

STATUS:**A6840** Rules

Military Law

TITLE....Enacts into law major components of legislation which are necessary to implement the public protection and general government budget for 2005-2006 state fiscal year

This bill is not active in the current session.

03/26/05 referred to ways and means
 03/29/05 reported referred to rules
 03/29/05 reported
 03/29/05 rules report cal.30
 03/29/05 ordered to third reading rules cal.30
 03/29/05 passed assembly
 03/29/05 delivered to senate
 03/29/05 REFERRED TO FINANCE
 03/29/05 SUBSTITUTED FOR S3666
 03/29/05 3RD READING CAL.394
 03/29/05 PASSED SENATE
 03/29/05 RETURNED TO ASSEMBLY
 03/31/05 delivered to governor
 04/12/05 signed chap.56

SUMMARY:

RULES COM

Amd Various Laws, generally

Enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2005-2006 state fiscal year; relating to military funds of the organized militia; recruitment incentive and retention program for certain members of the NY army national guard; motor vehicle enforcement fees; expanding the geographical area of employment of certain police officers, correctional facilities, inmate work release, community treatment facilities; establishing the Attica state employees victims fund; compensation payable to certain state officers; temporary state commission on investigation; health insurance fund; payment by the state of certain employer retirement contributions; sex offenders; applicability of certain laws.

EFF. DATE 04/12/2005 (SEE TABLE)

Chapter

B provided that the applicable effective date of Parts A through R of this act shall be as specifically set forth in the last section of such Parts

PART A

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART B

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART C

§ 3. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART D

§ 21. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART E

§ 4. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005; provided that §2 shall expire and be deemed repealed on 7/1/2011

PART F

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART G

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART H

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART I

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART J

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART K

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART L

§ 2. immediately

PART M

§ 4. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART N

§ 5. immediately

PART O

§ 3. takes effect on 4/12/2006 one year after it shall have become a law

PART P

§ 2. immediately, provided if this act takes effect on or after 6/30/2005 this act shall be deemed to have been in full force and effect on and after 6/30/2005

PART Q

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005; and shall expire and be repealed on and after 3/31/2006

PART R

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

PART S

§ 2. immediately and shall be deemed to have been in full force and effect on and after 4/1/2005

VOTING:

<u>03/29/05</u> A6840	Senate Vote			Aye: 61	Nay: 0
03/29/05 A6840	Assembly Vote	Yes: 131	No : 10		
Yes Abbate	Yes Acampora	Yes Alfano	Yes Arroyo		
Yes Aubertine	Yes Aubry	Yes Bacalles	Yes Barclay		
Yes Barra	No Barraga	Yes Benedetto	Yes Benjamin		
Yes Bing	Yes Boyland	Yes Bradley	Yes Brennan		
Yes Brodsky	No Brown	Yes Burling	Yes Butler		
Yes Cahill	Yes Calhoun	Yes Canestrari	Yes Carozza		
Yes Casale P	Yes Christensen	No Clark	Yes Cohen		
Yes Colton	Yes Conte	Yes Cook	Yes Crouch		
Yes Cusick	Yes Cymbrowitz	Yes DelMonte	Yes Destito		
Yes Diaz L	Yes Diaz R	Yes DiNapoli	Yes Dinowitz		
Yes Eddington	Yes Englebright	Yes Errigo	Yes Espaillat		
Yes Farrell	Yes Ferrara	Yes Fields	Yes Finch		

RETRIEVE BILL

No Fitzpatrick	Yes Galef	Yes Gantt	Yes Gianaris
Yes Glick	Yes Gordon	Yes Gottfried	Yes Grannis
Yes Green	Yes Greene	Yes Gunther A	No Hayes
ER Heastie	Yes Hikind	ER Hooker	Yes Hooper
Yes Hoyt	No Ignizio	Yes Jacobs	Yes John
Yes Karben	Yes Kirwan	Yes Kolb	Yes Koon
Yes Lafayette	Yes Latimer	Yes Lavelle	Yes Lavine
ER Lentol	Yes Lifton	Yes Lopez	Yes Lupardo
Yes Magee	Yes Magnarelli	No Manning	Yes Markey
ER Mayersohn	Yes McDonald	Yes McDonough	Yes McEneny
Yes McLaughlin	Yes Meng	Yes Miller	Yes Millman
No Mirones	Yes Morelle	Yes Mosiello	Yes Nesbitt
Yes Nolan	Yes Norman	Yes Oaks	Yes O'Connell
Yes O'Donnell	Yes O'Mara	ER Ortiz	Yes Ortloff
No Parment	Yes Paulin	Yes Peoples	Yes Peralta
Yes Perry	Yes Pheffer	Yes Powell	Yes Pretlow
Yes Quinn	Yes Rabbitt	Yes Raia	ER Ramos
No Reilich	Yes Reilly	Yes Rivera J	Yes Rivera N
Yes Rivera P	Yes Robinson	Yes Saladino	Yes Sanders
Yes Sayward	Yes Scarborough	Yes Schimminger	Yes Schroeder
Yes Scozzafava	Yes Seddio	Yes Seminerio	Yes Stephens
Yes Stringer	Yes Sweeney	Yes Tedisco	Yes Thiele
Yes Titus	Yes Tokasz	Yes Tonko	Yes Towns
Yes Townsend	Yes Weinstein	Yes Weisenberg	Yes Weprin
ER Wirth	ER Wright	Yes Young	Yes Zebrowski

Yes Mr. Speaker

03/29/05 A6840 Senate Vote Aye: 61 Nay: 0

Aye Alesi	Aye Andrews	Aye Balboni	Aye Bonacic
Aye Breslin	Aye Brown	Aye Bruno	Aye Connor
Aye DeFrancisco	Aye Diaz	Aye Dilan	Aye Duane
Aye Farley	Aye Flanagan	Aye Fuschillo	Aye Golden
Aye Gonzalez	Aye Hannon	Aye Hassell- Thompson	Aye Johnson
Aye Klein	Aye Krueger	Aye Kruger	Aye Larkin
Aye LaValle	Aye Leibell	Aye Libous	Aye Little
Aye Maltese	Aye Marcellino	Aye Marchi	Aye Maziarz
Exc McGee	Aye Meier	Aye Montgomery	Aye Morahan
Aye Nozzolio	Aye Onorato	Aye Oppenheimer	Aye Padavan
Aye Parker	Aye Paterson	Aye Rath	Aye Robach
Aye Sabini	Aye Saland	Aye Sampson	Aye Savino
Aye Schneiderman	Aye Serrano	Aye Seward	Aye Skelos
Aye Smith A	Aye Smith M	Aye Spano	Aye Stachowski
Aye Stavisky	Aye Trunzo	Aye Valesky	Aye Volker
Aye Winner	Aye Wright		

SPONSORS MEMO:

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(e)**

BILL NUMBER: A6840**SPONSOR:** Rules**TITLE OF BILL:** An act 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 A); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to extending the effectiveness of such chapter (Part B); to amend chapter 62 of the laws of 2003 amending the insurance law and other laws relating to motor vehicle law enforcement fees, in relation to extending the expiration and repeal thereof; and 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, in relation to extending the expiration and repeal thereof (Part C); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to extending the expiration of such chapter; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives to detention and incarceration programs, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, in relation to extending the expiration of certain provisions of such chapter; to amend the vehicle and traffic law, in relation to extending the expiration of the mandatory surcharge and victim assistance fee; to amend chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, in relation to extending the expiration thereof; to amend chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, in relation to extending the expiration date of the merit provisions of the correction law and the penal law of such chapter; and 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 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; and to amend chapter 3 of the laws of 1995, amending the penal law, the correction law, the criminal procedure law and the executive law relating to providing for the sentencing of certain felony offenders, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to establishing the Attica state employees victims' fund to compensate the victims and survivors of victims of the 1971 Attica correctional facility riot, and to amend the correction law, in relation to authorizing an annual commemorative ceremony at the Attica correctional facility and providing for the repeal of certain provisions upon expiration thereof (Part E); to amend the executive law, in relation to compensation payable to certain state officers (Part F); to amend the state finance law, in relation to the indigent legal services fund and quarterly state payments for assigned counsel paid in accordance with section 35 of the judiciary law (Part G); to amend chapter 989 of the laws of 1958, relating to creating a temporary state commission of investigation, in relation to extending the expiration of such chapter (Part H); to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to the effective date of such chapter (Part I); to amend chapter 95 of the laws of 2000, amending the state finance law, the general municipal law, the public buildings law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part J); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part K); to amend chapter 101 of the laws of 2004, amending the civil service law and the state finance law relating to the health insurance fund, in relation to the effectiveness thereof (Part L); to amend the state finance law, in relation to per capita state aid for the support of local government (Part M); to amend the retirement and social security law, in relation to payment by the state of certain employer retirement contributions (Part N); to amend the correction law, in relation to sex offenders (Part O); to amend section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, in relation to the effectiveness thereof (Part P); in relation to the applicability of certain laws pertaining to the division of state police assigned to duty at the Empire State Plaza and/or New York State Capitol Building in Albany, New York and providing for the repeal of such provisions upon expiration thereof (Part Q); and to amend the correction law, in relation to a certain annual report by the department of correctional services (Part R)

SUMMARY:

Part A This part amends the military law in relation to military funds of the organized militia.

