S T A T E O F N E W Y O R K

5758--A

2011-2012 Regular Sessions

I N S E N A T E

June 14, 2011

Introduced by Sen. SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general municipal law and the education law, in relation to establishing limits upon school district and local government tax levies (Part A); to amend the general municipal law and the legislative law, in relation to mandate relief (Part B); to amend the general municipal law, in relation to real property tax relief and local government mandate reform; to amend the general municipal law, in relation to requiring the state to fund certain programs mandated for municipal corporations; to amend the general municipal law and the legislative law, in relation to requiring fiscal notes for bills enacting mandates upon local governments and school districts; to amend the state administrative procedure act, in relation to requiring fiscal impact notes on regulations, rules or orders affecting political subdivisions; to amend the state technology law, in relation to sending notices, bills and other communications by electronic means in a city with a population of one million or more; to amend the executive law, in relation to detailed reporting of the administration and enforcement of the New York state uniform fire prevention and building code; to amend the general municipal law and the county law, in relation to purchases through the office of general services; to amend the executive law, in relation to the bulk electricity purchasing program; to amend the general municipal law, in relation to providing local governments greater contract flexibility and cost savings by permitting certain shared purchasing among political subdivisions; to amend the insurance law, in relation to authorizing any city with a population of one million or more to provide wrap-up insurance programs and surety bonds for their public building and construction projects; to amend the education law, in relation to requiring the state to fund certain programs mandated for school districts and the effect of mandates on school districts; to amend the education law, in relation to the adoption of professional development plans for teach-

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

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ers; in relation to shared superintendent programs; in relation to approval of certain leases by the commissioner of education; to amend the general municipal law, in relation to the period of validity of certificates attesting to the satisfactory completion of an approved police basic training program; to amend the penal law and the criminal procedure law, in relation to the storage and destruction of goods and articles relating to the offenses of trademark counterfeiting and unauthorized recordings; to amend the social services law, in relation to co-payment for emergency room services; to amend the tax law, in relation to tax credits for premiums; to amend the social services law and the insurance law, in relation to directing the department of health to submit an amendment to the plan for medical assistance; and to direct the department of insurance to adopt any necessary conforming amendments to regulations or other rules; to amend the education law, in relation to authorizing the board of cooperative educational services to form health insurance trusts with component school districts; to amend the social services law, in relation to applications for medical assistance; to amend the social services law, in relation to allowing local social services districts discretion to provide certain Medicaid services and to cover certain categories of eligibility; in relation to submission of evidence at fair hearings; to amend the mental hygiene law, in relation to the costs of prosecution of an inmate-patient of a state psychiatric facility; to amend the highway law and the vehicle and traffic law, in relation to the maintenance, improvement and repair of certain town highways; to amend the highway law, in relation to permitting two or more towns to jointly purchase highway equipment; to amend the highway law, in relation to raising the threshold for requiring competitive bid contracts for local street or highways projects; to amend the highway law, in relation to consolidated local highway assistance payments and directing the New York state department of transportation to revise codes, rules or regulations in relation thereto; authorizing a county to enter into a cooperative agreement with school districts, towns and villages within such county to provide for health care benefits for their employees; to amend the executive law, in relation to the rulemaking powers of the division of criminal justice services; to amend the labor law, in relation to the definition of fiscal officer for the purposes of the prevailing wage for building services employees; to amend the mental hygiene law, in relation to notifying the local department of social services upon the death of an incapacitated person; to amend the social services law, in relation to the use of funds for child care programs and public assistance employment programs; to amend the social services law, in relation to the rulemaking powers of the department of social services to provide support and incentives encouraging the merging or cooperating of counties and local social services districts; to amend the executive law, in relation to permitting local social services districts to enter into multi-year contracts and to apply for waivers from certain non-statutory regulations; to amend the general municipal law, the education law and the retirement and social security law, in relation to establishing an optional retirement program for employees of municipalities, local governments and schools; to amend the education law, in relation to certain regional transportation services; to amend the education law, in relation to the evaluation of certain students who have individualized education programs; to amend the education law, in relation to the transportation of students based upon patterns of

actual ridership; to amend the education law, in relation to authorizing boards of cooperative educational services to engage in collective bargaining with employee organizations representing teachers and other employees of component school districts; to require school districts to conform with all federal laws and regulations relating to special education programs and services to students with disabilities; to amend the executive law, in relation to modernizing code enforcement training programs; to amend the insurance law, in relation to excepting from community rating requirements group health insurance policies issued to multiple employer trusts consisting of municipal corporations and public benefit corporations; to amend the general municipal law, in relation to advertising for bids; to amend the education law, in relation to health care premium contribution; to amend the highway law, in relation to services and reimbursement; to amend the labor law, in relation to prevailing wages; to amend the general municipal law and the civil service law, in relation to real property tax relief and local government mandate reform; to amend the labor law, in relation to requiring employers to provide safety ropes and system components to firefighters; and to repeal certain provisions of the penal law relating to the storage and destruction of goods and articles relating to the offenses of trademark counterfeiting and unauthorized recordings (Part C); and to amend the general municipal law, in relation to contracts for public work projects; to amend the insurance law, in relation to authorizing the state, public corporations and public authorities to provide wrap-up insurance programs and surety bonds for their public building and construction projects; to amend the New York city charter, in relation to the publication of the City Record; to amend the general municipal law, in relation to acquisition and use of credit cards by local governments; to amend the local finance law, in relation to credit card agreements by municipalities and school districts; to amend the municipal home rule law, in relation to filing and publication of local laws; to repeal subdivision 5 of section 27 of the municipal home rule law relating thereto; to amend the general municipal law, in relation to the validity of police officer and peace officer training certificates; to amend the correction law and the criminal procedure law, in relation to permitting sex offenders to make electronic appearances in lieu of a personal appearance in certain circumstances; to amend the correction law, in relation to the placement of inmates; to amend the general municipal law, in relation to apportioning the expenses of police department members in attending police training schools; to repeal section 207-m of the general municipal law relating to salary increases for heads of police departments of municipalities, districts or authorities; to amend the criminal procedure law, in relation to the storage and destruction of goods and articles relating to the offenses of trademark counterfeiting and unauthorized recordings; to amend the county law, in relation to residence of assistant district attorneys and to repeal subdivision 6 of section 702 of the county law relating thereto; to amend the criminal procedure law, in relation to the prosecution of the offense of identity theft; to amend the family court act, in relation to inter-county probation; to amend the general municipal law and the public housing law, in relation to filing requirements for municipalities regarding urban renewal plans and creation of urban renewal agencies and authorities; to amend the social services law, in relation to a wage reporting system; to amend the social services law and the eligibility for child care assistance;

to amend the state finance law, in relation to the quality child care and protection fund; to amend the tax law, in relation to utilization of wage information for determining eligibility for child care assistance; to amend the family court act, in relation to court ordered investigations; to amend the family court act and the social services law, in relation to testimony and attendance by telephone, audio-visual means, or other electronic means; to amend the social services law, in relation to the length of licenses to board children, training of child protective service caseworkers and non-residential services for victims of domestic violence; to repeal subdivision 5 of section 423 of the social services law relating to the responsibilities of child protective services; to amend the education law, in relation to census reporting; to amend the education law, in relation to funding of certain capital projects and auditing of claims; to amend the education law, in relation to children with disabilities; and to repeal certain provisions of the education law relating thereto (Part D); to amend the general municipal law, in relation to the municipal redevelopment law authorizing tax increment bonds payable from and secured by real property taxes levied by a school district within a project area (Part E); to amend the real property tax law, in relation to establishing a residential-commercial exemption program (Part F); to amend the tax law, in relation to authorizing certain counties, cities and school districts to impose up to a three percent rate of sales and compensating use taxes pursuant to the authority of article 29 of such law and to preserve the authority of certain counties and a city to impose such taxes at rates in excess of three percent; and to repeal certain provisions of such law relating thereto (Part G); to amend the real property tax law, in relation to tax exemption for new multiple dwellings (Subpart A); to amend the real property tax law, in relation to eliminating the expiration of exemptions of new multiple dwellings from local taxation; to amend chapter 576 of the laws of 1974 amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, chapter 329 of the laws of 1963 amending the emergency housing rent control law relating to recontrol of rents in Albany, chapter 555 of the laws of 1982 amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, chapter 402 of the laws of 1983 amending the general business law relating to conversions of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, in relation to making the provisions thereof permanent; and to repeal certain provisions of the emergency housing rent control law and the rent regulation reform act of 1997 relating to the expiration of such provisions, to amend the public housing law, in relation to succession; to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to rent increases for substantial modifications or improvements, in relation to limiting rent increase after vacancy of a housing accommodation, and lease terms; and to amend the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law and the administrative code of the city of New York, in relation to the deregulation of rents (Subpart B); and to amend the administrative code of the city of New York and the emergency tenant protection act of nineteen seventy-four, in relation to

determining primary residency of rent regulated housing accommodations (Subpart C)(Part H)

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 relating to real property tax levies, rent regulation, exemption from local taxation and mandate relief. Each component is wholly contained within a Part identified as Parts A through I. 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 a 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. The general municipal law is amended by adding a new section 3-c to read as follows:

S 3-C. LIMIT UPON REAL PROPERTY TAX LEVIES BY LOCAL GOVERNMENTS. 1. UNLESS OTHERWISE PROVIDED BY LAW, THE AMOUNT OF REAL PROPERTY TAXES THAT MAY BE LEVIED BY OR ON BEHALF OF ANY LOCAL GOVERNMENT, OTHER THAN THE CITY OF NEW YORK AND THE COUNTIES CONTAINED THEREIN, SHALL NOT EXCEED THE TAX LEVY LIMIT ESTABLISHED PURSUANT TO THIS SECTION.

2. WHEN USED IN THIS SECTION:

(A) "ALLOWABLE LEVY GROWTH FACTOR" SHALL BE THE LESSER OF: (I) ONE AND TWO ONE-HUNDREDTHS; OR (II) THE SUM OF ONE PLUS THE INFLATION FACTOR; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE LEVY GROWTH FACTOR BE LESS THAN ONE.

(B) "AVAILABLE CARRYOVER" MEANS THE AMOUNT BY WHICH THE TAX LEVY FOR THE PRIOR FISCAL YEAR WAS BELOW THE TAX LEVY LIMIT FOR SUCH FISCAL YEAR, IF ANY, BUT NO MORE THAN AN AMOUNT THAT EQUALS ONE AND ONE-HALF PERCENT OF THE TAX LEVY LIMIT FOR SUCH FISCAL YEAR.

(C) "COMING FISCAL YEAR" MEANS THE FISCAL YEAR OF THE LOCAL GOVERNMENT FOR WHICH A TAX LEVY LIMIT SHALL BE DETERMINED PURSUANT TO THIS SECTION.

(D) "INFLATION FACTOR" MEANS THE QUOTIENT OF: (I) THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START OF THE COMING FISCAL YEAR MINUS THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START OF THE PRIOR FISCAL YEAR, DIVIDED BY: (II) THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD ENDING SIX MONTHS PRIOR TO THE START OF THE PRIOR FISCAL YEAR, WITH THE RESULT EXPRESSED AS A DECIMAL TO FOUR PLACES.

(E) "LOCAL GOVERNMENT" MEANS A COUNTY, CITY, TOWN, VILLAGE, FIRE DISTRICT, OR SPECIAL DISTRICT INCLUDING BUT NOT LIMITED TO A DISTRICT CREATED PURSUANT TO ARTICLE TWELVE OR TWELVE-A, OR GOVERNED BY ARTICLE THIRTEEN OF THE TOWN LAW, OR CREATED PURSUANT TO ARTICLE FIVE-A, FIVE-B OR FIVE-D OF THE COUNTY LAW, CHAPTER FIVE HUNDRED SIXTEEN OF THE LAWS OF NINETEEN HUNDRED TWENTY-EIGHT, OR CHAPTER TWO HUNDRED SEVENTY-THREE OF

THE LAWS OF NINETEEN HUNDRED THIRTY-NINE, AND SHALL INCLUDE TOWN IMPROVEMENTS PROVIDED PURSUANT TO ARTICLES THREE-A AND TWELVE-C OF THE TOWN LAW BUT SHALL NOT INCLUDE THE CITY OF NEW YORK OR THE COUNTIES CONTAINED THEREIN.

(F) "PRIOR FISCAL YEAR" MEANS THE FISCAL YEAR OF THE LOCAL GOVERNMENT IMMEDIATELY PRECEDING THE COMING FISCAL YEAR.

(G) "TAX LEVY LIMIT" MEANS THE AMOUNT OF TAXES AUTHORIZED TO BE LEVIED BY OR ON BEHALF OF A LOCAL GOVERNMENT PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT THE TAX LEVY LIMIT SHALL NOT INCLUDE THE FOLLOWING:

(I) A TAX LEVY NECESSARY FOR EXPENDITURES RESULTING FROM COURT ORDERS OR JUDGMENTS AGAINST THE LOCAL GOVERNMENT ARISING OUT OF TORT ACTIONS FOR ANY AMOUNT THAT EXCEEDS FIVE PERCENT OF THE TOTAL TAX LEVIED IN THE PRIOR FISCAL YEAR;

(II) IN YEARS IN WHICH THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH TEN OF SUBDIVISION A OF SECTION NINETEEN-A OF THE RETIREMENT AND SOCIAL SECURITY LAW, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM CAUSED BY GROWTH IN THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS;

(III) IN YEARS IN WHICH THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE OF THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH ELEVEN OF SUBDIVISION A OF SECTION THREE HUNDRED NINETEEN-A OF THE RETIREMENT AND SOCIAL SECURITY LAW, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM CAUSED BY GROWTH IN THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS;

(IV) IN YEARS IN WHICH THE NORMAL CONTRIBUTION RATE OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH A OF SUBDIVISION TWO OF SECTION FIVE HUNDRED SEVENTEEN OF THE EDUCATION LAW, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR LOCAL GOVERNMENT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM CAUSED BY GROWTH IN THE NORMAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS.

(H) "TAX" OR "TAXES" SHALL INCLUDE (I) A CHARGE IMPOSED UPON REAL PROPERTY BY OR ON BEHALF OF A COUNTY, CITY, TOWN, VILLAGE OR SCHOOL DISTRICT FOR MUNICIPAL OR SCHOOL DISTRICT PURPOSES, AND (II) SPECIAL AD VALOREM LEVIES AND SPECIAL ASSESSMENTS AS DEFINED IN SUBDIVISIONS FOURTEEN AND FIFTEEN OF SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW.

3. (A) SUBJECT TO THE PROVISIONS OF SUBDIVISION FIVE OF THIS SECTION, BEGINNING WITH THE FISCAL YEAR THAT BEGINS IN TWO THOUSAND TWELVE, NO LOCAL GOVERNMENT SHALL ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMIT FOR THE COMING FISCAL YEAR. PROVIDED HOWEVER THE TAX LEVY LIMIT SHALL NOT PROHIBIT A LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH (G) OF SUBDIVISION TWO OF THIS SECTION.

(B)(I) THE COMMISSIONER OF TAXATION AND FINANCE SHALL CALCULATE A QUANTITY CHANGE FACTOR FOR EACH LOCAL GOVERNMENT FOR THE COMING FISCAL YEAR BASED UPON THE PHYSICAL OR QUANTITY CHANGE, AS DEFINED BY SECTION

TWELVE HUNDRED TWENTY OF THE REAL PROPERTY TAX LAW, REPORTED TO THE COMMISSIONER OF TAXATION AND FINANCE BY THE ASSESSOR OR ASSESSORS PURSUANT TO SECTION FIVE HUNDRED SEVENTY-FIVE OF THE REAL PROPERTY TAX LAW. THE QUANTITY CHANGE FACTOR SHALL SHOW THE PERCENTAGE BY WHICH THE FULL VALUE OF THE TAXABLE REAL PROPERTY IN THE LOCAL GOVERNMENT HAS CHANGED DUE TO PHYSICAL OR QUANTITY CHANGE BETWEEN THE SECOND FINAL ASSESSMENT ROLL OR ROLLS PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE LEVIED, AND THE FINAL ASSESSMENT ROLL OR ROLLS IMMEDIATELY PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE LEVIED.

(II) AFTER DETERMINING THE QUANTITY CHANGE FACTOR FOR THE LOCAL GOVERNMENT, THE COMMISSIONER OF TAXATION AND FINANCE SHALL PROCEED AS FOLLOWS:

(A) IF THE QUANTITY CHANGE FACTOR IS NEGATIVE, THE COMMISSIONER OF TAXATION AND FINANCE SHALL NOT DETERMINE A TAX BASE GROWTH FACTOR FOR THE LOCAL GOVERNMENT.

(B) IF THE QUANTITY CHANGE FACTOR IS POSITIVE, THE COMMISSIONER OF TAXATION AND FINANCE SHALL DETERMINE A TAX BASE GROWTH FACTOR FOR THE LOCAL GOVERNMENT WHICH IS EQUAL TO ONE PLUS THE QUANTITY CHANGE FACTOR.

(III) THE COMMISSIONER OF TAXATION AND FINANCE SHALL NOTIFY THE STATE COMPTROLLER AND EACH LOCAL GOVERNMENT OF THE APPLICABLE TAX BASE GROWTH FACTORS, IF ANY, AS SOON THEREAFTER AS SUCH FACTORS ARE DETERMINED.

(C) EACH LOCAL GOVERNMENT SHALL CALCULATE THE TAX LEVY LIMIT APPLICABLE TO THE COMING FISCAL YEAR WHICH SHALL BE DETERMINED AS FOLLOWS:

(I) ASCERTAIN THE TOTAL AMOUNT OF TAXES LEVIED FOR THE PRIOR FISCAL YEAR.

(II) MULTIPLY THE RESULT BY THE TAX BASE GROWTH FACTOR, CALCULATED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION, IF ANY.

(III) ADD ANY PAYMENTS IN LIEU OF TAXES THAT WERE RECEIVABLE IN THE PRIOR FISCAL YEAR.

(IV) SUBTRACT THE TAX LEVY NECESSARY TO SUPPORT EXPENDITURES PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (G) OF SUBDIVISION TWO OF THIS SECTION FOR THE PRIOR FISCAL YEAR, IF ANY.

(V) MULTIPLY THE RESULT BY THE ALLOWABLE LEVY GROWTH FACTOR.

(VI) SUBTRACT ANY PAYMENTS IN LIEU OF TAXES RECEIVABLE IN THE COMING FISCAL YEAR.

(VII) ADD THE AVAILABLE CARRYOVER, IF ANY.

(D) WHENEVER THE RESPONSIBILITY AND ASSOCIATED COST OF A LOCAL GOVERNMENT FUNCTION IS TRANSFERRED TO ANOTHER LOCAL GOVERNMENT, THE STATE COMPTROLLER SHALL DETERMINE THE COSTS AND SAVINGS ON THE AFFECTED LOCAL GOVERNMENTS ATTRIBUTABLE TO SUCH TRANSFER FOR THE FIRST FISCAL YEAR FOLLOWING THE TRANSFER, AND NOTIFY SUCH LOCAL GOVERNMENTS OF SUCH DETERMINATION AND THAT THEY SHALL ADJUST THEIR TAX LEVY LIMITS ACCORDINGLY.

4. (A) WHEN TWO OR MORE LOCAL GOVERNMENTS CONSOLIDATE, THE STATE COMPTROLLER SHALL DETERMINE THE TAX LEVY LIMIT FOR THE CONSOLIDATED LOCAL GOVERNMENT FOR THE FIRST FISCAL YEAR FOLLOWING THE CONSOLIDATION BASED ON THE RESPECTIVE TAX LEVY LIMITS OF THE COMPONENT LOCAL GOVERNMENTS THAT FORMED SUCH CONSOLIDATED LOCAL GOVERNMENT FROM THE LAST FISCAL YEAR PRIOR TO THE CONSOLIDATION.

(B) WHEN A LOCAL GOVERNMENT DISSOLVES, THE STATE COMPTROLLER SHALL DETERMINE THE TAX LEVY LIMIT FOR THE LOCAL GOVERNMENT THAT ASSUMES THE DEBTS, LIABILITIES, AND OBLIGATIONS OF SUCH DISSOLVED LOCAL GOVERNMENT FOR THE FIRST FISCAL YEAR FOLLOWING THE DISSOLUTION BASED ON THE RESPECTIVE TAX LEVY LIMITS OF SUCH DISSOLVED LOCAL GOVERNMENT AND SUCH LOCAL GOVERNMENT THAT ASSUMES THE DEBTS, LIABILITIES, AND OBLIGATIONS OF SUCH

DISSOLVED LOCAL GOVERNMENT FROM THE LAST FISCAL YEAR PRIOR TO THE DISSOLUTION.

(C) THE TAX LEVY LIMIT ESTABLISHED BY THIS SECTION SHALL NOT APPLY TO THE FIRST FISCAL YEAR AFTER A LOCAL GOVERNMENT IS NEWLY ESTABLISHED OR CONSTITUTED THROUGH A PROCESS OTHER THAN CONSOLIDATION OR DISSOLUTION.

5. A LOCAL GOVERNMENT MAY ADOPT A BUDGET THAT REQUIRES A TAX LEVY THAT IS GREATER THAN THE TAX LEVY LIMIT FOR THE COMING FISCAL YEAR, NOT INCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH G OF SUBDIVISION TWO OF THIS SECTION, ONLY IF THE GOVERNING BODY OF SUCH LOCAL GOVERNMENT FIRST ENACTS, BY A VOTE OF SIXTY PERCENT OF THE TOTAL VOTING POWER OF SUCH BODY, A LOCAL LAW TO OVERRIDE SUCH LIMIT FOR SUCH COMING FISCAL YEAR ONLY, OR IN THE CASE OF A DISTRICT OR FIRE DISTRICT, A RESOLUTION, APPROVED BY A VOTE OF SIXTY PERCENT OF THE TOTAL VOTING POWER OF SUCH BODY, TO OVERRIDE SUCH LIMIT FOR SUCH COMING FISCAL YEAR ONLY.

6. IN THE EVENT A LOCAL GOVERNMENT'S ACTUAL TAX LEVY FOR A GIVEN FISCAL YEAR EXCEEDS THE TAX LEVY LIMIT AS ESTABLISHED PURSUANT TO THIS SECTION DUE TO CLERICAL OR TECHNICAL ERRORS, THE LOCAL GOVERNMENT SHALL PLACE THE EXCESS AMOUNT OF THE LEVY IN RESERVE IN ACCORDANCE WITH SUCH REQUIREMENTS AS THE STATE COMPTROLLER MAY PRESCRIBE, AND SHALL USE SUCH FUNDS AND ANY INTEREST EARNED THEREON TO OFFSET THE TAX LEVY FOR THE ENSUING FISCAL YEAR. IF, UPON EXAMINATION PURSUANT TO SECTIONS THIRTY-THREE AND THIRTY-FOUR OF THIS CHAPTER, THE STATE COMPTROLLER FINDS THAT A LOCAL GOVERNMENT LEVIED TAXES IN EXCESS OF THE APPLICABLE TAX LEVY LIMIT, THE LOCAL GOVERNMENT, AS SOON AS PRACTICABLE, SHALL PLACE AN AMOUNT EQUAL TO THE EXCESS AMOUNT OF THE LEVY IN SUCH RESERVE IN ACCORDANCE WITH THIS SUBDIVISION.

7. ALL LOCAL GOVERNMENTS SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL, PRIOR TO ADOPTING A BUDGET FOR THE COMING FISCAL YEAR, SUBMIT TO THE STATE COMPTROLLER, IN A FORM AND MANNER AS HE OR SHE MAY PRESCRIBE, ANY INFORMATION NECESSARY FOR CALCULATING THE TAX LEVY LIMIT FOR THE COMING FISCAL YEAR.

S 2. The education law is amended by adding a new section 2023-a to read as follows:

S 2023-A. LIMITATIONS UPON SCHOOL DISTRICT TAX LEVIES. 1. GENERALLY. UNLESS OTHERWISE PROVIDED BY LAW, THE AMOUNT OF TAXES THAT MAY BE LEVIED BY OR ON BEHALF OF ANY SCHOOL DISTRICT, OTHER THAN A CITY SCHOOL DISTRICT OF A CITY WITH ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, SHALL NOT EXCEED THE TAX LEVY LIMIT ESTABLISHED PURSUANT TO THIS SECTION, NOT INCLUDING ANY TAX LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF THIS SECTION.

2. DEFINITIONS. AS USED IN THIS SECTION:

A. "ALLOWABLE LEVY GROWTH FACTOR" SHALL BE THE LESSER OF: (I) ONE AND TWO ONE-HUNDREDTHS; OR (II) THE SUM OF ONE PLUS THE INFLATION FACTOR; PROVIDED, HOWEVER, THAT IN NO CASE SHALL THE LEVY GROWTH FACTOR BE LESS THAN ONE.

B. "AVAILABLE CARRYOVER" MEANS THE AMOUNT BY WHICH THE TAX LEVY FOR THE PRIOR SCHOOL YEAR WAS BELOW THE APPLICABLE TAX LEVY LIMIT FOR SUCH SCHOOL YEAR, IF ANY, BUT NO MORE THAN AN AMOUNT THAT EQUALS ONE AND ONE-HALF PERCENT OF THE TAX LEVY LIMIT FOR SUCH SCHOOL YEAR.

C. "CAPITAL LOCAL EXPENDITURES" MEANS THE TAXES ASSOCIATED WITH BUDGETED EXPENDITURES RESULTING FROM THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF, OR OTHERWISE PROVIDING FOR SCHOOL DISTRICT CAPITAL FACILITIES OR SCHOOL DISTRICT CAPITAL EQUIPMENT, INCLUDING DEBT

SERVICE AND LEASE EXPENDITURES, AND TRANSPORTATION CAPITAL DEBT SERVICE, SUBJECT TO THE APPROVAL OF THE QUALIFIED VOTERS WHERE REQUIRED BY LAW.

D. "CAPITAL TAX LEVY" MEANS THE TAX LEVY NECESSARY TO SUPPORT CAPITAL LOCAL EXPENDITURES, IF ANY.

E. "COMING SCHOOL YEAR" MEANS THE SCHOOL YEAR FOR WHICH TAX LEVY LIMITS ARE BEING DETERMINED PURSUANT TO THIS SECTION.

F. "INFLATION FACTOR" MEANS THE QUOTIENT OF: (I) THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD PRECEDING JANUARY FIRST OF THE CURRENT YEAR MINUS THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD PRECEDING JANUARY FIRST OF THE PRIOR YEAR, DIVIDED BY: (II) THE AVERAGE OF THE NATIONAL CONSUMER PRICE INDEXES DETERMINED BY THE UNITED STATES DEPARTMENT OF LABOR FOR THE TWELVE-MONTH PERIOD PRECEDING JANUARY FIRST OF THE PRIOR YEAR, WITH THE RESULT EXPRESSED AS A DECIMAL TO FOUR PLACES.

G. "PRIOR SCHOOL YEAR" MEANS THE SCHOOL YEAR IMMEDIATELY PRECEDING THE COMING SCHOOL YEAR.

H. "SCHOOL DISTRICT" MEANS A COMMON SCHOOL DISTRICT, UNION FREE SCHOOL DISTRICT, CENTRAL SCHOOL DISTRICT, CENTRAL HIGH SCHOOL DISTRICT OR A CITY SCHOOL DISTRICT IN A CITY WITH LESS THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS.

I. "TAX LEVY LIMIT" MEANS THE AMOUNT OF TAXES A SCHOOL DISTRICT IS AUTHORIZED TO LEVY PURSUANT TO THIS SECTION, PROVIDED, HOWEVER, THAT THE TAX LEVY LIMIT SHALL NOT INCLUDE THE FOLLOWING:

(I) A TAX LEVY NECESSARY FOR EXPENDITURES RESULTING FROM COURT ORDERS OR JUDGMENTS AGAINST THE SCHOOL DISTRICT ARISING OUT OF TORT ACTIONS FOR ANY AMOUNT THAT EXCEEDS FIVE PERCENT OF THE TOTAL TAX LEVIED IN THE PRIOR SCHOOL YEAR;

(II) IN YEARS IN WHICH THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE OF THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH TEN OF SUBDIVISION A OF SECTION NINETEEN-A OF THE RETIREMENT AND SOCIAL SECURITY LAW, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR SCHOOL DISTRICT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE AND LOCAL EMPLOYEES' RETIREMENT SYSTEM CAUSED BY GROWTH IN THE SYSTEM AVERAGE ACTUARIAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS;

(III) IN YEARS IN WHICH THE NORMAL CONTRIBUTION RATE OF THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM, AS DEFINED BY PARAGRAPH A OF SUBDIVISION TWO OF SECTION FIVE HUNDRED SEVENTEEN OF THIS CHAPTER, INCREASES BY MORE THAN TWO PERCENTAGE POINTS FROM THE PREVIOUS YEAR, A TAX LEVY NECESSARY FOR EXPENDITURES FOR THE COMING FISCAL YEAR FOR SCHOOL DISTRICT EMPLOYER CONTRIBUTIONS TO THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM CAUSED BY GROWTH IN THE NORMAL CONTRIBUTION RATE MINUS TWO PERCENTAGE POINTS; AND

(IV) A CAPITAL TAX LEVY.

2-A. TAX BASE GROWTH FACTOR. A. NO LATER THAN FEBRUARY FIFTEENTH OF EACH YEAR, THE COMMISSIONER OF TAXATION AND FINANCE SHALL IDENTIFY THOSE SCHOOL DISTRICTS FOR WHICH TAX BASE GROWTH FACTORS MUST BE DETERMINED FOR THE COMING SCHOOL YEAR, AND SHALL NOTIFY THE COMMISSIONER OF THE TAX BASE GROWTH FACTORS SO DETERMINED, IF ANY.

B. THE COMMISSIONER OF TAXATION AND FINANCE SHALL CALCULATE A QUANTITY CHANGE FACTOR FOR THE COMING SCHOOL YEAR FOR EACH SCHOOL DISTRICT BASED UPON THE PHYSICAL OR QUANTITY CHANGE, AS DEFINED BY SECTION TWELVE HUNDRED TWENTY OF THE REAL PROPERTY TAX LAW, REPORTED TO THE COMMISSION-

ER OF TAXATION AND FINANCE BY THE ASSESSOR OR ASSESSORS PURSUANT TO SECTION FIVE HUNDRED SEVENTY-FIVE OF THE REAL PROPERTY TAX LAW. THE QUANTITY CHANGE FACTOR SHALL SHOW THE PERCENTAGE BY WHICH THE FULL VALUE OF THE TAXABLE REAL PROPERTY IN THE SCHOOL DISTRICT HAS CHANGED DUE TO PHYSICAL OR QUANTITY CHANGE BETWEEN THE SECOND FINAL ASSESSMENT ROLL OR ROLLS PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE LEVIED, AND THE FINAL ASSESSMENT ROLL OR ROLLS IMMEDIATELY PRECEDING THE FINAL ASSESSMENT ROLL OR ROLLS UPON WHICH TAXES ARE TO BE LEVIED.

C. AFTER DETERMINING THE QUANTITY CHANGE FACTOR FOR A SCHOOL DISTRICT, THE COMMISSIONER OF TAXATION AND FINANCE SHALL PROCEED AS FOLLOWS:

(I) IF THE QUANTITY CHANGE FACTOR IS NEGATIVE, THE COMMISSIONER OF TAXATION AND FINANCE SHALL NOT DETERMINE A TAX BASE GROWTH FACTOR FOR THE SCHOOL DISTRICT.

(II) IF THE QUANTITY CHANGE FACTOR IS POSITIVE, THE COMMISSIONER OF TAXATION AND FINANCE SHALL DETERMINE A TAX BASE GROWTH FACTOR FOR THE SCHOOL DISTRICT WHICH IS EQUAL TO ONE PLUS THE QUANTITY CHANGE FACTOR.

3. COMPUTATION OF TAX LEVY LIMITS. A. EACH SCHOOL DISTRICT SHALL CALCULATE THE TAX LEVY LIMIT FOR EACH SCHOOL YEAR WHICH SHALL BE DETERMINED AS FOLLOWS:

(1) ASCERTAIN THE TOTAL AMOUNT OF TAXES LEVIED FOR THE PRIOR SCHOOL YEAR.

(2) MULTIPLY THE RESULT BY THE TAX BASE GROWTH FACTOR, IF ANY.

(3) ADD ANY PAYMENTS IN LIEU OF TAXES THAT WERE RECEIVABLE IN THE PRIOR SCHOOL YEAR.

(4) SUBTRACT THE TAX LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) AND (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF THIS SECTION FOR THE PRIOR SCHOOL YEAR, IF ANY.

(5) MULTIPLY THE RESULT BY THE ALLOWABLE LEVY GROWTH FACTOR.

(6) SUBTRACT ANY PAYMENTS IN LIEU OF TAXES RECEIVABLE IN THE COMING FISCAL YEAR.

(7) ADD THE AVAILABLE CARRYOVER, IF ANY.

B. ON OR BEFORE MARCH FIRST OF EACH YEAR, ANY SCHOOL DISTRICT SUBJECT TO THE PROVISIONS OF THIS SECTION SHALL SUBMIT TO THE STATE COMPTROLLER, THE COMMISSIONER, AND THE COMMISSIONER OF TAXATION AND FINANCE, IN A FORM AND MANNER PRESCRIBED BY THE STATE COMPTROLLER, ANY INFORMATION NECESSARY FOR THE CALCULATION OF THE TAX LEVY LIMIT; AND THE SCHOOL DISTRICT'S DETERMINATION OF THE TAX LEVY LIMIT PURSUANT TO THIS SECTION SHALL BE SUBJECT TO REVIEW BY THE COMMISSIONER AND THE COMMISSIONER OF TAXATION AND FINANCE.

4. REORGANIZED SCHOOL DISTRICTS. WHEN TWO OR MORE SCHOOL DISTRICTS REORGANIZE, THE COMMISSIONER SHALL DETERMINE THE TAX LEVY LIMIT FOR THE REORGANIZED SCHOOL DISTRICT FOR THE FIRST SCHOOL YEAR FOLLOWING THE REORGANIZATION BASED ON THE RESPECTIVE TAX LEVY LIMITS OF THE SCHOOL DISTRICTS THAT FORMED THE REORGANIZED DISTRICT FROM THE LAST SCHOOL YEAR IN WHICH THEY WERE SEPARATE DISTRICTS, PROVIDED THAT IN THE EVENT OF FORMATION OF A NEW CENTRAL HIGH SCHOOL DISTRICT, THE TAX LEVY LIMITS FOR THE NEW CENTRAL HIGH SCHOOL DISTRICT AND ITS COMPONENT SCHOOL DISTRICTS SHALL BE DETERMINED IN ACCORDANCE WITH A METHODOLOGY PRESCRIBED BY THE COMMISSIONER.

5. ERRONEOUS LEVIES. IN THE EVENT A SCHOOL DISTRICT'S ACTUAL TAX LEVY FOR A GIVEN SCHOOL YEAR EXCEEDS THE MAXIMUM ALLOWABLE LEVY AS ESTABLISHED PURSUANT TO THIS SECTION DUE TO CLERICAL OR TECHNICAL ERRORS, THE SCHOOL DISTRICT SHALL PLACE THE EXCESS AMOUNT OF THE LEVY IN RESERVE IN ACCORDANCE WITH SUCH REQUIREMENTS AS THE STATE COMPTROLLER MAY

PRESCRIBE, AND SHALL USE SUCH FUNDS AND ANY INTEREST EARNED THEREON TO OFFSET THE TAX LEVY FOR THE ENSUING SCHOOL YEAR.

6. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN THE EVENT THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION OF A SCHOOL DISTRICT THAT IS SUBJECT TO THE PROVISIONS OF THIS SECTION PROPOSES A BUDGET THAT WILL REQUIRE A TAX LEVY THAT EXCEEDS THE TAX LEVY LIMIT FOR THE CORRESPONDING SCHOOL YEAR, NOT INCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF THIS SECTION, THEN SUCH BUDGET SHALL BE APPROVED IF SIXTY PERCENT OF THE VOTES CAST THEREON ARE IN THE AFFIRMATIVE.

(B) WHERE THE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION PROPOSES A BUDGET SUBJECT TO THE REQUIREMENTS OF PARAGRAPH (A) OF THIS SUBDIVISION, THE BALLOT FOR SUCH BUDGET SHALL INCLUDE THE FOLLOWING STATEMENT IN SUBSTANTIALLY THE SAME FORM: "ADOPTION OF THIS BUDGET REQUIRES A TAX LEVY INCREASE OF WHICH EXCEEDS THE STATUTORY TAX LEVY INCREASE LIMIT OF FOR THIS SCHOOL FISCAL YEAR AND THEREFORE EXCEEDS THE STATE TAX CAP AND MUST BE APPROVED BY SIXTY PERCENT OF THE QUALIFIED VOTERS PRESENT AND VOTING."

7. IN THE EVENT THAT THE ORIGINAL PROPOSED BUDGET IS NOT APPROVED BY THE VOTERS, THE SOLE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION MAY ADOPT A FINAL BUDGET PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION OR RESUBMIT TO THE VOTERS THE ORIGINAL OR A REVISED BUDGET AT A SPECIAL DISTRICT MEETING IN ACCORDANCE WITH SUBDIVISION THREE OF SECTION TWO THOUSAND SEVEN OF THIS PART. UPON ONE DEFEAT OF SUCH RESUBMITTED BUDGET, THE SOLE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION SHALL ADOPT A FINAL BUDGET PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION.

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE QUALIFIED VOTERS FAIL TO APPROVE THE PROPOSED SCHOOL DISTRICT BUDGET UPON RESUBMISSION OR UPON A DETERMINATION NOT TO RESUBMIT FOR A SECOND VOTE PURSUANT TO SUBDIVISION SEVEN OF THIS SECTION, THE SOLE TRUSTEE, TRUSTEES OR BOARD OF EDUCATION SHALL LEVY A TAX NO GREATER THAN THE TAX THAT WAS LEVIED FOR THE PRIOR SCHOOL YEAR.

9. NOTHING IN THIS SECTION SHALL PRECLUDE THE TRUSTEE, TRUSTEES, OR BOARD OF EDUCATION OF A SCHOOL DISTRICT, IN THEIR DISCRETION, FROM SUBMITTING ADDITIONAL ITEMS OF EXPENDITURES TO THE VOTERS FOR APPROVAL AS SEPARATE PROPOSITIONS OR THE VOTERS FROM SUBMITTING PROPOSITIONS PURSUANT TO SECTIONS TWO THOUSAND EIGHT AND TWO THOUSAND THIRTY-FIVE OF THIS PART; PROVIDED HOWEVER, EXCEPT IN THE CASE OF A PROPOSITION SUBMITTED FOR ANY EXPENDITURE CONTAINED WITHIN SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF THIS SECTION, IF ANY PROPOSITION, OR PROPOSITIONS COLLECTIVELY THAT ARE SUBJECT TO A VOTE ON THE SAME DATE, WOULD REQUIRE AN EXPENDITURE OF MONEY THAT WOULD REQUIRE A TAX LEVY AND WOULD RESULT IN THE TAX LEVY LIMIT BEING EXCEEDED FOR THE CORRESPONDING SCHOOL YEAR THEN SUCH PROPOSITION SHALL BE APPROVED IF SIXTY PERCENT OF THE VOTES CAST THEREON ARE IN THE AFFIRMATIVE.

S 3. Section 2023 of the education law, as amended by section 24 of part A of chapter 436 of the laws of 1997, subdivision 1 as amended by chapter 682 of the laws of 2002, subparagraphs (v) and (vi) of paragraph b of subdivision 4 as separately amended by section 1 of part D-2 of chapter 57 and chapter 422 of the laws of 2007, subparagraph (vii) of paragraph b of subdivision 4 as added by section 1 of part D-2 of chapter 57 of the laws of 2007, subparagraph (vii) of paragraph b of subdivision 4 as added by chapter 422 of the laws of 2007 and paragraph b-1 of subdivision 4 as amended by section 5 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

S 2023. Levy of tax for certain purposes without vote; contingency budget. 1. If the qualified voters shall neglect or refuse to vote the sum estimated necessary for teachers' salaries, after applying thereto the public school moneys, and other moneys received or to be received for that purpose, or if they shall neglect or refuse to vote the sum estimated necessary for ordinary contingent expenses, including the purchase of library books and other instructional materials associated with a library and expenses incurred for interschool athletics, field trips and other extracurricular activities and the expenses for cafeteria or restaurant services, the sole trustee, board of trustees, or board of education shall adopt a contingency budget including such expenses and shall levy a tax, SUBJECT TO THE RESTRICTIONS AS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION AND SUBDIVISION EIGHT OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART, for the same, in like manner as if the same had been voted by the qualified voters, subject to the limitations contained in subdivisions three and four of this section.

2. Notwithstanding the defeat of a school budget, school districts shall continue to transport students to and from the regular school program in accordance with the mileage limitations previously adopted by the qualified voters of the school district. Such mileage limits shall change only when amended by a special proposition passed by a majority of the qualified voters of the school district. In cases where the school budget is defeated by such qualified voters of the school district, appropriations for transportation costs for purposes other than for transportation to and from the regular school program, and transportation that would constitute an ordinary contingent expense pursuant to subdivision one of this section, shall be authorized in the budget only after approval by the qualified voters of the district.

3. The administrative component of a contingency budget shall not comprise a greater percentage of the contingency budget exclusive of the capital component than the lesser of (1) the percentage the administrative component had comprised in the prior year budget exclusive of the capital component; or (2) the percentage the administrative component had comprised in the last proposed defeated budget exclusive of the capital component.

4. a. The contingency budget shall not result in a [percentage increase in total spending over the district's total spending under the school district budget for the prior school year that exceeds the lesser of: (i) the result obtained when one hundred twenty percent is multiplied by the percentage increase in the consumer price index, with the result rounded to two decimal places; or (ii) four percent.

b. The following types of expenditures shall be disregarded in determining total spending:

(i) expenditures resulting from a tax certiorari proceeding;

(ii) expenditures resulting from a court order or judgment against the school district;

(iii) emergency expenditures that are certified by the commissioner as necessary as a result of damage to, or destruction of, a school building or school equipment;

(iv) capital expenditures resulting from the construction, acquisition, reconstruction, rehabilitation or improvement of school facilities, including debt service and lease expenditures, subject to the approval of the qualified voters where required by law;

(v) expenditures in the contingency budget attributable to projected increases in public school enrollment, which, for the purpose of this subdivision, may include increases attributable to the enrollment of

students attending a pre-kindergarten program established in accordance with section thirty-six hundred two-e of this chapter, to be computed based upon an increase in enrollment from the year prior to the base year for which the budget is being adopted to the base year for which the budget is being adopted, provided that where the trustees or board of education have documented evidence that a further increase in enrollment will occur during the school year for which the contingency budget is prepared because of new construction, inception of a pre-kindergarten program, growth or similar factors, the expenditures attributable to such additional enrollment may also be disregarded;

(vi) non-recurring expenditures in the prior year's school district budget; and

(vii) expenditures for payments to charter schools pursuant to section twenty-eight hundred fifty-six of this chapter.

(vii) expenditures for self-supporting programs. For purposes of this subparagraph, "self-supporting programs" shall mean any programs that are entirely funded by private funds that cover all the costs of the program.

b-1. Notwithstanding any other provision of this subdivision to the contrary, in the event a state grant in aid provided to the district in the prior year is eliminated and incorporated into a non-categorical general state aid in the current school year, the amount of such grant may be included in the computation of total spending for the prior school year, provided that the commissioner has verified that the grant in aid has been incorporated into such non-categorical general state aid] TAX LEVY GREATER THAN THE TAX LEVIED FOR THE PRIOR SCHOOL YEAR.

[c.] B. The resolution of the trustee, board of trustees, or board of education adopting a contingency budget shall incorporate by reference a statement specifying the projected percentage increase or decrease in total spending for the school year, and explaining the reasons for disregarding any portion of an increase in spending in formulating the contingency budget.

[d.] C. Notwithstanding any other provision of law to the contrary, the trustees or board of education shall not be authorized to amend or revise a final contingency budget where such amendment or revision would result in total spending in excess of the spending limitation in paragraph (a) of this subdivision; provided that the trustees or board of education shall be authorized to add appropriations for[:

(i) the categories of expenditures excluded from the spending limitations set forth in paragraph (b) of this subdivision, subject to approval of the qualified voters where required by law;

(ii) expenditures resulting from an actual increase in enrollment over the projected enrollment used to develop the contingency budget, provided that where such actual enrollment is less than such projected enrollment, it shall be the duty of the trustees or board of education to use such excess funds to reduce taxes; and

(iii)] the expenditure of gifts, grants in aid for specific purposes or for general use or insurance proceeds authorized pursuant to subdivision two of [sudivision] SECTION seventeen hundred eighteen of this chapter in addition to that which has been previously budgeted.

[e. For the purposes of this subdivision:

(i) "Base school year" shall mean the school year immediately preceding the school year for which the contingency budget is prepared.

(ii) "Consumer price index" shall mean the percentage that represents the average of the national consumer price indexes determined by the

United States department of labor, for the twelve month period preceding January first of the current year.

(iii) "Current year" shall mean the calendar year in which the school district budget is submitted for a vote of the qualified voters.

(iv) "Resident public school district enrollment shall mean the resident public school enrollment of the school district as defined in paragraph n of subdivision one of section thirty-six hundred two of this chapter.

(v) "Total spending" shall mean the total amount appropriated under the school district budget for the school year.]

S 4. Paragraph a of subdivision 7 of section 1608 of the education law, as amended by chapter 238 of the laws of 2007, is amended to read as follows:

a. Each year, commencing with the proposed budget for the two thousand--two thousand one school year, the trustee or board of trustees shall prepare a property tax report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include: (i) the amount of total spending and total estimated school tax levy that would result from adoption of the proposed budget and the percentage increase or decrease in total spending and total school tax levy from the school district budget for the preceding school year; and (ii) THE DISTRICT'S TAX LEVY LIMIT DETERMINED PURSUANT TO SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, AND THE ESTIMATED SCHOOL TAX LEVY, EXCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, THAT WOULD RESULT FROM ADOPTION OF THE PROPOSED BUDGET; AND (III) the projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and [(iii)] (IV) the percentage increase in the consumer price index, as defined in paragraph c of this subdivision; and [(iv)] (V) the projected amount of the unappropriated unreserved fund balance that will be retained if the proposed budget is adopted, the projected amount of the reserved fund balance, the projected amount of the appropriated fund balance, the percentage of the proposed budget that the unappropriated unreserved fund balance represents, the actual unappropriated unreserved fund balance retained in the school district budget for the preceding school year, and the percentage of the school district budget for the preceding school year that the actual unappropriated unreserved fund balance represents.

S 5. Paragraph a of subdivision 7 of section 1716 of the education law, as amended by chapter 238 of the laws of 2007, is amended to read as follows:

a. Each year, commencing with the proposed budget for the two thousand--two thousand one school year, the board of education shall prepare a property tax report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include: (i) the amount of total spending and total estimated school tax levy that would

result from adoption of the proposed budget and the percentage increase or decrease in total spending and total school tax levy from the school district budget for the preceding school year; and (ii) THE DISTRICT'S TAX LEVY LIMIT DETERMINED PURSUANT TO SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, AND THE ESTIMATED SCHOOL TAX LEVY, EXCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE, THAT WOULD RESULT FROM ADOPTION OF THE PROPOSED BUDGET; AND (III) the projected enrollment growth for the school year for which the budget is prepared, and the percentage change in enrollment from the previous year; and [(iii)] (IV) the percentage increase in the consumer price index, as defined in paragraph c of this subdivision; and [(iv)] (V) the projected amount of the unappropriated unreserved fund balance that will be retained if the proposed budget is adopted, the projected amount of the reserved fund balance, the projected amount of the appropriated fund balance, the percentage of the proposed budget that the unappropriated unreserved fund balance represents, the actual unappropriated unreserved fund balance retained in the school district budget for the preceding school year, and the percentage of the school district budget for the preceding school year that the actual unappropriated unreserved fund balance represents.

S 6. Section 2008 of the education law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PROPOSITION SUBMITTED BY THE VOTERS THAT REQUIRES THE EXPENDITURE OF MONEY SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBDIVISION NINE OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

S 7. Section 2022 of the education law, as amended by section 23 of part A of chapter 436 of the laws of 1997, subdivisions 1 and 3 as amended by section 8 of part C of chapter 58 of the laws of 1998, subdivision 2-a as amended by section 3 of part A of chapter 60 of the laws of 2000, paragraph b of subdivision 2-a as amended by section 5 of part W of chapter 57 of the laws of 2008, subdivision 4 as amended by section 7 of part M of chapter 57 of the laws of 2005 and subdivision 6 as added by chapter 61 of the laws of 2003, is amended to read as follows:

S 2022. Vote on school district budgets and on the election of school district trustees and board of education members. 1. Notwithstanding any law, rule or regulation to the contrary, the election of trustees or members of the board of education, and the vote upon the appropriation of the necessary funds to meet the estimated expenditures, in any common school district, union free school district, central school district or central high school district shall be held at the annual meeting and election on the third Tuesday in May, provided, however, that such election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances. [When such election or vote is taken by recording the ayes and noes of the qualified voters attending, a majority of the qualified voters present and voting, by a hand or voice vote, may determine to take up the question of voting the necessary funds to meet the estimated expenditures for a specific item separately, and the qualified voters present and voting may increase the amount of any estimated expenditures or reduce the same, except for teachers' salaries, and the ordinary contingent expenses of the schools.] The sole trustee, board of trustees or board of education of every common, union free, central or central high school district and every city school district to which this article

applies shall hold a budget hearing not less than seven nor more than fourteen days prior to the annual meeting and election or special district meeting at which a school budget vote will occur, and shall prepare and present to the voters at such budget hearing a proposed school district budget for the ensuing school year.

2. Except as provided in subdivision four of this section, nothing in this section shall preclude the trustees or board of education, in their discretion, from submitting additional items of expenditure to the voters for approval as separate propositions or the voters from submitting propositions pursuant to [section] SECTIONS two thousand eight and two thousand thirty-five of this [article] PART; PROVIDED HOWEVER THAT SUCH PROPOSITIONS SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBDIVISION NINE OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

2-a. Every common, union free, central, central high school district and city school district to which this article applies shall mail a school budget notice to all qualified voters of the school district after the date of the budget hearing, but no later than six days prior to the annual meeting and election or special district meeting at which a school budget vote will occur. The school budget notice shall compare the percentage increase or decrease in total spending under the proposed budget over total spending under the school district budget adopted for the current school year, with the percentage increase or decrease in the consumer price index, from January first of the prior school year to January first of the current school year, and shall also include the information required by paragraphs a and b of this subdivision. The notice shall also set forth the date, time and place of the school budget vote, in the same manner as in the notice of annual meeting, AND SHALL ALSO INCLUDE THE DISTRICT'S TAX LEVY LIMIT PURSUANT TO SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART, AND THE ESTIMATED SCHOOL TAX LEVY, EXCLUDING ANY LEVY NECESSARY TO SUPPORT THE EXPENDITURES PURSUANT TO SUBPARAGRAPHS (I) THROUGH (IV) OF PARAGRAPH I OF SUBDIVISION TWO OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART, THAT WOULD RESULT FROM ADOPTION OF THE PROPOSED BUDGET. Such notice shall be in a form prescribed by the commissioner.

a. Commencing with the proposed budget for the two thousand one--two thousand two school year, such notice shall also include a description of how total spending and the tax levy resulting from the proposed budget would compare with a projected contingency budget adopted pursuant to section two thousand twenty-three of this article, assuming that such contingency budget is adopted on the same day as the vote on the proposed budget. Such comparison shall be in total and by component (program, capital and administrative), and shall include a statement of the assumptions made in estimating the projected contingency budget.

b. Commencing with the proposed budget for the two thousand eight--two thousand nine school year, such notice shall also include, in a format prescribed by the commissioner, an estimate of the tax savings that would be available to an eligible homeowner under the basic school tax relief (STAR) exemption authorized by section four hundred twenty-five of the real property tax law if the proposed budget were adopted. Such estimate shall be made in the manner prescribed by the commissioner, in consultation with the office of real property services.

3. In all elections for trustees or members of boards of education or votes involving the expenditure of money, or authorizing the levy of taxes, the vote thereon shall be by ballot, or, in school districts that prior to nineteen hundred ninety-eight conducted their vote at the annu-

al meeting, may be ascertained by taking and recording the ayes and noes of such qualified voters attending and voting at such district meetings.

4. THE BUDGET ADOPTION PROCESS SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART. In the event that the original proposed budget is not approved by the voters, the sole trustee, trustees or board of education may adopt a final budget pursuant to subdivision five of this section or resubmit to the voters the original or a revised budget pursuant to subdivision three of section two thousand seven of this part. Upon one defeat of such resubmitted budget, the sole trustee, trustees or board of education shall adopt a final budget pursuant to subdivision five of this section. Notwithstanding any other provision of law to the contrary, the school district budget for any school year, or any part of such budget or any propositions involving the expenditure of money for such school year shall not be submitted for a vote of the qualified voters more than twice.

5. If the qualified voters fail to approve the proposed school district budget upon resubmission or upon a determination not to resubmit for a second vote pursuant to subdivision four of this section, the sole trustee, trustees or board of education, after applying thereto the public school moneys and other moneys received or to be received for that purpose, shall levy a tax for the sum necessary for teachers' salaries and other ordinary contingent expenses in accordance with the provisions of this subdivision and [section] SECTIONS two thousand twenty-three AND TWO THOUSAND TWENTY-THREE-A of this article.

6. Notwithstanding the provisions of subdivision four of section eighteen hundred four and subdivision five of section nineteen hundred six of this title, subdivision one of section two thousand two of this article, subdivision one of this section, subdivision two of section twenty-six hundred one-a of this title and any other provision of law to the contrary, the annual district meeting and election of every common, union free, central and central high school district and the annual meeting of every city school district in a city having a population of less than one hundred twenty-five thousand inhabitants that is scheduled to be held on the third Tuesday of May, two thousand three is hereby adjourned until the first Tuesday in June, two thousand three. The trustees or board of education of each such school district shall provide notice of such adjourned meeting to the qualified voters in the manner prescribed for notice of the annual meeting, and such notice shall provide for an adjourned budget hearing. The adjourned district meeting or district meeting and election shall be deemed the annual meeting or annual meeting and election of the district for all purposes under this title and the date of the adjourned meeting shall be deemed the statewide uniform voting day for all purposes under this title. Notwithstanding the provisions of subdivision seven of section sixteen hundred eight or subdivision seven of section seventeen hundred sixteen of this title or any other provision of law, rule or regulation to the contrary, in two thousand three the property tax report card shall be submitted to the department no later than twenty days prior to the date of the adjourned meeting and the department shall make its compilation available electronically at least seven days prior to such date.

S 8. Section 2035 of the education law is amended by adding a new subdivision 3 to read as follows:

3. ANY PROPOSITION SUBMITTED PURSUANT TO THIS SECTION SHALL BE SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBDIVISION NINE OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

S 9. Section 2601-a of the education law, as added by chapter 171 of the laws of 1996, subdivision 2 as amended by section 6 and subdivision 4 as amended by section 8 of part M of chapter 57 of the laws of 2005, subdivision 3 as amended by chapter 640 of the laws of 2008, subdivision 5 as amended by section 29 of part A of chapter 436 of the laws of 1997, subdivision 6 as amended and subdivision 7 as added by chapter 474 of the laws of 1996, is amended to read as follows:

S 2601-a. Procedures for adoption of school budgets in small city school districts. 1. The board of education of each city school district subject to this article shall provide for the submission of a budget for approval of the voters pursuant to the provisions of this section AND IN ACCORDANCE WITH THE REQUIREMENTS SET FORTH IN SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE.

2. The board of education shall conduct all annual and special school district meetings for the purpose of adopting a school district budget in the same manner as a union free school district in accordance with the provisions of article forty-one of this title, except as otherwise provided by this section. The annual meeting and election of each such city school district shall be held on the third Tuesday of May in each year, provided, however that such annual meeting and election shall be held on the second Tuesday in May if the commissioner at the request of a local school board certifies no later than March first that such election would conflict with religious observances, and any school budget revote shall be held on the date and in the same manner specified in subdivision three of section two thousand seven of this title. The provisions of this article, and where applicable subdivisions nine and nine-a of section twenty-five hundred two of this title, governing the qualification and registration of voters, and procedures for the nomination and election of members of the board of education shall continue to apply, and shall govern the qualification and registration of voters and voting procedures with respect to the adoption of a school district budget.

3. The board of education shall prepare a proposed school district budget for the ensuing year in accordance with the provisions of section seventeen hundred sixteen of this chapter, including all provisions relating to required notices and appendices to the statement of expenditures. No board of education shall incur a school district liability except as authorized by the provisions of section seventeen hundred eighteen of this chapter. Such proposed budget shall be presented in three components: a program component, a capital component and an administrative component which shall be separately delineated in accordance with regulations of the commissioner after consultation with local school district officials. The administrative component shall include, but need not be limited to, office and central administrative expenses, traveling expenses and all compensation, salaries and benefits of all school administrators and supervisors, including business administrators, superintendents of schools and deputy, assistant, associate or other superintendents under all existing employment contracts or collective bargaining agreements, any and all expenditures associated with the operation of the board of education, the office of the superintendent of schools, general administration, the school business office, consulting costs not directly related to direct student services and programs, planning and all other administrative activities. The program component shall include, but need not be limited to, all program expenditures of the school district, including the salaries and benefits of teachers and any school administrators or supervisors who spend a majority of their

time performing teaching duties, and all transportation operating expenses. The capital component shall include, but need not be limited to, all transportation capital, debt service, and lease expenditures; costs resulting from judgments in tax certiorari proceedings or the payment of awards from court judgments, administrative orders or settled or compromised claims; and all facilities costs of the school district, including facilities lease expenditures, the annual debt service and total debt for all facilities financed by bonds and notes of the school district, and the costs of construction, acquisition, reconstruction, rehabilitation or improvement of school buildings, provided that such budget shall include a rental, operations and maintenance section that includes base rent costs, total rent costs, operation and maintenance charges, cost per square foot for each facility leased by the school district, and any and all expenditures associated with custodial salaries and benefits, service contracts, supplies, utilities, and maintenance and repairs of school facilities. For the purposes of the development of a budget for the nineteen hundred ninety-seven--ninety-eight school year, the board of education shall separate its program, capital and administrative costs for the nineteen hundred ninety-six--ninety-seven school year in the manner as if the budget for such year had been presented in three components. Except as provided in subdivision four of this section, nothing in this section shall preclude the board, in its discretion, from submitting additional items of expenditure to the voters for approval as separate propositions or the voters from submitting propositions pursuant to sections two thousand eight and two thousand thirty-five of this chapter SUBJECT TO THE REQUIREMENTS SET FORTH IN SUBDIVISION NINE OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS PART.

4. THE BUDGET ADOPTION PROCESS SHALL CONFORM TO THE REQUIREMENTS SET FORTH IN SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE. In the event the qualified voters of the district reject the budget proposed pursuant to subdivision three of this section, the board may propose to the voters a revised budget pursuant to subdivision three of section two thousand seven of this title or may adopt a contingency budget pursuant to subdivision five of this section and subdivision five of section two thousand twenty-two of this title. The school district budget for any school year, or any part of such budget or any propositions involving the expenditure of money for such school year shall not be submitted for a vote of the qualified voters more than twice. In the event the qualified voters reject the resubmitted budget, the board shall adopt a contingency budget in accordance with subdivision five of this section and subdivision five of such section two thousand twenty-two of this title.

5. If the qualified voters fail or refuse to vote the sum estimated to be necessary for teachers' salaries and other ordinary contingent expenses, the board shall adopt a contingency budget in accordance with this subdivision and shall levy a tax for that portion of such sum remaining after applying thereto the moneys received or to be received from state, federal or other sources, in the same manner as if the budget had been approved by the qualified voters; subject to the limitations imposed in subdivision four of section two thousand twenty-three of this chapter, SUBDIVISION EIGHT OF SECTION TWO THOUSAND TWENTY-THREE-A OF THIS TITLE and this subdivision. The administrative component shall not comprise a greater percentage of the contingency budget exclusive of the capital component than the lesser of (1) the percentage the administrative component had comprised in the prior year budget exclusive of the capital component; or (2) the percentage the administrative component

had comprised in the last proposed defeated budget exclusive of the capital component. Such contingency budget shall include the sum determined by the board to be necessary for:

(a) teachers' salaries, including the salaries of all members of the teaching and supervising staff;

(b) items of expense specifically authorized by statute to be incurred by the board of education, including, but not limited to, expenditures for transportation to and from regular school programs included as ordinary contingent expenses in subdivision twelve of section twenty-five hundred three of this chapter, expenditures for textbooks, required services for non-public school students, school health services, special education services, kindergarten and nursery school programs, and the district's share of the administrative costs and costs of services provided by a board of cooperative educational services;

(c) items of expense for legal obligations of the district, including, but not limited to, contractual obligations, debt service, court orders or judgments, orders of administrative bodies or officers, and standards and requirements of the board of regents and the commissioner that have the force and effect of law;

(d) the purchase of library books and other instructional materials associated with a library;

(e) items of expense necessary to maintain the educational programs of the district, preserve the property of the district or protect the health and safety of students and staff, including, but not limited to, support services, pupil personnel services, the necessary salaries for the necessary number of non-teaching employees, necessary legal expenses, water and utility charges, instructional supplies for teachers' use, emergency repairs, temporary rental of essential classroom facilities, and expenditures necessary to advise school district voters concerning school matters; and

(f) expenses incurred for interschool athletics, field trips and other extracurricular activities; and

(g) any other item of expense determined by the commissioner to be an ordinary contingent expense in any school district.

6. The commissioner shall determine appeals raising questions as to what items of expenditure are ordinary contingent expenses pursuant to subdivision five of this section in accordance with section two thousand twenty-four and three hundred ten of this chapter.

