws relating to correctional facilities, as amended
33 by section 4 of part C of chapter 56 of the laws of 2007, is amended to
34 read as follows:

35 § 20. This act shall take effect immediately except that section thir-
36 teen of this act shall expire and be of no further force or effect on
37 and after September 1, [2009] 2011 and shall not apply to persons
38 committed to the custody of the department after such date, and provided
39 further that the commissioner of correctional services shall report each
40 January first and July first during such time as the earned eligibility
41 program is in effect, to the chairmen of the senate crime victims, crime
42 and correction committee, the senate codes committee, the assembly
43 correction committee, and the assembly codes committee, the standards in
44 effect for earned eligibility during the prior six-month period, the
45 number of inmates subject to the provisions of earned eligibility, the
46 number who actually received certificates of earned eligibility during
47 that period of time, the number of inmates with certificates who are
48 granted parole upon their first consideration for parole, the number
49 with certificates who are denied parole upon their first consideration,
50 and the number of individuals granted and denied parole who did not have
51 earned eligibility certificates.

52 § 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992,
53 amending the tax law and other laws relating to taxes, surcharges, fees

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

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

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

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

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

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

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

35 § 5. This act shall take effect immediately and shall remain in full
36 force and effect until September 1, [2009] 2011, and provided further
37 that the commissioner of correctional services shall report each January
38 first and July first during such time as this legislation is in effect,
39 to the chairmen of the senate crime victims, crime and correction
40 committee, the senate codes committee, the assembly correction commit-

41 tee, and the assembly codes committee, the number of individuals who are
42 released to community treatment facilities during the previous six-month
43 period, including the total number for each date at each facility who
44 are not residing within the facility, but who are required to report to
45 the facility on a daily or less frequent basis.

46 § 9. Subdivision h of section 74 of chapter 3 of the laws of 1995,
47 amending the correction law and other laws relating to the incarceration
48 fee, as amended by section 9 of part C of chapter 56 of the laws of
49 2007, is amended to read as follows:

50 h. Section fifty-two of this act shall be deemed to have been in full
51 force and effect on and after April 1, 1995; provided, however, that the
52 provisions of section 189 of the correction law, as amended by section
53 fifty-five of this act, subdivision 5 of section 60.35 of the penal law,
54 as amended by section fifty-six of this act, and section fifty-seven of
55 this act shall expire September 1, [2009] 2011, when upon such date the
56 amendments to the correction law and penal law made by sections fifty-

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

10 § 10. Subdivision (z) of section 427 of chapter 55 of the laws of
11 1992, amending the tax law and other laws relating to taxes, surcharges,
12 fees and funding, as amended by section 10 of part C of chapter 56 of
13 the laws of 2007, is amended to read as follows:

14 (z) the provisions of section three hundred eighty-one of this act
15 shall apply to all persons supervised by the division of parole on or
16 after the effective date of this act, provided however, that subdivision
17 9 of section 259-a of the executive law, as added by section three
18 hundred eighty-one of this act, shall expire on September 1, [2009]
19 2011;

20 § 11. Subdivision (aa) of section 427 of chapter 55 of the laws of
21 1992, amending the tax law and other laws relating to taxes, surcharges,
22 fees and funding, as amended by section 11 of part C of chapter 56 of
23 the laws of 2007, is amended to read as follows:

24 (aa) the provisions of sections three hundred eighty-two, three
25 hundred eighty-three and three hundred eighty-four of this act shall
26 expire on September 1, [2009] 2011;

27 § 12. Section 12 of chapter 907 of the laws of 1984, amending the
28 correction law, the New York city criminal court act and the executive
29 law relating to prison and jail housing and alternatives to detention
30 and incarceration programs, as amended by section 12 of part C of chap-
31 ter 56 of the laws of 2007, is amended to read as follows:

32 § 12. This act shall take effect immediately, except that the
33 provisions of sections one through ten of this act shall remain in full
34 force and effect until September 1, [2009] 2011 on which date those
35 provisions shall be deemed to be repealed.

36 § 13. Subdivision (p) of section 406 of chapter 166 of the laws of
37 1991, amending the tax law and other laws relating to taxes, as amended
38 by section 13 of part C of chapter 56 of the laws of 2007, is amended to
39 read as follows:

40 (p) The amendments to section 1809 of the vehicle and traffic law made
41 by sections three hundred thirty-seven and three hundred thirty-eight of
42 this act shall not apply to any offense committed prior to such effec-
43 tive date; provided, further, that section three hundred forty-one of
44 this act shall take effect immediately and shall expire November 1, 1993
45 at which time it shall be deemed repealed; sections three hundred
46 forty-five and three hundred forty-six of this act shall take effect
47 July 1, 1991; sections three hundred fifty-five, three hundred fifty-
48 six, three hundred fifty-seven and three hundred fifty-nine of this act
49 shall take effect immediately and shall expire June 30, 1995 and shall
50 revert to and be read as if this act had not been enacted; section three
51 hundred fifty-eight of this act shall take effect immediately and shall
52 expire June 30, 1998 and shall revert to and be read as if this act had
53 not been enacted; section three hundred sixty-four through three hundred
54 sixty-seven of this act shall apply to claims filed on or after such
55 effective date; sections three hundred sixty-nine, three hundred seven-
56 ty-two, three hundred seventy-three, three hundred seventy-four, three

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1 hundred seventy-five and three hundred seventy-six of this act shall
2 remain in effect until September 1, [2009] 2011, at which time they
3 shall be deemed repealed; provided, however, that the mandatory
4 surcharge provided in section three hundred seventy-four of this act
5 shall apply to parking violations occurring on or after said effective
6 date; and provided further that the amendments made to section 235 of
7 the vehicle and traffic law by section three hundred seventy-two of this
8 act, the amendments made to section 1809 of the vehicle and traffic law
9 by sections three hundred thirty-seven and three hundred thirty-eight of
10 this act and the amendments made to section 215-a of the labor law by
11 section three hundred seventy-five of this act shall expire on September
12 1, [2009] 2011 and upon such date the provisions of such subdivisions

13 and sections shall revert to and be read as if the provisions of this
14 act had not been enacted; the amendments to subdivisions 2 and 3 of
15 section 400.05 of the penal law made by sections three hundred seventy-
16 seven and three hundred seventy-eight of this act shall expire on July
17 1, 1992 and upon such date the provisions of such subdivisions shall
18 revert and shall be read as if the provisions of this act had not been
19 enacted; the state board of law examiners shall take such action as is
20 necessary to assure that all applicants for examination for admission to
21 practice as an attorney and counsellor at law shall pay the increased
22 examination fee provided for by the amendment made to section 465 of the
23 judiciary law by section three hundred eighty of this act for any exam-
24 ination given on or after the effective date of this act notwithstanding
25 that an applicant for such examination may have prepaid a lesser fee for
26 such examination as required by the provisions of such section 465 as of
27 the date prior to the effective date of this act; the provisions of
28 section 306-a of the civil practice law and rules as added by section
29 three hundred eighty-one of this act shall apply to all actions pending
30 on or commenced on or after September 1, 1991, provided, however, that
31 for the purposes of this section service of such summons made prior to
32 such date shall be deemed to have been completed on September 1, 1991;
33 the provisions of section three hundred eighty-three of this act shall
34 apply to all money deposited in connection with a cash bail or a
35 partially secured bail bond on or after such effective date; and the
36 provisions of sections three hundred eighty-four and three hundred
37 eighty-five of this act shall apply only to jury service commenced
38 during a judicial term beginning on or after the effective date of this
39 act; provided, however, that nothing contained herein shall be deemed to
40 affect the application, qualification, expiration or repeal of any
41 provision of law amended by any section of this act and such provisions
42 shall be applied or qualified or shall expire or be deemed repealed in
43 the same manner, to the same extent and on the same date as the case may
44 be as otherwise provided by law;

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

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

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

54 § 6. This act shall take effect on the first day of April next
55 succeeding the date on which it shall have become a law; provided,
56 however, that effective immediately, the addition, amendment or repeal

1 of any rule or regulation necessary for the implementation of the fore-
2 going sections of this act on their effective date is authorized and
3 directed to be made and completed on or before such effective date and
4 shall remain in full force and effect until the first day of September,
5 [2009] 2011 when upon such date the provisions of this act shall be
6 deemed repealed.

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

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

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

17 § 4. This act shall take effect 120 days after it shall have become a
18 law and shall remain in full force and effect until September 1, [2009]
19 2011, when upon such date it shall expire.

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

24 2. Subdivision 4 of section 140.10 of the criminal procedure law as
25 added by section thirty-two of this act shall take effect January 1,
26 1996 and shall expire and be deemed repealed on September 1, [2009]
27 2011.

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

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

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

43 § 3. This act shall take effect immediately, except that section one

44 of this act shall take effect on the first of January next succeeding
45 the date on which it shall have become a law, and shall remain in effect
46 until the first of September, [2009] 2011, upon which date this act
47 shall be deemed repealed and have no further force and effect; provided
48 that section one of this act shall only take effect with respect to any
49 compacting state which has enacted an interstate compact entitled
50 "Interstate compact for adult offender supervision" and having an iden-
51 tical effect to that added by section one of this act and provided
52 further that with respect to any such compacting state, upon the effec-
53 tive date of section one of this act, section 259-m of the executive law
54 is hereby deemed REPEALED and section 259-mm of the executive law, as
55 added by section one of this act, shall take effect; and provided
56 further that with respect to any state which has not enacted an inter-

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

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

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

18 § 22. Subdivision (r) of section 427 of chapter 55 of the laws of
19 1992, amending the tax law and other laws relating to taxes, surcharges,
20 fees and funding, is REPEALED.

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

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

30 § 24. This act shall take effect immediately.

31 PART V

32 Intentionally omitted.

33 PART W

34 Intentionally omitted.

35 PART X

36 Intentionally omitted.

37 PART Y

38 Intentionally omitted.

39 PART Z

40 Intentionally omitted.

41 PART AA

42 Intentionally omitted.

43 PART BB

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1 Intentionally omitted.

2 PART CC

3 Intentionally omitted.

4 PART DD

5 Intentionally omitted.

6 PART EE

7 Intentionally omitted.

8 PART FF

9 Intentionally omitted.

10 PART GG

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

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

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

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

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

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

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

41 (iii) Any municipality that does not qualify for an additional annual
42 apportionment pursuant to subparagraphs (i) and (ii) of this paragraph
43 shall be eligible to receive an additional annual apportionment equal to
44 three percent of such municipality's base level grant.

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1 § 2. Paragraph e of subdivision 10 of section 54 of the state finance
2 law, as amended by section 3 of part O of chapter 56 of the laws of
3 2008, is amended to read as follows:

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

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

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

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

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

42 (v) A municipality with an average full valuation per capita equal to
43 or less than the average full valuation per capita for municipalities
44 that is a village with a population greater than ten thousand, meets one
45 or more of the fiscal distress indicators, and receives per capita state
46 aid less than or equal to the threshold percentage of the average for
47 villages with a population greater than ten thousand that meet one or
48 more of the fiscal distress indicators, shall be eligible to receive

49 additional aid of four and one-half percent of such village's base level
50 grant, subject to the availability of funds.

51 (vi) If sufficient funds are not available for additional aid in the
52 amount authorized pursuant to subparagraphs (ii), (iii), (iv) and (v) of
53 this paragraph, additional aid shall be apportioned to each municipality
54 eligible for such aid based on the municipality's pro rata share of
55 available funds.

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

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

28 § 4. Paragraph j of subdivision 10 of section 54 of the state finance
29 law, as amended by section 1 of part KK of chapter 57 of the laws of
30 2008, is amended to read as follows:

31 j. Special aid and incentives for municipalities to the city of New
32 York. In the state fiscal year commencing April first, two thousand
33 seven a city with a population of one million or more shall receive
34 twenty million dollars on or before December fifteenth. In the state
35 fiscal year commencing April first, two thousand eight, a city with a

36 population of one million or more shall receive two hundred forty-five
37 million nine hundred forty-four thousand eight hundred thirty-four
38 dollars payable on or before December fifteenth. In the state fiscal
39 year commencing April first, two thousand nine, [a city with a popu-
40 lation of one million or more shall receive eighty-one million nine
41 hundred forty-four thousand eight hundred thirty-four dollars payable on
42 or before June thirtieth and shall receive an additional two hundred
43 forty-five million nine hundred forty-four thousand eight hundred thir-
44 ty-four dollars payable on or before December fifteenth. In the state
45 fiscal year commencing April first, two thousand ten,] and in each state
46 fiscal year thereafter, a city with a population of one million or more
47 shall receive three hundred twenty-seven million eight hundred eighty-
48 nine thousand six hundred sixty-eight dollars payable on or before
49 December fifteenth. Special aid and incentives for municipalities to the
50 city of New York shall be apportioned and paid as required as follows:
51 (i) Any amounts required to be paid to the city university
52 construction fund pursuant to the city university construction fund act;
53 (ii) Any amounts required to be paid to the New York city housing
54 development corporation pursuant to the New York city housing develop-
55 ment corporation act;

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1 (iii) Five hundred thousand dollars to the chief fiscal officer of the
2 city of New York for payment to the trustees of the police pension fund
3 of such city;
4 (iv) Eighty million dollars to the special account for the municipal
5 assistance corporation for the city of New York in the municipal assist-
6 ance tax fund created pursuant to section ninety-two-d of this chapter
7 to the extent that such amount has been included by the municipal
8 assistance corporation for the city of New York in any computation for
9 the issuance of bonds on a parity with outstanding bonds pursuant to a
10 contract with the holders of such bonds prior to the issuance of any
11 other bonds secured by payments from the municipal assistance corpo-
12 ration for the city of New York in the municipal assistance state aid
13 fund created pursuant to section ninety-two-e of this chapter;
14 (v) The balance of the special account for the municipal assistance
15 corporation for the city of New York in the municipal assistance state
16 aid fund created pursuant to section ninety-two-e of this chapter;
17 (vi) Any amounts to be refunded to the general fund of the state of
18 New York pursuant to the annual appropriation enacted for the municipal
19 assistance state aid fund;
20 (vii) To the state of New York municipal bond bank agency to the
21 extent provided by section twenty-four hundred thirty-six of the public
22 authorities law; and

23 (viii) To the transit construction fund to the extent provided by
24 section twelve hundred twenty-five-i of the public authorities law, and
25 thereafter to the city of New York.
26 Notwithstanding any other law to the contrary, the amount paid to any
27 city with a population of one million or more on or before December
28 fifteenth shall be for an entitlement period ending the immediately
29 preceding June thirtieth.

30 § 5. Clause 2 of subparagraph (viii) of paragraph a of subdivision 10
31 of section 54 of the state finance law, as amended by section 1 of part
32 O of chapter 56 of the laws of 2008, is amended to read as follows:

33 (2) for the state fiscal year commencing April first, two thousand
34 eight and in each state fiscal year thereafter, the base level grant
35 received in the immediately preceding state fiscal year pursuant to
36 paragraph b of this subdivision plus any additional apportionments
37 received in such year pursuant to paragraph d of this subdivision and
38 any per capita adjustments received in such year pursuant to paragraph e
39 of this subdivision plus any additional aid received in such year pursu-
40 ant to [subparagraph (i) or subparagraph (iii) of] paragraph p of this
41 subdivision.

42 § 6. Paragraph p of subdivision 10 of section 54 of the state finance
43 law, as added by section 8 of part O of chapter 56 of the laws of 2008,
44 is amended to read as follows:

45 p. Local government efficiency grant program municipal merger incen-
46 tives. For the purposes of this paragraph, "municipalities" shall mean
47 cities with a population less than one million, towns and villages.
48 Within the annual amounts appropriated therefor, surviving munici-
49 palities following a merger, consolidation or dissolution occurring on
50 or after the state fiscal year commencing April first, two thousand
51 seven may be awarded [one of the following as selected by the governing
52 body of the merged, consolidated or surviving, in the case of a dissol-
53 ution, municipality: (i) Additional aid in the state fiscal year follow-
54 ing such merger, consolidation or dissolution equal to twenty-five
55 percent of the combined base level grants received, pursuant to para-
56 graph b of this subdivision, by the municipalities that were party to

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1 such merger, consolidation or dissolution in the state fiscal year in
2 which such merger, consolidation or dissolution took effect. In
3 instances where only a portion of a city, town or village is party to a
4 consolidation, merger or dissolution, the additional aid payable to the
5 resulting successor government shall be based on only a pro rata share
6 of the base level grant received by such city, town or village. Such pro
7 rata share shall be calculated by multiplying the base level grant of
8 such city, town or village in the state fiscal year in which such merg-

9 er, consolidation or dissolution took effect by the ratio of the most
10 recent federal decennial census population of the portion consolidated,
11 merged or dissolved as compared to the total two thousand federal decen-
12 nial census population of the city, town or village party to such
13 consolidation, merger or dissolution. In no case shall a municipality's
14 additional aid pursuant to this subparagraph exceed one million dollars.
15 Such additional aid shall be apportioned and paid to the chief fiscal
16 officer of each merged, consolidated or surviving, in the case of a
17 village dissolution, municipality on audit and warrant of the state
18 comptroller out of moneys appropriated by the legislature for such
19 purpose to the credit of the local assistance fund in the general fund
20 of the state treasury in the same "on or before month and day" manner as
21 the municipality's base level grant is paid pursuant to subparagraph (i)
22 of paragraph i of this subdivision. Any municipality receiving a merger
23 incentive award pursuant to this subparagraph shall use such aid only
24 for general municipal purposes. Such additional aid shall in subsequent
25 state fiscal years be considered prior year aid for the purposes of
26 determining such merged, consolidated or surviving municipality's base
27 level grant pursuant to paragraph b of this subdivision.

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

51 (iii) Additional] additional aid in the state fiscal year following
52 such merger, consolidation or dissolution equal to fifteen percent of
53 the combined amount of real property taxes levied by all of the munic-

54 palities participating in the merger, consolidation or dissolution in
55 the local fiscal year prior to the local fiscal year in which such merg-
56 er, consolidation or dissolution took effect. [In instances where only a

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

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

39 (1) For the purposes of this paragraph, "municipality" shall mean

40 counties, cities, towns, villages, special improvement districts, fire
41 districts, [library districts] public libraries, association libraries,
42 water authorities, sewer authorities, regional planning and development
43 boards, school districts, and boards of cooperative educational
44 services; provided, however, that for the purposes of this definition, a
45 board of cooperative educational services shall be considered a munici-
46 pality only in instances where such board of cooperative educational
47 services advances a joint application on behalf of school districts and
48 other municipalities within the board of cooperative educational
49 services region; provided, however, that any agreements with a board of
50 cooperative educational services: shall not generate additional state
51 aid; shall be deemed not to be a part of the program, capital and admin-
52 istrative budgets of the board of cooperative educational services for
53 the purposes of computing charges upon component school districts pursu-
54 ant to subparagraph seven of paragraph b of subdivision four of section
55 nineteen hundred fifty and subdivision one of section nineteen hundred
56 fifty and subdivision one of section nineteen hundred fifty-one of the

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

4 § 8. Notwithstanding any other law to the contrary, for the state
5 fiscal year beginning April 1, 2010, and in each state fiscal year ther-
6 eafter, fifteen million dollars of aid and incentives for municipalities
7 otherwise due and payable to the city of Yonkers on or before March 31
8 shall be paid on or before June 30 in such fiscal year upon written
9 request by the chief elected official of such city to the director of
10 the budget, provided such request is made no later than April 1, 2010.

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

13

PART HH

14 Intentionally omitted.

15

PART II

16 Section 1. Section 2 of chapter 540 of the laws of 1992, amending the
17 real property tax law relating to oil and gas charges, as amended by
18 chapter 140 of the laws of 2006, is amended to read as follows:

19 § 2. This act shall take effect immediately and shall be deemed to
20 have been in full force and effect on and after April 1, 1992; provided,
21 however that any charges imposed by section 593 of the real property tax

22 law as added by section one of this act shall first be due for values
23 for assessment rolls with tentative completion dates after July 1, 1992,
24 and provided further, that this act shall remain in full force and
25 effect until March 31, [2009] 2012, at which time section 593 of the
26 real property tax law as added by section one of this act shall be
27 repealed.

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

30

PART JJ

31 Section 1. Subdivision 3 of section 333 of the real property law, as
32 separately amended by section 2 of part B of chapter 57 and chapter 521
33 of the laws of 2004, is amended to read as follows:

34 3. The recording officer of every county and the city of New York
35 shall impose a fee of one hundred sixty-five dollars, or in the case of
36 a transfer involving qualifying residential or farm property as defined
37 by paragraph iv of subdivision one-e of this section, a fee of seventy-
38 five dollars, for every real property transfer reporting form submitted
39 for recording as required under subdivision one-e of this section. In
40 the city of New York, the recording officer shall impose a fee of fifty
41 dollars for each real property transfer tax form filed in accordance
42 with chapter twenty-one of title eleven of the administrative code of
43 the city of New York, except where a real property transfer reporting
44 form is also submitted for recording for the transfer as required under
45 subdivision one-e of this section. The recording officer shall deduct
46 nine dollars from such fee and remit the remainder of the revenue
47 collected to the state office of real property services every month for
48 deposit [in the improvement of real property tax administration account
49 established pursuant to section ninety-seven-ll of the state finance

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

3 § 2. Subdivision 3 of section 333 of the real property law, as amended
4 by section one of this act, is amended to read as follows:

5 3. The recording officer of every county and the city of New York
6 shall impose a fee of [one hundred sixty-five] two hundred fifty
7 dollars, or in the case of a transfer involving qualifying residential
8 or farm property as defined by paragraph iv of subdivision one-e of this
9 section, a fee of [seventy-five] one hundred twenty-five dollars, for
10 every real property transfer reporting form submitted for recording as
11 required under subdivision one-e of this section. In the city of New
12 York, the recording officer shall impose a fee of [fifty] one hundred

13 dollars for each real property transfer tax form filed in accordance
14 with chapter twenty-one of title eleven of the administrative code of
15 the city of New York, except where a real property transfer reporting
16 form is also submitted for recording for the transfer as required under
17 subdivision one-e of this section. The recording officer shall deduct
18 nine dollars from such fee and remit the remainder of the revenue
19 collected to the state office of real property services every month for
20 deposit into the general fund. The amount duly deducted by the record-
21 ing officer shall be retained by the county or by the city of New York.

22 § 3. Subdivisions 2 and 3 of section 97-11 of the state finance law,
23 as amended by section 2 of part C-2 of chapter 62 of the laws of 2003,
24 are amended to read as follows:

25 2. [All revenue received by the state office of real property services
26 from the state share of a recording fee pertaining to the transfer of
27 real property shall be deposited to the credit of the improvement of
28 real property tax administration account.

29 3.] Moneys within the improvement of real property tax administration
30 account, upon appropriation by the legislature, shall be available to
31 the state office of real property services for all services and expenses
32 of the state office which relate to activities including, but not limit-
33 ed to, preparation and certification of state equalization rates, the
34 administration of state technical and financial assistance to local
35 governments, review and certification of adjusted base proportions for
36 special assessing units and approved assessing units pursuant to arti-
37 cles eighteen and nineteen of the real property tax law, the determi-
38 nation of class equalization rates for portions within special assessing
39 units and approved assessing units pursuant to article twelve of the
40 real property tax law, continuance of the market value survey cycle,
41 maintenance of effort in the production of agricultural lands value
42 assessments, advisory appraisals, and assessor training and certifi-
43 cation.

44 § 4. This act shall take effect immediately; provided, however that
45 section two of this act shall take effect June 1, 2009 and shall be
46 applicable to conveyances submitted for recording on and after such
47 date.

48 PART KK

49 Section 1. Section 54-1 of the state finance law, as amended by
50 section 1 of part R of chapter 57 of the laws of 2007, is amended to
51 read as follows:

52 § 54-1. State assistance to eligible cities and eligible munici-
53 palities in which a video lottery gaming facility is located. 1. Defi-
54 nitions. When used in this section, unless otherwise expressly stated:

1 a. "Eligible city" shall mean [(i) for the fiscal year commencing
2 April first, two thousand seven] a city with a population equal to or
3 greater than one hundred twenty-five thousand and less than one million
4 in which a video lottery gaming facility is located and operating as of
5 January first, two thousand nine pursuant to section sixteen hundred
6 seventeen-a of the tax law [and (ii) for the fiscal year commencing
7 April first, two thousand eight and for each state fiscal year thereaft-
8 er, shall mean a city with a population equal to or greater than one
9 hundred twenty-five thousand in which a video lottery gaming facility is
10 located pursuant to section sixteen hundred seventeen-a of the tax law].

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

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

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

32 e. "Poverty rate" shall mean the percentage of individuals living
33 below the poverty level, as reported in the most recent federal decenni-
34 al census.

35 2. Within amounts appropriated therefor, [beginning in the state
36 fiscal year commencing April first, two thousand seven, and in each
37 state fiscal year thereafter,] an eligible city and an eligible munici-
38 pality shall receive a state aid payment as follows:

39 a. An eligible city shall receive: (i) for the state fiscal years
40 commencing April first, two thousand seven and April first, two thousand
41 eight, a state aid payment equal to three and one-half percent of the
42 "estimated net machine income" generated by a video lottery gaming
43 facility located in such eligible city. Such state aid payment shall not

44 exceed twenty million dollars per eligible city; and (ii) for the state
45 fiscal year commencing April first, two thousand nine and for each state
46 fiscal year thereafter, an amount equal to the state aid payment
47 received in the state fiscal year commencing April first, two thousand
48 eight.