Part B This Part amends the education law and state finance law providing a recruitment incentive and retention program for certain active members of the New York Army National Guard, New York Air National Guard, and the New York Naval Militia.

Part C This part amends the insurance law and the motor vehicle law relating to motor vehicle enforcement fees.

Part D This part amends the corrections law relating to the psychological testing of candidates.

Part E This part creates the Attica State Employee Victims' Fund which provides compensation to victims and their survivors.

Part F This Part increases the salary of the Superintendent of State Police.

Part G This Part amends the state finance law. to provide funding for indigent legal services.

Part H This part extends the Temporary State Commission of Investigation.

Part I This part amends the public buildings law relating to the value limitations on contracts.

Part J-K This part amends the state finance law, the general municipal law and the public business law relating to bonds, notes and revenues.

RETRIEVE BILL

Part L This part amends the civil service law relating to the Health Insurance Fund.

Part M This part amends the state finance law establishing payments of General Purpose Local Government Aid for the purpose of support of general government and establishes a program providing aid and incentives for municipalities.

Part N This part amends the retirement and social security law allowing the State to amortize a portion of its contribution bill for the State Pension Fund.

Part O This part amends the corrections law expanding the sex offender directory and internet posting of all registered sex offenders.

Part P This part amends the legislative law relating to the operation and administration of the Legislature.

Part Q This part amends the retirement and social security law allowing persons retired from the Division of State Police to return' to public employment.

Part R This part amends the corrections law requiring annual reports to the Legislature on the. staffing of corrections officers and correction sergeants in State correctional facilities.

JUSTIFICATION:

This. bill is necessary for the enactment of a portion of the State Fiscal. Year 2005-06 Budget.

FISCAL IMPACT:

The provisions contained in this legislation are related to the appropriations contained in the Public Protection and General Government Budget Bill.

EFFECTIVE DATE:

Effective immediately, with certain exceptions.

CHAPTER TEXT:

LAWS OF NEW YORK, 2005

CHAPTER 56

(See FISCAL NOTE at end of Chapter.)

AN ACT 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 A); to amend chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, in relation to extending the effectiveness of such chapter (Part B); to amend chapter 62 of the laws of 2003 amending the insurance law and other laws relating to motor vehicle law enforcement fees, in relation to extending the expiration and repeal thereof; and 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, in relation to extending the expiration and repeal thereof (Part C); to amend chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, in relation to extending the expiration of such chapter; to amend chapter 428 of the laws of 1999, amending the executive law and the criminal procedure law relating to expanding the geographic area of employment of certain police officers, in relation to extending the expiration of such chapter; to amend chapter 886 of the laws of 1972, amending the correction law and the penal law relating to prisoner furloughs in certain cases

and the crime of absconding therefrom, in relation to extending the expiration of such chapter; to amend chapter 261 of the laws of 1987, amending chapters 50, 53 and 54 of the laws of 1987, the correction law, the penal law and other chapters and laws relating to correctional facilities, in relation to extending the expiration of such chapter; to amend chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, in relation to extending the expiration of such chapter; to amend chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, in relation to extending the expiration of such chapter; to amend chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, in relation to extending the expiration of certain provisions of such chapter; to amend chapter 907 of the laws of 1984, amending the correction law, the New York city criminal court act and the executive law relating to prison and jail housing and alternatives

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

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; and 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 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; and to amend chapter 3 of the laws of 1995, amending the penal law, the correction law, the criminal procedure law and the executive law relating to providing for the sentencing of certain felony offenders, in relation to the effectiveness thereof (Part D); to amend the state finance law, in relation to establishing the Attica state employees victims' fund to compensate the victims and survivors of victims of the 1971 Attica correctional facility riot, and to amend the correction law, in relation to authorizing an annual commemorative ceremony at the Attica correctional facility and providing for the repeal of certain provisions upon expiration thereof (Part E); to amend the executive law, in relation to compensation payable to certain state officers (Part F); to amend the state finance law, in relation to the indigent legal services fund and quarterly state payments for assigned counsel paid in accordance with section 35 of the judiciary law (Part G); to amend chapter 989 of the laws of 1958, relating to creating a temporary state commission of investigation, in relation to extending the expiration of such chapter (Part H); to amend chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, in relation to the effective date of such chapter (Part I); to amend chapter 95 of the laws of 2000, amending the state finance law, the general municipal law, the public buildings law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part J); to amend chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds, notes and revenues, in relation to the effectiveness of certain provisions thereof (Part K); to amend chapter 101 of the laws of 2004, amending the civil service law and the state finance law relating to the health insurance fund, in relation to the effectiveness thereof (Part L); to amend the state finance law, in relation to per capita state aid for the support of local government (Part M); to amend the retirement and social security law, in relation to payment by the state of certain employer retirement contributions (Part N); to amend the correction law, in relation to sex offenders (Part O); to amend section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state

finance law relating to the operation and administration of the legislature, in relation to the effectiveness thereof (Part P); in relation to the applicability of certain laws pertaining to the division of state police assigned to duty at the Empire State Plaza and/or New York State Capitol Building in Albany, New York and providing for the repeal of such provisions upon expiration thereof (Part Q); and to amend the correction law, in relation to a certain annual report by the department of correctional services (Part R)

Became a law April 12, 2005, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2005-2006 state fiscal year. Each component is wholly contained within a Part identified as Parts A through R. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Section 3 of part C of chapter 152 of the laws of 2001, amending the military law relating to military funds of the organized militia, as amended by section 1 of part D of chapter 62 of the laws of 2003, is amended to read as follows:

§ 3. This act shall take effect on the same date as the reversion of subdivision 5 of section 183 and subdivision 1 of section 221 of the military law as provided by section 76 of chapter 435 of the laws of 1997, as amended by section 1 of chapter 19 of the laws of 1999 notwithstanding this act shall be deemed to have been in full force and effect on and after July [~~29, 2003~~] 31, 2005 and shall remain in full force and effect until July 31, [~~2005~~] 2007 when upon such date this act shall expire.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART B

Section 1. Section 5 of chapter 268 of the laws of 1996, amending the education law and the state finance law relating to providing a recruitment incentive and retention program for certain active members of the New York army national guard, New York air national guard, and New York naval militia, as amended by section 1 of part F of chapter 63 of the laws of 2001, is amended to read as follows:

§ 5. This act shall take effect January 1, 1997 and shall expire and be deemed repealed March 31, [~~2006~~] 2011; provided that any person who has begun to receive the benefits of this act prior to its expiration and repeal shall be entitled to continue to receive the benefits of this

act after its expiration and repeal until completion of a baccalaureate degree or cessation of status as an active member, whichever occurs first.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART C

Section 1. Section 7 of part Q of chapter 62 of the laws of 2003, amending the insurance law and other laws relating to motor vehicle law enforcement fees, is amended to read as follows:

§ 7. This act shall take effect immediately, provided that sections one, two and three of this act shall take effect June 1, 2003; and provided further that the amendments made to subsection (b) of section 9110 of the insurance law made by section one of this act shall expire and be deemed repealed on July 1, [~~2005~~] 2006 and the provisions of such subsection shall be read as such provisions existed on the date immediately preceding the effective date of this act; and provided further that the amendments made to subsection (e) of section 9110 of the insurance law made by section two of this act and the amendments made to subdivision 3 of section 97-mm of the state finance law made by section three of this act shall expire and be deemed repealed on March 31, 2004 and the provisions of such subsection and such subdivision shall be read as such provisions existed on the date immediately preceding the effective date of this act.

§ 2. Section 3 of part A of chapter 56 of the laws of 2004, amending the insurance law and the state finance law relating to motor vehicle law enforcement fees, is amended to read as follows:

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2004; provided, however, that the amendments made to subsections (e) and (f) of section 9110 of the insurance law made by section one of this act shall expire and be deemed repealed on March 31, [~~2005~~] 2006, and provided further that the amendments made to subdivisions 2 and 3 of section 97-mm of the state finance law made by section two of this act shall expire and be deemed repealed on March 31, [~~2005~~] 2006.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART D

Section 1. Section 2 of chapter 887 of the laws of 1983, amending the correction law relating to the psychological testing of candidates, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall remain in effect until September 1, [~~2005~~] 2007.

§ 2. Section 3 of 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, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 3. This act shall take effect on the first day of November next succeeding the date on which it shall have become a law, and shall remain in effect until the first day of September, [~~2005~~] 2007, when it shall expire and be deemed repealed.

§ 3. Section 3 of 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, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 3. This act shall take effect 60 days after it shall have become a law and shall remain in effect until September 1, ~~2005~~ 2007.