7. Each year, the board of education shall prepare a school district report card, pursuant to regulations of the commissioner, and shall make it publicly available by transmitting it to local newspapers of general circulation, appending it to copies of the proposed budget made publicly available as required by law, making it available for distribution at the annual meeting, and otherwise disseminating it as required by the commissioner. Such report card shall include measures of the academic performance of the school district, on a school by school basis, and measures of the fiscal performance of the district, as prescribed by the commissioner. Pursuant to regulations of the commissioner, the report card shall also compare these measures to statewide averages for all public schools, and statewide averages for public schools of comparable wealth and need, developed by the commissioner. Such report card shall include, at a minimum, any information on the school district regarding pupil performance and expenditure per pupil required to be included in the annual report by the regents to the governor and the legislature pursuant to section two hundred fifteen-a of this chapter; and any other information required by the commissioner. School districts (i) identi-

fied as having fifteen percent or more of their students in special education, or (ii) which have fifty percent or more of their students with disabilities in special education programs or services sixty percent or more of the school day in a general education building, or (iii) which have eight percent or more of their students with disabilities in special education programs in public or private separate educational settings shall indicate on their school district report card their respective percentages as defined in this paragraph and paragraphs (i) and (ii) of this subdivision as compared to the statewide average.

S 10. Paragraph b-1 of subdivision 4 of section 3602 of the education law, as amended by section 26 of part A of chapter 58 of the laws of 2011, is amended to read as follows:

b-1. Notwithstanding any other provision of law to the contrary, for the two thousand seven--two thousand eight [through] school year and thereafter, the additional amount payable to each school district pursuant to this subdivision in the current year as total foundation aid, after deducting the total foundation aid base, shall be deemed a state grant in aid identified by the commissioner for general use for purposes of [sections] SECTION seventeen hundred eighteen [and two thousand twenty-three] of this chapter.

S 11. Paragraph a of subdivision 1 of section 3635 of the education law, as amended by chapter 69 of the laws of 1992, is amended to read as follows:

a. Sufficient transportation facilities (including the operation and maintenance of motor vehicles) shall be provided by the school district for all the children residing within the school district to and from the school they legally attend, who are in need of such transportation because of the remoteness of the school to the child or for the promotion of the best interest of such children. Such transportation shall be provided for all children attending grades kindergarten through eight who live more than two miles from the school which they legally attend and for all children attending grades nine through twelve who live more than three miles from the school which they legally attend and shall be provided for each such child up to a distance of fifteen miles, the distances in each case being measured by the nearest available route from home to school. The cost of providing such transportation between two or three miles, as the case may be, and fifteen miles shall be considered for the purposes of this chapter to be a charge upon the district and an ordinary contingent expense of the district. Transportation for a lesser distance than two miles in the case of children attending grades kindergarten through eight or three miles in the case of children attending grades nine through twelve and for a greater distance than fifteen miles may be provided by the district WITH THE APPROVAL OF THE QUALIFIED VOTERS, and, if provided, shall be offered equally to all children in like circumstances residing in the district; provided, however, that this requirement shall not apply to transportation offered pursuant to section thirty-six hundred thirty-five-b of this article.

S 12. Nothing contained in this act shall impair or invalidate the powers or duties, as authorized by law, of a control board, interim finance authority or fiscal stability authority including such powers or duties that may require the tax levy limit, as that term is defined in section one or section two of this act, to be exceeded.

S 13. This act shall take effect immediately; provided, however, that sections two through eleven of this act shall take effect July 1, 2011 and shall first apply to school district budgets and the budget adoption

process for the 2012-13 school year; provided further, that if section 26 of part A of chapter 58 of the laws of 2011 shall not have taken effect on or before such date then section ten of this act shall take effect on the same date and in the same manner as such chapter of the laws of 2011, takes effect; provided further, that section one of this act shall first apply to the levy of taxes by local governments for the fiscal year that begins in 2012.

PART B

Section 1. The general municipal law is amended by adding a new article 19-C to read as follows:

ARTICLE 19-C
MANDATE RELIEF

SECTION 991. SHORT TITLE.
992. LEGISLATIVE FINDINGS AND DETERMINATIONS.
993. NEW YORK STATE MANDATE RELIEF COUNCIL.
993-A. POWERS AND DUTIES OF THE COUNCIL.
993-B. ASSISTANCE OF OTHER AGENCIES.
994. DETERMINATION OF UNFUNDED MANDATE.
994-A. REQUEST BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT.
994-B. REQUEST BY A SCHOOL DISTRICT.
994-C. REQUEST BY A FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT.
994-D. NEW REGULATIONS PROPOSED BY STATE GOVERNMENT.
995. CONSIDERATION OF THE ISSUE OF REPEAL OF AN UNFUNDED MANDATE.
995-A. REPEAL OF UNFUNDED MANDATES CONTAINED IN CURRENT REGULATIONS.
995-B. REPEAL OF UNFUNDED MANDATES CONTAINED IN PROPOSED OR NEW REGULATIONS.
995-C. REPEAL OF UNFUNDED MANDATES CONTAINED IN STATUTE.
996. REPORTS AND RECOMMENDATIONS OF THE NEW YORK STATE MANDATE RELIEF COUNCIL.
997. COMPTROLLER REPORT OF UNFUNDED MANDATES.
998. FISCAL NOTES FOR BILLS ENACTING MANDATES UPON LOCAL GOVERNMENTS.
999. SEVERABILITY.

S 991. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "NEW YORK STATE MANDATE RELIEF ACT".

S 992. LEGISLATIVE FINDINGS AND DETERMINATIONS. THE LEGISLATURE HEREBY FINDS AND DETERMINES THAT UNFUNDED MANDATES ESTABLISHED BY THE STATE UPON ITS LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS, PRESENT A TREMENDOUS FINANCIAL BURDEN UPON THESE LOCALITIES, AS WELL AS THE PEOPLE OF THE STATE OF NEW YORK.

THE LEGISLATURE HEREBY FURTHER FINDS AND DETERMINES THAT THE COST OF THESE UNFUNDED MANDATES HAS SERIOUSLY CONTRIBUTED TO THE FINANCIAL CHALLENGES OF THESE LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS, AND HAVE COST THE TAXPAYERS OF THE STATE OF NEW YORK AN ENORMOUS BURDEN IN REAL PROPERTY TAXES, AS WELL AS LIMITING THE ABILITY OF THESE LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS TO ENACT MEASURES WHICH WOULD SAVE BOTH TAXPAYER DOLLARS AND RESPONSIVELY PROVIDE FOR IMPROVED COMMUNITY SERVICES.

THE LEGISLATURE HEREBY ADDITIONALLY FINDS AND DETERMINES THAT THERE IS A PRESSING NEED TO DEVELOP COMPREHENSIVE LEGISLATIVE AND ADMINISTRATIVE CHANGES TO END UNFUNDED MANDATES AND ACCOMPLISH MANDATE RELIEF, AND THAT

IMPORTANT MANDATE RELIEF MEASURES ARE IMMEDIATELY NECESSARY IN ORDER TO ACCOMPLISH THIS GOAL. THAT IS THE GOAL OF THIS LEGISLATION, IN ESTABLISHING THE COUNCIL ON MANDATE RELIEF, TO CREATE AN EFFECTIVE MECHANISM TO ELIMINATE UNFUNDED MANDATES, AND TO BEGIN TO RELIEVE LOCAL GOVERNMENTS, SCHOOL DISTRICTS, AND FIRE DISTRICTS, AND THE TAXPAYERS THEY REPRESENT, OF THE CRUSHING BURDEN THAT REAL PROPERTY TAXES CURRENTLY PLACE UPON ALL NEW YORKERS.

S 993. NEW YORK STATE MANDATE RELIEF COUNCIL. THERE SHALL BE A COUNCIL OF MANDATE RELIEF, WHICH SHALL BE INDEPENDENT OF THE LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT. THE COUNCIL SHALL CONSIST OF ELEVEN MEMBERS APPOINTED BY THE GOVERNOR, UPON ADVICE AND CONSENT OF THE SENATE, AS FOLLOWS:

1. FIVE MEMBERS UPON NOMINATION OF THE GOVERNOR;

2. TWO MEMBERS UPON NOMINATION OF THE TEMPORARY PRESIDENT OF THE SENATE;

3. TWO MEMBERS UPON NOMINATION OF THE SPEAKER OF THE ASSEMBLY;

4. ONE MEMBER UPON NOMINATION OF THE MINORITY LEADER OF THE SENATE; AND

5. ONE MEMBER UPON NOMINATION OF THE MINORITY LEADER OF THE ASSEMBLY.

OF THE MEMBERS APPOINTED UPON NOMINATION OF THE GOVERNOR, NO MORE THAN TWO SHALL BE APPOINTED FROM THE SAME POLITICAL PARTY. THE TERM OF OFFICE OF THE MEMBERS OF THE COUNCIL SHALL BE FIVE YEARS. VACANCIES IN THE COUNCIL OCCURRING OTHERWISE THAN BY EXPIRATION OF TERM, SHALL BE FILLED FOR THE UNEXPIRED TERM IN THE SAME MANNER AS THEIR ORIGINAL APPOINTMENT. THE COUNCIL SHALL ELECT A CHAIR AND VICE-CHAIR FROM AMONG ITS MEMBERS. THE CHAIR SHALL BE THE EXECUTIVE OFFICER OF THE COUNCIL. THE CHAIR, WITHIN BUDGET APPROPRIATIONS THEREFORE, MAY APPOINT SUCH EMPLOYEES, PRESCRIBE THEIR DUTIES, AND FIX THEIR COMPENSATION, AS NECESSARY FOR THE SUCCESSFUL OPERATION OF THE COUNCIL. NO MEMBER OF THE COUNCIL SHALL RECEIVE A SALARY, BUT MAY BE REIMBURSED FOR THEIR NECESSARY AND REASONABLE EXPENSES. THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER OF THE ASSEMBLY SHALL ASSIGN ONE STAFF MEMBER FROM THEIR RESPECTIVE STAFFS FOR EACH NOMINATION THEY MAKE TO THE COUNCIL TO SERVE AS STAFF AND TO PROVIDE SUPPORT SERVICES TO THE COUNCIL.

S 993-A. POWERS AND DUTIES OF THE COUNCIL. THE COUNCIL SHALL HAVE THE FOLLOWING POWERS AND DUTIES:

1. TO MAKE A DETERMINATION, UPON A REVIEW, PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, AS TO WHETHER A STATUTE, REGULATION, RULE OR ORDER IDENTIFIED IN THE RESOLUTION, CONSTITUTES AN UNFUNDED MANDATE;

2. TO REPEAL A REGULATION, RULE, OR ORDER, DETERMINED, ACCORDING TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, TO BE AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE, SECTION NINE HUNDRED NINETY-FIVE-A AND/OR SECTION NINE HUNDRED NINETY-FIVE-B OF THIS ARTICLE;

3. TO RECOMMEND TO THE STATE LEGISLATURE TO REPEAL A STATUTE, DETERMINED ACCORDING TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE TO BE AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE AND SECTION NINE HUNDRED NINETY-FIVE-C OF THIS ARTICLE;

4. TO ISSUE REPORTS AND RECOMMENDATIONS TO THE GOVERNOR AND MEMBERS OF THE LEGISLATURE REGARDING MANDATE RELIEF, PURSUANT TO SECTION NINE HUNDRED NINETY-SIX OF THIS ARTICLE;

5. TO MEET AS A PUBLIC BODY NOT LESS THAN TWICE A MONTH FOR THE ACCOMPLISHMENT OF THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

6. TO ESTABLISH RULES, REGULATIONS AND PROCEDURES AS NECESSARY TO ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

7. TO ENTER INTO CONTRACTS, WITHIN AMOUNTS APPROPRIATED THEREFOR, WITH INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR ORGANIZATIONS AS NECESSARY TO ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE;

8. TO MAKE AND SIGN ANY AGREEMENTS, AND TO DO AND TO PERFORM ANY ACTS, THAT MAY BE NECESSARY, DESIRABLE OR PROPER TO CARRY OUT THE PURPOSES OF THIS ARTICLE;

9. TO MAINTAIN AN OFFICIAL RECORD OF ITS MEETINGS, DISCUSSIONS, DELIBERATIONS AND DETERMINATIONS;

10. TO MAINTAIN AN OFFICIAL WEBSITE AND EMAIL ADDRESSES FOR ITS MEMBERS;

11. TO ACCEPT GIFTS, CONTRIBUTIONS AND BEQUESTS OF UNRESTRICTED FUNDS FROM INDIVIDUALS, PARTNERSHIPS, CORPORATIONS OR ORGANIZATIONS AS NECESSARY TO ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE; AND

12. TO EXERCISE AND PERFORM SUCH OTHER POWERS AND DUTIES AS NECESSARY TO ACCOMPLISH THE PURPOSES AND PROVISIONS OF THIS ARTICLE.

S 993-B. ASSISTANCE OF OTHER AGENCIES. TO EFFECTUATE THE PURPOSES OF THIS ARTICLE, THE COUNCIL MAY REQUEST FROM ANY DEPARTMENT, BOARD, BUREAU, COMMISSION OR OTHER AGENCY OF THE STATE, AND THE SAME ARE AUTHORIZED TO PROVIDE, SUCH ASSISTANCE, SERVICES AND DATA AS WILL ENABLE THE COUNCIL PROPERLY TO CARRY OUT ITS POWERS AND DUTIES AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION.

S 994. DETERMINATION OF UNFUNDED MANDATE. 1. UPON THE REQUEST OF THE GOVERNING BODY OF A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-A OF THIS ARTICLE, OR UPON A REQUEST OF A SCHOOL DISTRICT, PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-B OF THIS ARTICLE, OR UPON A REQUEST OF A FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-C OF THIS ARTICLE, THE COUNCIL SHALL MAKE A DETERMINATION AS TO WHETHER A STATUTE, REGULATION, RULE OR ORDER IS AN UNFUNDED MANDATE.

2. UPON THE SUBMISSION OF A DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-D OF THIS ARTICLE, THE COUNCIL SHALL MAKE A DETERMINATION AS TO WHETHER A STATUTE, REGULATION, RULE OR ORDER IS AN UNFUNDED MANDATE.

3. THE COUNCIL, UPON RECEIPT OF THE REQUEST OR SUBMISSION PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR-A, SECTION NINE HUNDRED NINETY-FOUR-B, SECTION NINE HUNDRED NINETY-FOUR-C OR NINE HUNDRED NINETY-FOUR-D OF THIS ARTICLE SHALL HAVE NINETY DAYS TO MAKE A DETERMINATION AS TO WHETHER THE STATUTE, REGULATION, RULE OR ORDER CONTAINED IN THE REQUEST OR SUBMISSION SHALL BE DEEMED TO CONSTITUTE AN UNFUNDED MANDATE. IN MAKING SUCH DETERMINATION, THE COUNCIL SHALL CONSIDER IF THE STATUTE, REGULATION, RULE OR ORDER LEGALLY REQUIRES THE CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT TO PERFORM AN ACT, OR REFRAIN FROM ACTING, IN A MATERIAL MANNER AND WITH A MATERIAL COST. IN FURTHER MAKING ITS DETERMINATION, THE COUNCIL SHALL FURTHER CONSIDER IF THE COST INCURRED AS A RESULT OF THE GOVERNMENT OR DISTRICT COMPLYING WITH THE STATUTE, REGULATION, RULE OR ORDER IS NOT REIMBURSED TO THE GOVERNMENT OR DISTRICT BY EITHER THE FEDERAL OR STATE GOVERNMENT, OR IF SUCH GOVERNMENT OR DISTRICT IS NOT OTHERWISE PROVIDED WITH THE ABILITY TO COLLECT A FEE OR OTHER MONIES IN RETURN FOR THE COMPLIANCE WITH SUCH STATUTE, REGULATION, RULE OR ORDER.

4. THE COUNCIL NEED NOT CONSIDER A REQUEST FOR DETERMINATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION IF THE COUNCIL HAS PREVIOUSLY MADE A DETERMINATION WITHIN FIVE YEARS OF THE REQUEST, REGARDING THE SAME EXACT STATUTORY PROVISION OR REGULATION. IN THE EVENT THAT THE COUNCIL

DECLINES TO CONSIDER A REQUEST FOR A DETERMINATION PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE COUNCIL SHALL NOTIFY THE CITY, TOWN, VILLAGE OR COUNTY, IN WRITING, OF ITS DECLINATION TO CONSIDER THE REQUEST, AND SHALL PROVIDE THE CITY, TOWN, VILLAGE OR COUNTY WITHIN SUCH NOTIFICATION WITH A COPY OF THE COUNCIL'S PREVIOUS DETERMINATION ON THE SAME EXACT STATUTORY PROVISION OR REGULATION.

5. THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE STATUTE, REGULATION, RULE OR ORDER CONTAINED IN THE REQUEST OR SUBMISSION CONSTITUTES AN UNFUNDED MANDATE, BY MEANS OF A MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. THE MEETING TO CONSIDER WHETHER A REQUESTED STATUTE, REGULATION, RULE OR ORDER CONTAINED IN THE REQUEST CONSTITUTES AN UNFUNDED MANDATE, AND ALL THE DELIBERATIONS AND DISCUSSIONS AT SUCH MEETING, SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. IN THE EVENT THAT THE COUNCIL DETERMINES THAT THE STATUTE, REGULATION, RULE OR ORDER CONSTITUTES AN UNFUNDED MANDATE, IT SHALL NOTIFY THE GOVERNMENT OR DISTRICT WHO MADE THE REQUEST, OR THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT THAT MADE THE SUBMISSION, AND POST AND PUBLISH A RECORD OF SUCH DETERMINATION ON THE OFFICIAL WEBSITE OF THE COUNCIL.

6. NOTWITHSTANDING ANYTHING IN THIS SUBDIVISION TO THE CONTRARY, THE FOLLOWING CATEGORIES OF STATUTES, REGULATIONS, RULES OR ORDERS, SHALL NOT BE CONSIDERED UNFUNDED MANDATES:

A. THOSE WHICH ARE REQUIRED TO COMPLY WITH FEDERAL LAWS OR RULES OR TO MEET ELIGIBILITY STANDARDS FOR FEDERAL ENTITLEMENTS;

B. THOSE WHICH REPEAL, REVISE OR EASE AN EXISTING REQUIREMENT OR MANDATE OR WHICH REAPPORTION THE COSTS OF ACTIVITIES BETWEEN BOARDS OF EDUCATION, COUNTIES, AND MUNICIPALITIES;

C. THOSE WHICH STEM FROM FAILURE TO COMPLY WITH PREVIOUSLY ENACTED LAWS OR RULES OR REGULATIONS ISSUED PURSUANT TO LAW;

D. THOSE WHICH IMPLEMENT THE PROVISIONS OF THE STATE CONSTITUTION; AND

E. THOSE STATUTES WHICH ARE ENACTED AFTER A PUBLIC HEARING, HELD AFTER PUBLIC NOTICE THAT UNFUNDED MANDATES WILL BE CONSIDERED, FOR WHICH A FISCAL ANALYSIS IS AVAILABLE AT THE TIME OF THE PUBLIC HEARING AND WHICH, IN ADDITION TO COMPLYING WITH ALL OTHER CONSTITUTIONAL REQUIREMENTS WITH REGARD TO THE ENACTMENT OF LAWS, ARE PASSED BY AN AFFIRMATIVE VOTE OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE AND SIGNED INTO LAW BY THE GOVERNOR.

7. NOTWITHSTANDING THE DETERMINATION OF ANY COURT OF COMPETENT JURISDICTION, THE COUNCIL SHALL RESOLVE ANY DISPUTE REGARDING WHETHER SUCH A STATUTE, REGULATION, RULE OR ORDER CONSTITUTES SUCH AN UNFUNDED MANDATE. THE DECISIONS OF THE COUNCIL WITH RESPECT TO WHETHER A STATUTE, REGULATION, RULE OR ORDER, WHICH CONSTITUTES AN UNFUNDED MANDATE SHALL NOT BE JUDICIAL DETERMINATIONS.

S 994-A. REQUEST BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT. ANY CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT MAY MAKE A REQUEST OF THE COUNCIL TO REVIEW A STATUTE, REGULATION, RULE OR ORDER OF STATE GOVERNMENT, TO DETERMINE WHETHER SUCH STATUTE, REGULATION, RULE OR ORDER CONSTITUTES AN UNFUNDED STATE MANDATE. THE REQUEST FOR A DETERMINATION SHALL BE MADE BY MEANS OF A RESOLUTION PASSED BY A MAJORITY OF THE TOTAL MEMBERS OF THE GOVERNING BODY OF THE CITY, TOWN, VILLAGE OR COUNTY AND TRANSMITTED TO THE COUNCIL WITHIN NINETY DAYS OF THE PASSING OF SUCH RESOLUTION. THE REQUEST OF THE GOVERNING BODY SHALL ALSO SPECIFICALLY IDENTIFY THE STATUTE, REGULATION, RULE OR ORDER IN QUESTION. A REQUEST OF THE GOVERNING BODY SHALL FURTHER CONTAIN ONLY ONE STATUTE, REGULATION, RULE OR ORDER UPON WHICH A DETERMINATION IS SOUGHT. NO CITY, TOWN, VILLAGE OR COUNTY

GOVERNMENT, SHALL MAKE MORE THAN TEN REQUESTS OF THE COUNCIL FOR A DETERMINATION IN ANY CALENDAR YEAR.

S 994-B. REQUEST BY A SCHOOL DISTRICT. ANY SCHOOL DISTRICT MAY MAKE A REQUEST OF THE COUNCIL TO REVIEW A STATUTE, REGULATION, RULE OR ORDER OF STATE GOVERNMENT, TO DETERMINE WHETHER SUCH STATUTE, REGULATION, RULE OR ORDER CONSTITUTES AN UNFUNDED STATE MANDATE. THE REQUEST FOR A DETERMINATION SHALL BE MADE BY MEANS OF A RESOLUTION PASSED BY A MAJORITY OF THE TOTAL MEMBERS OF THE GOVERNING BODY OF THE SCHOOL DISTRICT AND TRANSMITTED TO THE COUNCIL WITHIN NINETY DAYS OF THE PASSING OF SUCH RESOLUTION. THE REQUEST OF THE GOVERNING BODY SHALL ALSO SPECIFICALLY IDENTIFY THE STATUTE, REGULATION, RULE OR ORDER IN QUESTION. A REQUEST OF THE GOVERNING BODY SHALL FURTHER CONTAIN ONLY ONE STATUTE, REGULATION, RULE OR ORDER UPON WHICH A DETERMINATION IS SOUGHT. NO SCHOOL DISTRICT, SHALL MAKE MORE THAN FIVE REQUESTS OF THE COUNCIL FOR A DETERMINATION IN ANY CALENDAR YEAR.

S 994-C. REQUEST BY A FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT. ANY FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT MAY MAKE A REQUEST OF THE COUNCIL TO REVIEW A STATUTE, REGULATION, RULE OR ORDER OF STATE GOVERNMENT, TO DETERMINE WHETHER SUCH STATUTE, REGULATION, RULE OR ORDER CONSTITUTES AN UNFUNDED STATE MANDATE. THE REQUEST FOR A DETERMINATION SHALL BE MADE BY MEANS OF A RESOLUTION PASSED BY A MAJORITY OF THE TOTAL MEMBERS OF THE GOVERNING BODY OF THE FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT AND TRANSMITTED TO THE COUNCIL WITHIN NINETY DAYS OF THE PASSING OF SUCH RESOLUTION. THE REQUEST OF THE GOVERNING BODY SHALL ALSO SPECIFICALLY IDENTIFY THE STATUTE, REGULATION, RULE OR ORDER IN QUESTION. A REQUEST OF THE GOVERNING BODY SHALL FURTHER CONTAIN ONLY ONE STATUTE, REGULATION, RULE OR ORDER UPON WHICH A DETERMINATION IS SOUGHT. NO FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT, SHALL MAKE MORE THAN TWO REQUESTS OF THE COUNCIL FOR A DETERMINATION IN ANY CALENDAR YEAR.

S 994-D. NEW REGULATIONS PROPOSED BY STATE GOVERNMENT. ALL DEPARTMENTS, DIVISIONS, OFFICES, BUREAUS OR OTHER AGENCIES OF STATE GOVERNMENT, UPON THE PROMULGATION OF A NEW REGULATION, RULE OR ORDER, OR THE AMENDMENT OF AN EXISTING REGULATION, RULE OR ORDER, WHICH WOULD REQUIRE ANY CITY, TOWN, VILLAGE OR COUNTY, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT, TO TAKE ANY ACTION, PERFORM ANY DUTY, MAKE ANY EXPENDITURE, OR INCUR ANY COST, MUST BE SUBMITTED TO THE COUNCIL FOR A DETERMINATION, PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, AS TO WHETHER SUCH NEW REGULATION, RULE OR ORDER, OR THE AMENDMENT OF AN EXISTING REGULATION, RULE OR ORDER CONSTITUTES AN UNFUNDED MANDATE. THE SUBMISSION BY THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, SHALL PROVIDE THE REGULATION, RULE OR ORDER IN QUESTION, TOGETHER WITH AN ANALYSIS AND JUSTIFICATION FOR REGULATION, RULE OR ORDER IN QUESTION, PREPARED BY THE COUNSEL FOR THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF THE STATE GOVERNMENT, A COUNSEL WITHIN THE GOVERNOR'S COUNSEL'S OFFICE OR AN ATTORNEY FROM THE NEW YORK STATE DEPARTMENT OF LAW. NO REGULATION, RULE OR ORDER REQUIRED TO BE SUBMITTED PURSUANT TO THIS SECTION SHALL TAKE EFFECT PRIOR TO A DETERMINATION OF THE COUNCIL THAT SUCH REGULATION, RULE OR ORDER IS NOT AN UNFUNDED MANDATE, OR PRIOR TO A DETERMINATION OF THE COUNCIL THAT SUCH REGULATION, RULE OR ORDER IS AN UNFUNDED MANDATE BUT THAT SUCH REGULATION, RULE OR ORDER SHOULD NOT BE REPEALED PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-B OF THIS ARTICLE, UNLESS THE COUNSEL FOR THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, A COUNSEL WITHIN THE GOVERNOR'S COUNSEL'S OFFICE OR AN ATTORNEY FROM THE NEW YORK STATE DEPARTMENT OF LAW, PROVIDES A LEGAL

DETERMINATION WITH THE SUBMISSION REQUIRED PURSUANT TO THIS SECTION, THAT THE FAILURE TO IMMEDIATELY ESTABLISH THE REGULATION, RULE OR ORDER WOULD RESULT IN SUBSTANTIAL AND IMMEDIATE HARM TO THE PEOPLE OF THE STATE OF NEW YORK.

S 995. CONSIDERATION OF THE ISSUE OF REPEAL OF AN UNFUNDED MANDATE. WITHIN TWENTY-ONE DAYS OF MAKING A DETERMINATION THAT A STATUTE, REGULATION, RULE OR ORDER CONSTITUTES AN UNFUNDED MANDATE, THE COUNCIL SHALL MEET TO CONSIDER THE ISSUE OF THE REPEAL OF THE STATUTE, REGULATION, RULE OR ORDER. THE MEETING TO CONSIDER THE ISSUE OF THE REPEAL OF THE STATUTE, REGULATION, RULE OR ORDER DETERMINED TO BE AN UNFUNDED MANDATE, AND ALL THE DELIBERATIONS AND DISCUSSIONS AT SUCH MEETING, SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW.

S 995-A. REPEAL OF UNFUNDED MANDATES CONTAINED IN CURRENT REGULATIONS. UPON MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS ARTICLE, THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE REGULATION, RULE OR ORDER DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT TO A REQUEST MADE UNDER SUBDIVISION ONE OF SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, SHALL BE REPEALED, BY MEANS OF A TWO-THIRDS VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETERMINES THAT THE REGULATION, RULE OR ORDER IN QUESTION SHALL BE REPEALED, THE COUNCIL SHALL INFORM, IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION, AS WELL AS THE GOVERNMENT OR DISTRICT THAT REQUESTED IT TO BE DETERMINED AN UNFUNDED MANDATE, AND THEREAFTER SUCH REGULATION, RULE OR ORDER SHALL EXPIRE AND BE DEEMED REPEALED, WITHIN SIXTY DAYS OF THE DATE UPON WHICH THE COUNCIL INFORMED, IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION. IN NO EVENT SHALL THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE ORIGINAL REGULATION, RULE OR ORDER IN QUESTION, REPROMULGATE, REISSUE OR REINSTATE THE REGULATION, RULE OR ORDER IN QUESTION, WITHOUT HAVING FIRST OBTAINED STATUTORY PERMISSION TO DO THE SAME BY MEANS OF AN ACT OF THE STATE LEGISLATURE. UPON MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS ARTICLE, THE COUNCIL MAY ALSO CONSIDER WHETHER TO PETITION ON BEHALF OF THE CITY, TOWN, VILLAGE OR COUNTY, SCHOOL DISTRICT, FIRE DISTRICT OR SPECIAL DISTRICT WHICH MADE A REQUEST FOR A DETERMINATION OF THE REGULATION IN QUESTION AS AN UNFUNDED MANDATE FOR A WAIVER OR MODIFICATION OF SUCH REGULATION, WITH RESPECT TO SUCH CITY, TOWN, VILLAGE OR COUNTY, SCHOOL DISTRICT, FIRE DISTRICT OR SPECIAL DISTRICT, PURSUANT TO SECTION TWO HUNDRED FOUR-A OF THE STATE ADMINISTRATIVE PROCEDURE ACT, BY MEANS OF A MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETERMINES THAT SUCH PETITION SHOULD BE FORWARDED TO SUCH AGENCY, THE COUNCIL SHALL INFORM, IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION, AS WELL AS THE GOVERNMENT OR DISTRICT THAT REQUESTED IT TO BE DETERMINED AN UNFUNDED MANDATE, AND THEREAFTER SUCH DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION SHALL HAVE THIRTY DAYS TO RULE ON SUCH PETITION AND MAKE ITS DETERMINATION WITH RESPECT TO SUCH WAIVER OR MODIFICATION. UPON ITS DETERMI-

NATION UNDER THE PETITION, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION OR RULE, SHALL NOTIFY THE COUNCIL IN WRITING OF ITS DETERMINATION WITH RESPECT TO SUCH PETITION.

S 995-B. REPEAL OF UNFUNDED MANDATES CONTAINED IN PROPOSED OR NEW REGULATIONS. UPON MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS ARTICLE, THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE REGULATION, RULE OR ORDER, DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT TO A SUBMISSION MADE UNDER SUBDIVISION TWO OF SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, SHALL BE REPEALED, BY MEANS OF A TWO-THIRDS VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETERMINES THAT THE REGULATION, RULE OR ORDER IN QUESTION SHALL BE REPEALED, THE COUNCIL SHALL INFORM, IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION, AND THEREAFTER SUCH REGULATION, RULE OR ORDER SHALL EXPIRE AND BE DEEMED REPEALED, WITHIN SIXTY DAYS OF THE DATE UPON WHICH THE COUNCIL INFORMS, IN WRITING, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE REGULATION, RULE OR ORDER IN QUESTION. IN NO EVENT SHALL THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT WHICH PROMULGATED OR ISSUED THE ORIGINAL REGULATION, RULE OR ORDER IN QUESTION, REPROMULGATE, REISSUE OR REINSTATE THE REGULATION, RULE OR ORDER IN QUESTION, WITHOUT HAVING FIRST OBTAINED STATUTORY PERMISSION TO DO THE SAME BY MEANS OF AN ACT OF THE STATE LEGISLATURE.

S 995-C. REPEAL OF UNFUNDED MANDATES CONTAINED IN STATUTE. 1. UPON MEETING TO CONSIDER THE ISSUE OF A REPEAL OF AN UNFUNDED MANDATE, PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE OF THIS ARTICLE, THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE STATUTE DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, SHOULD BE ENDORSED BY THE COUNCIL FOR REPEAL, BY MEANS OF A MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETERMINES THAT THE STATUTE SHOULD BE ENDORSED BY THE COUNCIL FOR REPEAL, THE COUNCIL SHALL INFORM, IN WRITING, ALL THE ENTITIES AFFECTED BY SUCH STATUTE IN QUESTION, AS WELL AS THE GOVERNMENT OR DISTRICT THAT REQUESTED IT TO BE DETERMINED AN UNFUNDED MANDATE PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE, AND THEREAFTER THE COUNCIL SHALL FORWARD SUCH STATUTE, TOGETHER WITH ITS ENDORSEMENT, TO THE LEGISLATURE, AS PROVIDED BY THIS SECTION.

2. WHENEVER THE COUNCIL VOTES TO ENDORSE THE REPEAL OF A STATUTE AS AN UNFUNDED MANDATE, PURSUANT TO THE PROCEDURES OF SUBDIVISION ONE OF THIS SECTION, IT SHALL PREPARE A BILL FOR POSSIBLE SUBMISSION TO THE LEGISLATURE, CONCERNING THE REPEAL OF THE STATUTE ENDORSED FOR REPEAL THAT THE COUNCIL DETERMINED TO BE AN UNFUNDED MANDATE PURSUANT TO SECTION NINE HUNDRED NINETY-FOUR OF THIS ARTICLE. SUCH BILL SHALL INCLUDE THE NECESSARY PROVISIONS FOR REPEAL OF SUCH STATUTE, AS WELL AS ANY OTHER PROVISIONS NECESSARY TO EFFECTUATE THE CONTINUED OPERATIONS OF STATE OR LOCAL GOVERNMENT, WHICH WOULD BE REQUIRED AS A RESULT OF THE REPEAL.

3. UPON THE DRAFTING OF THE BILL AS PROVIDED IN SUBDIVISION TWO OF THIS SECTION, THE COUNCIL SHALL CONSIDER WHETHER IT SHOULD PRESENT SUCH BILL TO THE LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL. THE MEETING TO CONSIDER WHETHER THE COUNCIL SHALL PRESENT SUCH BILL TO THE STATE LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL OF THE COUNCIL, AND ALL

THE DELIBERATIONS AND DISCUSSIONS AT SUCH MEETING, SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. THE COUNCIL SHALL MAKE ITS DETERMINATION AS TO WHETHER THE COUNCIL SHOULD PRESENT SUCH BILL TO THE LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL OF THE COUNCIL, BY MEANS OF A MAJORITY VOTE OF ALL THE MEMBERS OF THE COUNCIL, AFTER DUE CONSIDERATION OF THE FACTS AND UPON DUE DELIBERATION AND DISCUSSION OF THE MEMBERS. IN THE EVENT THE COUNCIL DETERMINES THAT THE COUNCIL SHALL PRESENT SUCH BILL TO THE STATE LEGISLATURE AS AN ENDORSED STATUTORY REPEAL BILL OF THE COUNCIL, THE COUNCIL SHALL INFORM, IN WRITING, ALL THE ENTITIES AFFECTED BY THE REPEAL OF SUCH STATUTE IN QUESTION, AS WELL AS THE GOVERNMENT OR DISTRICT THAT REQUESTED IT TO BE DETERMINED AN UNFUNDED MANDATE, AND THEREAFTER THE COUNCIL SHALL FORWARD SUCH ENDORSED STATUTORY REPEAL BILL OF THE COUNCIL, TO BOTH HOUSES OF THE LEGISLATURE, BY MEANS OF THE OFFICE OF THE SPEAKER OF THE ASSEMBLY AND BY MEANS OF THE OFFICE OF THE TEMPORARY PRESIDENT OF THE SENATE, TOGETHER WITH COPIES OF SUCH ENDORSED STATUTORY REPEAL BILL OF THE COMMISSION TO THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE MINORITY LEADER OF THE ASSEMBLY AND THE OFFICE OF THE MINORITY LEADER IN THE SENATE.

4. IN NO EVENT SHALL THE COUNCIL PRESENT AN ENDORSED STATUTORY REPEAL BILL TO THE LEGISLATURE:

A. MORE THAN TWICE IN ANY MONTH;

B. IF THE LEGISLATURE IS NOT IN REGULAR SESSION; AND/OR

C. IF MORE THAN SIXTY DAYS HAS ELAPSED SINCE THE VOTE WAS TAKEN BY THE COUNCIL TO ENDORSE THE REPEAL OF THE STATUTE IN QUESTION PURSUANT TO SUBDIVISION ONE OF THIS SECTION.

5. IN THE EVENT THE LEGISLATURE WAS NOT IN REGULAR SESSION WITHIN THE SIXTY DAYS AFTER THE VOTE WAS TAKEN BY THE COUNCIL TO ENDORSE THE REPEAL OF THE STATUTE IN QUESTION, THE COUNCIL MAY PRESENT SUCH ENDORSED STATUTORY REPEAL BILL TO THE LEGISLATURE, IN THE MANNER PROVIDED IN SUBDIVISION THREE OF THIS SECTION, ANY TIME WITHIN THE FIRST SEVEN DAYS THE LEGISLATURE NEXT CONVENES OR RECONVENES IN REGULAR SESSION. IN NO EVENT HOWEVER, MAY THE COUNCIL PRESENT MORE THAN FIFTEEN ENDORSED STATUTORY REPEAL BILLS TO THE LEGISLATURE IN ANY CALENDAR YEAR.

6. UPON ITS PROPER PRESENTMENT TO THE LEGISLATURE, THE ENDORSED STATUTORY REPEAL BILL SHALL BE INTRODUCED AND VOTED ON BY EACH HOUSE OF THE LEGISLATURE, WITHOUT AMENDMENT AS PRESENTED BY THE COUNCIL, WITHIN THIRTY DAYS AFTER ITS PROPER PRESENTMENT. THE COUNCIL MAY AMEND THE ENDORSED STATUTORY REPEAL BILL ONE TIME WITHIN SUCH THIRTY DAY PERIOD, WHEREUPON BOTH HOUSES OF THE LEGISLATURE SHALL THEN HAVE THIRTY DAYS FROM THE SUBMISSION OF SUCH AMENDMENT TO VOTE ON THE AMENDED ENDORSED STATUTORY REPEAL BILL. WITHOUT THE CONSENT OF BOTH HOUSES OF THE LEGISLATURE, NEITHER AN ENDORSED STATUTORY REPEAL BILL, NOR AN AMENDMENT MAY BE SUBMITTED BY THE COUNCIL AFTER THE THIRTIETH DAY OF MAY IN ANY YEAR.

7. UNDER PROVISIONS CONTAINED IN AN ENDORSED STATUTORY REPEAL BILL, A PROVISION OF SUCH BILL MAY BE EFFECTIVE AT A TIME LATER THAN THE DATE ON WHICH THE BILL OTHERWISE IS EFFECTIVE.

S 996. REPORTS AND RECOMMENDATIONS OF THE NEW YORK STATE MANDATE RELIEF COUNCIL. IN ADDITION TO ALL OTHER ACTIVITIES OF THE COUNCIL, IT SHALL ALSO MAKE, UPON A MAJORITY VOTE OF THE MEMBERS OF ITS BOARD, SUCH PUBLIC REPORTS AND RECOMMENDATIONS AS IT DEEMS NECESSARY FOR THE ADVANCEMENT OF ITS POWERS AND DUTIES. ALL MEETINGS TO CONSIDER WHETHER TO MAKE OR ISSUE SUCH A PUBLIC REPORT OR RECOMMENDATION, AND ALL THE DELIBERATIONS AND DISCUSSIONS AT SUCH MEETINGS, SHALL BE SUBJECT TO THE PROVISIONS OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW. IN ADDITION TO ALL OTHER REPORTS AND RECOMMENDATIONS THAT THE COUNCIL MAY VOTE TO MAKE,

THE COUNCIL SHALL PRODUCE AND PROVIDE AN ANNUAL REPORT OF THE COUNCIL, ITS ACTIVITIES, AND THE ISSUES, STATUTES, REGULATIONS, RULES AND ORDERS WHICH IT EXAMINED AND CONSIDERED. SUCH ANNUAL REPORT SHALL BE PRODUCED AND ISSUED NO LATER THAN THE FIFTEENTH DAY OF DECEMBER, AND SHALL BE PRESENTED TO EACH HOUSE OF THE LEGISLATURE, BY MEANS OF THE OFFICE OF THE SPEAKER OF THE ASSEMBLY AND BY MEANS OF THE OFFICE OF THE TEMPORARY PRESIDENT OF THE SENATE, TOGETHER WITH COPIES OF SUCH ANNUAL REPORT TO THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE MINORITY LEADER OF THE ASSEMBLY AND THE OFFICE OF THE MINORITY LEADER IN THE SENATE. THE ANNUAL REPORT OF THE COUNCIL SHALL ALSO BE POSTED FOR PUBLIC REVIEW UPON THE COUNCIL'S WEBSITE.

S 997. COMPTROLLER REPORT OF UNFUNDED MANDATES. ON OR BEFORE THE THIRTY-FIRST DAY OF DECEMBER, TWO THOUSAND ELEVEN, AND THEN EVERY FIVE YEARS THEREAFTER, THE OFFICE OF THE STATE COMPTROLLER SHALL ISSUE A REPORT TO THE LEGISLATURE, BY MEANS OF THE OFFICE OF THE SPEAKER OF THE ASSEMBLY AND BY MEANS OF THE OFFICE OF THE TEMPORARY PRESIDENT OF THE SENATE, TOGETHER WITH COPIES OF SUCH ANNUAL REPORT TO THE OFFICE OF THE GOVERNOR AND THE OFFICE OF THE MINORITY LEADER OF THE ASSEMBLY AND THE OFFICE OF THE MINORITY LEADER IN THE SENATE ON THE ISSUE OF UNFUNDED MANDATES BY THE FEDERAL AND STATE GOVERNMENT UPON THE CITIES, TOWNS, VILLAGES AND COUNTY GOVERNMENTS, SCHOOL DISTRICTS, FIRE DISTRICTS, WATER DISTRICTS, AND OTHER SPECIAL DISTRICTS THROUGHOUT NEW YORK STATE. SUCH REPORT SHALL DETAIL, IN SPECIFICITY, THE FINANCIAL IMPLICATIONS OF SUCH MANDATES UPON SUCH GOVERNMENTS AND DISTRICTS, AND THEIR REAL PROPERTY TAXPAYERS, AS WELL AT THE METHODS AND MEANS THAT HAVE BEEN USED BY SUCH GOVERNMENTS AND DISTRICTS TO ADDRESS SUCH MANDATES. SUCH REPORT SHALL FURTHER OFFER RECOMMENDATIONS TO THE STATE LEGISLATURE AND TO CITIES, TOWNS, VILLAGES AND COUNTY GOVERNMENTS, SCHOOL DISTRICTS, FIRE DISTRICTS, WATER DISTRICTS AND OTHER SPECIAL DISTRICTS THROUGHOUT NEW YORK STATE.

S 998. FISCAL NOTES FOR BILLS ENACTING MANDATES UPON LOCAL GOVERNMENTS. ANY BILL WHICH REQUIRES A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT TO TAKE ANY ACTION, OR REFRAIN FROM TAKING ANY ACTION, AND WHICH DOES NOT CONTAIN AN APPROPRIATION FOR SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT TO COVER THE COST OF TAKING SUCH REQUIRED ACTION, OR REFRAINING FROM TAKING SUCH ACTION, SHALL CONTAIN A FISCAL NOTE, PRINTED ON THE BOTTOM OF THE BILL, STATING THE ESTIMATED ANNUAL COST SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT WILL INCUR IN THE EVENT SUCH BILL IS ENACTED, AND THE SOURCE OF SUCH ESTIMATE. FOR THE PURPOSE OF COMPLYING WITH THIS SECTION, THE OFFICE OF THE STATE COMPTROLLER, UPON A REQUEST FROM A MEMBER OF THE SENATE OR ASSEMBLY FOR SUCH A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL NOTE TO SUCH MEMBER OF THE SENATE OR ASSEMBLY, WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON THE REQUEST OF THE STATE COMPTROLLER, OR FROM A MEMBER OF THE SENATE OR ASSEMBLY, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY FOR THE PREPARATION OF A FISCAL NOTE, WITHIN TEN DAYS OF SUCH REQUEST.

S 999. SEVERABILITY. IF ANY CLAUSE, SENTENCE, PARAGRAPH, SUBDIVISION, SECTION OR PART OF THIS ARTICLE 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 ARTICLE WOULD HAVE BEEN ENACTED EVEN IF SUCH INVALID PROVISIONS HAD NOT BEEN INCLUDED IN THIS SECTION.

S 2. The legislative law is amended by adding a new section 54-c to read as follows:

S 54-C. ENDORSED STATUTORY REPEAL BILLS FROM THE NEW YORK STATE MANDATE RELIEF COUNCIL. THE LEGISLATURE MAY BY CONCURRENT RESOLUTION PRESCRIBE RULES FOR THE CONSIDERATION AND DISPOSITION OF ENDORSED STATUTORY REPEAL BILLS FROM THE NEW YORK STATE MANDATE RELIEF COUNCIL, AS DEFINED IN ARTICLE NINETEEN-C OF THE GENERAL MUNICIPAL LAW.

S 3. This act shall take effect immediately.

PART C

Section 1. The general municipal law is amended by adding a new section 25 to read as follows:

S 25. FUNDING OF MANDATES. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS UNLESS THE CONTEXT SHALL OTHERWISE REQUIRE:

(A) "MANDATE" MEANS ANY STATE LAW, RULE, REGULATION OR ORDER WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE.

(B) "UNFUNDED MANDATE" SHALL MEAN:

(I) ANY STATE LAW, RULE, REGULATION OR ORDER WHICH CREATES A NEW PROGRAM OR REQUIRES A HIGHER LEVEL OF SERVICE FOR AN EXISTING PROGRAM WHICH A MUNICIPAL CORPORATION IS REQUIRED TO PROVIDE AND WHICH RESULTS IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION; OR

(II) ANY ALTERATION IN FUNDING PROVIDED TO A MUNICIPAL CORPORATION FOR THE PURPOSE OF DEFRAYING THE COSTS OF A PROGRAM WHICH IT IS REQUIRED TO PROVIDE, THEREBY RESULTING IN A NET ADDITIONAL COST TO THE MUNICIPAL CORPORATION.

(C) "NET ADDITIONAL COST" MEANS THE COST OR COSTS INCURRED OR ANTICIPATED TO BE INCURRED WITHIN A ONE YEAR PERIOD BY A LOCAL GOVERNMENT IN PERFORMING OR ADMINISTERING A MANDATE AFTER SUBTRACTING THEREFROM ANY REVENUES RECEIVED OR RECEIVABLE BY THE LOCAL GOVERNMENT ON ACCOUNT OF THE MANDATED PROGRAM OR SERVICE, INCLUDING BUT NOT LIMITED TO:

(I) FEES CHARGED TO THE RECIPIENTS OF THE MANDATED PROGRAM OR SERVICE;

(II) STATE OR FEDERAL AID PAID SPECIFICALLY OR CATEGORICALLY IN CONNECTION WITH THE PROGRAM OR SERVICE; AND

(III) AN OFFSETTING SAVINGS RESULTING FROM THE DIMINUTION OR ELIMINATION OF ANY OTHER PROGRAM OR SERVICE DIRECTLY ATTRIBUTABLE TO THE PERFORMANCE OR ADMINISTRATION OF THE MANDATED PROGRAM.

2. FUNDING OF MUNICIPAL CORPORATION MANDATES. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO UNFUNDED MANDATE SHALL BE ENACTED WHICH CREATES AN ANNUAL NET ADDITIONAL COST TO ANY MUNICIPAL CORPORATION.

3. EXEMPTIONS TO THE FUNDING OF MUNICIPAL CORPORATION MANDATES REQUIREMENT. (A) THE STATE SHALL NOT BE REQUIRED TO FUND ANY NEW OR EXPANDED PROGRAMS IF:

(I) THE MANDATE IS REQUIRED BY A COURT ORDER OR JUDGMENT;

(II) THE MANDATE IS PROVIDED AT THE OPTION OF THE LOCAL GOVERNMENT UNDER A LAW, REGULATION, RULE, OR ORDER THAT IS PERMISSIVE RATHER THAN MANDATORY;

(III) THE MANDATE RESULTS FROM THE PASSAGE OF A HOME RULE MESSAGE WHEREBY A LOCAL GOVERNMENT REQUESTS AUTHORITY TO IMPLEMENT THE PROGRAM OR SERVICE SPECIFIED IN THE STATUTE, AND THE STATUTE IMPOSES COSTS ONLY UPON THAT LOCAL GOVERNMENT WHICH REQUESTS THE AUTHORITY TO IMPOSE THE PROGRAM OR SERVICE;

(IV) THE MANDATE IS REQUIRED BY, OR ARISES FROM, AN EXECUTIVE ORDER OF THE GOVERNOR EXERCISING HIS OR HER EMERGENCY POWERS; OR

(V) THE MANDATE IS REQUIRED BY STATUTE OR EXECUTIVE ORDER THAT IMPLEMENTS A FEDERAL LAW OR REGULATION AND RESULTS FROM COSTS MANDATED BY THE FEDERAL GOVERNMENT TO BE BORNE AT THE LOCAL LEVEL, UNLESS THE STATUTE OR EXECUTIVE ORDER RESULTS IN COSTS WHICH EXCEED THE COSTS MANDATED BY THE FEDERAL GOVERNMENT.

(B) EACH ACT ESTABLISHING A MANDATE SHALL PROVIDE THAT THE EFFECTIVE DATE OF ANY SUCH MANDATE IMPOSED ON MUNICIPAL CORPORATIONS SHALL BE CONSISTENT WITH THE NEEDS OF THE STATE AND MUNICIPAL CORPORATIONS TO PLAN IMPLEMENTATION THEREOF AND CONSISTENT WITH THE AVAILABILITY OF REQUIRED FUNDS.

S 2. The general municipal law is amended by adding a new section 25-a to read as follows:

S 25-A. FISCAL NOTES FOR BILLS ENACTING MANDATES UPON LOCAL GOVERNMENTS AND SCHOOL DISTRICTS. 1. ANY BILL WHICH REQUIRES A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT TO TAKE ANY ACTION, OR REFRAIN FROM TAKING ANY ACTION, AND WHICH DOES NOT CONTAIN AN APPROPRIATION FOR SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT TO COVER THE COST OF TAKING SUCH REQUIRED ACTION, OR REFRAINING FROM TAKING SUCH ACTION, SHALL CONTAIN A FISCAL NOTE, PRINTED ON THE BOTTOM OF THE BILL, STATING THE ESTIMATED ANNUAL COST SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT WILL INCUR IN THE EVENT SUCH BILL IS ENACTED, AND THE SOURCE OF SUCH ESTIMATE. FOR THE PURPOSE OF COMPLYING WITH THIS SECTION, THE OFFICE OF THE STATE COMPTROLLER, UPON A REQUEST FROM A MEMBER OF THE SENATE OR ASSEMBLY FOR SUCH A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL NOTE TO SUCH MEMBER OF THE SENATE OR ASSEMBLY, WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON REQUEST OF THE STATE COMPTROLLER, OR FROM A MEMBER OF THE SENATE OR ASSEMBLY, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY FOR THE PREPARATION OF A FISCAL NOTE, WITHIN TEN DAYS OF SUCH REQUEST. EACH HOUSE OF THE LEGISLATURE SHALL DESIGNATE A LOCAL FISCAL NOTE COUNSEL WHO SHALL BE RESPONSIBLE FOR THE DETERMINATION OF WHETHER A BILL SHALL REQUIRE A FISCAL NOTE PURSUANT TO THIS SECTION.

2. PRIOR TO THE PROMULGATION, ISSUANCE OR AMENDMENT OF ANY REGULATION, RULE OR ORDER, WHICH MAY REQUIRE AN INCREASE IN THE EXPENDITURES OF MONEYS BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, SEEKING TO PROMULGATE, ISSUE OR AMEND SUCH REGULATION, RULE OR ORDER SHALL PUBLISH A FISCAL NOTE, STATING THE ESTIMATED ANNUAL COST SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT WILL INCUR IN THE EVENT SUCH REGULATION, RULE OR ORDER IS PROMULGATED, ISSUED OR AMENDED, AND THE SOURCE OF SUCH ESTIMATE. FOR THE PURPOSE OF COMPLYING WITH THIS SECTION, THE OFFICE OF THE STATE COMPTROLLER, UPON A REQUEST FROM A DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT FOR SUCH A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL NOTE TO SUCH DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON REQUEST OF THE STATE COMPTROLLER, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY FOR THE PREPARATION OF A FISCAL NOTE, WITHIN TEN DAYS OF SUCH REQUEST.

S 3. Section 51 of the legislative law, as added by chapter 985 of the laws of 1983, is amended to read as follows:

S 51. Fiscal impact notes on bills affecting political subdivisions. 1. For the purpose of this section, the term "political subdivision" means any county, city, town, village, special district or school district.

2. [The] IN ADDITION TO THE PROVISIONS OF SECTION TWENTY-FIVE-A OF THE GENERAL MUNICIPAL LAW, THE legislature [shall] MAY by concurrent resolution of the senate and assembly prescribe rules requiring fiscal notes to accompany, on a separate form, bills and amendments to bills, except as otherwise prescribed by such rules, which would substantially affect the revenues or expenses, or both, of any political subdivision.

3. [Fiscal] EXCEPT AS TO THE EXTENT REQUIRED IN THE PROVISIONS OF SECTION TWENTY-FIVE-A OF THE GENERAL MUNICIPAL LAW, FISCAL notes shall not, however, be required for bills: (a) subject to the provisions of section fifty of this chapter, or (b) accompanied by special home rule requests submitted by political subdivisions, or (c) which provide discretionary authority to political subdivisions, or (d) submitted pursuant to section twenty-four of the state finance law.

4. If the estimate or estimates contained in a fiscal note are inaccurate, such inaccuracies shall not affect, impair or invalidate such bill.

S 4. The state administrative procedure act is amended by adding a new section 105 to read as follows:

S 105. FISCAL IMPACT NOTES ON REGULATIONS, RULES OR ORDERS AFFECTING POLITICAL SUBDIVISIONS. 1. PRIOR TO THE PROMULGATION, ISSUANCE OR AMENDMENT OF ANY REGULATION, RULE OR ORDER, WHICH MAY REQUIRE AN INCREASE IN THE EXPENDITURES OF MONEYS BY A CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT, THE DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, SEEKING TO PROMULGATE, ISSUE OR AMEND SUCH REGULATION, RULE OR ORDER SHALL PUBLISH A FISCAL NOTE, STATING THE ESTIMATED ANNUAL COST SUCH CITY, TOWN, VILLAGE OR COUNTY GOVERNMENT, SCHOOL DISTRICT, FIRE DISTRICT, WATER DISTRICT OR OTHER SPECIAL DISTRICT WILL INCUR IN THE EVENT SUCH REGULATION, RULE OR ORDER IS PROMULGATED, ISSUED OR AMENDED, AND THE SOURCE OF SUCH ESTIMATE. FOR THE PURPOSE OF COMPLYING WITH THIS SECTION, THE OFFICE OF THE STATE COMPTROLLER, UPON A REQUEST FROM A DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT FOR SUCH A FISCAL NOTE, SHALL ISSUE AND PROVIDE SUCH FISCAL NOTE TO SUCH DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, WITHIN FIFTEEN DAYS OF SUCH REQUEST. UPON REQUEST OF THE STATE COMPTROLLER, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR ANY OTHER AGENCY OF STATE GOVERNMENT SHALL PROVIDE ALL INFORMATION NECESSARY FOR THE PREPARATION OF A FISCAL NOTE, WITHIN TEN DAY OF SUCH REQUEST.

2. IF THE ESTIMATE OR ESTIMATES CONTAINED IN A FISCAL NOTE ARE INACCURATE, SUCH INACCURACIES SHALL NOT AFFECT, IMPAIR OR INVALIDATE SUCH NEWLY PROMULGATED, ISSUED OR AMENDED REGULATION, RULE OR ORDER.

S 5. The state technology law is amended by adding a new section 310 to read as follows:

S 310. ELECTRONIC NOTICING. 1. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE OR ANY OTHER LAW, RULE OR REGULATION TO THE CONTRARY, ANY DEPARTMENT, DIVISION, OFFICE, BUREAU OR OTHER AGENCY OF STATE GOVERNMENT, AND ANY CITY, TOWN, VILLAGE OR COUNTY MAY SEND ANY NOTICE, BILL OR OTHER COMMUNICATION BY ELECTRONIC MEANS IF THE PERSON TO WHOM THE NOTICE, BILL OR OTHER COMMUNICATION IS TO BE SENT HAS AUTHORIZED THE

GOVERNMENTAL ENTITY TO SEND SUCH NOTICES, BILLS AND/OR OTHER COMMUNICATIONS BY ELECTRONIC MEANS.

2. IN ANY LAW, RULE OR REGULATION THAT REQUIRES OR AUTHORIZES A NOTICE, BILL OR OTHER COMMUNICATION TO BE MAILED, THE REFERENCE TO MAIL SHALL BE DEEMED TO INCLUDE ELECTRONIC TRANSMITTAL OF SUCH NOTICE, BILL OR OTHER COMMUNICATION TO ANY PERSON WHO HAS AUTHORIZED THE GOVERNMENTAL ENTITY TO SEND NOTICES, BILLS AND/OR OTHER COMMUNICATIONS BY ELECTRONIC MEANS PURSUANT TO THIS SECTION, AND ANY NOTICE, BILL OR OTHER COMMUNICATION SENT BY ELECTRONIC MEANS TO SUCH A PERSON SHALL HAVE THE SAME FORCE AND EFFECT AS ANY NOTICE, BILL OR OTHER COMMUNICATION SENT BY MAIL.

3. IN ANY LAW, RULE OR REGULATION THAT REQUIRES OR AUTHORIZES A NOTICE, BILL OR OTHER COMMUNICATION TO BE SENT, A REFERENCE TO THE LAST KNOWN ADDRESS SHALL BE DEEMED TO REFER TO THE LAST KNOWN ELECTRONIC MAILING ADDRESS OF ANY PERSON WHO HAS AUTHORIZED THE GOVERNMENTAL ENTITY RESPONSIBLE FOR SENDING THE NOTICE, BILL OR OTHER COMMUNICATION TO SEND NOTICES, BILLS AND/OR OTHER COMMUNICATIONS BY ELECTRONIC MEANS PURSUANT TO THIS SECTION.

4. ANY LAW, RULE OR REGULATION THAT, AS OF THE EFFECTIVE DATE OF THIS SECTION, AUTHORIZES A GOVERNMENTAL ENTITY TO SEND BILLS, NOTICES OR OTHER COMMUNICATIONS BY ELECTRONIC MEANS SHALL NOT BE AFFECTED BY THIS SECTION.

S 6. Subdivision 2 of section 381 of the executive law, as amended by chapter 560 of the laws of 2010, is amended to read as follows:

2. Except as may be provided in regulations of the secretary pursuant to subdivision one of this section, every local government shall administer and enforce the uniform fire prevention and building code and the state energy conservation construction code on and after the first day of January, nineteen hundred eighty-four, provided, however, that a local government may enact a local law prior to the first day of July in any year providing that it will not enforce such codes on and after the first day of January next succeeding. In such event the county in which said local government is situated shall administer and enforce such codes within such local government from and after the first day of January next succeeding the effective date of such local law, in accordance with the provisions of paragraph b of subdivision five of this section unless the county shall have enacted a local law providing that it will not enforce such codes within that county. In such event the secretary in the place and stead of the local government shall, directly or by contract, administer and enforce the uniform code and the state energy conservation construction code. A local government or a county may repeal a local law which provides that it will not enforce such codes and shall thereafter administer and enforce such codes as provided above. Two or more local governments may provide for joint administration and enforcement of the uniform code, the state energy conservation construction code, or both, by agreement pursuant to article five-G of the general municipal law. Any local government may enter into agreement with the county in which such local government is situated to administer and enforce the uniform code, the state energy conservation construction code, or both, within such local government. Local governments or counties may charge fees to defray the costs of administration and enforcement. THE DEPARTMENT SHALL NOT PROMULGATE OR MAINTAIN REGULATIONS TO REQUIRE DETAILED REPORTING UNDER THIS SECTION, BUT PURSUANT TO THIS SUBDIVISION (A) EVERY CITY, VILLAGE, TOWN, AND COUNTY, CHARGED UNDER THIS SUBDIVISION WITH ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CODE MAY ANNUALLY SUBMIT TO THE SECRETARY, ON A FORM PRESCRIBED

BY THE SECRETARY, A REPORT OF ITS ACTIVITIES RELATIVE TO ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CODE; AND (B) EVERY MUNICIPALITY OR OTHER AGENCY SUBJECT TO THIS SUBDIVISION MAY FURTHER PROVIDE FROM THE RECORDS AND RELATED MATERIALS IT MAINTAINS, EXCERPTS, SUMMARIES, TABULATIONS, STATISTICS AND OTHER INFORMATION AND ACCOUNTS OF ITS ACTIVITIES IN CONNECTION WITH ADMINISTRATION AND ENFORCEMENT OF THE UNIFORM CODE, BUT ANY FAILURE TO PRODUCE OR PROVIDE SUCH MATERIALS SHALL NOT PERMIT AN INFERENCE THAT THE MINIMUM STANDARDS OF THIS SECTION, OR ANY REGULATIONS PROMULGATED OR MAINTAINED THEREUNDER, HAVE NOT BEEN MET.

S 7. Section 204-a of the state administrative procedure act, as added by chapter 479 of the laws of 2001, is amended to read as follows:

S 204-a. Alternate methods for implementing regulatory mandates. 1. As used in this section:

(a) "local government" means any county, city, town, village, school district, fire district or other special district;

(b) "regulatory mandate" means any rule which requires one or more local governments to create a new program, increase the level of service for an existing program or otherwise comply with mandatory requirements; and

(c) "petition" means a document submitted by a local government seeking approval of an alternate method for implementing a regulatory mandate.

2. A LOCAL GOVERNMENT, TWO OR MORE LOCAL GOVERNMENTS ACTING JOINTLY, OR THE NEW YORK STATE MANDATE RELIEF COUNCIL ON BEHALF OF A LOCAL GOVERNMENT OR COLLECTION OF LOCAL GOVERNMENTS MAY SEEK APPROVAL FOR AN ALTERNATE METHOD OF IMPLEMENTING A REGULATORY MANDATE BY SUBMITTING TO THE APPROPRIATE STATE AGENCY A petition WHICH shall include:

(a) FOR EACH INVOLVED LOCAL GOVERNMENT, an indication that submission has been approved by the [governing body] CHIEF ELECTED OFFICER of the local government or by an officer duly authorized by the governing body to do so;

(b) an identification of the regulatory mandate which is the subject of the petition and information sufficient to establish that the proposed alternate method of implementation is consistent with and will effectively carry out the objectives of the regulatory mandate;

(c) information [on the process used by the local government to ensure that all stakeholders have been appropriately involved in the process of developing the alternate method, including where relevant the date of any hearing, forum or other meeting to seek input on the alternate method] SUFFICIENT TO ESTABLISH THAT THE PROPOSED ALTERNATE METHOD OF IMPLEMENTATION IS CONSISTENT WITH AND WILL EFFECTIVELY CARRY OUT THE OBJECTIVES OF THE REGULATORY MANDATE;

(d) [documentation that the petition has been submitted to the authorized agents of any certified or recognized employee organizations representing employees who would be effected by implementation of the alternate method;

(e) a proposed plan and timetable for compiling and reporting information to facilitate evaluation of the effectiveness of the alternate method;

(f) if the state provides financial assistance for complying with the regulatory mandate, any proposed amount or percentage of such assistance which would be returned to the state due to savings from implementing the alternate method; and

(g)] the name, public office address and telephone number of the representative of the local government who will coordinate requests for additional information on the petition; AND

[3. Two] (E) WHERE TWO or more local governments [may submit a petition] HAVE PETITIONED jointly, [provided that each local government meets the requirements of paragraphs (a), (c), (d) and (g) of subdivision two of this section, and provided that the petition] INFORMATION WHICH addresses the manner in which responsibility for implementation will be allocated between or among the participating local governments.

