

2015-16 NEW YORK STATE EXECUTIVE BUDGET
PUBLIC PROTECTION AND GENERAL GOVERNMENT
ARTICLE VII LEGISLATION

EX 36-a

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Legislative Bill Drafting Commission
12570-01-5

S. -----
Senate

IN SENATE--Introduced by Sen

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

----- A.
Assembly

IN ASSEMBLY--Introduced by M. of A.

with M. of A. as co-sponsors

--read once and referred to the
Committee on

BUDGBI
(Enacts into law major components of
legislation necessary to implement
the state public protection and
general government budget for the
2015-2016 state fiscal year)

Exec. decision on medical parole

AN ACT

to amend the executive law, in
relation to authorizing the commis-
sioner of corrections and community
supervision to make the final deci-
sion on medical parole for certain
eligible non-violent inmates (Part
A); to amend chapter 887 of the laws
of 1983, amending the correction law
relating to the psychological test-
ing of candidates, in relation to
the effectiveness thereof; to amend

IN SENATE

Senate introducer's signature

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

s15 Addabbo	s49 Farley	s63 Kennedy	s40 Murphy	s10 Sanders
s46 Amedore	s17 Felder	s34 Klein	s54 Nozzolio	s23 Savino
s11 Avella	s02 Flanagan	s28 Krueger	s58 O'Mara	s41 Serino
s42 Bonacic	s55 Funke	s24 Lanza	s62 Ortt	s29 Serrano
s04 Boyle	s59 Gallivan	s39 Larkin	s60 Panepinto	s51 Seward
s44 Breslin	s12 Gianaris	s37 Latimer	s21 Parker	s09 Skelos
s38 Carlucci	s22 Golden	s01 LaValle	s13 Peralta	s26 Squadron
s14 Comrie	s47 Griffo	s52 Libous	s30 Perkins	s16 Stavisky
s03 Croci	s20 Hamilton	s45 Little	s61 Ranzenhofer	s35 Stewart- Cousins
s50 DeFrancisco	s06 Hannon	s05 Marcellino	s48 Ritchie	s53 Valesky
s32 Diaz	s36 Hassell- Thompson	s43 Marchione	s33 Rivera	s08 Venditto
s18 Dilan	s27 Hoylman	s07 Martins	s56 Robach	s57 Young
s31 Espaillat		s25 Montgomery	s19 Sampson	

IN ASSEMBLY

Assembly introducer's signature

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

a049 Abbate	a045 Cymbrowitz	a135 Johns	a003 Murray	a016 Schimel
a092 Abinanti	a053 Davila	a077 Joyner	a133 Nojay	a140 Schimmi
a084 Arroyo	a034 DenDekker	a020 Kaminsky	a037 Nolan	a076 Seawright
a035 Aubry	a054 Dilan	a094 Katz	a130 Oaks	a087 Sepulvec
a120 Barclay	a081 Dinowitz	a074 Kavanagh	a069 O'Donnell	a065 Silver
a106 Barrett	a147 DiPietro	a142 Kearns	a051 Ortiz	a027 Simanov
a060 Barron	a115 Duprey	a040 Kim	a091 Otis	a052 Simon
a082 Benedetto	a004 Englebright	a131 Kolb	a132 Palmesano	a036 Simotas
a042 Bichotte	a109 Fahy	a105 Lalor	a002 Palumbo	a104 Skartado
a079 Blake	a071 Farrell	a013 Lavine	a088 Paulin	a099 Skoufis
a117 Blankenbush	a126 Finch	a134 Lawrence	a141 Peoples- Stokes	a022 Solages
a062 Borelli	a008 Fitzpatrick	a050 Lentol	a058 Perry	a114 Stec
a098 Brabenec	a124 Friend	a125 Lifton	a059 Persaud	a110 Steck
a026 Braunstein	a095 Galef	a072 Linares	a086 Pichardo	a127 Stirpe
a044 Brennan	a137 Gantt	a102 Lopez	a089 Pretlow	a112 Tedisco
a119 Brindisi	a007 Garbarino	a123 Lupardo	a073 Quart	a101 Tenney
a138 Bronson	a148 Giglio	a010 Lupinacci	a073 Quart	a001 Thiele
a046 Brook-Krasny	a080 Gjonaj	a121 Magee	a019 Ra	a061 Titone
a093 Buchwald	a066 Glick	a129 Magnarelli	a012 Raia	a031 Titus
a118 Butler	a023 Goldfeder	a064 Malliotakis	a006 Ramos	a055 Walker
a103 Cahill	a150 Goodell	a030 Markey	a078 Rivera	a146 Walter
a043 Camara	a075 Gottfried	a090 Mayer	a128 Roberts	a041 Weinstein
a145 Ceretto	a005 Graf	a108 McDonald	a056 Robinson	a024 Weprin
a033 Clark	a100 Gunther	a014 McDonough	a068 Rodriguez	a113 Woerner
a047 Colton	a139 Hawley	a017 McKeivitt	a067 Rosenthal	a143 Wozniak
a032 Cook	a083 Heastie	a107 McLaughlin	a025 Rozic	a070 Wright
a144 Corwin	a028 Hevesi	a038 Miller	a116 Russell	a096 Zebrows
a085 Crespo	a048 Hikind	a015 Montesano	a149 Ryan	
a122 Crouch	a018 Hooper	a136 Morelle	a009 Saladino	
a021 Curran	a097 Jaffee	a057 Mosley	a111 Santabarbara	
a063 Cusick	a011 Jean-Pierre	a039 Moya	a029 Scarborough	