§ 4. Section 20 of 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, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 20. This act shall take effect immediately except that section thirteen of this act shall expire and be of no further force or effect on and after September 1, ~~2005~~ 2007 and shall not apply to persons committed to the custody of the department after such date, and provided further that the commissioner of correctional services shall report each January first and July first during such time as the earned eligibility program is in effect, to the chairmen of the senate crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the standards in effect for earned eligibility during the prior six-month period, the number of inmates subject to the provisions of earned eligibility, the number who actually received certificates of earned eligibility during that period of time, the number of inmates with certificates who are granted parole upon their first consideration for parole, the number with certificates who are denied parole upon their first consideration, and the number of individuals granted and denied parole who did not have earned eligibility certificates.

§ 5. Subdivision (q) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

(q) the provisions of section two hundred eighty-four of this act shall remain in effect until September 1, ~~2005~~ 2007 and be applicable to all persons entering the program on or before August 31, ~~2005~~ 2007.

§ 6. Section 10 of chapter 339 of the laws of 1972, amending the correction law and the penal law relating to inmate work release, furlough and leave, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 10. This act shall take effect 30 days after it shall have become a law and shall remain in effect until September 1, ~~2005~~ 2007, and provided further that the commissioner of correctional services shall report each January first, and July first, to the chairman of the senate crime victims, crime and correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of eligible inmates in each facility under the custody and control of the commissioner who have applied for participation in any program offered under the provisions of work release, furlough, or leave, and the number of such inmates who have been approved for participation.

§ 7. Subdivision (c) of section 46 of chapter 60 of the laws of 1994 relating to certain provisions which impact upon expenditure of certain appropriations made by chapter 50 of the laws of 1994 enacting the state operations budget, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

(c) sections forty-one and forty-two of this act shall expire September 1, ~~2005~~ 2007; provided, that the provisions of section forty-two

of this act shall apply to inmates entering the work release program on or after such effective date; and

§ 8. Section 5 of chapter 554 of the laws of 1986, amending the correction law and the penal law relating to providing for community treatment facilities and establishing the crime of absconding from the community treatment facility, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 5. This act shall take effect immediately and shall remain in full force and effect until September 1, [2005] 2007, and provided further that the commissioner of correctional services shall report each January first and July first during such time as this legislation is in effect, to the chairmen of the senate crime victims, crime and [~~correctional~~] correction committee, the senate codes committee, the assembly correction committee, and the assembly codes committee, the number of individuals who are released to community treatment facilities during the previous six-month period, including the total number for each date at each facility who are not residing within the facility, but who are required to report to the facility on a daily or less frequent basis.

§ 9. Subdivision h of section 74 of chapter 3 of the laws of 1995, amending the correction law and other laws relating to the incarceration fee, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

h. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 1995; provided, however, that the provisions of section 189 of the correction law, as amended by section fifty-five of this act, subdivision 5 of section 60.35 of the penal law, as amended by section fifty-six of this act, and section fifty-seven of this act shall expire September 1, [2005] 2007, when upon such date the amendments to the correction law and penal law made by sections fifty-five and fifty-six of this act shall revert to and be read as if the provisions of this act had not been enacted; provided, further, however, that sections sixty-two, sixty-three and sixty-four of this act shall be deemed to have been in full force and effect on and after March 1, 1995 and shall be deemed repealed April 1, 1996 and upon such date the provisions of subsection (e) of section 9110 of the insurance law and subdivision 2 of section 89-d of the state finance law shall revert to and be read as set out in law on the date immediately preceding the effective date of sections sixty-two and sixty-three of this act;

§ 10. Subdivision (z) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

(z) the provisions of section three hundred eighty-one of this act shall apply to all persons supervised by the division of parole on or after the effective date of this act, provided however, that subdivision 9 of section 259-a of the executive law, as added by section three hundred eighty-one of this act, shall expire on September 1, [2005] 2007;

§ 11. Subdivision (aa) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

(aa) the provisions of sections three hundred eighty-two, three hundred eighty-three and three hundred eighty-four of this act shall expire on September 1, [2005] 2007;

§ 12. Section 12 of 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, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 12. This act shall take effect immediately, except that the provisions of sections one through ten of this act shall remain in full force and effect until September 1, [~~2005~~] 2007 on which date those provisions shall be deemed to be repealed.

§ 13. Subdivision (p) of section 406 of chapter 166 of the laws of 1991, amending the tax law and other laws relating to taxes, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

(p) The amendments to section 1809 of the vehicle and traffic law made by sections three hundred thirty-seven and three hundred thirty-eight of this act shall not apply to any offense committed prior to such effective date; provided, further, that section three hundred forty-one of this act shall take effect immediately and shall expire November 1, 1993 at which time it shall be deemed repealed; sections three hundred forty-five and three hundred forty-six of this act shall take effect July 1, 1991; sections three hundred fifty-five, three hundred fifty-six, three hundred fifty-seven and three hundred fifty-nine of this act shall take effect immediately and shall expire June 30, 1995 and shall revert to and be read as if this act had not been enacted; section three hundred fifty-eight of this act shall take effect immediately and shall expire June 30, 1998 and shall revert to and be read as if this act had not been enacted; section three hundred sixty-four through three hundred sixty-seven of this act shall apply to claims filed on or after such effective date; sections three hundred sixty-nine, three hundred seventy-two, three hundred seventy-three, three hundred seventy-four, three hundred seventy-five and three hundred seventy-six of this act shall remain in effect until September 1, [~~2005~~] 2007, at which time they shall be deemed repealed; provided, however, that the mandatory surcharge provided in section three hundred seventy-four of this act shall apply to parking violations occurring on or after said effective date; and provided further that the amendments made to section 235 of the vehicle and traffic law by section three hundred seventy-two of this act, the amendments made to section 1809 of the vehicle and traffic law by sections three hundred thirty-seven and three hundred thirty-eight of this act and the amendments made to section 215-a of the labor law by section three hundred seventy-five of this act shall expire on September 1, [~~2005~~] 2007 and upon such date the provisions of such subdivisions and sections shall revert to and be read as if the provisions of this act had not been enacted; the amendments to subdivisions 2 and 3 of section 400.05 of the penal law made by sections three hundred seventy-seven and three hundred seventy-eight of this act shall expire on July 1, 1992 and upon such date the provisions of such subdivisions shall revert and shall be read as if the provisions of this act had not been enacted; the state board of law examiners shall take such action as is necessary to assure that all applicants for examination for admission to practice as an attorney and counsellor at law shall pay the increased examination fee provided for by the amendment made to section 465 of the judiciary law by section three hundred eighty of this act for any examination given on or after the effective date of this act notwithstanding that an applicant for such examination may have prepaid a lesser fee for such examination as required by the provisions of such section 465 as of the date prior to the effective date of this act; the provisions of

section 306-a of the civil practice law and rules as added by section three hundred eighty-one of this act shall apply to all actions pending on or commenced on or after September 1, 1991, provided, however, that for the purposes of this section service of such summons made prior to such date shall be deemed to have been completed on September 1, 1991; the provisions of section three hundred eighty-three of this act shall apply to all money deposited in connection with a cash bail or a partially secured bail bond on or after such effective date; and the provisions of sections three hundred eighty-four and three hundred eighty-five of this act shall apply only to jury service commenced during a judicial term beginning on or after the effective date of this act; provided, however, that nothing contained herein shall be deemed to affect the application, qualification, expiration or repeal of any provision of law amended by any section of this act and such provisions shall be applied or qualified or shall expire or be deemed repealed in the same manner, to the same extent and on the same date as the case may be as otherwise provided by law;

§ 14. Subdivision 8 of section 1809 of the vehicle and traffic law, as amended by chapter 261 of the laws of 2003, is amended to read as follows:

8. The provisions of this section shall only apply to offenses committed on or before September first, two thousand [~~five~~] seven.

§ 15. Subdivision (r) of section 427 of chapter 55 of the laws of 1992, amending the tax law and other laws relating to taxes, surcharges, fees and funding, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

(r) the provisions of sections two hundred eighty-six through two hundred ninety-one of this act shall apply to all persons released on medical parole prior to September 1, [~~2005~~] 2007, and shall expire and be of no further effect on September 1, [~~2005~~] 2007;

§ 16. Section 6 of chapter 713 of the laws of 1988, amending the vehicle and traffic law relating to the ignition interlock device program, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 6. This act shall take effect on the first day of April next succeeding the date on which it shall have become a law; provided, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the foregoing sections of this act on their effective date is authorized and directed to be made and completed on or before such effective date and shall remain in full force and effect until the first day of September, [~~2005~~] 2007 when upon such date the provisions of this act shall be deemed repealed.

§ 17. Paragraph a of subdivision 6 of section 76 of chapter 435 of the laws of 1997, amending the military law and other laws relating to various provisions, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

a. sections forty-three through forty-five of this act shall expire and be deemed repealed on September 1, [~~2005~~] 2007;

§ 18. Section 4 of part D of chapter 412 of the laws of 1999, amending the civil practice law and rules and the court of claims act relating to prisoner litigation reform, as amended by chapter 16 of the laws of 2003, is amended to read as follows:

§ 4. This act shall take effect 120 days after it shall have become a law and shall remain in full force and effect until September 1, [~~2005~~] 2007, when upon such date it shall expire.