[4] 3. The agency shall cause a notice of the petition to be published in the state register and shall receive comments on the petition for a period of thirty days. Such notice shall either include the full text of the information set forth in the petition or shall set forth the address of a website on which the full text has been posted. The notice shall include the name, public office address and telephone number, and may include a fax number and electronic mail address, of an agency representative from whom additional information on the petition can be obtained and to whom comments on the petition may be submitted.

[5. (a)] 4. Not later than thirty days after the last day of the comment period, the agency shall approve or disapprove the petition. The agency may approve the petition without change or with such conditions or modifications as the agency deems appropriate. Notice of the agency determination shall be provided in writing to the local government and shall be published in the state register. The agency shall not grant a petition unless it determines that the petition has met the requirements of subdivision two of this section and that the local government has established that the alternate method is consistent with and will effectively carry out the objectives of the regulatory mandate; provided, however, that no petition shall be approved which would result in the contravention of any environmental, health or safety standard [or would reduce any benefits or rights accorded by law or rule to third parties. In approving a petition, an agency may waive a statutory provision only if it is specifically authorized by law to waive such provision]. An approval shall include a timetable for agency evaluation of the effectiveness of the alternate method.

[(b) Notwithstanding the provisions of paragraph (a) of this subdivision, upon receipt of an objection to a petition from the authorized agent of any certified or recognized employee organization representing employees who would be affected by implementation of the alternate method, the agency shall provide any such organizations with an opportunity for a hearing. If an adjudicatory proceeding is requested, the petition shall not be approved unless the agency determines by a preponderance of the evidence that implementing the alternate method would not affect such employees by contravening any environmental, health or safety standard, reducing any rights or benefits or violating the terms of any negotiated agreement, and that all other requirements of this section have been met. The provisions of this subdivision are in addition to and shall not be construed to impair or modify any rights of such employees under any other law, regulation or contract.]

5. A LOCAL GOVERNMENT OR NEW YORK STATE MANDATE RELIEF COUNCIL THAT OBJECTS TO A STATE AGENCY DETERMINATION TO MODIFY OR DISAPPROVE ITS PETITION MAY APPEAL IN WRITING TO THE GOVERNOR'S DIRECTOR OF STATE OPERATIONS, WHO, UPON REVIEW OF THE AGENCY'S FINDINGS AND DETERMINATION, MAY APPROVE, MODIFY OR DISAPPROVE THE PETITION.

6. Nothing in this section shall require a local government to commence or continue an alternate method of implementation if it determines in its sole discretion not to do so, except to the extent that a local government has committed to commencing or continuing an alternate

method in a joint petition submitted pursuant to subdivision [three] TWO of this section.

7. A state agency may rescind its approval of a petition [at any time if it determines, based on the information reported pursuant to paragraph (e) of subdivision two of this section or other information available to it, that the alternate method is not effectively carrying out the objectives of the regulatory mandate or is being implemented in a manner detrimental to the public interest] ONLY AFTER A HEARING, PROVIDED, HOWEVER, THAT THE AGENCY MAY SUSPEND ITS APPROVAL OF A PETITION PRIOR TO A HEARING IF IT FINDS THAT IMMEDIATE SUSPENSION IS NECESSARY TO ADDRESS AN IMMINENT THREAT TO HEALTH OR SAFETY. NOTICE OF A HEARING MUST BE PROVIDED TO THE PETITIONER AT LEAST THIRTY DAYS PRIOR TO THE HEARING AND MUST BE POSTED ON THE AGENCY'S WEBSITE. SUCH NOTICE MUST STATE THE BASIS FOR THE AGENCY'S DECISION TO SEEK RESCISSION AND INFORM THE LOCAL GOVERNMENT THAT IT MAY REQUEST INFORMATION RELIED UPON BY THE AGENCY IN MAKING ITS DETERMINATION, WHICH INFORMATION MUST BE PROVIDED TO THE PETITIONER AT LEAST SEVEN DAYS IN ADVANCE OF THE HEARING. AFTER SUCH HEARING, THE AGENCY MAY RESCIND ITS APPROVAL UPON A FINDING THAT THE ALTERNATIVE METHOD OF IMPLEMENTATION IS NOT CONSISTENT WITH OR DOES NOT EFFECTIVELY CARRY OUT THE OBJECTIVES OF THE REGULATORY MANDATE.

[7.] 8. Notwithstanding any other provision of law, implementation of an alternate method approved by an agency pursuant to this section shall be deemed to lawfully meet all requirements of the regulatory mandate. An agency shall retain the authority to enforce compliance with the alternate method in the same manner as it may enforce compliance with the underlying rule. Any action on a petition by a state agency shall be subject to review pursuant to article seventy-eight of the civil practice law and rules.

[8.] 9. In accordance with the timetable established pursuant to subdivision [four] THREE of this section, the agency shall evaluate the effectiveness of the alternate method in carrying out the objectives of the regulatory mandate. The evaluation shall identify any savings or other benefits, and any costs or other disadvantages, of implementing the alternate method, and shall address the desirability of incorporating the alternate method into the rules of the agency. Notice of availability of the evaluation shall be published in the state register.

S 7-a. The state administrative procedure act is amended by adding a new section 204-b to read as follows:

S 204-B. WAIVERS OF REGULATORY MANDATES. 1. AS USED IN THIS SECTION:

(A) "LOCAL GOVERNMENT" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT, FIRE DISTRICT OR OTHER SPECIAL DISTRICT;

(B) "REGULATORY MANDATE" MEANS ANY RULE WHICH REQUIRES ONE OR MORE LOCAL GOVERNMENTS TO CREATE A NEW PROGRAM, INCREASE THE LEVEL OF SERVICE FOR AN EXISTING PROGRAM OR OTHERWISE COMPLY WITH MANDATORY REQUIREMENTS; AND

(C) "WAIVER PETITION" MEANS A DOCUMENT SUBMITTED BY A LOCAL GOVERNMENT SEEKING A WAIVER OF A REGULATORY MANDATE.

2. A LOCAL GOVERNMENT OR THE NEW YORK STATE MANDATE RELIEF COUNCIL ON BEHALF OF A LOCAL GOVERNMENT OR COLLECTION OF LOCAL GOVERNMENTS MAY SEEK A WAIVER OF A REGULATORY MANDATE, IN WHOLE OR IN PART, BY SUBMITTING TO THE APPROPRIATE STATE AGENCY A WAIVER PETITION WHICH SHALL INCLUDE:

(A) AN INDICATION THAT SUBMISSION HAS BEEN APPROVED BY THE CHIEF ELECTED OFFICER OF THE LOCAL GOVERNMENT OR BY AN OFFICER DULY AUTHORIZED BY THE GOVERNING BODY TO DO SO OR BY THE NEW YORK STATE MANDATE RELIEF COUNCIL;

(B) AN IDENTIFICATION OF THE REGULATORY MANDATE WHICH IS THE SUBJECT OF THE PETITION;

(C) INFORMATION SUFFICIENT TO ESTABLISH THAT (I) THE REGULATORY MANDATE WILL IMPOSE A SIGNIFICANT COST ON THE LOCAL GOVERNMENT; (II) THE LOCAL GOVERNMENT IS IN A FINANCIAL EMERGENCY, AS DEFINED IN SECTION 85.00 OF THE LOCAL FINANCE LAW, OR HAS UNIQUE CIRCUMSTANCES SUCH THAT THE REGULATORY MANDATE HAS AN IMPACT THAT IS MORE ADVERSE UPON IT THAN UPON MOST OTHER LOCAL GOVERNMENTS; (III) GRANTING THE WAIVER WILL NOT HARM PUBLIC HEALTH OR SAFETY OR VIOLATE APPLICABLE FEDERAL REQUIREMENTS; AND

(D) THE NAME, PUBLIC OFFICE ADDRESS AND TELEPHONE NUMBER OF THE REPRESENTATIVE OF THE LOCAL GOVERNMENT WHO WILL COORDINATE REQUESTS FOR ADDITIONAL INFORMATION ON THE PETITION.

3. THE AGENCY SHALL CAUSE A NOTICE OF THE WAIVER PETITION TO BE PUBLISHED IN THE STATE REGISTER AND SHALL RECEIVE COMMENTS ON THE PETITION FOR A PERIOD OF THIRTY DAYS. SUCH NOTICE SHALL EITHER INCLUDE THE FULL TEXT OF THE INFORMATION SET FORTH IN THE WAIVER PETITION OR SHALL SET FORTH THE ADDRESS OF A WEBSITE ON WHICH THE FULL TEXT HAS BEEN POSTED. THE NOTICE SHALL INCLUDE THE NAME, PUBLIC OFFICE ADDRESS AND TELEPHONE NUMBER, AND MAY INCLUDE A FAX NUMBER AND ELECTRONIC MAIL ADDRESS, OF AN AGENCY REPRESENTATIVE FROM WHOM ADDITIONAL INFORMATION ON THE PETITION CAN BE OBTAINED AND TO WHOM COMMENTS ON THE PETITION MAY BE SUBMITTED.

4. NOT LATER THAN THIRTY DAYS AFTER THE LAST DAY OF THE COMMENT PERIOD, THE AGENCY SHALL APPROVE OR DISAPPROVE THE WAIVER PETITION, PROVIDED, HOWEVER, THAT NO WAIVER SHALL BE APPROVED WHICH WOULD RESULT IN THE CONTRAVENTION OF ANY ENVIRONMENTAL, HEALTH OR SAFETY STANDARD. NOTICE OF THE AGENCY DETERMINATIONS SHALL BE PROVIDED IN WRITING TO THE LOCAL GOVERNMENT AND SHALL BE PUBLISHED IN THE STATE REGISTER. A LOCAL GOVERNMENT THAT OBJECTS TO A STATE AGENCY DETERMINATION TO MODIFY OR DISAPPROVE A PETITION MAY APPEAL IN WRITING TO THE GOVERNOR'S DIRECTOR OF STATE OPERATIONS, WHO, UPON REVIEW OF THE AGENCY'S FINDINGS AND DETERMINATION, MAY APPROVE, MODIFY OR DISAPPROVE THE PETITION.

5. UNLESS THE AGENCY FINDS IN WRITING THAT A LESSER PERIOD IS WARRANTED, A WAIVER SHALL EXPIRE AND BE DEEMED REVOKED FIVE YEARS AFTER THE APPROVAL THEREOF. A LOCAL GOVERNMENT OR THE NEW YORK STATE MANDATE RELIEF COUNCIL MAY SEEK AN EXTENSION OF AN EXPIRING WAIVER BY FILING A NEW WAIVER PETITION THAT MEETS THE REQUIREMENTS OF SUBDIVISION TWO OF THIS SECTION. THE AGENCY SHALL REVIEW ANY SUCH PETITION IN ACCORDANCE WITH THIS SECTION.

6. A STATE AGENCY MAY RESCIND A WAIVER PRIOR TO THE EXPIRATION THEREOF ONLY AFTER A HEARING, PROVIDED, HOWEVER, THAT THE AGENCY MAY SUSPEND ITS APPROVAL OF A PETITION PRIOR TO A HEARING IF IT FINDS THAT IMMEDIATE SUSPENSION IS NECESSARY TO ADDRESS AN IMMINENT THREAT TO HEALTH OR SAFETY. NOTICE OF A HEARING MUST BE PROVIDED TO THE PETITIONER AT LEAST THIRTY DAYS PRIOR TO THE HEARING AND MUST BE POSTED ON THE AGENCY'S WEBSITE. SUCH NOTICE MUST STATE THE BASIS FOR THE AGENCY'S DECISION TO SEEK RESCISSION AND INFORM THE LOCAL GOVERNMENT THAT IT MAY REQUEST INFORMATION RELIED UPON BY THE AGENCY IN MAKING ITS DETERMINATION, WHICH INFORMATION MUST BE PROVIDED TO THE LOCAL GOVERNMENT AT LEAST SEVEN DAYS IN ADVANCE OF THE HEARING. AFTER SUCH HEARING, THE AGENCY MAY RESCIND ITS APPROVAL UPON A FINDING THAT THE LOCAL GOVERNMENT NO LONGER MEETS THE REQUIREMENTS OF THIS SECTION.

7. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A WAIVER APPROVED BY AN AGENCY PURSUANT TO THIS SECTION SHALL BE DEEMED TO LAWFULLY MEET ALL REQUIREMENTS OF THE REGULATORY MANDATE. ANY ACTION ON A PETITION BY A

STATE AGENCY SHALL BE SUBJECT TO REVIEW PURSUANT TO ARTICLE SEVENTY-EIGHT OF THE CIVIL PRACTICE LAW AND RULES.

S 8. Subdivision 3 of section 103 of the general municipal law, as amended by chapter 343 of the laws of 2007, is amended to read as follows:

3. Notwithstanding the provisions of subdivision one of this section, any officer, board or agency of a political subdivision or of any district therein authorized to make purchases of materials, equipment or supplies, or to contract for services, may make such purchases, or may contract for services, [other than services subject to article eight or nine of the labor law,] when available, through the county in which the political subdivision or district is located or through any county within the state subject to the rules established pursuant to subdivision two of section four hundred eight-a of the county law; provided that the political subdivision or district for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor or contractor. All purchases and all contracts for such services shall be subject to audit and inspection by the political subdivision or district for which made. Prior to making such purchases or contracts the officer, board or agency shall consider whether such contracts will result in cost savings after all factors, including charges for service, material, and delivery, have been considered. No officer, board or agency of a political subdivision or of any district therein shall make any purchase or contract for any such services through the county in which the political subdivision or district is located or through any county within the state when bids have been received for such purchase or such services by such officer, board or agency, unless such purchase may be made or the contract for such services may be entered into upon the same terms, conditions and specifications at a lower price through the county.

S 9. Section 103 of the general municipal law is amended by adding two new subdivisions 1-b and 14 to read as follows:

1-B. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN SHALL HAVE THE OPTION OF PURCHASING INFORMATION TECHNOLOGY AND TELECOMMUNICATIONS HARDWARE, SOFTWARE AND PROFESSIONAL SERVICES THROUGH COOPERATIVE PURCHASING PERMISSIBLE PURSUANT TO FEDERAL GENERAL SERVICES ADMINISTRATION INFORMATION TECHNOLOGY SCHEDULE SEVENTY OR ANY SUCCESSOR SCHEDULE. A POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN THAT PURCHASES THROUGH GENERAL SERVICES ADMINISTRATION SCHEDULE SEVENTY, INFORMATION TECHNOLOGY AND CONSOLIDATED SCHEDULE CONTRACTS SHALL COMPLY WITH FEDERAL SCHEDULE ORDERING PROCEDURES AS PROVIDED IN FEDERAL ACQUISITION REGULATION 8.405-1 OR 8.405-2 OR SUCCESSOR REGULATIONS, WHICHEVER IS APPLICABLE. ADHERENCE TO SUCH PROCEDURES SHALL CONSTITUTE COMPLIANCE WITH THE COMPETITIVE BIDDING REQUIREMENTS UNDER THIS SECTION.

14. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION AND IN ADDITION TO THE PROVISIONS OF SUBDIVISION THREE OF THIS SECTION AND SECTION ONE HUNDRED FOUR OF THIS ARTICLE, ANY OFFICER, BOARD OR AGENCY OF A POLITICAL SUBDIVISION OR OF ANY DISTRICT THEREIN AUTHORIZED TO MAKE PURCHASES OF SERVICES, MATERIALS, EQUIPMENT AND SUPPLIES MAY MAKE SUCH PURCHASES AS MAY BE REQUIRED BY SUCH POLITICAL SUBDIVISION OR ANY DISTRICT THEREIN THROUGH THE USE OF A CONTRACT LET BY ANY OTHER STATE OR POLITICAL SUBDIVISION IF SUCH CONTRACT WAS LET IN ACCORDANCE WITH COMPETITIVE BIDDING AND WAGE REQUIREMENTS THAT ARE CONSISTENT WITH THIS SECTION AND WITH THE INTENT OF EXTENDING ITS USE TO CERTAIN OTHER GOVERNMENTAL ENTITIES. PRIOR TO MAKING SUCH A PURCHASE, THE GOVERNING BOARD OF THE POLITICAL SUBDIVISION OR DISTRICT MAKING THE PURCHASE SHALL

DETERMINE, UPON REVIEW OF ANY NECESSARY DOCUMENTATION AND, AS APPROPRIATE, UPON ADVICE OF ITS COUNSEL, THAT THE REQUIREMENTS OF THIS SUBDIVISION HAVE BEEN MET, AND SHALL CERTIFY, BY RESOLUTION, THAT SUCH PURCHASE IS PERMITTED UNDER THE PROCUREMENT POLICIES AND PROCEDURES OF THE POLITICAL SUBDIVISION OR DISTRICT, ADOPTED PURSUANT TO SECTION ONE HUNDRED FOUR-B OF THIS ARTICLE.

S 10. Section 104 of the general municipal law, as amended by chapter 137 of the laws of 2008, is amended to read as follows:

S 104. Purchase through office of general services; CERTAIN FEDERAL CONTRACTS. 1. Notwithstanding the provisions of section one hundred three of this article or of any other general, special or local law, any officer, board or agency of a political subdivision, of a district therein, of a fire company or of a voluntary ambulance service authorized to make purchases of materials, equipment, food products, or supplies, or services available pursuant to sections one hundred sixty-one and one hundred sixty-seven of the state finance law, may make such purchases, except of printed material, through the office of general services subject to such rules as may be established from time to time pursuant to sections one hundred sixty-three and one hundred sixty-seven of the state finance law [or through the general services administration pursuant to section 1555 of the federal acquisition streamlining act of 1994, P.L. 103-355]; provided that any such purchase shall exceed five hundred dollars and that the political subdivision, district, fire company or voluntary ambulance service for which such officer, board or agency acts shall accept sole responsibility for any payment due the vendor. All purchases shall be subject to audit and inspection by the political subdivision, district, fire company or voluntary ambulance service for which made. No officer, board or agency of a political subdivision, or a district therein, of a fire company or of a voluntary ambulance service shall make any purchase through such office when bids have been received for such purchase by such officer, board or agency, unless such purchase may be made upon the same terms, conditions and specifications at a lower price through such office. Two or more fire companies or voluntary ambulance services may join in making purchases pursuant to this section, and for the purposes of this section such groups shall be deemed "fire companies or voluntary ambulance services."

2. NOTWITHSTANDING THE PROVISIONS OF SECTION ONE HUNDRED THREE OF THIS ARTICLE OR OF ANY OTHER GENERAL, SPECIAL OR LOCAL LAW, ANY OFFICER, BOARD OR AGENCY OF A POLITICAL SUBDIVISION, OR OF A DISTRICT THEREIN, MAY MAKE PURCHASES FROM FEDERAL GENERAL SERVICE ADMINISTRATION SUPPLY SCHEDULES PURSUANT TO SECTION 211 OF THE FEDERAL E-GOVERNMENT ACT OF 2002, P.L. 107-347, AND PURSUANT TO SECTION 1122 OF THE NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 1994, P.L. 103-160, OR ANY SUCCESSOR SCHEDULES IN ACCORDANCE WITH PROCEDURES ESTABLISHED PURSUANT THERETO. PRIOR TO MAKING SUCH PURCHASES THE OFFICER, BOARD OR AGENCY SHALL CONSIDER WHETHER SUCH PURCHASES WILL RESULT IN COST SAVINGS AFTER ALL FACTORS, INCLUDING CHARGES FOR SERVICE, MATERIAL, AND DELIVERY, HAVE BEEN CONSIDERED.

S 11. Subdivision 2 of section 408-a of the county law, as amended by section 2 of part X of chapter 62 of the laws of 2003, is amended to read as follows:

2. The board of supervisors may, in the case of any purchase contract or any contract for services, [other than services subject to article eight or nine of the labor law,] of the county to be awarded to the lowest responsible bidder after advertisement for bids, authorize the inclusion of a provision whereby purchases may be made or such services

may be obtained under such contract by any political subdivision or fire company (as both are defined in section one hundred of the general municipal law) or district. In such event, the board shall adopt rules prescribing the conditions under which, and the manner in which, purchases may be made or services may be obtained by such political subdivision, fire company or district.

S 12. Subdivisions 3 and 5 of section 97-g of the state finance law, subdivision 3 as amended by section 45 of part K of chapter 81 of the laws of 2002 and subdivision 5 as added by chapter 710 of the laws of 1964, are amended to read as follows:

3. Moneys of the fund shall be available to the commissioner of general services for the purchase of food, supplies and equipment for [state institutions and other] state agencies, and for the purpose of furnishing or providing centralized services to or for [state institutions and other] state agencies; PROVIDED FURTHER THAT SUCH MONEYS SHALL BE AVAILABLE TO THE COMMISSIONER OF GENERAL SERVICES FOR PURPOSES PURSUANT TO ITEMS (D) AND (F) OF SUBDIVISION FOUR OF THIS SECTION TO OR FOR POLITICAL SUBDIVISIONS. Beginning the first day of April, two thousand two, moneys in such fund shall also be transferred by the state comptroller to the revenue bond tax fund account of the general debt service fund in amounts equal to those required for payments to authorized issuers for revenue bonds issued pursuant to article five-C of this chapter for the purpose of lease purchases and installment purchases by or for state agencies and institutions for personal or real property purposes.

5. The amount expended from such fund for the above-stated purposes shall be charged against the [state institution or] agency OR POLITICAL SUBDIVISIONS ABOVE receiving such food, supplies, equipment and services and all payments received therefor shall be credited to such fund.

S 12-a. Subdivision 4 of section 97-g of the state finance law, as amended by chapter 410 of the laws of 2009, is amended to read as follows:

4. The term "centralized services" as used in this section shall mean and include only (a) communications services, (b) mail, messenger and reproduction services, (c) computer services, (d) fuels, including natural gas, hydrogen, biofuels and gasoline, and automotive services, (e) renovation and maintenance services, (f) purchases of electricity, renewable energy, renewable energy credits or attributes from the power authority of the state of New York and, in consultation with the power authority of the state of New York, from other suppliers, (g) real property management services, (h) building design and construction services, (i) parking services, (j) distribution of United States department of agriculture donated foods to eligible recipients, pursuant to all applicable statutes and regulations, (k) distribution of federal surplus property donations to all eligible recipients, pursuant to applicable statutes and regulations, and (l) payments and related services for lease purchases and installment purchases by or for state agencies and institutions for personal property purposes financed through the issuance of certificates of participation. The services defined in items (a) through (C), (E), (G) AND (h) of this subdivision shall be provided to state agencies and institutions only.

S 12-b. Subdivision 4 of section 97-g of the state finance law, as amended by chapter 577 of the laws of 1988, is amended to read as follows:

4. The term "centralized services" as used in this section shall mean and include only (a) communications services, (b) mail, messenger and reproduction services, (c) computer services, (d) gasoline and automo-

tive services, (e) renovation and maintenance services, (f) purchases of electricity from the power authority of the state of New York, (g) real property management services, (h) building design and construction services, (i) parking services, (j) distribution of United States department of agriculture donated foods to eligible recipients, pursuant to all applicable statutes and regulations, (k) distribution of federal surplus property donations to all eligible recipients, pursuant to applicable statutes and regulations and (l) payments and related services for lease purchases and installment purchases by or for state agencies and institutions for personal property purposes financed through the issuance of certificates of participation. The services defined in items (a) through (C), (E), (G) AND (h) of this subdivision shall be provided to state agencies and institutions only.

S 13. Intentionally omitted.

S 14. Intentionally omitted.

S 15. Intentionally omitted.

S 16. Intentionally omitted.

S 17. The education law is amended by adding a new section 1527-c to read as follows:

S 1527-C. SHARED SUPERINTENDENT PROGRAM. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, RULE OR REGULATION TO THE CONTRARY, THE GOVERNING BOARD OF A SCHOOL DISTRICT WITH AN ENROLLMENT OF LESS THAN ONE THOUSAND STUDENTS IN THE PREVIOUS YEAR SHALL BE AUTHORIZED TO ENTER INTO A SCHOOL SUPERINTENDENT SHARING CONTRACT WITH NO MORE THAN TWO ADDITIONAL SCHOOL DISTRICTS EACH OF WHICH HAVE FEWER THAN ONE THOUSAND IN ENROLLED PUPILS IN THE PREVIOUS YEAR. EACH SHARED SUPERINTENDENT ARRANGEMENT SHALL BE GOVERNED BY THE BOARDS OF EDUCATION OF THE SCHOOL DISTRICTS PARTICIPATING IN THE SHARED CONTRACT. PROVIDED HOWEVER, THAT THIS SECTION SHALL NOT BE CONSTRUED TO ALTER, AFFECT OR IMPAIR ANY EMPLOYMENT CONTRACT WHICH IS IN EFFECT ON OR BEFORE JULY FIRST, TWO THOUSAND THIRTEEN. ANY SCHOOL DISTRICT WHICH HAS ENTERED INTO A SCHOOL SUPERINTENDENT SHARING PROGRAM WILL CONTINUE TO BE ELIGIBLE TO COMPLETE SUCH CONTRACT NOTWITHSTANDING THAT THE ENROLLMENT OF THE SCHOOL DISTRICT EXCEEDED ONE THOUSAND STUDENTS AFTER ENTERING INTO A SHARED SUPERINTENDENT CONTRACT.

S 18. Intentionally omitted.

S 19. S 19. Subdivision 6 of section 2.30 of the criminal procedure law, as amended by chapter 491 of the laws of 2010, is amended to read as follows:

6. A certificate attesting to satisfactory completion of the training requirements imposed under this section awarded to any peace officer by the [executive director] CHAIRMAN of the municipal police training council pursuant to this section shall remain valid:

(a) during the holder's continuous service as a peace officer; and

(b) for [two] FIVE years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer [for less than two consecutive years; or

(c) for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a peace officer for two consecutive years or longer].

As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a peace officer by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

S 19-a. Subdivisions 1 and 1-a of section 209-q of the general municipal law, subdivision 1 as amended by chapter 735 of the laws of 1988, paragraphs (b) and (c) of subdivision 1 as amended by chapter 551 of the laws of 2001 and subdivision 1-a as added by chapter 671 of the laws of 1967, are amended to read as follows:

1. (a) Notwithstanding the provisions of any general, special or local law or charter to the contrary, no person shall[, after July first, nineteen hundred sixty,] receive an original appointment on a permanent basis as a police officer of any county, city, town, village or police district unless such person has previously been awarded a certificate by the [executive director] CHAIRMAN of the municipal police training council created under article thirty-five of the executive law, attesting to his OR HER satisfactory completion of an approved municipal police basic training program; and every person who is appointed [on a temporary basis or for a probationary term or on other than a permanent basis] as a police officer [of any county, city, town, village or police district] shall forfeit his OR HER position as such unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section eight hundred forty-two of the executive law, satisfactorily completes[, a] AN APPROVED municipal police basic training program [for temporary or probationary police officers] and is awarded a certificate by such [director] CHAIRMAN attesting thereto.

(b) A certificate attesting to satisfactory completion of an approved municipal police basic training program awarded by the [executive director] CHAIRMAN of the municipal police training council pursuant to this subdivision shall remain valid:

(i) during the holder's continuous service as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law]; and

(ii) for [two] FIVE years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for less than two consecutive years]; or

(iii) [for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for two consecutive years or longer; or

(iv)] where the holder, whose interruption in continuous service as a police officer does not exceed ten years, has satisfactorily completed an approved police officer refresher course [or where a peace officer, who seeks an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, has satisfactorily completed relevant police officer training courses,] as prescribed by the municipal police training council.

(c) As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law,] by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

1-a. Notwithstanding the provisions of any general, special or local law or charter, the promotion of any police officer to a first-line supervisory position [on or after July first, nineteen hundred sixty-seven,] shall not become permanent unless such police officer has previously been awarded a certificate by the [executive director] CHAIRMAN of the municipal police training council created under article [nineteen-f] THIRTY-FIVE of the executive law, attesting to his OR HER satisfactory completion of an approved course in police supervision as prescribed by the municipal police training council. Any police officer who is promoted on any basis to a first-line supervisory position [on or after July first, nineteen hundred sixty-seven] shall forfeit such promotion unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section [four hundred eighty-four] EIGHT HUNDRED FORTY-TWO of the executive law satisfactorily completes, the prescribed course in police supervision and is awarded a certificate by such [director] CHAIRMAN attesting thereto.

S 20. Section 60.27 of the penal law is amended by adding a new subdivision 15 to read as follows:

15. IF THE OFFENSE OF WHICH A PERSON IS CONVICTED IS DEFINED IN SECTION 165.71, 165.72, 165.73 OR ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, AND A LAW ENFORCEMENT AGENCY OR OTHER PUBLIC ENTITY HAS EXPENDED FUNDS FOR THE PURPOSE OF STORING AND/OR DESTROYING GOODS OR ARTICLES SEIZED IN CONNECTION WITH SUCH OFFENSE, THEN NOTWITHSTANDING THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION, SAID AGENCY OR OTHER PUBLIC ENTITY SHALL BE ENTITLED TO RESTITUTION OF THE REASONABLE COST OF SUCH STORAGE AND/OR DESTRUCTION, LESS THE AMOUNT OF ANY FUNDS WHICH HAVE BEEN OR ARE ANTICIPATED TO BE RECOVERED FROM ANY OTHER SOURCE. ANY LAW ENFORCEMENT AGENCY OR OTHER PUBLIC ENTITY SEEKING RESTITUTION PURSUANT TO THIS SUBDIVISION SHALL FILE WITH THE COURT, DISTRICT ATTORNEY AND DEFENSE COUNSEL AN AFFIDAVIT STATING THAT THE COSTS FOR WHICH RESTITUTION IS BEING SOUGHT HAVE NOT BEEN AND ARE NOT ANTICIPATED TO BE RECOVERED FROM ANY OTHER SOURCE OR IN ANY OTHER CIVIL OR CRIMINAL PROCEEDING.

S 21. Section 165.70 of the penal law is amended by adding a new subdivision 5 to read as follows:

5. THE TERM "REPRESENTATIVE SAMPLE" MEANS A MINIMUM OF ONE HUNDRED TWENTY-FIVE PERCENT OF THE AMOUNT OF GOODS THAT IS REQUIRED TO SUBSTANTIATE THE HIGHEST DEGREE OF THE OFFENSE THAT MAY BE CHARGED IN THE ACCUSATORY INSTRUMENT, AS DETERMINED BY THE AGENCY HAVING CUSTODY OF SUCH GOODS.

S 22. Section 165.74 of the penal law is REPEALED and a new section 165.74 is added to read as follows:

S 165.74 SEIZURE AND DESTRUCTION OF GOODS BEARING COUNTERFEIT TRADEMARKS.

1. ANY GOODS MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF THIS ARTICLE MAY BE SEIZED BY ANY POLICE OFFICER, OR BY ANY PEACE OFFICER ACTING WITHIN HIS OR HER LAWFUL AUTHORITY.

2. IF THE DEFENDANT REQUESTS A HEARING AT ARRAIGNMENT PURSUANT TO SUBDIVISION TEN OF SECTION 170.10, SUBDIVISION SEVEN OF SECTION 180.10 OR SUBDIVISION FOUR OF SECTION 210.15 OF THE CRIMINAL PROCEDURE LAW, OR IF ANY OTHER PERSON TIMELY REQUESTS SUCH A HEARING PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, THE COURT MUST, WITHIN FORTY-EIGHT HOURS AFTER ARRAIGNMENT OF THE DEFENDANT OR WITHIN FORTY-EIGHT HOURS OF A REQUEST FOR A HEARING PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION, WHICHEVER IS LATER, HOLD A HEARING AND DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT GOODS SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF THIS ARTICLE. THE HEARING TO MAKE SUCH DETERMINATION SHALL BE CONCLUDED AND SUCH DETERMINATION SHALL BE MADE WITHIN FORTY-EIGHT HOURS AFTER THE COMMENCEMENT OF THE HEARING, PROVIDED THAT FOR GOOD CAUSE THE COURT MAY EXTENT THE TIME WITHIN WHICH TO HOLD OR CONCLUDE SUCH HEARING.

3. (A) IF A HEARING IS REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, AND THE COURT, AFTER SUCH HEARING, FINDS THAT NOTICE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, IF REQUIRED, HAS BEEN PROVIDED AND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT SUCH GOODS WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF THIS ARTICLE, THE COURT SHALL AUTHORIZE THAT ALL BUT A REPRESENTATIVE SAMPLE OF SUCH GOODS MAY BE DESTROYED BY THE AGENCY HAVING CUSTODY OF THE SEIZED GOODS. NOTWITHSTANDING THE FOREGOING, IF THE COURT FURTHER FINDS THAT A SUBSTANTIAL ISSUE OF FACT HAS BEEN RAISED WHETHER SUCH GOODS WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN VIOLATION OF THIS ARTICLE, THE COURT SHALL REQUIRE THAT SUCH GOODS BE RETAINED AS EVIDENCE PENDING THE TRIAL OF THE DEFENDANT OR OTHER DISPOSITION OF THE CRIMINAL PROCEEDINGS INVOLVING THE DEFENDANT.

(B) IF A HEARING IS NOT REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE AGENCY HAVING CUSTODY OF SEIZED GOODS MAY DESTROY ALL BUT A REPRESENTATIVE SAMPLE OF SUCH GOODS IN ACCORDANCE WITH THIS SECTION, PROVIDED THAT NOTICE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, IF REQUIRED, HAS BEEN PROVIDED AND ANY TIME FOR REQUESTING SUCH HEARING HAS EXPIRED.

4. PRIOR TO THE DESTRUCTION OF GOODS IN EXCESS OF A REPRESENTATIVE SAMPLE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE AGENCY HAVING CUSTODY OF SEIZED GOODS SHALL PHOTOGRAPH, VIDEOTAPE OR OTHERWISE RECORD SUCH GOODS IN A MANNER THAT REASONABLY PORTRAYS THEIR QUANTITY AND CHARACTER AND IDENTIFIES THE CASE OR ARREST TO WHICH SUCH GOODS RELATE. WHERE THE GOODS SEIZED CONSIST OF ITEMS OF APPAREL OR FOOTWEAR BEARING A COUNTERFEIT TRADEMARK, WITH THE CONSENT OF THE HOLDER OF THE TRADEMARK THE GOODS MAY BE RELEASED BY SUCH AGENCY HAVING CUSTODY OF SEIZED GOODS TO THE HOLDER OF THE TRADEMARK OR A CHARITABLE ORGANIZATION AUTHORIZED TO RECEIVE SUCH GOODS BY THE HOLDER OF THE TRADEMARK RATHER THAN BEING DESTROYED PURSUANT TO THIS SECTION. SUCH AGENCY SHALL NOT BE REQUIRED TO REMOVE THE COUNTERFEIT TRADEMARK OR OTHERWISE ALTER THE GOODS BEFORE RELEASE PURSUANT TO THIS SUBDIVISION. EXCEPT AS PROVIDED IN THIS SUBDIVISION, DESTRUCTION SHALL NOT INCLUDE AUCTION, SALE OR DISTRIBUTION OF THE GOODS IN THEIR ORIGINAL FORM.

5. (A) A PERSON OTHER THAN THE DEFENDANT MAY REQUEST A HEARING IN THE COURT HAVING JURISDICTION OVER A CRIMINAL PROCEEDING RELATING TO THE DEFENDANT TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT GOODS SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN VIOLATION OF THIS ARTICLE BY (I) CALLING THE TELEPHONE NUMBER, AS PROVIDED IN THE

NOTICE REQUIRED BY PARAGRAPH (B) OF THIS SUBDIVISION, DURING REGULAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF SUCH NOTICE OR FIVE CALENDAR DAYS OF THE DATE OF THE NOTICE WHERE NOTICE HAS BEEN PROVIDED BY FIRST CLASS MAIL OR HAS BEEN PROVIDED PURSUANT TO CLAUSE (III) OF SUBPARAGRAPH TWO OF PARAGRAPH (B) OF THIS SUBDIVISION, OR (II) CONTACTING THE DESIGNATED PERSON OR UNIT WITHIN THE OFFICE OF THE DISTRICT ATTORNEY IN THE COUNTY WHERE THE GOODS WERE SEIZED DURING REGULAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF THE SEIZURE, OR FIVE CALENDAR DAYS OF SUCH DATE WHERE NOTICE HAS BEEN PROVIDED BY FIRST CLASS MAIL OR PURSUANT TO CLAUSE (III) OF SUCH SUBPARAGRAPH. SUCH PERSON REQUESTING A HEARING SHALL PROVIDE A SWORN STATEMENT AT OR BEFORE THE HEARING DECLARING THAT HE OR SHE HAS A FINANCIAL OR OWNERSHIP INTEREST IN GOODS THAT ARE THE SUBJECT OF SUCH HEARING.

(B) (1) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH AT A MINIMUM SHALL INDICATE THE FOLLOWING: (I) THAT THE SEIZED GOODS ARE SUBJECT TO DESTRUCTION PURSUANT TO THIS SECTION; (II) THAT ANY PERSON MAY REQUEST A HEARING, AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE SEIZED GOODS WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF THIS ARTICLE; (III) THAT SUCH PERSON MUST PROVIDE A SWORN STATEMENT AT OR BEFORE THE HEARING DECLARING THAT HE OR SHE HAS A FINANCIAL OR OWNERSHIP INTEREST IN THE SEIZED GOODS; AND (IV) THAT FAILURE TO TIMELY REQUEST SUCH HEARING OR PROVIDE SUCH SWORN STATEMENT SHALL BE DEEMED A WAIVER OF THE RIGHT TO CHALLENGE THE DESTRUCTION OF SEIZED GOODS IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH NOTICE SHALL PROVIDE A TELEPHONE NUMBER THAT A PERSON MAY CALL DURING REGULAR BUSINESS HOURS TO REQUEST A HEARING.

(2) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED AS FOLLOWS: (I) IF ANY OF THE GOODS TO BE DESTROYED PURSUANT TO SUBDIVISION THREE OF THIS SECTION WERE SEIZED FROM A PREMISES, NOTICE SHALL BE CONSPICUOUSLY AFFIXED TO A DOOR OR OTHER LOCATION REASONABLY CALCULATED TO BE VISIBLE TO A PERSON ENTERING THE AREA FROM WHICH THE GOODS WERE SEIZED; (II) IF ANY SUCH GOODS WERE SEIZED FROM A VEHICLE, NOTICE SHALL BE CONSPICUOUSLY AFFIXED TO THE VEHICLE OR LEFT INSIDE SUCH VEHICLE AND MAILED BY FIRST CLASS MAIL TO THE VEHICLE'S REGISTERED OWNER; AND (III) IF ANY PERSON IS KNOWN TO HAVE A FINANCIAL OR OWNERSHIP INTEREST IN THE SEIZED GOODS, NOTICE SHALL BE PROVIDED BY A MEANS REASONABLY CALCULATED TO CONVEY THE INFORMATION SET FORTH IN SUBPARAGRAPH ONE OF THIS PARAGRAPH.

6. FAILURE OF ANY PERSON TO TIMELY REQUEST A HEARING PURSUANT TO THIS SECTION OR PROVIDE A SWORN STATEMENT AS REQUIRED BY PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION SHALL BE DEEMED A WAIVER OF SUCH PERSON'S RIGHT TO CHALLENGE THE DESTRUCTION OF ANY SEIZED GOODS IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING.

7. UPON FINAL DETERMINATION OF THE CHARGES, THE COURT SHALL, UPON PROPER NOTICE BY THE DISTRICT ATTORNEY OR REPRESENTATIVE OF THE CRIME VICTIM OR VICTIMS, AFTER PRIOR NOTICE TO THE DISTRICT ATTORNEY AND CUSTODIAN OF THE SEIZED PROPERTY, ENTER AN ORDER PRESERVING ANY OF THE GOODS MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF THIS ARTICLE, NOT OTHERWISE DESTROYED OR PERMITTED TO BE DESTROYED PURSUANT TO SUBDIVISION THREE OF THIS SECTION, AS EVIDENCE FOR USE IN OTHER CASES, INCLUDING A CIVIL ACTION. THIS NOTICE MUST BE RECEIVED WITHIN THIRTY DAYS OF FINAL DETERMINATION OF THE CHARGES. THE COST OF STORAGE, SECURITY AND DESTRUCTION OF GOODS SO ORDERED FOR PRESERVATION, OTHER THAN FOR A CIVIL ACTION UNDER ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES INITIATED BY THE DISTRICT ATTORNEY, SHALL

BE PAID BY THE PARTY SEEKING SUCH PRESERVATION. IF NO SUCH ORDER IS ENTERED WITHIN THE THIRTY DAY PERIOD, SUCH GOODS MAY BE DESTROYED BY THE AGENCY HAVING CUSTODY OF SUCH GOODS. WHERE SUCH GOODS CONSIST OF ITEMS OF APPAREL OR FOOTWEAR BEARING A COUNTERFEIT TRADEMARK, WITH THE CONSENT OF THE HOLDER OF THE TRADEMARK THE GOODS MAY BE RELEASED BY SUCH AGENCY HAVING CUSTODY OF SEIZED GOODS TO THE HOLDER OF THE TRADEMARK OR A CHARITABLE ORGANIZATION AUTHORIZED TO RECEIVE SUCH GOODS BY THE HOLDER OF THE TRADEMARK RATHER THAN BEING DESTROYED PURSUANT TO THIS SECTION. SUCH AGENCY SHALL NOT BE REQUIRED TO REMOVE THE COUNTERFEIT TRADEMARK OR OTHERWISE ALTER THE GOODS BEFORE RELEASE PURSUANT TO THIS SUBDIVISION. EXCEPT AS PROVIDED IN THIS SUBDIVISION, DESTRUCTION SHALL NOT INCLUDE AUCTION, SALE OR DISTRIBUTION OF THE GOODS IN THEIR ORIGINAL FORM.

8. EXCEPT AS PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, NOTHING IN THIS SECTION SHALL PROHIBIT THE DESTRUCTION OR OTHER DISPOSITION, PURSUANT TO ANY OTHER APPLICABLE PROVISION OF STATE OR LOCAL LAW, OF GOODS SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WHERE THERE IS NO ONGOING CRIMINAL PROCEEDING THAT HAS BEEN COMMENCED IN RELATION TO SUCH GOODS.

S 23. Section 420.00 of the penal law is REPEALED and a new section 420.00 is added to read as follows:

S 420.00 SEIZURE AND DESTRUCTION OF UNAUTHORIZED RECORDINGS.

1. ANY ARTICLE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER MAY BE SEIZED BY ANY POLICE OFFICER, OR BY ANY PEACE OFFICER ACTING WITHIN HIS OR HER LAWFUL AUTHORITY.

2. IF THE DEFENDANT REQUESTS A HEARING AT ARRAIGNMENT PURSUANT TO SUBDIVISION TEN OF SECTION 170.10, SUBDIVISION SEVEN OF SECTION 180.10 OR SUBDIVISION FOUR OF SECTION 210.15 OF THE CRIMINAL PROCEDURE LAW, OR IF ANY OTHER PERSON TIMELY REQUESTS SUCH A HEARING PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, THE COURT MUST, WITHIN FORTY-EIGHT HOURS AFTER ARRAIGNMENT OF THE DEFENDANT OR WITHIN FORTY-EIGHT HOURS OF A REQUEST FOR A HEARING PURSUANT TO PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION, WHICHEVER IS LATER, HOLD A HEARING AND DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE ARTICLES SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER. THE HEARING TO MAKE SUCH DETERMINATION SHALL BE CONCLUDED AND SUCH DETERMINATION SHALL BE MADE WITHIN FORTY-EIGHT HOURS AFTER THE COMMENCEMENT OF THE HEARING, PROVIDED THAT FOR GOOD CAUSE THE COURT MAY EXTEND THE TIME WITHIN WHICH TO HOLD OR CONCLUDE SUCH HEARING OR MAKE SUCH DETERMINATION.

3. (A) IF A HEARING IS REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, AND THE COURT, AFTER SUCH HEARING, FINDS THAT NOTICE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, IF REQUIRED, HAS BEEN PROVIDED AND THAT PROBABLE CAUSE EXISTS TO BELIEVE THAT SUCH ARTICLES WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, THE COURT SHALL AUTHORIZE THAT ALL BUT A REPRESENTATIVE SAMPLE OF SUCH ARTICLES MAY BE DESTROYED BY THE AGENCY HAVING CUSTODY OF THE SEIZED ARTICLES. NOTWITHSTANDING THE FOREGOING, IF THE COURT FURTHER FINDS THAT A SUBSTANTIAL ISSUE OF FACT HAS BEEN RAISED WHETHER SUCH ARTICLES WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, THE COURT SHALL REQUIRE THAT SUCH ARTICLES BE RETAINED AS EVIDENCE PENDING THE TRIAL OF THE DEFENDANT OR OTHER DISPOSITION OF THE CRIMINAL PROCEEDINGS INVOLVING THE DEFENDANT.

(B) IF A HEARING IS NOT REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE AGENCY HAVING CUSTODY OF SEIZED GOODS MAY DESTROY ALL BUT A REPRESENTATIVE SAMPLE OF SUCH ARTICLES IN ACCORDANCE WITH THIS SECTION, PROVIDED THAT NOTICE PURSUANT TO PARAGRAPH (B) OF SUBDIVISION FIVE OF THIS SECTION, IF REQUIRED, HAS BEEN PROVIDED AND ANY TIME FOR REQUESTING SUCH HEARING HAS EXPIRED.

4. PRIOR TO THE DESTRUCTION OF ARTICLES IN EXCESS OF A REPRESENTATIVE SAMPLE PURSUANT TO SUBDIVISION THREE OF THIS SECTION, THE AGENCY HAVING CUSTODY OF SEIZED ARTICLES SHALL PHOTOGRAPH, VIDEOTAPE OR OTHERWISE RECORD SUCH ARTICLES IN A MANNER THAT REASONABLY PORTRAYS THEIR QUANTITY AND CHARACTER AND IDENTIFIES THE CASE OR ARREST TO WHICH SUCH ARTICLES RELATE.

5. (A) A PERSON OTHER THAN THE DEFENDANT MAY REQUEST A HEARING IN THE COURT HAVING JURISDICTION OVER A CRIMINAL PROCEEDING RELATING TO THE DEFENDANT TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT ARTICLES SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED, OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER BY (I) CALLING THE TELEPHONE NUMBER, AS PROVIDED IN THE NOTICE REQUIRED BY PARAGRAPH (B) OF THIS SUBDIVISION, DURING REGULAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF SUCH NOTICE OR WITHIN FIVE CALENDAR DAYS OF SUCH DATE WHERE NOTICE HAS BEEN PROVIDED BY FIRST CLASS MAIL OR PURSUANT TO CLAUSE (III) OF SUBPARAGRAPH TWO OF PARAGRAPH (B) OF THIS SUBDIVISION, OR (II) CONTACTING THE DESIGNATED PERSON OR UNIT WITHIN THE OFFICE OF THE DISTRICT ATTORNEY IN THE COUNTY WHERE THE ARTICLES WERE SEIZED DURING REGULAR BUSINESS HOURS WITHIN TWO BUSINESS DAYS OF THE DATE OF THE SEIZURE, OR WITHIN FIVE CALENDAR DAYS OF SUCH DATE WHERE NOTICE HAS BEEN PROVIDED BY FIRST CLASS MAIL OR PURSUANT TO CLAUSE (III) OF SUCH SUBPARAGRAPH. SUCH PERSON REQUESTING A HEARING SHALL PROVIDE A SWORN STATEMENT AT OR BEFORE THE HEARING DECLARING THAT HE OR SHE HAS A FINANCIAL OR OWNERSHIP INTEREST IN ARTICLES THAT ARE THE SUBJECT OF SUCH HEARING.

(B) (1) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH AT A MINIMUM SHALL INDICATE THE FOLLOWING: (I) THAT THE SEIZED ARTICLES ARE SUBJECT TO DESTRUCTION PURSUANT TO THIS SECTION; (II) THAT ANY PERSON MAY REQUEST A HEARING, AS PROVIDED IN PARAGRAPH (A) OF THIS SUBDIVISION, TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT THE SEIZED ARTICLES WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER; (III) THAT SUCH PERSON MUST PROVIDE A SWORN STATEMENT AT OR BEFORE THE HEARING DECLARING THAT HE OR SHE HAS A FINANCIAL OR OWNERSHIP INTEREST IN THE SEIZED ARTICLES; AND (IV) THAT FAILURE TO TIMELY REQUEST SUCH HEARING OR PROVIDE SUCH SWORN STATEMENT SHALL BE DEEMED A WAIVER OF THE RIGHT TO CHALLENGE THE DESTRUCTION OF SEIZED ARTICLES IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH NOTICE SHALL PROVIDE A TELEPHONE NUMBER THAT A PERSON MAY CALL DURING REGULAR BUSINESS HOURS TO REQUEST A HEARING.

(2) NOTICE REQUIRED PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED AS FOLLOWS: (I) IF ANY OF THE ARTICLES TO BE DESTROYED PURSUANT TO SUBDIVISION THREE OF THIS SECTION WERE SEIZED FROM A PREMISES, NOTICE SHALL BE CONSPICUOUSLY AFFIXED TO A DOOR OR OTHER LOCATION REASONABLY CALCULATED TO BE VISIBLE TO A PERSON ENTERING THE AREA FROM WHICH THE ARTICLES WERE SEIZED; (II) IF ANY SUCH ARTICLES WERE SEIZED FROM A VEHICLE, NOTICE SHALL BE CONSPICUOUSLY AFFIXED TO THE VEHICLE OR LEFT INSIDE SUCH VEHICLE AND MAILED BY FIRST CLASS MAIL TO THE VEHICLE'S REGISTERED OWNER; AND (III) IF ANY PERSON IS KNOWN TO HAVE A FINANCIAL OR OWNERSHIP INTEREST IN THE SEIZED GOODS, NOTICE SHALL BE PROVIDED BY A MEANS REASONABLY

CALCULATED TO CONVEY THE INFORMATION SET FORTH IN SUBPARAGRAPH ONE OF THIS PARAGRAPH.

6. FAILURE OF ANY PERSON TO TIMELY REQUEST A HEARING PURSUANT TO THIS SECTION OR PROVIDE A SWORN STATEMENT AS REQUIRED BY PARAGRAPH (A) OF SUBDIVISION FIVE OF THIS SECTION SHALL BE DEEMED A WAIVER OF SUCH PERSON'S RIGHT TO CHALLENGE THE DESTRUCTION OF ANY SEIZED ARTICLES IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING.

7. UPON FINAL DETERMINATION OF THE CHARGES, THE COURT SHALL, UPON PROPER NOTICE BY THE DISTRICT ATTORNEY OR REPRESENTATIVE OF THE CRIME VICTIM OR VICTIMS, AFTER PRIOR NOTICE TO THE DISTRICT ATTORNEY AND CUSTODIAN OF THE SEIZED PROPERTY, ENTER AN ORDER PRESERVING ANY OF THE ARTICLES MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ARTICLE TWO HUNDRED SEVENTY-FIVE OF THIS CHAPTER, NOT OTHERWISE DESTROYED OR PERMITTED TO BE DESTROYED PURSUANT TO SUBDIVISION THREE OF THIS SECTION, AS EVIDENCE FOR USE IN OTHER CASES, INCLUDING A CIVIL ACTION. THIS NOTICE MUST BE RECEIVED WITHIN THIRTY DAYS OF FINAL DETERMINATION OF THE CHARGES. THE COST OF STORAGE, SECURITY AND DESTRUCTION OF ARTICLES SO ORDERED FOR PRESERVATION, OTHER THAN FOR A CIVIL ACTION UNDER ARTICLE THIRTEEN-A OF THE CIVIL PRACTICE LAW AND RULES INITIATED BY THE DISTRICT ATTORNEY, SHALL BE PAID BY THE PARTY SEEKING SUCH PRESERVATION. IF NO SUCH ORDER IS ENTERED WITHIN THE THIRTY DAY PERIOD, SUCH ARTICLES MAY BE DESTROYED BY THE AGENCY HAVING CUSTODY OF SUCH ARTICLES. DESTRUCTION SHALL NOT INCLUDE AUCTION, SALE OR DISTRIBUTION OF THE ARTICLES IN THEIR ORIGINAL FORM.

8. EXCEPT AS PROVIDED IN SUBDIVISION SEVEN OF THIS SECTION, NOTHING IN THIS SECTION SHALL PROHIBIT THE DESTRUCTION OR OTHER DISPOSITION, PURSUANT TO ANY OTHER APPLICABLE PROVISION OF STATE OR LOCAL LAW, OR ARTICLES SEIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, WHERE THERE IS NO ONGOING CRIMINAL PROCEEDING THAT HAS BEEN COMMENCED IN RELATION TO SUCH ARTICLES.

9. FOR PURPOSES OF THIS SECTION, THE TERM "REPRESENTATIVE SAMPLE" MEANS A MINIMUM OF ONE HUNDRED TWENTY-FIVE PERCENT OF THE AMOUNT OF ARTICLES THAT IS REQUIRED TO SUBSTANTIATE THE HIGHEST DEGREE OF THE OFFENSE THAT MAY BE CHARGED IN THE ACCUSATORY INSTRUMENT.

S 24. Section 170.10 of the criminal procedure law is amended by adding a new subdivision 10 to read as follows:

10. WHERE A VIOLATION OF SECTION 165.71, 275.05, 275.15, 275.25 OR 275.35 OF THE PENAL LAW IS ALLEGED, THE COURT SHALL INFORM THE DEFENDANT AT ARRAIGNMENT THAT (A) HE OR SHE MAY REQUEST A HEARING TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT ANY SEIZED GOODS OR ARTICLES THAT ARE THE SUBJECT OF SUCH ALLEGED VIOLATION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ANY SUCH SECTION, AND (B) FAILURE TO REQUEST SUCH A HEARING AT ARRAIGNMENT SHALL BE DEEMED A WAIVER OF SUCH DEFENDANT'S RIGHT TO CHALLENGE THE DESTRUCTION OF THE GOODS OR ARTICLES PURSUANT TO SECTION 165.74 OR 420.00 OF THE PENAL LAW IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 165.74 OF THE PENAL LAW, WITH RESPECT TO A VIOLATION OF SECTION 165.71 OF SUCH LAW, OR SECTION 420.00 OF THE PENAL LAW, WITH RESPECT TO ANY VIOLATION OF SECTION 275.05, 275.15, 275.25 OR 275.35 OF SUCH LAW.

S 25. Section 180.10 of the criminal procedure law is amended by adding a new subdivision 7 to read as follows:

7. WHERE A VIOLATION OF SECTION 165.71, 165.72, 165.73, 275.05, 275.10, 275.15, 275.20, 275.25, 275.30, 275.35 OR 275.40 OF THE PENAL LAW IS ALLEGED, THE COURT SHALL INFORM THE DEFENDANT AT ARRAIGNMENT THAT (A) HE OR SHE MAY REQUEST A HEARING TO DETERMINE WHETHER PROBABLE CAUSE

EXISTS TO BELIEVE THAT ANY SEIZED GOODS OR ARTICLES THAT ARE THE SUBJECT OF SUCH ALLEGED VIOLATION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ANY SUCH SECTION, AND (B) FAILURE TO REQUEST SUCH A HEARING AT ARRAIGNMENT SHALL BE DEEMED A WAIVER OF SUCH DEFENDANT'S RIGHT TO CHALLENGE THE DESTRUCTION OF THE GOODS OR ARTICLES PURSUANT TO SECTION 165.74 OR 420.00 OF THE PENAL LAW IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 165.74 OF THE PENAL LAW, WITH RESPECT TO A VIOLATION OF SECTION 165.72 OR 165.73 OF SUCH LAW, OR SECTION 420.00 OF THE PENAL LAW, WITH RESPECT TO ANY VIOLATION OF SECTION 275.10, 275.20, 275.30 OR 275.40 OF SUCH LAW.

S 26. Section 210.15 of the criminal procedure law is amended by adding a new subdivision 4 to read as follows:

4. WHERE A VIOLATION OF SECTION 165.71, 165.72, 165.73, 275.05, 275.10, 275.15, 275.20, 275.25, 275.30, 275.35 OR 275.40 OF THE PENAL LAW IS ALLEGED, THE COURT SHALL INFORM THE DEFENDANT AT ARRAIGNMENT THAT (A) HE OR SHE MAY REQUEST A HEARING TO DETERMINE WHETHER PROBABLE CAUSE EXISTS TO BELIEVE THAT ANY SEIZED GOODS OR ARTICLES THAT ARE THE SUBJECT OF SUCH ALLEGED VIOLATION WERE MANUFACTURED, SOLD, OFFERED FOR SALE, DISTRIBUTED OR PRODUCED IN VIOLATION OF ANY SUCH SECTION, AND (B) FAILURE TO REQUEST SUCH A HEARING AT ARRAIGNMENT SHALL BE DEEMED A WAIVER OF SUCH DEFENDANT'S RIGHT TO CHALLENGE THE DESTRUCTION OF THE GOODS OR ARTICLES PURSUANT TO SECTION 165.74 OR 420.00 OF THE PENAL LAW IN ANY CRIMINAL OR CIVIL ACTION OR PROCEEDING. SUCH HEARING SHALL BE CONDUCTED IN ACCORDANCE WITH SECTION 165.74 OF THE PENAL LAW, WITH RESPECT TO A VIOLATION OF SECTION 165.71, 165.72 OR 165.73 OF SUCH LAW, OR SECTION 420.00 OF THE PENAL LAW, WITH RESPECT TO ANY VIOLATION OF SECTION 275.05, 275.10, 275.15, 275.20, 275.25, 275.30, 275.35 OR 275.40 OF SUCH LAW.

S 27. Paragraph (c) of subdivision 6 of section 367-a of the social services law is amended by adding a new subparagraph (iv) to read as follows:

(IV) THE CO-PAYMENT FOR EMERGENCY ROOM SERVICES PROVIDED FOR NON-URGENT OR NON-EMERGENCY MEDICAL CARE SHALL BE FIFTY DOLLARS; PROVIDED HOWEVER THAT CO-PAYMENTS PURSUANT TO THIS SUBPARAGRAPH SHALL NOT BE REQUIRED WITH RESPECT TO EMERGENCY SERVICES OR FAMILY PLANNING SERVICES AND SUPPLIES.

S 28. Subdivision 2-a of section 369-ee of the social services law, as amended by section 26 of part E of chapter 63 of the laws of 2005, is amended to read as follows:

2-a. Co-payments. Subject to federal approval pursuant to subdivision six of this section, persons receiving family health plus coverage under this section shall be responsible to make co-payments in accordance with the terms of subdivision six of section three hundred sixty-seven-a of this article, including those individuals who are otherwise exempted under the provisions of subparagraph (iv) of paragraph (b) of subdivision six of section three hundred sixty-seven-a of this article, provided however, that notwithstanding the provisions of paragraphs (c) and (d) of such subdivision:

(i) co-payments charged for each generic prescription drug dispensed shall be three dollars and for each brand name prescription drug dispensed shall be six dollars;

(ii) the co-payment charged for each dental service visit shall be five dollars, provided that no enrollee shall be required to pay more than twenty-five dollars per year in co-payments for dental services; [and]

(iii) the co-payment for clinic services and physician services shall be five dollars; AND

(IV) THE CO-PAYMENT FOR EMERGENCY ROOM SERVICES PROVIDED FOR NON-URGENT OR NON-EMERGENCY MEDICAL CARE SHALL BE FIFTY DOLLARS; PROVIDED HOWEVER THAT CO-PAYMENTS PURSUANT TO THIS PARAGRAPH SHALL NOT BE REQUIRED WITH RESPECT TO EMERGENCY SERVICES OR FAMILY PLANNING SERVICES AND SUPPLIES; and provided further that the limitations in paragraph (f) of such subdivision shall not apply.

S 29. Subdivision 1 of section 190 of the tax law, as amended by section 17 of part B of chapter 58 of the laws of 2004, is amended to read as follows:

1. General. A taxpayer shall be allowed a credit against the tax imposed by this article, other than the taxes and fees imposed by sections one hundred eighty and one hundred eighty-one of this article, equal to [twenty] SEVENTY-FIVE percent of the premium paid during the taxable year [for] IN WHICH THE long-term care insurance WAS PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to qualify for such credit, the taxpayer's premium payment must be for the purchase of or for continuing coverage under a long-term care insurance policy that qualifies for such credit pursuant to section one thousand one hundred seventeen of the insurance law.

S 30. Paragraph 1 of subsection (aa) of section 606 of the tax law, as amended by section 1 of part P of chapter 61 of the laws of 2005, is amended to read as follows:

(1) Residents. A taxpayer shall be allowed a credit against the tax imposed by this article equal to [twenty] SEVENTY-FIVE percent of the premium paid during the taxable year [for] IN WHICH THE long-term care insurance WAS PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to qualify for such credit, the taxpayer's premium payment must be for the purchase of or for continuing coverage under a long-term care insurance policy that qualifies for such credit pursuant to section one thousand one hundred seventeen of the insurance law. If the amount of the credit allowable under this subsection for any taxable year shall exceed the taxpayer's tax for such year, the excess may be carried over to the following year or years and may be deducted from the taxpayer's tax for such year or years.

S 31. Paragraph 1 of subsection (k) of section 1456 of the tax law, as amended by section 20 of part B of chapter 58 of the laws of 2004, is amended to read as follows:

(1) A taxpayer shall be allowed a credit against the tax imposed by this article equal to [twenty] SEVENTY-FIVE percent of the premium paid during the taxable year [for] IN WHICH THE long-term care insurance WAS PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to qualify for such credit, the taxpayer's premium payment must be for the purchase of or for continuing coverage under a long-term care insurance policy that qualifies for such credit pursuant to section one thousand one hundred seventeen of the insurance law.