49 b. Eligible municipalities shall receive: (i) for the state fiscal
50 years commencing April first, two thousand seven and April first, two
51 thousand eight, a share of three and one-half percent of the "estimated
52 net machine income" generated by a video lottery gaming facility located
53 within such eligible municipality as follows: [(i)] (1) twenty-five
54 percent shall be apportioned and paid to the county; and [(ii)] (2)
55 seventy-five percent shall be apportioned and paid on a pro rata basis
56 to eligible municipalities, other than the county, based upon the popu-

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

16 3. a. State aid payments made to an eligible city pursuant to para-
17 graph a of subdivision two of this section shall be used to increase
18 support for public schools in such city.

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

23 4. [a. On or before June first of each state fiscal year, beginning in
24 the state fiscal year commencing April first, two thousand seven, at the
25 request of the director of the division of the budget, the director of
26 the division of the lottery shall transmit a schedule of payments
27 required pursuant to this section to the director of the division of the
28 budget. In determining such schedule of payments, the director of the
29 division of the lottery shall include a reconciliation of the state aid

30 paid in the preceding fiscal year. Such reconciliation shall adjust for
31 the difference between the state aid paid in the preceding fiscal year
32 and what the state aid payment would have been if the actual full annual
33 value of net machine income had been used in the calculation of state
34 aid. Such reconciliation shall be subject to the maximum amounts identi-
35 fied in subdivision two of this section for the year being reconciled.

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

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

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

54 PART LL

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1 Intentionally omitted.

2 PART MM

3 Intentionally omitted.

4 PART NN

5 Intentionally omitted.

6 PART OO

7 Intentionally omitted.

8 PART PP

- 9 Section 1. The state comptroller is hereby authorized and directed to
10 loan money in accordance with the provisions set forth in subdivision 5
11 of section 4 of the state finance law to the following funds and/or
12 accounts:
- 13 1. Tuition reimbursement fund (050):
 - 14 a. Tuition reimbursement account (01).
 - 15 b. Proprietary vocational school supervision account (02).
 - 16 2. Local government records management improvement fund (052):
 - 17 a. Local government records management account (01).
 - 18 3. Dedicated highway and bridge trust fund (072):
 - 19 a. Highway and bridge capital account (01).
 - 20 4. State University Residence Hall Rehabilitation Fund (074).
 - 21 5. State parks infrastructure trust fund (076):
 - 22 a. State parks infrastructure account (01).
 - 23 6. Clean water/clean air implementation fund (079).
 - 24 7. State lottery fund (160):
 - 25 a. Education - New (03).
 - 26 b. VLT - Admin (05).
 - 27 c. VLT - Sound basic education fund (06).
 - 28 8. Medicaid management information system escrow fund (179).
 - 29 9. Federal operating grants fund (290) federal capital grants fund
30 (291).
 - 31 10. Sewage treatment program management and administration fund (300).
 - 32 11. Environmental conservation special revenue fund (301):
 - 33 a. Hazardous bulk storage account (F7).
 - 34 b. Utility environmental regulation account (H4).
 - 35 c. Low level radioactive waste siting account (K5).
 - 36 d. Recreation account (K6).
 - 37 e. Conservationist magazine account (S4).
 - 38 f. Environmental regulatory account (S5).
 - 39 g. Natural resource account (S6).
 - 40 h. Mined land reclamation program account (XB).
 - 41 i. Federal grants indirect cost recovery account (IC).
 - 42 12. Environmental protection and oil spill compensation fund (303).
 - 43 13. Hazardous waste remedial fund (312):
 - 44 a. Site investigation and construction account (01).
 - 45 b. Hazardous waste remedial clean up account (06).
 - 46 14. Mass transportation operating assistance fund (313):
 - 47 a. Public transportation systems account (01).
 - 48 b. Metropolitan mass transportation (02).

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- 1 15. Clean air fund (314):
 - 2 a. Operating permit program account (01).

- 3 b. Mobile source account (02).
- 4 16. Centralized services fund (323).
- 5 17. State exposition special fund (325).
- 6 18. Agency enterprise fund (331):
 - 7 a. OGS convention center account (55).
- 8 19. Agencies internal service fund (334):
 - 9 a. Archives records management account (02).
 - 10 b. Federal single audit account (05).
 - 11 c. Quick copy center account (07).
 - 12 d. Civil service law: sec 11 admin account (09).
 - 13 e. Civil service EHS occupational health program account (10).
 - 14 f. Banking services account (12).
 - 15 g. Cultural resources survey account (14).
 - 16 h. Neighborhood work project (17).
 - 17 i. Automation & printing chargeback account (18).
 - 18 j. OFT NYT account (20).
 - 19 k. Data center account (23).
 - 20 l. Human service telecom account (24).
 - 21 m. Centralized Technology services account (30).
 - 22 n. OMRDD copy center account (26).
 - 23 o. Intrusion detection account (27).
 - 24 p. Domestic violence grant account (28).
- 25 20. Miscellaneous special revenue fund (339):
 - 26 a. Statewide planning and research cooperative system account (03).
 - 27 b. OMRDD provider of service account (05).
 - 28 c. New York state thruway authority account (08).
 - 29 d. Mental hygiene patient income account (13).
 - 30 e. Financial control board account (15).
 - 31 f. Regulation of racing account (16).
 - 32 g. New York metropolitan transportation council account (17).
 - 33 h. Quality of care account (20).
 - 34 i. Cyber upgrade account (25).
 - 35 j. Certificate of need account (26).
 - 36 k. Hospital and nursing home management account (44).
 - 37 l. State university dormitory income reimbursable account (47).
 - 38 m. Training, management and evaluation (50).
 - 39 n. Energy research account (60).
 - 40 o. Criminal justice improvement account (62).
 - 41 p. Fingerprint identification and technology account (68).
 - 42 q. Environmental laboratory reference fee account (81).
 - 43 r. Clinical laboratory reference system assessment account (90).
 - 44 s. Public employment relations board account (93).
 - 45 t. Radiological health protection account (95).
 - 46 u. Teacher certification account (A4).
 - 47 v. Banking department account (A5).

- 48 w. Cable television account (A6).
- 49 x. Indirect cost recovery account (AH).
- 50 y. High school equivalency program account (AI).
- 51 z. Rail safety inspection account (AQ).
- 52 aa. Child support revenue account (AX).
- 53 bb. Multi-agency training account (AY).
- 54 cc. Critical infrastructure account (B3).
- 55 dd. Insurance department account (B6).
- 56 ee. Bell jar collection account (BJ).

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- 1 ff. Industry and utility service account (BK).
- 2 gg. Real property disposition account (BP).
- 3 hh. Parking account (BQ).
- 4 ii. Asbestos safety training program account (BW).
- 5 jj. Improvement of real property tax administration account (BZ).
- 6 kk. Public service account (C3).
- 7 ll. Plant industry account (CZ).
- 8 mm. Batavia school for the blind account (D9).
- 9 nn. Investment services account (DC).
- 10 oo. Surplus property account (DE).
- 11 pp. OMRDD day services account (DH).
- 12 qq. Financial oversight account (DI).
- 13 rr. Regulation of indian gaming account (DT).
- 14 ss. Special conservation activities account (CU).
- 15 tt. Interest assessment account (DZ).
- 16 uu. Office of the professions account (E3).
- 17 vv. Rome school for the deaf account (E6).
- 18 ww. Seized assets account (E8).
- 19 xx. Administrative adjudication account (E9).
- 20 yy. Client notices system (EG).
- 21 zz. Federal salary sharing account (EC).
- 22 aaa. Cultural education account (EN).
- 23 bbb. Examination and miscellaneous revenue account (ER).
- 24 ccc. Transportation regulation account (F1).
- 25 ddd. Local services account (G3).
- 26 eee. Electronic benefit transfer and common benefit identification
27 card account (GD).
- 28 fff. Housing special revenue account (H2).
- 29 ggg. Department of motor vehicles compulsory insurance account (H7).
- 30 hhh. Housing Indirect cost recovery (HI).
- 31 iii. Housing credit agency application fee account (J5).
- 32 jjj. EPIC premium account (J6).
- 33 kkk. Federal gasoline and diesel fuel excise tax account (L6).

- 34 ill. OTDA earned revenue account (L7).
- 35 mmm. Medical assistance disability account (LF).
- 36 nnn. Low income housing credit monitoring fee account (NG).
- 37 ooo. Procurement opportunities newsletter account (P4).
- 38 ppp. Corporation administration account (P6).
- 39 qqq. Montrose veteran's home account (Q6).
- 40 rrr. Excelsior capital corporation reimbursement account (R1).
- 41 sss. Motor fuel quality account (R4).
- 42 ttt. Weights and measures account (R5).
- 43 uuu. Deferred compensation administration account (R7).
- 44 vvv. Rent revenue other account (RR).
- 45 www. Batavia medicaid income account (S1).
- 46 xxx. Rent revenue account (S8).
- 47 yyy. Tax revenue arrearage account (TR).
- 48 zzz. Solid waste management account (W3).
- 49 aaaa. Occupational health clinics account (W4).
- 50 bbbb. Capacity contracting (XU).
- 51 cccc. Point insurance reduction program account.
- 52 dddd. Internet point insurance reduction program account.
- 53 eeee. Mental hygiene program fund account (10).
- 54 21. State university income fund (345):
- 55 a. State university general income offset account (11).
- 56 22. State police and motor vehicle law enforcement fund (354):

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- 1 a. State police motor vehicle law enforcement account (02).
- 2 23. Youth facilities improvement fund (357):
- 3 a. Youth facilities improvement account (01).
- 4 24. Highway safety program fund (362):
- 5 a. Highway safety program account (01).
- 6 25. Drinking water program management and administration fund (366):
- 7 a. EFC drinking water program account (01).
- 8 b. DOH drinking water program account (02).
- 9 26. New York city county clerks offset fund (368):
- 10 a. NYCCC operating offset account (01).
- 11 27. Housing assistance fund (374).
- 12 28. Housing program fund (376).
- 13 29. Department of transportation - engineering services fund (380):
- 14 a. Highway facility purpose account (01).
- 15 30. Miscellaneous capital projects fund (387):
- 16 a. Clean air capital account (08).
- 17 b. New York racing account.
- 18 31. Mental hygiene facilities capital improvement fund (389).
- 19 32. Joint labor/management administration fund (394):

- 20 a. Joint labor/management administration fund (01).
- 21 33. Audit and control revolving fund (395):
- 22 a. Executive direction internal audit account (04).
- 23 34. Health insurance internal service fund (396):
- 24 a. Health insurance internal service account (00).
- 25 b. Civil service employee benefits div admin (01).
- 26 35. Correctional industries revolving fund (397).
- 27 36. Correctional facilities capital improvement fund (399).
- 28 37. Industrial exhibit authority fund (450).
- 29 38. Federal unemployment insurance administration fund (480):
- 30 a. UI administration (01).
- 31 39. Federal unemployment insurance occupational training fund (484):
- 32 a. Federal unemployment insurance occupational training (00).
- 33 b. Disaster relief grants (01).
- 34 40. Federal employment and training grants (486):
- 35 a. DOL workforce investment act (09).
- 36 41. HCRA resources fund (061):
- 37 a. EPIC premium account (J6).
- 38 b. Maternal and child HIV services account (LC).
- 39 c. Hospital based grants program account (AF).
- 40 d. Child health plus program account (29).

41 § 1-a. The state comptroller is hereby authorized and directed to loan
42 money in accordance with the provisions set forth in subdivision 5 of
43 section 4 of the state finance law to any account within the following
44 federal funds, provided the comptroller has made a determination that
45 sufficient federal grant award authority is available to reimburse such
46 loans:

- 47 1. Federal USDA-food nutrition services fund (261).
- 48 2. Federal health and human services fund (265).
- 49 3. Federal education grants fund (267).
- 50 4. Federal block grant fund (269).
- 51 5. Federal operating grants fund (290).
- 52 6. Federal capital projects fund (291).

53 § 2. Notwithstanding any law to the contrary, and in accordance with
54 section 4 of the state finance law, the comptroller is hereby authorized
55 and directed to transfer, upon request of the director of the budget, on

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1 or before March 31, 2010, up to the unencumbered balance or the follow-
2 ing amounts:

3 Economic Development and Public Authorities:

- 4 1. \$300,000 from the miscellaneous special revenue fund (339) under-
5 ground facilities safety training account (US), to the general fund.
- 6 2. An amount up to the unencumbered balance from the miscellaneous

7 special revenue fund (339), business and licensing services account(AG),
8 to the general fund.

9 3. \$14,260,000 from the miscellaneous special revenue fund (339), code
10 enforcement account (07), to the general fund.

11 4. \$15,000,000 from the miscellaneous special revenue fund (339),
12 insurance department account (B6), to the general fund.

13 5. \$8,000,000 from the miscellaneous special revenue fund (339), bank-
14 ing department account (A5), to the general fund.

15 6. \$177,700,000 from the miscellaneous special revenue fund (339),
16 insurance department account (B6), to the health care reform fund (061),
17 HCRA undistributed account (99).

18 Education:

19 1. \$2,279,000,000 from the general fund to the state lottery fund
20 (160), education account (03), as reimbursement for disbursements made
21 from such fund for supplemental aid to education pursuant to section
22 92-c of the state finance law that are in excess of the amounts deposit-
23 ed in such fund for such purposes pursuant to section 1612 of the tax
24 law.

25 2. \$478,000,000 from the general fund to the state lottery fund (160),
26 VLT education account (06), as reimbursement for disbursements made from
27 such fund for supplemental aid to education pursuant to section 92-c of
28 the state finance law that are in excess of the amounts deposited in
29 such fund for such purposes pursuant to section 1612 of the tax law.

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

34 4. \$300,000 from the local government records management improvement
35 fund (052) to the archives partnership trust fund (024).

36 5. \$700,000 from the general fund to the miscellaneous special revenue
37 fund (339), Batavia school for the blind account (D9).

38 6. \$400,000 from the general fund to the miscellaneous special revenue
39 fund (339), Rome school for the deaf account (E6).

40 7. \$1,500,000 from the general fund for the private schools for the
41 blind and deaf may be transferred to the department of health miscella-
42 neous special revenue fund (339), quality assurance and audit revenue
43 activities account (GB). Notwithstanding any other law, rule or regu-
44 lation to the contrary, funds shall be available for transfer to the
45 department of health miscellaneous special revenue fund (339), quality
46 assurance and audit revenue activities account (GB), upon the approval
47 by the director of the budget of a staffing and expenditure plan devel-
48 oped by the department of health in consultation with the state educa-
49 tion department.

50 8. \$40,000,000 from the state university dormitory income fund (330)
51 to the state university residence hall rehabilitation fund (074).

52 9. \$315,000,000 from the state university dormitory income fund (330)
53 to the miscellaneous special revenue fund (339), state university dormi-
54 tory income reimbursable account (47).

55 10. \$500,000 from the miscellaneous special revenue fund (339), volun-
56 teer recruitment service scholarships account (VR) to the general fund.

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1 11. \$1,000,000 from the miscellaneous special revenue fund (339),
2 cultural education account (EN), to the miscellaneous special revenue
3 fund (339), summer school of the arts account (38).

4 12. \$22,000,000 from the state university income fund (345), state
5 university general income fund reimbursable account (10), to the general
6 fund.

7 13. \$24,000,000 from any of the state education department special
8 revenue and internal service funds to the miscellaneous special revenue
9 fund (339), indirect cost recovery account (AH).

10 14. \$8,318,000 from the general fund to the state university income
11 fund (345), state university income offset account (11), for the states
12 share of repayment of the STIP loan.

13 15. \$75,000,000 from the state university income fund (345), state
14 university general income fund reimbursable account (10), to the state
15 university income fund (345), supplemental operating fund account.

16 Environmental Affairs:

17 1. \$500,000 from the department of transportation's federal capital
18 projects fund (291) to the office of parks and recreation federal oper-
19 ating grants fund (290), miscellaneous operating grants account.

20 2. \$5,000,000 from the general fund to the hazardous waste remedial
21 fund (312), hazardous waste remediation oversight and assistance account
22 (00).

23 3. \$95,000,000 from resources made available through the use of bond
24 financing for activities in the environmental protection fund (078),
25 environmental protection transfer account (01), to the general fund.

26 4. \$5,000,000 from the general fund to the state parks infrastructure
27 fund (076), state infrastructure account (01).

28 5. \$16,000,000 from any of the department of environmental conserva-
29 tion's special revenue federal funds to the special revenue fund (301)
30 federal grant indirect cost recovery account.

31 6. \$2,000,000 from any of the office of parks, recreation, and histor-
32 ical preservation special revenue federal funds to the special revenue
33 fund (339) federal grant indirect cost recovery account.

34 7. \$1,000,000 from any of the office of parks, recreation and historic
35 preservation special revenue federal funds to the special revenue fund
36 (339) federal grant indirect cost recovery account (Z1).

37 8. \$1,000,000 from any of the office of parks, recreation and historic

38 preservation special revenue federal funds to the special revenue fund
39 (339), I love NY water account (39).
40 9. \$1,000,000 from any of the office of parks, recreation and historic
41 preservation special revenue federal funds to the special revenue fund
42 (339), patron services account (T2).
43 10. \$500 from the Hudson river valley greenway fund (056), greenway
44 communities council account (01), to the general fund.
45 11. \$44 from the Hudson river valley greenway fund (056), greenway
46 heritage conservancy account (02), to the general fund.
47 12. \$3,000,000 from the hazardous waste remedial fund (312) site
48 investigation and construction account (01), to the general fund.
49 13. \$20,000,000 from the hazardous waste remedial fund (312) oversight
50 and assistance account (05), to the general fund.
51 14. \$1,700,000 from the environmental conservation special revenue
52 fund (301) mined land reclamation account (XB), to the general fund.
53 Family Assistance:
54 1. \$10,000,000 from any of the office of children and family services,
55 office of temporary and disability assistance, or department of health
56 special revenue federal funds and the general fund, in accordance with

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1 agreements with social services districts, to the miscellaneous special
2 revenue fund (339), office of human resources development state match
3 account (2C).
4 2. \$3,000,000 from any of the office of children and family services
5 or office of temporary and disability assistance special revenue federal
6 funds to the miscellaneous special revenue fund (339), family preserva-
7 tion and support services and family violence services account (GC).
8 3. \$6,000,000 from any of the office of children and family services
9 special revenue federal funds to the general fund for title IV-E
10 reimbursement of youth facility costs.
11 4. \$28,000,000 from any of the office of children and family services,
12 office of temporary and disability assistance, or department of health
13 special revenue federal funds and any other miscellaneous revenues
14 generated from the operation of office of children and family services
15 programs to the miscellaneous special revenue fund (339), office of
16 children and family services income account (AR).
17 5. \$10,000,000 from any of the office of children and family services
18 or office of temporary and disability assistance special revenue funds
19 or the general fund to the miscellaneous special revenue fund (339),
20 connections account (WK).
21 6. \$41,000,000 from any of the office of temporary and disability
22 assistance accounts within the federal health and human services fund
23 (265) to the general fund.

24 7. \$7,300,000 from the federal health and human services fund (265) to
25 the miscellaneous special revenue fund (339), ODD earned revenue account
26 (AD).

27 8. \$8,300,000 from any of the office of temporary and disability
28 assistance accounts within the federal health and human services fund
29 (265) to the miscellaneous special revenue fund (339), client notices
30 account (EG).

31 9. \$81,886,000 from any of the office of temporary and disability
32 assistance, department of health or office of children and family
33 services special revenue funds to the miscellaneous special revenue fund
34 (339), office of temporary and disability assistance earned revenue
35 account (L7).

36 10. \$4,309,000 from the federal block grant fund (269) or the federal
37 health and human services fund (265) to the miscellaneous special reven-
38 ue fund (339), home energy assistance earned revenue account (QA).

39 11. \$7,500,000 from any of the office of temporary and disability
40 assistance or office of children and family services special revenue
41 federal funds to the miscellaneous special revenue fund (339), office of
42 temporary and disability assistance program account (AL).

43 12. \$50,000,000 from any of the office of children and family
44 services, office of temporary and disability assistance, department of
45 labor, and department of health special revenue federal funds to the
46 office of children and family services miscellaneous special revenue
47 fund (339), multi-agency training contract account (AY).

48 13. \$30,000,000 from the office of temporary and disability assistance
49 federal health and human services fund (265) to the miscellaneous
50 special revenue fund (339), child support revenue account (AX).

51 14. \$6,300,000 from any of the office of children and family services,
52 office of temporary and disability assistance, department of labor, or
53 department of health special revenue funds to the office of temporary
54 and disability assistance miscellaneous special revenue fund (339),
55 multi-agency systems development account (MD).

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1 15. \$2,322,000 from any of the office of temporary and disability
2 assistance special revenue federal funds, in accordance with agreements
3 with social services districts, to the miscellaneous special revenue
4 fund (339), OTDA office of human resources development state match
5 account (49).

6 16. \$10,731,000 from any of the office of temporary and disability
7 assistance special revenue federal funds, to the miscellaneous special
8 revenue fund (339), OTDA training contract account (48).

9 17. \$97,000 from the employment training fund (341), JTPA youth
10 employment account (04), to the general fund.

11 18. \$147,000 from the employment training fund (341), JTPA youth
12 employment account (01), to the general fund.

13 19. \$6,000,000 from the miscellaneous special revenue fund (339),
14 adult shelter sanction account (GA), to the general fund.

15 20. \$203,000,000 from the miscellaneous special revenue fund (339),
16 youth facility per Diem account (YF), to the general fund.

17 21. \$10,000,000 from the miscellaneous special revenue fund (339),
18 office of temporary and disability assistance earned revenue account
19 (L7), to the general fund.

20 22. \$1,381,800 from the general fund to the children and family trust
21 fund (020).

22 23. \$13,000 from the agency enterprise fund (331) training materials
23 account (07), to the general fund.

24 24. \$7,000,000 from any of the office of temporary and disability
25 assistance accounts within the federal health and human services fund
26 (265), to the general fund.

27 25. \$1,300,000 from any of the office of temporary and disability
28 assistance and department of health special revenue federal funds to the
29 miscellaneous special revenue fund (339), welfare inspector general
30 administrative reimbursement account (WW).

31 26. \$1,000,000 from any of the office of children and family services
32 or office of temporary and disability assistance special revenue federal
33 funds and any other miscellaneous revenues generated from the operation
34 of office of children and family services programs to the miscellaneous
35 special revenue fund (339), office of children and family services
36 program account (L4).

37 General Government:

38 1. \$1,545,000 from the miscellaneous special revenue fund (339), exam-
39 ination and miscellaneous revenue account (ER) to the general fund.

40 2. \$12,500,000 from the general fund to the health insurance revolving
41 fund (396).

42 3. \$192,400,000 from the health insurance reserve receipts fund (167)
43 to the general fund.

44 4. \$150,000 from the general fund to the not-for-profit revolving loan
45 fund (055).

46 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
47 general fund.

48 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
49 property disposition account (BP), to the general fund.

50 7. \$3,000,000 from the miscellaneous special revenue fund (339),
51 surplus property account (DE), to the general fund.

52 8. \$21,480,000 from the general fund to the miscellaneous special
53 revenue fund (339), alcoholic beverage control account (DB).

54 9. \$2,000,000 from the miscellaneous special revenue fund (339),
55 federal liability account (FL), to the general fund.

- 1 10. \$10,000,000 from centralized services fund (323), OGS building
2 administration account (ZY), to the general fund.
- 3 11. \$16,580,000 from the miscellaneous special revenue fund (339),
4 revenue arrearage account (CR), to the general fund.
- 5 12. \$1,326,000 from the miscellaneous special revenue fund (339)
6 revenue arrearage account (CR), to the miscellaneous special revenue
7 fund (339) authority budget office account.
- 8 13. \$1,000,000 from the miscellaneous special revenue fund (339),
9 parking services account (BQ), to the general debt service fund (311),
10 general debt service account.
- 11 14. Intentionally omitted.
- 12 15. \$60,000,000 from any account within the special revenue federal
13 funds receiving money pursuant to federal Medicare Part D legislation to
14 the general fund.
- 15 Health:
 - 16 1. \$1,500,000 from any of the department of health accounts within the
17 federal health and human services fund (265) to the miscellaneous
18 special revenue fund (339), quality assurance and audit revenue activ-
19 ities account (GB).
 - 20 2. \$139,560,000 from any of the department of health accounts within
21 the federal health and human services fund (265) to the miscellaneous
22 special revenue fund (339), quality of care account (20).
 - 23 3. \$1,000,000 from the general fund to the combined gifts, grants and
24 bequests fund (020), breast cancer research and education account (BD),
25 an amount equal to the monies collected and deposited into that account
26 in the previous fiscal year.
 - 27 4. \$2,464,000 from any of the department of health accounts within the
28 federal health and human services fund (265) to the department of health
29 miscellaneous special revenue fund (339), statewide planning and
30 research cooperation system (SPARCS) program account (03).
 - 31 5. \$250,000 from the general fund to the combined gifts, grants and
32 bequests fund (020), prostate cancer research, detection, and education
33 account (PR), an amount equal to the moneys collected and deposited into
34 that account in the previous fiscal year.
 - 35 6. \$500,000 from the general fund to the combined gifts, grants and
36 bequests fund (020), Alzheimer's disease research and assistance account
37 (AA), an amount equal to the moneys collected and deposited into that
38 account in the previous fiscal year.
 - 39 7. \$1,000,000 from the miscellaneous special revenue fund (339),
40 administration account (AP), to the general fund.
 - 41 8. \$600,000,000 from any of the department of health accounts within
42 the federal health and human services fund (265) to the miscellaneous
43 special revenue fund (339), federal state health reform partnership

44 account (FS).

45 9. \$85,000,000 from the general fund to the miscellaneous special
46 revenue fund (339) empire state stem cell trust fund account (SR).

