

**LAWS**  
OF THE  
**STATE OF NEW YORK**

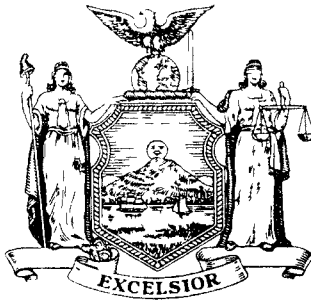
PASSED AT THE  
TWO HUNDRED AND TWENTY-FIFTH  
SESSION  
OF THE

**LEGISLATURE**

CONVENED JANUARY 9, 2002 AND  
EXPIRED DECEMBER 31, 2002  
AT THE CITY OF ALBANY

ALSO OTHER MATTERS REQUIRED BY LAW  
TO BE PUBLISHED WITH THE SESSION LAWS

**VOLUME I**



PREPARED BY  
THE NEW YORK STATE  
LEGISLATIVE BILL DRAFTING COMMISSION

participating employer may so elect by filing with the state comptroller, on or before December 31, 2002, a resolution of its governing body together with a certification that Kenneth Greer, Eric Heieck and Tyler Turner did not bar themselves from participating in such retirement plan as the result of their own negligence. Thereafter, police officers Kenneth Greer, Eric Heieck and Tyler Turner may apply to participate in such plan by filing the appropriate application with the state comptroller on or before June 30, 2003.

§ 2. The cost for any past service associated with this election shall be paid by the city of Geneva as a one-time payment.

§ 3. This act shall take effect immediately.

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**FISCAL NOTE.**--This bill would allow the City of Geneva to elect to reopen the provisions of Section 384-d of the Retirement and Social Security Law for Eric Heieck, Kenneth Greer and Tyler Turner who are police officers employed by the City.

If this bill is enacted and these police officers become covered under the provisions of Section 384-d, we anticipate that there will be an increase of approximately \$310 in the annual contributions of the City of Geneva for the fiscal year ending March 31, 2003. In future years, this cost will eventually increase to approximately 4.3% of the affected police officers' annual salaries.

In addition to the annual contributions discussed above, there will be an immediate past service cost of approximately \$43,000 which will be borne by the City of Geneva as a one-time payment.

This estimate, dated May 31, 2002 and intended for use only during the 2002 Legislative Session, is Fiscal Note No. 2002-285 prepared by the Actuary for the New York State and Local Police and Fire Retirement System.

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## CHAPTER 325

### AN ACT to amend the public authorities law, in relation to the creation of the Niagara Falls water board

Became a law August 6, 2002, 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. Article 5 of the public authorities law is amended by adding a new title 10-C to read as follows:

#### *TITLE 10-C*

#### *NIAGARA FALLS WATER BOARD*

*Section 1231-a. Short title.*

*1231-b. Niagara Falls water board.*

§ 1231-a. *Short title. This title shall be known and may be cited as the "Niagara Falls water board act".*

§ 1231-b. *Niagara Falls water board. For the benefit of the city of Niagara Falls and the inhabitants thereof, a water board to be known as the Niagara Falls water board is hereby established for the accomplishment of any or all of the purposes specified in title ten-B of this article. It shall have the powers and duties now or hereafter conferred by title ten-B of this article upon a water board. It shall be organized in a manner prescribed by and be subject to the provisions of title ten-B of this article. The water board, its members, officers and employees and its operations and activities shall in all respects be governed by the provisions of title ten-B of this article.*

§ 2. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2002, entitled "AN ACT to amend the public authorities law and the executive law, in relation to the creation of the Niagara Falls public water authority", takes effect.

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## CHAPTER 326

AN ACT authorizing the assessor of the town of Huntington to accept an application for exemption from real property taxes from Congregation Lubavitch Chabad, Inc.

Became a law August 6, 2002, 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. Notwithstanding any other provision of law to the contrary, the assessor of the town of Huntington is hereby authorized to accept from Congregation Lubavitch Chabad, Inc. an application for exemption from real property taxes pursuant to section 420-a of the real property tax law for the assessment rolls completed through November 30, 2001, for the parcel owned by Congregation Lubavitch Chabad, Inc. located at 464 Old County Road, Melville, New York in the town of Huntington, more specifically described as section 242, block 3, lot 1.

If satisfied that such organization: (i) acquired title to the property for which it seeks exemption subsequent to the taxable status date established for such rolls and prior to the taxable status date for the next ensuing assessment roll; and (ii) would otherwise be entitled to such exemption if such organization had filed an application for exemption by the appropriate taxable status date, the assessor of the town of Huntington, upon approval by the town board of such town, may grant exemption from all taxation beginning with the date of acquisition of such property by such organization and make appropriate correction to the subject roll. If such exemption is granted and such organization therefore shall have paid any tax with respect to the subject roll, the governing body or tax department of such town may, in its sole discretion, provide for the refund of those taxes paid and cancel those taxes, fines, penalties, liens, or interest remaining unpaid.

§ 2. This act shall take effect immediately.

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## CHAPTER 327

AN ACT to amend the education law, in relation to payment of tuition and fees charged to nonresident students of the state university of New York, the city university of New York and community colleges

Became a law August 6, 2002, 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. Paragraph h of subdivision 2 of section 355 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) *Such regulations shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning*

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