S 32. Paragraph 1 of subdivision (m) of section 1511 of the tax law, as amended by section 21 of part B of chapter 58 of the laws of 2004, is amended to read as follows:

(1) A taxpayer shall be allowed a credit against the tax imposed by this article equal to [twenty] SEVENTY-FIVE percent of the premium paid during the taxable year [for] IN WHICH THE long-term care insurance WAS

PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to qualify for such credit, the taxpayer's premium payment must be for the purchase of or for continuing coverage under a long-term care insurance policy that qualifies for such credit pursuant to section one thousand one hundred seventeen of the insurance law.

S 33. Paragraph (a) of subdivision 25-a of section 210 of the tax law, as amended by section 18 of part B of chapter 58 of the laws of 2004, is amended to read as follows:

(a) A taxpayer shall be allowed a credit against the tax imposed by this article equal to [twenty] SEVENTY-FIVE percent of the premium paid during the taxable year [for] IN WHICH THE long-term care insurance WAS PURCHASED, FIFTY PERCENT OF THE PREMIUM PAID IN THE FOLLOWING YEAR AND TWENTY-FIVE PERCENT OF THE PREMIUM PAID IN THE THIRD YEAR. In order to qualify for such credit, the taxpayer's premium payment must be for the purchase of or for continuing coverage under a long-term care insurance policy that qualifies for such credit pursuant to section one thousand one hundred seventeen of the insurance law.

S 34. Section 367-f of the social services law is amended by adding a new subdivision 4 to read as follows:

4. THE DEPARTMENT OF HEALTH IS HEREBY AUTHORIZED AND DIRECTED TO SUBMIT TO THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES A REQUEST FOR THE AMENDMENT OF THE PLAN FOR MEDICAL ASSISTANCE, WHICH IS MAINTAINED IN ACCORDANCE WITH TITLE XIX, OR ANY SUCCESSOR TITLE, OF THE FEDERAL SOCIAL SECURITY ACT, TO ADOPT ANY AND ALL STANDARDS THAT MAY BE DEVELOPED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES PURSUANT TO SECTION 6021(B) OF THE FEDERAL DEFICIT REDUCTION ACT OF 2005, FOR UNIFORM RECIPROCAL RECOGNITION OF LONG-TERM CARE INSURANCE POLICIES PURCHASED UNDER STATE LONG-TERM CARE INSURANCE PARTNERSHIPS. SUCH REQUEST SHALL BE MADE WITHIN SIX MONTHS OF THE PROMULGATION OF SUCH STANDARDS BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND, EXCEPT AS REQUIRED BY SUCH STANDARDS, SUCH UNIFORM RECIPROCAL RECOGNITION OF LONG-TERM CARE INSURANCE POLICIES SHALL APPLY WITHOUT REGARD TO WHEN A POLICY IS ISSUED.

S 35. Section 3229 of the insurance law is amended by adding a new subsection (c) to read as follows:

(C) THE SUPERINTENDENT SHALL ADOPT SUCH RULES OR REGULATIONS, OR AMEND SUCH RULES AND REGULATIONS, AS MAY BE NECESSARY TO CONFORM TO THE REQUIREMENTS OF ANY AMENDMENT TO THE PLAN FOR MEDICAL ASSISTANCE, WHICH IS MAINTAINED IN ACCORDANCE WITH TITLE XIX, OR ANY SUCCESSOR TITLE, OF THE FEDERAL SOCIAL SECURITY ACT, MADE PURSUANT TO SUBDIVISION FOUR OF SECTION THREE HUNDRED SIXTY-SEVEN-F OF THE SOCIAL SERVICES LAW.

S 36. Subdivision 4 of section 1950 of the education law is amended by adding a new paragraph oo to read as follows:

OO. FORM HEALTH INSURANCE TRUSTS WITH COMPONENT SCHOOL DISTRICTS OR DISTRICTS OF CHILDREN WHO RESIDE WITHIN THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO PURCHASE AND ADMINISTER EMPLOYEES' HEALTH INSURANCE AND WORKERS' COMPENSATION INSURANCE.

S 37. Intentionally omitted.

S 38. Intentionally omitted.

S 39. Section 365-a of the social services law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR OF ANY OTHER PROVISION OF THIS CHAPTER OR OTHER LAW, EACH LOCAL SOCIAL SERVICES DISTRICT IS HEREBY AUTHORIZED TO DETERMINE WHICH, IF ANY, SERVICES IT CHOOSES TO PROVIDE TO ELIGIBLE PERSONS OF THOSE SERVICES

OTHERWISE REQUIRED TO BE PROVIDED BY APPLICABLE STATE LAW BUT NOT REQUIRED TO BE PROVIDED BY FEDERAL LAW.

S 40. Section 366 of the social services law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF THIS SECTION OR OF ANY OTHER PROVISION OF THIS CHAPTER OR OTHER LAW, EACH LOCAL SOCIAL SERVICES DISTRICT IS HEREBY AUTHORIZED TO DETERMINE TO WHICH, IF ANY, CATEGORIES OF ELIGIBILITY IT CHOOSES TO PROVIDE MEDICAL ASSISTANCE OTHERWISE REQUIRED TO BE PROVIDED BY APPLICABLE STATE LAW BUT NOT REQUIRED TO BE PROVIDED BY FEDERAL LAW.

S 41. The commissioner of health:

1. is authorized and directed to apply for any and all federal waivers required to implement the provisions of subdivision 10 of section 365-a and subdivision 10 of section 366 of the social services law;

2. shall promulgate any and all rules and regulations and take any other measures necessary to implement this act, including but not limited to developing a services and eligibility plan and distributing the same to local social services districts whereby such districts may make such choices as are authorized by subdivision 10 of section 365-a and subdivision 10 of section 366 of the social services law, as added by sections forty-two and forty-three, respectively, of this act, and applicable federal waivers; and

3. shall specify dates by which such services and eligibility plans must be returned to said commissioner for review and approval to implement such plans. A district that does not have an approved plan by the deadline set therefor by the commissioner shall provide all services and categories of eligibility required under the state plan as in effect at that time.

S 42. Section 22 of the social services law is amended by adding a new subdivision 15 to read as follows:

15. THE DEPARTMENT SHALL PERMIT SOCIAL SERVICES DISTRICTS TO SUBMIT THEIR EVIDENTIARY PACKAGES FOR ANY FAIR HEARING TO THE DEPARTMENT SOLELY IN AN ELECTRONIC FORMAT AND SHALL PROVIDE THE MEANS TO FACILITATE THE SOCIAL SERVICES DISTRICTS' USE OF ANY SUCH EVIDENTIARY PACKAGES FOR THEIR EVIDENTIARY PRESENTATIONS AT THE FAIR HEARING. NOTHING CONTAINED IN THIS SECTION SHALL REQUIRE A SOCIAL SERVICES DISTRICT TO SUBMIT ITS EVIDENTIARY PACKAGE IN AN ELECTRONIC FORMAT, NOR SHALL A SOCIAL SERVICES DISTRICT, OR ANY OTHER PARTY TO A FAIR HEARING, BE PRECLUDED FROM OFFERING INTO EVIDENCE DOCUMENTATION IN PAPER FORMAT, REGARDLESS OF THE MEDIUM USED TO CREATE, TRANSMIT, AND DISPLAY THE EVIDENTIARY PACKAGE AT THE FAIR HEARING. IN CASES WHERE A PERSON ENTITLED TO AN APPEAL PURSUANT TO THIS SECTION REQUESTS A PAPER COPY OF THE EVIDENTIARY PACKAGE EITHER BEFORE THE HEARING OR AT THE HEARING, THE SOCIAL SERVICES DISTRICT SHALL PROVIDE SUCH PAPER COPY EVEN IF SUCH DISTRICT WILL UTILIZE AN ELECTRONIC FORMAT AT THE FAIR HEARING. REQUESTS MADE PRIOR TO THE FAIR HEARING SHALL BE PROCESSED IN ACCORDANCE WITH THE REGULATIONS OF THE DEPARTMENT. WHEN NOTIFYING A PERSON ENTITLED TO AN APPEAL TO THE DEPARTMENT OF THE SCHEDULING OF A FAIR HEARING, THE DEPARTMENT SHALL STATE THAT ANY SUCH PERSON MAY REQUEST ORALLY OR IN WRITING A PAPER COPY OF THE EVIDENTIARY PACKAGE TO BE PRESENTED BY THE SOCIAL SERVICES DISTRICT AT THE FAIR HEARING.

S 43. The mental hygiene law is amended by adding a new section 29.28 to read as follows:

S 29.28 PAYMENT OF COSTS FOR PROSECUTION OF INMATE-PATIENTS.

(A) WHEN AN INMATE-PATIENT, AS DEFINED IN SUBDIVISION (A) OF SECTION 29.27 OF THIS ARTICLE, WHO WAS COMMITTED FROM A STATE CORRECTIONAL

FACILITY, IS ALLEGED TO HAVE COMMITTED AN OFFENSE WHILE IN THE CUSTODY OF THE DEPARTMENT, THE DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION SHALL PAY ALL REASONABLE COSTS FOR THE PROSECUTION OF SUCH OFFENSE, INCLUDING BUT NOT LIMITED TO, COSTS FOR: A GRAND JURY IMPANELED TO HEAR AND EXAMINE EVIDENCE OF SUCH OFFENSE, PETIT JURORS, WITNESSES, THE DEFENSE OF ANY INMATE FINANCIALLY UNABLE TO OBTAIN COUNSEL IN ACCORDANCE WITH THE PROVISIONS OF THE COUNTY LAW, THE DISTRICT ATTORNEY, THE COSTS OF THE SHERIFF AND THE APPOINTMENT OF ADDITIONAL COURT ATTENDANTS, OFFICERS OR OTHER JUDICIAL PERSONNEL.

(B) IT SHALL BE THE DUTY OF THE GOVERNING BODY OF ANY COUNTY WHEREIN SUCH PROSECUTION OCCURS TO CAUSE A SWORN STATEMENT OF ALL COSTS TO BE FORWARDED TO THE DEPARTMENT. UPON CERTIFICATION BY THE DEPARTMENT THAT SUCH COSTS AS AUTHORIZED BY THIS STATUTE HAVE BEEN INCURRED, THE DEPARTMENT SHALL FORWARD THE PROPER VOUCHERS TO THE STATE COMPTROLLER. IT SHALL BE THE DUTY OF THE COMPTROLLER TO EXAMINE SUCH STATEMENT AND TO CORRECT SAME BY STRIKING THEREFROM ANY AND ALL ITEMS WHICH ARE NOT AUTHORIZED PURSUANT TO THE PROVISIONS OF THIS SECTION AND AFTER CORRECTING SUCH STATEMENT, THE COMPTROLLER SHALL DRAW HIS WARRANT FOR THE AMOUNT OF ANY SUCH COSTS IN FAVOR OF THE APPROPRIATE COUNTY TREASURER, WHICH SUM SHALL BE PAID TO SAID COUNTY TREASURER OUT OF ANY MONEYS APPROPRIATED THEREFOR.

(C) THE DEPARTMENT SHALL, AFTER CONSULTATION WITH THE DIRECTOR OF THE BUDGET, PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SECTION.

S 44. S 44. The highway law is amended by adding a new section 205-c to read as follows:

S 205-C. LOW VOLUME ROADS. 1. WHEN USED IN THIS SECTION, UNLESS OTHERWISE EXPRESSLY STATED, OR UNLESS THE CONTEXT OR SUBJECT MATTER OTHERWISE REQUIRES, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

A. "LOW-VOLUME ROAD" SHALL MEAN A TOWN HIGHWAY OR PORTION THEREOF LOCATED IN A TOWN, WHEN SUCH HIGHWAY HAS AN AVERAGE DAILY TRAFFIC COUNT OF LESS THAN FOUR HUNDRED MOTOR VEHICLES PER DAY. SUCH TERM SHALL NOT APPLY TO ANY HIGHWAY OR ROAD OR PORTION THEREOF WHICH HAS PREVIOUSLY BEEN ABANDONED PURSUANT TO SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS ARTICLE BECAUSE IT SHALL NOT HAVE BEEN USED OR TRAVELED AS A HIGHWAY FOR SIX YEARS. LOW VOLUME ROADS MAY BE CLASSIFIED AS FOLLOWS:

(I) "LOW-VOLUME COLLECTOR ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT COLLECTS TRAFFIC FROM ANY OTHER CLASSIFICATION AND CHANNELS IT TO A HIGHER LEVEL ROAD, SUCH AS A STATE HIGHWAY, ARTERIAL OR INTERSTATE HIGHWAY.

(II) "RESIDENTIAL ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT PROVIDES ACCESS TO RESIDENCES THAT ARE OCCUPIED THROUGHOUT THE YEAR. THE TRAFFIC GENERATED DEPENDS ON THE NUMBER OF RESIDENCES. ACCESS FOR EMERGENCY VEHICLES AND SCHOOL BUSES MUST BE PROVIDED.

(III) "RESOURCE/INDUSTRIAL ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT PROVIDES ACCESS TO FOREST, INDUSTRIAL OR MINING OPERATIONS. TRAFFIC VOLUME CAN VARY AND INCLUDE HEAVY TRUCKS, EXTRACTIVE MACHINERY AND MOTOR VEHICLES OPERATED BY EMPLOYEES OF SUCH OPERATION.

(IV) "AGRICULTURAL ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT PROVIDES ACCESS TO FARM LAND. TRAFFIC VOLUMES ARE LOW AND VARY SEASONALLY. SUCH ROADS SHALL ACCOMMODATE FARM EQUIPMENT.

(V) "FARM ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT PROVIDES PRINCIPAL MOTOR VEHICLE ACCESS FOR THE TRANSPORT OF GOODS AND SERVICES NECESSARY FOR EFFECTIVE SUPPORT OF A FARM'S DAILY OPERATIONS TO AND FROM THE PRIMARY LOCATION OR CENTER OF SUCH OPERATIONS. TRAFFIC VOLUME IS GENERALLY LOW, SIGNIFICANTLY LESS THAN FOUR HUNDRED MOTOR VEHICLES PER

DAY, AND MAY INCLUDE OCCASIONAL HEAVY VEHICLES AND FARM EQUIPMENT AS WELL AS OTHER MOTOR VEHICLES.

(VI) "RECREATION ACCESS ROAD" SHALL MEAN A LOW-VOLUME ROAD THAT PROVIDES ACCESS TO RECREATIONAL LAND INCLUDING SEASONAL DWELLINGS, PARKS AND RECREATIONAL LANDS. VOLUMES MAY VARY WITH THE TYPE OF RECREATION FACILITY, ACTIVITY AND SEASON OF THE YEAR.

B. "MINIMUM MAINTENANCE ROAD" SHALL MEAN A LOW-VOLUME AGRICULTURAL OR RECREATIONAL ACCESS ROAD OR PORTION THEREOF WITH AN AVERAGE DAILY TRAFFIC COUNT OF LESS THAN FIFTY MOTOR VEHICLES PER DAY DESIGNATED BY THE TOWN AS MINIMUM MAINTENANCE PURSUANT TO THIS SECTION, EXCEPT FOR A FARM ACCESS ROAD OR A ROAD WHICH PROVIDES ACCESS TO A RESIDENCE OCCUPIED THROUGHOUT THE YEAR AT THE TIME IT IS PROPOSED TO BE DESIGNATED MINIMUM MAINTENANCE. THE TERM "MINIMUM MAINTENANCE" SHALL NOT BE CONSTRUED TO MEAN "NO MAINTENANCE" OR "ABANDONMENT", HOWEVER, SUCH ROADS MAY BE CLOSED DURING CERTAIN TIMES OF THE YEAR SUBJECT TO STANDARDS ADOPTED BY THE TOWN BOARD.

C. "MOTOR VEHICLE" SHALL MEAN A MOTOR VEHICLE AS DEFINED BY SECTION ONE HUNDRED TWENTY-FIVE OF THE VEHICLE AND TRAFFIC LAW.

D. "FARM OPERATION" SHALL HAVE THE SAME MEANING AS SUCH TERM IS DEFINED IN SECTION THREE HUNDRED ONE OF THE AGRICULTURE AND MARKETS LAW.

2. A. THE TOWN BOARD OF ANY TOWN MAY, BY RESOLUTION, DESIGNATE CERTAIN TOWN HIGHWAYS AS LOW-VOLUME ROADS OR PORTIONS THEREOF PURSUANT TO THE CLASSIFICATIONS DEFINED IN THIS SECTION. IN CLASSIFYING SUCH ROADS, THE TOWN BOARD SHALL CONSIDER TRAFFIC VOLUMES, TYPES OF VEHICLES USING THE ROAD OR PORTION THEREOF, AND THE USE OF THE LAND ADJACENT TO THE ROAD. THE TOWN BOARD SHALL REFER PROPOSED CLASSIFICATIONS TO THE TOWN HIGHWAY SUPERINTENDENT AND THE TOWN PLANNING BOARD, IF PRESENT IN SUCH TOWN.

B. UPON RECEIPT OF THE PROPOSED RESOLUTION, THE TOWN HIGHWAY SUPERINTENDENT AND, WHERE APPLICABLE, TOWN PLANNING BOARD, SHALL PROVIDE WRITTEN RECOMMENDATIONS TO THE TOWN BOARD, WHICH SHALL INCLUDE THE REASONS FOR SUCH RECOMMENDATIONS, WITHIN FORTY-FIVE DAYS OF RECEIPT. UPON RECEIPT OF THE RECOMMENDATIONS FROM THE TOWN HIGHWAY SUPERINTENDENT AND, WHERE APPLICABLE, TOWN PLANNING BOARD, OR UPON THE EXPIRATION OF FORTY-FIVE DAYS FROM THE DATE THE PROPOSED RESOLUTION WAS REFERRED, THE TOWN BOARD MAY ADOPT BY MAJORITY VOTE, THE LOCAL CLASSIFICATION RESOLUTION.

3. A. THE TOWN BOARD OF ANY TOWN MAY, AFTER A PUBLIC HEARING, ADOPT A LOCAL LAW DESIGNATING ANY LOW-VOLUME ROAD OR PORTION THEREOF PROVIDING AGRICULTURAL OR RECREATIONAL ACCESS, EXCEPT FOR FARM ACCESS ROADS OR ROADS THAT PROVIDE ACCESS TO A RESIDENCE OCCUPIED THROUGHOUT THE YEAR AT THE TIME OF DESIGNATION, AS A MINIMUM MAINTENANCE ROAD. NO SUCH LAW SHALL UNREASONABLY RESTRICT A FARM OPERATION LOCATED WITHIN AN AGRICULTURAL DISTRICT ESTABLISHED PURSUANT TO ARTICLE TWENTY-FIVE-AA OF THE AGRICULTURE AND MARKETS LAW. SUCH LOCAL LAW SHALL NOT PREVENT THE STATE FROM MAINTAINING SUCH ROAD IF THE ROAD PASSES OVER, OR PROVIDES ACCESS TO, STATE LAND. NO SUCH LAW DESIGNATING A MINIMUM MAINTENANCE ROAD SHALL BE EFFECTIVE UNTIL MINIMUM MAINTENANCE STANDARDS ARE ADOPTED AND SIGNS ARE POSTED ADVISING THE PUBLIC THAT SUCH ROAD IS A MINIMUM MAINTENANCE ROAD. NO ROAD, ONCE DESIGNATED A MINIMUM MAINTENANCE ROAD, SHALL BE DETERMINED TO HAVE BEEN ABANDONED PURSUANT TO THE PROVISIONS OF SUBDIVISION ONE OF SECTION TWO HUNDRED FIVE OF THIS ARTICLE SOLELY BECAUSE IT HAS BEEN DESIGNATED A MINIMUM MAINTENANCE ROAD.

B. AT LEAST NINETY DAYS PRIOR TO THE PUBLIC HEARING ON SUCH LOCAL LAW THE TOWN BOARD HAVING JURISDICTION OVER SUCH ROAD SHALL ISSUE FINDINGS THAT SUCH ROAD OR PORTION THEREOF SHOULD BE DESIGNATED A MINIMUM MAINTENANCE ROAD. SUCH FINDINGS SHALL INCLUDE, BUT NOT BE LIMITED TO:

(I) THE VOLUME AND TYPE OF MOTOR VEHICLES THAT TRAVEL ON SUCH ROAD;

(II) A DETERMINATION THAT THE PROPERTY OWNERS OF LAND ABUTTING THE ROAD SHALL CONTINUE TO HAVE ACCESS TO THEIR PROPERTY;

(III) A DETERMINATION THAT THE USERS OF THE ROAD TRAVELING AT A REASONABLE AND PRUDENT SPEED, UNDER THE CIRCUMSTANCES, SHALL NOT BE PLACED IN A HAZARDOUS SITUATION;

(IV) A DETERMINATION THAT SUCH ROAD, OR PORTION THEREOF, DOES NOT CONSTITUTE A FARM ACCESS ROAD AS DEFINED IN THIS SECTION;

(V) THE EFFECT OF SUCH DESIGNATION ON ANY FARM OPERATIONS DEPENDENT UPON THE ROAD, AND THAT SUCH DESIGNATION DOES NOT UNREASONABLY RESTRICT A FARM OPERATION LOCATED WITHIN AN AGRICULTURAL DISTRICT ESTABLISHED PURSUANT TO ARTICLE TWENTY-FIVE-AA OF THE AGRICULTURE AND MARKETS LAW; AND

(VI) THE STANDARDS OF MAINTENANCE DEVELOPED IN CONSULTATION WITH THE TOWN HIGHWAY SUPERINTENDENT TO BE PROVIDED FOR SUCH ROAD INCLUDING, BUT NOT LIMITED TO, THE INTENTION TO CLOSE SUCH ROAD DURING CERTAIN TIMES OF THE YEAR.

A COPY OF THE TOWN BOARD'S FINDINGS SHALL BE MADE AVAILABLE FOR PUBLIC INSPECTION IN THE TOWN CLERK'S OFFICE AND POSTED TO THE TOWN WEBSITE IF AVAILABLE.

AT LEAST FORTY-FIVE DAYS PRIOR TO THE PUBLIC HEARING A COPY OF THE FINDINGS SHALL BE SENT TO THE SCHOOL BOARD OF THE SCHOOL DISTRICT IN WHICH EACH ROAD IS LOCATED AND TO THE TOWN PLANNING BOARD BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. SUCH SCHOOL BOARD AND PLANNING BOARD MAY REVIEW THE FINDINGS OF THE TOWN BOARD AND WITHIN FORTY-FIVE DAYS FILE WITH THE TOWN CLERK THEIR RECOMMENDATION AND FINDINGS. IN THE EVENT THE SCHOOL OR PLANNING BOARD TAKES NO ACTION WITHIN THE FORTY-FIVE DAY REVIEW PERIOD THE TOWN BOARD MAY PROCEED WITHOUT SAID BOARD'S RECOMMENDATION AND FINDINGS. SCHOOL OR PLANNING BOARD REVIEW MAY BE WAIVED, SHORTENED OR EXTENDED UPON MUTUAL CONSENT OF SAID BOARD AND THE TOWN BOARD. THE TOWN BOARD OF THE TOWN MAY, BY RESOLUTION, ACCEPT, ACCEPT IN PART, OR REJECT THE RECOMMENDATIONS OF EITHER THE SCHOOL OR PLANNING BOARD PRIOR TO ANY VOTE UPON THE PROPOSED LOCAL LAW.

AT LEAST FORTY-FIVE DAYS PRIOR TO A PUBLIC HEARING A COPY OF THE FINDINGS OF THE TOWN BOARD SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, TO THE DEPARTMENT OF ENVIRONMENTAL CONSERVATION, THE DEPARTMENT OF AGRICULTURE AND MARKETS OR ANY OTHER RELEVANT STATE AGENCY THAT HAS JURISDICTION OVER THE LAND THAT THE ROAD PROPOSED TO BE DESIGNATED AS MINIMUM MAINTENANCE PASSES OVER OR PROVIDES ACCESS TO.

C. AT LEAST THIRTY DAYS PRIOR TO THE PUBLIC HEARING ON SUCH LOCAL LAW, WRITTEN NOTICE OF SUCH HEARING, INCLUDING A SUMMARY OF THE FINDINGS AND WHERE A COPY OF THE FINDINGS MAY BE LOCATED, SHALL BE SERVED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED, UPON EVERY OWNER OF REAL PROPERTY, AS DETERMINED BY THE LATEST COMPLETED ASSESSMENT ROLL, ABUTTING SUCH ROAD OR PORTION THEREOF.

D. THE TOWN CLERK SHALL GIVE NOTICE OF SUCH HEARING BY THE PUBLICATION OF A NOTICE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN, AND POST SUCH NOTICE ON THE TOWN WEBSITE, IF AVAILABLE. SUCH NOTICE SHALL STATE THE TIME AND PLACE WHERE SUCH HEARING WILL BE HELD, AND IN GENERAL TERMS DESCRIBE THE PROPOSED RESOLUTION. SUCH NOTICE SHALL BE PUBLISHED ONCE AT LEAST FIVE DAYS PRIOR TO THE DAY SPECIFIED FOR SUCH HEARING.

4. A ROAD OR ROAD SEGMENT, WHICH HAS BEEN DESIGNATED MINIMUM MAINTENANCE, SHALL BE MAINTAINED AT A LEVEL WHICH ALLOWS THE ROAD TO BE MADE PASSABLE AND FUNCTIONAL IN A MANNER DETERMINED BY THE TOWN HIGHWAY SUPERINTENDENT IN ACCORDANCE WITH THE STANDARDS DEVELOPED IN CONSULTA-

TION WITH THE TOWN HIGHWAY SUPERINTENDENT AND ADOPTED BY THE TOWN BOARD, SUCH STANDARDS SHALL BE CONSISTENT WITH THE VOLUME AND TYPE OF VEHICLES TRAVELING ON SUCH ROAD. SUCH STANDARDS SHALL NOT RESTRICT ACCESS TO A FARM OPERATION LOCATED WITHIN AN AGRICULTURAL DISTRICT AND FARMLAND BY A FARM OPERATION ELIGIBLE FOR AGRICULTURAL ASSESSMENT PURSUANT TO ARTICLE TWENTY-FIVE-AA OF THE AGRICULTURE AND MARKETS LAW. NORMAL ROAD MAINTENANCE PRACTICES INCLUDING, BUT NOT LIMITED TO, SNOW AND ICE REMOVAL, PAVING, PATCHING, BLADING, DRAGGING OR MOWING MAY BE DONE LESS FREQUENTLY DEPENDING UPON THE EXISTING CONDITIONS AND USE OF THE ROAD BUT SHALL, AT A MINIMUM, BE CONSISTENT WITH OTHER SUPERSEDING STANDARDS OR GUIDELINES DEVELOPED PURSUANT TO STATE LAW. MINIMUM MAINTENANCE ROADS SHALL CONTINUE TO BE PART OF THE TOWN HIGHWAY SYSTEM.

5. A. ANY PERSON OR PERSONS OWNING OR OCCUPYING REAL PROPERTY ABUTTING A ROAD OR PORTION THEREOF WHICH HAS BEEN DESIGNATED A MINIMUM MAINTENANCE ROAD MAY PETITION THE TOWN HAVING JURISDICTION OVER SUCH ROAD OR PORTION THEREOF TO DISCONTINUE THE DESIGNATION OF SUCH ROAD AS A MINIMUM MAINTENANCE ROAD OR TO MODIFY THE MAINTENANCE STANDARDS FOR SUCH ROAD. SUCH PETITION SHALL BE FILED WITH THE CLERK OF THE TOWN HAVING JURISDICTION OVER SUCH ROAD. SUCH PETITION SHALL IDENTIFY THE ROAD OR PORTION THEREOF TO BE DISCONTINUED AS A MINIMUM MAINTENANCE ROAD AND SET FORTH THE REASONS FOR SUCH DISCONTINUANCE OR MODIFICATION. THE TOWN BOARD HAVING JURISDICTION OVER SUCH ROAD SHALL HOLD A PUBLIC HEARING UPON SUCH PETITION WITHIN THIRTY DAYS AFTER ITS RECEIPT. THE TOWN CLERK SHALL GIVE NOTICE OF SUCH HEARING BY THE PUBLICATION OF A NOTICE IN AT LEAST ONE NEWSPAPER OF GENERAL CIRCULATION IN THE TOWN, AND POST SUCH NOTICE ON THE TOWN WEBSITE, IF AVAILABLE, AND SHALL PROVIDE NOTICE OF THE HEARING TO THE PETITIONER BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. SUCH NOTICE SHALL SPECIFY THE TIME AND PLACE OF SUCH HEARING, AND IN GENERAL TERMS DESCRIBE THE PROPOSED RESOLUTION. SUCH NOTICE SHALL BE PUBLISHED ONCE AT LEAST FIVE DAYS PRIOR TO THE DAY SPECIFIED FOR SUCH HEARING.

B. IN THE EVENT THE TOWN BOARD, AFTER SUCH PUBLIC HEARING, DETERMINES THAT SUCH DESIGNATION OR STANDARDS SHALL CONTINUE UNCHANGED, NO ADDITIONAL PETITION MAY BE SUBMITTED BY A PERSON OR PERSONS PURSUANT TO THIS SECTION UNTIL THE LAPSE OF AT LEAST TWENTY-FOUR MONTHS FROM THE DATE OF THE FILING OF THE PREVIOUS PETITION FILED BY SUCH PERSON OR PERSONS.

C. THE TOWN BOARD HAVING JURISDICTION OVER A MINIMUM MAINTENANCE ROAD MAY ADOPT A LOCAL LAW DISCONTINUING SUCH MINIMUM MAINTENANCE ROAD DESIGNATION IN THE EVENT IT DETERMINES SUCH DISCONTINUANCE TO BE IN THE PUBLIC INTEREST.

6. WHERE THE MINIMUM MAINTENANCE ROAD DESIGNATION IS DISCONTINUED, OR A LOW-VOLUME ROAD CLASSIFICATION IS CHANGED, ROAD IMPROVEMENTS MAY, IN ADDITION TO OTHER FINANCING MECHANISMS AVAILABLE FOR ROAD CONSTRUCTION PROJECTS, BE UNDERTAKEN IN ACCORDANCE WITH SECTION TWO HUNDRED OF THE TOWN LAW.

S 45. The vehicle and traffic law is amended by adding a new section 124 to read as follows:

S 124. MINIMUM MAINTENANCE ROAD. A LOW-VOLUME ROAD OR PORTION THEREOF WHICH IS DESIGNATED BY THE TOWN HAVING JURISDICTION OVER SUCH ROAD PURSUANT TO SECTION TWO HUNDRED FIVE-C OF THE HIGHWAY LAW.

S 46. Subdivision (a) of section 1683 of the vehicle and traffic law is amended by adding a new paragraph 18 to read as follows:

18. DESIGNATE A ROAD OR PORTION THEREOF AS A MINIMUM MAINTENANCE ROAD.

S 47. Section 142 of the highway law, is amended to read as follows:

S 142. Machinery, tools, equipment and implements. 1. a. The town superintendent may, with the approval of the town board, purchase equipment, tools and other implements to be used for highway maintenance,

construction or reconstruction, snow ploughs or other devices for the removal of snow from the highways from moneys appropriated for that purpose. However, the town board may authorize the town superintendent to purchase such equipment, tools and implements without prior approval in an amount or amounts to be fixed, from time to time, by the board. THE TOWN SUPERINTENDENT MAY ALSO REQUEST THAT THE TOWN BOARD ENTER INTO AN AGREEMENT PURSUANT TO SECTION ONE HUNDRED NINETEEN-O OF THE GENERAL MUNICIPAL LAW TO PURCHASE SUCH EQUIPMENT, TOOLS AND IMPLEMENTS.

b. The approval of the town board shall not be necessary for the purchase by the town superintendent of highways equipment enumerated in subdivision one hereof, in towns of the first class in Erie county when such purchases are in amounts less than one thousand dollars, nor in towns of the second class in Erie county when such purchases are in amounts less than five hundred dollars.

2. All tools, implements and other highway equipment owned either by the town or the highway districts therein, shall be used by the town superintendent in such manner and in such places in such towns as he shall deem best. They shall be under the control of the superintendent and be cared for by him at the expense of the town.

3. The town superintendent shall annually make a written inventory of all such machinery, tools, implements and equipment, indicating each article and stating the value thereof, and the estimated cost of all necessary repairs thereto, and deliver the same to the town board on or before September thirtieth in each year. He shall at the same time file with the town board his written recommendations as to what machinery, tools, implements and equipment should be purchased for the use of the town, and the probable cost thereof.

4. The town superintendent shall provide a suitable place for housing and storing machinery, tools, implements and equipment owned by the town and cause the same to be stored therein, when not in use. Pursuant to the provisions of article fourteen of the town law, the town board of any town may authorize the town superintendent to purchase real estate with a suitable building or buildings thereon, or to purchase real estate in the name of the town and erect thereon a building for the purpose of housing and storing such machinery, tools, implements and equipment, or to erect a building for such purposes on real estate owned by the town. Capital improvements may be made to any building erected or purchased pursuant to this subdivision. THE TOWN SUPERINTENDENT MAY ALSO REQUEST THAT THE TOWN BOARD ENTER INTO AN AGREEMENT PURSUANT TO SECTION ONE HUNDRED NINETEEN-O OF THE GENERAL MUNICIPAL LAW TO PROVIDE A SUITABLE PLACE FOR HOUSING AND STORING MACHINERY, TOOLS, IMPLEMENTS AND EQUIPMENT OWNED BY THE TOWN AND CAUSE THE SAME TO BE STORED THEREIN, WHEN NOT IN USE.

4-a. Notwithstanding the provisions of article fourteen of the town law and of subdivision four of this section, the town board of any town in the county of Westchester which contains the whole or any part of a village that forms a separate highway district may authorize the town superintendent, for the purpose of providing for the housing and storing of machinery, tools, implements and equipment owned by the town, to purchase real estate in the name of the town with a suitable building or buildings thereon, or to purchase real estate in the name of the town and erect thereon a building or buildings, or to erect a building or buildings on real estate owned by the town, or to make capital improvements to any building or buildings owned by the town, provided that the cost of any such object or purpose shall be assessed, levied and collected from the several lots and parcels of land in the town outside

of any such village in the same manner and at the same time as other town charges. The principal of and interest on any indebtedness contracted for any such object or purpose shall be assessed, levied and collected, in the first instance, in like manner, but if not paid from such source, all of the taxable real property within the town shall be subject to the levy of ad valorem taxes to pay such principal and interest. Except where an expenditure authorized pursuant to this subdivision is to be financed, in whole or in part, pursuant to the local finance law, the authorization of any such expenditure by the town board shall be subject to a mandatory referendum in the manner prescribed in article six of the town law, provided that no person shall be entitled to vote upon the proposition for any such expenditure unless he or she is an elector and the owner of property in the town outside of any such village assessed upon the last preceding town assessment roll.

5. The town superintendent may also, with the approval of the town board, sell any such machinery, tools, implements and equipment, which are no longer needed by the town, or which are worn out or obsolete, or may exchange the same or surrender it to the vendor as part payment for new machinery, tools, implements and equipment. If sold, the proceeds shall, under the direction of the town board, be applicable to the purchase of the machinery, tools, implements and equipment mentioned in subdivision three of section two hundred seventy-one of this chapter. Where there is an incorporated village constituting a separate road district, wholly or partly in a town which has purchased machinery, tools or other highway or snow removal equipment the town board of such town may permit the use thereof by such village upon such terms as may be agreed upon.

S 48. Paragraph (e) of subdivision 4 of section 10-c of the highway law, as amended by chapter 413 of the laws of 1991, is amended to read as follows:

(e) Funds allocated for local street or highway projects under this subdivision shall be used to undertake work on a project either with the municipality's own forces or by contract, provided however, that whenever the estimate for the construction contract work exceeds [one] TWO hundred FIFTY thousand dollars such work must be performed by contract let by competitive bid in accordance with the provisions of section one hundred three of the general municipal law.

S 49. Subdivisions 6, 7 and 8 of section 10-c of the highway law, subdivision 6 as amended by chapter 755 of the laws of 1992, subdivision 7 as added by section 5 of part C of chapter 84 of the laws of 2002 and subdivision 8 as added by chapter 56 of the laws of 1993, are amended to read as follows:

6. [On the first day of the third month following the end of its fiscal year ending in nineteen hundred eighty-three and each succeeding fiscal year, each municipality which has received five thousand dollars or more in total funds paid pursuant to subdivision two or four of this section during the preceding fiscal year shall certify to the commissioner, pursuant to rules and regulations promulgated by the commissioner in relation thereto, that the expenditure by such municipality in such fiscal year of nonstate funds raised by the municipality for the operation and maintenance (exclusive of capital construction) of its highways, bridges and/or highway-railroad crossings was not reduced below the level of the average of the previous two years. Provided, however, that in calculating the expenditures and revenues of the municipality to determine the local maintenance of effort for the fiscal year being certified and the expenditure level of the average of the

previous two years, municipalities shall not be required to include the amount of revenues and expenditures for operation and maintenance of its highways, bridges, and/or highway-railroad crossings necessitated by any unforeseen event for which the municipality was officially declared a disaster area. Where a reduction in such spending or non-use has occurred, the distributions above the funding level to such municipality in the then-current state fiscal year shall be reduced by an amount equivalent to the amount of such reduction or non-use, except that no reduction to the funding level shall be taken for an amount caused by any unforeseen event for which the municipality was officially declared a disaster area. Municipalities not required to certify under this section may continue such non-certifying status, with the approval of the commissioner, if the apportionment to such municipality is increased to more than five thousand dollars but less than seven thousand dollars in any local fiscal year. For the purposes of this section, a municipality shall mean a county, city, town or village or two or more such jurisdictions acting jointly.

7.] For any city, town, or village which consolidates or merges with another municipality, the resulting successor government shall file with the office of the state comptroller a certificate of any such consolidation, merger and any accompanying dissolution. In the event that the amount which would otherwise be apportioned to the individual governments exceeds the amount which is payable to the successor government pursuant to this section, such successor government shall receive no less in consolidated local highway apportionments than the predecessor governments would have received in the aggregate had the merger or consolidation not occurred.

[8.] 7. (a) For each fiscal year set out in the schedule hereinbelow amounts shall be distributed pursuant to annual appropriation from the local assistance account of the general fund in an amount set out in such schedule for the corresponding state fiscal year:

State Fiscal Year	Appropriation
1993-94	$72,652,000
1994-95	$72,652,000
1995-96	$72,652,000
1996-97	$72,652,000

(b) For each fiscal year set out in the schedule hereinbelow amounts shall be distributed pursuant to annual appropriation from the dedicated highway and bridge trust fund or by authorization by the legislature for capital projects in an amount set out in such schedule for the corresponding state fiscal year:

State Fiscal Year	Appropriation
1993-94	$170,000,000
1994-95	$175,000,000
1995-96	$180,000,000
1996-97	$185,000,000

(c) The moneys appropriated or authorized in each fiscal year pursuant to the schedules in paragraphs (a) and (b) of this subdivision shall be distributed in accordance with the procedures contained in subdivisions three and four of this section. The total of funds distributed in accordance with the procedures in subdivision three of this section shall equal one hundred forty-five million dollars in each fiscal year.

The balance of funds shall be distributed in accordance with the procedures in subdivision four of this section. For purposes of calculating distributions in accordance with subdivision three of this section, the "funding level" shall be proportioned between amounts distributed pursuant to paragraphs (a) and (b) of this subdivision.

S 50. The department of transportation shall revise any code, rule or regulation consistent with the amendments to section 10-c of the highway law, made by section fifty-two of this act.

S 51. Notwithstanding the provisions of article 47 of the insurance law, or any other provision of law to the contrary, a county shall be authorized to enter into a municipal cooperative agreement authorized by article 5-G of the general municipal law, with one or more school districts, towns, or villages, in order to provide health care benefits or establish a health care plan for their respective employees. Such county shall be authorized to charge an administrative fee to such school districts, towns, or villages for participation in such agreement.

S 52. Subdivision 13 of section 837 of the executive law, as added by chapter 399 of the laws of 1972 and such section as renumbered by chapter 603 of the laws of 1973, is amended to read as follows:

13. Adopt, amend or rescind such rules and regulations as may be necessary or convenient to the performance of the functions, powers and duties of the division INCLUDING REVISING AND ELIMINATING CERTAIN RECORD KEEPING PROCEDURES TO REFLECT TECHNOLOGICAL ADVANCES;

S 53. Subdivision 8 of section 230 of the labor law as added by chapter 777 of the laws of 1971, is amended to read as follows:

8. "Fiscal officer" [means the industrial commissioner, except for building service work performed by or on behalf of a city, in which case "fiscal officer" means the comptroller or other analogous officer of such city] SHALL BE DEEMED TO BE, ON PUBLIC WORK PERFORMED BY OR ON BEHALF OF THE STATE OR A PUBLIC BENEFIT CORPORATION OR A COUNTY OR A VILLAGE, OR OTHER CIVIL DIVISION OF THE STATE, EXCEPT A CITY WITH A POPULATION IN EXCESS OF ONE MILLION, THE COMMISSIONER OF LABOR; AND ON PUBLIC WORK PERFORMED BY OR ON BEHALF OF A CITY WITH A POPULATION IN EXCESS OF ONE MILLION, THE COMPTROLLER OR OTHER ANALOGOUS OFFICER OF SUCH CITY.

S 54. Paragraph 1 of subdivision (c) of section 81.44 of the mental hygiene law, as added by chapter 175 of the laws of 2008, is amended to read as follows:

1. serve a copy of the statement of death upon the court examiner, the duly appointed personal representative of the decedent's estate, or, if no [person] PERSONAL representative has been appointed, then upon the personal representative named in the decedent's will or any trust instrument, if known, UPON THE LOCAL DEPARTMENT OF SOCIAL SERVICES and upon the public administrator of the chief fiscal officer of the county in which the guardian was appointed, and

S 55. Intentionally omitted.

S 56. Subdivision 4 of section 458-b of the social services law is amended by adding a new paragraph (d) to read as follows:

(D) PAYMENTS PURSUANT TO THIS SECTION MAY BE MADE BY DIRECT DEPOSIT OR DEBIT CARD, AS ELECTED BY THE RECIPIENT, AND ADMINISTERED ELECTRONICALLY, AND IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS CHAPTER AND WITH SUCH GUIDELINES AS MAY BE SET FORTH BY REGULATION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY ENTER INTO CONTRACTS ON BEHALF OF LOCAL SOCIAL SERVICES DISTRICTS

FOR SUCH DIRECT DEPOSIT OR DEBIT CARD SERVICES IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS CHAPTER.

S 57. Subdivision 1 of section 341 of the social services law, as amended by section 1 of part D of chapter 61 of the laws of 2006, is amended to read as follows:

1. (a) Consistent with federal law and regulations and this title, if a participant has failed or refused to comply with the requirements of this title, the social services district shall issue a notice in plain language indicating that such failure or refusal has taken place, THE EFFECT OF SUCH NONCOMPLIANCE ON THE PARTICIPANT'S PUBLIC ASSISTANCE BENEFITS, and of the right of such participant to conciliation to resolve the reasons for such failure or refusal to avoid a pro-rata reduction OR DISCONTINUANCE in public assistance benefits for a period of time set forth in section three hundred forty-two of this title. The notice shall indicate the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title and the necessary actions that must be taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assistance benefits. The notice shall indicate that the participant has [seven] TEN days to request conciliation with the district regarding such failure or refusal [in the case of a safety net participant and ten days in the case of a family assistance participant]. PROVIDED, HOWEVER, THAT FOR A MEMBER OF A HOUSEHOLD WITH DEPENDENT CHILDREN WHO DOES NOT REQUEST A CONCILIATION CONFERENCE WITHIN THE TEN DAY PERIOD, THE LOCAL SOCIAL SERVICES DISTRICT SHALL MAKE AN ADDITIONAL EFFORT TO CONTACT THE HOUSEHOLD, INCLUDING A REASONABLE ATTEMPT FOR TELEPHONE CONTACT, TO OFFER CONCILIATION AND TO INDICATE THAT THE PARTICIPANT HAS TEN DAYS TO REQUEST CONCILIATION. The notice shall also include an explanation in plain language of what would constitute good cause for non-compliance and examples of acceptable forms of evidence that may warrant an exemption from work activities, including evidence of domestic violence, and physical or mental health limitations that may be provided at the conciliation conference to demonstrate such good cause for failure to comply with the requirements of this title. SUCH NOTICE SHALL ALSO INCLUDE INFORMATION TO EXPLAIN THE BENEFITS OF COMPLIANCE, INCLUDING THE AVAILABILITY OF GUARANTEED CHILD CARE BENEFITS. If the participant does not contact the district within the specified number of days, the district shall issue ten days notice of intent to discontinue or reduce assistance, pursuant to regulations of the department. Such notice shall also include a statement of the participant's right to a fair hearing relating to such discontinuance or reduction. If such participant contacts the district within [seven days in the case of a safety net participant or within ten days in the case of a family assistance participant] THE SPECIFIED NUMBER OF DAYS, it will be the responsibility of the participant to give reasons for such failure or refusal.

(b) Unless the district determines as a result of such conciliation process that such failure or refusal was willful and was without good cause, no further action shall be taken. If the district determines that such failure or refusal was willful and without good cause, the district shall notify such participant in writing, in plain language and in a manner distinct from any previous notice, by issuing ten days notice of its intent to discontinue or reduce assistance. Such notice shall include the reasons for such determination, the specific instance or instances of willful refusal or failure to comply without good cause with the requirements of this title, the necessary actions that must be taken to avoid a pro-rata reduction OR DISCONTINUANCE in public assist-

ance benefits, and the right to a fair hearing relating to such discontinuance or reduction. Unless extended by mutual agreement of the participant and the district, conciliation shall terminate and a determination shall be made within [fourteen] THIRTY days of the date a request for conciliation is made [in the case of a safety net participant or within thirty days of the conciliation notice in the case of a family assistance participant].

S 57-A. Subdivision 5 of section 341 of the social services law is REPEALED and subdivision 6 is renumbered subdivision 5.

S 57-B. Subdivisions 2 and 3 of section 342 of the social services law, as added by section 148 of part B of chapter 436 of the laws of 1997, are amended to read as follows:

2. [In] NOTWITHSTANDING SUBDIVISION EIGHT OF SECTION ONE HUNDRED FIFTY-THREE OF THIS ARTICLE, IN the case of an applicant for or recipient of public assistance [who is a parent or caretaker of a dependent child], the public assistance benefits otherwise available to the household of which such individual is a member shall be [reduced pro-rata]:

(a) REDUCED PRO-RATA for the first instance of failure to comply without good cause with the requirement of this article until the individual is willing to comply;

(b) TERMINATED AND CASE CLOSED for the second instance of failure to comply without good cause with the requirements of this article[, for a period of three months and thereafter] until the individual is willing to comply;

(c) TERMINATED AND CASE CLOSED for the third and all subsequent instances of failure to comply without good cause with the requirements of this article, for a period of six months [and thereafter] OR until the individual is willing to comply, WHICHEVER PERIOD IS LONGER.

3. [In the case of an individual who is a member of a household without dependent children applying for or in receipt of safety net assistance the public assistance benefits otherwise available to the household of which such individual is a member shall be reduced pro-rata:

(a) for the first such failure or refusal, until the failure or refusal ceases or ninety days, which ever period of time is longer;

(b) for the second such failure or refusal, until the failure ceases or for one hundred fifty days, whichever period of time is longer; and

(c) for the third and all subsequent such failures or refusals, until the failure ceases or one hundred eighty days, whichever period of time is longer.] WITH RESPECT TO THE SANCTIONS SET FORTH IN SUBDIVISION TWO OF THIS SECTION, IF THE INDIVIDUAL COMPLIES WITH THE REQUIREMENT OF THIS ARTICLE WITHIN THE SIX-MONTH MINIMUM SANCTION DURATIONS SET FORTH IN PARAGRAPH (C) OF SUBDIVISION TWO OF THIS SECTION THE HOUSEHOLD SHALL RECEIVE A PRO-RATA REDUCED GRANT FOR THE REMAINING MINIMUM PERIOD. CONTINUED COMPLIANCE AFTER THE MINIMUM DURATION SHALL RESTORE THE GRANT TO THE FULL AMOUNT.

S 57-C. The office of temporary and disability assistance, in consultation with the office of children and family services, shall submit a report to the chairperson of the senate finance committee, the chairperson of the assembly ways and means committee, and the director of the division of budget on the implementation of the full family sanction policy. Such report shall include the number of sanctioned cases that had their case closed due to the new sanction policy, the monthly benefit of those sanctioned cases that had their cases closed and the number of sanctioned cases involving case closure that subsequently were reopened upon demonstrated willingness to comply with work requirements. Such report shall also determine if there were child welfare referrals

made since October, 1, 2011 that were a function of the new sanction policy. This report shall be submitted by December 31, 2012.

S 58. Section 20 of the social services law is amended by adding a new subdivision 9 to read as follows:

9. TO THE EXTENT APPROPRIATIONS ARE AVAILABLE SPECIFICALLY THEREFOR, THE DEPARTMENT SHALL PROVIDE ADMINISTRATIVE SUPPORT AND FINANCIAL INCENTIVES TO ENCOURAGE COUNTIES AND LOCAL SOCIAL SERVICES DISTRICTS TO MERGE LOCAL AGENCIES, DEVELOP INNOVATIVE PROGRAMS, OR PROVIDE CROSS-COUNTY SERVICES.

S 59. Intentionally omitted.

S 60. Intentionally omitted.

S 61. Intentionally omitted.

S 62. Intentionally omitted.

S 63. Section 1604 of the education law is amended by adding a new subdivision 21-b to read as follows:

21-B. A. THE TRUSTEES ARE AUTHORIZED TO PROVIDE REGIONAL TRANSPORTATION SERVICES BY RENDERING SUCH SERVICES JOINTLY WITH OTHER SCHOOL DISTRICTS OR BOARDS OF COOPERATIVE EDUCATIONAL SERVICES. SUCH SERVICES MAY INCLUDE PUPIL TRANSPORTATION BETWEEN HOME AND SCHOOL, TRANSPORTATION DURING THE DAY TO AND FROM SCHOOL AND A SPECIAL EDUCATION PROGRAM OR SERVICE OR A PROGRAM AT A BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR AN APPROVED SHARED PROGRAM AT ANOTHER SCHOOL DISTRICT, TRANSPORTATION FOR FIELD TRIPS OR TO AND FROM EXTRACURRICULAR ACTIVITIES, AND COOPERATIVE SCHOOL BUS MAINTENANCE.

B. THE TRUSTEES ARE AUTHORIZED TO ENTER INTO A CONTRACT WITH ANOTHER SCHOOL DISTRICT, A COUNTY, MUNICIPALITY, OR THE STATE OFFICE OF CHILDREN AND FAMILY SERVICES TO PROVIDE TRANSPORTATION FOR CHILDREN, INCLUDING CONTRACTS TO PROVIDE SUCH TRANSPORTATION AS REGIONAL TRANSPORTATION SERVICES, PROVIDED THAT THE CONTRACT COST IS APPROPRIATE. IN DETERMINING THE APPROPRIATE TRANSPORTATION CONTRACT COST, THE TRANSPORTATION SERVICE PROVIDER SCHOOL DISTRICT SHALL USE A CALCULATION CONSISTENT WITH REGULATIONS ADOPTED BY THE COMMISSIONER FOR THE PURPOSE OF ASSURING THAT CHARGES REFLECT THE TRUE COSTS THAT WOULD BE INCURRED BY A PRUDENT PERSON IN THE CONDUCT OF A COMPETITIVE TRANSPORTATION BUSINESS.

S 64. Paragraphs g and h of subdivision 25 of section 1709 of the education law, paragraph g as added by chapter 367 of the laws of 1979 and paragraph h as added by chapter 700 of the laws of 1993, are amended to read as follows:

g. The board of education is authorized to provide regional transportation services by rendering such services jointly with other school districts or boards of cooperative educational services. Such services may include pupil transportation between home and school, TRANSPORTATION DURING THE DAY TO AND FROM SCHOOL AND A SPECIAL EDUCATION PROGRAM OR SERVICE OR A PROGRAM AT A BOARD OF COOPERATIVE EDUCATIONAL SERVICES OR AN APPROVED SHARED PROGRAM AT ANOTHER SCHOOL DISTRICT, TRANSPORTATION FOR FIELD TRIPS OR TO AND FROM EXTRACURRICULAR ACTIVITIES, and cooperative school bus maintenance.

h. (I) The board of education is authorized to enter into a contract with another school district, a county, municipality, or the state [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES to provide transportation for children, INCLUDING CONTRACTS TO PROVIDE SUCH TRANSPORTATION AS REGIONAL TRANSPORTATION SERVICES, provided that the contract cost is appropriate. In determining the appropriate transportation contract cost, the transportation service provider school district shall use a calculation consistent with regulations adopted by the commissioner for the purpose of assuring that charges reflect the true

costs that would be incurred by a prudent person in the conduct of a competitive transportation business.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION FOURTEEN OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER, SECTION ONE HUNDRED THREE OF THE GENERAL MUNICIPAL LAW, OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE BOARD OF EDUCATION SHALL BE AUTHORIZED TO ENTER INTO A SHARED TRANSPORTATION SERVICES CONTRACT WITH ANOTHER SCHOOL DISTRICT THAT TRANSPORTS STUDENTS PURSUANT TO A CONTRACT WITH A PRIVATE TRANSPORTATION CONTRACTOR, PROVIDED THAT THE BOARD FINDS THAT THE CONTRACT COST IS APPROPRIATE AND ENTRY INTO A SHARED TRANSPORTATION SERVICES CONTRACT WILL RESULT IN A COST SAVINGS TO THE SCHOOL DISTRICT. FOR PURPOSES OF THIS PARAGRAPH, A "SHARED TRANSPORTATION SERVICES CONTRACT" MEANS A CONTRACT FOR THE TRANSPORTATION OF STUDENTS THAT: (1) PROVIDES TRANSPORTATION TO A LOCATION OUTSIDE THE STUDENTS' SCHOOL DISTRICT OF RESIDENCE TO WHICH ANOTHER SCHOOL DISTRICT IS ALREADY PROVIDING TRANSPORTATION TO ITS OWN STUDENTS THROUGH AN EXISTING CONTRACT WITH A PRIVATE TRANSPORTATION CONTRACTOR, OTHER THAN A COOPERATIVELY BID CONTRACT; (2) IS ENTERED INTO BY THE PRIVATE TRANSPORTATION CONTRACTOR AND EACH SCHOOL DISTRICT INVOLVED; AND (3) PROVIDES FOR TRANSPORTATION IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH EXISTING TRANSPORTATION CONTRACT.

S 65. Section 305 of the education law is amended by adding a new subdivision 42 to read as follows:

42. THE COMMISSIONER SHALL IMPLEMENT REGULATIONS DIRECTING SCHOOL DISTRICTS TO EVALUATE STUDENTS WHO HAVE INDIVIDUALIZED EDUCATION PROGRAMS AND WHO ALSO REQUIRE ACADEMIC INTERVENTION SERVICES, TO DETERMINE WHICH SERVICES, IF ANY, ARE BEING REPEATED BY BOTH THE PROGRAM AND THE SERVICES. THE COMMISSIONER SHALL PROVIDE THAT IF A SCHOOL DISTRICT DETERMINES THAT AN INDIVIDUALIZED EDUCATION PROGRAM AND THE ACADEMIC INTERVENTION SERVICES REQUIRE THE SAME TASK OR SERVICE, THE SCHOOL DISTRICT SHALL NOT BE REQUIRED TO IMPLEMENT SUCH TASK OR PROVIDE SUCH SERVICE MORE THAN ONCE TO THE STUDENT.

S 66. Section 3635 of the education law is amended by adding a new subdivision 8 to read as follows:

8. A BOARD OF EDUCATION MAY, AT ITS DISCRETION, PROVIDE STUDENT TRANSPORTATION BASED UPON PATTERNS OF ACTUAL RIDERSHIP. THE ACTUAL RIDERSHIP SHALL BE BASED UPON THE HISTORY AND EXPERIENCE THAT YIELDS A CONSISTENT PATTERN OF ELIGIBLE PUPILS NOT USING DISTRICT TRANSPORTATION; OR MODELING OF FUTURE RIDERSHIP; OR THE SHARING OF TRANSPORTATION REGIONALLY; OR OTHER CRITERIA DETERMINED BY THE SCHOOL DISTRICT THAT ENSURES THAT ALL STUDENTS IN NEED OF TRANSPORTATION RECEIVE IT. NOTHING IN THIS SECTION SHALL REDUCE OR RELIEVE SCHOOL DISTRICTS FROM THE RESPONSIBILITY OF PROVIDING TRANSPORTATION TO STUDENTS OTHERWISE ELIGIBLE AND ACTUALLY IN NEED OF SUCH TRANSPORTATION. ANY SCHOOL DISTRICT THAT, AT ITS DISCRETION, HAS ELECTED TO PROVIDE STUDENT TRANSPORTATION BASED UPON PATTERNS OF ACTUAL RIDERSHIP SHALL PLACE SUCH PLANS ON THE SCHOOL DISTRICT'S WEBSITE ON OR BEFORE AUGUST FIFTEENTH OF THE SCHOOL YEAR IN WHICH THE TRANSPORTATION PLAN WILL BE IMPLEMENTED.

S 67. Intentionally omitted.

S 68. Intentionally omitted.

S 69. Intentionally omitted.

S 70. Paragraph (a) of subdivision 2 of section 376-a of the executive law, as added by section 29 of part B of chapter 56 of the laws of 2010, is amended to read as follows:

(a) (I) The approval, or revocation thereof, of code enforcement training programs for code enforcement personnel;

(II) IN ORDER TO MODERNIZE CODE ENFORCEMENT TRAINING PROGRAMS THE SECRETARY OF STATE SHALL PROMULGATE NEW RULES AND REGULATIONS TO TAKE EFFECT ON JANUARY FIRST, TWO THOUSAND THIRTEEN IN ORDER TO ALLOW FOR THE FOLLOWING CHANGES TO THE EXISTING DEPARTMENT OF STATE RULES AND REGULATIONS CODE ENFORCEMENT TRAINING PROGRAMS: EXTENDING THE TIMEFRAME FOR BASIC TRAINING FOR BOTH FULL AND PART TIME CODE ENFORCEMENT PERSONNEL, ALLOW COURSE WAIVERS FOR CODE ENFORCEMENT PERSONNEL THAT HAVE PROFESSIONAL LICENSES OR EDUCATIONAL DEGREES THE SECRETARY OF STATE DEEMS APPROPRIATE AND COURSE WAIVERS FOR OTHER THAN THESE PROFESSIONALS AFTER SUCCESSFUL COMPLETION OF AN EXAM, REDUCING THE BASIC TRAINING PROGRAM TO FIVE, TWENTY-ONE HOUR COURSES FOR FULL CERTIFICATION AS CODE ENFORCEMENT OFFICIALS, CREATING A LOWER LEVEL OF CERTIFICATION FOR RURAL MUNICIPALITIES THAT HAVE THE MAJORITY OF LOW-RISE RESIDENTIAL CONSTRUCTION AND EXISTING BUILDINGS, ALLOWING HALF OF THE REQUIRED IN-SERVICE TRAINING HOURS TO BE THROUGH ON-LINE TRAINING PROGRAMS AFTER CODE ENFORCEMENT PERSONNEL HAVE BEEN CERTIFIED, OFFERING IN-SERVICE ON-LINE COURSES BY THE DEPARTMENT OF STATE AT NO CHARGE TO CODE ENFORCEMENT PERSONNEL.

S 71. Subsection (g) of section 3231 of the insurance law, as added by chapter 501 of the laws of 1992, is amended to read as follows:

(g) This section shall also apply to policies issued to a group defined in subsection (c) of section four thousand two hundred thirty-five OF THIS CHAPTER, including but not limited to an association or trust of employers, if the group includes one or more member employers or other member groups which have fifty or fewer employees or members exclusive of spouses and dependents, PROVIDED HOWEVER THAT THIS SECTION SHALL NOT APPLY TO POLICIES ISSUED TO A GROUP DEFINED IN SUBPARAGRAPH (D) OF PARAGRAPH ONE OF SUBSECTION (C) OF SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF THIS CHAPTER, IF THE GROUP INCLUDES ONE OR MORE MEMBER EMPLOYERS THAT ARE MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS THAT HAVE FIFTY OR FEWER EMPLOYEES EXCLUSIVE OF SPOUSES AND DEPENDENTS.

S 72. Paragraph 1 of subsection (d) of section 4317 of the insurance law, as amended by section 2 of part A of chapter 494 of the laws of 2009, is amended to read as follows:

(1) This section shall also apply to contracts issued to a group defined in subsection (c) of section four thousand two hundred thirty-five of this chapter, including but not limited to an association or trust of employers, if the group includes one or more member employers or other member groups which have fifty or fewer employees or members exclusive of spouses and dependents, PROVIDED HOWEVER THAT THIS SECTION SHALL NOT APPLY TO POLICIES ISSUED TO A GROUP DEFINED IN SUBPARAGRAPH (D) OF PARAGRAPH ONE OF SUBSECTION (C) OF SECTION FOUR THOUSAND TWO HUNDRED THIRTY-FIVE OF THIS CHAPTER, IF THE GROUP INCLUDES ONE OR MORE MEMBER EMPLOYERS THAT ARE MUNICIPAL CORPORATIONS OR PUBLIC BENEFIT CORPORATIONS THAT HAVE FIFTY OR FEWER EMPLOYEES EXCLUSIVE OF SPOUSES AND DEPENDENTS.

S 73. Subdivision 1 of section 103 of the general municipal law, as amended by section 1 of part FF of chapter 56 of the laws of 2010, is amended to read as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than [thirty-five] ONE HUNDRED thousand dollars and all purchase contracts involving an expenditure of more than [twenty] FIFTY thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not

limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his or her or its discretion, reject all bids and readvertise for new bids in the manner provided by this section. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. For purposes of this section, "sealed bids", as that term applies to purchase contracts, shall include bids submitted in an electronic format including submission of the statement of non-collusion required by section one hundred three-d of this article, provided that the governing board of the political subdivision or district, by resolution, has authorized the receipt of bids in such format. Submission in electronic format may, [for technology contracts only,] be required as the sole method for the submission of bids. Bids submitted in an electronic format shall be transmitted by bidders to the receiving device designated by the political subdivision or district. Any method used to receive electronic bids shall comply with article three of the state technology law, and any rules and regulations promulgated and guidelines developed thereunder and, at a minimum, must (a) document the time and date of receipt of each bid received electronically; (b) authenticate the identity of the sender; (c) ensure the security of the information transmitted; and (d) ensure the confidentiality of the bid until the time and date established for the opening of bids. The timely submission of an electronic bid in compliance with instructions provided for such submission in the advertisement for bids and/or the specifications shall be the responsibility solely of each bidder or prospective bidder. No political subdivision or district therein shall incur any liability from delays of or interruptions in the receiving device designated for the submission and receipt of electronic bids.