47 10. \$1,250,000 from the miscellaneous new york state agency fund
48 (169), medical assistance account to the department of health miscella-
49 neous special revenue fund (339), third party health insurance account
50 (35).

51 11. \$3,700,000 from the miscellaneous new york state agency fund
52 (169), medical assistance account to the office of medicaid inspector
53 general miscellaneous special revenue fund (339), recoveries and revenue
54 account (C9).

55 Labor:

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

4 2. \$9,000,000 from the labor standards miscellaneous special revenue
5 fund (339), fee and penalty account (30), to the general fund.

6 3. \$9,000,000 from the occupational safety and health special revenue
7 fund (305), occupational safety and health training and education
8 account (01), to the general fund.

9 4. \$5,000,000 from the unemployment insurance interest and penalty
10 special revenue fund (482), unemployment insurance special interest and
11 penalty account (01), to the general fund.

12 Mental Hygiene:

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

16 2. \$10,000,000 from the miscellaneous special revenue fund (339),
17 mental hygiene patient income account (13), to the miscellaneous special
18 revenue fund (339), federal salary sharing account (EC).

19 3. \$190,000,000 from the miscellaneous special revenue fund (339),
20 mental hygiene patient income account (13) to the miscellaneous special
21 revenue fund (339), provider of service accounts (05).

22 4. \$144,000,000 from the miscellaneous special revenue fund (339),
23 mental hygiene program fund account (10) to the miscellaneous special
24 revenue fund (339), provider of service account (05).

25 5. \$150,000,000 from the general fund to the miscellaneous special
26 revenue fund (339), mental hygiene patient income account (13).

27 6. \$150,000,000 from the general fund to the miscellaneous special
28 revenue fund (339), mental hygiene program fund account (10).

29 7. \$3,600,000 from the miscellaneous special revenue fund (332),
30 Intermediate Care Facility (ICF)/Home and Community Based Services

31 (HCBS) loan account (05), to the general fund.
32 8. \$197,400,000 from the miscellaneous special revenue fund (339),
33 mental hygiene program fund account (10) to the general fund.
34 9. \$24,200,000 from the miscellaneous special revenue fund (339),
35 mental hygiene patient income account (13) to the general fund.
36 Public Protection:
37 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
38 gency management account (61), to the general fund.
39 2. \$3,300,000 from the general fund to the miscellaneous special
40 revenue fund (339), recruitment incentive account (U2).
41 3. \$14,000,000 from the general fund to the correctional industries
42 revolving fund (397), correctional industries internal service account
43 (00).
44 4. \$25,500,000 from the miscellaneous special revenue fund (339),
45 statewide public safety communications account (LZ), to the miscella-
46 neous special revenue fund (339), seized assets account (E8).
47 5. \$1,500,000 from the miscellaneous special revenue fund (339),
48 statewide public safety communications account (LZ), to the combined
49 gifts, grants and bequests fund (020), New York state emergency services
50 revolving loan account (AU).
51 6. \$10,000,000 from the miscellaneous special revenue fund (339),
52 statewide public safety communications account (LZ), to the miscella-
53 neous special revenue fund (339), local wireless public safety answering
54 point account (LW).

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1 7. \$23,559,000 from the miscellaneous special revenue fund (339),
2 statewide public safety communications account (LZ), to the general debt
3 service fund (311), revenue bond tax account (02).
4 8. \$10,000,000 from federal miscellaneous operating grants fund (290),
5 DMNA damage account (71), to the general fund.
6 9. \$6,000,000 from the general fund to the miscellaneous special
7 revenue fund (339), crimes against revenue program account (CA).
8 10. \$2,000,000 from the general fund to the Attica state employee
9 victims' fund (013).
10 11. \$20,000,000 from any office of homeland security account within
11 the federal miscellaneous operating grants fund (290), receiving money
12 through the homeland security grants program, to the general fund.
13 12. \$11,500,000 from the federal miscellaneous operating grants fund
14 (290) world trade center account, to the general fund.
15 13. \$4,800,000 from the federal miscellaneous operating grants fund
16 (290) world trade center account, to the miscellaneous special revenue
17 fund (339) New York alert account.
18 14. \$100,000,000 from the miscellaneous special revenue fund (339),

19 statewide public safety communications account (LZ), to the state capi-
20 tal projects fund (002).

21 15. \$9,946,000 from the miscellaneous special revenue fund (339) crim-
22 inal justice improvement account (62) to the general fund.

23 16. \$7,200,000 from the miscellaneous special revenue fund (390) indi-
24 gent legal services fund (01), to the general fund.

25 17. \$600,000 from the agency enterprise fund (331) farm program
26 account (FM), to the general fund.

27 Transportation:

28 1. \$17,672,000 from the federal miscellaneous operating grants fund
29 (290) to the special revenue fund (339), tri-state federal regional
30 planning account (17).

31 2. \$20,147,000 from the federal capital projects fund (291) to the
32 special revenue fund (339), tri-state federal regional planning accounts
33 (17).

34 3. \$12,300,000 from the miscellaneous special revenue fund (339),
35 compulsory insurance account (H7), to the general fund.

36 4. \$20,000,000 from the suburban transportation fund (327) to the mass
37 transportation operating assistance fund (313), additional mass trans-
38 portation fund account (06).

39 5. \$14,183,000 from the general fund to the mass transportation oper-
40 ating assistance fund (313) public transportation systems accounts (01).

41 6. \$16,721,000 from the mass transportation operating assistance fund
42 (313) metropolitan mass transit operating assistance account (02), to
43 the mass transportation operating assistance fund (313) public transpor-
44 tation systems operating assistance account (01).

45 7. \$478,234,000 from the general fund to the dedicated highway and
46 bridge trust fund (072).

47 Miscellaneous:

48 1. \$75,000,000 from the general fund to any funds or accounts for the
49 purpose of reimbursing certain outstanding accounts receivable balances.

50 2. \$250,000,000 from the general fund to the debt reduction reserve
51 fund (064).

52 3. \$23,300,000 from the general fund to the miscellaneous special
53 revenue fund (339), improvement of real property tax administrative
54 account (BZ).

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1 § 3. Notwithstanding any law to the contrary, and in accordance with
2 section 4 of the state finance law, the comptroller is hereby authorized
3 and directed to transfer, on or before March 31, 2010:

4 1. Upon request of the commissioner of environmental conservation, up
5 to \$10,463,500 from revenues credited to any of the department of envi-
6 ronmental conservation special revenue funds, including \$3,068,300 from

7 the environmental protection and oil spill compensation fund (303), and
8 \$1,723,000 from the conservation fund (302), to the environmental
9 conservation special revenue fund (301), indirect charges account (BJ).

10 2. Upon request of the commissioner of agriculture and markets, up to
11 \$3,000,000 from any special revenue fund or enterprise fund within the
12 department of agriculture and markets to the miscellaneous special
13 revenue fund (339) administrative costs account, to pay appropriate
14 administrative expenses.

15 3. Upon request of the commissioner of agriculture and markets, up to
16 \$2,000,000 from the state exposition special fund (325), state fair
17 receipts account (01), or the industrial exhibit authority fund (450),
18 industrial exhibit authority account (01), to the miscellaneous capital
19 projects fund (387), state fair capital improvement account (13).

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

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

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

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

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

43 § 6. Notwithstanding any law to the contrary, and in accordance with
44 section 4 of the state finance law, the comptroller is hereby authorized
45 and directed to transfer, upon request of the state university chancel-
46 lor or his designee, up to \$40,000,000 from the state university income
47 fund (345), state university hospitals income reimbursable account (22)
48 under hospital income reimbursable for services and expenses of hospital
49 operations and capital expenditures at the state university hospitals,
50 and the state university income fund (345) Long Island veterans' home
51 account (09) to the state university capital projects fund (384) on or

52 before June 30, 2010.

53 § 7. Notwithstanding any law to the contrary, and in accordance with
54 section 4 of the state finance law, the comptroller is hereby authorized
55 and directed to transfer, upon request of the director of the budget, up
56 to \$128,700,000 from the general fund to the state university income

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

5 § 8. Notwithstanding any law to the contrary, and in accordance with
6 section 4 of the state finance law, the comptroller, after consultation
7 with the state university chancellor or his or her designee, is hereby
8 authorized and directed to transfer moneys, in the first instance, from
9 the state university collection fund (344), Stony Brook hospital
10 collection account (07), Brooklyn hospital collection account (08), and
11 Syracuse hospital collection account (09) to the state university income
12 fund (345), state university hospitals income reimbursable account (22)
13 in the event insufficient funds are available in the state university
14 income fund (345), state university hospitals income reimbursable
15 account (22) to transfer moneys, in amounts sufficient to permit the
16 full transfer of moneys authorized for transfer, to the general debt
17 service fund (311) for payment of debt service related to the SUNY
18 hospitals. Notwithstanding any law to the contrary, the comptroller is
19 also hereby authorized and directed, after consultation with the state
20 university chancellor or his or her designee, to transfer moneys from
21 the state university income fund (345) to the state university income
22 fund (345), state university hospitals income reimbursable account (22)
23 in the event insufficient funds are available in the state university
24 income fund (345), state university hospitals income reimbursable
25 account (22) to pay hospital operating costs or to transfer moneys, in
26 amounts sufficient to permit the full transfer of moneys authorized for
27 transfer, to the general debt service fund (311) for payment of debt
28 service related to the SUNY hospitals on or before March 31, 2010.

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

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

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

46 § 12. Notwithstanding any law to the contrary, and in accordance with
47 section 4 of the state finance law, the comptroller is hereby authorized
48 and directed to transfer, at the request of the director of the budget,
49 up to \$200 million from the unencumbered balance of any special revenue
50 fund or account, or combination of funds and accounts, to the general
51 fund. The amounts transferred pursuant to this authorization shall be in
52 addition to any other transfers expressly authorized in the 2009-10
53 budget. Transfers from federal funds, debt service funds, capital
54 projects funds, or the community projects fund are not permitted pursu-
55 ant to this authorization. The director of the budget shall notify both

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

3 § 13. Subdivision 5 of section 97-rrr of the state finance law, as
4 amended by section 14 of part RR of chapter 57 of the laws of 2008, is
5 amended to read as follows:

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

18 § 13-a. Section 51 of part RR of chapter 57 of the laws of 2008
19 providing for the administration of certain funds and accounts related
20 to the 2008-2009 budget, is amended to read as follows:

21 § 51. This act shall take effect immediately and shall be deemed to
22 have been in full force and effect on and after April 1, 2008; provided,
23 however, that the amendments to subdivision 6 of section 4 and subdivi-
24 sion 4 of section 40 of the state finance law made by sections fifteen

25 and sixteen of this act shall expire on the same date such subdivisions
26 expire; and provided, further, however, that section thirty-four of this
27 act shall take effect on the same date as the reversion of section 69-c
28 of the state finance law as provided in section 58 of part T of chapter
29 57 of the laws of 2007, as amended; provided, further that such amend-
30 ments shall expire and be deemed repealed March 31, 2010; and provided,
31 further, however, that sections one, three, four, [fourteen,] and eigh-
32 teen through twenty-seven of this act shall expire March 31, 2009 when
33 upon such date the provisions of such sections shall be deemed repealed;
34 and provided further that section fourteen of this act shall expire
35 March 31, 2010 when upon such date the provisions of such section shall
36 be deemed repealed.

37 § 14. Section 41 of chapter 60 of the laws of 1993, amending the
38 public authorities law and other laws relating to the bonding authority
39 of the environmental facilities corporation is amended by adding a new
40 subdivision 4 to read as follows:

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

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

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

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

55 5. No money or other financial resources shall be transferred or
56 temporarily loaned from one fund to another without specific statutory

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1 authorization for such transfer or temporary loan, except that [the]
2 money or other financial resources of a fund may be temporarily loaned
3 to the general fund during the state fiscal year provided that such loan
4 shall be repaid in full no later than (a) four months after it was made
5 or (b) by the end of the same fiscal year in which it was made, whichever
6 er period is shorter, so that an accurate accounting and reporting of
7 the balance of financial resources in each fund may be made. The comp-
8 troller is hereby authorized to temporarily loan money from the general
9 fund or any other fund to the fund/accounts that are authorized to
10 receive a loan. Such loans shall be limited to the amounts immediately

11 required to meet disbursements, made in pursuance of an appropriation by
12 law and authorized by a certificate of approval issued by the director
13 of the budget with copies thereof filed with the comptroller and the
14 chair of the senate finance committee and the chair of the assembly ways
15 and means committee. The director of the budget shall not issue such a
16 certificate unless he or she shall have determined that the amounts to
17 be so loaned are receivable on account. When making loans, the comp-
18 troller shall establish appropriate accounts and if the loan is not
19 repaid by the end of the month, provide on or before the fifteenth day
20 of the following month to the director of the budget, the chair of the
21 senate finance committee and the chair of the assembly ways and means
22 committee, an accurate accounting and report of the financial resources
23 of each such fund at the end of such month. Within ten days of the
24 receipt of such accounting and reporting, the director of the budget
25 shall provide the comptroller and the chair of the senate finance
26 committee and the chair of the assembly ways and means committee an
27 expected schedule of repayment by fund and by source for each outstand-
28 ing loan. Repayment shall be made by the comptroller from the first cash
29 receipt of this fund.

30 § 17. Section 3 of part MM of chapter 59 of the laws of 2008, amending
31 chapter 57 of the laws of 2007, providing funding for certain community
32 projects, relating to increasing such funding, is REPEALED.

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

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

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

48 (a) [Seventy] Thirty million [six hundred thousand] dollars
49 [(\$70,600,000)] (\$30,000,000) for the period April 1, 2009 through March
50 31, 2010, as follows: thirty million dollars (\$30,000,000) to account
51 AA[; thirty million dollars (\$30,000,000) to account CC; and ten million
52 six hundred thousand dollars (\$10,600,000) to account GG]. Such [trans-
53 fers] transfer shall be made in accordance with section 99-d of the
54 state finance law, as added by chapter 474 of the laws of 1996, as
55 amended.

1 § 19-a. In accordance with section 4 of the state finance law, the
2 comptroller is hereby authorized and directed to transfer from the
3 general fund -- state purposes account to the community projects fund
4 the following amounts:

5 (a) Eighty-five million dollars (\$85,000,000) for the period April 1,
6 2010 through March 31, 2011, as follows: forty-two million five hundred
7 thousand dollars (\$42,500,000) to account BB; and forty-two million five
8 hundred thousand dollars (\$42,500,000) to account CC. Such transfers
9 shall be made in accordance with section 99-d of the state finance law,
10 as added by chapter 474 of the laws of 1996, as amended.

11 (b) Eighty-five million dollars (\$85,000,000) for the period April 1,
12 2011 through March 31, 2012, as follows: forty-two million five hundred
13 thousand dollars (\$42,500,000) to account BB; and forty-two million five
14 hundred thousand dollars (\$42,500,000) to account CC. Such transfers
15 shall be made in accordance with section 99-d of the state finance law,
16 as added by chapter 474 of the laws of 1996, as amended.

17 § 19-b. Notwithstanding the provisions of subdivisions (a) and (b) of
18 section nineteen-a of this act, if, during the period April 1, 2009
19 through March 31, 2010, an account has insufficient funds to make timely
20 payments upon presentment of proper vouchers therefor, the comptroller
21 is authorized and directed to transfer, upon the joint request of the
22 director of the budget, the secretary of the senate finance committee
23 and the secretary of the assembly ways and means committee, to such
24 account monies that are otherwise authorized for transfer during the
25 period April 1, 2010 through March 31, 2011, provided, however that the
26 monies transferred to any account shall not exceed the total authorized
27 for such account in subdivision (a) of section nineteen-a of this act.
28 The comptroller shall provide the director of the budget, the chair of
29 the senate finance committee, and the chair of the assembly ways and
30 means committee with an accurate accounting and report of any transfers
31 that occur pursuant to this section on or before the fifteenth day of
32 the following month in which such transfers occur.

33 § 20. The comptroller is authorized and directed to deposit to the
34 general fund-state purposes account reimbursements from moneys appropri-
35 ated or reappropriated to the correctional facilities capital improve-
36 ment fund (399) by a chapter of the laws of 2009. Reimbursements shall
37 be available for spending from appropriations made to the department of
38 correctional services in the general fund-state purposes account by a
39 chapter of the laws of 2009 for costs associated with the administration
40 and security of capital projects and for other costs which are attribut-
41 able, according to a plan, to such capital projects.

42 § 21. Notwithstanding any other law, rule, or regulation to the
43 contrary, the comptroller is hereby authorized and directed to deposit,

44 to the credit of the capital projects fund, reimbursement from the
45 proceeds of notes and bonds issued by the environmental facilities
46 corporation for a capital appropriation for \$22,404,000 authorized by
47 chapter 55 of the laws of 1999 to the department of environmental
48 conservation for payment of a portion of the state's match for federal
49 capitalization grants for the water pollution control revolving loan
50 fund, reimbursements for spending from various appropriations for
51 projects related to the New York city watershed, reimbursement from the
52 proceeds of notes and bonds issued by the environmental facilities
53 corporation for a capital appropriation for \$22,500,000 authorized by
54 chapter 55 of the laws of 1999 to the environmental facilities corpo-
55 ration for payment for the jobs two thousand pipeline for jobs program,
56 reimbursement from the proceeds of notes and bonds issued by the dormi-

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1 tory authority of the state of New York for a capital appropriation for
2 \$47,500,000 authorized by chapter 55 of the laws of 1999 to the office
3 of science, technology and academic research for payment for the jobs
4 two thousand capital facilities program, reimbursement from the proceeds
5 of notes and bonds issued by the dormitory authority of the state of New
6 York for a capital appropriation for \$145,000,000 authorized by chapter
7 53 of the laws of 1999 to the state education department for payment of
8 capital construction grants to school districts pursuant to the rebuild-
9 ing schools to uphold education program, and reimbursement from the
10 proceeds of notes and bonds issued by the urban development corporation
11 for a capital appropriation for \$25,000,000 authorized by chapter 55 of
12 the laws of 1999 to all state agencies for payment of costs related to
13 economic development, land acquisition, and heritage trail projects.
14 § 22. Notwithstanding any other law, rule, or regulation to the
15 contrary, the comptroller is hereby authorized and directed to deposit,
16 to the credit of the capital projects fund, reimbursement from the
17 proceeds of notes or bonds issued by the environmental facilities corpo-
18 ration for a capital appropriation for \$43,383,000 authorized by chapter
19 55 of the laws of 2000 to the department of environmental conservation
20 for payment of a portion of the state's match for federal capitalization
21 grants for the water pollution control revolving loan fund, to reimburse
22 spending from various appropriations for certain projects related to the
23 New York city watershed, reimbursement from the proceeds of notes and
24 bonds issued by the urban development corporation for capital appropri-
25 ation for \$15,000,000 authorized by chapter 55 of the laws of 2000 to
26 the urban development corporation for payment of costs related to a
27 sports facility in the city of Rochester, reimbursement from the
28 proceeds of notes and bonds issued by the urban development corporation
29 of the state of New York for a capital appropriation for \$50,000,000

30 authorized by chapter 55 of the laws of 2000 to the urban development
31 corporation for payment of costs related to economic development
32 projects in the downtown Buffalo, the Buffalo inner harbor area, or
33 surrounding environs, reimbursement from proceeds of notes and bonds
34 issued by the dormitory authority of the state of New York for a capital
35 appropriation for \$225,000,000 authorized by chapter 55 of the laws of
36 2000 to all state agencies for payment of costs related to the strategic
37 investment program, reimbursement from the proceeds of notes and bonds
38 issued by the dormitory authority of the state of New York for a capital
39 appropriation for \$50,000,000 authorized by chapter 53 of the laws of
40 2000 to the state education department for payment of capital
41 construction grants to school districts pursuant to the rebuilding
42 schools to uphold education program, for reimbursement from the proceeds
43 of notes and bonds issued by the dormitory authority of the state of New
44 York for a capital appropriation for \$15,000,000 authorized by chapter
45 53 of the laws of 2000 to the office of children and family services for
46 payment of costs related to the child care facilities development
47 program, and for reimbursement from the proceeds of notes and bonds
48 issued by the dormitory authority of the state of New York for a capital
49 appropriation for \$10,000,000 authorized by chapter 55 of the laws of
50 2000 to the office of science, technology and academic research for
51 payment of costs related to biomedical research and/or manufacturing
52 facilities.

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

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1 ration for a capital appropriation for \$29,772,000 authorized by chapter
2 54 of the laws of 2001 to the department of environmental conservation
3 for payment of a portion of the state's match for federal capitalization
4 grants for the water pollution control revolving loan fund.

5 § 24. Notwithstanding any other law, rule, or regulation to the
6 contrary, the comptroller is hereby authorized and directed to deposit,
7 to the credit of the capital projects fund, reimbursement from the
8 proceeds of notes or bonds issued by the environmental facilities corpo-
9 ration for a capital appropriation for \$29,365,000 authorized by chapter
10 54 of the laws of 2002 to the department of environmental conservation
11 for payment of a portion of the state's match for federal capitalization
12 grants for the water pollution control revolving loan fund, reimburse-
13 ment from the proceeds of notes and bonds issued by the urban develop-
14 ment corporation or other financing source for a capital appropriation
15 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the

16 office of general services for payment of capital construction costs for
17 the Alfred E. Smith office building located in the city of Albany,
18 reimbursement from the proceeds of notes and bonds issued by the urban
19 development corporation or other financing source for capital appropri-
20 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
21 the office of general services for payment of capital construction costs
22 for the Elk street parking garage building located in the city of Alba-
23 ny, reimbursement from the proceeds of notes or bonds issued by the
24 urban development corporation for disbursements of up to \$12,000,000
25 from any capital appropriation or reappropriation authorized by chapter
26 50 of the laws of 2002 to the office of general services for various
27 purposes, reimbursement from the proceeds of notes or bonds issued by
28 the urban development corporation for a capital appropriation of
29 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy
30 research and development authority for the Western New York Nuclear
31 Service Center at West Valley, reimbursement from the proceeds of notes
32 or bonds issued by the urban development corporation for a capital
33 appropriation of \$14,300,000 authorized by chapter 55 of the laws of
34 2002 to the urban development corporation to finance a portion of the
35 jobs now program, reimbursement from the proceeds of notes or bonds
36 issued by the dormitory authority for disbursements of up to \$20,800,000
37 from any capital appropriation or reappropriation authorized by chapter
38 51 of the laws of 2002 to the judiciary for courthouse improvements,
39 reimbursement from the proceeds of notes or bonds issued by the urban
40 development corporation for disbursements of up to \$15,000,000 from
41 appropriations or reappropriations authorized by chapter 50 of the laws
42 of 2002 to any agency for costs related to homeland security, and
43 reimbursement from the proceeds of notes or bonds issued by the environ-
44 mental facilities corporation for a capital appropriation of \$10,000,000
45 authorized by chapter 54 of the laws of 2002 to the department of envi-
46 ronmental conservation for Onondaga lake.

47 § 25. Notwithstanding any other law, rule, or regulation to the
48 contrary, the comptroller is hereby authorized and directed to deposit
49 to the credit of the capital projects fund, reimbursement from the
50 proceeds of notes or bonds issued by the environmental facilities corpo-
51 ration for a capital appropriation of \$30,174,000 authorized by chapter
52 55 of the laws of 2003 to the department of environmental conservation
53 for payment of a portion of the state's match for federal capitalization
54 grants for the water pollution control revolving loan fund, reimburse-
55 ment from the proceeds of notes or bonds issued by the urban development
56 corporation or other financing source for a capital appropriation of

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1 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office

2 50 of general services for payment of capital construction costs for the
3 51 Elk street parking garage building located in the city of Albany,
4 reimbursement from the proceeds of notes or bonds issued by the urban
5 development corporation for disbursements of up to \$10,000,000 from any
6 capital appropriation or reappropriation authorized by chapter 50 of the
7 laws of 2003 to the office of general services for various purposes,
8 reimbursement from the proceeds of notes or bonds issued by the environ-
9 mental facilities corporation for a capital appropriation of \$13,250,000
10 authorized by chapter 55 of the laws of 2003 to the energy research and
11 development authority for the Western New York Nuclear Service Center at
12 West Valley, reimbursement from the proceeds of notes or bonds issued by
13 the dormitory authority for disbursements of up to \$16,400,000 from any
14 capital appropriation or reappropriation authorized by chapter 51 of the
15 laws of 2003 to the judiciary for courthouse improvements, reimbursement
16 from the proceeds of notes or bonds issued by the urban development
17 corporation for disbursements of up to \$10,000,000 from appropriations
18 or reappropriations authorized by chapter 50 of the laws of 2003 to any
19 agency for costs related to homeland security, reimbursement from the
20 proceeds of notes or bonds issued by the environmental facilities corpo-
21 ration for a capital appropriation of \$10,000,000 authorized by chapter
22 55 of the laws of 2003 to the department of environmental conservation
23 for Onondaga lake, reimbursement from the proceeds of notes or bonds
24 issued by the environmental facilities corporation for disbursements of
25 up to \$11,000,000 from any capital appropriations or reappropriations
26 authorized by chapter 55 of the laws of 2003 to the department of envi-
27 ronmental conservation for environmental purposes, and reimbursement
28 from the proceeds of notes or bonds issued by the dormitory authority
29 for disbursements of up to \$100,000,000 from a capital appropriation
30 authorized by chapter 50 of the laws of 2003 to the department of state
31 for enhanced 911 wireless service.