§ 19. Subdivision 2 of section 59 of chapter 222 of the laws of 1994, constituting the family protection and domestic violence intervention act of 1994, as amended by chapter 303 of the laws of 2003, is amended to read as follows:

2. Subdivision 4 of section 140.10 of the criminal procedure law as added by section thirty-two of this act shall take effect January 1, 1996 and shall expire and be deemed repealed on September 1, [~~2005, and~~ 2007].

§ 20. Subdivision d of section 74 of chapter 3 of the laws of 1995 amending the penal law, the correction law, the criminal procedure law and the executive law relating to providing for the sentencing of certain felony offenders, is amended to read as follows:

d. Sections one-a through twenty, twenty-four through twenty-eight, thirty through thirty-nine, forty-two, forty-three and forty-four of this act shall be deemed repealed on September [~~30, 2005~~ 1, 2009];

§ 21. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART E

Section 1. Statement of intent. The executive and legislature hereby find that during the period September 9, 1971 through September 13, 1971, an inmate uprising occurred at Attica correctional facility. During the uprising and retaking of the prison, eleven employees of the state of New York were killed in the line of duty and a number of other state employees suffered varying degrees of physical and emotional injuries inflicted by the inmates as well as injuries that resulted from gunfire during the retaking of the prison.

The executive and legislature further find that following the inmate uprising and retaking of the prison, certain survivors and/or legal representatives of the deceased and injured state employees commenced actions and proceedings against the state of New York to recover for the injuries, pain and suffering and death of these employees. Under existing law, and as a consequence of New York State court and administrative tribunal decisions interpreting such laws, many of these individuals were unable to recover remuneration sufficient to compensate for the great losses suffered in the service of the state. Furthermore, the executive and legislature are mindful of the fact that a federal class action lawsuit in the western district of New York, Akil Al-Jundi v. Mancusi, 75-CV-132, which was commenced by a number of inmates in 1975 against certain state employees for injuries suffered during and after the retaking of the prison, was settled by the state, after nearly twenty-five years of litigation, by payment of eight million dollars (\$8,000,000) to the inmates and a further four million dollars (\$4,000,000) to their legal representatives, for a total amount of twelve million dollars (\$12,000,000). In recognition of this inequity, the executive and legislature find that the state owes a moral obligation to the concerned employees and/or their survivors to fashion a fair, just and inclusive remedy.

The executive and legislature find and declare that a total payment of twelve million dollars (\$12,000,000) to the class of employees and survivors as recompense for the pain and suffering caused by the injuries and torment suffered by the referenced state employees, and as payment for counseling necessitated by the injuries and torment suffered by the state employees and their loved ones, to be accomplished over a six year period in annual \$2 million increments, commencing in fiscal

year 2005-2006, shall constitute a fair, just and inclusive remedy. The Attica state employee victims fund shall be created for such purpose.

In further recognition of the deep toll paid by the state employee victims of the Attica riot, the executive and legislature find it appropriate to mandate the right of the state employee victims of Attica and their survivors to conduct an annual memorial service at Attica. It is the will of the executive and legislature that such remedies bring final closure to the chapter in New York's history that is known as the "Attica riot".

§ 2. The state finance law is amended by adding a new section 99-m to read as follows:

§ 99-m. Attica state employee victims' fund. 1. Establishment of fund. (a) There is hereby established in the joint custody of the commissioner of taxation and finance and the state comptroller a special fund to be known as the "Attica state employee victims' fund" for payment to the state employee victims of the September, nineteen hundred seventy-one Attica correctional facility inmate uprising and retaking.

(b) Such account shall consist of monies transferred from the general fund. An annual transfer of two million dollars will be made on and after September first but not later than March thirty-first, beginning with the two thousand five--two thousand six state fiscal year and ending with the two thousand ten--two thousand eleven state fiscal year, for a total of twelve million dollars (\$12,000,000).

(c) Moneys of such fund shall be distributed pursuant to this section to the state employee victims and survivors of deceased state employee victims as recompense for the pain, suffering and torment endured by those victims during the course of the uprising and retaking.

2. Class of eligible employee claimants, their estates or survivors. (a) For the purposes of this section, the term "distributee" shall have the same meaning as that encompassed in the rules of distribution of an intestate estate as codified at section 4-1.1 of the estates, powers and trusts law.

(b) The following individuals are eligible for payment from the Attica state employee victims' fund: (i) Distributees of any correction officer or state civilian employee who died as a result of injuries sustained during the uprising or retaking of Attica correctional facility between September ninth and September thirteenth, nineteen hundred seventy-one;

(ii) Any current or former correction officer or state civilian employee, so employed as of the dates of the uprising or retaking, who was physically attacked, held hostage or detained by inmates during the Attica riot between the dates September ninth and September thirteenth, nineteen hundred seventy-one, even if released prior to the retaking of Attica correctional facility by state forces on September thirteenth, nineteen hundred seventy-one, or the distributees of said correction officer or state civilian employee, should they be now deceased; and

(iii) Any current or former correction officer or state civilian employee, so employed as of the dates of the uprising or retaking, or any current or former New York state police employee, so employed as of the dates of the uprising or retaking, who was shot during the retaking of Attica correctional facility by state forces on September thirteenth, nineteen hundred seventy-one, or the distributees of said employee, should said employee be now deceased.

(c) Any person who would otherwise qualify as a member of the class shall be excluded if, prior to the effective date of this section, they shall have been granted judgment in a civil suit in the New York state court of claims or received payment as settlement of a civil suit filed

in the New York state court of claims against the state of New York based upon facts arising out of the Attica prison uprising.

3. Claim procedure. It is recognized that approximately fifty employees, or their estates or survivors, comprise the class of eligible claimants. A payment plan for the Attica state employee victims' fund shall be developed and administered as follows:

(a) An individual or entity ("administrator"), appointed by the governor in consultation with the temporary president of the senate, the speaker of the assembly, and representatives of eligible claimants, shall develop the compensation payment plan. Such administrator shall not be entitled to salary or remuneration for his/her services; however, reasonable expenses directly connected to the conduct of the administrator's duties shall be paid through the department of correctional services.

(b) The administrator shall receive from each claimant an accounting of the injuries suffered by the state employee victim during the course of the Attica riots. The administrator shall determine and promulgate to potential claimants through the department of correctional services the means and dates by which said accountings of injuries shall be submitted and determined. To the extent any inconsistency or discrepancy in accounts of injuries suffered is identified, the administrator may rely upon the assistance of the report, research, and documentation regarding the Attica riots compiled by the Attica task force created in March of two thousand one.

(c) Upon receipt and review of all accountings of injuries suffered, the administrator shall place each identified state-employee victim (living or deceased) into one of an appropriate number of broad subclasses to be identified by the administrator, such subclasses to be defined according to the nature and severity of the injuries suffered. Each identified state-employee victim, or the group of their distributees as identified pursuant to subdivision two of this section, within a subclass shall receive the identical monetary award, provided however, that an offset against the award of fifty-five thousand dollars (\$55,000) shall be made for the survivors of any employee killed during the Attica riot, if such survivor or survivors previously opted for and did receive the sum of fifty-five thousand dollars (\$55,000) pursuant to the appropriation in part O of chapter fifty-seven of the laws of two thousand.

(d) Total payments made under the plan shall be twelve million dollars (\$12,000,000). Upon final completion of the payment plan and annual payment schedule, the administrator shall certify to the comptroller, no later than March thirty-first, two thousand six, the payments to be made from the Attica state employee victims' fund.

4. Exemption. All payments received pursuant to this section, whether by judgment or compromise and settlement, shall be exempt from all taxation.

§ 3. Section 146 of the correction law, as amended by chapter 476 of the laws of 1970, is amended to read as follows:

§ 146. Persons authorized to visit correctional facilities. 1. The following persons shall be authorized to visit at pleasure all correctional facilities: The governor and lieutenant-governor, commissioner of general services, secretary of state, comptroller and attorney-general, members of the commission of correction, members of the legislature, judges of the court of appeals, supreme court and county judges, district attorneys and every minister of the gospel having charge of a congregation in the town wherein any such facility is situated. No other

person not otherwise authorized by law shall be permitted to enter a correctional facility except by authority of the commissioner of correction under such regulations as the commissioner shall prescribe. The provisions of this section shall not apply to such portion of a correctional facility in which inmates under sentence of death are confined.

2. Notwithstanding any other provision of law to the contrary, on each September thirteenth anniversary date of the nineteen hundred seventy-one retaking of Attica correctional facility, in the absence of an emergency situation or other exigent circumstance, the commissioner shall ensure that any surviving state employees who were held as hostages and any immediate family members, as that term is defined in subdivision four of section 120.40 of the penal law, of any of the state employees who were held hostage for any period by rioting inmates during the period from September ninth through September thirteenth, nineteen hundred seventy-one, shall be afforded access to the outside grounds of Attica correctional facility to conduct a private commemorative ceremony in front of the Attica monument upon which are inscribed the names of employees who died as a result of the uprising and subsequent retaking.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005; provided, however, that section two of this act shall expire and be deemed repealed on July 1, 2011.