S 74. Subdivision 1 of section 103 of the general municipal law, as amended by section 2 of part FF of chapter 56 of the laws of 2010, is amended as follows:

1. Except as otherwise expressly provided by an act of the legislature or by a local law adopted prior to September first, nineteen hundred fifty-three, all contracts for public work involving an expenditure of more than [thirty-five] ONE HUNDRED thousand dollars and all purchase

contracts involving an expenditure of more than [twenty] FIFTY thousand dollars, shall be awarded by the appropriate officer, board or agency of a political subdivision or of any district therein including but not limited to a soil conservation district, to the lowest responsible bidder furnishing the required security after advertisement for sealed bids in the manner provided by this section. In determining whether a purchase is an expenditure within the discretionary threshold amounts established by this subdivision, the officer, board or agency of a political subdivision or of any district therein shall consider the reasonably expected aggregate amount of all purchases of the same commodities, services or technology to be made within the twelve-month period commencing on the date of purchase. Purchases of commodities, services or technology shall not be artificially divided for the purpose of satisfying the discretionary buying thresholds established by this subdivision. A change to or a renewal of a discretionary purchase shall not be permitted if the change or renewal would bring the reasonably expected aggregate amount of all purchases of the same commodities, services or technology from the same provider within the twelve-month period commencing on the date of the first purchase to an amount greater than the discretionary buying threshold amount. In any case where a responsible bidder's gross price is reducible by an allowance for the value of used machinery, equipment, apparatus or tools to be traded in by a political subdivision, the gross price shall be reduced by the amount of such allowance, for the purpose of determining the low bid. In cases where two or more responsible bidders furnishing the required security submit identical bids as to price, such officer, board or agency may award the contract to any of such bidders. Such officer, board or agency may, in his, her or its discretion, reject all bids and readvertise for new bids in the manner provided by this section.

S 75. Intentionally omitted.

S 76. The highway law is amended by adding a new section 11-a to read as follows:

S 11-A. SERVICES AND REIMBURSEMENT. 1. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, GENERAL, SPECIAL OR LOCAL, THE DEPARTMENT, AT THE REQUEST OF A MUNICIPALITY OR PUBLIC AUTHORITY, IS AUTHORIZED TO PROVIDE SERVICES, MATERIALS, EQUIPMENT, PERSONNEL AND OTHER ASSISTANCE TO SUCH MUNICIPALITY OR PUBLIC AUTHORITY. THE DEPARTMENT SHALL KEEP AN ACCOUNTING OF ALL COSTS INCURRED IN PROVIDING ASSISTANCE PURSUANT TO THIS SUBDIVISION AND SHALL BE FULLY REIMBURSED BY THE MUNICIPALITY OR PUBLIC AUTHORITY REQUESTING ASSISTANCE. REIMBURSEMENT PURSUANT TO THIS SUBDIVISION SHALL BE IN THE FORM OF SERVICES, MATERIALS, MONEYS, OFFSETS OF MONEYS DUE BY THE STATE TO SUCH MUNICIPALITY OR PUBLIC AUTHORITY, OR SUCH OTHER CONSIDERATION AS DEEMED APPROPRIATE BY THE DEPARTMENT.

2. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, GENERAL, SPECIAL OR LOCAL, A MUNICIPALITY OR PUBLIC AUTHORITY, AT THE REQUEST OF THE DEPARTMENT, IS AUTHORIZED TO PROVIDE SERVICES, MATERIALS, EQUIPMENT, PERSONNEL AND OTHER ASSISTANCE TO THE DEPARTMENT TO ASSIST THE DEPARTMENT. THE MUNICIPALITY OR PUBLIC AUTHORITY SHALL KEEP AN ACCOUNTING OF ALL COSTS INCURRED IN PROVIDING SUCH ASSISTANCE PURSUANT TO THIS SUBDIVISION AND SHALL BE FULLY REIMBURSED BY THE STATE FOR ASSISTANCE RENDERED TO THE DEPARTMENT AT THE DEPARTMENT'S REQUEST. REIMBURSEMENT PURSUANT TO THIS SUBDIVISION SHALL BE IN THE FORM OF SERVICES, MATERIALS, MONEYS, OFFSETS OF MONEYS DUE BY THE MUNICIPALITY OR PUBLIC AUTHORITY TO THE DEPARTMENT, OR SUCH OTHER CONSIDERATION AS DEEMED APPROPRIATE BY THE MUNICIPALITY OR PUBLIC AUTHORITY.

S 77. Paragraphs a and d of subdivision 5 of section 220 of the labor law, paragraph a as amended and paragraph d as added by chapter 447 of the laws of 1983, are amended to read as follows:

a. The "prevailing rate of wage," for the intents and purposes of this article, shall be [the rate of wage paid in the locality, as hereinafter defined, by virtue of collective bargaining agreements between bona fide labor organizations and employers of the private sector, performing public or private work provided that said employers employ at least thirty per centum of workers, laborers or mechanics in the same trade or occupation in the locality where the work is being performed. The prevailing rate of wage shall be annually determined in accordance herewith by the fiscal officer no later than thirty days prior to July first of each year, and the prevailing rate of wage for the period commencing July first of such year through June thirtieth, inclusive, of the following year shall be the rate of wage set forth in such collective bargaining agreements for the period commencing July first through June thirtieth, including those increases for such period which are directly ascertainable from such collective bargaining agreements by the fiscal officer in his annual determination. In the event that it is determined after a contest, as provided in subdivision six of this section, that less than thirty percent of the workers, laborers or mechanics in a particular trade or occupation in the locality where the work is being performed receive a collectively bargained rate of wage, then] the average wage paid to such workers, laborers or mechanics in the same trade or occupation in the locality for the twelve-month period preceding the fiscal officer's annual determination [shall be the prevailing rate of wage]. Laborers, workers or mechanics for whom a prevailing rate of wage is to be determined shall not be considered in determining such prevailing wage. THE FISCAL OFFICER SHALL MAKE AN ANNUAL DETERMINATION OF THE PREVAILING WAGE, AND SHALL BE EMPOWERED TO CAUSE AN INVESTIGATION TO BE MADE TO DETERMINE THE WAGES PREVAILING IN ANY LOCALITY IN ALL CRAFTS, TRADES AND OCCUPATIONS INVOLVED IN WORK TO BE PERFORMED; IN MAKING SUCH INVESTIGATION, THE FISCAL OFFICER SHALL UTILIZE WAGE AND FRINGE BENEFIT DATA FROM VARIOUS SOURCES INCLUDING, BUT NOT LIMITED TO, DATA AND DETERMINATIONS OF FEDERAL, STATE OR OTHER GOVERNMENTAL AGENCIES, INCLUSIVE OF DATA ENCOMPASSING BOTH EMPLOYERS WHOSE EMPLOYEES ARE SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS AS WELL AS EMPLOYERS NOT SO SUBJECT, AND TO ESTABLISH SUCH RATES IN SUCH A FASHION AS TO GATHER AN ACCURATE AND FAIR MEASURE OF THOSE WAGE RATES.

d. "Locality" means [such areas of the state described and defined for a trade or occupation in the current collective bargaining agreements between bona fide labor organizations and employers of the private sector, performing public and private work] THE COUNTY OR, IN THE EVENT THAT A PROJECT CROSSES THE BOUNDARIES OF TWO COUNTIES, THE AVERAGE OF THE PREVAILING WAGE OF THOSE TWO COUNTIES AS DEFINED BY THE FISCAL OFFICER. IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR MORE, ALL COUNTIES COMPRISING SUCH A CITY SHALL BE CONSIDERED A SINGLE LOCALITY FOR PURPOSES OF THIS SECTION.

S 78. Subdivision 7 of section 230 of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

7. "Locality" means [the state, a town, city, village or other civil division or area of the state as determined by the fiscal officer. The fiscal officer may fix a different geographic area in determining the locality for the prevailing basic hourly cash rate of pay and the locality for prevailing supplements] THE COUNTY WHERE SUCH BUILDING SERVICES ARE PERFORMED. IN THE CASE OF A CITY WITH A POPULATION OF ONE MILLION OR

MORE, ALL COUNTIES COMPRISING SUCH A CITY SHALL BE CONSIDERED A SINGLE LOCALITY FOR PURPOSES OF THIS SECTION.

S 79. Paragraph (a) of subdivision 1 of section 234 of the labor law, as added by chapter 777 of the laws of 1971, is amended to read as follows:

(a) to cause an investigation to be made to determine the wages prevailing in any locality in all crafts, trades and occupations involved in service work; in making such investigation, the fiscal officer may utilize wage and fringe benefit data from various sources including, but not limited to, data and determinations of federal, state or other governmental agencies, INCLUSIVE OF DATA ENCOMPASSING BOTH EMPLOYERS WHOSE EMPLOYEES ARE SUBJECT TO COLLECTIVE BARGAINING AGREEMENTS AS WELL AS EMPLOYERS NOT SO SUBJECT, AND TO ESTABLISH SUCH RATES IN SUCH A FASHION AS TO GATHER AN ACCURATE AND FAIR MEASURE OF THOSE WAGE RATES;

S 80. The general municipal law is amended by adding a new section 25 to read as follows:

S 25. CONSIDERATION OF REAL PROPERTY TAX LEVY IMPACTS OF A PUBLIC EMPLOYEE CONTRACT. 1. PRIOR TO ITS PRESENTMENT TO THE GOVERNING BODY OF A MUNICIPAL CORPORATION, THE PUBLIC OFFICER OF THE MUNICIPAL CORPORATION WHO IS LEGALLY RESPONSIBLE FOR SIGNING A COLLECTIVE BARGAINING AGREEMENT WHICH CONTAINS ANY INCREASE IN WAGES OR BENEFITS FOR PUBLIC EMPLOYEES, SHALL FIRST CONSIDER WHETHER SIGNING SUCH CONTRACT WOULD RESULT IN ANY INCREASE TO THE MUNICIPAL CORPORATION'S REAL PROPERTY TAX LEVY. IN THE EVENT THAT SUCH PUBLIC OFFICER ELECTS TO SIGN SUCH COLLECTIVE BARGAINING AGREEMENT, HE OR SHE SHALL, PRIOR TO THE PRESENTMENT OF SUCH AGREEMENT FOR APPROVAL BY THE GOVERNING BODY OF THE MUNICIPAL CORPORATION, INFORM SUCH GOVERNING BODY OF THE AMOUNT OF THE PROJECTED INCREASE IN THE REAL PROPERTY TAX LEVY THAT SUCH COLLECTIVE BARGAINING AGREEMENT WOULD HAVE.

2. PRIOR TO TAKING ANY VOTE TO APPROVE ANY COLLECTIVE BARGAINING AGREEMENT WHICH CONTAINS ANY INCREASE IN WAGES OR BENEFITS FOR PUBLIC EMPLOYEES, THE GOVERNING BODY OF A MUNICIPAL CORPORATION SHALL FIRST CONSIDER WHETHER APPROVING SUCH CONTRACT WOULD RESULT IN ANY INCREASE TO THE MUNICIPAL CORPORATION'S REAL PROPERTY TAX LEVY. IN THE EVENT THAT SUCH GOVERNING BODY ELECTS TO APPROVE SUCH COLLECTIVE BARGAINING AGREEMENT, THEY SHALL CAUSE TO HAVE POSTED ON THE OFFICIAL WEBSITE OF SUCH MUNICIPAL CORPORATION, IF THE MUNICIPAL CORPORATION MAINTAINS ONE, A PUBLIC NOTICE FOR NOT LESS THAN THIRTY DAYS, DETAILING THE TERMS OF THE COLLECTIVE BARGAINING AGREEMENT SO APPROVED, THE INCREASES IN WAGES AND BENEFITS, THE TOTAL AMOUNT OF THE INCREASED EXPENDITURES THE MUNICIPAL CORPORATION WILL HAVE TO MAKE OVER THE TERM OF THE AGREEMENT, AND THE PROJECTED AMOUNT OF THE REAL PROPERTY TAX LEVY INCREASE.

S 81. Paragraph (c) of subdivision 4 of section 209 of the civil service law, as amended by chapter 216 of the laws of 1977, subparagraph (iii) as amended by chapter 442 of the laws of 1995 and subparagraph (vi) as amended by chapter 113 of the laws of 2006, is amended to read as follows:

(c) (i) upon petition of either party, the board shall refer the dispute to a public arbitration panel as hereinafter provided;

(ii) the public arbitration panel BE CONSIDERED A PUBLIC BODY FOR PURPOSES OF ARTICLE SEVEN OF THE PUBLIC OFFICERS LAW AND shall consist of one member appointed by the public employer, one member appointed by the employee organization and one public member appointed jointly by the public employer and employee organization who shall be selected within ten days after receipt by the board of a petition for creation of the arbitration panel. If either party fails to designate its member to the

public arbitration panel, the board shall promptly, upon receipt of a request by either party, designate a member associated in interest with the public employer or employee organization he is to represent. Each of the respective parties is to bear the cost of its member appointed or designated to the arbitration panel and each of the respective parties is to share equally the cost of the public member. If, within seven days after the mailing date, the parties are unable to agree upon the one public member, the board shall submit to the parties a list of qualified, disinterested persons for the selection of the public member. Each party shall alternately strike from the list one of the names with the order of striking determined by lot, until the remaining one person shall be designated as public member. This process shall be completed within five days of receipt of this list. The parties shall notify the board of the designated public member. The public member shall be chosen as chairman;

(iii) the public arbitration panel shall hold PUBLIC hearings on all matters related to the dispute. The parties may be heard either in person, by counsel, or by other representatives, as they may respectively designate. The panel may grant more than one adjournment each for each party; provided, however, that a second request of either party and any subsequent adjournments may be granted on request of either party, provided that the party which requests the adjournment shall pay the arbitrator's fee. The parties may present, either orally or in writing, or both, statements of fact, supporting witnesses and other evidence, and argument of their respective positions with respect to each case. The panel shall have authority to require the production of such additional evidence, either oral or written as it may desire from the parties and shall provide at the request of either party that a full and complete record be kept of any such hearings, the cost of such record to be shared equally by the parties;

(iv) all matters presented to the public arbitration panel for its determination shall be decided by a majority vote of the members of the panel. The panel, prior to a vote on any issue in dispute before it, shall, upon the joint request of its two members representing the public employer and the employee organization respectively, refer the issues back to the parties for further negotiations;

(v) the public arbitration panel shall make a just and reasonable determination of the matters in dispute. In arriving at such determination, the panel shall CONSIDER, ABOVE ALL OTHER FACTORS, THE FINANCIAL ABILITY OF THE PUBLIC EMPLOYER TO PAY. THE PUBLIC EMPLOYER'S ABILITY TO PAY SHALL BE DEFINED AS EXISTING FISCAL CAPACITY WITHOUT RESORT TO EITHER NEW OR INCREASED TAXATION INCLUDING, BUT NOT LIMITED TO, THE LEVEL OF TAXATION IN THE POLITICAL SUBDIVISION COMPARED TO SIMILAR POLITICAL SUBDIVISIONS IN OTHER AREAS OF THE STATE, THE TAX BASE, ANY EVIDENCE OF ECONOMIC DECLINE AND ANY OTHER APPLICABLE MEASURES OF FISCAL DISTRESS, OR EXTRAORDINARY REDUCTIONS IN OTHER GOVERNMENTAL EXPENDITURES. THE ARBITRATION PANEL SHALL ALSO CONSIDER THE COMPETING FINANCIAL OBLIGATIONS OF THE PUBLIC EMPLOYER WHICH MAY BE AFFECTED BY SUCH DETERMINATION AND SPECIFICALLY THE IMPACT OF ANY SUCH DETERMINATION ON THE EXISTING LEVEL OF MUNICIPAL SERVICES AND ON ONGOING NEGOTIATIONS OR SUCCESSOR NEGOTIATIONS WITH EMPLOYEE ORGANIZATIONS REPRESENTING OTHER EMPLOYEES OF THE PUBLIC EMPLOYER. THE ARBITRATION PANEL SHALL SPECIFY ITS RATIONALE IN THE DETERMINATION, INCLUDING THE CONSIDERATION OF SUCH ABILITY OF THE PUBLIC EMPLOYER TO PAY WITHOUT RESORTING TO NEW OR INCREASED TAXATION. THE PANEL SHALL specify the basis for its findings,

taking into SECONDARY consideration, in addition to any other relevant factors, the following:

a. comparison of the wages, hours and conditions of employment of the employees involved in the arbitration proceeding with the wages, hours, and conditions of employment of other employees performing similar services or requiring similar skills under similar working conditions and with other employees generally in public and private employment in comparable communities.

b. the GENERAL interests and welfare of the public [and the financial ability of the public employer to pay];

c. comparison of peculiarities in regard to other trades or professions, including specifically, (1) hazards of employment; (2) physical qualifications; (3) educational qualifications; (4) mental qualifications; (5) job training and skills; AND

d. the terms of collective agreements negotiated between the parties in the past providing for compensation and fringe benefits, including, but not limited to, the provisions for salary, insurance and retirement benefits, medical and hospitalization benefits, paid time off and job security.

(vi) the determination of the public arbitration panel shall, WHEN EFFECTING A LOCAL GOVERNMENT, BE PRESENTED AT A REGULAR OR SPECIAL MEETING OF THE LOCAL LEGISLATIVE BODY FOR SUCH GOVERNMENT, AND SHALL be final and binding upon the parties for the period prescribed by the panel, but in no event shall such period exceed two years from the termination date of any previous collective bargaining agreement or if there is no previous collective bargaining agreement then for a period not to exceed two years from the date of determination by the panel. Such determination shall not be subject to the approval of any local legislative body or other municipal authority. Notwithstanding the provisions of this subparagraph to the contrary, where the parties to [a] THE public arbitration are those [anticipated by the provisions of paragraphs (e) and (f) of this subdivision the state and such parties may agree to confer authority to the public arbitration panel] WHICH BECAME SUBJECT TO THIS SUBDIVISION BY VIRTUE OF CHAPTER SIX HUNDRED FORTY-ONE OF THE LAWS OF NINETEEN HUNDRED NINETY-EIGHT, THE PUBLIC ARBITRATION PANEL SHALL HAVE THE AUTHORITY to issue a final and binding determination for a period up to and including four years. ADDITIONALLY, UPON THE ISSUANCE OF SUCH FINAL DETERMINATION BY A PUBLIC ARBITRATION PANEL, NEITHER PARTY SHALL ELECT TO USE A PUBLIC ARBITRATION PANEL FOR PURPOSES OF DISPUTE RESOLUTION UNTIL THE NEXT TWO SUCCEEDING COLLECTIVE BARGAINING AGREEMENTS HAVE EXPIRED.

(vii) the determination of the public arbitration panel shall be subject to review by a court of competent jurisdiction in the manner prescribed by law.

S 82. Intentionally omitted.

S 83. Intentionally omitted.

S 84. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

S 85. This act shall take effect immediately; provided:

1. sections one and fifteen of this act shall be deemed to have been in full force and effect on and after April 1, 2011 and shall apply to

any general or special law imposing mandates on municipal corporations or school districts enacted on or after such effective date; and the commissioner of education shall adopt any regulations needed to implement the provisions of sections one, fifteen, seventeen, eighteen, thirty-six, sixty-three, sixty-four and sixty-five of this act on or before July 1, 2012;

2. the amendments to subdivision 1 of section 103 of the general municipal law made by section seventy-three of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith, when upon such date the provisions of section seventy-four of this act shall take effect;

3. sections twelve, twelve-a, twelve-b, twenty through twenty-six of this act shall take effect on the ninetieth day after it shall have become a law;

4. section thirteen of this act shall expire and be deemed repealed 5 years after such section takes effect;

5. Intentionally omitted.

6. the amendments to paragraph (c) of subdivision 6 of section 367-a of the social services law made by section twenty-seven of this act shall not affect the repeal of such paragraph and shall be deemed to be repealed therewith;

7. section forty-two of this act shall take effect on the sixtieth day after it shall have become a law;

8. sections forty-four, forty-five, forty-six, eighty-three and eighty-two of this act shall take effect on the one hundred twentieth day after it shall have become a law;

9. section fifty-six of this act shall take effect on the same date and in the same manner as section 4 of part F of chapter 58 of the laws of 2010, takes effect;

10. section fifty-seven of this act shall take effect October 1, 2011;

11. the amendments to paragraph (c) of subdivision 4 of section 209 of the civil service law made by section eighty-one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith;

12. sections seventy-seven, seventy-eight and seventy-nine of this act shall take effect on the first of January next succeeding the date on which it shall have become a law;

13. the commissioner of labor shall promulgate regulations required under sections eighty-two and eighty-three of this act within one hundred twenty days of the effective date of such sections.

14. sections twelve, twelve-a, twelve-b shall expire and be deemed repealed on June 30, 2014; and

15. sections 57, 57-a, 57-b and 57-c shall take effect October 1, 2011.

PART D

Section 1. Intentionally omitted.

S 2. Intentionally omitted.

S 3. Intentionally omitted.

S 4. The general municipal law is amended by adding a new section 5-c to read as follows:

S 5-C. ACQUISITION AND USE OF CREDIT CARDS BY LOCAL GOVERNMENTS. 1. THE FOLLOWING TERMS, WHEN USED OR REFERRED TO IN THIS SECTION, SHALL HAVE THE FOLLOWING MEANING:

(A) "CREDIT CARD" MEANS ANY IDENTIFICATION PLATE, CARD OR SIMILAR DEVICE ISSUED BY A PERSON TO A LOCAL GOVERNMENT WHICH MAY BE USED TO PURCHASE OR LEASE PROPERTY OR ACQUIRE SERVICES ON THE CREDIT OF THE PERSON ISSUING THE CREDIT CARD OR A PERSON WHO HAS AGREED WITH THE ISSUER TO PAY OBLIGATIONS ARISING FROM THE USE OF A CREDIT CARD ISSUED TO ANOTHER PERSON. FOR PURPOSES OF THIS SECTION, "CREDIT CARD" SHALL NOT INCLUDE A DEBIT CARD OR SIMILAR DEVICE THE USE OF WHICH AUTHORIZES THE TRANSFER OR WITHDRAWAL OF ANY FUNDS OF THE LOCAL GOVERNMENT, AND NOTHING IN THIS SECTION SHALL BE DEEMED TO AUTHORIZE THE USE, BY OR ON BEHALF OF THE LOCAL GOVERNMENT OF A DEBIT CARD OR SIMILAR DEVICE THE USE OF WHICH AUTHORIZES THE TRANSFER OR WITHDRAWAL OF ANY FUNDS OF THE LOCAL GOVERNMENT.

(B) "CARD ISSUER" MEANS ANY ISSUER OF A CREDIT CARD.

(C) "FINANCING AGENCY" MEANS ANY AGENCY DEFINED AS SUCH IN SUBDIVISION EIGHTEEN OF SECTION FOUR HUNDRED ONE OF THE PERSONAL PROPERTY LAW.

(D) "PERSON" MEANS ANY INDIVIDUAL, PARTNERSHIP, CORPORATION OR ANY OTHER LEGAL OR COMMERCIAL ENTITY.

2. NO CREDIT CARD MAY BE USED BY OR ON BEHALF OF ANY LOCAL GOVERNMENT, AS SUCH TERM IS DEFINED IN SECTION TEN OF THIS ARTICLE, UNLESS THE GOVERNING BOARD OF THE LOCAL GOVERNMENT, BY LOCAL LAW, ORDINANCE OR RESOLUTION, DETERMINES THAT IT IS IN THE PUBLIC INTEREST TO AUTHORIZE SUCH LOCAL GOVERNMENT TO ENTER INTO AN AGREEMENT WITH ONE OR MORE FINANCING AGENCIES OR CARD ISSUERS TO PROVIDE FOR THE ISSUANCE OF ONE OR MORE CREDIT CARDS FOR THE PROCUREMENT OF COMMODITIES AND SERVICES AND FOR USE BY AUTHORIZED OFFICERS AND EMPLOYEES IN CONNECTION WITH TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES. THE CREDIT CARD OR CARDS SHALL BE ISSUED IN THE NAME OF THE LOCAL GOVERNMENT AND THE SPECIFIC OFFICERS AND EMPLOYEES, IN THEIR OFFICIAL CAPACITIES, AUTHORIZED PURSUANT TO THE INTERNAL CREDIT CARD POLICY ADOPTED IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION, TO UTILIZE THE CREDIT CARD OR CARDS ISSUED TO THE LOCAL GOVERNMENT. ANY SUCH LOCAL LAW, ORDINANCE OR RESOLUTION SHALL INCLUDE AN INTERNAL CREDIT CARD POLICY, IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION, SETTING FORTH REQUIREMENTS FOR THE USE OF CREDIT CARDS ON BEHALF OF THE LOCAL GOVERNMENT. THE TERMS AND CONDITIONS OF SUCH AGREEMENT MUST BE CONSISTENT WITH THIS SECTION AND THE INTERNAL CREDIT CARD POLICY OF THE LOCAL GOVERNMENT, AND SHALL BE DEEMED TO INCORPORATE THE PROVISIONS OF SUBDIVISION TEN OF THIS SECTION.

3. THE OFFICERS AND EMPLOYEES OF ANY LOCAL GOVERNMENT THAT HAS ENTERED INTO AN AGREEMENT WITH A FINANCING AGENCY OR CARD ISSUER AS AUTHORIZED BY THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION MAY USE CREDIT CARDS ONLY IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S INTERNAL CREDIT CARD POLICY FOR THE PROCUREMENT OF COMMODITIES AND SERVICES FOR PROPERLY AUTHORIZED MUNICIPAL PURPOSES, AND FOR PROPERLY AUTHORIZED TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES. ANY SUCH OFFICER OR EMPLOYEE USING SUCH CREDIT CARD OR CARDS SHALL BE PERSONALLY LIABLE FOR ALL COSTS INCURRED BY THE LOCAL GOVERNMENT IN CONNECTION WITH THE IMPROPER OR UNAUTHORIZED USE BY THE OFFICER OR EMPLOYEE OF THE CREDIT CARD OR CARDS.

4. THE INTERNAL CREDIT CARD POLICY ADOPTED BY THE GOVERNING BOARD OF ANY LOCAL GOVERNMENT THAT HAS DETERMINED TO USE CREDIT CARDS FOR PROCUREMENT OF COMMODITIES, SERVICES OR TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES SHALL CONTAIN PROVISIONS PERTAINING TO:

(A) THE PARTICULAR OFFICERS AND EMPLOYEES, OTHERWISE EMPOWERED TO PROCURE COMMODITIES OR SERVICES ON BEHALF OF THE LOCAL GOVERNMENT, OR TO INCUR TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES, WHO ARE AUTHORIZED TO UTILIZE THE CREDIT CARD OR CARDS ISSUED TO THE LOCAL GOVERNMENT;

(B) AN AUTHORIZED CREDIT LIMIT FOR EACH CARD AND IN THE AGGREGATE FOR ALL CARDS ISSUED TO THE LOCAL GOVERNMENT, AND, IF THE GOVERNING BOARD CHOOSES, AN AUTHORIZED CREDIT LIMIT PER TRANSACTION;

(C) LIMITATIONS, IF ANY, ON THE TYPES OF COMMODITIES OR SERVICES, OR TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES, FOR WHICH THE CREDIT CARD OR CARDS MAY BE USED, AND THE CIRCUMSTANCES UNDER WHICH THE CREDIT CARD OR CARDS MAY BE USED FOR SUCH PURPOSES;

(D) THE PERIODIC MONITORING BY THE APPROPRIATE OFFICIALS OF THE LOCAL GOVERNMENT OF THE USE OF THE CREDIT CARD OR CARDS;

(E) THE DOCUMENTATION REQUIRED OF AN OFFICER OR EMPLOYEE USING THE CREDIT CARD FOR COMMODITIES OR SERVICES OR FOR TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES, IN ORDER TO FACILITATE THE APPROPRIATE AUDIT OF THE RESULTING CLAIMS SUBMITTED BY A FINANCING AGENCY OR CARD ISSUER, AND THE TIMEFRAME IN WHICH SUCH DOCUMENTATION IS REQUIRED TO BE SUBMITTED BY THE OFFICER OR EMPLOYEE AFTER THEIR USE OF A CREDIT CARD;

(F) THE MEANS OF RECOUPING FROM THE RESPONSIBLE OFFICER OR EMPLOYEE COSTS INCURRED WITH RESPECT TO ANY ILLEGAL OR UNAUTHORIZED EXPENDITURES, OR IMPROPER USAGE OF THE CREDIT CARD OR CARDS; AND

(G) ANY OTHER TERMS OR CONDITIONS DEEMED BY THE GOVERNING BOARD TO BE NECESSARY TO EFFECTUATE THE PROPER USE OF A CREDIT CARD OR CARDS.

5. EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, PROCUREMENTS OF COMMODITIES AND SERVICES FOR WHICH A CREDIT CARD IS USED SHALL BE SUBJECT TO ALL LAWS OTHERWISE APPLICABLE TO MUNICIPAL PROCUREMENTS, INCLUDING, BUT NOT LIMITED, TO SECTIONS ONE HUNDRED THREE AND ONE HUNDRED FOUR-B OF THIS CHAPTER. TRAVEL AND OTHER ACTUAL AND NECESSARY EXPENSES FOR WHICH A CREDIT CARD IS USED SHALL BE INCURRED IN ACCORDANCE WITH AND SHALL BE SUBJECT TO ALL LAWS OTHERWISE APPLICABLE TO THE INCURRING OF SUCH MUNICIPAL CHARGES BY OFFICERS AND EMPLOYEES.

6. NO PAYMENT TO A FINANCING AGENCY OR CARD ISSUER FOR COMMODITIES, SERVICES OR TRAVEL OR OTHER ACTUAL AND NECESSARY EXPENSES FOR WHICH A CREDIT CARD WAS USED MAY BE MADE UNLESS, IN ADDITION TO ALL OTHER REQUIREMENTS FOR THE AUDIT AND APPROVAL OF CLAIMS, THE DOCUMENTATION REQUIRED BY THE LOCAL GOVERNMENT'S INTERNAL CREDIT CARD POLICY ADOPTED IN ACCORDANCE WITH SUBDIVISION FOUR OF THIS SECTION IS SUBMITTED TO THE AUDITING BODY OR OFFICIAL OF THE LOCAL GOVERNMENT AND A CLAIM FROM THE FINANCING AGENCY OR CARD ISSUER IS AUDITED AND APPROVED IN ACCORDANCE WITH LAWS GENERALLY APPLICABLE TO THE LOCAL GOVERNMENT'S AUDIT AND APPROVAL OF CLAIMS FUNCTION.

7. IF AFTER A CLAIM IS PRESENTED FOR AUDIT, A CREDIT CARD CHARGE IS DISALLOWED IN WHOLE OR IN PART, THE LOCAL GOVERNMENT SHALL NOT BE RESPONSIBLE FOR PAYMENT OF THE DISALLOWED CHARGE OR ANY INTEREST OR PENALTY WHICH SHALL HAVE ACCRUED AS A RESULT OF SUCH DISALLOWED CHARGE. ANY AGREEMENT THAT IS ENTERED INTO PURSUANT TO THIS SECTION SHALL BE DEEMED TO INCORPORATE THIS PROVISION. NOTHING CONTAINED HEREIN SHALL BE CONSTRUED TO LIMIT ANY RIGHT THAT A FINANCING AGENCY OR CREDIT CARD ISSUER MAY HAVE UNDER LAW TO RECOVER THE AMOUNT OF ANY DISALLOWED CHARGE OR INTEREST OR PENALTY THEREON FROM ANY OTHER PERSON OR ENTITY.

8. THE AUDIT OF ANY CLAIM SUBMITTED BY A FINANCING AGENCY OR CARD ISSUER SHALL BE UNDERTAKEN IN A TIMELY FASHION SO THAT, UPON APPROVAL OF THE CLAIM, PAYMENT MAY BE MADE PRIOR TO THE IMPOSITION OF INTEREST OR PENALTY CHARGES.

9. CONTRACTS ENTERED INTO PURSUANT TO THIS SECTION BETWEEN LOCAL GOVERNMENTS AND FINANCING AGENCIES OR CARD ISSUERS SHALL BE AWARDED AFTER THE SOLICITATION OF ALTERNATIVE PROPOSALS OR QUOTATIONS IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S WRITTEN INTERNAL POLICIES AND PROCEDURES GOVERNING PROCUREMENTS ADOPTED PURSUANT TO SECTION ONE HUNDRED

FOUR-B OF THIS CHAPTER. IN THE CASE OF A SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES, SUCH POLICIES AND PROCEDURES MAY PROVIDE FOR THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES TO ENGAGE THE SERVICES OF A FINANCING AGENCY OR CARD ISSUER PURSUANT TO A COOPERATIVE PROCUREMENT AGREEMENT FOR SUCH SERVICES WITH ONE OR MORE LOCAL GOVERNMENTS OF THIS STATE OR OF ANY OTHER STATE, OR THROUGH AN EXISTING COOPERATIVE PROCUREMENT AGREEMENT ENTERED INTO AMONG LOCAL GOVERNMENTS OF THIS STATE OR ANY OTHER STATE FOR SUCH SERVICES IF SUCH EXISTING CONTRACT HAS BEEN AWARDED PURSUANT TO A COMPETITIVE REQUEST FOR PROPOSALS PROCESS AND HAS BEEN EXTENDED OR OFFERED FOR USE BY OTHER LOCAL GOVERNMENTS; PROVIDED, HOWEVER, THAT THE GOVERNING BOARD OF THE SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES SHALL FIRST DETERMINE THAT ENGAGING THE SERVICES OF A FINANCING AGENCY OR CARD ISSUER PURSUANT TO OR THROUGH A COOPERATIVE PROCUREMENT AGREEMENT WILL RESULT IN COST SAVINGS AND THAT ANY SUCH COOPERATIVE PROCUREMENT AGREEMENT IS FULLY IN COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

10. NO LIABILITY TO A FINANCING AGENCY OR CARD ISSUER UNDER A CONTRACT ENTERED INTO PURSUANT TO THIS SECTION SHALL CONSTITUTE A GENERAL OBLIGATION INDEBTEDNESS OF THE LOCAL GOVERNMENT, AND NEITHER THE FAITH AND CREDIT, NOR THE TAXING POWER OF THE LOCAL GOVERNMENT, MAY BE PLEDGED TO THE PAYMENT OF ANY AMOUNT DUE OR TO BECOME DUE UNDER SUCH A CONTRACT.

S 5. Section 20.00 of the local finance law is amended by adding a new paragraph e to read as follows:

E. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PREVENT A MUNICIPALITY, SCHOOL DISTRICT OR DISTRICT CORPORATION FROM ENTERING INTO AN AGREEMENT WITH ONE OR MORE FINANCING AGENCIES OR CARD ISSUERS FOR THE ISSUANCE OF A CREDIT CARD OR CARDS IN THE NAME OF THE MUNICIPALITY, SCHOOL DISTRICT OR DISTRICT CORPORATION OR FROM USING SUCH CREDIT CARD OR CARDS FOR THE PROCUREMENT OF COMMODITIES, SERVICES AND EXPENSES IN ACCORDANCE WITH SECTION FIVE-C OF THE GENERAL MUNICIPAL LAW.

S 6. Subdivision 2 of section 27 of the municipal home rule law, as amended by chapter 259 of the laws of 1987, is amended to read as follows:

2. Each such certified copy shall contain the text only of the local law without the brackets and without the matter within the brackets, the matter with a line run through it, or the italicizing or underscoring, if any, to indicate the changes made by it, except that each such certified copy of a local law enacted by a city with a population of one million or more shall be printed in the same form as the official copy of the proposed local law which became the local law provided that line numbers, the printed number of the bill and explanatory matter shall be omitted[, and also have attached thereto a certificate executed by the corporation counsel, municipal attorney or other principal law officer to the effect that it contains the correct text and that all proper proceedings have been had or taken for the enactment of such local law, which certificate shall constitute presumptive evidence thereof, provided that any failure or omission so to certify shall not invalidate such local law].

S 7. Subdivision 5 of section 27 of the municipal home rule law is REPEALED and subdivisions 6 and 7 are renumbered subdivisions 5 and 6.

S 8. Subdivisions 1 and 1-a of section 209-q of the general municipal law, subdivision 1 as amended by chapter 735 of the laws of 1988, paragraphs (b) and (c) of subdivision 1 as amended by chapter 551 of the laws of 2001 and subdivision 1-a as added by chapter 671 of the laws of 1967, are amended to read as follows:

1. (a) Notwithstanding the provisions of any general, special or local law or charter to the contrary, no person shall[, after July first, nineteen hundred sixty,] receive an original appointment on a permanent basis as a police officer of any county, city, town, village or police district unless such person has previously been awarded a certificate by the [executive director] CHAIRMAN of the municipal police training council created under article thirty-five of the executive law, attesting to his OR HER satisfactory completion of an approved municipal police basic training program; and every person who is appointed [on a temporary basis or for a probationary term or on other than a permanent basis] as a police officer [of any county, city, town, village or police district] shall forfeit his OR HER position as such unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section eight hundred forty-two of the executive law, satisfactorily completes[, a] AN APPROVED municipal police basic training program [for temporary or probationary police officers] and is awarded a certificate by such [director] CHAIRMAN attesting thereto.

(b) A certificate attesting to satisfactory completion of an approved municipal police basic training program awarded by the [executive director] CHAIRMAN of the municipal police training council pursuant to this subdivision shall remain valid:

(i) during the holder's continuous service as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law]; and

(ii) for [two] FIVE years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for less than two consecutive years]; or

(iii) [for four years after the date of the commencement of an interruption in such service where the holder had, immediately prior to such interruption, served as a police officer or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, for two consecutive years or longer; or

(iv)] where the holder, whose interruption in continuous service as a police officer does not exceed ten years, has satisfactorily completed an approved police officer refresher course [or where a peace officer, who seeks an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred forty-one of the executive law, has satisfactorily completed relevant police officer training courses,] as prescribed by the municipal police training council.

(c) As used in this subdivision, the term "interruption" shall mean a period of separation from employment as a police officer [or peace officer who has an equivalency certificate for police officer training or an approved course for state university of New York public safety officers issued in accordance with subdivision three of section eight hundred

forty-one of the executive law,] by reason of such officer's leave of absence, resignation or removal, other than removal for cause.

1-a. Notwithstanding the provisions of any general, special or local law or charter, the promotion of any police officer to a first-line supervisory position [on or after July first, nineteen hundred sixty-seven,] shall not become permanent unless such police officer has previously been awarded a certificate by the [executive director] CHAIRMAN of the municipal police training council created under article [nineteen-f] THIRTY-FIVE of the executive law, attesting to his OR HER satisfactory completion of an approved course in police supervision as prescribed by the municipal police training council. Any police officer who is promoted on any basis to a first-line supervisory position [on or after July first, nineteen hundred sixty-seven] shall forfeit such promotion unless he OR SHE previously has satisfactorily completed, or within the time prescribed by regulations promulgated by the governor pursuant to section [four hundred eighty-four] EIGHT HUNDRED FORTY-TWO of the executive law satisfactorily completes, the prescribed course in police supervision and is awarded a certificate by such [director] CHAIRMAN attesting thereto.

S 9. Subdivision 3 of section 168-n of the correction law, as amended by chapter 684 of the laws of 2005, is amended to read as follows:

3. No later than thirty days prior to the board's recommendation, the sex offender shall be notified that his or her case is under review and that he or she is permitted to submit to the board any information relevant to the review. Upon receipt of the board's recommendation, the sentencing court shall determine whether the sex offender was previously found to be eligible for assigned counsel in the underlying case. Where such a finding was previously made, the court shall assign counsel to represent the offender, pursuant to article eighteen-B of the county law. At least twenty days prior to the determination proceeding, the sentencing court shall notify the district attorney, the sex offender and the sex offender's counsel, in writing, of the date of the determination proceeding and shall also provide the district attorney, the sex offender and the sex offender's counsel with a copy of the recommendation received from the board and any statement of the reasons for the recommendation received from the board. This notice shall include the following statement or a substantially similar statement: "This proceeding is being held to determine whether you will be classified as a level 3 offender (risk of repeat offense is high), a level 2 offender (risk of repeat offense is moderate), or a level 1 offender (risk of repeat offense is low), or whether you will be designated as a sexual predator, a sexually violent offender or a predicate sex offender, which will determine how long you must register as a sex offender and how much information can be provided to the public concerning your registration. If you fail to appear at this proceeding, without sufficient excuse, it shall be held in your absence. Failure to appear may result in a longer period of registration or a higher level of community notification because you are not present to offer evidence or contest evidence offered by the district attorney." The written notice to the sex offender shall also advise the offender that he or she has a right to a hearing prior to the court's determination, and that he or she has the right to be represented by counsel at the hearing. If counsel has been assigned to represent the offender at the determination proceeding, the notice shall also provide the name, address and telephone number of the assigned counsel. Where counsel has not been assigned, the notice shall advise the sex offender that counsel will be appointed if he or she is

financially unable to retain counsel, and a returnable form shall be enclosed in the court's notice to the sex offender on which the sex offender may apply for assignment of counsel. If the sex offender applies for assignment of counsel and the court finds that the offender is financially unable to retain counsel, the court shall assign counsel to represent the sex offender pursuant to article eighteen-B of the county law. If the district attorney seeks a determination that differs from the recommendation submitted by the board, at least ten days prior to the determination proceeding the district attorney shall provide to the court and the sex offender a statement setting forth the determinations sought by the district attorney together with the reasons for seeking such determinations. The court shall allow the sex offender to appear and be heard. THE COURT, IN ITS DISCRETION, MAY DISPENSE WITH THE PERSONAL APPEARANCE OF THE SEX OFFENDER AND CONDUCT AN ELECTRONIC APPEARANCE IN ACCORDANCE WITH THE RULES ISSUED BY THE CHIEF ADMINISTRATOR OF THE COURTS PURSUANT TO SECTION 182.20 OF THE CRIMINAL PROCEDURE LAW. The state shall appear by the district attorney, or his or her designee, who shall bear the burden of proving the facts supporting the determinations sought by clear and convincing evidence. Where there is a dispute between the parties concerning the determinations, the court shall adjourn the hearing as necessary to permit the sex offender or the district attorney to obtain materials relevant to the determinations from the state board of examiners of sex offenders or any state or local facility, hospital, institution, office, agency, department or division. Such materials may be obtained by subpoena if not voluntarily provided to the requesting party. In making the determinations the court shall review any victim's statement and any relevant materials and evidence submitted by the sex offender and the district attorney and the recommendation and any materials submitted by the board, and may consider reliable hearsay evidence submitted by either party, provided that it is relevant to the determinations. Facts previously proven at trial or elicited at the time of entry of a plea of guilty shall be deemed established by clear and convincing evidence and shall not be relitigated. The court shall render an order setting forth its determinations and the findings of fact and conclusions of law on which the determinations are based. A copy of the order shall be submitted by the court to the division. Upon application of either party, the court shall seal any portion of the court file or record which contains material that is confidential under any state or federal statute. Either party may appeal as of right from the order pursuant to the provisions of articles fifty-five, fifty-six and fifty-seven of the civil practice law and rules. Where counsel has been assigned to represent the sex offender upon the ground that the sex offender is financially unable to retain counsel, that assignment shall be continued throughout the pendency of the appeal, and the person may appeal as a poor person pursuant to article eighteen-B of the county law.

S 10. Subdivisions 1 and 2 of section 182.20 of the criminal procedure law, subdivision 1 as amended by chapter 332 of the laws of 2009 and subdivision 2 as added by chapter 689 of the laws of 1993, are amended to read as follows:

1. Notwithstanding any other provision of law and except as provided in section 182.30 of this article, the court, in its discretion, may dispense with the personal appearance of the defendant, except an appearance at a hearing or trial, and conduct an electronic appearance in connection with a criminal action [pending in Albany, Bronx, Broome, Erie, Kings, New York, Niagara, Oneida, Onondaga, Ontario, Orange,

Putnam, Queens, Richmond, St. Lawrence, Tompkins, Chautauqua, Cattaraugus, Clinton, Essex, Montgomery, Rensselaer, Warren, Westchester, Suffolk, Herkimer or Franklin county, provided that the chief administrator of the courts has authorized the use of electronic appearance and the defendant, after consultation with counsel, consents on the record. Such consent shall be required at the commencement of each electronic appearance to such electronic appearance].

2. If, for any reason, the court determines on its own motion or on the motion of any party that the conduct of an electronic appearance may impair the legal rights of the defendant, it shall not permit the electronic appearance to proceed. If[, for any other articulated reason, either party requests at any time during the electronic appearance that such appearance be terminated] THE COURT DOES NOT PERMIT THE ELECTRONIC APPEARANCE TO PROCEED OR TERMINATES THE ELECTRONIC APPEARANCE, the court shall [grant such request and] adjourn the proceeding to a date certain. Upon the adjourned date the proceeding shall be recommenced from the point at which the [request for termination of the] electronic appearance had been [granted] TERMINATED.

S 11. Subdivisions 3, 4 and 13 of section 500-b of the correction law, as added by chapter 907 of the laws of 1984 and subdivision 13 as amended by chapter 574 of the laws of 1985, are amended to read as follows:

3. No female confined in a county jail shall be assigned to or housed in a facility housing unit with a male EXCEPT WHEN NECESSARY FOR THE RECEIPT OF CARE OR TREATMENT IN A FACILITY OPERATED INFIRMARY, PROVIDED, HOWEVER, A FEMALE SHALL NOT BE HOUSED IN THE SAME ROOM AS A MALE; and if detained on civil process, or for contempt, or as a witness, she shall not be put or kept in the same room with a man, except her husband OR WHEN NECESSARY FOR THE RECEIPT OF CARE OR TREATMENT IN A FACILITY OPERATED INFIRMARY.

4. (A) No person under nineteen years of age shall be placed or kept or allowed to be at any time with any prisoner or prisoners [nineteen] TWENTY-TWO years of age or older, in any room, dormitory, cell or tier of the buildings of such institution unless separately grouped to prevent access to persons under nineteen years of age by prisoners [nineteen] TWENTY-TWO years of age or older.

(B) PERSONS NINETEEN, TWENTY OR TWENTY-ONE YEARS OF AGE MAY, AT THE DISCRETION OF THE CHIEF ADMINISTRATIVE OFFICER, BE PLACED OR KEPT EITHER WITH PERSONS UNDER NINETEEN YEARS OF AGE OR WITH PERSONS TWENTY-TWO YEARS OF AGE OR OLDER, PROVIDED HOWEVER THAT IN MAKING THE DECISION ON WHERE TO HOUSE SUCH NINETEEN, TWENTY OR TWENTY-ONE YEAR OLD PERSONS, THE CHIEF ADMINISTRATIVE OFFICER SHALL CONSIDER ALL OF THE FACTORS SET FORTH IN PARAGRAPH (A) OF SUBDIVISION SEVEN OF THIS SECTION.

13. Where in the opinion of the chief administrative officer an emergency overcrowding condition exists in a local correctional facility caused in part by the [prohibition against the commingling of persons under nineteen years of age with persons nineteen years of age or older or the commingling of persons nineteen years of age or older with persons under nineteen years of age] RESTRICTIONS UPON COMMINGLING OF CATEGORIES OF PERSONS SET FORTH IN SUBDIVISION FOUR OF THIS SECTION, the chief administrative officer may apply to the commission for permission to commingle the aforementioned categories of inmates for a period not to exceed thirty days as provided herein. The commission shall acknowledge to the chief administrative officer the receipt of such application upon its receipt. The chief administrative officer shall be permitted to commingle such inmates upon acknowledgment of receipt of the applica-

tion by the commission. The commission shall assess the application within seven days of receipt. The commission shall deny any such application and shall prohibit the continued commingling of such inmates where it has found that the local correctional facility does not meet the criteria set forth in this subdivision and further is in substantial noncompliance with minimum staffing requirements as provided in commission rules and regulations. In addition, the commission shall determine whether the commingling of such inmates presents a danger to the health, safety or welfare of any such inmate. If no such danger exists the chief administrative officer may continue the commingling until the expiration of the aforementioned thirty day period or until such time as he determines that the overcrowding which necessitated the commingling no longer exists, whichever occurs first. In the event the commission determines that such danger exists, it shall immediately notify the chief administrative officer, and the commingling of such inmates shall cease. Such notification shall include specific measures which should be undertaken by the chief administrative officer, to correct such dangers. The chief administrative officer may correct such dangers and reapply to the commission for permission to commingle; however, no commingling may take place until such time as the commission certifies that the facility is now in compliance with the measures set forth in the notification under this subdivision. When such certification has been received by the chief administrative officer, the commingling may continue for thirty days, less any time during which the chief administrative officer commingled such inmates following his application to the commission, or until such time as he determines that the overcrowding which necessitated the commingling no longer exists, whichever occurs first. The chief administrative officer may apply for permission to commingle such inmates for up to two additional thirty day periods, in conformity with the provisions and the requirements of this subdivision, in a given calendar year. For the period ending December thirtieth, nineteen hundred eighty-four, a locality may not apply for more than one thirty day commingling period.

S 12. Subparagraph 4 of paragraph (c) of subdivision 8 of section 500-b of the correction law, as added by chapter 907 of the laws of 1984, is amended to read as follows:

(4) a woman detained in any county jail or penitentiary upon a criminal charge or as a convict under sentence with a man EXCEPT WHEN NECESSARY FOR THE RECEIPT OF CARE OR TREATMENT IN A FACILITY OPERATED INFIRMARY, PROVIDED, HOWEVER, A FEMALE SHALL NOT BE HOUSED IN THE SAME ROOM AS A MALE; and if detained on civil process, or for contempt, or as a witness in a room in which there are no other prisoners with a man, except with her husband OR WHEN NECESSARY FOR THE RECEIPT OF CARE OR TREATMENT IN A FACILITY OPERATED INFIRMARY.

S 13. Section 72-c of the general municipal law, as amended by chapter 229 of the laws of 1992, is amended to read as follows:

S 72-c. Expenses of members of the police department and other peace officers in attending police training schools. The board or body of a county, city, town or village authorized to appropriate and to raise money by taxation and to make payments therefrom, is hereby authorized, in its discretion, to appropriate and to raise money by taxation and to make payments from such moneys, for the annual expenses of the members of the police department of such municipal corporation in attending a police training school, as provided by the regulations of the department, either within such municipal corporation or elsewhere within the state; and for the payment of reasonable expenses of such members and

other police officers or peace officers of the municipality while going to, attending, and returning from any training school conducted by or under the auspices of the federal bureau of investigation, whether within or without the state. Notwithstanding any inconsistent provision of any general, special or local law to the contrary, whenever a member of the police department of a municipal corporation[, having a population of ten thousand or less,] has attended a police training school, the expense of which was borne by such municipal corporation, terminates employment with such municipal corporation and commences employment with any other municipal corporation or employer county sheriff, such employer municipal corporation or employer county sheriff shall reimburse the prior employer municipal corporation[, having a population of ten thousand or less,] for such expenses, including, salary, tuition, enrollment fees, books, and the cost of transportation to and from training school, as follows: on a pro rata basis, to be calculated by subtracting from the number of days in the three years following the date of the member's graduation from police training school, the number of days between the date of the member's graduation from training school and the date of the termination of employment with the municipal corporation which paid for such training, and multiplying the difference by the per diem cost of such expenses, to be calculated by dividing the total cost of such expenses by the number of days in the three years following the date of the member's graduation, if such change in employment occurs within three years of such member's graduation from police training school. Provided, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for that portion of such expenses which is reimbursable by the member to the prior employer municipal corporation under the terms of an employment or labor agreement. Provided, further, however, the employer municipal corporation or employer county sheriff shall not be required to reimburse the prior employer municipal corporation for such basic training if such change in employment occurs after the expiration of the validity of the member's certificate attesting to the satisfactory completion of an approved municipal police basic training program.

S 14. Section 207-m of the general municipal law is REPEALED.

S 15. Intentionally omitted.

S 16. Subdivision 6 of section 702 of the county law is REPEALED and a new subdivision 6 is added to read as follows:

6. NOTWITHSTANDING ANY OTHER PROVISION OF LAW WITH RESPECT TO REQUIREMENT OF RESIDENCE, A DISTRICT ATTORNEY MAY APPOINT ASSISTANT DISTRICT ATTORNEYS WHO DO NOT RESIDE WITHIN THE BORDERS OF SAID COUNTY.

S 17. The opening paragraph and paragraph (l) of subdivision 4 of section 20.40 of the criminal procedure law, paragraph (l) as amended by chapter 346 of the laws of 2007, are amended to read as follows:

A person may be convicted in an appropriate criminal court of a particular county, of an offense of which the criminal courts of this state have jurisdiction pursuant to section 20.20, committed either by his OR HER own conduct or by the conduct of another for which he OR SHE is legally accountable pursuant to section 20.00 of the penal law, when:

(l) An offense of identity theft or unlawful possession of personal [identification] IDENTIFYING information AND ALL CRIMINAL ACTS COMMITTED AS PART OF THE SAME CRIMINAL TRANSACTION AS DEFINED IN SUBDIVISION TWO OF SECTION 40.10 OF THIS CHAPTER OR COMMITTED THROUGH THE CRIMINAL MISUSE OF PERSONAL IDENTIFYING INFORMATION may be prosecuted (i) in any county in which part of the offense took place regardless of whether the defendant was actually present in such county, or (ii) in the county in

which the person who suffers financial loss resided at the time of the commission of the offense, or (iii) in the county where the person whose personal [identification] IDENTIFYING information was used in the commission of the offense resided at the time of the commission of the offense. The law enforcement agency of any such county shall take a police report of the matter and provide the complainant with a copy of such report at no charge.

S 18. Section 176 of the family court act is amended to read as follows:

S 176. Inter-county probation. [If a person placed under probation by the family court resides in or moves to a county other than the county in which he was placed on probation, the family court which placed him on probation may transfer the proceedings to the county in which the probationer resides or to which he has moved or may place him under the supervision of the probation service attached to the family court in which the probationer resides or to which he has moved.]

1. WHERE A PERSON PLACED ON PROBATION RESIDES IN ANOTHER JURISDICTION WITHIN THE STATE AT THE TIME OF THE ORDER OF DISPOSITION, THE FAMILY COURT WHICH PLACED HIM OR HER ON PROBATION SHALL TRANSFER SUPERVISION TO THE PROBATION DEPARTMENT IN THE JURISDICTION IN WHICH THE PERSON RESIDES. WHERE, AFTER A PROBATION DISPOSITION IS PRONOUNCED, A PROBATIONER REQUESTS TO RESIDE IN ANOTHER JURISDICTION WITHIN THE STATE, THE FAMILY COURT WHICH PLACED HIM OR HER ON PROBATION MAY, IN ITS DISCRETION, APPROVE A CHANGE IN RESIDENCY AND, UPON APPROVAL, SHALL TRANSFER SUPERVISION TO THE PROBATION DEPARTMENT SERVING THE COUNTY OF THE PROBATIONER'S PROPOSED NEW RESIDENCE. ANY TRANSFER UNDER THIS SUBDIVISION MUST BE IN ACCORDANCE WITH RULES ADOPTED BY THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES.

2. UPON COMPLETION OF A TRANSFER AS AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE FAMILY COURT WITHIN THE JURISDICTION OF THE RECEIVING PROBATION DEPARTMENT SHALL ASSUME ALL POWERS AND DUTIES OF THE FAMILY COURT WHICH PLACED THE PROBATIONER ON PROBATION AND SHALL HAVE SOLE JURISDICTION IN THE CASE. THE FAMILY COURT WHICH PLACED THE PROBATIONER ON PROBATION SHALL IMMEDIATELY FORWARD ITS ENTIRE CASE RECORD TO THE RECEIVING COURT.

3. UPON COMPLETION OF A TRANSFER AS AUTHORIZED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, THE PROBATION DEPARTMENT IN THE RECEIVING JURISDICTION SHALL ASSUME ALL POWERS AND DUTIES OF THE PROBATION DEPARTMENT IN THE JURISDICTION OF THE FAMILY COURT WHICH PLACED THE PROBATIONER ON PROBATION.

S 19. Section 514 of the general municipal law, as amended by chapter 492 of the laws of 1963, is amended to read as follows:

S 514. Filing of proposed plans. The municipality or agency, as the case may be, shall file with the commissioner a copy of [each] ANY proposed urban renewal program ASSISTED BY STATE LOANS, PERIODIC SUBSIDIES OR CAPITAL GRANTS, embodying the plans, layout, estimated cost and proposed [methed] METHOD of financing. Any change made in [the] AN urban renewal program ASSISTED BY STATE LOANS, PERIODIC SUBSIDIES OR CAPITAL GRANTS shall be filed with the commissioner. From time to time prior to completion, and with reasonable promptness after [each] ANY urban renewal program ASSISTED BY STATE LOANS, PERIODIC SUBSIDIES OR CAPITAL GRANTS shall have been completed, upon request of the commissioner, the municipality or agency shall file with the commissioner a detailed statement of the cost thereof.

Upon receipt of a copy of a proposed urban renewal program, or any proposed change therein, the commissioner may transmit his criticism and

suggestions to the municipality or agency, as the case may be. No change in an urban renewal program assisted by state loans, periodic subsidies or capital grants may be made by a municipality or agency without the approval of the commissioner.

S 20. Subdivision 2 of section 553 of the general municipal law, as added by chapter 921 of the laws of 1962, is amended to read as follows:

2. An agency shall be a corporate governmental agency, constituting a public benefit corporation. Except as otherwise provided by special act of the Legislature, an agency shall consist of not less than three nor more than five members who shall be appointed by the mayor of a city or village or the town board of a town and who shall serve at the pleasure of the appointing authority. A member shall continue to hold office until his successor is appointed and has qualified. The mayor of a city or village, or the town board of a town, shall designate the first chairman [and file with the commissioner a certificate of appointment or re-appointment of any member]. Such members shall receive no compensation for their services but shall be entitled to the necessary expenses, including traveling expenses, incurred in the discharge of their duties.

S 21. Subdivision 1 of section 30 of the public housing law, as amended by chapter 620 of the laws of 1942, is amended to read as follows:

1. In the case of an authority hereafter established by a special act of the legislature, the mayor of a city or village, or the town board of a town, shall file in [the office of the commissioner, and a duplicate in] the office of the secretary of state, a certificate signed by him or it and setting forth: (a) the date of the passage of the special act establishing the authority; (b) the name of the authority; and (c) the names of the members and their terms, specifying which member is chairman.

S 22. Subdivision 2 of section 30 of the public housing law, as amended by chapter 482 of the laws of 1974, is amended to read as follows:

2. Except as otherwise provided by special act of the legislature, an authority shall consist of not less than three nor more than seven members. The members of an authority who are first appointed shall be not more than five in number and shall be designated to serve for terms of one, two, three, four and five years respectively from the date of their appointment, depending upon the number of members constituting the authority. Thereafter the term of office of appointive members shall be five years. A member shall continue to hold office until his successor is appointed or elected and has qualified. The mayor of a city or village, or the town board of a town, shall appoint the appointive members[,] AND designate the first chairman [and file with the commissioner a certificate of appointment or the reappointment of any member].

S 23. Section 38 of the public housing law, as amended by chapter 260 of the laws of 1945, is amended to read as follows:

S 38. STATE PROJECT FILING. An authority shall file with the commissioner a copy of each proposed STATE project embodying the plans, layout, estimated costs and proposed method of financing. Any change made in [the] A STATE project shall be filed with the commissioner by the authority. With reasonable promptness after each STATE project shall have been completed, and from time to time prior to completion upon request of the commissioner, an authority shall file with the commissioner a detailed statement of the cost thereof.

Upon receipt of a copy of a proposed state project, or of any proposed change therein, the commissioner may transmit his criticisms and suggestions with reasonable promptness to the authority or the municipality. No change in a state project may be made by an authority or a municipality without the approval of the commissioner.

S 24. Subdivision 1 of section 54 of the public housing law, as amended by chapter 542 of the laws of 1971, is amended to read as follows:

1. [An] ANY authority WHICH SUPERVISES, MANAGES, OPERATES OR HOLDS ANY INTEREST IN AT LEAST ONE STATE PROJECT shall file with the commissioner a copy of any by-laws, rules and regulations and amendments thereto adopted by it from time to time, which shall become effective upon approval by the commissioner; provided, however, that if the commissioner shall fail to approve or disapprove such proposed by-laws, rules and regulations and amendments within three months after such filing, such by-laws, rules and regulations and amendments shall become effective upon the expiration of such three-month period.

S 25. Paragraphs (c) and (d) of subdivision 1 of section 23 of the social services law, paragraph (c) as added by chapter 818 of the laws of 1990 and paragraph (d) as amended by chapter 304 of the laws of 1990, are amended and a new paragraph (e) is added to read as follows:

[(c)] (C-1) to the federal parent locator service, maintained by the federal department of health and human services, as required by section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, for the purpose of enabling the department to fulfill obligations and responsibilities otherwise incumbent upon the state department of labor[.], AND

(d) to the federal social security administration or public agency of another state with which the department has an agreement with respect to wage information pursuant to paragraph (i) of subdivision three of section twenty of this article, AND

(E) TO SOCIAL SERVICES DISTRICTS AND THE OFFICE OF CHILDREN AND FAMILY SERVICES FOR THE PURPOSE OF ENABLING THE SOCIAL SERVICES DISTRICT, OR THE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF SUCH SOCIAL SERVICES DISTRICT, TO FULFILL ITS OBLIGATION TO DETERMINE AND VERIFY THE ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO TITLE FIVE-C OF ARTICLE SIX OF THIS CHAPTER.

S 26. Subdivision 3 of section 23 of the social services law, as amended by section 2 of part V of chapter 57 of the laws of 2009, is amended to read as follows:

3. Information obtained by the office of temporary and disability assistance from the wage reporting system operated by the state department of taxation and finance shall be considered confidential and shall not be disclosed to persons or agencies other than those considered entitled to such information when such disclosure is necessary for the proper administration of programs of public assistance and care or for the proper administration of the child support program pursuant to title six-A of article three of this chapter, or of eligibility assessments of children for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act OR OF FAMILIES FOR CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS OF TITLE FIVE-C OF ARTICLE SIX OF THIS CHAPTER. For the purpose of this subdivision, any disclosure made pursuant to subdivision one of this section shall be considered necessary for the proper administration of programs of public assistance and care, or of eligibility assessments of children for federal payments for foster care and adoption assistance

pursuant to the provisions of title IV-E of the federal social security act OR OF FAMILIES OF CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS OF TITLE FIVE-C OF ARTICLE SIX OF THIS CHAPTER; and the federal parent locator service shall be considered an agency entitled to such information as is necessary for the proper administration of the child support program pursuant to title six-A of article three of this chapter.