32 § 26. Notwithstanding any other law, rule, or regulation to the
33 contrary, the comptroller is hereby authorized and directed to deposit
34 to the credit of the capital projects fund, reimbursement from the
35 proceeds of notes or bonds issued by the environmental facilities corpo-
36 ration for a capital appropriation for \$28,893,000 authorized by chapter
37 55 of the laws of 2004 to the department of environmental conservation
38 for payment of a portion of the state's match for federal capitalization
39 grants for the water pollution control revolving loan fund, reimburse-
40 ment from the proceeds of notes or bonds issued by reimbursement from
41 the proceeds of notes or bonds issued by the urban development corpo-
42 ration for disbursements of up to \$10,000,000 from any capital appropri-
43 ation or reappropriation authorized by chapter 50 of the laws of 2004 to
44 the office of general services for various purposes, reimbursement from
45 the proceeds of notes or bonds issued by the environmental facilities
46 corporation for a capital appropriation of \$11,350,000 authorized by

47 chapter 55 of the laws of 2004 to the energy research and development
48 authority for the Western New York Nuclear Service Center at West
49 Valley, reimbursement from the proceeds of notes or bonds issued by the
50 environmental facilities corporation, for a capital appropriation of
51 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
52 ment of environmental conservation for Onondaga lake, reimbursement from
53 the proceeds of notes or bonds issued by the environmental facilities
54 corporation for disbursements of up to \$11,000,000 from any capital
55 appropriations or reappropriations authorized by chapter 55 of the laws
56 of 2004 to the department of environmental conservation for environ-

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1 mental purposes, reimbursement from the proceeds of notes or bonds
2 issued by the dormitory authority for a capital appropriation of
3 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
4 tion department for capital transition grants for transportation,
5 reimbursement from the proceeds of notes or bonds issued by the dormito-
6 ry authority for a capital appropriation of \$250,000,000 authorized by
7 chapter 55 of the laws of 2004 for payment of costs related to economic
8 development projects, reimbursement from the proceeds of bonds or notes
9 issued by the urban development corporation for a capital appropriation
10 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
11 by chapter 108 of the laws of 2006, for payment of costs related to the
12 H. H. Richardson complex and the Darwin Martin House, and reimbursement
13 from the proceeds of notes or bonds issued by the dormitory authority
14 for a capital appropriation of \$350,000,000 authorized by chapter 3 of
15 the laws of 2004 for the New York state economic development program.
16 § 27. Notwithstanding any other law, rule, or regulation to the
17 contrary, the comptroller is hereby authorized and directed to deposit
18 to the credit of the capital projects fund, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation for \$29,602,000 authorized by chapter
21 55 of the laws of 2005 to the department of environmental conservation
22 for payment of a portion of the state's match for federal capitalization
23 grants for the water pollution control revolving loan fund, reimburse-
24 ment from the proceeds of notes or bonds issued by the urban development
25 corporation for disbursements of up to \$10,000,000 from any capital
26 appropriation or reappropriation authorized by chapter 50 of the laws of
27 2005 to the office of general services for various purposes, reimburse-
28 ment from the proceeds of notes or bonds issued by the environmental
29 facilities corporation for a capital appropriation of \$11,350,000
30 authorized by chapter 55 of the laws of 2005 to the energy research and
31 development authority for the Western New York Nuclear Service Center at
32 West Valley, reimbursement from the proceeds of notes or bonds issued by

33 the environmental facilities corporation for a capital appropriation of
34 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
35 ment of environmental conservation for Onondaga lake, reimbursement from
36 the proceeds of notes or bonds issued by the environmental facilities
37 corporation for disbursements of up to \$11,000,000 from any capital
38 appropriations or reappropriations authorized by chapter 55 of the laws
39 of 2005 to the department of environmental conservation for environ-
40 mental purposes, reimbursement from the proceeds of notes or bonds
41 issued by the urban development corporation for a capital appropriation
42 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
43 Javits center, reimbursement from the proceeds of notes or bonds issued
44 by the dormitory authority for a capital appropriation of \$90,000,000
45 authorized by chapter 62 of the laws of 2005 for regional development,
46 reimbursement from the proceeds of notes or bonds issued by the dormito-
47 ry authority for a capital appropriation of \$250,000,000 authorized by
48 chapter 62 of the laws of 2005 for technology and development,
49 reimbursement from the proceeds of notes or bonds issued by the urban
50 development corporation for a capital appropriation of \$75,000,000
51 authorized by chapter 162 of the laws of 2005 for the New York state
52 economic development program, reimbursement from the proceeds of notes
53 or bonds issued by the urban development corporation for a capital
54 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
55 2005 for the higher education facilities capital matching grants
56 program, reimbursement from the proceeds of notes or bonds issued by the

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

18 § 28. Notwithstanding any other law, rule, or regulation to the

19 contrary, the comptroller is hereby authorized and directed to deposit
20 to the credit of the capital projects fund, reimbursement from the
21 proceeds of notes or bonds issued by the environmental facilities corpo-
22 ration for a capital appropriation for \$29,600,000 authorized by chapter
23 55 of the laws of 2006 to the department of environmental conservation
24 for payment of a portion of the state's match for federal capitalization
25 grants for the water pollution control revolving loan fund, reimburse-
26 ment from the proceeds of notes or bonds issued by the urban development
27 corporation for disbursements of up to \$20,000,000 from any capital
28 appropriation or reappropriation authorized by chapter 50 of the laws of
29 2006 to the office of general services for various purposes, reimburse-
30 ment from the proceeds of notes or bonds issued by the environmental
31 facilities corporation for a capital appropriation of \$14,000,000
32 authorized by chapter 55 of the laws of 2006 to the energy research and
33 development authority for the Western New York Nuclear Service Center at
34 West Valley, reimbursement from the proceeds of notes or bonds issued by
35 the environmental facilities corporation for a capital appropriation of
36 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
37 ment of environmental conservation for Onondaga lake, reimbursement from
38 the proceeds of notes or bonds issued by the environmental facilities
39 corporation for disbursements of up to \$12,000,000 from any capital
40 appropriations or reappropriations authorized by chapter 55 of the laws
41 of 2006 to the department of environmental conservation for environ-
42 mental purposes, reimbursement from the proceeds of notes or bonds
43 issued by the urban development corporation for capital disbursements of
44 up to \$3,000,000 from any capital appropriation or reappropriation
45 authorized by chapter 50 of the laws of 2006 to the division of military
46 and naval affairs for various purposes, reimbursement from the proceeds
47 of notes or bonds issued by the urban development corporation for
48 disbursements of up to \$12,400,000 from any capital appropriation or
49 reappropriation authorized by chapter 50 of the laws of 2006 to the
50 division of state police for public protection facilities, reimbursement
51 from the proceeds of notes or bonds issued by the urban development
52 corporation for a capital appropriation of \$117,000,000 authorized by
53 chapter 50 of the laws of 2006 to all state departments and agencies for
54 the purchase of equipment, reimbursement from the proceeds of notes or
55 bonds issued by the dormitory authority or the urban development corpo-
56 ration for all or a portion of capital appropriations of \$603,050,000

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1 authorized by chapter 108 of the laws of 2006 to the urban development
2 corporation for economic development/other projects, reimbursement from
3 the proceeds of notes or bonds issued by the urban development corpo-
4 ration for a capital appropriation of \$269,500,000 authorized by chapter

5 108 of the laws of 2006 to the dormitory authority or the urban develop-
6 ment corporation for economic development projects, reimbursement from
7 the proceeds of notes or bonds issued by the dormitory authority or the
8 urban development corporation for a capital appropriation of
9 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
10 development corporation for university development projects, reimburse-
11 ment from the proceeds of notes or bonds issued by the dormitory author-
12 ity or for a capital appropriation of \$143,000,000 authorized by chapter
13 108 of the laws of 2006 to the urban development corporation for
14 cultural facilities projects, reimbursement from the proceeds of notes
15 or bonds issued by the dormitory authority or the urban development
16 corporation for capital appropriations totaling \$60,000,000 authorized
17 by chapter 108 of the laws of 2006 to the urban development corporation
18 for energy/environmental projects, reimbursement from the proceeds of
19 notes or bonds issued by the dormitory authority or the urban develop-
20 ment corporation for a capital appropriation of \$20,000,000 authorized
21 by chapter 108 of the laws of 2006 to the urban development corporation
22 for a competitive solicitation for construction of a pilot cellulosic
23 ethanol refinery, reimbursement from the proceeds of notes or bonds
24 issued by the urban development corporation for a capital appropriation
25 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
26 development corporation for services and expenses related to infrastruc-
27 ture for a new stadium in Queens county, and reimbursement from the
28 proceeds of notes or bonds issued by the urban development corporation
29 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
30 the laws of 2006 to the urban development corporation for services and
31 expenses related to infrastructure improvements to construct a new park-
32 ing facility at a new stadium in Bronx county, reimbursement from the
33 proceeds of notes and bonds issued by the environmental facilities
34 corporation for a capital appropriation for \$5,000,000 authorized by
35 chapter 55 of the laws of 2006 to the environmental facilities corpo-
36 ration for payment for the pipeline for jobs program, reimbursement from
37 the proceeds of notes or bonds issued by the dormitory authority for
38 capital disbursements of up to \$14,000,000 from any capital appropri-
39 ation or reappropriation authorized by chapter 53 of the laws of 2006
40 for the library construction purpose, reimbursement from the proceeds of
41 notes or bonds issued by the urban development corporation or the dormi-
42 tory authority for an appropriation of \$2,000,000 authorized by chapter
43 53 of the laws of 2006 for a Cornell equine drug testing laboratory,
44 reimbursement from the proceeds of notes or bonds issued by the urban
45 development corporation or the dormitory authority for an appropriation
46 of \$1,200,000 authorized by chapter 53 of the laws of 2006 for the towns
47 of Bristol and Canandaigua public water systems, reimbursement from the
48 proceeds of notes or bonds issued by the urban development corporation
49 or the dormitory authority for an appropriation of \$5,500,000 authorized

50 by chapter 53 of the laws of 2006 for Belleayre mountain ski center,
51 reimbursement from the proceeds of notes or bonds issued by the urban
52 development corporation or the dormitory authority for an appropriation
53 of \$25,000,000 authorized by chapter 53 of the laws of 2006 for the town
54 of Smithtown/Kings Park psychiatric center rehabilitation, reimbursement
55 from the proceeds of notes or bonds issued by the urban development
56 corporation or the dormitory authority for an appropriation of

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1 \$5,000,000 authorized by chapter 108 of the laws of 2006 for a state of
2 New York umbilical cord bank, reimbursement from the proceeds of notes
3 or bonds issued by the urban development corporation or the dormitory
4 authority for an appropriation of \$5,500,000 authorized by chapter 53 of
5 the laws of 2006 for an Old Gore mountain ski bowl connection,
6 reimbursement from the proceeds of notes or bonds issued by the urban
7 development corporation or the dormitory authority for an appropriation
8 of \$2,000,000 authorized by chapter 53 of the laws of 2006 for a Fredo-
9 nia vineyard laboratory, reimbursement from the proceeds of notes or
10 bonds issued by the urban development corporation or the dormitory
11 authority for an appropriation of \$99,500,000 authorized by chapter 108
12 of the laws of 2006 to the office for technology for payment of capital
13 construction costs for a consolidated data center, reimbursement from
14 the proceeds of notes or bonds issued by the dormitory authority or the
15 urban development corporation for an appropriation of \$40,000,000
16 authorized by chapter 108 of the laws of 2006 for a food testing labora-
17 tory, reimbursement from the proceeds of notes or bonds issued by the
18 New York state thruway authority for an appropriation of \$22,000,000
19 authorized by chapter 108 of the laws of 2006 to the department of
20 transportation for high speed rail, reimbursement from the proceeds of
21 notes or bonds issued by the urban development corporation for capital
22 disbursements of up to \$500,000,000 from an appropriation authorized by
23 chapter 108 of the laws of 2006 to the urban development corporation for
24 development of a semiconductor manufacturing facility, reimbursement
25 from the proceeds of notes or bonds issued by the urban development
26 corporation of up to \$150,000,000 from an appropriation authorized by
27 chapter 108 of the laws of 2006 to the urban development corporation for
28 research and development activities of a semiconductor manufacturer, and
29 reimbursement from the proceeds of notes or bonds issued by the urban
30 development corporation for capital disbursements of up to \$300,000,000
31 from an appropriation to the urban development corporation authorized by
32 chapter 108 of the laws of 2006 for community revitalization projects.
33 § 29. Notwithstanding any other law, rule, or regulation to the
34 contrary, the comptroller is hereby authorized and directed to deposit
35 to the credit of the capital projects fund, reimbursement from the

36 proceeds of notes or bonds issued by the environmental facilities corpo-
37 ration for a capital appropriation for \$29,600,000 authorized by chapter
38 55 of the laws of 2007 to the department of environmental conservation
39 for payment of a portion of the state's match for federal capitalization
40 grants for the water pollution control revolving loan fund, reimburse-
41 ment from the proceeds of notes or bonds issued by the urban development
42 corporation for disbursements of up to \$20,000,000 from any capital
43 appropriation or reappropriation authorized by chapter 50 of the laws of
44 2007 to the office of general services for various purposes, reimburse-
45 ment from the proceeds of notes or bonds issued by the environmental
46 facilities corporation for a capital appropriation of \$13,500,000
47 authorized by chapter 55 of the laws of 2007 to the energy research and
48 development authority for the Western New York Nuclear Service Center at
49 West Valley, reimbursement from the proceeds of notes or bonds issued by
50 the environmental facilities corporation for a capital appropriation of
51 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
52 ment of environmental conservation for Onondaga lake, reimbursement from
53 the proceeds of notes or bonds issued by the environmental facilities
54 corporation for disbursements of up to \$12,000,000 from any capital
55 appropriations or reappropriations authorized by chapter 55 of the laws
56 of 2007 to the department of environmental conservation for environ-

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1 mental purposes, reimbursement from the proceeds of notes or bonds
2 issued by the urban development corporation for capital disbursements of
3 up to \$3,000,000 from any capital appropriation or reappropriation
4 authorized by chapter 50 of the laws of 2007 to the division of military
5 and naval affairs for various purposes, reimbursement from the proceeds
6 of notes or bonds issued by the urban development corporation for
7 disbursements from a capital appropriation of \$50,000,000 authorized by
8 chapter 50 of the laws of 2007 to the division of state police for
9 construction of a Troop G facility, reimbursement from the proceeds of
10 notes or bonds issued by the urban development corporation for disburse-
11 ments from a capital appropriation of \$6,000,000 authorized by chapter
12 50 of the laws of 2007 to the division of state police for construction
13 of evidence storage facilities, reimbursement from the proceeds of notes
14 or bonds issued by the urban development corporation for capital appro-
15 priations totaling \$77,900,000 authorized by chapter 51 of the laws of
16 2007 to the judiciary for court training facilities and courthouse
17 improvement projects, reimbursement from the proceeds of notes or bonds
18 issued by the urban development corporation for a capital appropriation
19 of \$20,000,000 authorized by chapter 50 of the laws of 2007 to all state
20 departments and agencies for the purchase of equipment, reimbursement
21 from the proceeds of notes or bonds issued by the dormitory authority

22 for capital disbursements of up to \$14,000,000 from any capital appro-
23 priation or reappropriation authorized by chapter 53 of the laws of 2007
24 for library construction, reimbursement from the proceeds of notes or
25 bonds issued by the dormitory authority for capital disbursements of up
26 to \$60,000,000 from any capital appropriation or reappropriation author-
27 ized by chapter 53 of the laws of 2007 for cultural education storage
28 facilities, reimbursement from the proceeds of notes or bonds issued by
29 the urban development corporation for capital disbursements of up to
30 \$15,000,000 from any capital appropriation or reappropriation authorized
31 by chapter 55 of the laws of 2007 for the Roosevelt Island Operating
32 Corporation aerial tramway, reimbursement from the proceeds of notes or
33 bonds issued by the urban development corporation for capital disburse-
34 ments of up to \$20,000,000 from any capital appropriation or reappropri-
35 ation authorized by chapter 55 of the laws of 2007 for Governor's
36 Island, reimbursement from the proceeds of notes or bonds issued by the
37 urban development corporation for capital disbursements of up to
38 \$7,500,000 from any capital appropriation or reappropriation authorized
39 by chapter 55 of the laws of 2007 for Harriman research and technology
40 park, reimbursement from the proceeds of notes or bonds issued by the
41 urban development corporation for capital disbursements of up to
42 \$7,950,000 from any capital appropriation or reappropriation authorized
43 by chapter 55 of the laws of 2007 for USA Niagara, and reimbursement
44 from the proceeds of notes or bonds issued by the urban development
45 corporation for capital disbursements of up to \$1,300,000 from appropri-
46 ations authorized by chapter 50 of the laws of 2007 made to the office
47 of general services for legislative office building hearing rooms.

48 § 30. Notwithstanding any other law, rule, or regulation to the
49 contrary, the comptroller is hereby authorized and directed to deposit
50 to the credit of the capital projects fund, reimbursement from the
51 proceeds of notes or bonds issued by the environmental facilities corpo-
52 ration for a capital appropriation for \$29,600,000 authorized by chapter
53 55 of the laws of 2008 to the department of environmental conservation
54 for payment of a portion of the state's match for federal capitalization
55 grants for the water pollution control revolving loan fund, reimburse-
56 ment from the proceeds of notes or bonds issued by the urban development

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1 corporation for a capital appropriation of \$141,000,000 authorized by
2 chapter 50 of the laws of 2008 to all state departments and agencies for
3 the purchase of equipment or systems development, reimbursement from the
4 proceeds of notes or bonds issued by the urban development corporation
5 for disbursements of up to \$45,500,000 from any capital appropriation or
6 reappropriation authorized by chapter 50 of the laws of 2008 to the
7 office of general services for various purposes, reimbursement from the

8 proceeds of notes or bonds issued by the environmental facilities corpo-
9 ration for a capital appropriation of \$13,500,000 authorized by chapter
10 55 of the laws of 2008 to the energy research and development authority
11 for the Western New York Nuclear Service Center at West Valley,
12 reimbursement from the proceeds of notes or bonds issued by the environ-
13 mental facilities corporation for a capital appropriation of \$10,000,000
14 authorized by chapter 55 of the laws of 2008 to the department of envi-
15 ronmental conservation for Onondaga lake, reimbursement from the
16 proceeds of notes or bonds issued by the environmental facilities corpo-
17 ration for disbursements of up to \$12,000,000 from any capital appropri-
18 ations or reappropriations authorized by chapter 55 of the laws of 2008
19 to the department of environmental conservation for environmental
20 purposes, reimbursement from the proceeds of notes or bonds issued by
21 the urban development corporation for capital disbursements of up to
22 \$3,000,000 from any capital appropriation or reappropriation authorized
23 by chapter 50 of the laws of 2008 to the division of military and naval
24 affairs for various purposes, reimbursement from the proceeds of notes
25 or bonds issued by the urban development corporation for a capital
26 appropriation of \$11,000,000 authorized by chapter 50 of the laws of
27 2008 to the office for technology for the costs of development of inter-
28 im data center facilities, reimbursement from the proceeds of notes or
29 bonds issued by the urban development corporation for a capital appro-
30 priation of \$10,000,000 authorized by chapter 50 of the laws of 2008 to
31 the office for technology for activities related to broadband service,
32 reimbursement from the proceeds of notes or bonds issued by the urban
33 development corporation for a capital appropriation of \$6,000,000
34 authorized by chapter 50 of the laws of 2008 to the division of state
35 police for rehabilitation of facilities, reimbursement from the proceeds
36 and notes or bonds issued by the Dormitory Authority of the State of New
37 York or other financing source for a capital appropriation authorized by
38 chapter 55 of the laws of 2008 for \$14,000,000 to the education depart-
39 ment for library construction, reimbursement from the proceeds and notes
40 or bonds issued by the Dormitory Authority of the State of New York or
41 other financing source for a capital appropriation authorized by chapter
42 55 of the laws of 2008 for \$12,585,000 to the education department for
43 state records center expansion, reimbursement from the proceeds and
44 notes or bonds issued by the Dormitory Authority of the State of New
45 York or other financing source for a capital appropriation authorized by
46 chapter 55 of the laws of 2008 for \$15,000,000 to the education depart-
47 ment for museum renewal project, reimbursement from the proceeds of
48 notes or bonds issued by the urban development corporation for capital
49 appropriation of \$50,000,000 authorized by chapter 53 of the laws of
50 2008 to the urban development corporation for services and expenses
51 related to the investment opportunity fund, reimbursement from the
52 proceeds of notes or bonds issued by the urban development corporation

53 for capital appropriation of \$30,000,000 authorized by chapter 53 of the
54 laws of 2008 to the urban development corporation for services and
55 expenses related to arts and cultural projects, reimbursement from the
56 proceeds of bonds or notes issued by the urban development corporation

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1 for a capital appropriation of \$35,000,000 authorized by chapter 53 of
2 the laws of 2008 for economic and community development projects,
3 reimbursement from the proceeds of bonds or notes issued by the urban
4 development corporation for a capital appropriation of \$30,000,000
5 authorized by chapter 53 of the laws of 2008 for New York City water-
6 front development projects, reimbursement from the proceeds of bonds or
7 notes issued by the urban development corporation for a capital appro-
8 priation of \$45,000,000 authorized by chapter 53 of the laws of 2008 for
9 luther forest infrastructure projects, reimbursement from the proceeds
10 of notes or bonds issued by the urban development corporation for capi-
11 tal appropriation of \$35,000,000 authorized by chapter 53 of the laws of
12 2008 to the urban development corporation for services and expenses
13 related to downstate regional projects, reimbursement from the proceeds
14 of notes or bonds issued by the urban development corporation for capi-
15 tal appropriation of \$145,000,000 authorized by chapter 53 of the laws
16 of 2008 to the urban development corporation for services and expenses
17 related to upstate city-by-city projects, reimbursement from the
18 proceeds of notes or bonds issued by the urban development corporation
19 for capital appropriation of \$35,000,000 authorized by chapter 53 of the
20 laws of 2008 to the urban development corporation for services and
21 expenses related to the downstate revitalization projects, reimbursement
22 from the proceeds of notes or bonds issued by the urban development
23 corporation for capital appropriation of \$120,000,000 authorized by
24 chapter 53 of the laws of 2008 to the urban development corporation for
25 services and expenses related to the upstate regional blueprint fund,
26 reimbursement from the proceeds of notes or bonds issued by the urban
27 development corporation for capital appropriation of \$40,000,000 author-
28 ized by chapter 53 of the laws of 2008 to the urban development corpo-
29 ration for services and expenses related to the upstate agricultural
30 economic development fund, reimbursement from the proceeds of notes or
31 bonds issued by the urban development corporation for capital appropri-
32 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
33 the urban development corporation for services and expenses related to
34 the New York state capital assistance program, reimbursement from the
35 proceeds of notes or bonds issued by the urban development corporation
36 for capital appropriation of \$350,000,000 authorized by chapter 53 of
37 the laws of 2008 to the urban development corporation for services and
38 expenses related to the New York state economic development assistance

39 program, and reimbursement from the proceeds of notes or bonds issued by
40 the urban development corporation for capital appropriation of
41 \$20,000,000 authorized by chapter 55 of the laws of 2008 to the urban
42 development corporation for services and expenses related to the empire
43 state economic development fund.

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

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1 for disbursements of up to \$24,000,000 from any capital appropriation or
2 reappropriation authorized by a chapter of the laws of 2009 to the
3 office of general services for various purposes, reimbursement from the
4 proceeds of notes or bonds issued by the environmental facilities corpo-
5 ration for a capital appropriation of \$13,500,000 authorized by a chap-
6 ter of the laws of 2009 to the energy research and development authority
7 for the Western New York Nuclear Service Center at West Valley,
8 reimbursement from the proceeds of notes or bonds issued by the environ-
9 mental facilities corporation for a capital appropriation of \$10,000,000
10 authorized by a chapter of the laws of 2009 to the department of envi-
11 ronmental conservation for Onondaga lake, reimbursement from the
12 proceeds of notes or bonds issued by the environmental facilities corpo-
13 ration for disbursements of up to \$12,000,000 from any capital appropri-
14 ations or reappropriations authorized by a chapter of the laws of 2009
15 to the department of environmental conservation for environmental
16 purposes, reimbursement from the proceeds of notes or bonds issued by
17 the urban development corporation for capital disbursements of up to
18 \$3,000,000 from any capital appropriation or reappropriation authorized
19 by a chapter of the laws of 2009 to the division of military and naval
20 affairs for various purposes, reimbursement from the proceeds of notes
21 or bonds issued by the urban development corporation for a capital
22 appropriation of \$6,000,000 authorized by a chapter of the laws of 2009
23 to the division of state police for rehabilitation of facilities,
24 reimbursement from the proceeds and notes or bonds issued by the Dormi-

25 tory Authority of the State of New York or other financing source for a
26 capital appropriation for \$14,000,000 to the State Education Department
27 for library construction, reimbursement from the proceeds and notes or
28 bonds issued by the Dormitory Authority of the State of New York or
29 other financing source for a capital appropriation for \$4,000,000 to the
30 State Education Department for rehabilitation associated with the St.
31 Regis Mohawk elementary school authorized by a chapter of the laws of
32 2009 and reimbursement from the proceeds of notes or bonds issued by the
33 urban development corporation for capital appropriation of \$25,000,000
34 authorized by a chapter of the laws of 2009 to the urban development
35 corporation for services and expenses related to the empire state
36 economic development fund.

37 § 31-a. Notwithstanding any other law, rule, or regulation to the
38 contrary, the comptroller is hereby authorized and directed to deposit
39 to the credit of the capital projects fund, reimbursement from the
40 proceeds of notes or bonds issued by the dormitory authority and urban
41 development corporation for disbursements of up to \$8,000,000 from an
42 appropriation authorized by a chapter of the laws of 2009 for drug
43 courts.