PART F

Section 1. Paragraphs (a) and (b) of subdivision 1 of section 169 of the executive law, as amended by chapter 634 of the laws of 1998, are amended to read as follows:

(a) commissioner of correctional services, commissioner of education, commissioner of health, commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of children and family services, commissioner of temporary and disability assistance, chancellor of the state university of New York, commissioner of transportation, commissioner of environmental conservation, superintendent of state police, and commissioner of general services;

(b) commissioner of labor, chairman of public service commission, [~~superintendent of state police~~], commissioner of taxation and finance, superintendent of banks, commissioner of criminal justice services, superintendent of insurance, and commissioner of parks, recreation and historic preservation;

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART G

Section 1. Paragraph (b) of subdivision 3 of section 98-b of the state finance law, as amended by section 1 of part H of chapter 56 of the laws of 2004, is amended to read as follows:

(b) (i) Commencing on March thirty-first, two thousand five, moneys from such fund shall first be made available, in the calendar year next succeeding the calendar year in which collected, to reimburse the state for payments, made in the previous calendar year, for assigned counsel paid in accordance with section thirty-five of the judiciary law, up to an annual sum of twenty-five million dollars.

(ii) Commencing with the payment on April first, two thousand five or as soon thereafter as practicable, and subsequent quarterly payments thereafter, moneys from such fund shall be available to reimburse the state for providing funding for legal representation in periods and at rates of compensation in effect after January first, two thousand four in accordance with section thirty-five of the judiciary law, in an amount equal to such funding provided during the preceding quarter, less the amount of funding provided during that quarter in accordance with such section at rates of compensation in effect immediately prior to January first, two thousand four, up to but not exceeding six million two hundred fifty thousand dollars per quarter.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART H

Section 1. Section 13 of chapter 989 of the laws of 1958, relating to creating a temporary state commission of investigation, as amended by chapter 95 of the laws of 2001, is amended to read as follows:

§ 13. This act shall take effect May 1, 1958 and remain in effect until September 1, [~~2005~~] 2007.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART I

Section 1. Section 3 of chapter 674 of the laws of 1993, amending the public buildings law relating to value limitations on contracts, as amended by chapter 94 of the laws of 2003, is amended to read as follows:

§ 3. This act shall take effect immediately and shall remain in full force and effect only until June 30, [~~2005~~] 2007.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART J

Section 1. Subdivision 4 of section 27 of chapter 95 of the laws of 2000, amending the state finance law, the general municipal law, the public buildings law and other laws relating to bonds, notes and revenues, is amended to read as follows:

4. Section seventeen of this act shall take effect July 1, 2000, and shall expire on June 30, [~~2005~~] 2010; provided, however, that any lease entered into for a term greater than ten years during the effective period of this section shall continue in full force and effect, and provided that upon the expiration of such section the commissioner of general services shall continue to be empowered to enter into leases having terms not exceeding ten years.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART K

Section 1. Subdivision 5 of section 362 of chapter 83 of the laws of 1995 amending the state finance law and other laws relating to bonds,

notes and revenues, as amended by chapter 426 of the laws of 2002, is amended to read as follows:

5. Sections thirty-one through forty-two of this act shall take effect on the thirtieth day after it shall have become a law and shall be deemed to have been in full force and effect on and after April 1, 1995; provided that section 163 of the state finance law, as added by section thirty-three of this act shall remain in full force and effect until June 30, [~~2005~~ 2006] at which time it shall expire and be deemed repealed. Contracts executed prior to the expiration of such section 163 shall remain in full force and effect until the expiration of any such contract notwithstanding the expiration of certain provisions of this act.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART L

Section 1. Section 3 of part B of chapter 101 of the laws of 2004, amending the civil service law and the state finance law relating to the health insurance fund, as amended by section 1 of part C of chapter 56 of the laws of 2004, is amended to read as follows:

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2004, and shall expire March 31, [~~2005~~ 2006].

§ 2. This act shall take effect immediately.

PART M

Section 1. Paragraph a of subdivision 9 of section 54 of the state finance law, as amended by section 1 of part BB of chapter 59 of the laws of 2004, is amended to read as follows:

a. Notwithstanding any inconsistent provision of this section or of any other provision of law to the contrary, the payment of general purpose local government aid for the support of local government for the state fiscal year commencing April first, two thousand [~~four~~ five], shall be paid from an appropriation made for such purposes pursuant to the public protection and general government budget for such state fiscal year in a manner consistent with this subdivision. Subdivisions one through eight of this section shall not be applicable to the payment of per capita state aid for the support of local government.

§ 2. Section 54 of the state finance law is amended by adding a new subdivision 10 to read as follows:

10. Aid and incentives for municipalities. a. Notwithstanding any inconsistent provision of this section or of any other provision of law to the contrary, the payment of general purpose local government aid for the support of local government for the state fiscal year commencing April first, two thousand five, shall be paid from an appropriation made for such purposes pursuant to the public protection and general government budget for such state fiscal year in a manner consistent with this subdivision. Subdivisions one through nine of this section shall not be applicable to the payment of per capita state aid for the support of local government.

b. Definitions. When used in this section, unless otherwise expressly stated:

(1) "Population" of a city, town or village means the population data for such municipalities based upon the two thousand federal decennial census.

(2) "Full valuation" of a town or village means "full valuation for taxable purposes" as reported in the comptroller's special report on local government finances for New York state for local fiscal years ended in two thousand two.

(3) "Full value per capita" of a town or village means the full valuation of such municipality divided by the population of such municipality.

(4) "Eligible town" means any town with a full valuation per capita of less than one hundred twenty-five percent of the average full valuation per capita for all towns.

(5) "Eligible village" means any village with a full valuation per capita of less than one hundred twenty-five percent of the average full valuation per capita for all villages.

(6) "Other eligible town" means any town with a full valuation per capita greater than or equal to one hundred twenty-five percent of the average full valuation per capita for all towns.

(7) "Other eligible village" means any village with a full valuation per capita greater than or equal to one hundred twenty-five percent of the average full valuation per capital for all villages.

(8) "Base level grant" means the total amount of aid a municipality other than a school district received in the state fiscal year commencing April first, two thousand four, under programs known at that time as general purpose local government aid, emergency financial aid to certain cities, emergency financial assistance to eligible municipalities, supplemental municipal aid and small government assistance, and appropriated in chapter fifty of the laws of two thousand four which constitutes the public protection and general government budget bill. Provided, however, within amounts appropriated, in the case of the cities of Glens Falls, Ithaca, Little Falls, Rye, Saratoga Springs, Sherrill and Watervliet, the "base level grant" shall be the amount paid in the fiscal year commencing two thousand four plus one hundred thousand dollars. Provided, further, within amounts appropriated, that the following towns, school districts and counties shall receive the amounts listed below in state fiscal year commencing April first, two thousand five and such additional amounts that are paid to towns shall be included in such towns' "base level grant":

<u>For payment to the Town of Leon</u>	<u>1,200</u>
<u>For payment to the Town of Preston</u>	<u>1,000</u>
<u>For payment to the Town of Hancock</u>	<u>18,500</u>
<u>For payment to the Town of Tompkins</u>	<u>1,000</u>
<u>For payment to the Town of Walton</u>	<u>6,400</u>
<u>For payment to the Town of Chesterfield</u>	<u>17,500</u>
<u>For payment to the Town of Crown Point</u>	<u>24,700</u>
<u>For payment to the Town of Elizabethtown</u>	<u>9,000</u>
<u>For payment to the Town of Essex</u>	<u>1,000</u>
<u>For payment to the Town of Jay</u>	<u>5,000</u>
<u>For payment to the Town of Lewis in the County of Essex</u>	<u>14,400</u>
<u>For payment to the Town of Moriah</u>	<u>14,000</u>
<u>For payment to the Town of Newcomb</u>	<u>66,900</u>
<u>For payment to the Town of North Hudson</u>	<u>13,200</u>
<u>For payment to the Town of Westport</u>	<u>7,200</u>
<u>For payment to the Town of Wilmington</u>	<u>1,000</u>
<u>For payment to the Town of Altamont</u>	<u>32,200</u>