S 27. Section 410-x of the social services law is amended by adding a new subdivision 8 to read as follows:

8. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, CHILD CARE ASSISTANCE PAYMENTS MADE PURSUANT TO THIS SECTION MAY BE MADE BY DIRECT DEPOSIT OR DEBIT CARD, AS ELECTED BY THE RECIPIENT, AND ADMINISTERED ELECTRONICALLY, AND IN ACCORDANCE WITH SUCH GUIDELINES, AS MAY BE SET FORTH BY REGULATION OF THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY ENTER INTO CONTRACTS ON BEHALF OF LOCAL SOCIAL SERVICES DISTRICTS FOR SUCH DIRECT DEPOSIT OR DEBIT CARD SERVICES IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS CHAPTER.

S 28. Title 5-C of article 6 of the social services law is amended by adding a new section 410-aa to read as follows:

S 410-AA. DETERMINING ELIGIBILITY FOR CHILD CARE ASSISTANCE. A SOCIAL SERVICES OFFICIAL OR THE OFFICE OF CHILDREN AND FAMILY SERVICES ON BEHALF OF THE SOCIAL SERVICES DISTRICT SHALL HAVE THE AUTHORITY TO MAKE REQUESTS AND RECEIVE INFORMATION IN ORDER TO FULFILL THE SOCIAL SERVICES DISTRICT'S OBLIGATION TO DETERMINE THE ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO THIS TITLE. SUCH REQUESTS MAY INCLUDE BUT ARE NOT LIMITED TO ACCESS TO INFORMATION IN THE WAGE REPORTING SYSTEM IN ACCORDANCE WITH SECTION TWENTY-THREE OF THIS CHAPTER AND SECTIONS ONE HUNDRED SEVENTY-ONE-A AND SIX HUNDRED NINETY-SEVEN OF THE TAX LAW.

S 29. Subdivision 3 of section 97-www of the state finance law, as amended by section 9 of part D of chapter 58 of the laws of 2006, is amended to read as follows:

3. Moneys of the quality child care and protection fund, following appropriation by the legislature and allocation by the director of the budget, shall be made available to the commissioner of the office of children and family services FOR ACTIVITIES BY THE STATE AND LOCAL SOCIAL SERVICES DISTRICTS TO IMPROVE THE INTEGRITY OF THE CHILD CARE ASSISTANCE PROGRAM INCLUDING PREVENTING FRAUD, to provide grants to child day care providers for health and safety purposes, for training of child day care provider staff INCLUDING TRAINING ON THE REQUIREMENTS FOR PROVIDERS CARING FOR CHILDREN RECEIVING CHILD CARE ASSISTANCE, and other activities to increase the availability and/or quality of child care programs.

S 30. Subparagraph (ii) of paragraph (a) of subdivision 3 of section 171-a of the tax law, as amended by section 3 of part V of chapter 57 of the laws of 2009, is amended and a new subparagraph (iii) is added to read as follows:

(ii) for the utilization by the office of temporary and disability assistance of information obtained pursuant to subdivision one of this section, with respect to the parents, the stepparents, the child and the siblings of the child who were living in the same household as a child who is in the custody, care and custody or custody and guardianship of a local social services district or of the office of children and family services during the month that the court proceedings leading to the child's removal from the household were initiated, or the written instrument transferring care and custody of the child pursuant to the provisions of section three hundred fifty-eight-a or three hundred

eighty-four-a of the social services law was signed, provided however, that the office of temporary and disability assistance shall only use the information obtained pursuant to this subdivision, for the purpose of determining the eligibility of such child for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act. Notwithstanding any other provision of law, the office of temporary and disability assistance is authorized to share information obtained pursuant to this subdivision with any applicable social services district, provided however, that if such information is shared, that such social services district shall only use the information obtained for the purpose of determining the eligibility of such child for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act; AND

(III) FOR THE UTILIZATION BY THE DEPARTMENT OF FAMILY ASSISTANCE OF INFORMATION OBTAINED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, TO DETERMINE ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO TITLE FIVE-C OF ARTICLE SIX OF THE SOCIAL SERVICES LAW.

S 31. Paragraph 3 of subsection (e) of section 697 of the tax law, as amended by chapter 182 of the laws of 2010, is amended to read as follows:

(3) Nothing herein shall be construed to prohibit the department, its officers or employees from furnishing information to the office of temporary and disability assistance relating to the payment of the credit for certain household and dependent care services necessary for gainful employment under subsection (c) of section six hundred six of this article and the earned income credit under subsection (d) of section six hundred six of this article and the enhanced earned income credit under subsection (d-1) of section six hundred six of this article, or pursuant to a local law enacted by a city having a population of one million or more pursuant to subsection (f) of section thirteen hundred ten of this chapter, only to the extent necessary to calculate qualified state expenditures under paragraph seven of subdivision (a) of section four hundred nine of the federal social security act or to document the proper expenditure of federal temporary assistance for needy families funds under section four hundred three of such act. The office of temporary and disability assistance may redisclose such information to the United States department of health and human services only to the extent necessary to calculate such qualified state expenditures or to document the proper expenditure of such federal temporary assistance for needy families funds. Nothing herein shall be construed to prohibit the delivery by the commissioner to a commissioner of jurors, appointed pursuant to section five hundred four of the judiciary law, or, in counties within cities having a population of one million or more, to the county clerk of such county, of a mailing list of individuals to whom income tax forms are mailed by the commissioner for the sole purpose of compiling a list of prospective jurors as provided in article sixteen of the judiciary law. Provided, however, such delivery shall only be made pursuant to an order of the chief administrator of the courts, appointed pursuant to section two hundred ten of the judiciary law. No such order may be issued unless such chief administrator is satisfied that such mailing list is needed to compile a proper list of prospective jurors for the county for which such order is sought and that, in view of the responsibilities imposed by the various laws of the state on the department, it is reasonable to require the commissioner to furnish such list. Such order shall provide that such list shall be used for the sole purpose of

compiling a list of prospective jurors and that such commissioner of jurors, or such county clerk, shall take all necessary steps to insure that the list is kept confidential and that there is no unauthorized use or disclosure of such list. Furthermore, nothing herein shall be construed to prohibit the delivery to a taxpayer or his or her duly authorized representative of a certified copy of any return or report filed in connection with his or her tax or to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof, or the inspection by the attorney general or other legal representatives of the state of the report or return of any taxpayer or of any employer filed under section one hundred seventy-one-h of this chapter, where such taxpayer or employer shall bring action to set aside or review the tax based thereon, or against whom an action or proceeding under this chapter or under this chapter and article eighteen of the labor law has been recommended by the commissioner, the commissioner of labor with respect to unemployment insurance matters, or the attorney general or has been instituted, or the inspection of the reports or returns required under this article by the comptroller or duly designated officer or employee of the state department of audit and control, for purposes of the audit of a refund of any tax paid by a taxpayer under this article, or the furnishing to the state department of labor of unemployment insurance information obtained or derived from quarterly combined withholding, wage reporting and unemployment insurance returns required to be filed by employers pursuant to paragraph four of subsection (a) of section six hundred seventy-four of this article, for purposes of administration of such department's unemployment insurance program, employment services program, federal and state employment and training programs, employment statistics and labor market information programs, worker protection programs, federal programs for which the department has administrative responsibility or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor law, and redisclosure of such information in accordance with the provisions of sections five hundred thirty-six and five hundred thirty-seven of the labor law or any other applicable law, or the furnishing to the state office of temporary and disability assistance of information obtained or derived from New York state personal income tax returns as described in paragraph (b) of subdivision two of section one hundred seventy-one-g of this chapter for the purpose of reviewing support orders enforced pursuant to title six-A of article three of the social services law to aid in the determination of whether such orders should be adjusted, or the furnishing of information obtained from the reports required to be submitted by employers regarding newly hired or re-hired employees pursuant to section one hundred seventy-one-h of this chapter to the state office of temporary and disability assistance, the state department of health, the state department of labor and the workers' compensation board for purposes of administration of the child support enforcement program, verification of individuals' eligibility for one or more of the programs specified in subsection (b) of section eleven hundred thirty-seven of the federal social security act and for other public assistance programs authorized by state law, and administration of the state's employment security and workers' compensation programs, and to the national directory of new hires established pursuant to section four hundred fifty-three-A of the federal social security act for the purposes specified in such section, or the furnishing to the state office of temporary and disability assistance of the amount of an

overpayment of income tax and interest thereon certified to the comptroller to be credited against past-due support pursuant to section one hundred seventy-one-c of this chapter and of the name and social security number of the taxpayer who made such overpayment, or the disclosing to the commissioner of finance of the city of New York, pursuant to section one hundred seventy-one-l of this chapter, of the amount of an overpayment and interest thereon certified to the comptroller to be credited against a city of New York tax warrant judgment debt and of the name and social security number of the taxpayer who made such overpayment, or the furnishing to the New York state higher education services corporation of the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against the amount of a default in repayment of any education loan debt, including judgments, owed to the federal or New York state government that is being collected by the New York state higher education services corporation, and of the name and social security number of the taxpayer who made such overpayment, or the furnishing to the state department of health of the information required by paragraph (f) of subdivision two and subdivision two-a of section two thousand five hundred eleven of the public health law and by subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, or the furnishing to the state university of New York or the city university of New York respectively or the attorney general on behalf of such state or city university the amount of an overpayment of income tax and interest thereon certified to the comptroller to be credited against the amount of a default in repayment of a state university loan pursuant to section one hundred seventy-one-e of this chapter and of the name and social security number of the taxpayer who made such overpayment, or the disclosing to a state agency, pursuant to section one hundred seventy-one-f of this chapter, of the amount of an overpayment and interest thereon certified to the comptroller to be credited against a past-due legally enforceable debt owed to such agency and of the name and social security number of the taxpayer who made such overpayment, or the furnishing of employee and employer information obtained through the wage reporting system, pursuant to section one hundred seventy-one-a of this chapter, as added by chapter five hundred forty-five of the laws of nineteen hundred seventy-eight, to the state office of temporary and disability assistance, the department of health or to the state office of the medicaid inspector general for the purpose of verifying eligibility for and entitlement to amounts of benefits under the social services law or similar law of another jurisdiction, locating absent parents or other persons legally responsible for the support of applicants for or recipients of public assistance and care under the social services law and persons legally responsible for the support of a recipient of services under section one hundred eleven-g of the social services law and, in appropriate cases, establishing support obligations pursuant to the social services law and the family court act or similar provision of law of another jurisdiction for the purpose of evaluating the effect on earnings of participation in employment, training or other programs designed to promote self-sufficiency authorized pursuant to the social services law by current recipients of public assistance and care and by former applicants and recipients of public assistance and care, (except that with regard to former recipients, information which relates to a particular former recipient shall be provided with client identifying data deleted), to the state office of temporary and disability assistance for the purpose of deter-

mining the eligibility of any child in the custody, care and custody or custody and guardianship of a local social services district or of the office of children and family services for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act by providing information with respect to the parents, the stepparents, the child and the siblings of the child who were living in the same household as such child during the month that the court proceedings leading to the child's removal from the household were initiated, or the written instrument transferring care and custody of the child pursuant to the provisions of section three hundred fifty-eight-a or three hundred eighty-four-a of the social services law was signed, provided however that the office of temporary and disability assistance shall only use the information obtained pursuant to this subdivision for the purpose of determining the eligibility of such child for federal payments for foster care and adoption assistance pursuant to the provisions of title IV-E of the federal social security act, AND TO THE DEPARTMENT OF FAMILY ASSISTANCE TO DETERMINE ELIGIBILITY OF A FAMILY FOR CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS OF TITLE FIVE-C OF ARTICLE SIX OF THE SOCIAL SERVICES LAW, and to the state department of labor, or other individuals designated by the commissioner of labor, for the purpose of the administration of such department's unemployment insurance program, employment services program, federal and state employment and training programs, employment statistics and labor market information programs, worker protection programs, federal programs for which the department has administrative responsibility or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor law, and redisclosure of such information in accordance with the provisions of sections five hundred thirty-six and five hundred thirty-seven of the labor law, or the furnishing of information, which is obtained from the wage reporting system operated pursuant to section one hundred seventy-one-a of this chapter, as added by chapter five hundred forty-five of the laws of nineteen hundred seventy-eight, to the state office of temporary and disability assistance so that it may furnish such information to public agencies of other jurisdictions with which the state office of temporary and disability assistance has an agreement pursuant to paragraph (h) or (i) of subdivision three of section twenty of the social services law, and to the state office of temporary and disability assistance for the purpose of fulfilling obligations and responsibilities otherwise incumbent upon the state department of labor, under section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, by giving the federal parent locator service, maintained by the federal department of health and human services, prompt access to such information as required by such act, or to the state department of health to verify eligibility under the child health insurance plan pursuant to subdivisions two and two-a of section two thousand five hundred eleven of the public health law, to verify eligibility under the medical assistance and family health plus programs pursuant to subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, and to verify eligibility for the program for elderly pharmaceutical insurance coverage under title three of article two of the elder law, or to the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind and visually handicapped and any other state vocational rehabilitation agency, for purposes of

obtaining reimbursement from the federal social security administration for expenditures made by such office, commission or agency on behalf of disabled individuals who have achieved economic self-sufficiency or to the higher education services corporation for the purpose of assisting the corporation in default prevention and default collection of education loan debt, including judgments, owed to the federal or New York state government; provided, however, that such information shall be limited to the names, social security numbers, home and/or business addresses, and employer names of defaulted or delinquent student loan borrowers.

Provided, however, that with respect to employee information the office of temporary and disability assistance shall only be furnished with the names, social security account numbers and gross wages of those employees who are (A) applicants for or recipients of benefits under the social services law, or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law) or, (B) absent parents or other persons legally responsible for the support of applicants for or recipients of public assistance and care under the social services law or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law), or (C) persons legally responsible for the support of a recipient of services under section one hundred eleven-g of the social services law or similar provision of law of another jurisdiction (pursuant to an agreement under subdivision three of section twenty of the social services law), or (D) employees about whom wage reporting system information is being furnished to public agencies of other jurisdictions, with which the state office of temporary and disability assistance has an agreement pursuant to paragraph (h) or (i) of subdivision three of section twenty of the social services law, or (E) employees about whom wage reporting system information is being furnished to the federal parent locator service, maintained by the federal department of health and human services, for the purpose of enabling the state office of temporary and disability assistance to fulfill obligations and responsibilities otherwise incumbent upon the state department of labor, under section one hundred twenty-four of the federal family support act of nineteen hundred eighty-eight, and, only if, the office of temporary and disability assistance certifies to the commissioner that such persons are such applicants, recipients, absent parents or persons legally responsible for support or persons about whom information has been requested by a public agency of another jurisdiction or by the federal parent locator service and further certifies that in the case of information requested under agreements with other jurisdictions entered into pursuant to subdivision three of section twenty of the social services law, that such request is in compliance with any applicable federal law. Provided, further, that where the office of temporary and disability assistance requests employee information for the purpose of evaluating the effects on earnings of participation in employment, training or other programs designed to promote self-sufficiency authorized pursuant to the social services law, the office of temporary and disability assistance shall only be furnished with the quarterly gross wages (excluding any reference to the name, social security number or any other information which could be used to identify any employee or the name or identification number of any employer) paid to employees who are former applicants for or recipients of public assistance and care and who are so certified to the commissioner by the commissioner of the office of temporary and

disability assistance. Provided, further, that with respect to employee information, the department of health shall only be furnished with the information required pursuant to the provisions of paragraph (f) of subdivision two and subdivision two-a of section two thousand five hundred eleven of the public health law and subdivision eight of section three hundred sixty-six-a and paragraphs (b) and (d) of subdivision two of section three hundred sixty-nine-ee of the social services law, with respect to those individuals whose eligibility under the child health insurance plan, medical assistance program, and family health plus program is to be determined pursuant to such provisions and with respect to those members of any such individual's household whose income affects such individual's eligibility and who are so certified to the commissioner or by the department of health. Provided, further, that wage reporting information shall be furnished to the office of vocational and educational services for individuals with disabilities of the education department, the commission for the blind and visually handicapped and any other state vocational rehabilitation agency only if such office, commission or agency, as applicable, certifies to the commissioner that such information is necessary to obtain reimbursement from the federal social security administration for expenditures made on behalf of disabled individuals who have achieved self-sufficiency. Reports and returns shall be preserved for three years and thereafter until the commissioner orders them to be destroyed.

S 32. The family court act is amended by adding a new section 654 to read as follows:

S 654. COURT ORDERED INVESTIGATIONS. IF A FAMILY COURT JUDGE HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD IN A PROCEEDING UNDER THIS PART MAY BE AN ABUSED OR NEGLECTED CHILD AS DEFINED IN SUBDIVISIONS (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER THE CHILD PROTECTIVE SERVICES OF THE APPROPRIATE SOCIAL SERVICES DISTRICT TO CONDUCT A CHILD PROTECTIVE INVESTIGATION ONLY AS DESCRIBED BY THE SOCIAL SERVICES LAW AND REPORT ITS FINDINGS TO THE COURT. THE COURT SHALL SET FORTH IN SUCH ORDER THE REASONABLE CAUSE TO SUSPECT THAT A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD. THE TIMEFRAME FOR COMPLETION OF SUCH INVESTIGATION SHALL NOT BE LESS THAN THAT PROVIDED UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW. THE COURT MAY DIRECT THAT THE CHILD PROTECTIVE SERVICES PROVIDE THE COURT WITH THE SEVEN-DAY PRELIMINARY WRITTEN REPORT OF THE INITIAL INVESTIGATION FROM SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW.

S 33. The family court act is amended by adding a new section 662-a to read as follows:

S 662-A. COURT ORDERED INVESTIGATIONS. IF A FAMILY COURT JUDGE HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD IN A PROCEEDING UNDER THIS PART MAY BE AN ABUSED OR NEGLECTED CHILD AS DEFINED IN SUBDIVISIONS (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER THE CHILD PROTECTIVE SERVICES OF THE APPROPRIATE SOCIAL SERVICES DISTRICT TO CONDUCT A CHILD PROTECTIVE INVESTIGATION ONLY AS DESCRIBED BY THE SOCIAL SERVICES LAW AND REPORT ITS FINDINGS TO THE COURT. THE COURT SHALL SET FORTH IN SUCH ORDER THE REASONABLE CAUSE TO SUSPECT THAT A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD. THE TIMEFRAME FOR COMPLETION OF SUCH INVESTIGATION SHALL NOT BE LESS THAN THAT PROVIDED UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW. THE COURT MAY DIRECT THAT THE CHILD PROTECTIVE SERVICES PROVIDE THE COURT WITH THE SEVEN-DAY PRELIMINARY WRITTEN REPORT OF THE INITIAL INVESTI-

GATION FROM SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW.

S 34. Subdivision 1 of section 1034 of the family court act, as amended by chapter 627 of the laws of 1978 and the opening paragraph as amended by chapter 329 of the laws of 2009, is amended to read as follows:

1. [A] (A) IF A family court judge HAS REASONABLE CAUSE TO SUSPECT THAT A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD AS DEFINED IN SUBDIVISIONS (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE, THE COURT may order the child protective [service] SERVICES of the appropriate social services district to conduct a child protective investigation ONLY as described by the social services law and report its findings to the court:

[(a)] (I) in any proceedings under this article, or

[(b)] (II) in ANY PROCEEDING UNDER PART THREE OR FOUR OF ARTICLE SIX OR UNDER ARTICLE SEVEN OF THIS CHAPTER, IN order to determine whether a proceeding under this article should be initiated.

(B) THE COURT SHALL SET FORTH IN SUCH ORDER THE REASONABLE CAUSE TO SUSPECT THAT A CHILD MAY BE AN ABUSED OR NEGLECTED CHILD.

(C) THE TIMEFRAME FOR COMPLETION OF SUCH INVESTIGATION SHALL NOT BE LESS THAN THAT PROVIDED UNDER SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW. THE COURT MAY DIRECT THAT THE CHILD PROTECTIVE SERVICES PROVIDE THE COURT WITH THE SEVEN-DAY PRELIMINARY WRITTEN REPORT OF THE INITIAL INVESTIGATION FROM SUBDIVISION THREE OF SECTION FOUR HUNDRED TWENTY-FOUR OF THE SOCIAL SERVICES LAW.

S 35. The family court act is amended by adding a new section 159 to read as follows:

S 159. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS, OR OTHER ELECTRONIC MEANS. (A) WHERE THE COURT HAS GRANTED AN APPLICATION TO PERMIT A PARTY OR INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS IN ACCORDANCE WITH THE PROVISIONS OF SECTION 302.4, SEVEN HUNDRED NINETEEN, ONE THOUSAND NINETEEN OR ONE THOUSAND EIGHTY-SIX-A OF THIS CHAPTER, OR THE PROVISIONS OF SECTION THREE HUNDRED EIGHTY-FOUR-B OF THE SOCIAL SERVICES LAW, ANY TESTIMONY TAKEN BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS SHALL BE RECORDED AND PRESERVED FOR TRANSCRIPTION.

(B) WHERE A PARTY, AN INTERESTED PERSON OR WITNESS TESTIFIES BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS DOCUMENTARY EVIDENCE REFERRED TO BY A PARTY, AN INTERESTED PERSON, A WITNESS OR THE COURT MAY BE TRANSMITTED BY FACSIMILE, TELECOPIER, OR OTHER ELECTRONIC MEANS AND MAY NOT BE EXCLUDED FROM EVIDENCE BY REASON OF AN OBJECTION BASED ON THE MEANS OF TRANSMISSION OR THE FACT THAT THE ORIGINAL DOCUMENT IS NOT BEFORE THE COURT.

(C) THE CHIEF ADMINISTRATOR OF THE COURTS SHALL PROMULGATE RULES TO FACILITATE THE TAKING OF TESTIMONY BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS AND THE TRANSMISSION OF DOCUMENTARY EVIDENCE BY FACSIMILE, TELECOPIER OR OTHER ELECTRONIC MEANS.

S 36. The family court act is amended by adding a new section 302.4 to read as follows:

S 302.4. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY AT A PRELIMINARY COURT PROCEEDING, DISPOSITIONAL OR PERMANENCY HEARING BY TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS, AS AVAILABLE, AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION WHERE:

1. SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;
2. SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO BE HEARD;
3. THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH PARTY, INTERESTED PERSON, OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY COURT WHERE THE CASE IS PENDING;
4. ALL PARTIES CONCUR; OR
5. OTHER GOOD CAUSE IS SHOWN.

S 37. The family court act is amended by adding a new section 719 to read as follows:

S 719. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY AT A PRELIMINARY COURT PROCEEDING, DISPOSITIONAL OR PERMANENCY HEARING BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS, AS AVAILABLE, AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION WHERE:

(A) SUCH PARTY, INTERESTED PERSON, OR WITNESS RESIDES IN A COUNTY OTHER THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;
(B) SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO BE HEARD;
(C) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH PARTY, INTERESTED PERSON, OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY COURT WHERE THE CASE IS PENDING;
(D) ALL PARTIES CONCUR; OR
(E) OTHER GOOD CAUSE IS SHOWN.

S 38. The family court act is amended by adding a new section 1019 to read as follows:

S 1019. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY, AT A PRELIMINARY COURT PROCEEDING OR DISPOSITIONAL HEARING BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS, AS AVAILABLE, AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION WHERE:

(A) SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;
(B) SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO BE HEARD;
(C) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH PARTY, INTERESTED PERSON, OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY COURT WHERE THE CASE IS PENDING;
(D) ALL PARTIES CONCUR; OR
(E) OTHER GOOD CAUSE IS SHOWN.

S 39. The family court act is amended by adding a new section 1086-a to read as follows:

S 1086-A. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS. NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY AT, SUCH PERMANENCY HEARING BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS, AS AVAILABLE, AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION WHERE:

(A) SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

(B) SUCH PARTY, INTERESTED PERSON OR WITNESS IS PRESENTLY INCARCERATED AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO BE HEARD;

(C) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH PARTY, INTERESTED PERSON OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY COURT WHERE THE CASE IS PENDING;

(D) THE PARTIES CONCUR; OR

(E) OTHER GOOD CAUSE IS SHOWN.

S 40. Subdivision 3 of section 384-b of the social services law is amended by adding two new paragraphs (m) and (n) to read as follows:

(M) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT AN INCARCERATED PARENT OR GUARDIAN TO ATTEND OR TESTIFY BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS AT A FACT-FINDING HEARING IN ACCORDANCE WITH THIS SECTION WHERE:

(I) THE COURT RECEIVES PROOF OF: (A) PROPER SERVICE UPON THE PARENT OR GUARDIAN OF THE PETITION TO TERMINATE PARENTAL RIGHTS OF SUCH PARENT OR GUARDIAN; AND (B) THAT REASONABLE AND SUBSTANTIAL EFFORTS TO SECURE THE PRESENCE OF THE INCARCERATED PARENT OR GUARDIAN AT SUCH PROCEEDING WERE MADE; AND

(II) THE INCARCERATED PARENT OR GUARDIAN (A) IS REPRESENTED BY COUNSEL; (B) IS AFFORDED THE OPPORTUNITY TO HAVE A PERSONAL REPRESENTATIVE PRESENT AT SUCH PROCEEDING; AND (C) HAS ELECTED IN WRITING OR ON THE RECORD TO APPEAR BY SUCH TELEPHONIC, AUDIO-VISUAL, OR OTHER ELECTRONIC MEANS AS ARE AVAILABLE. NOTHING CONTAINED HEREIN SHALL BE DEEMED TO CREATE ANY RIGHT BEYOND THAT SET FORTH IN SECTION TWO HUNDRED SIXTY-TWO OF THE FAMILY COURT ACT TO REPRESENTATION BY COUNSEL IN TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

(N) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY, OTHER THAN AT A FACT-FINDING HEARING, BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS AT A DESIGNATED FAMILY COURT OR OTHER ACCEPTABLE LOCATION WHERE:

(I) SUCH PARTY, INTERESTED PERSON OR WITNESS RESIDES IN A COUNTY OTHER THAN THAT OF THE FAMILY COURT WHERE THE CASE IS PENDING;

(II) SUCH PARTY, INTERESTED PERSON, OR WITNESS IS PRESENTLY INCARCERATED AND WILL BE INCARCERATED ON THE DATE ON WHICH THE MATTER IS SCHEDULED TO BE HEARD;

(III) THE COURT DETERMINES THAT IT WOULD BE AN UNDUE HARDSHIP FOR SUCH PARTY, INTERESTED PERSON OR WITNESS TO ATTEND OR TESTIFY AT THE FAMILY COURT WHERE THE CASE IS PENDING;

(IV) ALL PARTIES CONCUR; OR

(V) OTHER GOOD CAUSE IS SHOWN.

S 41. Subdivision 2 of section 378 of the social services law, as amended by chapter 555 of the laws of 1978, is amended to read as follows:

2. Such certificates and licenses shall be valid for not more than [one year] TWO YEARS after date of issue but may be renewed or extended subject to regulations established by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES.

S 42. Paragraph (c) of subdivision 5 of section 421 of the social services law, as added by chapter 525 of the laws of 2006, is amended to read as follows:

(c) require all persons assigned to be a supervisor by a child protective service on or after April first, nineteen hundred eighty-six, shall

have satisfactorily completed, within the first three months of employment as a supervisor [or within three months of the effective date of this paragraph, whichever shall occur first], a course in the fundamentals of child protection developed by the office of children and family services. Such training course shall, among other things, strengthen and expand current training procedures for child protective service supervisors; provide the skills, knowledge and standards to practice effective case planning and case management; provide comprehensive assessment tools needed in critical decision making; require participation in the existing common core training required by child protective service caseworkers IF SUCH PERSON HAS NOT COMPLETED COMMON CORE TRAINING WITHIN THE LAST FIVE YEARS; strengthen recognition and response to safety and risk indicators; improve skills to promote consistent implementation of training and practice; provide the necessary tools and assistance to build the ability to coach and monitor child protective service caseworkers and model effective investigation practice; increase cultural competency and sensitivity; and establish an annual in service training program specifically focused on child protective service supervisors.

S 42-a. Paragraph (b) of subdivision 1, subdivisions 2, 3, 4, 5, and paragraph (c) of subdivision 6 of section 34-a of the social services law, paragraph (b) of subdivision 1 as amended by chapter 231 of the laws of 1987, subdivision 2 as amended by chapter 677 of the laws of 1985, subdivisions 3 and 5 as added by chapter 681 of the laws of 1981, subdivision 4 as amended by section 18 of part E of chapter 57 of the laws of 2005, paragraph (b) of subdivision 4 as amended by section 61 of part A of chapter 56 of the laws of 2010, and paragraph (c) of subdivision 6 as added by chapter 160 of the laws of 2004, are amended to read as follows:

(b) [Commencing with the years following preparation of the multi-year consolidated services plan, each] EACH local district shall [also] be required BY THE COMMISSIONER to prepare [an annual implementation report] OTHER REPORTS OR UPDATES TO THE MULTI-YEAR SERVICES PLAN TO DESCRIBE ANY SIGNIFICANT CHANGES TO THE SERVICES PLAN THAT OCCUR DURING THE FIVE-YEAR PLAN CYCLE. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE" TO THE PLAN SHALL BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES THE ELIGIBILITY STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE LOCAL DISTRICT'S OPTION; OR DISCONTINUES, REDUCES OR RESTRICTS THE AVAILABILITY OF EXISTING SERVICES.

2. [(a)] The commissioner shall have authority to promulgate regulations specifying the contents of both the multi-year services plan and [the annual implementation] ANY OTHER REQUIRED reports OR UPDATES, provided however that such regulations shall not be inconsistent with the standards of review by the commissioner of such plan and reports specified in subdivision four of this section.

[(b) The regulations promulgated pursuant to paragraph (a) of this subdivision shall require the multi-year services plan and where appropriate the annual implementation reports, to include a summary of the understanding between the local social services district and the district attorney's office, which outlines the cooperative procedures to be followed by both parties in investigating incidents of child abuse and maltreatment, consistent with their respective obligations for the investigation or prosecution of such incidents, as otherwise required by law.]

3. (a) (I) There shall be a public [hearing] PARTICIPATION PROCESS TO PROVIDE PUBLIC COMMENT on the multi-year services plan [or each annual implementation report. Commencing in nineteen hundred eighty-two, such

public hearing shall be held only after fifteen days notice is]. THIS PROCESS MUST BE EASILY ACCESSIBLE TO THE PUBLIC AND MAY INCLUDE USE OF THE INTERNET, A PUBLIC HEARING PROCESS, OR OTHER APPROPRIATE MEANS. NOTICE OF THE PROPOSED PLAN SUBMISSION AND THE PUBLIC PARTICIPATION PROCESS MUST BE provided in a newspaper of general circulation within the county, BY POSTING ON THE COUNTY AND THE SOCIAL SERVICES DISTRICT WEBSITE, BY SIGNAGE WITHIN THE DISTRICT'S OFFICES AND OTHER PUBLIC BUILDINGS, OR BY OTHER MEANS OF BROAD DISTRIBUTION. Such notice shall specifically identify HOW TO ACCESS THE PROPOSED COUNTY PLAN, THE PUBLIC PARTICIPATION PROCESS, the times [of the public hearing in which] FOR RECEIPT OF COMMENTS AND THE MANNER IN WHICH SUCH COMMENTS MAY BE SUBMITTED ON the child protective services and other services components of the multi-year services plan or [annual implementation] OTHER REQUIRED reports [are to be considered] OR UPDATES REQUIRING PUBLIC PARTICIPATION.

(II) IF THE LOCAL DISTRICT CHOOSES A PUBLIC PARTICIPATION PROCESS PURSUANT TO SUBPARAGRAPH (I) OF THIS PARAGRAPH, THAT DOES NOT INVOLVE A PUBLIC HEARING PROCESS, THE LOCAL DISTRICT SHALL POST ON THE COUNTY OR SOCIAL SERVICES DISTRICT WEBSITE, PUBLIC COMMENTS RECEIVED WHICH ARE RELEVANT TO ASPECTS OF POLICIES PROPOSED IN THE MULTI-YEAR SERVICES PLAN. THE LOCAL DISTRICT SHALL FURTHER POST ON ITS WEBSITE OR THE WEBSITE FOR THE COUNTY, HOW COMMENTS RECEIVED AS PART OF THE PUBLIC PARTICIPATION PROCESS WERE ADDRESSED, IN THE PROPOSED MULTI-YEAR SERVICES PLAN.

(b) [Commencing in nineteen hundred eighty-two, after such hearing] FOLLOWING COMPLETION OF THE PUBLIC PARTICIPATION PROCESS, the multi-year services plan or [the annual implementation] OTHER REQUIRED reports OR UPDATES shall be submitted for approval to the chief executive officer of the county or to the legislative body in those counties without a chief executive officer. Full approval of the multi-year services plan or [of the annual implementation report] OTHER REQUIRED REPORTS OR UPDATES by the chief executive officer or legislative body shall be required before submission of such plan or report to the commissioner.

(c) [Commencing in nineteen hundred eighty-two, the] THE multi-year services plan [or the annual implementation reports] OR OTHER REQUIRED REPORTS OR UPDATES shall not be forwarded to the commissioner until at least fifteen days have passed from the [date] END of the public [hearing thereon] PARTICIPATION PROCESS, IF REQUIRED.

4. (a) Except as provided in paragraph (b) of this subdivision, the commissioner shall review both the multi-year services plan and [the annual implementation] ANY OTHER REQUIRED reports OR UPDATES submitted by the social services district, using standards consistent with the provisions of sections [one hundred thirty-one-1,] four hundred nine-d and four hundred twenty-three of this chapter, and shall notify such district, in writing, of approval of such plan [or reports], REPORT OR UPDATE in whole or in part; provided, however, that for any portions not approved, the commissioner shall in writing to the district specify the portions not approved, the reasons for such determination, the actions required for resubmittal of such portions, and the time period of resubmittal; and provided further, that disapproval of a portion of such plan [or], report OR UPDATE shall not render the entire plan [or], report OR UPDATE invalid. No portion of the multi-year services plan or [of the annual implementation reports] OTHER REPORT OR UPDATE shall be finally disapproved until the district has had at least one opportunity for resubmittal. Upon resubmittal, or if no resubmittal is made within the time specified, the commissioner may grant further extensions to the

district to allow it to resubmit any unapproved portions, or may finally disapprove such portions. Any social services district aggrieved by a final disapproval of the commissioner under this section shall have the right to a fair hearing in accordance with the appropriate provisions of this chapter. An adverse fair hearing decision shall be reviewable pursuant to article seventy-eight of the civil practice law and rules. State reimbursement may be withheld for all or a portion of a local district's activities, if the multi-year services plan, [annual implementation report,] OTHER REQUIRED REPORT, UPDATE or portions [of either] THEREOF are disapproved.

(b) The commissioner of the office of children and family services shall review and approve or disapprove the diversion services portion of the plan jointly with the director of the office of probation and correctional alternatives or any other successor agency or entity. The requirements for the portion of the plan and report regarding the provision of diversion services shall be jointly established by the commissioner of the office of children and family services and the director of the office of probation and correctional alternatives or any other successor agency or entity. The multi-year services plan and where appropriate [the annual implementation] OTHER REQUIRED reports OR UPDATES shall be based upon a written understanding between the local social services district and the probation department which outlines the cooperative procedures to be followed by both parties regarding diversion services pursuant to section seven hundred thirty-five of the family court act, consistent with their respective obligations as otherwise required by law.

5. The commissioner shall promulgate regulations concerning the time by which:

(a) each local social services district shall submit its multi-year services plan and [annual implementation report] OTHER REQUIRED REPORTS OR UPDATES;

(b) the commissioner shall, in writing, notify a local district of approval or disapproval of all or parts of such district's multi-year services plan or [annual implementation] OTHER REQUIRED reports OR UPDATES; and

(c) each local social services district shall submit a revised version of its multi-year services plan or [annual implementation report] OTHER REQUIRED REPORTS OR UPDATES, or parts thereof.

(c) The office of children and family services may waive any regulatory requirements relating to the content and timing of multi-year consolidated services plans and [annual implementation] OTHER REQUIRED reports OR UPDATES that may impede the ability of a county to implement a county child and family services plan.

S 42-b. Paragraph (a) of subdivision 2 and subparagraph (ii) of paragraph (e) of subdivision 4 of section 153-k of the social services law, as added by section 15 of part C of chapter 83 of the laws of 2002, are amended to read as follows:

(a) Notwithstanding the provisions of this chapter or of any other law to the contrary, eligible expenditures by a social services district for foster care services shall be subject to reimbursement with state funds only to the extent of annual appropriations to the state foster care block grant. Such foster care services shall include expenditures for the provision and administration of: care, maintenance, supervision and tuition; supervision of foster children placed in federally funded job corps programs; and care, maintenance, supervision and tuition for adjudicated juvenile delinquents and persons in need of supervision placed

in residential programs operated by authorized agencies and in out-of-state residential programs. Social services districts must develop and implement children and family services delivery systems that are designed to reduce the need for and the length of foster care placements and must document their efforts in the multi-year consolidated services plan and [the annual implementation] OTHER REQUIRED reports OR UPDATES submitted pursuant to section thirty-four-a of this chapter.

(ii) Such a plan may include requests for a waiver of any statutory or regulatory requirements established pursuant to sections thirty-four-a, four hundred nine-d and four hundred nine-e of this chapter regarding the form, content, development, or amendment of the child welfare services plan component of the multi-year services plan and [the annual implementation] OTHER REQUIRED reports OR UPDATES, family services plans and uniform case records.

S 42-c. Section 409-d of the social services law, as added by chapter 611 of the laws of 1979, subdivisions 1 and 2 as amended and paragraph (a) of subdivision 3 as added by chapter 231 of the laws of 1987, is amended to read as follows:

S 409-d. District-wide child welfare services plan. 1. Each social services district shall prepare and submit to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES, in such form and manner and times as [the department] SUCH OFFICE shall by regulation require, a district-wide child welfare services plan which shall be a component of the district's multi-year consolidated services plan setting forth REQUESTED INFORMATION ABOUT: the child welfare services needs of children and families for whom the social services district is or may be responsible[; historic program and fiscal trends of the district in the level of care, maintenance and services provided to children and their families, including but not limited to expenditure trends], THE CHILD WELFARE SERVICES PROVIDED AND THE children and families served [and costs of services provided; an assessment of projected program and fiscal requirements of the district in meeting identified needs in the next state fiscal year; and a description of the resources known to be available or likely to become available to meet those needs. Commencing the year following preparation of a multi-year consolidated services plan, each]. WHERE APPLICABLE, THE social services district shall prepare an [annual implementation report] UPDATE related to its child welfare services plan TO DESCRIBE ANY SIGNIFICANT CHANGES TO THE PLAN DURING THE FIVE-YEAR PLAN CYCLE. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE" TO THE PLAN SHALL BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES THE ELIGIBILITY STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE LOCAL DISTRICT'S OPTION; OR DISCONTINUES, REDUCES, OR RESTRICTS THE AVAILABILITY OF EXISTING SERVICES. As used in this section "services" shall mean and include preventive services, foster care maintenance and services, and adoption services. Such regulations shall [include but need not be limited to criteria and methodology for determining child welfare services needs and the adequacy of the resources known to be available or likely to become available to meet those needs], TO THE EXTENT PRACTICABLE, BE LIMITED TO REQUIRING THE INFORMATION NECESSARY FOR THE STATE TO MEET FEDERAL REPORTING REQUIREMENTS AND STATE STATUTORY REQUIREMENTS, AND, TO THE EXTENT PRACTICABLE, PROVIDE A MECHANISM FOR LOCALITIES TO AVOID HAVING TO REPORT DUPLICATE INFORMATION TO MULTIPLE STATE AGENCIES.

2. The child welfare services plan and [annual implementation] ANY OTHER REQUIRED reports OR UPDATES shall be developed by the district in consultation with other government agencies concerned with the welfare of children residing in the district, authorized agencies, and other

concerned individuals and organizations. The plan AND OTHER REQUIRED REPORTS AND UPDATES as submitted to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES for approval and as approved by [the department] SUCH OFFICE shall be made available to such agencies, individuals and organizations upon request.

3. (a) Each social services district shall submit its child welfare services plan and [annual implementation] OTHER REQUIRED reports OR UPDATES pertaining to this plan to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES as a component of the multi-year consolidated services plan and [subsequent annual implementation reports and the department] SUCH OFFICE shall review and approve or disapprove the proposed plan OR OTHER REQUIRED REPORTS OR UPDATES in accordance with the procedures set forth in section thirty-four-a of this chapter.

(b) Such plan OR OTHER REQUIRED REPORTS OR UPDATES shall not be approved unless:

(i) it complies with the provisions of this section;

(ii) it demonstrates that child welfare services included in the plan are appropriate to meet the assessed needs of the children and families for whom the social services district is or may be responsible;

(iii) it is consistent with applicable provisions of this chapter and regulations of [the department] SUCH OFFICE promulgated thereunder; and

(iv) it is in the format and includes such standardized information [and data] as may be required by [the department] SUCH OFFICE to effectively evaluate such [plans] PLAN, REPORT OR UPDATE.

S 42-d. Paragraph (a) of subdivision 3 of section 423 of the social services law, as amended by chapter 231 of the laws of 1987 and such paragraph as designated by chapter 707 of the laws of 1988, is amended to read as follows:

(a) Each social services district shall prepare and submit to the commissioner, after consultation with local law enforcement agencies, the family court and appropriate public or voluntary agencies [including societies for the prevention of cruelty to children] and after [a] AN OPPORTUNITY FOR public [hearing] PARTICIPATION, a district-wide plan, as prescribed by the commissioner, for the provision of child protective services which shall be a component of the district's multi-year consolidated services plan. [This]

(B) THE PARTICIPATION PROCESS TO PROVIDE PUBLIC COMMENT MUST BE EASILY ACCESSIBLE TO THE PUBLIC AND MAY INCLUDE USE OF THE INTERNET, A PUBLIC HEARING PROCESS, OR OTHER APPROPRIATE MEANS. NOTICE OF THE PROPOSED DISTRICT WIDE PLAN SUBMISSION AND THE PUBLIC PARTICIPATION PROCESS MUST BE POSTED ON THE COUNTY AND THE SOCIAL SERVICES DISTRICT WEBSITE. SUCH NOTICE SHALL SPECIFICALLY IDENTIFY HOW TO ACCESS THE PROPOSED COUNTY PLAN, THE PUBLIC PARTICIPATION PROCESS, THE TIMES FOR RECEIPT OF COMMENTS AND THE MANNER IN WHICH SUCH COMMENTS MAY BE SUBMITTED.

(C) THE plan REQUIRED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION shall describe the district's implementation of this title [including the organization, staffing, mode of operations and financing of the child protective service as well as the provisions made for purchase of service and inter-agency relations. Commencing the year following preparation of a multi-year consolidated services plan, each]. WHERE APPLICABLE, THE local district shall prepare [annual implementation reports including information] AN UPDATE related to its child protective services plan TO DESCRIBE ANY SIGNIFICANT CHANGES TO THE PLAN DURING THE FIVE-YEAR PLAN CYCLE. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE" TO THE PLAN SHALL BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES THE ELIGIBILITY STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE LOCAL

DISTRICT'S OPTION; OR DISCONTINUES, REDUCES, OR RESTRICTS THE AVAILABILITY OF EXISTING SERVICES. The social services district shall submit the child protective services plan to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES as a component of its multi-year consolidated services plan [and subsequent thereto as a component of its annual implementation reports] and [the department] SUCH OFFICE shall review and approve or disapprove the proposed plan and [reports] ANY OTHER REQUIRED REPORTS OR UPDATES in accordance with the procedures set forth in section thirty-four-a of this chapter.

S 42-e. Subdivision 5 of section 423 of the social services law is REPEALED.

S 43. Subdivision 2 of section 459-c of the social services law, as added by chapter 169 of the laws of 1994, is amended to read as follows:

2. To the extent that funds are appropriated expressly [therefore] THEREFOR and a social services district has exhausted its allocation under title XX of the federal social security act, state reimbursement shall be available for fifty percent of the expenditures made by a social services district for those non-residential services provided to victims of domestic violence which are included in the social services district's multi-year consolidated services plans and [annual implementation] OTHER REQUIRED reports OR UPDATES approved by the [department] OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to section thirty-four-a of this chapter.

S 43-a. Paragraphs (b) and (c) of subdivision 2 of section 473 of the social services law, paragraph (b) as amended and paragraph (c) as added by chapter 231 of the laws of 1987, are amended to read as follows:

(b) Each social services district shall prepare, with the approval of the chief executive officer, or the legislative body in those counties without a chief executive officer, after consultation with appropriate public, private and voluntary agencies, a district-wide plan for the provision of adult protective services which shall be a component of the district's multi-year consolidated services plan as required in section thirty-four-a of this chapter. This plan shall describe the local implementation of this section including the organization, staffing, mode of operations and financing of the adult protective services as well as the provisions made for purchase of services, AND inter-agency relations[, inter-agency agreements, service referral mechanisms, and locus of responsibility for cases with multi-agency services needs. Commencing the year following preparation of a multi-year consolidated services plan, each]. WHERE APPLICABLE, THE local district shall prepare [annual implementation reports including information related] AN UPDATE to its adult protective services plan DESCRIBING ANY SIGNIFICANT CHANGES TO THE PLAN DURING THE FIVE-YEAR PLAN CYCLE, as required in section thirty-four-a of [the social services law] THIS CHAPTER. AS USED IN THIS SECTION, "SIGNIFICANT CHANGE" TO THE PLAN SHALL BE DEFINED AS ANY CHANGE TO THE PLAN THAT: MODIFIES THE ELIGIBILITY STANDARDS FOR SERVICES WHERE SUCH STANDARDS ARE AT THE LOCAL DISTRICT'S OPTION; OR DISCONTINUES, REDUCES, OR RESTRICTS THE AVAILABILITY OF EXISTING SERVICES.

(c) Each social services district shall submit the adult protective services plan to the [department] OFFICE OF CHILDREN AND FAMILY SERVICES as a component of its multi-year consolidated services plan [and subsequent thereto as a component of its annual implementation reports] and [the department] SUCH OFFICE shall review and approve the proposed plan and ANY OTHER REQUIRED reports OR UPDATES in accordance with the procedures set forth in section thirty-four-a of this chapter.

S 44. Subdivision 1 of section 3241 of the education law, as amended by chapter 971 of the laws of 1969, is amended to read as follows:

1. The board of education of each city, except in cities having a population of one hundred twenty-five thousand or more, shall constitute a permanent census board in such city. Such board shall, under its regulations, cause a census of the children in its city to be taken and to be amended from day to day, as changes of residence shall occur among persons in such cities within the ages prescribed in subdivision two of this section and as other persons shall come within the ages prescribed therein and as other persons within such ages shall become residents of such cities, so that there shall always be on file with such board a complete census giving the facts and information required in subdivision two of this section; PROVIDED, HOWEVER, THAT FOR PRE-SCHOOL STUDENTS FROM BIRTH TO FIVE YEARS OF AGE, SUCH CENSUS MAY BE PREPARED AND FILED BIENNIALLY ON OR BEFORE THE FIFTEENTH DAY OF OCTOBER.

S 45. Clause (b) of subparagraph 3 of paragraph e of subdivision 6 of section 3602 of the education law, as amended by section 1 of part F of chapter 383 of the laws of 2001, is amended to read as follows:

(b) Such assumed amortization for a project approved by the commissioner on or after the later of the first day of December, two thousand one or thirty days after the date upon which this subdivision shall have become a law AND PRIOR TO THE FIRST DAY OF JULY, TWO THOUSAND ELEVEN or for any debt service related to projects approved by the commissioner prior to such date where a bond, capital note or bond anticipation note is first issued [on or after such date] THE FIRST DAY OF DECEMBER, TWO THOUSAND ONE to fund such projects, shall commence: (i) eighteen months after such approval or (ii) on the date of receipt by the commissioner of a certification by the district that a general construction contract has been awarded for such project by the district, whichever is later, and SUCH ASSUMED AMORTIZATION FOR A PROJECT APPROVED BY THE COMMISSIONER ON OR AFTER THE FIRST DAY OF JULY, TWO THOUSAND ELEVEN SHALL COMMENCE: (III) EIGHTEEN MONTHS AFTER SUCH APPROVAL OR (IV) ON THE DATE OF RECEIPT BY THE COMMISSIONER OF BOTH THE FINAL CERTIFICATE OF SUBSTANTIAL COMPLETION OF THE PROJECT ISSUED BY THE ARCHITECT OR ENGINEER AND THE FINAL COST REPORT FOR SUCH PROJECT, WHICHEVER IS LATER OR (V) UPON THE DATE OF A FINDING BY THE COMMISSIONER THAT THE CERTIFICATE OF SUBSTANTIAL COMPLETION OF THE PROJECT HAS BEEN ISSUED BY THE ARCHITECT OR ENGINEER, BUT THE DISTRICT IS UNABLE TO COMPLETE THE FINAL COST REPORT BECAUSE OF CIRCUMSTANCES BEYOND THE CONTROL OF THE DISTRICT. SUCH ASSUMED AMORTIZATION shall provide for equal semiannual payments of principal and interest based on an interest rate established pursuant to subparagraph five of this paragraph for such purpose for the school year during which such certification is received. The first installment of obligations issued by the school district in support of such projects may mature not later than the dates established pursuant to sections 21.00 and 22.10 of the local finance law.

S 46. Intentionally omitted.

S 47. Intentionally omitted.

S 48. Intentionally omitted.

S 49. Subdivision 1 of section 1724 of the education law, as amended by chapter 259 of the laws of 1975, is amended to read as follows:

1. No claim against a central school district or a union free school district, except for compensation for services of an officer or employee engaged at agreed wages by the hour, day, week, month or year or for the principal of or interest on indebtedness of the district, shall be paid unless an itemized voucher therefor approved by the officer whose action

gave rise or origin to the claim, shall have been presented to the board of education of the district and shall have been audited and allowed; PROVIDED, HOWEVER THAT IN THE CASE OF A SCHOOL DISTRICT WITH A PUBLIC SCHOOL ENROLLMENT OF TEN THOUSAND STUDENTS OR MORE, THE BOARD OF EDUCATION MAY, AT ITS DISCRETION, USE A RISK-BASED OR SAMPLING METHODOLOGY TO DETERMINE WHICH CLAIMS ARE TO BE AUDITED IN LIEU OF AUDITING ALL CLAIMS. The board of education shall be authorized, but not required, to prescribe the form of such voucher.

S 50. Intentionally omitted.

S 51. Intentionally omitted.

S 52. Intentionally omitted.

S 53. Intentionally omitted.

S 54. Intentionally omitted.

S 55. Intentionally omitted.

S 56. Intentionally omitted.

S 57. Intentionally omitted.

S 58. Intentionally omitted.

S 59. Intentionally omitted.

S 60. Intentionally omitted.

S 61. Intentionally omitted.

S 62. Subdivision 2 of section 2116-b of the education law, as added by chapter 263 of the laws of 2005, is amended to read as follows:

2. School districts of less than eight teachers, school districts with actual general fund expenditures totaling less than five million dollars in the previous school year, or school districts with actual enrollment of less than [three hundred] ONE THOUSAND students in the previous school year shall be exempt from this requirement. Any school district claiming such exemption shall annually certify to the commissioner that such school district meets the requirements set forth in this subdivision.

S 63. Intentionally omitted.

S 64. Subdivision 17 of section 1950 of the education law is REPEALED.

S 65. Section 2215 of the education law is amended by adding a new subdivision 17 to read as follows:

17. TO DETERMINE THE ADEQUACY AND APPROPRIATENESS OF THE FACILITIES SPACE AVAILABLE TO HOUSE SPECIAL EDUCATION PROGRAMS IN THE GEOGRAPHIC AREA SERVED BY THE BOARD OF COOPERATIVE EDUCATIONAL SERVICES, CONSISTENT WITH THE LEAST RESTRICTIVE ENVIRONMENT REQUIREMENT.

S 66. This act shall take effect immediately, provided, however:

(a) sections thirty-two, thirty-three and thirty-four of this act shall take effect on the ninetieth day after it shall have become a law;

(b) the amendments to section 182.20 of the criminal procedure law made by section ten of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(c) the amendments to subdivisions 3, 4, 8 and 13 of section 500-b of the correction law made by sections eleven and twelve of this act shall not affect the repeal of such section and shall be deemed repealed therewith;

(d) sections thirty-five, thirty-six, thirty-seven, thirty-eight, thirty-nine, forty and forty-three of this act shall take effect on the thirtieth day after it shall have become a law;

(e) sections forty-two-a, forty-two-b, forty-two-c, forty-two-d and forty-two-e of this act shall take effect on the thirtieth day after it shall have become a law; and

(f) the amendments to paragraph (a) of subdivision 2 and subparagraph (ii) of paragraph (e) of subdivision 4 of section 153-k of the social

services law made by section forty-two-b of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART E

Section 1. The first undesignated paragraph of section 970-b of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, is amended and a new fourth undesignated paragraph is added to read as follows:

It is hereby found and declared that there exists in many communities blighted areas which threaten the economic and social well-being of the people of the state. Blighted areas are characterized by one or more of the conditions set forth in subdivision (a) of section nine hundred [sixty-c] SEVENTY-C of this article.

IT IS FURTHER FOUND AND DECLARED THAT SOUND DEVELOPMENT AND REDEVELOPMENT OF BLIGHTED AREAS INCREASES PUBLIC SCHOOL ENROLLMENT BY PROVIDING AFFORDABLE HOUSING AND EMPLOYMENT OPPORTUNITIES AND THE NEED FOR EXPANDED PUBLIC EDUCATION FACILITIES AND SERVICES.

S 2. Subdivisions (b) and (f) of section 970-c of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended and a new subdivision (i) is added to read as follows:

(b) "Legislative body" means (I) the governing body of a municipality empowered to adopt and amend local laws and ordinances[; provided, however, that in the case of the city of New York, the legislative body shall, for the purposes of this article be the board of estimate], AND (II) THE BOARD OF EDUCATION OF A SCHOOL DISTRICT OF WHICH CONSENTS TO AN ALLOCATION OF TAXES PRESCRIBED IN SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE.

(f) "Planning agency" means the planning board or commission of [the] A municipality OR THE PLANNING BOARD OR COMMITTEE OF A SCHOOL DISTRICT.

(I) "SCHOOL DISTRICT" MEANS ANY SCHOOL DISTRICT, A CITY SCHOOL DISTRICT OR A SCHOOL DISTRICT IN A CITY, AS THOSE TERMS ARE DEFINED IN SECTION 2.00 OF THE LOCAL FINANCE LAW, WHICH APPROVES THE REDEVELOPMENT PLAN AND CONSENTS TO AN ALLOCATION OF TAXES PRESCRIBED IN SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE.

S 3. Subdivisions (l) and (n) of section 970-f of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended and a new subdivision (o) is added to read as follows:

(l) shall provide a limitation on the amount of bonds which may be issued pursuant to section nine hundred [sixty-o] SEVENTY-O of this article for the purpose of carrying out or administering the redevelopment plan;

(n) shall provide a plan for the relocation of families and persons to be temporarily or permanently displaced from housing facilities in the project area, which plan shall include the provision required by section nine hundred [sixty-j] SEVENTY-J OF THIS ARTICLE that no person or family of low and moderate income shall be displaced unless and until there is suitable housing available and ready for occupancy by such displaced person or family at rents comparable to those paid at the time of their displacement.

(O) MAY PROVIDE FOR THE CONSENT TO AND APPROVAL OF THE PROJECT AREA AND THE REDEVELOPMENT PLAN BY THE BOARD OF EDUCATION OF THE SCHOOL DISTRICT.

S 4. Subdivisions (b) and (c) of section 970-h of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(b) Notice of the hearing shall be posted in at least four prominent places within the project area for a period of three weeks prior to such hearing and shall be published not less than once a week for three successive weeks prior to the hearing in a newspaper of general circulation in the municipality involved. The notice of hearing shall include a legal description of the boundaries of the PROJECT area [or areas] designated in the proposed redevelopment plan [and], a general statement of the scope and objectives of the plan, AND A STATEMENT WHETHER ONE OR MORE SCHOOL DISTRICTS HAVE CONSENTED TO AN ALLOCATION OF TAXES PRESCRIBED IN SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE. A copy of the notices shall be mailed to the last known owner of each parcel of land in the area designated in the redevelopment plan. A copy of the notice shall also be mailed to the legislative body of each of the taxing jurisdictions which levies taxes upon any real property in the project area designated in the proposed redevelopment plan.

(c) Any and all persons who have any objections to the proposed redevelopment plan or who deny the existence of blight as defined by subdivision (a) of section nine hundred [sixty-c] SEVENTY-C of this article, in the proposed project area, or the legality or appropriateness of any of the prior proceedings, may appear before the legislative body at such public hearing and show cause why the proposed plan should not be adopted. At any time not later than the hour set for hearing objections to the proposed redevelopment plan, any person may file in writing with the clerk of the legislative body a statement of such person's objections to the proposed plan.

S 5. Section 970-m of the general municipal law, as added by chapter 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

S 970-m. Amendment of redevelopment plan. If at any time after the adoption of a redevelopment plan for a project area by the legislative body, it becomes necessary or desirable to amend or modify such plan, the legislative body may by resolution amend such plan. Such amendments may include a change in the boundaries of the project area to add land to or, prior to the issuance of indebtedness pursuant to section nine hundred [sixty-o] SEVENTY-O OF THIS ARTICLE as provided by such redevelopment plan, exclude land from the project area. An amendment or modification of the plan shall be approved pursuant to subdivisions (a) through (g) of section nine hundred [sixty-h] SEVENTY-H of this article. Upon adoption of the amended plan by the legislative body the legislative body shall transmit the amended plan as provided by subdivision (h) of such section.

S 6. Paragraphs (iii), (iv) and (v) of subdivision (a) of section 970-n of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(iii) If two or more municipalities jointly exercise the powers granted under this subdivision and a redevelopment plan as adopted provides for the allocation of real property tax revenues pursuant to section nine hundred [sixty-o] SEVENTY-O of this article the real property taxes of each municipality shall be allocated pursuant to such section.

(iv) If two or more municipalities jointly exercise the powers granted under this subdivision and the redevelopment plan as adopted provides

for the issuance of indebtedness pursuant to section nine hundred [sixty-o] SEVENTY-O of this article, such indebtedness shall either be issued jointly by the municipalities and the resolution authorizing the issuance of such indebtedness must be approved by the legislative body of each municipality acting separately or shall be issued by resolution of the [the] designated agent on behalf of the municipality it represents and, by resolution of its legislative body, each municipality shall irrevocably pledge the revenues allocated pursuant to section nine hundred [sixty-p] SEVENTY-P of this article to the repayment of such indebtedness and any interest thereon.

(v) The joint exercise of powers authorized by this subdivision shall be permitted only for the purpose of redevelopment of an area located wholly within each municipality AND WITHIN ONE OR MORE SCHOOL DISTRICTS.

S 7. Paragraphs (ii) and (iii) and subparagraph 1 of paragraph (v) of subdivision (b) of section 970-n of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended to read as follows:

(ii) A municipal redevelopment authority shall be a corporate governmental agency constituting a public benefit corporation. Except as otherwise provided by special act of the legislature, an authority shall consist of not less than five nor more than nine members. Membership shall be apportioned among the municipalities AND SCHOOL DISTRICTS, and the manner of selection of a chairman determined by an [intermunicipal] agreement approved by local law by each such municipality, AND BY RESOLUTION OF THE BOARD OF EDUCATION OF EACH SCHOOL DISTRICT. Members shall serve at the pleasure of the appointing authority, and each member shall continue to hold office until his successor is appointed and has qualified. The [governing] LEGISLATIVE body shall file with the secretary of state a certificate of appointment or reappointment of any member appointed or reappointed by it. Members shall receive no compensation for their services but shall be entitled to reimbursement of the necessary expenses, including traveling expenses, incurred in the discharge of their duties. No action shall be taken by an authority except pursuant to the favorable vote of a majority of the members then in office. Any one or more of the members of an authority may be an official or an employee of such municipality. In the event that an official or an employee of such municipality shall be appointed as a member of the agency, acceptance or retention of such appointment shall not be deemed a forfeiture of his OR HER municipal office or employment, or incompatible therewith or affect his OR HER tenure or compensation in any way. The term of office of a member of an authority who is an official or an employee of such municipality when appointed as a member thereof by special act of the legislature creating the authority shall terminate at the expiration of the term of his OR HER municipal office. Upon THE creation of an authority, from time to time the [governing] LEGISLATIVE body of a municipality OR A SCHOOL DISTRICT, may, by resolution, appropriate sums of money to defray the expenses of the authority.

(iii) Unless otherwise provided by this subdivision or by the special act of the legislature establishing a municipal redevelopment authority or empowering an existing public corporation to carry out the purposes and provisions of this article, such authority or public corporation shall have the powers, duties and responsibilities granted a municipality AND SCHOOL DISTRICT and its legislative body pursuant to sections nine hundred [sixty-d] SEVENTY-D through nine hundred [sixty-m] SEVENTY-M of this article, as well as the authority to receive the taxes of each municipality AND SCHOOL DISTRICT allocated and paid pursuant to

section nine hundred [sixty-p] SEVENTY-P of this article. Such authority or public corporation shall have the power to designate survey areas and select project areas as provided by sections nine hundred [sixty-d] SEVENTY-D and nine hundred [sixty-e] SEVENTY-E of this article. Such authority or public corporation shall obtain the report and recommendation of the planning agency of each municipality OR SCHOOL DISTRICT on the redevelopment plan and its conformity to the master plan of each municipality AND SCHOOL DISTRICT before presenting the redevelopment plan to the legislative body of each municipality OR SCHOOL DISTRICT. In order for a preliminary plan to be adopted or for a redevelopment plan to be adopted or amended approval must be obtained by resolution of the legislative body of each municipality AND SCHOOL DISTRICT acting separately.