44 § 32. Notwithstanding any other law, rule, or regulation to the
45 contrary, the comptroller is hereby authorized and directed to deposit
46 to the credit of the city university special revenue fund (377),
47 reimbursement from the proceeds of notes or bonds issued by the Dormito-
48 ry Authority of the State of New York for capital disbursements of up to
49 \$20,000,000 from any appropriation or reappropriation authorized by a
50 chapter of the laws of 2009 to the city university of New York for vari-
51 ous purposes.

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

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1 between the dormitory authority of the state of New York as successor to
2 the New York state medical care facilities finance agency, and the
3 facilities development corporation pursuant to chapter 83 of the laws of
4 1995 and the department of mental hygiene for the purpose of making
5 payments to the dormitory authority of the state of New York for the
6 amount of the earnings for the investment of monies deposited in the
7 mental health services fund that such agency determines will or may have
8 to be rebated to the federal government pursuant to the provisions of
9 the internal revenue code of 1986, as amended, in order to enable such
10 agency to maintain the exemption from federal income taxation on the

11 interest paid to the holders of such agency's mental services facilities
12 improvement revenue bonds. On or before June 30, 2010, such agency shall
13 certify to the state comptroller its determination of the amounts
14 received in the mental health services fund as a result of the invest-
15 ment of monies deposited therein that will or may have to be rebated to
16 the federal government pursuant to the provisions of the internal reven-
17 ue code of 1986, as amended.

18 § 34. (1) Notwithstanding any other law, rule, or regulation to the
19 contrary, the state comptroller shall at the commencement of each month
20 certify to the director of the budget, the commissioner of environmental
21 conservation, the chair of the senate finance committee, and the chair
22 of the assembly ways and means committee the amounts disbursed from all
23 appropriations for hazardous waste site remediation disbursements for
24 the month preceding such certification.

25 (2) Notwithstanding any law to the contrary, prior to the issuance by
26 the comptroller of bonds authorized pursuant to subdivision a of section
27 4 of the environmental quality bond act of nineteen hundred eighty-six,
28 as enacted by chapter 511 of the laws of 1986, disbursements from all
29 appropriations for that purpose shall first be reimbursed from moneys
30 credited to the hazardous waste remedial fund, site investigation and
31 construction account, to the extent moneys are available in such
32 account. For purposes of determining moneys available in such account,
33 the commissioner of environmental conservation shall certify to the
34 comptroller the amounts required for administration of the hazardous
35 waste remedial program.

36 (3) The comptroller is hereby authorized and directed to transfer any
37 balance above the amounts certified by the commissioner of environmental
38 conservation to reimburse disbursements pursuant to all appropriations
39 from such site investigation and construction account; provided, howev-
40 er, that if such transfers are determined by the comptroller to be
41 insufficient to assure that interest paid to holders of state obli-
42 gations issued for hazardous waste purposes pursuant to the environ-
43 mental quality bond act of nineteen hundred eighty-six, as enacted by
44 chapter 511 of the laws of 1986, is exempt from federal income taxation,
45 the comptroller is hereby authorized and directed to transfer, from such
46 site investigation and construction account to the general fund, the
47 amount necessary to redeem bonds in an amount necessary to assure the
48 continuation of such tax exempt status. Prior to the making of any such
49 transfers, the comptroller shall notify the director of the budget of
50 the amount of such transfers.

51 § 35. Section 69-c of the state finance law, as amended by section 34
52 of part RR of chapter 57 of the laws of 2008, is amended to read as
53 follows:

54 § 69-c. Variable rate bonds. Notwithstanding any other provision of
55 law to the contrary, any State-supported debt may be issued as variable

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

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

36 (c) Subject to the provisions of chapter fifty-nine of the laws of two
37 thousand, the dormitory authority shall not issue any bonds for state
38 university educational facilities purposes if the principal amount of
39 bonds to be issued when added to the aggregate principal amount of bonds
40 issued by the dormitory authority on and after July first, nineteen
41 hundred eighty-eight for state university educational facilities will

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

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

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

26 j. Subject to the provisions of chapter fifty-nine of the laws of two
27 thousand, the maximum amount of bonds and notes to be issued after March

28 thirty-first, two thousand two for a housing unit for the use of
29 students at a state-operated institution or statutory or contract
30 college under the jurisdiction of the state university of New York shall
31 be one billion [one] two hundred [fifty] thirty million dollars. Such
32 amount shall be exclusive of bonds and notes issued to fund any reserve
33 fund or funds, costs of issuance, and to refund any outstanding bonds
34 and notes relating to a housing unit under the jurisdiction of the state
35 university of New York.

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

39 10-a. Subject to the provisions of chapter fifty-nine of the laws of
40 two thousand, but notwithstanding any other provision of the law to the
41 contrary, the maximum amount of bonds and notes to be issued after March
42 thirty-first, two thousand two, on behalf of the state, in relation to
43 any locally sponsored community college, shall be [four] five hundred
44 [sixty-six] thirty-six million dollars. Such amount shall be exclusive
45 of bonds and notes issued to fund any reserve fund or funds, costs of
46 issuance and to refund any outstanding bonds and notes, issued on behalf
47 of the state, relating to a locally sponsored community college.

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

51 (c) Subject to the provisions of chapter fifty-nine of the laws of two
52 thousand, (i) the dormitory authority shall not deliver a series of
53 bonds for city university community college facilities, except to refund
54 or to be substituted for or in lieu of other bonds in relation to city
55 university community college facilities pursuant to a resolution of the
56 dormitory authority adopted before July first, nineteen hundred eighty-

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1 five or any resolution supplemental thereto, if the principal amount of
2 bonds so to be issued when added to all principal amounts of bonds
3 previously issued by the dormitory authority for city university commu-
4 nity college facilities, except to refund or to be substituted in lieu
5 of other bonds in relation to city university community college facili-
6 ties will exceed the sum of four hundred twenty-five million dollars and
7 (ii) the dormitory authority shall not deliver a series of bonds issued
8 for city university facilities, including community college facilities,
9 pursuant to a resolution of the dormitory authority adopted on or after
10 July first, nineteen hundred eighty-five, except to refund or to be
11 substituted for or in lieu of other bonds in relation to city university
12 facilities and except for bonds issued pursuant to a resolution supple-
13 mental to a resolution of the dormitory authority adopted prior to July

14 first, nineteen hundred eighty-five, if the principal amount of bonds so
15 to be issued when added to the principal amount of bonds previously
16 issued pursuant to any such resolution, except bonds issued to refund or
17 to be substituted for or in lieu of other bonds in relation to city
18 university facilities, will exceed six billion [one] eight hundred
19 [eighteen] forty-three million two hundred thousand dollars. The legis-
20 lature reserves the right to amend or repeal such limit, and the state
21 of New York, the dormitory authority, the city university, and the fund
22 are prohibited from covenanting or making any other agreements with or
23 for the benefit of bondholders which might in any way affect such right.

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

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

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

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

1 § 42. Subdivision 3 of section 1285-p of the public authorities law,

2 as amended by section 41 of part RR of chapter 57 of the laws of 2008,
3 is amended to read as follows:

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

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

22 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
23 notwithstanding any provisions of law to the contrary, the urban devel-
24 opment corporation is hereby authorized to issue bonds or notes in one
25 or more series in an aggregate principal amount not to exceed
26 [\$108,100,000] \$114,100,000, excluding bonds issued to finance one or
27 more debt service reserve funds, to pay costs of issuance of such bonds,
28 and bonds or notes issued to refund or otherwise repay such bonds or
29 notes previously issued, for the purpose of financing capital projects
30 for division of state police facilities, debt service and leases; and to
31 reimburse the state general fund for disbursements made therefor. Such
32 bonds and notes of such authorized issuer shall not be a debt of the
33 state, and the state shall not be liable thereon, nor shall they be
34 payable out of any funds other than those appropriated by the state to
35 such authorized issuer for debt service and related expenses pursuant to
36 any service contract executed pursuant to subdivision (b) of this
37 section and such bonds and notes shall contain on the face thereof a
38 statement to such effect. Except for purposes of complying with the
39 internal revenue code, any interest income earned on bond proceeds shall
40 only be used to pay debt service on such bonds.

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

46 (a) Subject to the provisions of chapter 59 of the laws of 2000[,] but

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

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1 fund, and is hereby authorized to issue bonds or notes in one or more
2 series in an aggregate principal amount not to exceed [\$128,800,000]
3 \$155,800,000, excluding bonds issued to fund one or more debt service
4 reserve funds, to pay costs of issuance of such bonds, and bonds or
5 notes issued to refund or otherwise repay such bonds or notes previously
6 issued, for the purpose of financing improvements to State office build-
7 ings and other facilities located statewide, including the reimbursement
8 of any disbursements made from the state capital projects fund. Such
9 bonds and notes of the corporation shall not be a debt of the state, and
10 the state shall not be liable thereon, nor shall they be payable out of
11 any funds other than those appropriated by the state to the corporation
12 for debt service and related expenses pursuant to any service contracts
13 executed pursuant to subdivision (b) of this section, and such bonds and
14 notes shall contain on the face thereof a statement to such effect.

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

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

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

32 § 46. Subdivision 1 of section 16 of part D of chapter 389 of the laws

33 of 1997, providing for the financing of the correctional facilities
34 improvement fund and the youth facility improvement fund, as amended by
35 section 46 of part RR of chapter 57 of the laws of 2008, is amended to
36 read as follows:

37 1. Subject to the provisions of chapter 59 of the laws of 2000, but
38 notwithstanding the provisions of section 18 of section 1 of chapter 174
39 of the laws of 1968, the New York state urban development corporation is
40 hereby authorized to issue bonds, notes and other obligations in an
41 aggregate principal amount not to exceed five billion [five] eight
42 hundred [eleven] thirty-seven million [four] eight hundred thousand
43 dollars [\$5,511,400,000] \$5,837,800,000, and shall include all bonds,
44 notes and other obligations issued pursuant to chapter 56 of the laws of
45 1983, as amended or supplemented. The proceeds of such bonds, notes or
46 other obligations shall be paid to the state, for deposit in the correc-
47 tional facilities capital improvement fund to pay for all or any portion
48 of the amount or amounts paid by the state from appropriations or reap-
49 propriations made to the department of correctional services from the
50 correctional facilities capital improvement fund for capital projects.
51 The aggregate amount of bonds, notes or other obligations authorized to
52 be issued pursuant to this section shall exclude bonds, notes or other
53 obligations issued to refund or otherwise repay bonds, notes or other
54 obligations theretofore issued, the proceeds of which were paid to the
55 state for all or a portion of the amounts expended by the state from
56 appropriations or reappropriations made to the department of correction-

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

19 other obligations and to the price bid including estimated accrued
20 interest or proceeds received by the corporation including estimated
21 accrued interest from the sale thereof.

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

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

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

55 2008 and 2009 Economic development initiatives. 1. Notwithstanding the
56 provisions of any other law to the contrary, the dormitory authority and

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1 the corporation are hereby authorized to issue bonds or notes in one or
2 more series for the purpose of funding project costs for various econom-
3 ic development and regional initiatives, the upstate regional blueprint
4 fund, the downstate revitalization fund, the upstate agricultural

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

22 § 49. Subdivision (b) of section 11 of chapter 329 of the laws of
23 1991, amending the state finance law and other laws relating to the
24 establishment of the dedicated highway and bridge trust fund, as amended
25 by section 50 of part RR of chapter 57 of the laws of 2008, is amended
26 to read as follows:

27 (b) Any service contract or contracts for projects authorized pursuant
28 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
29 14-k of the transportation law, and entered into pursuant to subdivision
30 (a) of this section, shall provide for state commitments to provide
31 annually to the thruway authority a sum or sums, upon such terms and
32 conditions as shall be deemed appropriate by the director of the budget,
33 to fund, or fund the debt service requirements of any bonds or any obli-
34 gations of the thruway authority issued to fund such projects having a
35 cost not in excess of [\$5,806,200,000] \$5,860,800,000 cumulatively by
36 the end of fiscal year 2009-10.

37 § 49-a. (a) The New York state urban development corporation and the
38 dormitory authority of the state of New York are hereby authorized to
39 issue bonds or notes in one or more series in an aggregate principal
40 amount not to exceed \$83,500,000 excluding bonds issued to finance one
41 or more debt service reserve funds, to pay costs of issuance of such
42 bonds, and bonds or notes issued to refund or otherwise repay such bonds
43 or notes previously issued, for the purpose of financing project costs
44 of the H. H. Richardson Complex and Darwin Martin House pursuant to an
45 appropriation contained in a chapter of the laws of 2006. Such bonds and
46 notes of the corporation or the dormitory authority shall not be a debt
47 of the state, and the state shall not be liable thereon, nor shall they
48 be payable out of any funds other than those appropriated by the state
49 to the corporation or the dormitory authority for debt service and

50 related expenses pursuant to any service contract executed pursuant to
51 subdivision (b) of this section and such bonds and notes shall contain
52 on the face thereof a statement to such effect. Except for purposes of
53 complying with the internal revenue code, any interest income earned on
54 bond proceeds shall only be used to pay debt service on such bonds. All
55 of the provisions of the New York state urban development corporation
56 act and the dormitory authority act relating to bonds and notes which

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

7 (b) Notwithstanding any other law, rule or regulation to the contrary,
8 in order to assist the corporation and the dormitory authority in under-
9 taking the administration and financing of the H. H. Richardson Complex
10 and Darwin Martin House pursuant to an appropriation contained in a
11 chapter of the laws of 2006, the director of the budget is hereby
12 authorized to enter into one or more service contracts with the corpo-
13 ration and the dormitory authority, none of which shall exceed more than
14 30 years in duration, upon such terms and conditions as the director of
15 the budget and the corporation and the dormitory authority shall agree,
16 so as to annually provide to the corporation and the dormitory authori-
17 ty, in the aggregate, a sum not to exceed the annual debt service
18 payments and related expenses required for the bonds and notes issued
19 pursuant to this section. Any service contract entered into pursuant to
20 this subdivision shall provide that the obligation of the state to pay
21 the amount therein provided shall not constitute a debt of the state
22 within the meaning of any constitutional or statutory provision and
23 shall be deemed executory only to the extent of monies available and
24 that no liability shall be incurred by the state beyond the monies
25 available for such purposes, subject to annual appropriation by the
26 legislature. Any such contract or any payments made or to be made there-
27 under may be assigned or pledged by the corporation and the dormitory
28 authority as security for its bonds and notes, as authorized by this
29 section.

30 § 49-b. Section 1680-o of the public authorities law, as added by
31 section 44 of part T of chapter 57 of the laws of 2007, is amended to
32 read as follows:

33 § 1680-o. Courthouse improvements and training facilities. 1.
34 Notwithstanding the provisions of any other law to the contrary, the
35 authority and the urban development corporation are hereby authorized to

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

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

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

18 § 49-c. Paragraph b of subdivision 2 of section 9-a of section 1 of
19 chapter 392 of the laws of 1973, constituting the New York state medical
20 care facilities finance agency act, as amended by section 49 of part RR
21 of chapter 57 of the laws of 2008, is amended to read as follows:

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

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1 sixty-six million six hundred thousand dollars only if, except as here-
2 inafter provided with respect to mental health services facilities bonds
3 and mental health services facilities notes issued to refund mental
4 hygiene improvement bonds authorized to be issued pursuant to the
5 provisions of section 47-b of the private housing finance law, the pres-
6 ent value of the aggregate debt service of the refunding or repayment
7 bonds to be issued shall not exceed the present value of the aggregate

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

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

44 8. Revenue bonds may only be issued for authorized purposes, as
45 defined in section sixty-eight-a of this article. Notwithstanding the
46 foregoing, [any authorized issuer] the dormitory authority of the state
47 of New York and the urban development corporation may issue revenue
48 bonds [in place of (a) housing program bonds or notes as authorized by
49 section forty-seven-e of the private housing finance law, (b) bonds to
50 finance the state match for federal capitalization grants for the
51 purpose of any state revolving fund as authorized by paragraph (a) of
52 subdivision one of section twelve hundred ninety of the public authori-

53 ties law and (c) certificates of participation as authorized by article
54 five-a of this chapter] for any authorized purpose of any other such
55 authorized issuer through March thirty-first, two thousand ten. The
56 authorized issuers shall not issue any revenue bonds in an amount in

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

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

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

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

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

38 § 25. State's right to require redemption of bonds. Notwithstanding

39 and in addition to any provisions for the redemption of bonds which may
40 be contained in any contract with the holders of the bonds, the state
41 may, upon furnishing sufficient funds therefor, require the corporation
42 to redeem, prior to maturity, as a whole, any issue of bonds on any
43 interest payment date not less than twenty years after the date of the
44 bonds of such issue at one hundred five per centum of their face value
45 and accrued interest or at such lower redemption price as may be
46 provided in the bonds in case of the redemption thereof as a whole on
47 the redemption date. Notice of such redemption shall be published at
48 least twice in at least two newspapers publishing and circulating
49 respectively in the cities of Albany and New York, the first publication
50 to be at least thirty days before the date of redemption. The provisions
51 of this section relating to the state's right to require redemption of
52 bonds shall not apply to state-supported debt, as defined by section
53 67-a of the state finance law, issued by the corporation. Such corpo-
54 ration bonds shall remain subject to redemption pursuant to any contract
55 with the holders of such bonds.

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1 § 54. Section 367 of the public authorities law, as amended by chapter
2 244 of the laws of 1953, is amended to read as follows:

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

21 § 55. Section 1293 of the public authorities law, as amended by chap-
22 ter 744 of the laws of 1970, is amended to read as follows:

23 § 1293. Right of state to require redemption of bonds. Notwithstanding
24 and in addition to any provisions for the redemption of bonds which may
25 be contained in any contract with the holders of the bonds, the state

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

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

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

48 § 56-a. Subdivision 2 of section 68-a of the state finance law, as
49 added by section 2 of part I of chapter 383 of the laws of 2001, is
50 amended to read as follows:

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

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1 three hundred eighty-five of the public authorities law, (b) as author-
2 ized for the department of health of the state of New York facilities as
3 specified in paragraph a of subdivision two of section sixteen hundred
4 eighty of the public authorities law, (c) state university of New York
5 dormitory facilities as specified in subdivision eight of section
6 sixteen hundred seventy-eight of the public authorities law, and (d) as
7 authorized for mental health services facilities by section nine-a of
8 section one of chapter three hundred ninety-two of the laws of nineteen
9 hundred seventy-three constituting the New York state medical care
10 facilities financing act. Notwithstanding the provisions of clause (d)
11 of this subdivision, for the period April first, two thousand nine

12 through March thirty-first, two thousand ten, mental health services
13 facilities, as authorized by section nine-a of section one of chapter
14 three hundred ninety-two of the laws of nineteen hundred seventy-three
15 constituting the New York state medical care facilities financing act,
16 shall constitute an authorized purpose.

17 § 56-b. Section 97-f of the state finance law is amended by adding a
18 new subdivision 8 to read as follows:

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

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

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

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

6

PART QQ

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

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

42 claim for reimbursement from the special disability fund. The portion of
43 such sum allocated to self-insurers except group self-insurers and the
44 state insurance fund that shall be collected from each self-insurer
45 except a group self-insurer and the state insurance fund shall be a sum
46 equal to the proportion of the amount which the total compensation
47 payments of each such self-insurer except a group self-insurer or the
48 state insurance fund bore to the total compensation payments made by all
49 self-insurers except group self-insurers and the state insurance fund
50 during the fiscal year which ended within said preceding calendar year.
51 The portion of such sum allocated to insurance carriers that shall be
52 collected from each insurance carrier shall be a sum equal to that
53 proportion of the amount which the total [premiums written] standard
54 premium by each such insurance carrier bore to the total [written premi-

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1 ums] standard premium reported by all insurance carriers during the
2 [fiscal] calendar year which ended within said preceding [calendar]
3 fiscal year. The portion of such sum allocated to group self-insurers
4 that shall be collected from each group self-insurer shall be a sum
5 equal to that proportion of the amount which the pure premium calcu-
6 lation for each such group self-insurer bore to the total pure premium
7 calculation for all group self-insurers for the calendar year which
8 ended within the preceding state fiscal year. The payments from the debt
9 service assessment, unless otherwise set forth in the special disability
10 fund financing agreement, are hereby pledged therefor and shall be
11 deemed the first monies received on account of assessments in each year.
12 For the purposes of this paragraph, ["direct premiums written" means
13 gross premiums, including policy and membership fees, less return premi-
14 ums and premiums on policies not taken] "standard premium" shall mean
15 the premium as defined for the purposes of this assessment by the super-
16 intendent of insurance, in consultation with the chair of the board and
17 the workers' compensation rating board. For purposes of this paragraph
18 "pure premium calculation" means the New York state annual payroll as of
19 December thirty-first of the preceding year by class code for each
20 employer member of a group self-insurer multiplied by the applicable
21 loss cost for each class code as determined by the workers' compensation
22 rating board in effect on December thirty-first of the preceding year,
23 and for a group or individual self-insurer who has ceased to self-insure
24 shall be based on payroll at the time the group or individual self-in-
25 surer ceased to self-insure reduced by a factor reflecting the reduction
26 in the group or individual self-insurer's self-insurance liabilities
27 since ceasing to self-insure. An employer who has ceased to be a self-
28 insurer or a group that ceases to be licensed as a group self-insurer
29 shall continue to be liable for any assessments into said fund on

30 account of any compensation payments made by him or her on his or her
31 account during such fiscal year, and the security fund, created under
32 the provisions of section one hundred seven of this chapter, shall, in
33 the event of the insolvency of any insurance company, be liable for any
34 assessments that would have been made against such company except for
35 its insolvency. No assessment shall be payable from the aggregate trust
36 fund, created under the provisions of section twenty-seven of this arti-
37 cle, but such fund shall continue to be liable for all compensation that
38 shall be payable under any award or order of the board, the commuted
39 value of which has been paid into such fund. Such assessments when
40 collected shall be deposited with the commissioner of taxation and
41 finance for the benefit of such fund. Unless otherwise provided, such
42 assessments, shall not constitute an element of loss for the purpose of
43 establishing rates for compensation insurance but shall for the purpose
44 of collection be treated as separate costs by carriers. All insurance
45 carriers and the state insurance fund, shall collect such assessments,
46 from their policyholders through a surcharge based on premiums in
47 accordance with rules set forth by the superintendent of insurance in
48 consultation with the New York workers' compensation rating board[, as
49 approved by the superintendent of insurance] and the chair of the board.
50 Such surcharge shall be considered as part of premium for purposes
51 prescribed by law including, but not limited to, computing premium tax,
52 reporting to the superintendent of insurance pursuant to section nine-
53 ty-nine of this chapter and section three hundred seven of the insurance
54 law, determining the limitation of expenditures for the administration
55 of the state insurance fund pursuant to section eighty-eight of this
56 chapter and the cancellation by an insurance carrier, including the

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

11 For the purposes of this paragraph, except as otherwise provided: the
12 term "insurance carrier" shall include only stock corporations, mutual
13 corporations and reciprocal insurers authorized to transact the business
14 of workers' compensation insurance in this state; the term "self-insur-
15 er" shall include any employer or group of employers permitted to pay

16 compensation directly under the provisions of subdivision three, three-a
17 or four of section fifty of this chapter[;].

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

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

26 (b) An itemized statement of the expenses so ascertained shall be open
27 to public inspection in the office of the board for thirty days after
28 notice to the state insurance fund, all insurance carriers and all self-
29 insurers including group self-insurers affected thereby, before the
30 board shall make an assessment for such expenses. The chair shall assess
31 upon and collect a proportion of such expenses as hereinafter provided
32 from each insurance carrier, the state insurance fund and each self-in-
33 surer including group self-insurers. The assessment for such expenses
34 shall be allocated to (i) self-insurers except group self-insurers and
35 the state insurance fund based upon the proportion that the total
36 compensation payments made by all self-insurers except group self-insur-
37 ers and the state insurance fund in such year bore to the total compen-
38 sation payments made by all self-insurers except group self-insurers,
39 the state insurance fund, all insurance carriers and group self-insurers
40 and (ii) insurance carriers based upon the proportion that the total
41 compensation payments made by all insurance carriers in such year bore
42 to the total compensation payments by all self-insurers, the state
43 insurance fund and all insurance carriers [during the fiscal year which
44 ended within said preceding calendar year], and (iii) group self-insur-
45 ers based upon the proportion that the total compensation payments made
46 by all group self-insurers in such year bore to the total compensation
47 payments made by all self-insurers, the state insurance fund and all
48 insurance carriers [during the fiscal year which ended within said
49 preceding calendar year]. The portion of the assessment for such
50 expenses allocated to self-insurers except group self-insurers and the
51 state insurance fund that shall be collected from each self-insurer
52 except group self-insurers and the state insurance fund shall be a sum
53 equal to the proportion of the amount which the total compensation
54 payments of each such self-insurer except a group self-insurer or the
55 state insurance fund in such year bore to the total compensation
56 payments made by all self-insurers except group self-insurers and the

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

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

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

40 § 3. (a) For purposes of this section, "insurance carrier," and "work-
41 ers' compensation rating board" shall have the meaning set forth in
42 section 2 of the workers' compensation law, and "affected insurance
43 carrier" shall mean any insurance carrier or affiliated group of insur-
44 ance carriers that has, prior to the effective date of this section: (1)
45 paid to the workers' compensation board for any year an amount directed
46 by the workers' compensation board under subdivision 8 of section 15,

47 subdivision 3 of section 25-a or section 151 of the workers' compen-
48 sation law that was less than the amount collected from its insured
49 employers in that year, in accordance with a calculation provided by the
50 workers' compensation rating board, (2) has identified and held any
51 funds collected but not paid to the workers' compensation board, as
52 measurable and available, as of January 1, 2009.