<u>For payment to the Town of Bellmont</u>	<u>25,600</u>
<u>For payment to the Town of Duane</u>	<u>1,300</u>
<u>For payment to the Town of Franklin in the County of Franklin</u>	<u>8,000</u>
<u>For payment to the Town of Harrietstown</u>	<u>8,800</u>
<u>For payment to the Town of Long Lake</u>	<u>38,900</u>
<u>For payment to the Town of Morehouse</u>	<u>4,300</u>
<u>For payment to the Town of Greig</u>	<u>2,200</u>
<u>For payment to the Town of Osceola</u>	<u>14,200</u>
<u>For payment to the Town of Clare</u>	<u>4,600</u>
<u>For payment to the Town of Clifton</u>	<u>4,000</u>
<u>For payment to the Town of Colton</u>	<u>42,300</u>
<u>For payment to the Town of Fine</u>	<u>7,800</u>
<u>For payment to the Town of Hopkinton</u>	<u>1,000</u>
<u>For payment to the Town of Pitcairn</u>	<u>1,200</u>
<u>For payment to the Town of Russell</u>	<u>2,700</u>
<u>For payment to the Town of Day</u>	<u>10,100</u>
<u>For payment to the Town of Denning</u>	<u>36,800</u>
<u>For payment to the Town of Thurman</u>	<u>7,300</u>
<u>For payment to the Ausable Valley School District</u>	<u>42,500</u>
<u>For payment to the Northern Adirondack School District</u>	<u>19,500</u>
<u>For payment to the Franklin School District</u>	<u>2,800</u>
<u>For payment to the Hancock School District</u>	<u>55,200</u>
<u>For payment to the Walton School District</u>	<u>7,000</u>
<u>For payment to the Crown Point School District</u>	<u>50,900</u>
<u>For payment to the Elizabethtown-Lewis School District</u>	<u>96,100</u>
<u>For payment to the Moriah School District</u>	<u>21,400</u>
<u>For payment to the Newcomb School District</u>	<u>91,600</u>
<u>For payment to the Schroon Lake School District</u>	<u>4,900</u>
<u>For payment to the Westport School District</u>	<u>32,600</u>
<u>For payment to the Tupper Lake School District</u>	<u>102,400</u>
<u>For payment to the Saranac Lake School District</u>	<u>9,100</u>
<u>For payment to the Long Lake School District</u>	<u>81,100</u>
<u>For payment to the Port Jervis School District</u>	<u>18,000</u>
<u>For payment to the Clifton-Fine School District</u>	<u>23,400</u>
<u>For payment to the Colton-Pierrepont School District</u>	<u>65,300</u>
<u>For payment to the Edwards-Knox School District</u>	<u>6,300</u>
<u>For payment to the Edinburg School District</u>	<u>28,100</u>
<u>For payment to the Eldred School District</u>	<u>100,700</u>
<u>For payment to the Tri-Valley School District</u>	<u>18,100</u>
<u>For payment to the Livingston Manor School District</u>	<u>16,400</u>
<u>For payment to the Delaware Valley-Jeffers School District</u>	<u>34,900</u>
<u>For payment to the Warrensburg School District</u>	<u>21,300</u>
<u>For payment to the County of Essex</u>	<u>64,500</u>
<u>For payment to the County of Franklin</u>	<u>37,500</u>
<u>For payment to the County of Hamilton</u>	<u>11,100</u>

(9) "Aid and incentives for municipalities" means the total of all aid payable to municipalities pursuant to this section.

(10) "Municipality" means a city, town or village.

c. Base level grants. Within amounts appropriated in the state fiscal year commencing April first, two thousand five there shall be apportioned and paid to municipalities a base level grant as defined in subparagraph (8) of paragraph b of this subdivision.

d. Additional annual apportionments. Within amounts appropriated in the state fiscal year commencing April first, two thousand five, in addition to base level grants, certain cities, towns and villages shall

be eligible to receive additional aid and incentives for municipalities apportioned as follows:

(1) Upon execution of a fiscal performance agreement pursuant to paragraph e of this subdivision, any city with a population less than one million but greater than or equal to one hundred twenty-five thousand shall be eligible to receive an additional annual apportionment equal to twelve and seventy-five one hundredths percent of such city's base level grant in the state fiscal year commencing April first, two thousand five;

(2) Any city with a population of less than one hundred twenty-five thousand shall be eligible to receive an additional annual apportionment equal to twelve and three quarters percent of such city's base level grant in the state fiscal year commencing April first, two thousand five;

(3) Any eligible town, as defined pursuant to subparagraph four of paragraph b of this subdivision, shall receive an additional annual apportionment equal to two and one-half percent of aid such town received in the state fiscal year commencing April first, two thousand four, under the program known at that time as general purpose local government aid, and appropriated in chapter fifty of the laws of two thousand four which constitutes the public protection and general government budget bill;

(4) Any eligible village, as defined pursuant to subparagraph five of paragraph b of this subdivision, shall receive an additional annual apportionment equal to two and one-half percent of such village's base level grant in the state fiscal year commencing April first, two thousand five;

(5) Every other eligible town, as defined in subparagraph six of paragraph b of this subdivision, and every other eligible village, as defined in subparagraph seven of paragraph b of this subdivision, shall receive an additional annual apportionment equal to three and three-quarter percent of such town or village's base level grant in the state fiscal year commencing April first, two thousand five;

(6) All eligible towns, as defined pursuant to subparagraph four of paragraph b of this subdivision, shall receive an additional annual apportionment up to three and three-quarter percent of such eligible town's base level grant in the state fiscal year commencing April first, two thousand five, minus the additional apportionment such town received pursuant to subparagraph three of this paragraph;

(7) All eligible villages, as defined pursuant to subparagraph five of paragraph b of this subdivision, shall receive an additional annual apportionment equal to one and one-quarter percent of such eligible village's base level grant in the state fiscal year commencing April first, two thousand five;

(8) Notwithstanding subparagraphs three, four, five, six and seven of this paragraph, each town and village shall receive no less than a five hundred dollar increase in the state fiscal year commencing April first, two thousand five.

e. Fiscal performance agreements. Prior to any city with a population less than one million but greater than or equal to one hundred twenty-five thousand receiving an additional annual apportionment for the state fiscal year commencing April first, two thousand five, such city must first submit to the governor and the state comptroller a fiscal performance agreement which shall consist solely of a certification by the city that it has adopted a budget for the local fiscal year within sixty days of the enactment of the city fiscal year budget for the local fiscal

year commencing in the state fiscal year commencing on April first, two thousand five.

f. Payments. (1) In the state fiscal year commencing April first, two thousand five, base level grants shall be paid in the same "on or before month and day" manner as: (i) paid in the state fiscal year commencing April first, two thousand four under programs known as general purpose local government aid, emergency financial aid to certain cities, emergency financial assistance to eligible municipalities, supplemental municipal aid and small government assistance, and appropriated in chapter fifty of the laws of two thousand four which constitutes the public protection and general government budget bill, with the following exceptions:

(A) The city of Gloversville shall receive one hundred eighty-seven thousand fifty-two dollars on or before the twenty-fifth day of September; and one million two hundred seventy-one thousand fifty dollars on or before the twenty-fifth day of December;

(B) The city of Schenectady shall receive eight hundred forty thousand four hundred ninety-four dollars on or before the twenty-fifth day of September; and six million two hundred fifty-five thousand six hundred twenty-eight dollars on or before the twenty-fifth day of December; and

(C) The city of Yonkers shall receive eleven million one hundred thirty-eight thousand eight hundred sixty-nine dollars on or before the twenty-fifth day of May; twenty-three million nine hundred twenty-two thousand two hundred ninety-eight dollars on or before the twenty-fifth day of June; four million one hundred three thousand one hundred ninety-two dollars on or before the twenty-fifth day of October; ten million four hundred sixty-one thousand four hundred sixty-two dollars on or before the twenty-fifth day of December; and twenty-two million nine hundred thirty-four thousand six hundred seventy-three dollars on or before the twenty-fifth day of March; or

(ii) as set forth in part R of chapter fifty-six of the laws of two thousand four relating to unrestricted aid to certain cities;

(2) Additional annual apportionments shall be paid on or before December fifteenth for cities with fiscal years beginning January first and on or before March fifteenth for all other cities;

(3) Additional annual apportionments for towns and villages shall be paid on the same payment schedule as their base level grant.

(4) Aid and incentives for municipalities shall be apportioned and paid to the chief fiscal officer of each locality on audit and warrant of the state comptroller out of moneys appropriated by the legislature for such purpose to the credit of the local assistance fund in the general fund of the state treasury. Any city, including cities with a population of one million or more, town or village receiving aid and incentives for municipalities pursuant to this section shall use such aid only for general municipal purposes except as provided in subparagraphs five and six of this paragraph.

(5) Amounts payable to any city having a population of less than fifty-five thousand but more than fifty-four thousand according to the federal decennial census of nineteen hundred ninety shall be apportioned and paid to the special account for the municipal assistance corporation for the city of Troy in the municipal assistance state aid fund pursuant to section ninety-two-e of this chapter and chapters one hundred eighty-seven and one hundred eighty-eight of the laws of nineteen hundred ninety-five.

(6) The base level grant payable to the city of New York shall be apportioned and paid as required as follows:

(i) Any amounts required to be paid to the city university construction fund pursuant to the city university construction fund act;

(ii) Any amounts required to be paid to the New York city housing development corporation pursuant to the New York city housing development corporation act;

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

(iv) Eighty million dollars to the special account for the municipal assistance corporation for the city of New York in the municipal assistance tax fund created pursuant to section ninety-two-d of this chapter to the extent that such amount has been included by the municipal assistance corporation for the city of New York in any computation for the issuance of bonds on a parity with outstanding bonds pursuant to a contract with the holders of such bonds prior to the issuance of any other bonds secured by payments from the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;

(v) The balance of the special account for the municipal assistance corporation for the city of New York in the municipal assistance state aid fund created pursuant to section ninety-two-e of this chapter;

(vi) Any amounts to be refunded to the general fund of the state of New York pursuant to the annual appropriation enacted for the municipal assistance state aid fund;

(vii) To the state of New York municipal bond bank agency to the extent provided by section twenty-four hundred thirty-six of the public authorities law;

(viii) To the transit construction fund to the extent provided by section twelve hundred twenty-five-i of the public authorities law, and thereafter to the city of New York; and

(ix) Notwithstanding any other law to the contrary, the base level grant paid to any city with a population of one million or more on or before December twenty-fifth shall be for an entitlement period ending the immediately preceding June thirtieth.

g. Consolidations, mergers, or dissolutions; entitlement to aid and incentives for municipalities. (1) In the case where any city, town, or village consolidates, merges or dissolves, and the resulting successor government has filed with the office of the state comptroller a certificate of any such consolidation, merger, or dissolution, such successor government shall be entitled to receive all payments of aid and incentives for municipalities which, pursuant to subdivisions two and three of this section, would have been otherwise payable to the individual cities, towns, or villages that were party to such consolidation, merger, or dissolution.