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

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

1 § 7. 1. Notwithstanding the provisions of any other section of this
2 act or any other provision of law to the contrary, any increase in
3 compensation, provided: (a) in this act, or (b) as a result of a
4 promotion, appointment, or advancement to a position in a higher salary
5 grade, or (c) pursuant to paragraph (c) of subdivision 6 of section 131
6 of the civil service law, or (d) pursuant to paragraph (b) of subdivi-
7 sion 8 of section 130 of the civil service law, or (e) pursuant to para-
8 graph (a) of subdivision 3 of section 13 of chapter 732 of the laws of
9 1988, as amended, may be withheld in whole or in part from any officer
10 or employee when, in the opinion of the director of the budget, such
11 withholding is necessary to reflect the job performance of such officer
12 or employee, or to maintain appropriate salary relationships among offi-
13 cers or employees of the state, or to reduce state expenditures to
14 acceptable levels or when, in the opinion of the director of the budget,
15 such increase is not warranted or is not appropriate.

16 2. Notwithstanding the provisions of any other section of this act the
17 salary increases provided for in this act shall not be implemented until
18 the director of the budget delivers notice to the comptroller that such
19 amounts may be paid.

20 § 8. This act shall take effect immediately and shall be deemed to
21 have been in full force and effect on and after April 1, 2015.

22

PART I

23 Section 1. 1. On the first of June of every fourth year, commencing
24 June 1, 2015, there shall be established for such year a commission on
25 executive and legislative compensation to examine, evaluate and make
26 recommendations with respect to adequate levels of compensation and

1 non-salary benefits for the governor, lieutenant governor, attorney
2 general, comptroller, those state officers referred to in section 169 of
3 the executive law and members of the legislature.

4 2. In accordance with the provisions of this section, the commission
5 shall examine the prevailing adequacy of pay levels and other benefits,
6 including without limitation the necessity for and level of per diem and
7 reimbursements for expenses, and allowances for legislators permitted
8 pursuant to section 5-a of the legislative law, received by the gover-
9 nor, lieutenant governor, attorney general, comptroller, those state
10 officers referred to in section 169 of the executive law and members of
11 the legislature and determine whether any of such pay levels and other
12 benefits warrant elimination or adjustment.

13 3. In discharging its responsibilities under subdivision two of this
14 section, the commission shall take into account all appropriate factors
15 including, but not limited to: the overall economic climate; rates of
16 inflation; changes in public-sector spending; the levels of compensation
17 and non-salary benefits received by executive branch officials and
18 legislators of other states and of the federal government; the levels of
19 compensation and non-salary benefits received by professionals in
20 government, academia and private and nonprofit enterprise; and the
21 state's ability to fund increases in compensation and non-salary bene-
22 fits.

23 4. (a) In so discharging its duties, in the event the commission
24 determines that the pay level for members of the legislature warrants an
25 adjustment, then such adjustment shall consist of a two-tiered level of
26 pay. The first tier shall be a salary for members of the legislature who
27 agree to not receive income from compensated employment, directorships
28 and other fiduciary positions, contractual arrangements, and partner-

1 ships (collectively referred to as "income from outside sources") other
2 than the salary received as a legislator for the upcoming legislative
3 session; the second tier shall be a salary set lower than the aforemen-
4 tioned salary for members of the legislature who elect to receive income
5 from outside sources for the upcoming legislative session.