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

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1 ers' compensation board may, at any time within one hundred twenty days
2 of the effective date of this subdivision, or at any time thereafter if
3 the insurance carrier has not provided the notification required by this
4 section, direct an affected insurance carrier to pay such funds to the
5 board within thirty days if they are attributable to assessments in
6 fiscal year 2007 or before, and as soon as practicable thereafter if
7 they are attributable to subsequent assessments. Such funds shall be
8 credited to the workers' compensation account and shall be reserved in
9 the first instance for expenditure pursuant to a multi-year plan,
10 prepared by the chair, to improve the quality, timeliness and fairness
11 of services performed by the board, including any services funded by
12 assessments under the workers' compensation law. Such plan must be
13 approved by the director of the budget, and expenditures pursuant to
14 such plan may equal up to ten percent of the 2008-09 appropriations made
15 to the workers' compensation board, excluding contingency appropri-
16 ations. As a part of such plan, the chair of the workers' compensation
17 board may recommend suballocations of the funds credited to the workers'
18 compensation account under this subdivision to the department of labor
19 for any other purposes funded by assessments made under the workers'
20 compensation law, or for the implementation of chapter 6 of the laws of
21 2007, including for implementation of section 134 and subdivision 1 of
22 section 35 of the workers' compensation law. Such suballocations shall
23 be included within the total allowable expenditures under the plan and
24 must also be approved by the director of the budget. Any amounts avail-
25 able in any fiscal year after deducting amounts reflecting expenditures
26 to be made by the workers' compensation board for that fiscal year under
27 the plan provided for by this section shall be transferred by the comp-
28 troller to the general fund, at the request of the director of the budg-
29 et.

30 (c) Any affected insurance carrier that makes payments to the workers'
31 compensation board in accordance with this section shall not be subject
32 to any civil or criminal liability for damages arising out of the

33 collection or maintenance of any funds so paid, that were collected
34 under subdivision 8 of section 15, subdivision 3 of section 25-a or
35 section 151 of the workers' compensation law.
36 (d) Except for the immunity of an affected insurance carrier pursuant
37 to subdivision (c) of this section, this section does not confer any
38 immunity or create a cause of action or provide a defense.
39 § 4. This act shall take effect immediately, provided that sections
40 one and two of this act shall take effect on January 1, 2010.

41 PART RR

42 Section 1. Section 3 of part C of chapter 152 of the laws of 2001
43 amending the military law relating to military funds of the organized
44 militia, as amended by section 1 of part B of chapter 56 of the laws of
45 2007, is amended to read as follows:

46 § 3. This act shall take effect on the same date as the reversion of
47 subdivision 5 of section 183 and subdivision 1 of section 221 of the
48 military law as provided by section 76 of chapter 435 of the laws of
49 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwith-
50 standing this act shall be deemed to have been in full force and effect
51 on and after July 31, 2005 and shall remain in full force and effect
52 until July 31, [2009] 2011 when upon such date this act shall expire.

53 § 2. This act shall take effect immediately.

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1 PART SS

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

4 ARTICLE 12
5 LOCAL CONDITIONAL RELEASE COMMISSION

6 Section 270. Definitions.

7 271. Local conditional release commission; organization.

8 272. Local conditional release commission; function, powers and
9 duties.

10 273. Conditional release; procedures for application and deter-
11 minations.

12 274. Conditional release; procedures for violation, delinquency,
13 warrants and revocation.

14 275. Transfer of custody and supervision of conditional releas-
15 ee.

16 276. Regulations and report.

17 § 270. Definitions. As used in this article, the following terms have

18 the following meanings:

19 1. "Commission" means the local conditional release commission.

20 2. "County" means each county in the state, except a county within the
21 city of New York.

22 3. "County executive" means the county commissioner, county manager,
23 county director or county president.

24 4. "Division" means the division of probation and correctional alter-
25 natives.

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

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

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

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

52 5. The director of the local probation department, or such director's
53 designee, shall serve as an ex-officio, non-voting member of the commis-
54 sion.

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1 6. The local probation department shall assign staff support to the
2 commission.

3 § 272. Local conditional release commission; function, powers and
4 duties. The commission shall:

5 1. have the power and duty of determining which persons sentenced

6 within the county, or the city of New York, and serving a definite
7 sentence of imprisonment and eligible for conditional release pursuant
8 to subdivision two of section 70.40 of the penal law may be released on
9 conditional release and when and under what conditions in accordance
10 with section two hundred seventy-three of this article;

11 2. have the power to determine, as each inmate applies for conditional
12 release, the need for supplemental investigation of the background of
13 such inmate and cause such investigation as may be necessary to be made
14 as soon as practicable. The commission may require that the probation
15 department located in the jurisdiction of the commission conduct such
16 supplemental investigation. The results of such investigation together
17 with all other information compiled by the local correctional facility
18 and the complete criminal record and family court record of such inmate
19 shall be readily available when the conditional release of such inmate
20 is being considered. Such information shall include a complete statement
21 of the crime for which the inmate has been sentenced, the circumstances
22 of such crime, all presentence memoranda, the nature of the sentence,
23 the court in which such inmate was sentenced, the name of the judge and
24 district attorney and copies of such probation reports as may have been
25 made as well as reports as to the inmate's social, physical, mental and
26 psychiatric condition and history;

27 3. have the legal custody of persons conditionally released and placed
28 under the supervision of the local probation department for a period of
29 one year, or until returned to the custody of the local correctional
30 facility located in the jurisdiction of the commission, as the case may
31 be;

32 4. have the power to revoke the conditional release of any person in
33 the legal custody of the commission and to issue declarations of delin-
34 quency and authorize the issuance of a warrant for the retaking of such
35 person, as provided for in section two hundred seventy-four of this
36 article;

37 5. for the purpose of any investigation necessary in the performance
38 of its duties, have the power to issue subpoenas, to compel the attend-
39 ance of witnesses and the production of books, papers, and other docu-
40 ments pertinent to the subject of its inquiry. The minutes of all
41 commission meetings must be recorded and such records shall be retained
42 according to applicable standards;

43 6. have the power to authorize any members thereof to administer oaths
44 and take the testimony of persons under oath;

45 7. notify, in writing, the initial sentencing court, the district
46 attorney and defense counsel within five business days of receipt of an
47 application for a local conditional release filed under this article and
48 provide a fifteen day period for comment on such application. Comments
49 submitted under this subdivision shall be provided to the commission and
50 all parties;

51 8. notify in writing the appropriate local probation department prior
52 to release of a conditionally released person of such department's
53 responsibilities to supervise such person;
54 Such notice shall include the name and residence of the person, the
55 date of release, the conditions of release, and all necessary records
56 maintained on such person to aid the local probation department in the

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1 performance of its responsibilities pursuant to subdivision six of
2 section two hundred fifty-six of the executive law;
3 9. have the power to transfer the legal custody of persons condi-
4 tionally released in accordance with the provisions of section two
5 hundred seventy-five of this article;
6 10. present an annual report to the county legislature, or in the case
7 of the city of New York, to the city council, of its findings and
8 actions on submitted applications.
9 § 273. Conditional release; procedures for application and determi-
10 nations. 1. Any inmate who is eligible for conditional release by a
11 commission pursuant to subdivision two of section 70.40 of the penal law
12 and who has served a minimum period of sixty days in a local correction-
13 al facility may apply for conditional release. Eligibility criteria
14 shall be limited to inmates:
15 (a) who have not been previously convicted and who do not stand
16 convicted of any crime which would make such inmate ineligible for the
17 receipt of merit time pursuant to section eight hundred three of this
18 chapter, any crime pursuant to article two hundred thirty-five of the
19 penal law when the victim of such offense was under the age of eighteen
20 at the time of the offense, or any crime which the commission determines
21 constituted a crime of domestic violence;
22 (b) having jail records which make them eligible for a reduction of
23 sentence under section eight hundred four of this chapter;
24 (c) having verified community ties in one of the following areas:
25 employment, permanent residence and family.
26 Application shall be made in writing, on forms prescribed by the divi-
27 sion, to the commission in the county where the sentence was imposed.
28 2. The commission shall review and make a determination on each appli-
29 cation within thirty days of receipt of such application. No determi-
30 nation granting or denying such application shall be valid unless made
31 by a majority vote of at least three commission members present. No
32 release shall be granted unless there is a reasonable probability that,
33 if such inmate is released, he or she shall live and remain at liberty
34 without violating the law, and that his or her release is not incompat-
35 ible with the welfare of society and shall not so deprecate the serious-
36 ness of his or her crime as to undermine respect for law.

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

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

51 5. Persons who have been granted conditional release by the commission
52 established pursuant to this article shall, while on conditional
53 release, be in the legal custody of the commission for a period of one
54 year, or until returned to the custody of the local correctional facili-
55 ty located in the jurisdiction of the commission, as the case may be.
56 The probation department located in the jurisdiction of the commission

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1 has the duty of supervising the person during the period of such condi-
2 tional release. The commission shall impose a minimum of four super-
3 vision contacts per month while the person is on conditional release,
4 unless the commission determines that fewer contacts are appropriate in
5 any individual case.

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

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

21 2. A warrant issued pursuant to this section shall constitute suffi-
22 cient authority to the chief administrative officer of any local correc-

23 tional facility to whom it is delivered to hold in temporary detention
24 the person named therein.

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

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

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

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

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

53 8. At the conclusion of the hearing, the commission shall issue a
54 finding. If the commission is not satisfied that there is a preponder-
55 ance of evidence in support of the violation, the commission shall
56 dismiss the violation, cancel delinquency and restore the person to

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1 supervision. If the commission is satisfied that there is a preponder-
2 ance of evidence that the alleged violator violated one or more condi-
3 tions of conditional release in an important respect, the commission
4 shall so find.

5 9. Upon a finding in support of the violation, the commission may
6 revoke the conditional release, or continue or modify the conditions of
7 such conditional release. Where the commission revokes a person's condi-
8 tional release, such person shall be committed to the custody of the

9 chief administrative officer of the local correctional facility to serve
10 the time remaining on his or her sentence, in accordance with subdivi-
11 sion three of section 70.40 of the penal law. Where the commission modi-
12 fies the conditions of the conditional release, the commission shall
13 inform the person, in writing, of such modified conditions.

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

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

25 2. Where custody of a person who has been granted conditional release
26 pursuant to this article is transferred pursuant to subdivision one of
27 this section, upon designation and prior to transfer, the commission
28 making the designation shall notify the commission which has been desig-
29 nated to receive custody of such transfer or the parole board. The
30 commission making the designation shall immediately forward its entire
31 case record regarding such person to the receiving commission or the
32 parole board. The commission to which legal custody has been trans-
33 ferred, or the parole board, shall assume the same powers and duties
34 exercised by the designating commission and shall have the sole custody
35 of such person.

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

43 § 276. Regulations and report. The division shall promulgate regu-
44 lations in conformance with the provisions of this article which ensure
45 that local conditional release commissions operate in accordance with
46 the requirements provided in this article. The division shall report
47 annually to the speaker of the assembly and to the temporary president
48 of the senate concerning the operations of local conditional release
49 commissions.

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

52 § 257-b. Conditional releasees; duties of supervision. 1. It shall be
53 the duty of every probation officer to furnish each person who has been

54 ordered to his or her supervision pursuant to subdivision two of section
55 70.40 of the penal law, with a statement of the conditions of release
56 and to instruct such person with regard thereto; to keep informed

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

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

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

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

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

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

37 2. Definite sentence. A person who is serving one or more than one
38 definite sentence of imprisonment with a term or aggregate term in
39 excess of ninety days, and is eligible for release according to the

40 criteria set forth in paragraphs (a), (b) and (c) of subdivision one of
41 section two hundred seventy-three of the correction law, may, if he or
42 she so requests, be conditionally released from the institution in which
43 he or she is confined at any time after service of sixty days of that
44 term, exclusive of credits allowed under subdivisions four and six of
45 section 70.30. In computing service of sixty days, the credit allowed
46 for jail time under subdivision three of section 70.30 shall be calcu-
47 lated as time served. Conditional release from such institution shall be
48 in the discretion of the parole board, [and] or a local conditional
49 release commission established pursuant to article twelve of the
50 correction law, provided, however that where such release is by a local
51 conditional release commission, the person must be serving a definite
52 sentence with a term in excess of one hundred twenty days and may only
53 be released after service of ninety days of such term. In computing
54 service of ninety days, the credit allowed for jail time under subdivi-
55 sion three of section 70.30 of this article shall be calculated as time
56 served. A conditional release granted under this subdivision shall be

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

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

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

23 (b) When a person is alleged to have violated the terms of his condi-
24 tional release or post-release supervision and has been declared delin-
25 quent by the parole board or the local conditional release commission

26 having supervision over [him] such person, the declaration of delinquen-
27 cy shall interrupt the period of supervision or post-release supervision
28 as of the date of the delinquency. For a conditional release, such
29 interruption shall continue until the return of the person to the insti-
30 tution from which he was released or, if he was released from an insti-
31 tution under the jurisdiction of the state department of [correction]
32 correctional services, to an institution under the jurisdiction of that
33 department. Upon such return, the person shall resume service of his
34 sentence. For a person released to post-release supervision, the
35 provisions of section 70.45 shall apply.
36 § 6. This act shall take effect immediately.

37 PART TT

38 Section 1. Section 1806 of the vehicle and traffic law, as amended by
39 chapter 173 of the laws of 1990, is amended to read as follows:
40 § 1806. Plea of not guilty by a defendant charged with a traffic
41 infraction. In addition to appearing personally to enter a plea of not
42 guilty to a violation of any provision of the tax law or the transporta-
43 tion law regulating traffic, or to a traffic infraction for the
44 violation of any of the provisions of the vehicle and traffic law or of
45 any local law, ordinance, order, rule or regulation relating to the
46 operation of motor vehicles or [motor cycles] motorcycles, a defendant
47 may enter a plea of not guilty by mailing to the court of appropriate
48 jurisdiction the ticket making the charge and a signed statement indi-
49 cating such plea. Such plea must be sent: (a) by registered or certi-
50 fied mail, return receipt requested or by first class mail; and (b)
51 within forty-eight hours after receiving such ticket. Upon receipt of
52 such ticket and statement, the court shall advise the violator of [the
53 trial] an appearance date by first class mail but no warrant of arrest
54 for [his] failure to appear can be issued until the violator is notified

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1 of a new [trial] court appearance date by registered or certified mail,
2 return receipt requested, and [he] fails to appear.
3 § 2. This act shall take effect immediately.

4 PART UU

5 Section 1. Legislative findings. The legislature hereby finds that
6 inmates face significant health issues and suffer from relatively high
7 rates of infectious diseases, mental illness, chronic drug and alcohol
8 addictions, and other conditions such as diabetes, asthma and hyperten-
9 sion. Research has shown that individuals who are enrolled in Medicaid

10 upon release from incarceration, and therefore have access to medical
11 and mental health care and drug treatment, are less likely to be rear-
12 rested and to engage in unhealthy behaviors. Additionally, multiple
13 studies have shown that providing adequate medical assistance to persons
14 returning from incarceration produces considerable fiscal savings by
15 reducing costs associated with drug use and related crime and fighting
16 the spread of communicable diseases like HIV and hepatitis.

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

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

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

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

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

53 § 140-a. Pilot project for filing medical assistance applications for
54 inmates prior to their release. 1. Subject to the availability of an

1 appropriation of no less than two hundred thousand dollars, the commis-
2 sioner, after consultation with the chairman of the division of parole,
3 the commissioner of the department of health, and the commissioner of
4 the office of temporary and disability assistance, shall establish a
5 pilot program at a designated correctional facility for the purpose of
6 filing applications for enrollment in the medical assistance program
7 established under title eleven of article five of the social services
8 law for eligible inmates prior to their release to the community;
9 provided, however, that the commissioner shall not establish such pilot
10 program at the Orleans correctional facility. For purposes of this pilot
11 program, eligible inmates shall not include any inmates who were receiv-
12 ing such medical assistance immediately prior to their commitment to the
13 department and whose medical assistance was thereafter suspended pursu-
14 ant to the provisions of subdivision one-a of section three hundred
15 sixty-six of the social services law.

16 2. In determining the facility where the pilot program shall be estab-
17 lished, the commissioner shall give due consideration to the following
18 factors, which shall include, but not be limited to: (i) the degree to
19 which pre-release services and re-entry services are either already
20 available at such facility or can be made readily available at such
21 facility; (ii) the proximity of the facility to the communities to which
22 the eligible inmates will be released; (iii) the availability of commu-
23 nity linkages which would facilitate the preparation and submission of
24 such medical assistance applications for eligible inmates; and (iv) the
25 recommendations of the commissioner of the office of temporary and disa-
26 bility assistance, the commissioner of the department of health and the
27 chairman of the division of parole.

28 3. The commissioner may use the appropriation for this pilot program
29 to establish one or more department positions to perform any responsi-
30 bilities which may arise in connection with the preparation and
31 submission of such medical assistance applications. The commissioner may
32 also use the appropriation to enter into any contract with one or more
33 outside individuals or entities to provide any services that may be
34 needed in connection with this pilot program. Further, all or a portion
35 of the funds appropriated for the pilot program may be transferred to
36 another state agency in order to establish positions to perform any
37 responsibilities which may be necessary to operate the pilot program.

38 4. Applications for medical assistance shall be submitted to the
39 statewide enrollment center established by contract with the department
40 of health pursuant to subdivision twenty-four of section two hundred six
41 of the public health law in sufficient time before the anticipated
42 release, conditional release or discharge of the eligible inmate to
43 permit the enrollment center to process the application prior to such

44 inmate's release from the custody; provided, however, that where the
45 eligible inmate will be released to the same county where the pilot
46 program is established, the application for medical assistance may be
47 filed with the local county department of social services.

48 5. Upon receipt of an application filed pursuant to this section, the
49 centralized statewide enrollment center shall determine the eligibility
50 of such inmate for enrollment in the medical assistance program estab-
51 lished under title eleven of article five of the social services law.
52 Such determination shall be based on whether the inmate, except for his
53 or her status as an inmate, would be eligible to receive medical assist-
54 ance. Notwithstanding any inconsistent provision of law, enrollment in
55 the medical assistance program shall be effective on the date an eligi-
56 ble inmate is released, conditionally released or discharged from custo-

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

7 6. After the pilot program becomes operational, the commissioner shall
8 periodically monitor all indicators related to the preparation and proc-
9 essing of inmate applications which shall include, but not be limited
10 to: (i) the degree to which all of the requisite information for an
11 application can be obtained while the inmate is incarcerated by the
12 department; (ii) the average processing times to prepare and complete
13 applications; (iii) the most effective manner for the transmittal of a
14 completed application for an eligibility determination; (iv) the average
15 amount of time required before an eligibility determination can be
16 completed and the necessary medical assistance eligibility card is
17 provided to the eligible individual; and (v) the identification of
18 issues and factors which may prevent, impede, or delay the preparation
19 and submission of applications, which could be ameliorated by modifica-
20 tions to existing laws, rules and regulations, or policies and proce-
21 dures.

22 7. After the pilot program has been operational for a period of twelve
23 months, or sooner if determined to be appropriate by the commissioner, a
24 report shall be prepared by the commissioner and submitted to the gover-
25 nor, the temporary president of the senate and the speaker of the assem-
26 bly on the factors listed in subdivision six of this section. Such
27 report shall also include any recommendations for additional legislative
28 enactments that may be needed, or new appropriations that may be
29 required, to improve, enhance and subsequently expand the program to

30 other correctional facilities as determined to be appropriate by the
31 commissioner, with the ultimate goal to assist as many inmates as feasi-
32 ble to submit applications for medical assistance prior to their release
33 to the community.

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

37 9. The commissioner and the commissioner of the department of health
38 may promulgate rules and regulations necessary for the uniform and time-
39 ly preparation, submission, acceptance and processing of applications by
40 eligible inmates prior to their release from custody.

41 § 3. This act shall take effect immediately, provided however that the
42 provisions of section two of this act shall be implemented upon the
43 certification by the commissioner of the department of health that the
44 centralized statewide enrollment center, established through contract
45 with the department of health pursuant to subdivision 24 of section 206
46 of the public health law, is able to accept and process medical assist-
47 ance applications. This act shall remain in effect until April 1, 2012,
48 when it shall expire and be deemed repealed.

49

PART VV

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

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1 § 679-e. New York state district attorney and indigent legal services
2 attorney loan forgiveness program. 1. Purpose. The president shall
3 grant student loan forgiveness awards for the purpose of increasing the
4 number of experienced attorneys serving in the position of district
5 attorney or indigent legal services attorney in the counties of the
6 state.

7 2. Definitions. a. (i) "Eligible attorney" means an attorney, admitted
8 to practice law in New York state, who is employed full-time as either a
9 district attorney, as defined in subparagraph (ii) of this paragraph, or
10 an indigent legal services attorney, as defined in subparagraph (iii) of
11 this paragraph, who is [employed full time as a district attorney; and
12 who holds a degree from a law school] admitted to practice law in this
13 state for not more than eleven years and who was within the eligible
14 period as defined in paragraph b of this subdivision during the time for
15 which such person is seeking a student loan expense grant.

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

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

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

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

51 d. "Year of qualified service" means the twelve month period measured
52 from the anniversary of the attorney's employment as an eligible attor-
53 ney, or as a law school graduate awaiting admission to the New York
54 state bar employed by a prosecuting or criminal defense agency as
55 permitted by section four hundred eighty-four of the judiciary law,
56 adjusted for any interruption in employment. Any period of temporary

2 in the calculation of qualified service. However, the period of tempo-
3 rary leave shall be considered an interruption in employment and the
4 calculation of the time period of qualified service shall recommence
5 when the eligible attorney returns to full time service.

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

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

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

27 § 2. This act shall take effect immediately.

28 PART WW

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

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

36 § 2. This act shall take effect immediately.

37 PART XX

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

42 § 13. This act shall take effect immediately and shall be deemed to

43 have been in full force and effect as of April 1, 1994, provided that,
44 the provisions of section 5-a of the legislative law as amended by
45 sections two and two-a of this act shall take effect on January 1, 1995,
46 and provided further that, the provisions of article 5-A of the legisla-
47 tive law as added by section eight of this act shall expire June 30,
48 [2009] 2010 when upon such date the provisions of such article shall be
49 deemed repealed; and provided further that section twelve of this act
50 shall be deemed to have been in full force and effect on and after April
51 10, 1994.