(2) The annual amount of such payments of aid and incentives for municipalities, as defined in paragraph a of this subdivision, that any city, town, or village in which a municipality has consolidated, merged, or dissolved shall be eligible to receive on the date such city, town, or village is consolidated, merged, or dissolved shall continue to be paid pursuant to paragraphs c and d of this subdivision for every state fiscal year following the date of such consolidation, merger, or dissolution. In instances where only a portion of a city, town, or village is party to a consolidation, merger, or dissolution, aid and incentives for municipalities payable to the resulting successor government shall include only a pro rata share of the aid otherwise due and payable to the such city, town, or village. Such pro rata share shall be based on a

ratio of the two thousand federal decennial census population of the portion consolidated, merged, or dissolved as compared to the total two thousand federal decennial census population of the city, town, or village party to such consolidation, merger, or dissolution.

§ 3. Subdivision 2 of section 92-d of the state finance law, as amended by chapter 430 of the laws of 1997, is amended to read as follows:

2. Such fund shall consist of the revenues derived from municipal assistance sales and compensating use taxes imposed by sections eleven hundred seven and eleven hundred eight of the tax law, any amounts transferred from the stock transfer tax fund pursuant to section ninety-two-b of this article, any amounts transferred pursuant to subdivision (a) of section nine of chapter seven hundred twenty-one of the laws of nineteen hundred ninety-four, as amended by chapter one hundred eighty-seven of the laws of nineteen hundred ninety-five, and such amount of ~~[per capita]~~ aid apportioned and paid into such fund pursuant to ~~[paragraph c of subdivision seven of]~~ section fifty-four of this chapter.

§ 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

PART N

Section 1. Paragraph 1 of subdivision b-1 of section 16-c of the retirement and social security law, as added by chapter 260 of the laws of 2004, is amended to read as follows:

(1) the state's entire bill for the fiscal year ending March thirty-first, two thousand six, calculated pursuant to section twenty-three-a of this article (without reference to this section), less the "amount eligible for amortization" determined pursuant to section sixteen-d of this article, if applicable; and

§ 2. The retirement and social security law is amended by adding a new section 16-d to read as follows:

§ 16-d. Amortization of a portion of the state's contribution bill for fiscal year ending March thirty-first, two thousand six. a. If the comptroller, in his or her discretion, decides to permit amortization of employer contributions pursuant to this section, then, on the basis of the annual actuarial valuation made as of April first, two thousand four as provided for in this chapter, the comptroller shall determine the amount (exclusive of payments for group term life insurance, deficiency payments, adjustments relating to prior fiscal years' obligations and obligations pertaining to retirement incentives or any other obligations that the state is permitted to pay on an amortized basis) required to be paid pursuant to section twenty-three-a of this article for the fiscal year ending March thirty-first, two thousand six. The amount by which the contribution amount with respect to the fiscal year ending March thirty-first, two thousand six exceeds nine and one-half percent of the estimated pensionable salary base for the fiscal year ending March thirty-first, two thousand six shall be the "amount eligible for amortization." The "amount eligible for amortization" may be amortized over a ten-year period at eight percent interest per annum, with the first of ten equal payments payable during the fiscal year ending March thirty-first, two thousand seven, provided, however, that on or before September first, two thousand five, the comptroller, in his or her discretion, may establish a fixed rate of interest per annum to be applied to the unpaid balance of the amounts eligible for amortization of all employ-

ers, which more closely approximates a market rate of return on taxable fixed rate securities with similar terms issued by comparable issuers.

b. The state may, in lieu of paying its bill for fiscal year ending March thirty-first, two thousand six, pay a lesser amount during the fiscal year ending March thirty-first, two thousand six which shall be determined by the comptroller by adding the following two amounts together:

(1) the entire bill for the fiscal year ending on March thirty-first, two thousand six, calculated pursuant to section twenty-three-a of this article (without reference to this section) less the "amount eligible for amortization" determined pursuant to subdivision a of this section, and

(2) the first annual installment of the "amount eligible for amortization" determined pursuant to subdivision a of section sixteen-c of this article, if applicable.

c. If the state makes the payment provided for in subdivision b of this section, the state shall pay during the fiscal year ending March thirty-first, two thousand seven an amount determined by the comptroller by adding the following three amounts together:

(1) the state's entire bill for the fiscal year ending March thirty-first, two thousand seven, calculated pursuant to section twenty-three-a of this article (without reference to this section),

(2) the first annual installment of the "amount eligible for amortization" determined pursuant to subdivision a of this section, and

(3) the second annual installment of the "amount eligible for amortization" determined pursuant to subdivision a of section sixteen-c of this title, if applicable.

d. The remaining amortized payments determined pursuant to section sixteen-c of this title and pursuant to this section shall be due and payable each subsequent fiscal year during the applicable amortization period. The comptroller shall have the authority to permit the pre-payment of the remaining balance of the "amount eligible for amortization," determined pursuant to both such sections subject to the following:

(1) on or before August first, two thousand five, in addition to advising with respect to the amount due for the current year billing and for the payment of the amortized annual installments determined pursuant to section sixteen-c of this title and pursuant to this section, the comptroller shall advise the state of the total amount due and be authorized to accept pre-payment in full of said amount for fiscal year ending March thirty-first, two thousand six.

(2) on or before each subsequent August first during the amortization periods, in addition to the amount due for the current year billing and for the payment of the annual amortized installments, the comptroller shall advise the state of the total amount still outstanding and be authorized to accept the pre-payment of any balance remaining to be paid for that fiscal year.

§ 3. Paragraph 1 of subdivision b-1 of section 316-c of the retirement and social security law, as added by chapter 260 of the laws of 2004, is amended to read as follows:

(1) the state's entire bill for the fiscal year ending March thirty-first, two thousand six, calculated pursuant to section three hundred twenty-three-a of this article (without reference to this section), less the "amount eligible for amortization" determined pursuant to section three hundred sixteen-d of this article, if applicable; and

§ 4. The retirement and social security law is amended by adding a new section 316-d to read as follows:

§ 316-d. Amortization of a portion of the state's contribution bills for fiscal year ending March thirty-first, two thousand six. a. If the comptroller, in his or her discretion, decides to permit amortization of employer contributions pursuant to this section, then, on the basis of the annual actuarial valuation made as of April first, two thousand four as provided for in this chapter, the comptroller shall determine the annual amount (exclusive of payments for group term life insurance, deficiency payments, adjustments relating to prior fiscal years' obligations and obligations pertaining to retirement incentives or any other obligations that the state is permitted to pay on an amortized basis) required to be paid pursuant to section three hundred twenty-three-a of this article for the fiscal year ending March thirty-first, two thousand six. The amount by which the contribution amount with respect to fiscal year ending March thirty-first, two thousand six exceeds nine and one-half percent of the estimated pensionable salary base for fiscal year ending March thirty-first, two thousand six shall be the "amount eligible for amortization." The "amount eligible for amortization" shall be amortized over a ten-year period at eight percent interest per annum, with the first of ten equal payments payable during fiscal year ending March thirty-first, two thousand seven, provided, however, that on or before September first, two thousand five the comptroller, in his or her discretion, may establish a fixed rate of interest per annum to be applied to the unpaid balance of the amounts eligible for amortization of all employers which more closely approximates a market rate of return on taxable fixed rate securities with similar terms issued by comparable issuers.

b. The state may, in lieu of paying its bill for the fiscal year ending March thirty-first, two thousand six, pay a lesser amount during the fiscal year ending March thirty-first, two thousand six which shall be determined by the comptroller by adding the following two amounts together:

(1) the entire bill for the fiscal year ending on March thirty-first, two thousand six, calculated pursuant to section three hundred twenty-three-a of this article (without reference to this section) less the "amount eligible for amortization" determined pursuant to subdivision a of this section; and

(2) the first annual installment of the "amount eligible for amortization" determined pursuant to section three hundred sixteen-c of this title, if applicable.

c. If the state makes the payment provided for in subdivision b of this section, the state shall pay during the fiscal year ending March thirty-first, two thousand seven an amount determined by the comptroller by adding the following three amounts together:

(1) the state's entire bill for the fiscal year ending March thirty-first, two thousand seven, calculated pursuant to section three hundred twenty-three-a of this article (without reference to this section);

(2) the first annual installment of the "amount eligible for amortization" determined pursuant to subdivision a of this section; and

(3) the second annual installment of the "amount eligible for amortization" determined pursuant to subdivision a of section three hundred sixteen-c of this title, if applicable.

d. The remaining amortized payments determined pursuant to section three hundred sixteen-c of this title and pursuant to this section shall be due and payable each subsequent fiscal year during the applicable amortization period. The comptroller shall have the authority to permit the pre-payment of the remaining balance of the "amount eligible for

amortization" determined pursuant to both such section subject to the following:

(1) on or before August first, two thousand five in addition to advising with respect to the amount due for the current year billing and for the payment of the amortized annual installments determined pursuant to section three hundred sixteen-c of this title and pursuant to this section, the comptroller shall advise the state of the total amount due and be authorized to accept pre-payment in full of said amount for the fiscal year ending March thirty-first, two thousand six.