(1) An authority or public corporation shall have the powers and duties granted municipalities pursuant to section nine hundred [sixty-o] SEVENTY-O of this article to issue tax increment bonds and tax increment bond anticipation notes. Such bonds and notes shall be bonds and notes of the authority or public corporation and neither the state nor any municipality shall be liable on such bonds and notes and such bonds and notes shall not be a debt of the state or of any municipality.

S 8. Subdivisions (a), (b), (g) and (i) of section 970-o of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, are amended and a new subdivision (j) is added to read as follows:

(a) For the purpose of carrying out or administering a redevelopment plan adopted by the legislative body, a municipality is hereby authorized, without limiting its authority under other provisions of law, to issue by resolution of its legislative body tax increment bonds or tax increment bond anticipation notes of the municipality which are payable from and secured by real property taxes, in whole or in part, allocated to and paid pursuant to the provisions of section nine hundred [sixty-p] SEVENTY-P of this article. The pledge of such real property taxes allocated and paid shall constitute a first lien on the revenues derived therefrom and tax increment bonds or tax increment bond anticipation notes, the repayment of which is secured by such revenues shall not be subordinate to any other indebtedness of the municipality with respect to the pledge of such revenues. The municipality shall have the power to issue renewal notes, to issue bonds to pay notes and whenever it deems refunding expedient, to refund any bonds by the issuance of new bonds, whether the bonds to be refunded have or have not matured, and to issue bonds partly to refund bonds then outstanding and partly for any other purposes.

(b) In contracting indebtedness pursuant to subdivision (a) of this section NEITHER a municipality NOR A SCHOOL DISTRICT shall [not] pledge its faith and credit or the faith and credit of the state to the payment of THE principal thereof and the interest thereon. INDEBTEDNESS REFERRED TO IN SECTION SIX OF ARTICLE XVI OF THE STATE CONSTITUTION SHALL NOT APPLY TO A SCHOOL DISTRICT.

(g) The amount of any indebtedness contracted under this section shall be excluded in ascertaining the power of the municipality OR A SCHOOL DISTRICT to contract indebtedness within the provisions of the state constitution or the local finance law relating thereto.

(i) The municipality may [only] contract indebtedness pursuant to this section for the following objects [and] OR purposes, EACH OF WHICH SHALL BE A PUBLIC USE AND A PUBLIC PURPOSE:

(i) acquisition AND ASSEMBLAGE of land INCLUDING ENVIRONMENTAL REMEDIATION AND BROWNFIELD REDEVELOPMENT AUTHORIZED IN THE ENVIRONMENTAL CONSERVATION LAW;

(ii) demolition and removal of buildings, structures and improvements and site preparation;

(iii) installation, construction or reconstruction of streets, walkways, docks, drainage, parking facilities, flood control facilities, water and sewer systems and other [public] utilities, parks and playgrounds;

(iv) other public improvements or services integral to the redevelopment plan authorized by or for which a period of probable usefulness has been established by section 11.00 of the local finance law. [Such objects] OBJECTS and purposes REFERRED TO IN THIS SUBDIVISION shall be deemed to have the period of probable usefulness as provided GENERALLY for such objects and purposes by such section.

(J) IN ADDITION TO THE ALLOCATION OF TAXES AUTHORIZED IN SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE, INDEBTEDNESS AUTHORIZED PURSUANT TO THIS SECTION MAY BE SECURED BY A MUNICIPALITY AS FOLLOWS:

(I) PURSUANT TO SECTION ONE HUNDRED NINETEEN-O OF THIS CHAPTER, A MUNICIPALITY MAY BY RESOLUTION OF ITS GOVERNING BOARD, PLEDGE A PORTION OF THE SALES TAX RECEIVED IN ANY FISCAL YEAR PURSUANT TO SECTION TWELVE HUNDRED SIXTY-ONE OF THE TAX LAW FROM BUSINESSES OPERATING IN THE PROJECT AREA AND BENEFITTING FROM THE REDEVELOPMENT PLAN TO THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON SUCH INDEBTEDNESS;

(II) A MUNICIPALITY MAY ESTABLISH AN ASSESSMENT AREA, PURSUANT TO THE PROCEDURES IN SECTION 22-2200 OF THE VILLAGE LAW TO ACCESS PARCELS IN THE PROJECT AREA AS BENEFITED PROPERTIES IN THE AMOUNTS AND IN THE YEARS EQUAL TO THE ALLOCATION OF TAXES PROJECTED TO BE COLLECTED AS DETERMINED UNDER SECTION NINE HUNDRED SEVENTY-P OF THIS ARTICLE.

S 9. Paragraph (i) of subdivision (d) of section 970-o of the general municipal law, as added by chapter 916 of the laws of 1984 and such section as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

(i) pledging all or a part of the taxes allocated pursuant to section nine hundred [sixty-p] SEVENTY-P of this article or the proceeds from the sale of property acquired with the proceeds of such notes or bonds to secure the payment of such notes or bonds or of any issue thereof, subject to such agreements with bondholders or noteholders as may exist;

S 10. Section 970-p of the general municipal law, as added by chapter 916 of the laws of 1984 and as renumbered by chapter 686 of the laws of 1986, is amended to read as follows:

S 970-p. Allocation of taxes. (a) Any redevelopment plan may contain a provision that real property taxes levied upon taxable real property in the project area each year by or for the benefit of the municipality or municipalities AND SCHOOL DISTRICTS after the effective date of the resolution approving the redevelopment plan, shall be divided as follows:

(i) that portion of the real property taxes not in excess of the amount which would be produced by applying the rate upon which the tax is levied each year by or for each municipality AND SCHOOL DISTRICT to the total sum of the assessed value of the taxable real property in the project area as shown upon the assessment roll used in connection with the taxation of such property by such municipality AND SCHOOL DISTRICT, last adopted prior to the effective date of the resolution approving such plan, shall be allocated to and when collected shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS as real

property taxes collected by or for said municipalities AND SCHOOL DISTRICTS adopting the redevelopment plan;

(ii) that portion of the real property taxes levied each year in excess of the portion allocated and paid pursuant to paragraph (i) of this subdivision shall be allocated to and when collected shall be paid into the fund or funds established for such purposes to pay the principal and interest on indebtedness incurred by such municipality OR SCHOOL DISTRICT pursuant to section nine hundred [sixty-o] SEVENTY-O of this article or, if the redevelopment plan so provides, the amount allocated and paid in excess of interest and principal and necessary reserves may be expended for amounts of money to be paid in lieu of taxes. Unless and until the total assessed valuation of the taxable property in a project area exceeds the total assessed value of the taxable real property in such project area as shown by the last assessment roll referred to in paragraph (i) of this subdivision, all of the real property taxes levied and collected upon the taxable real property in such project area shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS. When such indebtedness, if any and interest thereon, have been paid, all moneys thereafter received from real property taxes upon the taxable real property in such project area shall be paid into the funds of the respective municipalities AND SCHOOL DISTRICTS as real property taxes on all other real property are paid;

(iii) whenever the total amount of real property taxes allocated pursuant to paragraph (ii) of this subdivision exceeds the amounts allocated and paid for interest and principal and necessary reserves, and for amounts to be paid in lieu of taxes, the amount of taxes in excess of such amounts shall be paid into the funds of the respective municipalities as taxes on all other real property are paid;

(iv) the allocation of taxes authorized by this section (1) shall apply to taxable years beginning after the effective date of the resolution approving the redevelopment plan, AND

(2) SHALL BE ESTIMATED BY THE APPROPRIATE REAL PROPERTY ASSESSMENT OFFICER PRIOR TO THE ISSUANCE OF SUCH INDEBTEDNESS FOR EACH YEAR THE INDEBTEDNESS TO BE INCURRED BY SUCH MUNICIPALITY PURSUANT TO SECTION NINE HUNDRED SEVENTY-O OF THIS ARTICLE IS SCHEDULED TO BE OUTSTANDING IN AN AMOUNT SUFFICIENT TO PAY THE PRINCIPAL OF AND INTEREST ON SUCH INDEBTEDNESS IN EACH YEAR REAL PROPERTY TAXES OF THE MUNICIPALITY OR THE SCHOOL DISTRICT LEVIED UPON TAXABLE PROPERTY IN THE PROJECT AREA IS DIVIDED PURSUANT TO THIS SECTION. DURING THE PERIOD SUCH INDEBTEDNESS IS OUTSTANDING, THE APPROPRIATE REAL PROPERTY ASSESSMENT OFFICER SHALL ENDEAVOR IN GOOD FAITH TO DETERMINE ASSESSED VALUES ON PARCELS IN THE PROJECT AREA TO ACHIEVE SUCH ESTIMATE IN EACH SUCH YEAR. UPON REQUEST BY A MUNICIPALITY OR SCHOOL DISTRICT, THE OFFICE OF REAL PROPERTY SERVICES SHALL PROVIDE GUIDANCE ON METHODOLOGIES FOR ASSESSMENTS AND/OR REVIEW SUCH ESTIMATES.

(b) [Whenever real property in any redevelopment project has been redeveloped and thereafter is leased by the municipality to any person or persons or whenever the agency leases real property in any redevelopment project to any person or persons for redevelopment, the property shall be assessed and taxed in the same manner as privately owned real property and the lease or contract shall provide that the lessee shall pay real property taxes upon the assessed value of the entire real property and not merely the assessed value of his or her leasehold interest.

(c)] In any municipality OR SCHOOL DISTRICT subject to the allocation of revenues pursuant to this section the assessed value of taxable real property located in a project area shall be included on the taxable

portion of the assessment roll, provided, however, that notwithstanding any provision of law to the contrary, the assessed value determined in accordance with paragraph (ii) of subdivision (a) of this section shall not be included in the taxable value of real property when determining the tax rate for such municipality OR SCHOOL DISTRICT.

[(d)] (C) The rate of tax resulting from the levy of real property taxes shall be applied to the assessed value of any real property subject to the allocation provisions of this section as determined pursuant to subdivision (a) of this section, however, the amount of tax levied as a result of the application of the tax rate to the increase in assessed value determined in accordance with paragraph (ii) of subdivision (a) of this section shall not be paid into the fund of the municipality OR THE SCHOOL DISTRICT as real property taxes but shall be allocated pursuant to that paragraph.

[(e)] (D) The official or officials responsible for the preparation of the assessment roll or rolls specified in subdivision (a) of this section shall provide to the municipality or municipalities AND SCHOOL DISTRICTS, in addition to the assessment roll or rolls, such information as is deemed necessary by the legislative bodies of the municipality or municipalities AND SCHOOL DISTRICTS to effectuate the purpose of this section.

[(f)] (E) The allocation of real property taxes authorized by this section shall be permitted only with respect to municipalities AND SCHOOL DISTRICTS which have adopted a redevelopment plan providing for such allocation pursuant to section nine hundred [sixty-h] SEVENTY-H or section nine hundred [sixty-n] SEVENTY-N of this article and such allocation shall not apply to special ad valorem levies and special assessments as defined by subdivisions fourteen and fifteen of section one hundred two of the real property tax law, EXCEPT AS PROVIDED IN PARAGRAPH (III) OF SUBDIVISION (J) OF SECTION NINE HUNDRED SEVENTY-O OF THIS ARTICLE.

[(g)] (F) If, after adoption of a redevelopment plan, the official or officials responsible for the preparation of the assessment roll or rolls specified in subdivision (a) of this section undertake to revalue real property for real property tax purposes by altering the standard of assessment utilized to establish the value of real property for assessment purposes, the assessment of real property within a project area as provided by paragraph (i) of subdivision (a) of this section shall be adjusted in such manner as if such new standard of assessment had been utilized in the preparation of the assessment roll last adopted prior to adoption of the redevelopment plan.

(G) WITH RESPECT TO A SCHOOL DISTRICT WHICH CONSENTS TO AN ALLOCATION OF TAXES PRESCRIBED IN THIS SECTION, THE OBJECT OR PURPOSE OF WHICH SUCH INDEBTEDNESS MAY BE INCURRED BY A MUNICIPALITY SHALL BE A SCHOOL BUILDING. HOWEVER, THERE SHALL BE NO APPORTIONMENT OF PUBLIC MONEYS UNDER SECTION THREE THOUSAND SIX HUNDRED ONE OF THE EDUCATION LAW WITH RESPECT TO SUCH ALLOCATION OF TAXES LEVIED BY A SCHOOL DISTRICT.

(H) IN ESTABLISHING A UNIFORM TAX EXEMPTION POLICY PURSUANT TO SECTION EIGHT HUNDRED SEVENTY-FOUR OF THIS CHAPTER, AN AGENCY SHALL NOT TAKE INTO ACCOUNT THE PORTION OF REAL PROPERTY TAXES MEASURED UNDER PARAGRAPH (II) OF SUBDIVISION (A) OF THIS SECTION IN COMPUTING A PAYMENT IN LIEU OF TAXES AGREEMENT.

S 11. This act shall take effect immediately and shall apply to any indebtedness incurred by a municipality pursuant to section 970-o of the general municipal law on or after July 30, 1986.

PART F

Section 1. The real property tax law is amended by adding a new section 485-n to read as follows:

S 485-N. RESIDENTIAL-COMMERCIAL EXEMPTION PROGRAM. 1. DEFINITIONS. AS USED IN THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "APPLICANT" MEANS ANY PERSON OBLIGATED TO PAY REAL PROPERTY TAXES ON REAL PROPERTY FOR WHICH AN EXEMPTION FROM TAXES UNDER THIS SECTION IS SOUGHT.

(B) "BENEFIT AREA" MEANS THE AREA WITHIN A MUNICIPALITY, DESIGNATED BY LOCAL LAW, TO WHICH AN EXEMPTION, ESTABLISHED PURSUANT TO THIS SECTION, APPLIES.

(C) "COMMERCIAL CONSTRUCTION WORK" MEANS THE MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT OF THE COMMERCIAL USE PROPERTY OR OF THE PORTION OF MIXED-USE PROPERTY TO BE USED FOR COMMERCIAL PURPOSES.

(D) "COMMERCIAL PURPOSE OR USE" MEANS THE BUYING, SELLING OR OTHERWISE PROVIDING OF GOODS OR SERVICES, INCLUDING HOTEL SERVICES, OR OTHER LAWFUL BUSINESS OR COMMERCIAL ACTIVITIES PERMITTED UPON MIXED-USE PROPERTY.

(E) "COMMERCIAL USE PROPERTY" MEANS REAL PROPERTY ON WHICH WILL EXIST, AFTER COMPLETION OF COMMERCIAL CONSTRUCTION WORK, A BUILDING USED FOR COMMERCIAL PURPOSES OR USE.

(F) "MIXED-USE PROPERTY" MEANS REAL PROPERTY ON WHICH WILL EXIST, AFTER COMPLETION OF RESIDENTIAL CONSTRUCTION WORK OR A COMBINATION OF RESIDENTIAL CONSTRUCTION WORK AND COMMERCIAL CONSTRUCTION WORK, A BUILDING OR STRUCTURE USED FOR BOTH RESIDENTIAL AND COMMERCIAL PURPOSES.

(G) "MUNICIPALITY" MEANS ANY TOWN, CITY, VILLAGE OR OTHER TAXING ENTITY, THAT IS NOT A CITY OR WITHIN A CITY HAVING A POPULATION OF ONE MILLION OR MORE.

(H) "RESIDENTIAL CONSTRUCTION WORK" MEANS THE CREATION, MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT OF DWELLING UNITS, OTHER THAN DWELLING UNITS IN A HOTEL, IN THE PORTION OF MIXED-USE PROPERTY TO BE USED FOR RESIDENTIAL PURPOSES.

2. (A) A MUNICIPALITY MAY, BY LOCAL LAW, PROVIDE FOR THE EXEMPTION OF REAL PROPERTY IN A DESIGNATED BENEFIT AREA FROM TAXATION AS PROVIDED IN THIS SECTION.

(B) THE LOCAL GOVERNING BOARD OR COUNCIL SHALL ESTABLISH A PLAN CONCERNING THE VARIOUS TYPES OF RESIDENTIAL REAL PROPERTY WHICH MAY BE GRANTED ELIGIBILITY FOR AN EXEMPTION PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION. THE EXEMPTION SHALL BE COMPUTED AS PROVIDED IN THIS SECTION. IN ADDITION, SUCH PLAN SHALL IDENTIFY DESIGNATED BENEFIT AREAS, WITHIN WHICH SUCH EXEMPTIONS SHALL BE OFFERED. IN DEVELOPING THE PLAN REQUIRED BY THIS PARAGRAPH, THE LOCAL GOVERNING BOARD OR COUNCIL SHALL CONSIDER THE PLANNING OBJECTIVES OF THE SCHOOL DISTRICT WHICH SERVES SUCH MUNICIPALITY, AND THE NECESSITY OF THE EXEMPTION TO THE ATTRACTION OR RETENTION OF HOME OWNERS AND THE ECONOMIC BENEFIT TO THE AREA OF PROVIDING EXEMPTIONS TO HOME OWNERS.

(C) IN ADDITION, THE LOCAL GOVERNING BOARD OR COUNCIL MAY MODIFY ITS PLAN TO IMPROVE THE ECONOMIC CLIMATE THEREIN.

(D) A LOCAL GOVERNING BOARD OR COUNCIL MAY, BY LOCAL LAW, RESTRICT REAL PROPERTY ELIGIBLE TO RECEIVE THE EXEMPTION TO REAL PROPERTY CONSTRUCTED FOR THOSE PURPOSES IDENTIFIED IN THE PLAN. SUCH LOCAL LAW SHALL RESTRICT THE AVAILABILITY OF SUCH EXEMPTION TO THE SPECIFIC GEOGRAPHIC AREAS IDENTIFIED IN THE PLAN. UPON THE ADOPTION OF SUCH A LOCAL LAW, THE COUNTY IN WHICH SUCH MUNICIPALITY IS LOCATED MAY, BY

LOCAL LAW, AND ANY SCHOOL DISTRICT, ALL OR PART OF WHICH IS LOCATED IN SUCH MUNICIPALITY, MAY, BY RESOLUTION, EXEMPT SUCH PROPERTY FROM ITS TAXATION IN THE SAME MANNER AND TO THE SAME EXTENT AS SUCH MUNICIPALITY HAS DONE.

3. UPON THE ADOPTION OF SUCH A LOCAL LAW THE COMMERCIAL USE PROPERTY OR MIXED-USE PROPERTY THAT WAS CONVERTED, CREATED, MODERNIZED, REHABILITATED, EXPANDED OR OTHERWISE IMPROVED OR THE COMMERCIAL USE PROPERTY THAT WAS CONVERTED, CREATED, MODERNIZED, REHABILITATED, EXPANDED OR OTHERWISE IMPROVED, SHALL BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES AS PROVIDED FOR IN SUBDIVISION FOUR OF THIS SECTION.

4. (A) (I) FOR A PERIOD OF TWELVE YEARS FOLLOWING THE APPROVAL OF AN APPLICATION, THE INCREASE IN ASSESSED VALUE OF SUCH PROPERTY ATTRIBUTABLE TO SUCH CONVERSION, CREATION, MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT SHALL BE EXEMPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH. SUCH EXEMPTION SHALL BE COMPUTED WITH RESPECT TO THE "EXEMPTION BASE". THE EXEMPTION BASE SHALL BE DETERMINED FOR EACH YEAR IN WHICH THERE IS AN INCREASE IN ASSESSED VALUE SO ATTRIBUTABLE FROM THAT OF THE PREVIOUS YEAR'S ASSESSED VALUE.

(II) THE FOLLOWING SHALL DETERMINE THE COMPUTATION OF THE TAX EXEMPTION:

YEAR OF EXEMPTION	PERCENTAGE OF EXEMPTION
1 THROUGH 8	100% OF EXEMPTION BASE
9	80% OF EXEMPTION BASE
10	60% OF EXEMPTION BASE
11	40% OF EXEMPTION BASE
12	20% OF EXEMPTION BASE

(B) NO SUCH EXEMPTION SHALL BE GRANTED UNLESS:

(I) SUCH CONVERSION, CREATION, MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT WAS COMMENCED SUBSEQUENT TO THE DATE ON WHICH THE MUNICIPALITY'S LOCAL LAW TOOK EFFECT; AND

(II) THE COST OF SUCH CONVERSION, CREATION, MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT EXCEEDS THE SUM OF TEN THOUSAND DOLLARS OR SUCH GREATER AMOUNT AS MAY BE SPECIFIED BY LOCAL LAW.

(C) FOR PURPOSES OF THIS SECTION THE TERM "CONVERSION, CREATION, MODERNIZATION, REHABILITATION, EXPANSION OR OTHER IMPROVEMENT" SHALL NOT INCLUDE ORDINARY MAINTENANCE AND REPAIRS.

(D) NO SUCH EXEMPTION SHALL BE GRANTED CONCURRENT WITH OR SUBSEQUENT TO ANY OTHER REAL PROPERTY TAX EXEMPTION GRANTED TO THE SAME IMPROVEMENTS TO REAL PROPERTY, EXCEPT, WHERE DURING THE PERIOD OF SUCH PREVIOUS EXEMPTION, PAYMENTS IN LIEU OF TAXES OR OTHER PAYMENTS WERE MADE TO THE MUNICIPALITY IN AN AMOUNT THAT WOULD HAVE BEEN EQUAL TO OR GREATER THAN THE AMOUNT OF REAL PROPERTY TAXES THAT WOULD HAVE BEEN PAID ON SUCH IMPROVEMENTS HAD SUCH PROPERTY BEEN GRANTED AN EXEMPTION PURSUANT TO THIS SECTION. IN SUCH CASE, AN EXEMPTION SHALL BE GRANTED FOR A NUMBER OF YEARS EQUAL TO THE TWELVE YEAR EXEMPTION GRANTED PURSUANT TO THIS SECTION LESS THE NUMBER OF YEARS THE PROPERTY WOULD HAVE BEEN PREVIOUSLY EXEMPT FROM REAL PROPERTY TAXES.

5. SUCH EXEMPTION SHALL BE GRANTED ONLY UPON APPLICATION BY THE OWNER OF REAL PROPERTY ON A FORM PRESCRIBED BY THE STATE BOARD. SUCH APPLICATION SHALL BE FILED WITH THE ASSESSOR OF THE MUNICIPALITY OR COUNTY HAVING THE POWER TO ASSESS PROPERTY FOR TAXATION ON OR BEFORE THE APPROPRIATE TAXABLE STATUS DATE OF SUCH MUNICIPALITY OR COUNTY. NO APPLICATION SHALL BE APPROVED BY ANY MUNICIPALITY OR COUNTY THAT WAS SUBMITTED MORE THAN TWELVE YEARS AFTER THE EFFECTIVE DATE OF THIS SECTION.

6. IF THE ASSESSOR IS SATISFIED THAT THE APPLICANT IS ENTITLED TO AN EXEMPTION PURSUANT TO THIS SECTION, HE OR SHE SHALL APPROVE THE APPLICATION AND SUCH REAL PROPERTY SHALL THEREAFTER BE EXEMPT FROM TAXATION AND SPECIAL AD VALOREM LEVIES AS PROVIDED IN THIS SECTION COMMENCING WITH THE ASSESSMENT ROLL PREPARED AFTER THE TAXABLE STATUS DATE REFERRED TO IN SUBDIVISION FIVE OF THIS SECTION. THE ASSESSED VALUE OF ANY EXEMPTION GRANTED PURSUANT TO THIS SECTION SHALL BE ENTERED BY THE ASSESSOR ON THE ASSESSMENT ROLL WITH THE TAXABLE PROPERTY, WITH THE AMOUNT OF THE EXEMPTION SHOWN IN A SEPARATE COLUMN.

S 2. This act shall take effect immediately.

PART G

Section 1. The opening paragraph of section 1210 of the tax law is REPEALED and a new opening paragraph is added to read as follows:

NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, BUT SUBJECT TO THE LIMITATIONS AND EXEMPTIONS IN PART II OF THIS ARTICLE, ANY CITY IN THIS STATE OR COUNTY IN THIS STATE, EXCEPT A COUNTY WHOLLY WITHIN A CITY, ACTING THROUGH ITS LOCAL LEGISLATIVE BODY, IS HEREBY AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES OR RESOLUTIONS IMPOSING IN SUCH CITY OR COUNTY THE TAXES DESCRIBED IN EITHER SUBDIVISION (A) OR (B) OF THIS SECTION, BUT NOT BOTH, AT THE RATE OF ONE-HALF, ONE, ONE AND ONE-HALF, TWO, TWO AND ONE-HALF OR THREE PERCENT, AND, IF THE CITY OR COUNTY IMPOSES THE TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT THE RATE OF THREE PERCENT, ALSO AT THE ADDITIONAL RATE AUTHORIZED IN SUBDIVISION (K) OF THIS SECTION. PROVIDED, FURTHER, SUCH LOCAL LAW, ORDINANCE OR RESOLUTION OF SUCH CITY OR COUNTY AUTHORIZING THE IMPOSITION OF SUCH TAXES SHALL NOT EXCEED TWO YEARS IN DURATION AND MUST BE REAUTHORIZED PURSUANT TO LOCAL LAW, ORDINANCE OR RESOLUTION. ANY TAX IMPOSED PURSUANT TO THE AUTHORITY OF THIS SECTION SHALL BE ADMINISTERED, COLLECTED AND DISTRIBUTED BY THE COMMISSIONER AS PROVIDED IN SUBPART B OF PART III AND IN PART IV OF THIS ARTICLE.

S 2. Paragraph 1 of subdivision (a) of section 1210 of the tax law, as amended by section 3 of part GG of chapter 57 of the laws of 2010, is amended to read as follows:

(1) Either, all of the taxes described in [article twenty-eight] SECTIONS ELEVEN HUNDRED FIVE AND ELEVEN HUNDRED TEN of this chapter, at the same uniform rate, as to which taxes all provisions of the local laws, ordinances or resolutions imposing such taxes shall be identical, except as to rate and except as otherwise provided, with the corresponding provisions in [such] article twenty-eight OF THIS CHAPTER, including the definition and exemption provisions of such article, so far as the provisions of such article twenty-eight can be made applicable to the taxes imposed by such city or county and with such limitations and special provisions as are set forth in this article. The taxes authorized under this subdivision may not be imposed by a city or county unless the local law, ordinance or resolution imposes such taxes so as to include all portions and all types of receipts, charges or rents, subject to state tax under sections eleven hundred five and eleven hundred ten of this chapter, except as otherwise provided. (i) Any local law, ordinance or resolution enacted by any city of less than one million or by any county or school district, imposing the taxes authorized by this subdivision, shall, notwithstanding any provision of law to the contrary, exclude from the operation of such local taxes all sales of tangible personal property for use or consumption directly and

predominantly in the production of tangible personal property, gas, electricity, refrigeration or steam, for sale, by manufacturing, processing, generating, assembly, refining, mining or extracting; and all sales of tangible personal property for use or consumption predominantly either in the production of tangible personal property, for sale, by farming or in a commercial horse boarding operation, or in both; and, unless such city, county or school district elects otherwise, shall omit the provision for credit or refund contained in clause six of subdivision (a) or subdivision (d) of section eleven hundred nineteen of this chapter. (ii) Any local law, ordinance or resolution enacted by any city, county or school district, imposing the taxes authorized by this subdivision, shall omit the residential solar energy systems equipment exemption provided for in subdivision (ee) and the clothing and footwear exemption provided for in paragraph thirty of subdivision (a) of section eleven hundred fifteen of this chapter, unless such city, county or school district elects otherwise as to either such residential solar energy systems equipment exemption or such clothing and footwear exemption.

S 3. Subparagraph (iii) of paragraph 3 of subdivision (a) of section 1210 of the tax law is REPEALED and subparagraph (iv) of paragraph 3 of subdivision (a) of section 1210 of the tax law, as added by chapter 933 of the laws of 1985, is amended to read as follows:

[(iv)] (III) Notwithstanding any other provision of law, [the one percent additional tax which] Cattaraugus county [is authorized to adopt pursuant to the opening paragraph of this section] shall not [be imposed] IMPOSE TAX on the retail sale or use of the energy sources and services described in subparagraph (i) of this paragraph AT A RATE GREATER THAN THREE PERCENT.

S 4. Subparagraph (iii) of paragraph 3 of subdivision (b) of section 1210 of the tax law is REPEALED.

S 5. Section 1210 of the tax law is amended by adding a new subdivision (k) to read as follows:

(K) (1) EACH OF THE FOLLOWING COUNTIES THAT IMPOSES THE TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT A RATE IN EXCESS OF THREE PERCENT IS HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES OR RESOLUTIONS IMPOSING SUCH TAXES UP TO THE FOLLOWING ADDITIONAL RATE IN EXCESS OF THREE PERCENT, IN ONE-QUARTER PERCENT INCREMENTS, FOR THE PERIOD BEGINNING DECEMBER FIRST, TWO THOUSAND TEN; PROVIDED HOWEVER, IF AT ANY TIME THIS SECTION AUTHORIZED FOR THE COUNTIES LISTED IN THIS PARAGRAPH A RATE IN EXCESS OF THE RATES LISTED IN THIS PARAGRAPH, SUCH COUNTY SHALL HAVE THE SOLE RIGHT TO IMPOSE SUCH HIGHER RATE:

(I) ONE-QUARTER OF ONE PERCENT: NONE.

(II) ONE-HALF OF ONE PERCENT: CHAUTAUQUA COUNTY, ONTARIO COUNTY.

(III) THREE AND THREE-QUARTERS OF ONE PERCENT: DUTCHESS COUNTY, ESSEX COUNTY, JEFFERSON COUNTY, LEWIS COUNTY, ORANGE COUNTY.

(IV) ONE PERCENT: ALBANY COUNTY, BROOME COUNTY, CATTARAUGUS COUNTY, CAYUGA COUNTY, CHEMUNG COUNTY, CHENANGO COUNTY, CLINTON COUNTY, COLUMBIA COUNTY, CORTLAND COUNTY, DELAWARE COUNTY, FRANKLIN COUNTY, FULTON COUNTY, GENESEE COUNTY, GREENE COUNTY, LIVINGSTON COUNTY, MADISON COUNTY, MONROE COUNTY, MONTGOMERY COUNTY, NIAGARA COUNTY, ONONDAGA COUNTY, ORLEANS COUNTY, OSWEGO COUNTY, OTSEGO COUNTY, PUTNAM COUNTY, RENSSELAER COUNTY, ROCKLAND COUNTY, SCHENECTADY COUNTY, SCHOHARIE COUNTY, SCHUYLER COUNTY, SENECA COUNTY, STEUBEN COUNTY, SULLIVAN COUNTY, TIOGA COUNTY, TOMKINS COUNTY, ULSTER COUNTY, WAYNE COUNTY, WYOMING COUNTY, YATES COUNTY.

(V) ONE AND ONE-QUARTER PERCENT: HERKIMER COUNTY, NASSAU COUNTY.
(VI) ONE AND ONE-HALF PERCENT: ALLEGANY COUNTY.
(VII) ONE AND THREE-QUARTER PERCENT: ERIE COUNTY, ONEIDA COUNTY.
(2) EACH OF THE FOLLOWING CITIES THAT IMPOSES THE TAXES DESCRIBED IN SUBDIVISION (A) OF THIS SECTION AT A RATE IN EXCESS OF THREE PERCENT IS HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES OR RESOLUTIONS IMPOSING SUCH TAXES, UP TO THE FOLLOWING ADDITIONAL RATE IN EXCESS OF THREE PERCENT, IN ONE-QUARTER PERCENT INCREMENTS:
(I) ONE-QUARTER OF ONE PERCENT: NONE.
(II) ONE-HALF OF ONE PERCENT: NONE.
(III) THREE-QUARTERS OF ONE PERCENT: NONE.
(IV) ONE PERCENT: CITY OF MOUNT VERNON, CITY OF NEW ROCHELLE, CITY OF WHITE PLAINS, CITY OF YONKERS.
(V) ONE AND ONE-QUARTER PERCENT: NONE.
(VI) ONE AND ONE-HALF PERCENT: CITY OF NEW YORK.
(VII) ONE AND THREE-QUARTER PERCENT: NONE.
S 6. Section 1210-A of the tax law is amended by adding a new subdivision (e) to read as follows:
(E) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS ARTICLE, THE ONE-QUARTER PERCENT RATE OF TAX AUTHORIZED BY THIS SECTION SHALL NOT AFFECT OR BE AFFECTED BY THE RATE OF TAX THE COUNTY OF SUFFOLK IMPOSES OR IS AUTHORIZED TO IMPOSE UNDER ANY OTHER PROVISION OF THIS ARTICLE.
S 7. Section 1210-B of the tax law is amended by adding a new subdivision (d) to read as follows:
(D) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS ARTICLE, THE ONE-QUARTER PERCENT RATE OF TAX AUTHORIZED BY THIS SECTION SHALL NOT AFFECT OR BE AFFECTED BY THE RATE OF TAX THE COUNTY OF SUFFOLK IMPOSES OR IS AUTHORIZED TO IMPOSE UNDER ANY OTHER PROVISION OF THIS ARTICLE.
S 8. Section 1210-C of the tax law is amended by adding a new subdivision (e) to read as follows:
(E) NOTWITHSTANDING ANY CONTRARY PROVISION OF THIS ARTICLE, THE ONE-HALF PERCENT RATE OF TAX AUTHORIZED BY THIS SECTION SHALL NOT AFFECT OR BE AFFECTED BY THE RATE OF TAX THE COUNTY OF SCHENECTADY IMPOSES OR IS AUTHORIZED TO IMPOSE UNDER ANY OTHER PROVISION OF THIS ARTICLE.
S 9. Section 1210-D of the tax law is REPEALED.
S 10. Section 1210-E of the tax law is REPEALED.
S 11. Subdivision (a) of section 1211 of the tax law, as amended by chapter 300 of the laws of 1968, is amended to read as follows:
(a) On request by a majority vote of the whole number of the school authorities of the school district or districts which are coterminous with, partly within or wholly within a city having a population of less than one hundred twenty-five thousand, such city is hereby authorized and empowered to adopt and amend local laws imposing for school district purposes the taxes authorized under section twelve hundred ten OF THIS SUBPART, at the rate of one-half, one, one and one-half, two, two and one-half or three percent which rate shall be uniform for all taxes imposed pursuant to the authority of this section; provided, however, where a city imposes a tax under the authority of both [sections] SECTION twelve hundred ten OF THIS SUBPART and [twelve hundred eleven] THIS SECTION, the aggregate rate of the taxes imposed pursuant to both sections cannot exceed three percent.
S 12. Subdivision (a) of section 1212 of the tax law, as amended by section 40 of part S-1 of chapter 57 of the laws of 2009, is amended to read as follows:

(a) Any school district which is coterminous with, partly within or wholly within a city having a population of less than one hundred twenty-five thousand, is hereby authorized and empowered, by majority vote of the whole number of its school authorities, to impose for school district purposes, within the territorial limits of such school district and without discrimination between residents and nonresidents thereof, the taxes described in subdivision (b) of section eleven hundred five OF THIS CHAPTER (but excluding the tax on prepaid telephone calling services) and the taxes described in clauses (E) and (H) of subdivision (a) of section eleven hundred ten OF THIS CHAPTER, including the transitional provisions in subdivision (b) of section eleven hundred six of this chapter, so far as such provisions can be made applicable to the taxes imposed by such school district and with such limitations and special provisions as are set forth in this article, such taxes to be imposed at the rate of one-half, one, one and one-half, two, two and one-half or three percent which rate shall be uniform for all portions and all types of receipts and uses subject to such taxes. In respect to such taxes, all provisions of the resolution imposing them, except as to rate and except as otherwise provided herein, shall be identical with the corresponding provisions in [such] article twenty-eight of this chapter, including the applicable definition and exemption provisions of such article, so far as the provisions of such article twenty-eight of this chapter can be made applicable to the taxes imposed by such school district and with such limitations and special provisions as are set forth in this article. The taxes described in subdivision (b) of section eleven hundred five OF THIS CHAPTER (but excluding the tax on prepaid telephone calling service) and clauses (E) and (H) of subdivision (a) of section eleven hundred ten OF THIS CHAPTER, including the transitional provision in subdivision (b) of [such] section eleven hundred six of this chapter, may not be imposed by such school district unless the resolution imposes such taxes so as to include all portions and all types of receipts and uses subject to tax under such subdivision (but excluding the tax on prepaid telephone calling service) and clauses. Provided, however, that, where a school district imposes such taxes, such taxes shall omit the provision for refund or credit contained in subdivision (d) of section eleven hundred nineteen of this chapter with respect to such taxes described in [such] subdivision (b) of section eleven hundred five OF THIS CHAPTER unless such school district elects to provide such provision or, if so elected, to repeal such provision.

S 13. Subdivisions (a) and (b) of section 1223 of the tax law, subdivision (a) as amended by chapter 74 of the laws of 2010, subdivision (b) as separately amended by chapters 4, 8 and 9 of the laws of 2003, are amended to read as follows:

(a) (1) No transaction taxable under sections twelve hundred two through twelve hundred four of this article shall be taxed pursuant to this article by any county or by any city located therein, or by both, at an aggregate rate in excess of the highest rate set forth in the applicable subdivision of section twelve hundred one of this article [or, in the case of any taxes imposed].

(2) NO TRANSACTION TAXABLE pursuant to the authority of section twelve hundred ten or twelve hundred eleven of this article [(other than taxes imposed by the county of Nassau, Erie, Steuben, Cattaraugus, Suffolk, Oneida, Genesee, Greene, Franklin, Herkimer, Tioga, Orleans, Allegany, Ulster, Albany, Rensselaer, Tompkins, Wyoming, Columbia, Schuyler, Rockland, Chenango, Monroe, Chemung, Seneca, Sullivan, Wayne, Livingston, Schenectady, Montgomery, Delaware, Clinton, Niagara, Yates, Lewis,

Essex, Dutchess, Schoharie, Putnam, Chautauqua, Orange, Oswego, Ontario, Jefferson or Onondaga and by the county of Cortland and the city of Cortland and by the county of Broome and the city of Binghamton and by the county of Cayuga and the city of Auburn and by the county of Otsego and the city of Oneonta and by the county of Madison and the city of Oneida and by the county of Fulton and the city of Gloversville or the city of Johnstown as provided in section twelve hundred ten of this article) at a rate in excess of three percent, except that, in the city of Yonkers, in the city of Mount Vernon, in the city of New Rochelle, in the city of Fulton and in the city of Oswego, the rate may not be in excess of four percent and in the city of White Plains, the rate may not be in excess of four percent and except that in the city of Poughkeepsie in the county of Dutchess, if such county withdraws from the metropolitan commuter transportation district pursuant to section twelve hundred seventy-nine-b of the public authorities law and if the revenues from a three-eighths percent rate of such tax imposed by such county, pursuant to the authority of section twelve hundred ten of this article, are required by local laws, ordinances or resolutions to be set aside for mass transportation purposes, the rate may not be in excess of three and three-eighths percent] SHALL BE TAXED PURSUANT TO SUCH SECTIONS BY ANY COUNTY OR BY ANY CITY LOCATED THEREIN, OR BY BOTH, AT AN AGGREGATE RATE IN EXCESS OF THREE PERCENT, OTHER THAN TAXES IMPOSED BY A COUNTY OR BY A CITY AS PROVIDED, RESPECTIVELY, IN SUBDIVISION (K) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE.

(b) If a transaction is taxed by both a county and a city PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TWO, TWELVE HUNDRED THREE OR TWELVE HUNDRED FOUR OF THIS ARTICLE, OR PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OR TWELVE HUNDRED ELEVEN OF THIS ARTICLE, the rate of tax on such transaction imposed by the county or city, not having prior right thereto pursuant to section twelve hundred twenty-four OF THIS ARTICLE, shall be deemed to be reduced (or the entire tax eliminated, if necessary) to the extent necessary to comply with the [foregoing] requirement OF PARAGRAPH ONE OR TWO OF SUBDIVISION (A) OF THIS SECTION.

(C) A tax imposed by a county upon any transaction, to the extent that it would require a reduction in any tax rate imposed thereon by a city, shall not become effective in respect to any transaction taxed by such city (or in respect of other similar transactions outside of the city which, if occurring in such city, would be subject to such city tax) before the commencement of the city's next succeeding fiscal year and then only if the county shall have given notice to such city of its imposition of a tax on such transaction at least six months prior to the commencement of such fiscal year, provided however that the local legislative body of such city may waive the requirement of such notice and the postponement of the effective date of such tax. A city tax upon any transaction, to the extent that it would require a reduction in any tax rate imposed by a county thereon, shall not become effective in respect of any transaction taxed by such county before the commencement of the county's next succeeding fiscal year and then only if the city shall have given notice to such county of its imposition of a tax on such transaction at least six months prior to the commencement of such fiscal year, provided, however, that the local legislative body of such county may waive the requirement of such notice and postponement of the effective date of such tax. However, whether or not the six months' notice requirement provided in this section has been waived, a tax imposed pursuant to the authority of section twelve hundred ten or twelve

hundred eleven OF THIS ARTICLE shall still be subject to the requirements provided for in the first three sentences of subdivision (d) of such sections and in subdivision (e) of such sections.

S 14. Subdivisions (a), (b) and (c) of section 1224 of the tax law, as amended by chapter 426 of the laws of 1968, paragraph 2 of subdivision (a) and paragraph 2 of subdivision (b) as amended by chapter 506 of the laws of 1976, paragraph 1 of subdivision (b) as amended by section 40 of part Y of chapter 63 of the laws of 2000, are amended to read as follows:

(a) Where a county contains one or more cities of less than one million, such county shall have prior right to impose:

(1) any or all of the taxes described in subdivisions (c), (d) and (e) of section twelve hundred one OF THIS ARTICLE, as authorized by section twelve hundred two OF THIS ARTICLE.

(2) all of the taxes described in article twenty-eight OF THIS CHAPTER as authorized by subdivision (a) of section twelve hundred ten OF THIS ARTICLE, to the extent of one-half the maximum rates authorized under such subdivision, except as otherwise provided in this section.

(b) Each city in such a county shall have prior right to impose:

(1) any or all of the taxes described in subdivisions (b), (d), (e) and (f) of section eleven hundred five OF THIS CHAPTER, and, where the tax described in subdivision (b) of section eleven hundred five OF THIS CHAPTER is imposed, all of the taxes described in clauses (E), (G) and (H) of subdivision (a) of section eleven hundred ten of this chapter, as authorized by subdivision (b) of section twelve hundred ten of this article.

(2) all of the taxes described in article twenty-eight OF THIS CHAPTER as authorized by subdivision (a) of section twelve hundred ten OF THIS ARTICLE, or by section twelve hundred eleven OF THIS ARTICLE, to the extent of one-half the maximum aggregate rates authorized under such subdivision (a) and such section twelve hundred eleven, except as otherwise provided in this section.

(c) [However] EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, where a county containing a city with a population of one hundred twenty-five thousand or more imposes all of the taxes described in article twenty-eight OF THIS CHAPTER as authorized by subdivision (a) of section twelve hundred ten OF THIS ARTICLE (1) for county purposes and (2) for educational purposes or for allocation and distribution to cities and the area outside cities, in accordance with section twelve hundred sixty-two OF THIS ARTICLE, the county shall have the prior right to impose such taxes for county purposes at A RATE not to exceed [one-third of the maximum rate authorized under subdivision (a) of section twelve hundred ten] ONE PERCENT and prior right to impose such taxes for educational purposes or for such allocation and distribution, or both, at A RATE not to exceed [one-third of such maximum rate] ONE PERCENT. In such event, a city in the county shall have prior right to impose such taxes at A RATE not to exceed [one-third of such maximum rate] ONE PERCENT. TO THE EXTENT THAT SUCH A COUNTY IMPOSES TAX AT THE RATE OF FOUR PERCENT OR LESS, AND SUBDIVISION (E) OF THIS SECTION DOES NOT EXTEND TO THAT COUNTY THE SOLE RIGHT TO IMPOSE A RATE OF TAX IN EXCESS OF THREE PERCENT, THE COUNTY AND ANY CITY IN THAT COUNTY SHALL HAVE THE RESPECTIVE RIGHTS PROVIDED IN PARAGRAPH TWO OF SUBDIVISION (A) OR IN SUBDIVISION (B) OF THIS SECTION WITH RESPECT TO THE RATE OF TAX IN EXCESS OF THREE PERCENT, BUT NOT IN EXCESS OF FOUR PERCENT, NOT IMPOSED BY THAT COUNTY.

S 15. Subdivisions (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (t), (u), (v), (w), (x), (y), (z), (z-1), (aa),

(bb), (cc), (dd), (ee), (ff) and (gg) of section 1224 of the tax law are REPEALED.

S 16. Section 1224 of the tax law is amended by adding four new subdivisions (d), (e), (f) and (g) to read as follows:

(D) FOR PURPOSES OF THIS SECTION, THE TERM "PRIOR RIGHT" SHALL MEAN THE PREFERENTIAL RIGHT TO IMPOSE ANY TAX DESCRIBED IN SECTIONS TWELVE HUNDRED TWO AND TWELVE HUNDRED THREE, OR TWELVE HUNDRED TEN AND TWELVE HUNDRED ELEVEN, OF THIS ARTICLE AND THEREBY TO PREEMPT SUCH TAX AND TO PRECLUDE ANOTHER MUNICIPAL CORPORATION FROM IMPOSING OR CONTINUING THE IMPOSITION OF SUCH TAX TO THE EXTENT THAT SUCH RIGHT IS EXERCISED. HOWEVER, THE RIGHT OF PREEMPTION SHALL ONLY APPLY WITHIN THE TERRITORIAL LIMITS OF THE TAXING JURISDICTION HAVING THE RIGHT OF PREEMPTION.

(E) EACH OF THE FOLLOWING COUNTIES AND CITIES SHALL HAVE THE SOLE RIGHT TO IMPOSE THE FOLLOWING RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT, BUT NOT IN EXCESS OF FOUR PERCENT, THAT SUCH COUNTY OR CITY IS AUTHORIZED TO IMPOSE PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE. SUCH ADDITIONAL RATE OF TAX IN EXCESS OF THREE PERCENT SHALL NOT BE SUBJECT TO PREEMPTION. NOTHING IN THIS SUBDIVISION SHALL PRECLUDE A COUNTY OR A CITY IN THAT COUNTY FROM IMPOSING A RATE OF TAX PURSUANT TO THE AUTHORITY OF SUBDIVISION (A) OR (B) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE IN EXCESS OF THREE PERCENT TO THE EXTENT THAT THIS SUBDIVISION DOES NOT RESERVE A RATE IN EXCESS OF THREE PERCENT TO THE COUNTY OR CITY. PROVIDED HOWEVER, IF AT ANY TIME SECTION TWELVE HUNDRED TEN OF THIS ARTICLE AUTHORIZED FOR THE COUNTIES LISTED IN PARAGRAPH ONE OF THIS SUBDIVISION A RATE IN EXCESS OF THE RATES LISTED IN PARAGRAPH ONE OF THIS SUBDIVISION, SUCH COUNTY SHALL HAVE THE SOLE RIGHT TO IMPOSE SUCH HIGHER RATE.

(1) COUNTIES:

(A) ONE-QUARTER OF ONE PERCENT - NONE.

(B) ONE-HALF OF ONE PERCENT - CHAUTAUQUA, ONTARIO, SCHENECTADY.

(C) THREE-QUARTERS OF ONE PERCENT - DUTCHESS, ESSEX, JEFFERSON, LEWIS, ORANGE.

(D) ONE PERCENT - ALBANY, ALLEGANY, BROOME, CATTARAUGUS, CHEMUNG, CHENANGO, CLINTON, COLUMBIA, DELAWARE, ERIE, FRANKLIN, GENESEE, GREENE, HERKIMER, LIVINGSTON, MONROE, MONTGOMERY, NASSAU, NIAGARA, ONEIDA, ONONDAGA, ORLEANS, PUTNAM, RENSSELAER, ROCKLAND, SCHOHARIE, SCHUYLER, SENECA, STEUBEN, SUFFOLK, SULLIVAN, TIOGA, TOMPKINS, ULSTER, WAYNE, WYOMING, YATES.

(2) CITIES:

(A) ONE-QUARTER OF ONE PERCENT - NONE.

(B) ONE-HALF OF ONE PERCENT - NONE.

(C) THREE-QUARTERS OF ONE PERCENT - WHITE PLAINS.

(D) ONE PERCENT - MOUNT VERNON, NEW ROCHELLE, YONKERS.

(F) EACH OF THE FOLLOWING COUNTIES AND CITIES SHALL HAVE THE SOLE RIGHT TO IMPOSE THE FOLLOWING RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF FOUR PERCENT THAT SUCH COUNTY OR CITY IS AUTHORIZED TO IMPOSE PURSUANT TO THE AUTHORITY OF SUBDIVISIONS (A) AND (K) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE. SUCH ADDITIONAL RATE OF TAX IN EXCESS OF FOUR PERCENT SHALL NOT BE SUBJECT TO PREEMPTION.

(1) COUNTIES:

(A) ONE-QUARTER OF ONE PERCENT - HERKIMER, NASSAU.

(B) ONE-HALF OF ONE PERCENT - ALLEGANY.

(C) THREE-QUARTERS OF ONE PERCENT - ERIE, ONEIDA.

(D) ONE PERCENT - NONE.

(2) CITIES:

(A) ONE-QUARTER OF ONE PERCENT - NONE.

(B) ONE-HALF OF ONE PERCENT - NONE.
(C) THREE-QUARTERS OF ONE PERCENT - NONE.
(D) ONE PERCENT - NONE.
(G) EACH OF THE FOLLOWING CITIES IS AUTHORIZED TO PREEMPT THE TAXES IMPOSED PURSUANT TO THE AUTHORITY OF SUBDIVISION (A) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE BY THE COUNTY IN WHICH IT IS LOCATED, TO THE EXTENT OF ONE-HALF THE MAXIMUM AGGREGATE RATE AUTHORIZED UNDER SECTION TWELVE HUNDRED TEN OF THIS ARTICLE: AUBURN, IN CAYUGA COUNTY; CORTLAND, IN CORTLAND COUNTY; GLOVERSVILLE OR JOHNSTOWN, IN FULTON COUNTY; ONEIDA, IN MADISON COUNTY; ONEONTA, IN OTSEGO COUNTY. AS OF THE DATE THIS SUBDIVISION TAKES EFFECT, ANY SUCH PREEMPTION IN EFFECT ON SUCH DATE SHALL CONTINUE IN FULL FORCE AND EFFECT UNTIL THE EFFECTIVE DATE OF A LOCAL LAW, ORDINANCE OR RESOLUTION ADOPTED OR AMENDED BY A CITY TO CHANGE SUCH PREEMPTION. ANY PREEMPTION TO TAKE EFFECT UNDER THIS SUBDIVISION AFTER THE DATE THIS SUBDIVISION TAKES EFFECT SHALL BE SUBJECT TO THE NOTICE REQUIREMENTS IN SECTION TWELVE HUNDRED TWENTY-THREE OF THIS SUBPART AND TO THE OTHER REQUIREMENTS OF THIS ARTICLE.

S 17. Subdivisions (s) and (hh) of section 1224 of the tax law, subdivision (s) as amended by chapter 117 of the laws of 2004, paragraph 2 of subdivision (s) as amended by section 3-a of part M-1 of chapter 109 of the laws of 2006, subdivision (hh) as added by section 3 of part M-1 of chapter 109 of the laws of 2006, are amended to read as follows:

[(s)] (H) (1) Notwithstanding any other provision of this section, each city in the county of Oswego shall have prior right to impose:

(A) all of the taxes described in article twenty-eight of this chapter as authorized by subdivision (a) of section twelve hundred ten or by section twelve hundred eleven of this article, up to the maximum rate authorized by the opening paragraph of such section twelve hundred ten.

(B) any or all of the taxes described in subdivisions (b), (d), (e) and (f) of section eleven hundred five of this chapter, and, where the tax described in such subdivision (b) of section eleven hundred five is imposed, all of the taxes described in clauses (E), (G) and (H) of subdivision (a) of section eleven hundred ten of this chapter, as authorized by subdivision (b) of section twelve hundred ten of this article.

(2) Notwithstanding any provision of this article, [during any period that] TAX IMPOSED BY the county of Oswego [is authorized to impose an additional rate of tax by] PURSUANT TO THE AUTHORITY OF SUBDIVISION (A) OF section twelve hundred ten of this article[, such county shall have the sole right to impose such additional rate, such additional rate of tax shall be in addition to any other tax which such county may impose or may be imposing pursuant to this article or any other law, and such additional rate of tax] AT THE RATE OF FOUR PERCENT OR LESS shall not be subject to [pre-emption and] PREEMPTION BUT shall apply only in the area of the county outside the cities in such county, provided that such [additional] rate of the county shall apply in a city in such county to the extent the city does not impose tax pursuant to the authority of section twelve hundred ten of this article [at a rate greater than three percent].

[(hh)] (I) Notwithstanding the foregoing provisions of this section or other law to the contrary:

(1) If a county, other than a county to which subdivision (c) of this section applies and other than Oswego county, and a city in the county each impose sales and compensating use taxes pursuant to the authority of subpart B of part one of this article, and

(A) neither elects to tax motor fuel and diesel motor fuel as described in subdivision (m) of section eleven hundred eleven of this chapter, the provisions of paragraph two of subdivisions (a) and (b) of this section, EXCEPT AS OTHERWISE PROVIDED IN SUBDIVISIONS (E) THROUGH (G) OF THIS SECTION, shall apply to their rates of tax on motor fuel and diesel motor fuel in such city; or

(B) both elect to tax motor fuel and diesel motor fuel as described in subdivision (m) of section eleven hundred eleven of this chapter, each shall have the prior right to the taxes on such fuels as described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of one-half the maximum rate authorized for such county or city, without regard to whether they have chosen the two dollar or three dollar base on which such taxes may be imposed; or

(C) only one of them elects to tax motor fuel and diesel motor fuel as described in subdivision (m) of section eleven hundred eleven of this chapter, the one that did not make such election shall have the prior right to impose taxes on such fuels described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of one-half the maximum rate, and the one that did make such election shall have the prior right to impose taxes on such fuels described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of one-half the maximum rate authorized for such locality but with regard to whether it chose the two dollar or three dollar base on which such taxes may be imposed.

(2) If a county to which subdivision (c) of this section applies and a city in such county each impose sales and compensating use taxes pursuant to the authority of subpart B of part one of this article, and

(A) neither elects to tax motor fuel and diesel motor fuel as described in subdivision (m) of section eleven hundred eleven of this chapter, the provisions of subdivision (c) of this section shall apply to their rates of tax on motor fuel and diesel motor fuel in such city; or

(B) both elect to tax motor fuel and diesel motor fuel as described in subdivision (m) of section eleven hundred eleven of this chapter, the county shall have the prior right to impose taxes on such fuels as described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of two-thirds, and the city shall have the prior right to impose taxes on such fuels as described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of one-third, of the maximum rate authorized for such county and city, without regard to whether they have chosen the two dollar or three dollar base on which such taxes may be imposed; or

(C) only one of them elects to tax motor fuel and diesel motor fuel as described in subdivision (m) of section eleven hundred eleven of this chapter, if the county did not make such election, it shall have the prior right to impose taxes on such fuels described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of two-thirds the maximum rate authorized, and the city shall have the prior right to impose taxes on such fuels described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of one-third the maximum rate authorized for such city but with regard to whether it chose the two dollar or three dollar base on which such tax may be imposed; and, if the city did not make the election, it shall have the prior right to impose taxes on such fuels described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of one-third the maximum rate authorized, and the county shall have the

prior right to impose taxes on such fuels described in subdivision (m) of section eleven hundred eleven of this chapter, to the extent of two-thirds the maximum rate authorized for such county but with regard to whether it chose the two dollar or three dollar base on which such taxes may be imposed.

(3) In Oswego county, references in subparagraph (A) of paragraph one of subdivision [(s)] (H) of this section to tax imposed by a city in such county at the maximum rate authorized or in subparagraph (B) of PARAGRAPH ONE OF subdivision [(s)] (H) of this section to the taxes described in subdivision (b) of section eleven hundred five of this chapter shall include tax imposed by the city pursuant to any election it makes under subdivision (m) of section eleven hundred eleven of this chapter, regardless of whether such city chooses the two dollar or three dollar base on which such tax may be imposed.

(4) Nothing in this subdivision or in subdivision (m) of section eleven hundred eleven of this chapter shall be construed to affect the authority of a county or city to impose an additional rate of tax IN EXCESS OF THREE PERCENT pursuant to this article, provided that, if a county or city makes the election described in subdivision (m) of section eleven hundred eleven of this chapter, such election shall apply uniformly to any tax it imposes pursuant to the authority of subpart B of part one of this article, including any SUCH additional rate of tax it is authorized to impose.

(5) For purposes of this section, the terms "maximum rate authorized" and "maximum rate" shall each have the same meaning as in subdivisions (a)[, (b)] and [(c)] (B) of this section.

S 18. Paragraph 2 of subdivision (c) of section 1261 of the tax law, as amended by section 9 of part SS-1 of chapter 57 of the laws of 2008, is amended to read as follows:

(2) However, the taxes, penalties and interest from the [additional] one percent rate IN EXCESS OF THREE PERCENT which the city of Yonkers is authorized to impose pursuant to section twelve hundred ten of this article, after the comptroller has reserved such refund fund and such cost shall be paid to the special sales and compensating use tax fund for the city of Yonkers established by section ninety-two-f of the state finance law at the times set forth in [the preceding sentence] PARAGRAPH ONE OF THIS SUBDIVISION.

S 19. Subdivisions (a) and (b) of section 1262-a of the tax law, subdivision (a) as amended and subdivision (b) as added by chapter 617 of the laws of 1992, are amended to read as follows:

(a) In the event that the county of Tompkins and the city of Ithaca both impose the same taxes described in section twelve hundred two, twelve hundred three or twelve hundred ten of this [chapter] ARTICLE, the county shall have power to impose or continue to impose such taxes on the area of the county outside such city up to the maximum rate authorized therefor. In such event, notwithstanding the provisions of [the preceding] section TWELVE HUNDRED SIXTY-TWO OF THIS PART, the portion of the net collections received by the county by reason of its additional rate on such area (CONSIDERED WITHOUT REGARD TO THE PORTION OF ANY COUNTY RATE IN EXCESS OF THREE PERCENT), shall be allocated quarterly to the towns in such area in proportion to their respective populations, and allocated between the towns and villages, if any village elects to take its share in cash, in proportion to their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of

the general municipal law completed and published prior to the end of the quarter for which the allocation is made.

(b) Notwithstanding any other provision of law to the contrary, if the county of Tompkins imposes [the additional one-half or one percent rate of] tax pursuant to the [provisions] AUTHORITY of SUBDIVISION (A) OF section twelve hundred ten of this article AT A RATE IN EXCESS OF THREE PERCENT, the [net collections received by the] county [of Tompkins on account of such additional rate during the first six months such additional rate is in effect] shall [be retained by the county of Tompkins to be used for any county purpose. Thereafter,] RETAIN seventy-five [per centum] PERCENT of net collections attributable to such [additional] rate [shall be retained by the county of Tompkins] IN EXCESS OF THREE PERCENT, to be used for any county purpose, and SHALL ALLOCATE the remaining twenty-five [per centum] PERCENT of [such] net collections [shall be allocated] FROM SUCH RATE IN EXCESS OF THREE PERCENT BETWEEN THE CITY OF ITHACA AND THE AREA OF THE COUNTY OUTSIDE SUCH CITY as follows:

(1) Where the city of Ithaca imposes [a] tax pursuant to the authority of subdivision (a) of section [one thousand two] TWELVE hundred ten of this article, [that portion received by] the county [on account of the additional tax imposed by the county] SHALL ALLOCATE THE PORTION OF SUCH NET COLLECTIONS ON ACCOUNT OF ITS RATE OF TAX IN EXCESS OF THREE PERCENT within the city of Ithaca [shall be allocated] to the city of Ithaca to be used for any city purpose. Where the city of Ithaca does not impose [a] tax pursuant to the authority of such subdivision (a) of section [one thousand two] TWELVE hundred ten the amount required to be allocated to such city, to be used for any city purpose, shall be determined in proportion to such city's population determined as a portion of the county's total population as determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law completed and published prior to the end of the quarter for which the allocation is made.

(2) The balance of such twenty-five [per centum] PERCENT OF THE COUNTY'S NET COLLECTIONS FROM ITS TAX IMPOSED AT A RATE IN EXCESS OF THREE PERCENT, after deduction of the amount allocated to the city of Ithaca pursuant to paragraph one of this subdivision, shall be allocated to the towns of such county, and between towns and villages, if any village elects to take its share in cash, in the manner described in subdivision (a) of this section with respect to the area of the county outside the city of Ithaca.

S 20. Section 1262-e of the tax law, as amended by chapter 286 of the laws of 2009, is amended to read as follows:

S 1262-e. [Establishment] NASSAU COUNTY - ESTABLISHMENT of local government assistance programs [in Nassau county]. 1. Towns and cities. Notwithstanding any other provision of law to the contrary, for [the] calendar [year] YEARS beginning [on] January first, nineteen hundred ninety-eight and continuing [through the calendar year beginning on January first, two thousand eleven] ANNUALLY THEREAFTER, the county of Nassau shall enact and establish a local government assistance program for the towns and cities within such county to assist such towns and cities to minimize real property taxes; defray the cost and expense of the treatment, collection, management, disposal, and transportation of municipal solid waste, and to comply with the provisions of chapter two hundred ninety-nine of the laws of nineteen hundred eighty-three; and defray the cost of maintaining conservation and environmental control programs. Such special assistance program for the towns and cities with-

in such county and the funding for such program shall equal [one-third of] the revenues received by such county from the imposition of [the three-quarters percent] ITS sales and COMPENSATING use [tax during] TAXES IMPOSED AT THE RATE OF ONE-QUARTER OF ONE PERCENT IN EXCESS OF THREE PERCENT EACH calendar [years two thousand one, two thousand two, two thousand three, two thousand four, two thousand five, two thousand six, two thousand seven, two thousand eight, two thousand nine, two thousand ten, and two thousand eleven additional to the regular three percent rate authorized for such county in section twelve hundred ten of this article] YEAR. The monies for such special local assistance shall be paid and distributed to the towns and cities on a per capita basis using the population figures in the latest decennial federal census. Provided further, that notwithstanding any other law to the contrary, the establishment of such special assistance program shall preclude any city or town within such county from preempting or claiming under any other section of this [chapter] ARTICLE the revenues derived from the [additional] COUNTY'S FIRST THREE-QUARTERS OF ONE PERCENT RATE OF tax IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article. Provided further, that any such town or towns may, by resolution of the town board, apportion all or a part of monies received in such special assistance program to an improvement district or special district account within such town or towns in order to accomplish the purposes of this special assistance program.