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1 § 2. That portion of subdivision 1 of section 5-a of the legislative
2 law entitled "SENATORS SERVING IN SPECIAL CAPACITY", as added by chapter
3 630 of the laws of 1998, is amended to read as follows:

4 SENATORS SERVING IN SPECIAL CAPACITY

5 Chairman of senate finance committee	34,000
6 Ranking minority member of senate finance	
7 committee	20,500
8 Chairman of senate judiciary committee	18,000
9 Ranking minority member of senate judiciary	
10 committee	11,000
11 Chairman of senate aging committee	12,500
12 Ranking minority member of senate aging committee	9,000
13 Chairman of the senate alcoholism and drug abuse	
14 committee	12,500
15 Ranking minority member of the senate alcoholism	
16 and drug abuse committee	9,000
17 Chairman of senate children and families committee	12,500
18 Ranking minority member of senate children and families	
19 committee	9,000
20 Chairman of senate codes committee	18,000
21 Ranking minority member of senate codes committee	11,000
22 Chairman of senate banks committee	15,000
23 Ranking minority member of senate banks committee	9,500
24 Chairman of senate education committee	18,000
25 Ranking minority member of senate education	
26 committee	11,000
27 Chairman of senate energy and telecommunications	
28 committee	12,500
29 Ranking minority member of senate energy and	
30 telecommunications committee	9,000
31 Chairman of senate ethics committee	12,500

32	Ranking minority member of senate ethics committee	9,000
33	Chairman of senate health committee	15,000
34	Ranking minority member of senate health committee	9,500
35	Chairman of senate local government committee	12,500
36	Ranking minority member of senate local government	
37	committee	9,000
38	Chairman of senate labor committee	12,500
39	Ranking minority member of senate labor committee	9,000
40	Chairman of senate mental health and developmental	
41	disabilities committee	12,500
42	Ranking minority member of senate mental health and	
43	developmental disabilities committee	9,000
44	Chairman of senate insurance committee	12,500
45	Ranking minority member of senate insurance	
46	committee	9,000
47	Chairman of senate social services committee	12,500
48	Ranking minority member of senate social services	
49	committee	9,000
50	Chairman of senate investigations[, taxation]	
51	and government operations committee	15,000
52	Ranking minority member of senate investigations[,	
53	taxation] and government operations committee	9,500
54	Chairman of senate corporations, authorities and	

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1	commissions committee	15,000
2	Ranking minority member of senate corporations,	
3	authorities and commissions committee	9,500
4	Chairman of senate transportation committee	15,000
5	Ranking minority member of senate transportation	
6	committee	9,500
7	Chairman of senate agriculture committee	12,500
8	Ranking minority member of senate agriculture	
9	committee	9,000
10	Chairman of senate consumer protection committee	12,500
11	Ranking minority member of senate consumer protection	
12	committee	9,000
13	Chairman of senate cities committee	15,000
14	Ranking minority member of senate cities committee	9,500
15	Chairman of senate civil service and pensions	
16	committee	12,500
17	Ranking minority member of senate civil service and	
18	pensions committee	9,000
19	Chairman of senate commerce, economic development	

- 20 and small business committee 12,500
- 21 Ranking minority member of senate commerce,
- 22 economic development and small business committee 9,000
- 23 Chairman of senate environmental conservation
- 24 committee 12,500
- 25 Ranking minority member of senate environmental
- 26 conservation committee 9,000
- 27 Chairman of senate crime victims, crime and correction
- 28 committee 12,500
- 29 Ranking minority member of senate crime victims,
- 30 crime and correction committee 9,000
- 31 Chairman of senate elections committee 12,500
- 32 Ranking minority member of senate elections
- 33 committee 9,000
- 34 Chairman of senate higher education committee 12,500
- 35 Ranking minority member of senate higher education
- 36 committee 9,000
- 37 Chairman of senate housing, construction and community development
- 38 committee 12,500
- 39 Ranking minority member of senate housing, construction and
- 40 community development committee 9,000
- 41 Chairman of senate [tourism, recreation and sports development]
- 42 cultural affairs, tourism, parks and recreation committee 12,500
- 43 Ranking minority member of senate [tourism, recreation and sports
- 44 development] cultural affairs, tourism, parks and recreation
- 45 committee 9,000
- 46 Chairman of senate veterans, homeland security and military
- 47 affairs committee 12,500
- 48 Ranking minority member of senate veterans, homeland security
- 49 and military affairs committee 9,000
- 50 Co-chairman of administrative regulations review commission 12,500

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

54 ASSEMBLYMEN SERVING IN SPECIAL CAPACITY

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- 1 Chairman of assembly ways and means committee 34,000
- 2 Ranking minority member of assembly ways and means
- 3 committee 20,500
- 4 Chairman of assembly judiciary committee 18,000
- 5 Ranking minority member of assembly judiciary

6	committee	11,000
7	Chairman of assembly codes committee	18,000
8	Ranking minority member of assembly codes	
9	committee	11,000
10	Chairman of assembly banks committee	15,000
11	Ranking minority member of assembly banks committee	9,500
12	Chairman of assembly committee on cities	15,000
13	Ranking minority member of assembly committee on cities	9,500
14	Chairman of assembly education committee	18,000
15	Ranking minority member of assembly education committee	11,000
16	Chairman of assembly health committee	15,000
17	Ranking minority member of assembly health committee	9,500
18	Chairman of assembly local governments committee	15,000
19	Ranking minority member of assembly local governments	
20	committee	9,500
21	Chairman of assembly agriculture committee	12,500
22	Ranking minority member of assembly agriculture committee	9,000
23	Chairman of assembly economic development, job creation,	
24	commerce and industry committee	18,000
25	Ranking minority member of assembly economic development,	
26	job creation, commerce and industry committee	11,000
27	Chairman of assembly environmental conservation committee	12,500
28	Ranking minority member of assembly environmental	
29	conservation committee	9,000
30	Chairman of assembly corporations, authorities	
31	and commissions committee	15,000
32	Ranking minority member of assembly corporations,	
33	authorities, and commissions committee	9,500
34	Chairman of assembly correction committee	12,500
35	Ranking minority member of assembly correction committee	9,000
36	Chairman of assembly ethics and guidance committee	12,500
37	Ranking minority member of assembly ethics and guidance	
38	committee	9,000
39	Chairman of assembly governmental employees committee	12,500
40	Ranking minority member of assembly governmental	
41	employees committee	9,000
42	Chairman of assembly governmental operations committee	12,500
43	Ranking minority member of assembly governmental	
44	operations committee	9,000
45	Chairman of assembly housing committee	12,500
46	Ranking minority member of assembly housing committee	9,000
47	Chairman of assembly insurance committee	12,500
48	Ranking minority member of assembly insurance committee	9,000
49	Chairman of assembly labor committee	14,000
50	Ranking minority member of assembly labor committee	9,000

- 51 Chairman of assembly racing and wagering committee 12,500
- 52 Ranking minority member of assembly racing and wagering
- 53 committee 9,000
- 54 Chairman of assembly social services committee 12,500
- 55 Ranking minority member of assembly social services

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- 1 committee 9,000
- 2 Chairman of assembly small business committee 12,500
- 3 Ranking minority member of assembly small business
- 4 committee 9,000
- 5 Chairman of assembly transportation committee 15,000
- 6 Ranking minority member of assembly transportation
- 7 committee 9,500
- 8 Chairman of assembly veterans' affairs committee 12,500
- 9 Ranking minority member of assembly veterans' affairs
- 10 committee 9,000
- 11 Chairman of assembly aging committee 12,500
- 12 Ranking minority member of assembly aging committee 9,000
- 13 Chairman of the assembly alcoholism and drug abuse
- 14 committee 12,500
- 15 Ranking minority member of the assembly
- 16 alcoholism and drug abuse committee 9,000
- 17 Chairman of assembly committee on mental health,
- 18 mental retardation and developmental disabilities 12,500
- 19 Ranking minority member of assembly committee on mental health,
- 20 mental retardation and developmental disabilities 9,000
- 21 Chairman of assembly higher education committee 12,500
- 22 Ranking minority member of assembly higher education
- 23 committee 9,000
- 24 Chairman of assembly real property taxation committee 12,500
- 25 Ranking minority member of assembly real property
- 26 taxation committee 9,000
- 27 Chairman of assembly election law committee 12,500
- 28 Ranking minority member of assembly election
- 29 law committee 9,000
- 30 Chairman of assembly children and families committee 12,500
- 31 Ranking minority member of assembly children
- 32 and families committee 9,000
- 33 Chairman of assembly consumer affairs and protection
- 34 committee 12,500
- 35 Ranking minority member of assembly consumer affairs and
- 36 protection committee 9,000
- 37 Chairman of the assembly energy committee 12,500

38 Ranking minority member of assembly energy committee 9,000
39 Chairman of assembly tourism, parks, arts and sports development
40 committee 12,500
41 Ranking minority member of assembly tourism, parks, arts and
42 sports development committee 9,000
43 Chairman of assembly oversight, analysis and investigation
44 committee 12,500
45 Ranking minority member of assembly oversight,
46 analysis and investigation committee 9,000
47 Chairman of assembly office of state-federal relations 12,500
48 Chairman of majority house operations 12,500
49 Chairman of minority house operations 9,000
50 Co-chairman of the administrative regulations review
51 commission 12,500

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

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1

PART YY

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

19 § 2. This act shall take effect immediately.

20

PART ZZ

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

39 PART AAA

40 Section 1. Subdivision 18 of section 2 of the correction law, as
41 amended by chapter 738 of the laws of 2004, is amended to read as
42 follows:
43 18. "Alcohol and substance abuse treatment correctional annex." A
44 medium security correctional facility consisting of one or more residen-
45 tial dormitories which provide intensive alcohol and substance abuse
46 treatment services to inmates who: (i) are otherwise eligible for tempo-
47 rary release, or (ii) stand convicted of a felony defined in article two
48 hundred twenty or two hundred twenty-one of the penal law, and are with-
49 in six months of being an eligible inmate as that term is defined in
50 subdivision two of section eight hundred fifty-one of this chapter
51 including such inmates who are participating in such program pursuant to

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1 subdivision six of section 60.04 of the penal law. Notwithstanding the
2 foregoing provisions of this subdivision, any inmate to be enrolled in
3 this program pursuant to subdivision six of section 60.04 of the penal
4 law shall be governed by the same rules and regulations promulgated by
5 the department, including without limitation those rules and regulations
6 establishing requirements for completion and those rules and regulations
7 governing discipline and removal from the program. No such period of
8 court ordered corrections based drug abuse treatment pursuant to this
9 subdivision shall be required to extend beyond the defendant's condi-

10 tional release date. Such treatment services may be provided by one or
11 more outside service providers pursuant to contractual agreements with
12 both the department and the division of parole, provided, however, that
13 any such provider shall be required to continue to provide, either
14 directly or through formal or informal agreement with other providers,
15 alcohol and substance abuse treatment services to inmates who have
16 successfully participated in such provider's incarcerative treatment
17 services and who have been paroled or conditionally released under the
18 supervision of the division of parole and who are, as a condition of
19 their parole or conditional release, required to participate in alcohol
20 or substance abuse treatment. Such incarcerative services shall be
21 provided in the facility in accordance with minimum standards promulgat-
22 ed by the department after consultation with the office of alcoholism
23 and substance abuse services. Such services to parolees shall be
24 provided in accordance with standards promulgated by the division of
25 parole after consultation with the office of alcoholism and substance
26 abuse services. Notwithstanding any other provision of law, any person
27 who has successfully completed no less than six months of intensive
28 alcohol and substance abuse treatment services in one of the depart-
29 ment's eight designated alcohol and substance abuse treatment correc-
30 tional annexes having a combined total capacity of two thousand five
31 hundred fifty beds may be transferred to a program operated by or at a
32 residential treatment facility, provided however, that a person under a
33 determinate sentence as a second felony drug offender for a class B
34 felony offense defined in article two hundred twenty of the penal law,
35 who was sentenced pursuant to section 70.70 of such law, shall not be
36 eligible to be transferred to a program operated at a residential treat-
37 ment facility until the time served under imprisonment for his or her
38 determinate sentence, including any jail time credited pursuant to [the
39 provisions of article seventy] subdivision three of section 70.30 of the
40 penal law, shall be at least [eighteen] nine months. The commissioner
41 shall report annually to the temporary president of the senate and the
42 speaker of the assembly commencing January first, nineteen hundred nine-
43 ty-two as to the efficacy of such programs including but not limited to
44 a comparative analysis of state-operated and private sector provision of
45 treatment services and recidivism. Such report shall also include the
46 number of inmates received by the department during the reporting period
47 who are subject to a sentence which includes enrollment in substance
48 abuse treatment in accordance with subdivision six of section 60.04 of
49 the penal law, the number of such inmates who are not placed in such
50 treatment program and the reasons for such occurrences.

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

53 2-a. Subdivisions one and two of this section shall apply to a judi-
54 cially sentenced shock incarceration inmate only to the extent that the

55 screening committee may determine whether the inmate has a medical or
56 mental health condition that will render the inmate unable to success-

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

7 § 3. The criminal procedure law is amended by adding a new section
8 160.58 to read as follows:

9 § 160.58 Conditional sealing of certain controlled substance, marihuana
10 or specified offense convictions.

11 1. A defendant convicted of any offense defined in article two hundred
12 twenty or two hundred twenty-one of the penal law or a specified offense
13 defined in subdivision five of section 410.91 of this chapter who has
14 successfully completed a judicial diversion program under article two
15 hundred sixteen of this chapter, or one of the programs heretofore known
16 as drug treatment alternative to prison or another judicially sanctioned
17 drug treatment program of similar duration, requirements and level of
18 supervision, and has completed the sentence imposed for the offense or
19 offenses, is eligible to have such offense or offenses sealed pursuant
20 to this section.

21 2. The court that sentenced the defendant to a judicially sanctioned
22 drug treatment program may on its own motion, or on the defendant's
23 motion, order that all official records and papers relating to the
24 arrest, prosecution and conviction which resulted in the defendant's
25 participation in the judicially sanctioned drug treatment program be
26 conditionally sealed. In such case, the court may also conditionally
27 seal the arrest, prosecution and conviction records for no more than
28 three of the defendant's prior eligible misdemeanors, which for purposes
29 of this subdivision shall be limited to misdemeanor offenses defined in
30 article two hundred twenty or two hundred twenty-one of the penal law.
31 The court may only seal the records of the defendant's arrests, prose-
32 cutions and convictions when:

33 (a) the sentencing court has requested and received from the division
34 of criminal justice services or the Federal Bureau of Investigation a
35 fingerprint based criminal history record of the defendant, including
36 any sealed or suppressed information. The division of criminal justice
37 services shall also include a criminal history report, if any, from the
38 Federal Bureau of Investigation regarding any criminal history informa-
39 tion that occurred in other jurisdictions. The division is hereby
40 authorized to receive such information from the Federal Bureau of Inves-

41 tigation for this purpose. The parties shall be permitted to examine
42 these records;
43 (b) the defendant or court has identified the misdemeanor conviction
44 or convictions for which relief may be granted;
45 (c) the court has received documentation that the sentences imposed on
46 the eligible misdemeanor convictions have been completed, or if no such
47 documentation is reasonably available, a sworn affidavit that the
48 sentences imposed on the prior misdemeanors have been completed; and
49 (d) the court has notified the district attorney of each jurisdiction
50 in which the defendant has been convicted of an offense with respect to
51 which sealing is sought, and the court or courts of record for such
52 offenses, that the court is considering sealing the records of the
53 defendant's eligible misdemeanor convictions. Both the district attorney
54 and the court shall be given a reasonable opportunity, which shall not
55 be less than thirty days, in which to comment and submit materials to
56 aid the court in making such a determination.

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1 3. At the request of the defendant or the district attorney of a coun-
2 ty in which the defendant committed a crime that is the subject of the
3 sealing application, the court may conduct a hearing to consider and
4 review any relevant evidence offered by either party that would aid the
5 court in its decision whether to seal the records of the defendant's
6 arrests, prosecutions and convictions. In making such a determination,
7 the court shall consider any relevant factors, including but not limited
8 to: (i) the circumstances and seriousness of the offense or offenses
9 that resulted in the conviction or convictions; (ii) the character of
10 the defendant, including his or her completion of the judicially sanc-
11 tioned treatment program as described in subdivision one of this
12 section; (iii) the defendant's criminal history; and (iv) the impact of
13 sealing the defendant's records upon his or her rehabilitation and his
14 or her successful and productive reentry and reintegration into society,
15 and on public safety.

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

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

27 records that shall be sealed pursuant to this section.

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

30 (a) the defendant or the defendant's designated agent;

31 (b) qualified agencies, as defined in subdivision nine of section
32 eight hundred thirty-five of the executive law, and federal and state
33 law enforcement agencies, when acting within the scope of their law
34 enforcement duties; or

35 (c) any state or local officer or agency with responsibility for the
36 issuance of licenses to possess guns, when the person has made applica-
37 tion for such a license; or

38 (d) any prospective employer of a police officer or peace officer as
39 those terms are defined in subdivisions thirty-three and thirty-four of
40 section 1.20 of this chapter, in relation to an application for employ-
41 ment as a police officer or peace officer; provided, however, that every
42 person who is an applicant for the position of police officer or peace
43 officer shall be furnished with a copy of all records obtained under
44 this paragraph and afforded an opportunity to make an explanation there-
45 to.

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

48 8. If, subsequent to the sealing of records pursuant to this subdivi-
49 sion, the person who is the subject of such records is arrested for or
50 formally charged with any misdemeanor or felony offense, such records
51 shall be unsealed immediately and remain unsealed; provided, however,
52 that if such new misdemeanor or felony arrest results in a termination
53 in favor of the accused as defined in subdivision three of section
54 160.50 of this article or by conviction for a non criminal offense as
55 described in section 160.55 of this article, such unsealed records shall
56 be conditionally sealed pursuant to this section.

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

3 ARTICLE 216
4 JUDICIAL DIVERSION PROGRAM FOR CERTAIN FELONY
5 OFFENDERS

6 Section 216.00 Definitions.

7 216.05 Judicial diversion program; court procedures.

8 § 216.00 Definitions.

9 The following definitions are applicable to this article:

10 1. "Eligible defendant" means any person who stands charged in an
11 indictment or a superior court information with a class B, C, D or E
12 felony offense defined in article two hundred twenty or two hundred

13 twenty-one of the penal law or any other specified offense as defined in
14 subdivision four of section 410.91 of this chapter, provided, however, a
15 defendant is not an "eligible defendant" if he or she:

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

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

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

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

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

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

53 (c) a recommendation as to the treatment modality, level of care and
54 length of any proposed treatment to effectively address the defendant's
55 alcohol or substance abuse or dependence and any co-occurring mental
56 disorder or illness; and

1 (d) any other information, factor, circumstance, or recommendation
2 deemed relevant by the assessing entity or specifically requested by the
3 court.

4 § 216.05 Judicial diversion program; court procedures.

5 1. At any time after the arraignment of an eligible defendant, but
6 prior to the entry of a plea of guilty or the commencement of trial, the
7 court at the request of the eligible defendant, may order an alcohol and
8 substance abuse evaluation. An eligible defendant may decline to partic-
9 ipate in such an evaluation at any time. The defendant shall provide a
10 written authorization, in compliance with the requirements of any appli-
11 cable state or federal laws, rules or regulations authorizing disclosure
12 of the results of the assessment to the defendant's attorney, the prose-
13 cutor, the local probation department, the court, authorized court
14 personnel and other individuals specified in such authorization for the
15 sole purpose of determining whether the defendant should be offered
16 judicial diversion for treatment for substance abuse or dependence,
17 alcohol abuse or dependence and any co-occurring mental disorder or
18 mental illness.

19 2. Upon receipt of the completed alcohol and substance abuse evalu-
20 ation report, the court shall provide a copy of the report to the eligi-
21 ble defendant and the prosecutor.

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

31 (i) the defendant had within the preceding ten years (excluding any
32 time during which the offender was incarcerated for any reason between
33 the time of the acts that led to the youthful offender adjudication and
34 the time of commission of the present offense) been adjudicated a youth-
35 ful offender for: (A) a violent felony offense as defined in section
36 70.02 of the penal law; or (B) any offense for which a merit time allow-
37 ance is not available pursuant to subparagraph (ii) of paragraph (d) of
38 subdivision one of section eight hundred three of the correction law;
39 and

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

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

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

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

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

52 (iv) the defendant's participation in judicial diversion could effec-
53 tively address such abuse or dependence; and

54 (v) institutional confinement of the defendant is or may not be neces-
55 sary for the protection of the public.

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1 4. When an authorized court determines, pursuant to paragraph (b) of
2 subdivision three of this section, that an eligible defendant should be
3 offered alcohol or substance abuse treatment, or when the parties and
4 the court agree to an eligible defendant's participation in alcohol or
5 substance abuse treatment, an eligible defendant may be allowed to
6 participate in the judicial diversion program offered by this article.
7 Prior to the court's issuing an order granting judicial diversion, the
8 eligible defendant shall be required to enter a plea of guilty to the
9 charge or charges; provided, however, that no such guilty plea shall be
10 required when:

11 (a) the people and the court consent to the entry of such an order
12 without a plea of guilty; or

13 (b) based on a finding of exceptional circumstances, the court deter-
14 mines that a plea of guilty shall not be required. For purposes of this
15 subdivision, exceptional circumstances exist when, regardless of the
16 ultimate disposition of the case, the entry of a plea of guilty is like-
17 ly to result in severe collateral consequences.

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

30 6. Upon an eligible defendant's agreement to abide by the conditions

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

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

51 8. During the period of a defendant's participation in the judicial
52 diversion program, the court shall retain jurisdiction of the defendant.
53 The court may require the defendant to appear in court at any time to
54 enable the court to monitor the defendant's progress in alcohol or
55 substance abuse treatment. The court shall provide notice, reasonable
56 under the circumstances, to the people, the treatment provider, the

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

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

15 (b) In determining whether a defendant violated a condition of his or
16 her release under the judicial diversion program, the court may conduct

17 a summary hearing consistent with due process and sufficient to satisfy
18 the court that the defendant has, in fact, violated the condition.

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

44 (d) Nothing in this subdivision shall be construed as preventing a
45 court from terminating a defendant's participation in the judicial
46 diversion program for violating a release condition when such a termi-
47 nation is necessary to preserve public safety. Nor shall anything in
48 this subdivision be construed as precluding the prosecution of a defend-
49 ant for the commission of a different offense while participating in the
50 judicial diversion program.

51 (e) A defendant may at any time advise the court that he or she wishes
52 to terminate participation in the judicial diversion program, at which
53 time the court shall proceed with the case and, where applicable, shall
54 impose sentence in accordance with the plea agreement. Notwithstanding
55 any provision of law to the contrary, the court may impose any sentence
56 authorized for the crime of conviction in accordance with the plea

3 section 70.70 of the penal law taking into account the length of time
4 the defendant spent in residential treatment and how best to continue
5 treatment while the defendant is serving that sentence.

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

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

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

33 6. Interim probation supervision. In any case where the court deter-
34 mines that a defendant is eligible for a sentence of probation, the
35 court, after consultation with the prosecutor and upon the consent of
36 the defendant, may adjourn the sentencing to a specified date and order
37 that the defendant be placed on interim probation supervision. In no
38 event may the sentencing be adjourned for a period exceeding one year
39 from the date the conviction is entered, except that upon good cause
40 shown, the court may, upon the defendant's consent, extend the period
41 for an additional one year where the defendant has agreed to and is
42 still participating in a substance abuse treatment program in connection
43 with a court designated a drug court by the chief administrator of the
44 courts. When ordering that the defendant be placed on interim probation
45 supervision, the court shall impose all of the conditions relating to
46 supervision specified in subdivision three of section 65.10 of the penal
47 law and may impose any or all of the conditions relating to conduct and

48 rehabilitation specified in subdivisions two, four and five of section
49 65.10 of such law; provided, however, that the defendant must receive a
50 written copy of any such conditions at the time he or she is placed on
51 interim probation supervision. The defendant's record of compliance with
52 such conditions, as well as any other relevant information, shall be
53 included in the presentence report, or updated presentence report,
54 prepared pursuant to this section, and the court must consider such
55 record and information when pronouncing sentence.

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1 § 6. Subdivision 2 of section 410.91 of the criminal procedure law, as
2 added by chapter 3 of the laws of 1995, is amended to read as follows:

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

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

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

16 5. For the purposes of this section, a "specified offense" is an
17 offense defined by any of the following provisions of the penal law:
18 burglary in the third degree as defined in section 140.20, criminal
19 mischief in the third degree as defined in section 145.05, criminal
20 mischief in the second degree as defined in section 145.10, grand larceny
21 in the fourth degree as defined in subdivision one, two, three, four,
22 five, six, eight, nine or ten of section 155.30, grand larceny in the
23 third degree as defined in section 155.35 (except where the property
24 consists of one or more firearms, rifles or shotguns), unauthorized use
25 of a vehicle in the second degree as defined in section 165.06, criminal
26 possession of stolen property in the fourth degree as defined in subdivi-
27 sion one, two, three, five or six of section 165.45, criminal
28 possession of stolen property in the third degree as defined in section
29 165.50 (except where the property consists of one or more firearms,
30 rifles or shotguns), forgery in the second degree as defined in section
31 170.10, criminal possession of a forged instrument in the second degree
32 as defined in section 170.25, unlawfully using slugs in the first degree
33 as defined in section 170.60, or an attempt to commit any of the afore-
34 mentioned offenses if such attempt constitutes a felony offense; or a

35 class B felony offense defined in article two hundred twenty where a
36 sentence is imposed pursuant to paragraph (a) of subdivision two of
37 section 70.70 of the penal law; or any class C, class D or class E
38 controlled substance or marihuana felony offense as defined in article
39 two hundred twenty or two hundred twenty-one.

40 § 9. The criminal procedure law is amended by adding a new section
41 440.46 to read as follows:

42 § 440.46 Motion for resentencing; certain controlled substance offenders.

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

52 2. As part of any such application, the defendant may also move to be
53 resentenced to a determinate sentence in accordance with section 70.70
54 of the penal law for any one or more class C, D, or E felony offenses
55 defined in article two hundred twenty or two hundred twenty-one of the
56 penal law, the sentence or sentences for which were imposed by the

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

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

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

19 5. The provisions of this section shall not apply to any person who is
20 serving a sentence on a conviction for or has a predicate felony

21 conviction for an exclusion offense. For purposes of this subdivision,
22 an "exclusion offense" is:

23 (a) a crime for which the person was previously convicted within the
24 preceding ten years, excluding any time during which the offender was
25 incarcerated for any reason between the time of commission of the previ-
26 ous felony and the time of commission of the present felony, which was:
27 (i) a violent felony offense as defined in section 70.02 of the penal
28 law; or (ii) any other offense for which a merit time allowance is not
29 available pursuant to subparagraph (ii) of paragraph (d) of subdivision
30 one of section eight hundred three of the correction law; or

31 (b) a second violent felony offense pursuant to section 70.04 of the
32 penal law or a persistent violent felony offense pursuant to section
33 70.08 of the penal law for which the person has previously been adjudi-
34 cated.

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

38 1. Provided that a certificate granting leave to appeal is issued
39 pursuant to section 460.20, an appeal may, except as provided in subdi-
40 vision two, be taken to the court of appeals by either the defendant or
41 the people from any adverse or partially adverse order of an intermedi-
42 ate appellate court entered upon an appeal taken to such intermediate
43 appellate court pursuant to section 450.10, 450.15, or 450.20, or from
44 an order granting or denying a motion to set aside an order of an inter-
45 mediate appellate court on the ground of ineffective assistance or
46 wrongful deprivation of appellate counsel, or by either the defendant or
47 the people from any adverse or partially adverse order of an intermedi-
48 ate appellate court entered upon an appeal taken to such intermediate
49 appellate court from an order entered pursuant to section 440.46 of this
50 chapter. An order of an intermediate appellate court is adverse to the
51 party who was the appellant in such court when it affirms the judgment,
52 sentence or order appealed from, and is adverse to the party who was the
53 respondent in such court when it reverses the judgment, sentence or
54 order appealed from. An appellate court order which modifies a judgment
55 or order appealed from is partially adverse to each party.