(2) on or before each subsequent August first during the amortization period, in addition to the amount due for the current year billing and for the payment of the annual amortized installment, the comptroller shall advise the state of the total amount still outstanding and be authorized to accept the pre-payment of any balance remaining to be paid for that fiscal year.

§ 5. This act shall take effect immediately.

 FISCAL NOTE.--This bill would amend the Retirement and Social Security Law to allow the State to amortize a portion of their 2005-2006 retirement bill. The provisions of the 2005-2006 amortization that are currently available to participating employers would be extended to include the State. Such amortization would be for a ten year period and may be calculated at a rate that closely approximates comparable taxable fixed rate securities, with the rate to be determined in August, 2005.

If this bill is enacted, and (1) the State chooses to amortize and (2) the Comptroller establishes an interest rate for the amortization, costs or savings would be generated when there is a difference between the established rate of return and the actual rate of return which would be realized if payment of the amount eligible for amortization is made in full. If the amortization would replace a similar fixed investment in the Common Retirement Fund's portfolio, the expectation is that the difference between the actual and expected rate of return will be very small.

This estimate, dated March 11, 2005 and intended for use only during the 2005 Legislative Session, is Fiscal Note No. 2005-268, prepared by the Actuary of the New York State and Local Employees' Retirement System and the New York State and Local Police and Fire Retirement System.

PART 0

Section 1. Paragraph (b) of subdivision 1 of section 168-b of the correction law, as amended by chapter 11 of the laws of 2002, is amended to read as follows:

(b) A photograph and set of fingerprints. For a sex offender given a level three designation, the division shall, during the period of registration, update such photograph once each year. For a sex offender given a level one or level two designation, the division shall, during the period of registration, update such photograph once every three years. The division shall notify the sex offender by mail of the duty to appear and be photographed at the specified law enforcement agency having jurisdiction. Such notification shall be mailed at least thirty days and not more than sixty days before the photograph is required to be taken pursuant to subdivision two of section one hundred sixty-eight-f of this article.

§ 2. Subdivision 2 of section 168-f of the correction law is amended by adding three new paragraphs (b-2), (b-3) and (c-1) to read as follows:

(b-2) If the sex offender has been given a level three designation, he or she shall personally appear at the law enforcement agency having jurisdiction within twenty days of the first anniversary of the sex offender's initial registration and every year thereafter during the period of registration for the purpose of providing a current photograph of such offender. The law enforcement agency having jurisdiction shall photograph the sex offender and shall promptly forward a copy of such photograph to the division. For purposes of this paragraph, if such sex offender is confined in a state or local correctional facility, the local law enforcement agency having jurisdiction shall be the warden, superintendent, sheriff or other person in charge of the state or local correctional facility.

(b-3) If the sex offender has been given a level one or level two designation, he or she shall personally appear at the law enforcement agency having jurisdiction within twenty days of the third anniversary of the sex offender's initial registration and every three years thereafter during the period of registration for the purpose of providing a current photograph of such offender. The law enforcement agency having jurisdiction shall photograph the sex offender and shall promptly forward a copy of such photograph to the division. For purposes of this paragraph, if such sex offender is confined in a state or local correctional facility, the local law enforcement agency having jurisdiction shall be the warden, superintendent, sheriff or other person in charge of the state or local correctional facility.

(c-1) If the sex offender, to whom a notice has been mailed at the last reported address pursuant to paragraph b of subdivision one of section one hundred sixty-eight-b of this article, fails to personally appear at the law enforcement agency having jurisdiction, as provided in paragraph (b-2) or (b-3) of this subdivision, within twenty days of the anniversary of the sex offender's initial registration, or an alternate later date scheduled by the law enforcement agency having jurisdiction, he or she shall be in violation of this section. The duty to personally appear for such updated photograph shall be temporarily suspended during any period in which the sex offender is confined in any hospital or institution, and such sex offender shall personally appear for such updated photograph no later than ninety days after release from such hospital or institution, or an alternate later date scheduled by the law enforcement agency having jurisdiction.

§ 3. This act shall take effect one year after it shall have become a law.

PART P

Section 1. Section 13 of chapter 141 of the laws of 1994, amending the legislative law and the state finance law relating to the operation and administration of the legislature, as amended by section 1 of part P of chapter 56 of the laws of 2004, is amended to read as follows:

§ 13. This act shall take effect immediately and shall be deemed to have been in full force and effect as of April 1, 1994, provided that, the provisions of section 5-a of the legislative law as amended by sections two and two-a of this act shall take effect on January 1, 1995, and provided further that, the provisions of article 5-A of the legislative law as added by section eight of this act shall expire June 30,

[~~2005~~] 2006 when upon such date the provisions of such article shall be deemed repealed; and provided further that section twelve of this act shall be deemed to have been in full force and effect on and after April 10, 1994.

§ 2. This act shall take effect immediately, provided however, if this act takes effect on or after June 30, 2005 this act shall be deemed to have been in full force and effect on and after June 30, 2005.

PART Q

Section 1. Notwithstanding the provisions of any other law, rule or regulation to the contrary any person employed by the division of state police pursuant to executive order 5.113.36 or 5.113.36-A and assigned to duty at the Empire State Plaza and/or New York State Capitol Building in Albany, New York shall not be subject to the provisions of the following laws:

Subdivisions 1 and 3 of section 211 and section 212 of the retirement and social security law, insofar as it limits the amount of earnings or compensation that may be received before suspension or diminution of retirement allowance by persons who retired from the division of state police after December 30, 1998, or by persons who retire from the division of state police on or after October 12, 2001, and who return to public employment with the division of state police; provided, however, that all decisions to rehire retired persons and classify positions remain within the sole discretion of the superintendent of the state police, who may make and issue orders, rules or regulations governing the rehiring and classification of personnel; provided, further, that all decisions relating to the amount of earnings or compensation shall be at the discretion of the superintendent of the state police subject to the approval of the director of the division of the budget;

Subdivision 2 of section 211 of the retirement and social security law, insofar as it requires approval of the state civil service commission and a written request of the division of state police for persons who retired from the division of state police after December 30, 1998, or persons who retire from the division of state police on or after October 12, 2001, and who return to public employment with the division of state police; provided, however, that the superintendent of the state police must determine that the retired person is duly qualified, competent and physically fit for performance of the duties of the position in which he or she is to be employed; provided, further, that all decisions to rehire retired persons and classify positions remain within the sole discretion of the superintendent of state police, who may make and issue orders, rules or regulations governing the rehiring and classification of personnel; provided, further, that all decisions relating to the amount of earnings or compensation shall be at the discretion of the superintendent of the state police subject to the approval of the director of the division of the budget; and

Subdivision e of section 381-b of the retirement and social security law, insofar as it requires a member of the division of state police who is in the twenty year retirement plan to retire on December thirty-first of the year in which the member attains 57 or 60 years of age; provided, however, that all decisions to retain a member of the division of state police after December thirty-first of the year in which the member attains 57 or 60 years of age remain within the sole discretion of the superintendent of the state police, who must make a determination to retain such member based upon the following consideration: that the

member is duly qualified, competent and physically fit for performance of the duties of the position in which the member is to continue to be employed.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005; and shall expire and be repealed on and after March 31, 2006.

PART R

Section 1. Subdivision 4 of section 29 of the correction law, as amended by section 1 of part N of chapter 56 of the laws of 2004, is amended to read as follows:

4. The commissioner of the department of correctional services shall provide [a] an annual report to the legislature on the staffing of correction officers and correction sergeants in state correctional facilities. Such report shall include, but not be limited to the following factors: the number of security posts on the current plot plan for each facility that have been closed on a daily basis, by correctional facility security classification (minimum, medium and maximum); the number of security positions eliminated by correctional facility since two thousand compared to the number of inmates incarcerated in each such facility; a breakdown by correctional facility security classification (minimum, medium, and maximum) of the staff hours of overtime worked, by year since two thousand and the annual aggregate costs related to this overtime. In addition, such report shall be delineated by correctional facility security classification, the annual number of security positions eliminated, the number of closed posts and amount of staff hours of overtime accrued as well as the overall overtime expenditures that resulted. Such report shall be provided to the chairs of the senate finance, assembly ways and means, senate crime and corrections and assembly correction committees by December thirty-first [~~7, two thousand four~~].

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2005.

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

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

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.

JOSEPH L. BRUNO
Temporary President of the Senate

SHELDON SILVER
Speaker of the Assembly