6 (b) The commission shall consider whether there should be a cap on
7 income from outside sources a legislator may receive and may recommend
8 the imposition of such a cap as a condition to receiving a second tier
9 adjustment in pay. Notwithstanding any limitations in section 73 or
10 73-a of the public officers law to the contrary, in responding to ques-
11 tions 8 and 13 of the statutorily mandated financial disclosure state-
12 ment, to receive a second tier adjustment in pay, a legislator must
13 disclose, without limitation, the source of all such income and the
14 names of all clients, if any, for whom such services were performed, and
15 shall be barred from representing any person or entity before any state
16 agency.

17 (c) A legislator must declare and attest prior to entering upon the
18 term of office beginning with the legislative session beginning in Janu-
19 ary 2017, whether he or she will elect to receive a salary based on the
20 receipt of income from outside sources or not and such salary shall be
21 set forth for that individual for two years until the commencement of
22 the next legislative session.

23 § 2. 1. The commission shall consist of three members to be appointed
24 as follows: one shall be appointed by the governor and shall serve as
25 chair of the commission; one shall be appointed by the temporary presi-
26 dent of the senate; and one shall be appointed by the speaker of the
27 assembly. Vacancies in the commission shall be filled in the same
28 manner as original appointments. To the extent practicable, members of

1 the commission shall have experience in one or more of the following:
2 determination of executive compensation, human resource administration
3 or financial management.

4 2. The commission shall only meet within the state, may hold public
5 hearings and shall have all the powers of a legislative committee pursu-
6 ant to the legislative law. It shall be governed by articles 6, 6-A and
7 7 of the public officers law. The commission shall hold at least four
8 public hearings each of which shall be held at a different site in New
9 York in order to gather input from the people of New York around the
10 state.

11 3. The members of the commission shall receive no compensation for
12 their services but shall be allowed their actual and necessary expenses
13 incurred in the performance of their duties hereunder.

14 4. No member of the commission shall be disqualified from holding any
15 other public office or employment, nor shall he or she forfeit any such
16 office or employment by reason of his or her appointment pursuant to
17 this section, notwithstanding the provisions of any general, special or
18 local law, regulation, ordinance or city charter.

19 5. To the maximum extent feasible, the commission shall be entitled to
20 request and receive and shall utilize and be provided with such facili-
21 ties, resources and data of any court, department, division, board,
22 bureau, commission, agency or public authority of the state or any poli-
23 tical subdivision thereof as it may reasonably request to carry out
24 properly its powers and duties pursuant to this section.

25 6. The commission may request, and shall receive, reasonable assist-
26 ance from state agency personnel as necessary for the performance of its
27 function.

1 7. The commission shall make a report to the governor and the legisla-
2 ture and shall publish on the internet its findings, conclusions, deter-
3 minations and recommendations, if any, not later than one hundred fifty
4 days after its establishment. The entire report must be agreed to by
5 unanimous vote of the members of the commission for the report to
6 constitute a report of the commission. Only upon such approval, shall
7 the commission draft legislation necessary to implement its recommenda-
8 tions and send such legislation to the governor and to the legislature
9 for consideration.

10 8. Upon the making of its report as provided in subdivision seven of
11 this section, each commission established pursuant to this section shall
12 be deemed dissolved.

13 § 3. This act shall take effect immediately and shall be deemed to
14 have been in full force and effect on and after April 1, 2015.

15

PART J

16 Section 1. Subdivision 2 of section 164 of the civil service law, as
17 added by section 1 of part W of chapter 56 of the laws of 2008, is
18 amended to read as follows:

19 2. [During the fiscal year two thousand eight--two thousand nine, the]
20 The president [shall] may establish an amnesty period [not to exceed
21 sixty days]. During [this] an amnesty period when any employee enrolled
22 in the plan voluntarily identifies any ineligible dependent:

23 (a) the termination of the ineligible dependent's coverage resulting
24 from such employee's timely compliance shall be made on a current basis;

25 (b) the plan shall not seek recovery of any claims paid based on the
26 coverage of the ineligible dependent;