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

4 (c) Criminal possession of a controlled substance in the seventh
5 degree as defined in section 220.03 of the penal law, criminal
6 possession of a controlled substance in the fifth degree as defined in
7 section 220.06 of the penal law, criminal possession of a controlled

8 substance in the fourth degree as defined in section 220.09 of the penal
9 law, criminal possession of a controlled substance in the third degree
10 as defined in section 220.16 of the penal law, criminal possession of a
11 controlled substance in the second degree as defined in section 220.18
12 of the penal law, criminal possession of a controlled substance in the
13 first degree as defined in section 220.21 of the penal law, criminal
14 sale of a controlled substance in the fifth degree as defined in section
15 220.31 of the penal law, criminal sale of a controlled substance in the
16 fourth degree as defined in section 220.34 of the penal law, criminal
17 sale of a controlled substance in the third degree as defined in section
18 220.39 of the penal law, criminal sale of a controlled substance in the
19 second degree as defined in section 220.41 of the penal law, criminal
20 sale of a controlled substance in the first degree as defined in section
21 220.43 of the penal law, criminally possessing a hypodermic instrument
22 as defined in section 220.45 of the penal law, criminal possession of
23 methamphetamine manufacturing material in the second degree as defined
24 in section 220.70 of the penal law, criminal possession of methampheta-
25 mine manufacturing material in the first degree as defined in section
26 220.71 of the penal law, criminal possession of precursors of methamphete-
27 mine as defined in section 220.72 of the penal law, unlawful manufac-
28 ture of methamphetamine in the third degree as defined in section 220.73
29 of the penal law, unlawful manufacture of methamphetamine in the second
30 degree as defined in section 220.74 of the penal law, unlawful manufac-
31 ture of methamphetamine in the first degree as defined in section 220.75
32 of the penal law, unlawful disposal of methamphetamine laboratory mate-
33 rial as defined in section 220.76 of the penal law, operating as a major
34 trafficker as defined in section 220.77 of the penal law, criminal
35 possession of marihuana in the first degree as defined in section 221.30
36 of the penal law, criminal sale of marihuana in the first degree as
37 defined in section 221.55 of the penal law, promoting gambling in the
38 second degree as defined in section 225.05 of the penal law, promoting
39 gambling in the first degree as defined in section 225.10 of the penal
40 law, possession of gambling records in the second degree as defined in
41 section 225.15 of the penal law, possession of gambling records in the
42 first degree as defined in section 225.20 of the penal law, and
43 possession of a gambling device as defined in section 225.30 of the
44 penal law;

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

48 (A) Discretionary release on parole shall not be granted merely as a
49 reward for good conduct or efficient performance of duties while
50 confined but after considering if there is a reasonable probability
51 that, if such inmate is released, he will live and remain at liberty
52 without violating the law, and that his release is not incompatible with

53 the welfare of society and will not so deprecate the seriousness of his
54 crime as to undermine respect for law. In making the parole release
55 decision, the guidelines adopted pursuant to subdivision four of section
56 two hundred fifty-nine-c of this article shall require that the follow-

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

37 § 13. The section heading and subdivisions 1, 3 and 4 of section 259-j
38 of the executive law, the section heading and subdivisions 1 and 3 as

39 separately amended by section 10 of part F and section 1 of part N of
40 chapter 62 of the laws of 2003, subdivision 4 as amended by chapter 310
41 of the laws of 2008, are amended to read as follows:

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

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

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- 1 (b) murder in the first degree or murder in the second degree;
2 (c) an offense defined in article one hundred thirty of the penal law;
3 (d) unlawful imprisonment in the first degree, kidnapping in the first
4 degree, or kidnapping in the second degree, in which the victim is less
5 than seventeen years old and the offender is not the parent of the
6 victim;
7 (e) an offense defined in article two hundred thirty of the penal law
8 involving the prostitution of a person less than nineteen years old;
9 (f) disseminating indecent material to minors in the first degree or
10 disseminating indecent material to minors in the second degree;
11 (g) incest;
12 (h) an offense defined in article two hundred sixty-three of the penal
13 law;
14 (i) a hate crime as defined in section 485.05 of the penal law; or
15 (j) an offense defined in article four hundred ninety of the penal
16 law.
17 3. A merit termination of sentence may be granted after two years of
18 presumptive release [or], parole, conditional release or release to
19 post-release supervision to a person serving a sentence for a class A
20 felony offense as defined in article two hundred twenty of the penal
21 law. A merit termination of sentence may be granted to all other eligi-
22 ble persons after one year of presumptive release, parole [or], condi-
23 tional release or release to post-release supervision.
24 4. Except where a determinate sentence was imposed for a felony[.]

25 other than a felony defined in article two hundred twenty or article two
26 hundred twenty-one of the penal law, if the board of parole is satisfied
27 that an absolute discharge from presumptive release, parole [or], condi-
28 tional release or release to a period of post-release supervision is in
29 the best interests of society, the board may grant such a discharge
30 prior to the expiration of the full term or maximum term to any person
31 who has been on unrevoked presumptive release, parole [or], conditional
32 release or release to post-release supervision for at least three
33 consecutive years. A discharge granted under this section shall consti-
34 tute a termination of the sentence with respect to which it was granted.
35 No such discharge shall be granted unless the board of parole is satis-
36 fied that the parolee or releasee, otherwise financially able to comply
37 with an order of restitution and the payment of any mandatory surcharge,
38 sex offender registration fee or DNA databank fee previously imposed by
39 a court of competent jurisdiction, has made a good faith effort to
40 comply therewith.

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

43 16. It shall be an unlawful discriminatory practice, unless specif-
44 ically required or permitted by statute, for any person, agency, bureau,
45 corporation or association, including the state and any political subdi-
46 vision thereof, to make any inquiry about, whether in any form of appli-
47 cation or otherwise, or to act upon adversely to the individual
48 involved, any arrest or criminal accusation of such individual not then
49 pending against that individual which was followed by a termination of
50 that criminal action or proceeding in favor of such individual, as
51 defined in subdivision two of section 160.50 of the criminal procedure
52 law, or by a youthful offender adjudication, as defined in subdivision
53 one of section 720.35 of the criminal procedure law, or by a conviction
54 for a violation sealed pursuant to section 160.55 of the criminal proce-
55 dure law or by a conviction which is sealed pursuant to section 160.58
56 of the criminal procedure law, in connection with the licensing, employ-

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1 ment or providing of credit or insurance to such individual; provided,
2 [however, that the] further, that no person shall be required to divulge
3 information pertaining to any arrest or criminal accusation of such
4 individual not then pending against that individual which was followed
5 by a termination of that criminal action or proceeding in favor of such
6 individual, as defined in subdivision two of section 160.50 of the crim-
7 inal procedure law, or by a youthful offender adjudication, as defined
8 in subdivision one of section 720.35 of the criminal procedure law, or
9 by a conviction for a violation sealed pursuant to section 160.55 of the
10 criminal procedure law, or by a conviction which is sealed pursuant to

11 section 160.58 of the criminal procedure law. The provisions [hereof]
12 of this subdivision shall not apply to the licensing activities of
13 governmental bodies in relation to the regulation of guns, firearms and
14 other deadly weapons or in relation to an application for employment as
15 a police officer or peace officer as those terms are defined in subdivi-
16 sions thirty-three and thirty-four of section 1.20 of the criminal
17 procedure law; provided further that the provisions of this subdivision
18 shall not apply to an application for employment or membership in any
19 law enforcement agency with respect to any arrest or criminal accusation
20 which was followed by a youthful offender adjudication, as defined in
21 subdivision one of section 720.35 of the criminal procedure law, or by a
22 conviction for a violation sealed pursuant to section 160.55 of the
23 criminal procedure law, or by a conviction which is sealed pursuant to
24 section 160.58 of the criminal procedure law.

25 § 14-a. Subdivision 4 of section 837 of the executive law is amended
26 by adding a new paragraph (b-1) to read as follows:

27 (b-1) collect data and undertake research, studies and analyses of
28 judicial diversion programs including but not limited to the judicial
29 diversion program described in article two hundred sixteen of the crimi-
30 nal procedure law; and

31 § 15. Subdivision 2 of section 212 of the judiciary law is amended by
32 adding a new paragraph (r) to read as follows:

33 (r) Ensure that cases eligible for judicial diversion pursuant to
34 article two hundred sixteen of the criminal procedure law shall be
35 assigned to court parts in the manner provided by the chief administra-
36 tor and that, to the extent practicable, such cases are presided over by
37 judges who, by virtue of the structure, caseload and resources of the
38 parts and the judges' training, are in the best position to provide
39 effective supervision over such cases, such as the drug treatment
40 courts. In compliance with these provisions, the chief administrator
41 shall give due weight to the need for diverted defendants to make regu-
42 lar court appearances, and be closely supervised by the court, for the
43 duration of drug treatment and the pendency of the criminal charge.

44 § 16. Section 19.07 of the mental hygiene law is amended by adding a
45 new subdivision (h) to read as follows:

46 (h) The office of alcoholism and substance abuse services shall moni-
47 tor programs providing care and treatment to inmates in correctional
48 facilities operated by the department of correctional services who have
49 a history of alcohol or substance abuse or dependence. The office shall
50 also develop guidelines for the operation of alcohol and substance abuse
51 treatment programs in such correctional facilities in order to ensure
52 that such programs sufficiently meet the needs of inmates with a history
53 of alcohol or substance abuse or dependence and promote the successful
54 transition to treatment in the community upon release. No later than the
55 first day of December of each year, the office shall submit a report

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

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

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

20 5. Multiple felony offender. Where the court imposes a sentence pursu-
21 ant to subdivision three of section 70.70 of this chapter upon a second
22 felony drug offender, as defined in paragraph (b) of subdivision one of
23 section 70.70 of this [title] chapter, it must sentence such offender to
24 imprisonment in accordance with the applicable provisions of section
25 70.70 of this [title] chapter, a definite sentence of imprisonment with
26 a term of one year or less, or probation in accordance with section
27 65.00 of this chapter, provided, however, that where the court imposes a
28 sentence upon a class B second felony drug offender, it must sentence
29 such offender to a determinate sentence of imprisonment in accordance
30 with the applicable provisions of section 70.70 of this chapter or to a
31 sentence of probation in accordance with the opening paragraph of para-
32 graph (b) of subdivision one of section 65.00 of this chapter. When the
33 court imposes sentence on a second felony drug offender pursuant to
34 subdivision four of section 70.70 of this chapter, it must impose a
35 determinate sentence of imprisonment in accordance with such
36 subdivision.

37 § 18. Section 60.04 of the penal law is amended by adding a new subdi-
38 vision 7 to read as follows:

39 7. a. Shock incarceration participation. When the court imposes a
40 sentence of imprisonment which requires a commitment to the department
41 of correctional services upon a person who stands convicted of a

42 controlled substance or marihuana offense, upon motion of the defendant,
43 the court may issue an order directing that the department of correc-
44 tional services enroll the defendant in the shock incarceration program
45 as defined in article twenty-six-A of the correction law, provided that
46 the defendant is an eligible inmate, as described in subdivision one of
47 section eight hundred sixty-five of the correction law. Notwithstanding
48 the foregoing provisions of this subdivision, any defendant to be
49 enrolled in such program pursuant to this subdivision shall be governed
50 by the same rules and regulations promulgated by the department of
51 correctional services, including without limitation those rules and
52 regulations establishing requirements for completion and such rules and
53 regulations governing discipline and removal from the program.
54 b. (i) In the event that an inmate designated by court order for
55 enrollment in the shock incarceration program requires a degree of
56 medical care or mental health care that cannot be provided at a shock

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1 incarceration facility, the department, in writing, shall notify the
2 inmate, provide a proposal describing a proposed alternative-to-shock-
3 incarceration program, and notify him or her that he or she may object
4 in writing to placement in such alternative-to-shock-incarceration
5 program. If the inmate objects in writing to placement in such alterna-
6 tive-to-shock-incarceration program, the department of correctional
7 services shall notify the sentencing court, provide such proposal to the
8 court, and arrange for the inmate's prompt appearance before the court.
9 The court shall provide the proposal and notice of a court appearance to
10 the people, the inmate and the appropriate defense attorney. After
11 considering the proposal and any submissions by the parties, and after a
12 reasonable opportunity for the people, the inmate and counsel to be
13 heard, the court may modify its sentencing order accordingly, notwith-
14 standing the provisions of section 430.10 of the criminal procedure law.

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

20 § 19. The opening paragraph of paragraph (b) of subdivision 1 of
21 section 65.00 of the penal law, as amended by chapter 410 of the laws of
22 1979, is amended to read as follows:

23 The court, with the concurrence of either the administrative judge of
24 the court or of the judicial district within which the court is situated
25 or such administrative judge as the presiding justice of the appropriate
26 appellate division shall designate, may sentence a person to a period of
27 probation upon conviction of a class A-II felony [or a class B felony]

28 defined in article two hundred twenty, the class B felony defined in
29 section 220.48 of this chapter or any other class B felony defined in
30 article two hundred twenty of this chapter where the person is a second
31 felony drug offender as defined in paragraph (b) of subdivision one of
32 section 70.70 of this chapter, if the prosecutor either orally on the
33 record or in a writing filed with the indictment recommends that the
34 court sentence such person to a period of probation upon the ground that
35 such person has or is providing material assistance in the investi-
36 gation, apprehension or prosecution of any person for a felony defined
37 in article two hundred twenty or the attempt or the conspiracy to commit
38 any such felony, and if the court, having regard to the nature and
39 circumstances of the crime and to the history, character and condition
40 of the defendant is of the opinion that:

41 § 20. Subparagraphs (i) and (ii) of paragraph (a) of subdivision 3 of
42 section 65.00 of the penal law, subparagraph (i) as amended by chapter
43 264 of the laws of 2003, subparagraph (ii) as amended by chapter 738 of
44 the laws of 2004, are amended to read as follows:

45 (i) For a felony, other than a class A-II felony [or a class B felony]
46 defined in article two hundred twenty of this chapter or the class B
47 felony defined in section 220.48 of this chapter, or any other class B
48 felony defined in article two hundred twenty of this chapter committed
49 by a second felony drug offender, or a sexual assault, the period of
50 probation shall be five years;

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

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

7 § 21. Subparagraph (i) of paragraph (a) of subdivision 2 of section
8 70.70 of the penal law, as amended by chapter 436 of the laws of 2006,
9 is amended to read as follows:

10 (i) for a class B felony, the term shall be at least one year and
11 shall not exceed nine years, except that for the class B felony of crim-
12 inal sale of a controlled substance in or near school grounds as defined
13 in subdivision two of section 220.44 of this chapter or on a school bus

14 as defined in subdivision seventeen of section 220.00 of this chapter or
15 criminal sale of a controlled substance to a child as defined in section
16 220.48 of this chapter, the term shall be at least two years and shall
17 not exceed nine years;

18 § 22. Paragraph (b) of subdivision 2 of section 70.70 of the penal
19 law, as added by chapter 738 of the laws of 2004, is amended to read as
20 follows:

21 (b) Probation. Notwithstanding any other provision of law, the court
22 may sentence a defendant convicted of a class B, class C, class D or
23 class E felony offense defined in article two hundred twenty or two
24 hundred twenty-one of this chapter to probation in accordance with the
25 provisions of [section] sections 60.04 and 65.00 of this chapter.

26 § 23. Paragraph (c) of subdivision 2 and paragraphs (a) and (b) of
27 subdivision 3 of section 70.70 of the penal law, as added by chapter 738
28 of the laws of 2004, are amended and subdivision 2 is amended by adding
29 a new paragraph (d) to read as follows:

30 (c) Alternative definite sentence for class B, class C, class D, and
31 class E felonies. If the court, having regard to the nature and circum-
32 stances of the crime and to the history and character of the defendant,
33 is of the opinion that a sentence of imprisonment is necessary but that
34 it would be unduly harsh to impose a determinate sentence upon a person
35 convicted of a class C, class D or class E felony offense defined in
36 article two hundred twenty or two hundred twenty-one of this chapter, or
37 a class B felony defined in article two hundred twenty of this chapter,
38 other than the class B felony defined in section 220.48 of this chapter,
39 as added by a chapter of the laws of two thousand nine the court may
40 impose a definite sentence of imprisonment and fix a term of one year or
41 less.

42 (d) The court may direct that a determinate sentence imposed on a
43 defendant convicted of a class B felony, other than the class B felony
44 defined in section 220.48 of this chapter, pursuant to this subdivision
45 be executed as a sentence of parole supervision in accordance with
46 section 410.91 of the criminal procedure law.

47 (a) Applicability. This subdivision shall apply to a second felony
48 drug offender whose prior felony conviction was not a violent felony.

49 (b) Authorized sentence. Except as provided in [paragraph] paragraphs
50 (c) [or], (d) and (e) of this subdivision, when the court has found
51 pursuant to the provisions of section 400.21 of the criminal procedure
52 law that a defendant is a second felony drug offender who stands
53 convicted of a class B, class C, class D or class E felony offense
54 defined in article two hundred twenty or two hundred twenty-one of this
55 chapter the court shall impose a determinate sentence of imprisonment.
56 Such determinate sentence shall include as a part thereof a period of

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

4 (i) for a class B felony, the term shall be at least [three and one-
5 half] two years and shall not exceed twelve years;

6 (ii) for a class C felony, the term shall be at least [two] one and
7 one-half years and shall not exceed eight years;

8 (iii) for a class D felony, the term shall be at least one and one-
9 half years and shall not exceed four years; and

10 (iv) for a class E felony, the term shall be at least one and one-half
11 years and shall not exceed two years.

12 § 24. Paragraph (c) of subdivision 3 of section 70.70 of the penal
13 law, as added by chapter 738 of the laws of 2004, is amended to read as
14 follows:

15 (c) [Lifetime probation] Probation. Notwithstanding any other
16 provision of law, the court may sentence a [defendant] second felony
17 drug offender convicted of a class B felony [defined in article two
18 hundred twenty of this chapter] to lifetime probation in accordance with
19 the provisions of section 65.00 of this chapter and may sentence a
20 second felony drug offender convicted of a class C, class D or class E
21 felony to probation in accordance with the provisions of section 65.00
22 of this chapter.

23 § 25. Subdivision 3 of section 70.70 of the penal law is amended by
24 adding a new paragraph (e) to read as follows:

25 (e) Alternate definite sentence for class C, class D and class E felo-
26 nies. If the court, having regard to the nature and circumstances of the
27 crime and to the history and character of the defendant, is of the opin-
28 ion that a sentence of imprisonment is necessary but that it would be
29 unduly harsh to impose a determinate sentence upon a person convicted of
30 a class C, class D or class E felony offense defined in article two
31 hundred twenty or two hundred twenty-one of this chapter, the court may
32 impose a definite sentence of imprisonment and fix a term of one year or
33 less.

34 § 26. Paragraph (a) of subdivision 2 of section 70.71 of the penal
35 law, as added by chapter 738 of the laws of 2004, is amended and a new
36 subdivision 5 is added to read as follows:

37 (a) Applicability. Except as provided in subdivision three [or], four
38 or five of this section, this subdivision shall apply to a person
39 convicted of a class A felony as defined in article two hundred twenty
40 of this chapter.

41 5. Sentence of imprisonment for operating as a major trafficker.

42 (a) Applicability. This subdivision shall apply to a person convicted
43 of the class A-I felony of operating as a major trafficker as defined in
44 section 220.77 of this chapter.

45 (b) Authorized sentence. Except as provided in paragraph (c) of this
46 subdivision, the court shall impose an indeterminate term of imprison-
47 ment for an A-I felony, in accordance with the provisions of section
48 70.00 of this article.

49 (c) Alternative determinate sentence. If a defendant stands convicted
50 of violating section 220.77 of this chapter, and if the court, having
51 regard to the nature and circumstances of the crime and the history and
52 character of the defendant, is of the opinion that a sentence of impri-
53 sonment is necessary but that it would be unduly harsh to impose the
54 indeterminate sentence for a class A-I felony specified under section
55 70.00 of this article, the court may instead impose the determinate
56 sentence of imprisonment authorized by clause (i) of subparagraph (b) of

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1 subdivision two of this section for a class A-I drug felony; in such
2 case, the reasons for the court's opinion shall be set forth on the
3 record.

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

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

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

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

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

25 § 220.48 Criminal sale of a controlled substance to a child.

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

30 Criminal sale of a controlled substance to a child is a class B felo-

31 ny.

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

34 § 220.77 Operating as a major trafficker.

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

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

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

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

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

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

54 (a) Any of the felonies set forth in this chapter: sections 120.05,
55 120.10 and 120.11 relating to assault; sections 125.10 to 125.27 relat-
56 ing to homicide; sections 130.25, 130.30 and 130.35 relating to rape;

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1 sections 135.20 and 135.25 relating to kidnapping; section 135.35 relat-
2 ing to labor trafficking; section 135.65 relating to coercion; sections
3 140.20, 140.25 and 140.30 relating to burglary; sections 145.05, 145.10
4 and 145.12 relating to criminal mischief; article one hundred fifty
5 relating to arson; sections 155.30, 155.35, 155.40 and 155.42 relating
6 to grand larceny; sections 177.10, 177.15, 177.20 and 177.25 relating to
7 health care fraud; article one hundred sixty relating to robbery;
8 sections 165.45, 165.50, 165.52 and 165.54 relating to criminal
9 possession of stolen property; sections 165.72 and 165.73 relating to
10 trademark counterfeiting; sections 170.10, 170.15, 170.25, 170.30,
11 170.40, 170.65 and 170.70 relating to forgery; sections 175.10, 175.25,
12 175.35, 175.40 and 210.40 relating to false statements; sections 176.15,
13 176.20, 176.25 and 176.30 relating to insurance fraud; sections 178.20
14 and 178.25 relating to criminal diversion of prescription medications
15 and prescriptions; sections 180.03, 180.08, 180.15, 180.25, 180.40,
16 180.45, 200.00, 200.03, 200.04, 200.10, 200.11, 200.12, 200.20, 200.22,

17 200.25, 200.27, 215.00, 215.05 and 215.19 relating to bribery; sections
18 187.10, 187.15, 187.20 and 187.25 relating to residential mortgage
19 fraud, sections 190.40 and 190.42 relating to criminal usury; section
20 190.65 relating to schemes to defraud; sections 205.60 and 205.65 relat-
21 ing to hindering prosecution; sections 210.10, 210.15, and 215.51 relat-
22 ing to perjury and contempt; section 215.40 relating to tampering with
23 physical evidence; sections 220.06, 220.09, 220.16, 220.18, 220.21,
24 220.31, 220.34, 220.39, 220.41, 220.43, 220.46, 220.55 [and], 220.60 and
25 220.77 relating to controlled substances; sections 225.10 and 225.20
26 relating to gambling; sections 230.25, 230.30, and 230.32 relating to
27 promoting prostitution; section 230.34 relating to sex trafficking;
28 sections 235.06, 235.07, 235.21 and 235.22 relating to obscenity;
29 sections 263.10 and 263.15 relating to promoting a sexual performance by
30 a child; sections 265.02, 265.03, 265.04, 265.11, 265.12, 265.13 and the
31 provisions of section 265.10 which constitute a felony relating to
32 firearms and other dangerous weapons; and sections 265.14 and 265.16
33 relating to criminal sale of a firearm; and section 275.10, 275.20,
34 275.30, or 275.40 relating to unauthorized recordings; and sections
35 470.05, 470.10, 470.15 and 470.20 relating to money laundering; or
36 § 31. Paragraphs (a) and (b) of subdivision 7 of section 480.00 of the
37 penal law, as added by chapter 655 of the laws of 1990, are amended to
38 read as follows:

39 (a) a conviction of a person for a violation of section 220.18,
40 220.21, 220.41, [or] 220.43, or 220.77 of this chapter, or where the
41 accusatory instrument charges one or more of such offenses, conviction
42 upon a plea of guilty to any of the felonies for which such plea is
43 otherwise authorized by law or a conviction of a person for conspiracy
44 to commit a violation of section 220.18, 220.21, 220.41, [or] 220.43, or
45 220.77 of [the penal law] this chapter, where the controlled substances
46 which are the object of the conspiracy are located in the real property
47 which is the subject of the forfeiture action; or

48 (b) three or more violations of any of the felonies defined in section
49 220.09, 220.16, 220.18, 220.21, 220.31, 220.34, 220.39, 220.41, 220.43,
50 220.77, or 221.55 of this chapter, which violations do not constitute a
51 single criminal offense as defined in subdivision one of section 40.10
52 of the criminal procedure law, or a single criminal transaction, as
53 defined in paragraph (a) of subdivision two of section 40.10 of the
54 criminal procedure law, and at least one of which resulted in a
55 conviction of such offense, or where the accusatory instrument charges

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1 one or more of such felonies, conviction upon a plea of guilty to a
2 felony for which such plea is otherwise authorized by law; or
3 § 32. Severability. If any clause, sentence, paragraph, section or

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

10 § 33. This act shall take effect immediately; provided however that:

11 (a) section three of this act shall take effect on the sixtieth day
12 after it shall have become a law;

13 (b) sections four and ten of this act shall take effect six months
14 after this act shall have become a law;

15 (c) sections eleven, twenty-six, twenty-seven, twenty-eight, twenty-
16 nine, thirty and thirty-one of this act shall take effect on the first
17 of November next succeeding the date on which it shall have become a
18 law;

19 (d) section sixteen of this act shall take effect on the one hundred
20 twentieth day after it shall have become a law;

21 (e) section nine of this act shall take effect six months after it
22 shall have become a law, except that the amendments to subdivision 4 of
23 section 440.46 of the criminal procedure law made by section nine of
24 this act shall take effect immediately;

25 (f) sections four, five, six, seven, eight, seventeen, nineteen, twen-
26 ty, twenty-two, twenty-three, twenty-four, and twenty-five of this act
27 shall apply to offenses committed on or after the date this act shall
28 have become a law, and shall also apply to offenses committed before
29 such date provided that sentence upon conviction for such offense has
30 not been imposed on or before such date; and

31 (g) provided further that the amendments to section 410.91 of the
32 criminal procedure law made by sections six and eight of this act shall
33 not affect the repeal of such section and shall be deemed to be repealed
34 therewith.

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

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