2. Villages. Notwithstanding any other provision of law to the contrary, for [the] calendar [year] YEARS beginning [on] January first, nineteen hundred ninety-eight and continuing [through the calendar year beginning on January first, two thousand eleven] ANNUALLY THEREAFTER, the county of Nassau, by local law, is hereby empowered to enact and establish a local government assistance program for the villages within such county to assist such villages to minimize real property taxes; defray the cost and expense of the treatment, collection, management, disposal, and transportation of municipal solid waste; and defray the cost of maintaining conservation and environmental control programs. The funding of such local assistance program for the villages within such county may be provided by Nassau county during any calendar year in which such village local assistance program is in effect and shall not exceed one-sixth of the revenues [received] THE COUNTY RECEIVES from [the imposition of the three-quarters percent] ITS sales and COMPENSATING use [tax that are remaining after the towns and cities have received their funding pursuant to the provisions of subdivision one of this section] TAXES IMPOSED AT THE RATE OF ONE-HALF OF ONE PERCENT IN EXCESS OF THREE PERCENT. The funding for such village local assistance program shall be paid and distributed to the villages on a per capita basis using the population figures in the latest decennial federal census. Provided further, that the establishment of such village local assistance program shall preclude any village within such county from [preempting or] claiming under any other section of this [chapter] ARTICLE the revenues derived from the [additional] COUNTY'S FIRST THREE-QUARTERS OF ONE PERCENT RATE OF tax IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article.

S 21. Section 1262-g of the tax law, as amended by chapter 168 of the laws of 2009, is amended to read as follows:

S 1262-g. [Allocation] ONEIDA COUNTY - ALLOCATION and distribution of net collections from the [additional] one percent rate of sales and compensating use taxes in [Oneida county] EXCESS OF THREE PERCENT. Notwithstanding any contrary provision of law, if the county of Oneida

imposes sales and compensating use taxes at a rate which is one percent [additional to] IN EXCESS OF the three percent rate, AS authorized by section twelve hundred ten of this article[, as authorized by such section], (a) where a city in such county imposes tax pursuant to the authority of subdivision (a) of such section twelve hundred ten, such county shall allocate, distribute and pay in cash quarterly to such city one-half of the net collections attributable to such [additional] one percent rate of the county's taxes collected in such city's boundaries; (b) where a city in such county does not impose tax pursuant to the authority of such subdivision (a) of such section twelve hundred ten, such county shall allocate, distribute and pay in cash quarterly to such city not so imposing tax a portion of the COUNTY'S net collections attributable to one-half of [the county's additional] SUCH one percent rate of tax calculated on the basis of the ratio which such city's population bears to the county's total population, such populations as determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county; and (c) provided, however, [(1) that such county shall dedicate the first five hundred thousand dollars of net collections attributable to such additional one percent rate of tax received by such county after the county receives in the aggregate eighteen million five hundred thousand dollars of net collections from such additional one percent rate of tax imposed for the period September first, nineteen hundred ninety-two, through August thirty-first, nineteen hundred ninety-three, and the first one million five hundred thousand dollars of such net collections after the county receives in the aggregate eighteen million five hundred thousand dollars of such net collections for the period September first, nineteen hundred ninety-three, through August thirty-first, nineteen hundred ninety-four, to an allocation on a per capita basis, utilizing figures from the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law, completed and published prior to the end of the year for which such allocation is made, which special census must include the entire area of such county, to be allocated and distributed among the towns and cities of Oneida county by appropriation of its board of legislators; and (2)] that such county shall dedicate the first one million five hundred thousand dollars of net collections attributable to such [additional] one percent rate of tax received by such county after the county receives in the aggregate eighteen million five hundred thousand dollars of net collections from such [additional] one percent rate of tax imposed for any [of the periods: September first, nineteen hundred ninety-four, through August thirty-first, nineteen hundred ninety-five; September first, nineteen hundred ninety-five through August thirty-first, nineteen hundred ninety-six; September first, nineteen hundred ninety-six, through August thirty-first, nineteen hundred ninety-seven; September first, nineteen hundred ninety-seven through August thirty-first, nineteen hundred ninety-eight; September first, nineteen hundred ninety-eight through August thirty-first, nineteen hundred ninety-nine; September first, nineteen hundred ninety-nine through August thirty-first, two thousand; September first, two thousand through August thirty-first, two thousand one; September first, two thousand one through August thirty-first, two thousand two; September first, two thousand two through August thirty-first, two thousand three; September first, two thousand three through August

thirty-first, two thousand four; September first, two thousand four through August thirty-first, two thousand five, September first, two thousand five through August thirty-first, two thousand six; September first, two thousand six through August thirty-first, two thousand seven, September first, two thousand seven through August thirty-first, two thousand eight; September first, two thousand eight through August thirty-first, two thousand nine; September first, two thousand nine through August thirty-first, two thousand ten; and September first, two thousand ten through August thirty-first, two thousand eleven] TWELVE MONTH PERIOD COMMENCING SEPTEMBER FIRST AND ENDING THE FOLLOWING AUGUST THIRTY-FIRST, to an allocation on a per capita basis, utilizing figures from the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law, completed and published prior to the end of the year for which such allocation is made, which special census must include the entire area of such county, to be allocated and distributed among the towns of Oneida county by appropriation of its board of legislators; provided, further, that nothing herein shall require such board of legislators to make any such appropriation until it has been notified by any town by appropriate resolution and, in any case where there is a village wholly or partly located within a town, a resolution of every such village, embodying the agreement of such town and village or villages upon the amount of such appropriation to be distributed to such village or villages out of the allocation to the town or towns in which it is located.

S 22. Section 1262-h of the tax law, as amended by chapter 284 of the laws of 2009, is amended to read as follows:

S 1262-h. [Allocation] STEUBEN COUNTY - ALLOCATION and distribution of net collections from the [additional] one percent rate of sales and compensating use taxes in [Steuben county] EXCESS OF THREE PERCENT. Notwithstanding any provision of law to the contrary, of the net collections received by the county of Steuben as a result of the imposition of the [additional] one percent rate of tax IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article [(a) during the period beginning December first, nineteen hundred ninety-three and ending November thirtieth, nineteen hundred ninety-four, the county of Steuben shall pay or cause to be paid to the city of Hornell the sum of two hundred thousand dollars, to the city of Corning the sum of three hundred thousand dollars, and the sum of five hundred thousand dollars to the towns and villages of the county of Steuben, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area. Of the net collections received by the county of Steuben as a result of the imposition of said additional one percent rate of tax authorized by section twelve hundred ten of this article during the period beginning December first, nineteen hundred ninety-four and ending November thirtieth, nineteen hundred ninety-five, the county of Steuben shall pay or cause to be paid to the city of Hornell the sum of three hundred thousand dollars, to the city of Corning the sum of four hundred fifty thousand dollars, and the sum of seven hundred fifty thousand dollars to the towns and villages of the county of Steuben, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area; and (b) during the period beginning December first, nineteen hundred ninety-five and ending November thirtieth, two thousand seven, the county of Steuben shall annually pay or cause to be paid to the city of Hornell the sum of

five hundred fifty thousand dollars, to the city of Corning the sum of six hundred thousand dollars, and the sum of seven hundred fifty thousand dollars to the towns and villages of the county of Steuben, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area; and during the period beginning December first, two thousand seven and ending November thirtieth, two thousand nine, the county of Steuben shall annually pay or cause to be paid to the city of Hornell the sum of six hundred ten thousand dollars, to the city of Corning the sum of six hundred fifty thousand dollars, and the sum of seven hundred fifty thousand dollars to the towns and villages of the county of Steuben, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area; and] during the period beginning December first, two thousand [nine] ELEVEN and ending November thirtieth, two thousand [eleven] TWELVE, AND CONTINUING FOR SUCH TWELVE-MONTH PERIODS THEREAFTER, the county of Steuben shall annually pay or cause to be paid to the city of Hornell the sum of seven hundred ten thousand dollars, to the city of Corning the sum of seven hundred ten thousand dollars, and the sum of seven hundred fifty thousand dollars to the towns and villages of the county of Steuben, on the basis of the ratio which the full valuation of real property in each town or village bears to the aggregate full valuation of real property in all of the towns and villages in such area.

S 23. Section 1262-i of the tax law, as amended by chapter 420 of the laws of 2003, is amended to read as follows:

S 1262-i. [Allocation] TIOGA COUNTY - ALLOCATION of net collections from the [additional] one percent rate of sales and compensating use taxes in [the county of Tioga] EXCESS OF THREE PERCENT. Notwithstanding any contrary provision of law, one-half of the net collections received by the county of Tioga from the one percent RATE OF sales and compensating use taxes in [addition to the] EXCESS OF three percent [rate, each as] authorized by section twelve hundred ten of this article[,] shall be deposited in the general fund of such county and one-half of such collections shall be deposited by the county of Tioga in a capital reserves fund. Disbursements from such capital reserves fund shall solely be made for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Tioga.

S 24. Section 1262-j of the tax law, as amended by chapter 180 of the laws of 1995, subdivision (b) as amended by chapter 27 of the laws of 2001, subdivision (c) as amended by chapter 283 of the laws of 2009, is amended to read as follows:

S 1262-j. [Allocation] SUFFOLK COUNTY - ALLOCATION and distribution of net collections from the [additional] ONE PERCENT RATE OF sales and compensating use taxes in [Suffolk county] EXCESS OF THREE PERCENT. [(a) Notwithstanding any provision of law to the contrary, of the net collections received by the county of Suffolk as a result of the imposition of up to the additional one percent rate of tax authorized by section twelve hundred ten of this chapter during the period beginning January first, nineteen hundred ninety-four and ending December thirty-first, nineteen hundred ninety-five, the county of Suffolk shall allocate such net collections as follows: one-eighth of the net collections received shall be dedicated for public safety purposes; an appropriate amount shall be used to bring the maximum funds dedicated to the sewer stabilization fund to twelve million five hundred thousand dollars annu-

ally; and, the balance shall be deposited in the general fund of the county of Suffolk.

(b) Notwithstanding any provision of law to the contrary, of the net collections received by the county of Suffolk as a result of the increase of three-quarters of one percent to the tax authorized by section twelve hundred ten of this article for the period beginning January first, nineteen hundred ninety-six and ending May thirty-first, two thousand one, imposed by local laws or resolutions (by simple majority) by the county legislature, and signed by the county executive, the county of Suffolk shall allocate such net collections as follows: an amount equal to no less than one-eighth and no more than one-quarter of net collections which would be received from the imposition of a full one percent rate increase, shall be dedicated for public safety purposes and the balance shall be deposited in the general fund of the county of Suffolk.

(c)] Notwithstanding any provision of law to the contrary, [of the net collections received by] IF the county of Suffolk [as a result of the increase] IMPOSES SALES AND COMPENSATING USE TAXES AT THE RATE of one percent [to the tax] IN EXCESS OF THREE PERCENT, AS authorized by section twelve hundred ten of this article [for the period beginning June first, two thousand one and ending November thirtieth, two thousand eleven], imposed by local laws or resolutions (by simple majority) by the county legislature, and signed by the county executive, the county of Suffolk shall allocate [such] net collections FROM SUCH ONE PERCENT RATE IN EXCESS OF THREE PERCENT as follows: no less than one-eighth and no more than three-eighths of such net collections received shall be dedicated for public safety purposes and the balance shall be deposited in the general fund of the county of Suffolk.

S 25. Subdivision (d) of section 1262-k of the tax law, as added by chapter 117 of the laws of 2004, is amended to read as follows:

(d) Subdivisions (a) and (b) of this section shall apply only with respect to taxes imposed at a rate not to exceed three percent by the county of Oswego and by any city in such county and without regard to any [additional] rate of tax IN EXCESS OF THREE PERCENT that such county or any such city may be authorized to or does impose.

S 26. Section 1262-l of the tax law, as amended by chapter 155 of the laws of 2009, is amended to read as follows:

S 1262-l. [Allocation] ROCKLAND COUNTY - ALLOCATION and distribution of net collections from the [additional] ONE PERCENT rate of sales and compensating use tax in [Rockland county] EXCESS OF THREE PERCENT. [1.] Notwithstanding any provision of law to the contrary, if the county of Rockland imposes the [additional five-eighths of] one percent rate of tax IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article [during the period beginning March] EFFECTIVE DECEMBER first, two thousand [two, and ending November thirtieth, two thousand] eleven AND THEREAFTER, such county shall allocate and distribute [twenty percent] (1) ONE-EIGHTH of the net collections from such [additional] ONE PERCENT rate to the towns and villages in the county in accordance with subdivision (c) of section twelve hundred sixty-two of this part on the basis of the ratio which the population of each such town or village bears to such county's total population; and

[2. Notwithstanding any provision of law to the contrary, if the county of Rockland imposes the additional three-eighths of one percent rate of tax authorized by section twelve hundred ten of this article during the period beginning March first, two thousand seven, and ending November thirtieth, two thousand eleven, such county shall allocate and

distribute sixteen and two-thirds percent] (2) ONE-EIGHTH of the net collections from such [additional] ONE PERCENT rate to the general funds of towns and villages within the county of Rockland with existing town and village police departments [from March first, two thousand seven through December thirty-first, two thousand seven and thirty-three and one-third percent of the net collections from such additional rate from January first, two thousand eight through November thirtieth, two thousand eleven. The monies allocated and distributed pursuant to this subdivision shall be allocated and distributed to towns and villages with police departments] on the basis of the number of full-time equivalent police officers employed by each police department and shall not be used for salaries heretofore or hereafter negotiated.

S 27. Section 1262-l of the tax law, as added by chapter 207 of the laws of 2002, is amended by adding a new subdivision (c) to read as follows:

(C) THIS SECTION SHALL APPLY TO TAXES IMPOSED IN WARREN COUNTY ONLY AT THE RATE OF THREE PERCENT OR LESS.

S 28. Section 1262-m of the tax law, as amended by chapter 371 of the laws of 2003, is amended to read as follows:

S 1262-m. [Allocation] CHENANGO COUNTY - ALLOCATION of net collections from the [additional] one percent rate of sales and compensating use taxes in [the county of Chenango] EXCESS OF THREE PERCENT. Notwithstanding any contrary provision of law, all net collections received by the county of Chenango from the one percent RATE OF sales and compensating use taxes in [addition to] EXCESS OF the three percent rate[, each as] authorized by section twelve hundred ten of this article[,] shall be used, in the first instance, to pay the cost of constructing and repaying any debts incurred in the construction of the Chenango county public safety building project, and any operational costs related to the Chenango county public safety building. Any and all revenue derived from such [additional] one percent RATE OF tax IN EXCESS OF THREE PERCENT, after the construction and debt financing costs of the Chenango county public safety building project annex, and any operational costs related to the Chenango county public safety building are paid, shall be deposited by the county of Chenango in a capital reserves fund. Disbursements from such capital reserves fund shall solely be made for the purposes of capital projects and repaying any debts incurred for such capital projects in the county of Chenango.

S 29. Section 1262-n of the tax law, as amended by chapter 149 of the laws of 2009, is amended to read as follows:

S 1262-n. [Disposition] NIAGARA COUNTY - DISPOSITION of net collections from the [additional] one percent rate of sales and compensating use taxes in [the county of Niagara] EXCESS OF THREE PERCENT. Notwithstanding any contrary provision of law, if the county of Niagara imposes the [additional] one percent rate of sales and compensating use taxes IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article for [all or] any [portion of the] period beginning [March] ON OR AFTER DECEMBER first, two thousand [three and ending November thirtieth, two thousand] eleven, the county shall use all net collections from such [additional] one percent rate IN EXCESS OF THREE PERCENT to pay the county's expenses for Medicaid[. The] AND SUCH net collections [from the additional one percent rate imposed pursuant to this section] shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such [additional] one percent tax IN EXCESS OF THREE PERCENT, after the Medicaid expenses are

paid, shall be deposited by the county of Niagara in the general fund of such county for any county purpose.

S 30. Section 1262-o of the tax law is REPEALED.

S 31. Section 1262-p of the tax law, as amended by chapter 136 of the laws of 2009, is amended to read as follows:

S 1262-p. [Disposition] LIVINGSTON COUNTY - DISPOSITION of net collections from the [additional] one percent rate of sales and compensating use taxes in [the county of Livingston] EXCESS OF THREE PERCENT. Notwithstanding any contrary provision of law, if the county of Livingston imposes the [additional] one percent rate of sales and compensating use taxes IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article for [all or] any [portion of the] period beginning [June] ON OR AFTER DECEMBER first, two thousand [three and ending November thirtieth, two thousand] eleven, the county shall use all net collections from such [additional] one percent rate to pay the county's expenses for Medicaid. The net collections from [the additional] SUCH one percent rate [imposed pursuant to this section] shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such [additional] one percent [tax] RATE, after the Medicaid expenses are paid, shall be deposited by the county of Livingston in the general fund of such county for any county purpose.

S 32. Section 1262-q of the tax law, as amended by chapter 266 of the laws of 2010, is amended to read as follows:

S 1262-q. Erie county-disposition of net collections from the one percent rate of sales and compensating use taxes in excess of three percent. Notwithstanding any provision of law to the contrary, OTHER THAN THE PROVISIONS CONTAINED IN SECTION TWELVE HUNDRED SIXTY-TWO-T OF THIS PART, if the county of Erie imposes the [additional] one percent rate of sales and compensating use taxes IN EXCESS OF THREE PERCENT authorized by section twelve hundred ten of this article during [the] ANY period beginning January first, two thousand seven, or thereafter, the county shall allocate each calendar year the first twelve million five hundred thousand dollars of the net collections from such one percent rate to the cities of such county and the area in such county outside its cities to be applied or distributed in the same manner and proportion as the net collections for such cities and area are applied or distributed under the revenue distribution agreement entered into pursuant to the authority of subdivision (c) of section twelve hundred sixty-two of this part in effect on January first, two thousand six, and subject to all provisions of such agreement governing the net collections for such cities and area and shall retain the remainder of such net collections for any county purpose.

S 33. Section 1262-r of the tax law, as added by chapter 374 of the laws of 2006, is amended to read as follows:

S 1262-r. [Allocation] OSWEGO COUNTY - ALLOCATION and distribution of certain net collections [in the county of Oswego]. Notwithstanding any other provision of law to the contrary, if the city of Fulton does not impose any tax pursuant to the authority of section twelve hundred ten of this article: (1) the county of Oswego shall impose sales and compensating use taxes pursuant to the authority of subdivision (a) of section twelve hundred ten of this article at [the maximum rate authorized therefor] A RATE OF NOT LESS THAN FOUR PERCENT; (2) such county shall, by local law, ordinance or resolution, allocate and distribute monthly to the city of Fulton net collections in the amount of five hundred eight thousand eight hundred twenty dollars, commencing on the first day

of the first month in which the repeal of such city's taxes takes effect, and continuing monthly unless the city of Fulton imposes tax pursuant to the authority of such section twelve hundred ten; (3) such monthly amount allocated and distributed to such city shall be deemed to be paid from the county's net collections set aside for county purposes and shall not affect the amount of net collections to be allocated and distributed by the county to the area of the county outside the cities in the county pursuant to subdivision (c) of section twelve hundred sixty-two of this part; and (4) such county shall not be required to allocate net collections to the city of Fulton pursuant to subdivision (c) of such section twelve hundred sixty-two unless net collections from the county's sales and compensating use taxes exceed thirty-four million dollars per year, in which case the county shall allocate ten percent of its net collections in excess of thirty-four million dollars on the basis of population to the city of Fulton and such area of the county outside the cities.

S 34. Subdivision (b) of section 1262-r of the tax law, as added by chapter 37 of the laws of 2006, is amended to read as follows:

(b) [The] NOTWITHSTANDING SECTION TWELVE HUNDRED SIXTY-TWO-W OF THIS PART, THE county shall allocate net collections from its taxes imposed at the rate of one and one-half percent pursuant to the authority of section twelve hundred ten of this article and also from [an additional] THE FIRST one-eighth of one percent rate of [such] ITS taxes [authorized by such section twelve hundred ten] IMPOSED IN EXCESS OF THREE PERCENT during the entire period [in which such additional rate is authorized] THAT THE COUNTY IMPOSES ANY RATE OF TAX IN EXCESS OF THREE PERCENT to the cities, towns and villages in the county (i) on the basis of their respective populations, determined in accordance with the latest decennial federal census or special population census taken pursuant to section twenty of the general municipal law, completed and published prior to the end of the quarter for which the allocation is made, which special census must include the entire area of the county (the "population method"), or (ii) on the basis of the ratio which the full valuation of real property in each city, town and village bears to the aggregate full valuation of real property in all of the cities, towns and villages in such county (the "full valuation method"), or (iii) on the basis of the two thousand four base amounts described in subdivision (d) of this section, or (iv) on the basis of specific amounts set aside for each city in the county, or (v) on the basis of a combination of such methods, provided, that the county shall apply the population method and the full valuation method uniformly throughout the county.

S 35. Section 1262-s of the tax law, as amended by chapter 111 of the laws of 2009, is amended to read as follows:

S 1262-s. [Disposition] HERKIMER COUNTY - DISPOSITION of net collections from the [additional] one-quarter of one percent rate of sales and compensating use taxes in [the county of Herkimer] EXCESS OF FOUR PERCENT. Notwithstanding any contrary provision of law, if the county of Herkimer imposes the [additional] one-quarter of one percent rate of sales and compensating use taxes IN EXCESS OF FOUR PERCENT authorized by SUBDIVISION (K) OF section twelve hundred [ten-E] TEN of this article for [all or] any [portion of the] period beginning ON OR AFTER December first, two thousand [seven and ending November thirtieth, two thousand] eleven, the county shall use all net collections from such [additional] one-quarter of one percent rate to pay the county's expenses for the construction of additional correctional facilities. The net collections from [the additional] SUCH ONE-QUARTER OF ONE PERCENT

rate [imposed pursuant to section twelve hundred ten-E] shall be deposited in a special fund to be created by such county separate and apart from any other funds and accounts of the county. Any and all remaining net collections from such [additional tax] ONE-QUARTER OF ONE PERCENT RATE, after the expenses of such construction are paid, shall be deposited by the county of Herkimer in the general fund of such county for any county purpose.

S 36. The tax law is amended by adding twelve new sections 1262-t, 1262-u, 1262-v, 1262-w, 1262-x, 1262-y, 1262-z, 1262-aa, 1262-bb, 1262-cc, 1262-dd, and 1262-ee to read as follows:

S 1262-T. ERIE COUNTY - NET COLLECTIONS FROM SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS OF FOUR PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NET COLLECTIONS FROM ERIE COUNTY'S SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS OF FOUR PERCENT PURSUANT TO THE AUTHORITY OF SUBDIVISION (K) OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE SHALL BE PAID TO THE COUNTY, SHALL BE USED BY THE COUNTY SOLELY FOR COUNTY PURPOSES, AND SHALL NOT BE SUBJECT TO ANY AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN THE COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-U. ONEIDA COUNTY - NET COLLECTIONS FROM SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS OF THREE PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, NET COLLECTIONS FROM ONEIDA COUNTY'S SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF THREE-QUARTERS OF ONE PERCENT IN EXCESS OF THREE PERCENT SHALL NOT BE SUBJECT TO ANY AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN THE COUNTY UNDER SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-V. HERKIMER COUNTY - NET COLLECTIONS FROM SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF ONE PERCENT IN EXCESS OF THREE PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, HERKIMER COUNTY'S ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT SHALL NOT BE SUBJECT TO PREEMPTION PURSUANT TO THE AGREEMENT ENTERED INTO BETWEEN THE COUNTY OF HERKIMER AND THE CITY OF LITTLE FALLS ON APRIL TWELFTH, NINETEEN HUNDRED NINETY-FOUR, AND FILED WITH THE CLERK OF THE COUNTY LEGISLATURE OF THE COUNTY OF HERKIMER.

S 1262-W. ONTARIO COUNTY - NET COLLECTIONS FROM A PORTION OF SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF ONE-HALF OF ONE PERCENT IN EXCESS OF THREE PERCENT. NOTWITHSTANDING ANY LAW TO THE CONTRARY, AFTER ONTARIO COUNTY ALLOCATES NET COLLECTIONS FROM THE FIRST ONE-EIGHTH OF ONE PERCENT RATE OF ITS TAXES IN EXCESS OF THREE PERCENT PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED SIXTY-TWO-R OF THIS PART, THE REMAINDER OF NET COLLECTIONS FROM ONTARIO COUNTY'S SALES AND COMPENSATING USE TAXES IMPOSED AT THE RATE OF ONE-HALF OF ONE PERCENT IN EXCESS OF THREE PERCENT SHALL BE SET ASIDE FOR COUNTY PURPOSES AND SHALL NOT BE SUBJECT TO ANY AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITIES IN THE COUNTY PURSUANT TO THE AUTHORITY OF SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OR SECTION TWELVE HUNDRED SIXTY-TWO-R OF THIS PART.

S 1262-X. ALBANY COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. NOTWITHSTANDING ANY INCONSISTENT PROVISION OF LAW, IF THE COUNTY OF ALBANY IMPOSES A ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT AS AUTHORIZED BY SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, THEN THE COUNTY OF ALBANY SHALL ALLOCATE AND DISTRIBUTE NET COLLECTIONS FROM SUCH ONE PERCENT RATE IN EXCESS OF THREE PERCENT QUARTERLY TO THE CITIES AND THE AREA OF THE COUNTY OUTSIDE THE CITIES IN

THE SAME PROPORTION THE COUNTY ALLOCATES AND DISTRIBUTES NET COLLECTIONS FROM THE COUNTY'S THREE PERCENT RATE OF SUCH TAXES AS OF JULY ELEVENTH, TWO THOUSAND NINE. SUCH PORTION OF NET COLLECTIONS ATTRIBUTABLE TO SUCH ONE PERCENT RATE SHALL BE ALLOCATED AND DISTRIBUTED TO THE TOWNS AND VILLAGES IN SUCH COUNTY IN THE SAME MANNER AS NET COLLECTIONS ATTRIBUTABLE TO SUCH COUNTY'S THREE PERCENT RATE OF SUCH TAXES ARE ALLOCATED AND DISTRIBUTED TO SUCH TOWNS AND VILLAGES AS OF THAT DATE. IF A CITY IN THE COUNTY OF ALBANY EXERCISES ITS PRIOR RIGHT TO IMPOSE TAX PURSUANT TO SECTION TWELVE HUNDRED TWENTY-FOUR OF THIS ARTICLE, THEN THE COUNTY SHALL NOT BE REQUIRED TO ALLOCATE AND DISTRIBUTE NET COLLECTIONS IN ACCORDANCE WITH THIS SECTION FOR ANY PERIOD OF TIME DURING WHICH ANY SUCH CITY TAX IS IN EFFECT.

S 1262-Y. CLINTON COUNTY - NET COLLECTIONS FROM ADDITIONAL RATE NOT SUBJECT TO AGREEMENT. NET COLLECTIONS FROM ANY RATE OF SALES AND COMPENSATING USE TAXES CLINTON COUNTY IMPOSES IN EXCESS OF THREE PERCENT DURING THE PERIOD COMMENCING DECEMBER FIRST, TWO THOUSAND SEVEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND ELEVEN, PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SHALL BE PAID TO THE COUNTY AND THE COUNTY SHALL SET ASIDE SUCH NET COLLECTIONS AND USE THEM SOLELY FOR COUNTY PURPOSES. SUCH NET COLLECTIONS SHALL NOT BE SUBJECT TO ANY REVENUE DISTRIBUTION AGREEMENT ENTERED INTO BY THE COUNTY AND THE CITY IN THE COUNTY PURSUANT TO SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-Z. COLUMBIA COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, IF COLUMBIA COUNTY IMPOSES A ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT AS AUTHORIZED BY SECTION TWELVE HUNDRED TEN OF THIS ARTICLE FOR ANY PERIOD, THEN THE COUNTY SHALL ALLOCATE AND DISTRIBUTE QUARTERLY TO THE CITY OF HUDSON AND THE AREA OF THE COUNTY OUTSIDE SUCH CITY THE SAME PROPORTION OF NET COLLECTIONS ATTRIBUTABLE TO SUCH ONE PERCENT RATE AS THE COUNTY WAS ALLOCATING AND DISTRIBUTING NET COLLECTIONS FROM THE COUNTY'S THREE PERCENT RATE OF SUCH TAXES ON JANUARY TWENTY-EIGHTH, NINETEEN HUNDRED NINETY-FIVE, AND SUCH PORTION OF NET COLLECTIONS FROM SUCH ONE PERCENT RATE SHALL BE ALLOCATED AND DISTRIBUTED TO THE TOWNS AND VILLAGES IN THE COUNTY IN THE SAME MANNER AS NET COLLECTIONS ATTRIBUTABLE TO THE COUNTY'S THREE PERCENT RATE OF SUCH TAXES WERE ALLOCATED AND DISTRIBUTED TO SUCH TOWNS AND VILLAGES ON JANUARY TWENTY-EIGHTH, NINETEEN HUNDRED NINETY-FIVE. IF THE CITY OF HUDSON EXERCISES ITS PRIOR RIGHT TO IMPOSE A TAX PURSUANT TO SECTION TWELVE HUNDRED TWENTY-FOUR OF THIS ARTICLE, THEN THE COUNTY SHALL NOT BE REQUIRED TO ALLOCATE AND DISTRIBUTE NET COLLECTIONS IN ACCORDANCE WITH THIS SECTION FOR ANY PERIOD DURING WHICH ANY SUCH CITY TAX IS IN EFFECT.

S 1262-AA. GENESEE COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF GENESEE COUNTY IMPOSES SALES AND COMPENSATING USE TAXES AT A RATE IN EXCESS OF THREE PERCENT FOR ANY PERIOD, THE COUNTY SHALL ALLOCATE AND DISTRIBUTE NET COLLECTIONS FROM SUCH RATE IN EXCESS OF THREE PERCENT IN THE SAME MANNER AND PROPORTION AS IT DOES NET COLLECTIONS FROM SUCH TAXES IMPOSED AT THE RATE OF THREE PERCENT.

S 1262-BB. MONROE COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. (A) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS (B) AND (C) OF SECTION TWELVE HUNDRED SIXTY-TWO AND SECTION TWELVE HUNDRED SIXTY-TWO-G OF THIS PART, NET COLLECTIONS FROM MONROE COUNTY'S SALES AND COMPENSATING USE TAXES IMPOSED AT A RATE OF ONE PERCENT IN EXCESS OF THREE PERCENT, AS AUTHORIZED PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SHALL BE ALLOCATED AND DISTRIBUTED AS FOLLOWS: FOR THE

PERIOD OF DECEMBER FIRST, TWO THOUSAND ELEVEN, THROUGH NOVEMBER THIRTIETH, TWO THOUSAND TWELVE, IN CASH, FIVE PERCENT TO THE SCHOOL DISTRICTS IN THE AREA OF THE COUNTY OUTSIDE THE CITY OF ROCHESTER, THREE PERCENT TO THE TOWNS LOCATED WITHIN THE COUNTY, ONE AND ONE-QUARTER PERCENT TO THE VILLAGES LOCATED WITHIN THE COUNTY, AND NINETY AND THREE-QUARTERS PERCENT TO THE CITY OF ROCHESTER AND COUNTY OF MONROE. THE REMAINING NINETY AND THREE-QUARTERS PERCENT OF NET COLLECTIONS FROM SUCH ONE PERCENT RATE IN EXCESS OF THREE PERCENT SHALL BE ALLOCATED AND DISTRIBUTED TO THE CITY OF ROCHESTER OR RETAINED BY THE COUNTY SO THAT THE COMBINED TOTAL ALLOCATION AND DISTRIBUTION TO THE CITY AND COMBINED AMOUNT TO BE RETAINED BY THE COUNTY FROM THE COUNTY'S SALES TAX REVENUES PURSUANT TO SECTIONS TWELVE HUNDRED SIXTY-TWO AND TWELVE HUNDRED SIXTY-TWO-G OF THIS PART AND THIS SECTION SHALL RESULT IN THE SAME TOTAL AMOUNT BEING ALLOCATED AND DISTRIBUTED TO THE CITY OF ROCHESTER AND THE COUNTY. THE AMOUNT SO RETAINED BY THE COUNTY SHALL BE USED FOR COUNTY PURPOSES. THE FOREGOING CASH PAYMENTS TO THE SCHOOL DISTRICTS SHALL BE ALLOCATED ON THE BASIS OF THE ENROLLED PUBLIC SCHOOL PUPILS THEREOF, AS SUCH TERM IS USED IN SUBDIVISION (B) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART, RESIDING IN THE COUNTY OF MONROE. THE CASH PAYMENTS TO THE TOWNS LOCATED IN THE COUNTY OF MONROE SHALL BE ALLOCATED ON THE BASIS OF THE RATIO WHICH THE POPULATION OF EACH TOWN, EXCLUSIVE OF THE POPULATION OF ANY VILLAGE OR PORTION THEREOF LOCATED WITHIN A TOWN, BEARS TO THE TOTAL POPULATION OF THE TOWNS LOCATED IN THE COUNTY, EXCLUSIVE OF THE POPULATION OF THE VILLAGES LOCATED IN SUCH TOWNS. THE CASH PAYMENTS TO THE VILLAGES LOCATED IN THE COUNTY SHALL BE ALLOCATED ON THE BASIS OF THE RATIO WHICH THE POPULATION OF EACH VILLAGE BEARS TO THE TOTAL POPULATION OF THE VILLAGES LOCATED IN THE COUNTY. THE TERM POPULATION AS USED IN THIS SECTION SHALL HAVE THE SAME MEANING AS USED IN SUBDIVISION (B) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

(B) NET COLLECTIONS FROM SUCH ONE PERCENT RATE IN EXCESS OF THREE PERCENT SHALL NOT BE INCLUDED IN DETERMINING A SALES TAX INCREASE OR DECREASE AS DEFINED IN PARAGRAPHS (C) AND (D) OF SUBDIVISION ONE OF SECTION TWELVE HUNDRED SIXTY-TWO-G OF THIS PART.

S 1262-CC. ONONDAGA COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW, NET COLLECTIONS FROM THE ONE PERCENT RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT ONONDAGA COUNTY MAY IMPOSE DURING THE PERIOD COMMENCING DECEMBER FIRST, TWO THOUSAND ELEVEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND TWELVE, PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SHALL NOT BE SUBJECT TO ANY REVENUE DISTRIBUTION AGREEMENT ENTERED INTO PURSUANT TO SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART, BUT SHALL BE ALLOCATED AND DISTRIBUTED OR PAID, AT LEAST QUARTERLY, AS FOLLOWS: (I) 72.70 PERCENT TO THE COUNTY FOR ANY COUNTY PURPOSE; (II) 11.35 PERCENT TO THE CITY OF SYRACUSE; (III) 13.04 PERCENT TO THE TOWNS OF THE COUNTY ON THE BASIS OF POPULATION AND TO THE VILLAGES IN THE AREA OF THE COUNTY OUTSIDE THE CITY OF SYRACUSE, IN ACCORDANCE WITH SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART; AND (IV) 2.91 PERCENT TO THE SCHOOL DISTRICTS IN ACCORDANCE WITH SUBDIVISION (A) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-DD. ORANGE COUNTY - NET COLLECTIONS FROM ADDITIONAL RATE NOT SUBJECT TO AGREEMENT. NOTWITHSTANDING SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART, NET COLLECTIONS FROM ANY RATE OF SALES AND COMPENSATING USE TAXES IN EXCESS OF THREE PERCENT IMPOSED BY ORANGE COUNTY DURING THE PERIOD COMMENCING DECEMBER FIRST, TWO THOUSAND ELEVEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND TWELVE, PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE, SHALL BE USED

BY THE COUNTY SOLELY FOR COUNTY PURPOSES AND SHALL NOT BE SUBJECT TO ANY REVENUE DISTRIBUTION AGREEMENT ENTERED INTO PURSUANT TO THE AUTHORITY OF SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART.

S 1262-EE. ULSTER COUNTY - ALLOCATION OF CERTAIN NET COLLECTIONS. IF ULSTER COUNTY IMPOSES SALES AND COMPENSATING USE TAXES AT A RATE IN EXCESS OF THREE PERCENT PURSUANT TO THE AUTHORITY OF SECTION TWELVE HUNDRED TEN OF THIS ARTICLE FOR ANY PERIOD COMMENCING DECEMBER FIRST, TWO THOUSAND ELEVEN, AND ENDING NOVEMBER THIRTIETH, TWO THOUSAND TWELVE, NET COLLECTIONS FROM SUCH RATE IN EXCESS OF THREE PERCENT SHALL BE SUBJECT TO SUCH COUNTY'S EXISTING AGREEMENT WITH THE CITY OF KINGSTON ENTERED INTO PURSUANT TO SUBDIVISION (C) OF SECTION TWELVE HUNDRED SIXTY-TWO OF THIS PART AND SUCH NET COLLECTIONS SHALL BE ALLOCATED IN ACCORDANCE WITH SUCH AGREEMENT.

S 37. This act shall take effect September 1, 2011, and shall apply in accordance with the applicable transitional provisions in sections 1106 and 1217 of the tax law; provided that a county, city or school district shall be authorized immediately after this act shall have become a law to adopt or amend local laws, ordinances or resolutions to impose sales and compensating use taxes at a rate in excess of the rate authorized in the opening paragraph of section 1210 of the tax law, as added by section one of this act, pursuant to the authority of this act to take effect September 1, 2011, or thereafter, subject to the provisions of subdivisions (d) and (e) of section 1210, 1211, or 1212-A or subdivisions (e) and (f) of section 1212 of the tax law.

PART H

Section 1. This act enacts into law major components of legislation relating to real property tax exemptions and rent control. Each component is wholly contained within a Subpart identified as Subparts A through C. The effective date for each particular provision contained within such Subpart is set forth in the last section of such Subpart. Any provision in any section contained within a Subpart, including the effective date of the Subpart, which makes a 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 Subpart in which it is found. Section three of this act sets forth the general effective date of this act.

SUBPART A

Section 1. The opening paragraph of item (A) of subparagraph (iv) of paragraph (a) of subdivision 2 of section 421-a of the real property tax law, as amended by chapter 618 of the laws of 2007, is amended to read as follows:

Unless excluded by local law, in the city of New York, the benefits of this subparagraph shall be available in the borough of Manhattan for new multiple dwellings on tax lots now existing or hereafter created south of or adjacent to either side of one hundred tenth street [which] THAT commence construction after July first, nineteen hundred ninety-two and before December twenty-eighth, two thousand [ten] EIGHTEEN only if:

S 2. Subparagraph (ii) of paragraph (c) of subdivision 2 of section 421-a of the real property tax law, as amended by chapter 618 of the laws of 2007, is amended to read as follows:

(ii) construction is commenced after January first, nineteen hundred seventy-five and before December twenty-eighth, two thousand [ten] EIGH-

TEEN provided, however, that such commencement period shall not apply to multiple dwellings eligible for benefits under subparagraph (iv) of paragraph (a) of this subdivision;

S 3. Paragraph (d) of subdivision 2 of section 421-a of the real property tax law, as amended by chapter 692 of the laws of 1995, is amended to read as follows:

(d) [As of July first, nineteen hundred seventy-five] FOR ANY BUILDING GRANTED TAX EXEMPTION PURSUANT TO THIS SECTION BY THE LOCAL HOUSING AGENCY ON OR SUBSEQUENT TO JULY FIRST, NINETEEN HUNDRED SEVENTY-ONE, if the aggregate floor area of commercial, community facility and accessory use space exceeds twelve [per cent] PERCENT of the aggregate floor area, as defined herein, [of any building granted tax exemption pursuant to this section on or subsequent to July first, nineteen hundred seventy-one] OF SUCH BUILDING, tax exemption shall be reduced by an amount equal to the [per cent] PERCENT of the aggregate floor area by which the aggregate floor area of commercial, community facility and accessory use space exceeds twelve [per cent] PERCENT of the aggregate floor area of the building provided, however, that accessory use space shall not include accessory parking located not more than twenty-three feet above the curb level and provided, further, that whenever a building containing two or more separately assessed parcels of real property has commercial, community facility and accessory use space in excess of such twelve percent, the tax arising out of the reduction in exemption for such excess space shall not be apportioned pro rata among all of the separately assessed parcels in the building but shall be applied first to those separately assessed parcels which are unrelated to the residential use of the building; and only after such unrelated parcels are fully taxable shall the remainder of such tax be apportioned pro rata among the remaining separately assessed parcels and provided further, that no such exemption for commercial, community facility and accessory use space shall be applicable prior to July first, nineteen hundred seventy-five. To be eligible for exemption under this section such construction shall take place on land which, thirty-six months prior to the commencement of such construction, was vacant, predominantly vacant, under-utilized, or improved with a non-conforming use, provided that if such new multiple dwelling displaces or replaces a building or buildings containing more than twenty-five occupied dwelling units in existence on December thirty-first, nineteen hundred seventy-four and administered under the local emergency housing rent control act, the rent stabilization law of nineteen hundred sixty-nine, or the emergency tenant protection act of nineteen seventy-four, such new multiple dwelling shall not be eligible in the city of New York unless a certificate of eviction has been issued for any of the displaced or replaced units pursuant to the powers granted by the city rent and rehabilitation law, and that the sale, transfer or utilization of air rights over residential buildings that were not demolished shall not be construed as a displacement or replacement of the dwelling units contained within those buildings within the meaning of this subdivision.

S 4. Subdivision 3 of section 421-a of the real property tax law, as amended by chapter 857 of the laws of 1975, the opening paragraph as amended by chapter 655 of the laws of 1978, paragraph (iv) as amended by chapter 703 of the laws of 1976, and such section as renumbered by chapter 110 of the laws of 1977, is amended to read as follows:

3. Application forms for exemption under this section shall be filed with the [assessors between February first and March fifteenth and, based on the certification of the local housing agency as herein

provided, the assessors shall certify to the collecting officer the amount of taxes to be abated] LOCAL HOUSING AGENCY, WHICH SHALL ISSUE A CERTIFICATE CERTIFYING THE APPLICANT'S ELIGIBILITY PURSUANT TO SUBDIVISIONS TWO AND FOUR OF THIS SECTION. If there be in a city of one million population or more a department of housing preservation and development, the term "housing agency" shall mean only such department of housing preservation and development. [No such application shall be accepted by the assessors unless accompanied by a certificate of the local housing agency certifying the applicant's eligibility pursuant to subdivisions two and four of this section.] No such certification of eligibility shall be issued by the local housing agency until such agency determines the initial adjusted monthly rent to be paid by tenants residing in rental dwelling units contained within the multiple dwelling and the comparative adjusted monthly rent that would have to be paid by such tenants if no tax exemption were applicable as provided by this section. The initial adjusted monthly rent will be certified by the local housing agency as the first rent for the subject dwelling units. A copy of such certification with respect to such units shall be attached by the applicant to the first effective lease or occupancy agreement. The initial adjusted monthly rent shall reflect the full tax exemption benefits as approved by the agency.

The agency shall determine the amount of the initial adjusted monthly rent as follows:

(i) The total project cost shall be determined by adding the following items:

(a) Land acquisition cost or purchase price, if purchased within two years prior to the date on which construction or alteration is commenced; or land acquisition cost or purchase price or an appraisal prepared by a qualified independent appraiser, in such form as is acceptable to the agency, if purchased more than two years prior to such date. Land acquisition cost or purchase price, where used, shall be certified to by an independent certified public accountant;

(b) Costs incurred in the process of preparing the site for construction, including but not limited to operating losses, relocation expenses, demolition expenses and carrying charges, such costs to be certified by an independent certified public accountant to a date not more than ninety days prior to the filing of an application for certification of eligibility and the balance of such costs to be estimated;

(c) Construction costs for constructing or rehabilitating the multiple dwelling as determined by the agency in accordance with subdivision four of this section, plus such amount, if any, representing unique and special costs as may be allowed by the agency for a particular multiple dwelling;

(d) An allowance for estimated off-site costs, including but not limited to architects, engineers and legal fees, interest and taxes during construction, insurance, title and mortgage fees, as determined by the agency in accordance with subdivision four of this section, and

(e) such other amounts as are ordinarily and customarily incurred in connection with the construction or rehabilitation of a multiple dwelling, as determined by the agency in accordance with subdivision four of this section.

(ii) The total expenses of the multiple dwelling shall be determined by adding the following items:

(a) The amount that the agency determines to be the reasonable annual costs for the continuing maintenance and operation of the multiple dwelling in accordance with subdivision four of this section;

(b) The amount that the agency determines to be an appropriate annual provision for vacancies, contingency reserves and management fees in accordance with subdivision four of this section.

(c) The projected real property taxes to be levied on the multiple dwelling and the land on which it is situated at the time of estimated initial occupancy;

(d) Fourteen (14) [per cent] PERCENT of the total project cost, as hereinabove defined, which amount will include all expenses for debt service; and

(e) Deducting from said total the estimated annual income to be derived from any commercial, community facility or accessory use space in the building.

(iii) The total expenses shall be divided by the room count to provide the adjusted monthly rent per room per month.

(iv) The adjusted monthly rent per room per month shall be multiplied by the room count of each rental dwelling unit to provide the initial adjusted monthly rent for such dwelling unit. The agency may allow adjustments in the initial adjusted monthly rent for any particular dwelling units provided that the total of the initial adjusted monthly rents for all of the rental dwelling units in a multiple dwelling shall not exceed the total expenses of such multiple dwelling.

The agency shall determine the estimated comparative adjusted monthly rent that would have to be paid if no tax exemption were applicable as provided by this section by adding to the adjusted monthly rent for each dwelling unit as hereinabove computed an amount equal to (a) the difference between the projected real property taxes which would be levied on the multiple dwelling and the land on which it is situated at the time estimated initial occupancy if no tax abatement were applicable as provided by this section and the projected real property taxes hereinabove utilized in connection with the computation of total expenses; (b) divided by the room count of the building as per this section; and (c) multiplied by the applicants approved room count of each such dwelling unit.

The local housing agency may promulgate rules and regulations to carry out the provisions of this section, not inconsistent with the provisions hereof, [and may require a reasonable filing fee in an amount provided by such rules and regulations] INCLUDING, BUT NOT LIMITED TO, RULES AND REGULATIONS RELATING TO THE FILING FEE AUTHORIZED PURSUANT TO PARAGRAPH B OF SUBDIVISION FOUR OF THIS SECTION. NOTWITHSTANDING THE PROVISIONS OF ANY GENERAL, SPECIAL OR LOCAL LAW, THE LOCAL HOUSING AGENCY IN A CITY OF ONE MILLION OR MORE MAY REQUIRE THAT APPLICATIONS FOR EXEMPTION UNDER THIS SECTION THAT ARE FILED ON OR AFTER THE EFFECTIVE DATE OF THIS ACT BE FILED ELECTRONICALLY.

S 5. Paragraph b of subdivision 4 of section 421-a of the real property tax law, as added by chapter 744 of the laws of 2004, is amended to read as follows:

b. The local housing agency [may] SHALL require a filing fee not to exceed the greater of (i) four-tenths of one percent of the total project cost, or (ii) if the building will be owned as a cooperative or condominium, four-tenths of one percent of the total project cost or four-tenths of one percent of the total project sell-out price stated in the last amendment to the offering plan accepted for filing by the attorney general of the state, at the option of the applicant. Such total project cost or total project sell-out price shall be determined pursuant to rules promulgated by the local housing agency. Notwithstanding the foregoing, the local housing agency may promulgate rules impos-

ing an additional fee if an application, or any part thereof, or submission in connection therewith, is defective and such defect delays the processing of such application or causes the local housing agency to expend additional resources in the processing of such application.

S 6. Subparagraph (i) of paragraph (a) of subdivision 6 of section 421-a of the real property tax law, as added by chapter 110 of the laws of 2005, is amended to read as follows:

(i) "Covered project." (A) A new building located within the Greenpoint - Williamsburg waterfront exclusion area, (B) two or more buildings which are part of one contiguous development entirely located within the Greenpoint - Williamsburg waterfront exclusion area, (C) two or more buildings which are located within the Greenpoint - Williamsburg waterfront exclusion area and are part of a single development parcel specifically identified in section [62-831] 62-931 of the local zoning resolution, or (D) where so authorized in writing by the local housing agency, one or more buildings located within the Greenpoint - Williamsburg waterfront exclusion area and one or more buildings located outside the Greenpoint - Williamsburg waterfront exclusion area but within Community District Number One in the borough of Brooklyn. The cumulative number of affordable units located outside the Greenpoint - Williamsburg waterfront exclusion area in all covered projects described in clause (D) of this subparagraph shall not exceed two hundred. A building located outside the Greenpoint - Williamsburg waterfront exclusion area which is part of a covered project described in clause (D) of this subparagraph shall not contain any affordable units with respect to which an application pending before a governmental entity on the effective date of this subdivision or a written agreement in effect on the effective date of this subdivision provided for the development of such affordable units.

S 7. Intentionally omitted.

S 8. This act shall take effect immediately, provided, however, that the amendments to item (A) of subparagraph (iv) of paragraph (a) of subdivision 2 and subparagraph (ii) of paragraph (c) of subdivision 2 of section 421-a of the real property tax law made by sections one and two of this act shall be deemed to have been in full force and effect as of December 28, 2010.

SUBPART B

Section 1. Section 17 of chapter 576 of the laws of 1974, amending the emergency housing rent control law relating to the control of and stabilization of rent in certain cases, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

S 17. Effective date. This act shall take effect immediately and shall remain in full force and effect until and including the fifteenth day of June [2011] 2019; except that sections two and three shall take effect with respect to any city having a population of one million or more and section one shall take effect with respect to any other city, or any town or village whenever the local legislative body of a city, town or village determines the existence of a public emergency pursuant to section three of the emergency tenant protection act of nineteen seventy-four, as enacted by section four of this act, and provided that the housing accommodations subject on the effective date of this act to stabilization pursuant to the New York city rent stabilization law of nineteen hundred sixty-nine shall remain subject to such law upon the expiration of this act.

S 2. Subdivision 2 of section 1 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, is REPEALED.

S 3. Section 2 of chapter 329 of the laws of 1963, amending the emergency housing rent control law relating to recontrol of rents in Albany, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

S 2. This act shall take effect immediately and the provisions of subdivision 6 of section 12 of the emergency housing rent control law, as added by this act, shall remain in full force and effect until and including June 15, [2011] 2019.

S 4. Section 10 of chapter 555 of the laws of 1982, amending the general business law and the administrative code of the city of New York relating to conversion of residential property to cooperative or condominium ownership in the city of New York, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

S 10. This act shall take effect immediately; provided, that the provisions of sections one, two and nine of this act shall remain in full force and effect only until and including June 15, [2011] 2019; provided further that the provisions of section three of this act shall remain in full force and effect only so long as the public emergency requiring the regulation and control of residential rents and evictions continues as provided in subdivision 3 of section 1 of the local emergency housing rent control act; provided further that the provisions of sections four, five, six and seven of this act shall expire in accordance with the provisions of section 26-520 of the administrative code of the city of New York as such section of the administrative code is, from time to time, amended; provided further that the provisions of section 26-511 of the administrative code of the city of New York, as amended by this act, which the New York City Department of Housing Preservation and Development must find are contained in the code of the real estate industry stabilization association of such city in order to approve it, shall be deemed contained therein as of the effective date of this act; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eeee of the general business law as they had existed immediately prior to the effective date of this act.

S 5. Section 4 of chapter 402 of the laws of 1983, amending the general business law relating to conversions of rental residential property to cooperative or condominium ownership in certain municipalities in the counties of Nassau, Westchester and Rockland, as amended by chapter 82 of the laws of 2003, is amended to read as follows:

S 4. This act shall take effect immediately; provided, that the provisions of sections one and three of this act shall remain in full force and effect only until and including June 15, [2011] 2019; and provided further that any plan accepted for filing by the department of law on or before the effective date of this act shall continue to be governed by the provisions of section 352-eee of the general business law as they had existed immediately prior to the effective date of this act.

S 6. Subdivision 6 of section 46 of chapter 116 of the laws of 1997, constituting the rent regulation reform act of 1997, is REPEALED.

S 7. The opening paragraph of subdivision 4 of section 14 of the public housing law, as added by chapter 116 of the laws of 1997, is amended to read as follows:

The agency shall promulgate regulations, rules and policies which provide for the rights of family members to succeed in certain cases to the rights of tenants protected by the emergency tenant protection act of nineteen seventy-four, the emergency housing rent control law, the local emergency housing rent control act, the administrative code of the city of New York and any regulations, rules and policies enacted pursuant thereto. THE RIGHT OF FAMILY MEMBERS TO SUCCEED IN CERTAIN CASES TO THE RIGHTS OF TENANTS PROTECTED BY SUCH LAWS SHALL BE LIMITED TO ONE SUCCESSION. THERE SHALL BE NO FURTHER RIGHT OF SUCCESSION FOR ANY OTHER FAMILY MEMBERS OF A FAMILY MEMBER WHO HAS PREVIOUSLY EXERCISED THEIR RIGHT TO SUCCESSION. ANY FAMILY MEMBER WHO HAS SUCCEEDED TO THE RIGHTS OF TENANTS PROTECTED BY SUCH LAWS PRIOR TO JUNE TWENTIETH, TWO THOUSAND ELEVEN SHALL HAVE THE RIGHT TO CONTINUE THEIR TENANCY UNTIL VACANCY BUT NO OTHER FAMILY MEMBERS SHALL THEREAFTER HAVE THE RIGHT TO SUCCEED TO THE PRIOR SUCCESSOR'S RIGHTS AS TENANTS. Such regulations, rules and policies shall contain provisions which include, but shall not be limited to, the following:

S 8. Paragraph 13 of subdivision c of section 26-511 of the administrative code of the city of New York, as added by chapter 253 of the laws of 1993, is amended to read as follows:

(13) provides that an owner is entitled to a rent increase where there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings provided in or to a tenant's housing accommodation, on written tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The permanent increase in the legal regulated rent for the affected housing accommodation shall be one-fortieth of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges. Provided further that an owner who is entitled to a rent increase pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. FOR RENT INCREASES PURSUANT TO THIS PARAGRAPH THAT TAKE EFFECT AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THE OWNER SHALL GIVE WRITTEN NOTICE TO THE DIVISION AND THE TENANT ON FORMS PRESCRIBED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL OF ANY SUCH ADJUSTMENT PURSUANT TO THIS PARAGRAPH AND THE FAILURE TO PROVIDE SUCH WRITTEN NOTICE SHALL PRECLUDE THE COLLECTION OF ANY SUCH ADJUSTMENT.

S 9. Paragraph 1 of subdivision d of section 6 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by chapter 253 of the laws of 1993, is amended to read as follows:

(1) there has been a substantial modification or increase of dwelling space or an increase in the services, or installation of new equipment or improvements or new furniture or furnishings, provided in or to a tenant's housing accommodation, on written tenant consent to the rent increase. In the case of a vacant housing accommodation, tenant consent shall not be required. The permanent increase in the legal regulated rent for the affected housing accommodation shall be one-fortieth of the total cost incurred by the landlord in providing such modification or increase in dwelling space, services, furniture, furnishings or equipment, including the cost of installation, but excluding finance charges. Provided further [than] THAT an owner who is entitled to a rent increase

pursuant to this paragraph shall not be entitled to a further rent increase based upon the installation of similar equipment, or new furniture or furnishings within the useful life of such new equipment, or new furniture or furnishings. FOR RENT INCREASES PURSUANT TO THIS PARAGRAPH THAT TAKE EFFECT AFTER JANUARY FIRST, TWO THOUSAND TWELVE, THE OWNER SHALL GIVE WRITTEN NOTICE TO THE DIVISION AND THE TENANT ON FORMS PRESCRIBED BY THE COMMISSIONER OF HOUSING AND COMMUNITY RENEWAL OF ANY SUCH ADJUSTMENT PURSUANT TO THIS PARAGRAPH AND THE FAILURE TO PROVIDE SUCH WRITTEN NOTICE SHALL PRECLUDE THE COLLECTION OF ANY SUCH ADJUSTMENT.

S 10. Paragraph 5-a of subdivision c of section 26-511 of the administrative code of the city of New York, as added by chapter 116 of the laws of 1997, is amended to read as follows:

(5-a) provides that, notwithstanding any provision of this chapter, the legal regulated rent for any vacancy lease entered into after the effective date of this paragraph shall be as hereinafter provided in this paragraph. The previous legal regulated rent for such housing accommodation shall be increased by the following: (i) if the vacancy lease is for a term of two years, twenty percent of the previous legal regulated rent; or (ii) if the vacancy lease is for a term of one year the increase shall be twenty percent of the previous legal regulated rent less an amount equal to the difference between (a) the two year renewal lease guideline promulgated by the guidelines board of the city of New York applied to the previous legal regulated rent and (b) the one year renewal lease guideline promulgated by the guidelines board of the city of New York applied to the previous legal regulated rent. In addition, if the legal regulated rent was not increased with respect to such housing accommodation by a permanent vacancy allowance within eight years prior to a vacancy lease executed on or after the effective date of this paragraph, the legal regulated rent may be further increased by an amount equal to the product resulting from multiplying such previous legal regulated rent by six-tenths of one percent and further multiplying the amount of rent increase resulting therefrom by the greater of (A) the number of years since the imposition of the last permanent vacancy allowance, or (B) if the rent was not increased by a permanent vacancy allowance since the housing accommodation became subject to this chapter, the number of years that such housing accommodation has been subject to this chapter. Provided that if the previous legal regulated rent was less than three hundred dollars the total increase shall be as calculated above plus one hundred dollars per month. Provided, further, that if the previous legal regulated rent was at least three hundred dollars and no more than five hundred dollars in no event shall the total increase pursuant to this paragraph be less than one hundred dollars per month. Such increase shall be in lieu of any allowance authorized for the one or two year renewal component thereof, but shall be in addition to any other increases authorized pursuant to this chapter including an adjustment based upon a major capital improvement, or a substantial modification or increase of dwelling space or services, or installation of new equipment or improvements or new furniture or furnishings provided in or to the housing accommodation pursuant to this section. THE INCREASE AUTHORIZED IN THIS PARAGRAPH SHALL NOT BE IMPLEMENTED MORE THAN ONE TIME IN ANY CALENDAR YEAR NOTWITHSTANDING THE NUMBER OF VACANCY LEASES ENTERED INTO IN SUCH YEAR.

S 11. Subdivision (a-1) of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of

nineteen seventy-four, as added by chapter 116 of the laws of 1997, is amended to read as follows:

(a-1) provides that, notwithstanding any provision of this act, the legal regulated rent for any vacancy lease entered into after the effective date of this subdivision shall be as hereinafter set forth. The previous legal regulated rent for such housing accommodation shall be increased by the following: (i) if the vacancy lease is for a term of two years, twenty percent of the previous legal regulated rent; or (ii) if the vacancy lease is for a term of one year the increase shall be twenty percent of the previous legal regulated rent less an amount equal to the difference between (a) the two year renewal lease guideline promulgated by the guidelines board of the county in which the housing accommodation is located applied to the previous legal regulated rent and (b) the one year renewal lease guideline promulgated by the guidelines board of the county in which the housing accommodation is located applied to the previous legal regulated rent. In addition, if the legal regulated rent was not increased with respect to such housing accommodation by a permanent vacancy allowance within eight years prior to a vacancy lease executed on or after the effective date of this subdivision, the legal regulated rent may be further increased by an amount equal to the product resulting from multiplying such previous legal regulated rent by six-tenths of one percent and further multiplying the amount of rent increase resulting therefrom by the greater of (A) the number of years since the imposition of the last permanent vacancy allowance, or (B) if the rent was not increased by a permanent vacancy allowance since the housing accommodation became subject to this act, the number of years that such housing accommodation has been subject to this act. Provided that if the previous legal regulated rent was less than three hundred dollars the total increase shall be as calculated above plus one hundred dollars per month. Provided, further, that if the previous legal regulated rent was at least three hundred dollars and no more than five hundred dollars in no event shall the total increase pursuant to this subdivision be less than one hundred dollars per month. Such increase shall be in lieu of any allowance authorized for the one or two year renewal component thereof, but shall be in addition to any other increases authorized pursuant to this act including an adjustment based upon a major capital improvement, or a substantial modification or increase of dwelling space or services, or installation of new equipment or improvements or new furniture or furnishings provided in or to the housing accommodation pursuant to section six of this act. THE INCREASE AUTHORIZED IN THIS SUBDIVISION SHALL NOT BE IMPLEMENTED MORE THAN ONE TIME IN ANY CALENDAR YEAR NOTWITHSTANDING THE NUMBER OF VACANCY LEASES ENTERED INTO IN SUCH YEAR.

S 12. Subdivision a of section 10 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 234 of the laws of 1984, is amended to read as follows:

a. For cities having a population of less than one million and towns and villages, the state division of housing and community renewal shall be empowered to implement this act by appropriate regulations. Such regulations may encompass such speculative or manipulative practices or renting or leasing practices as the state division of housing and community renewal determines constitute or are likely to cause circumvention of this act. Such regulations shall prohibit practices which are likely to prevent any person from asserting any right or remedy granted by this act, including but not limited to retaliatory termination of periodic

tenancies and shall require owners to grant a new one or two year vacancy or renewal lease at the option of the tenant, PROVIDED, HOWEVER, THAT FOR VACANCY AND RENEWAL LEASES WHICH TAKE EFFECT ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SUCH REGULATIONS SHALL REQUIRE OWNERS TO GRANT A NEW ONE YEAR VACANCY OR RENEWAL LEASE, except where a mortgage or mortgage commitment existing as of the local effective date of this act provides that the owner shall not grant a one-year lease; and shall prescribe standards with respect to the terms and conditions of new and renewal leases, additional rent and such related matters as security deposits, advance rental payments, the use of escalator clauses in leases and provision for increase in rentals for garages and other ancillary facilities, so as to insure that the level of rent adjustments authorized under this law will not be subverted and made ineffective. Any provision of the regulations permitting an owner to refuse to renew a lease on grounds that the owner seeks to recover possession of the housing accommodation for his own use and occupancy or for the use and occupancy of his immediate family shall require that an owner demonstrate immediate and compelling need and shall not apply where a member of the housing accommodation is sixty-two years of age or older, has been a tenant in a housing accommodation in that building for twenty years or more, or has an impairment which results from anatomical, physiological or psychological conditions, other than addiction to alcohol, gambling, or any controlled substance, which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques, and which are expected to be permanent and which prevent the tenant from engaging in any substantial gainful employment.

S 13. Paragraphs 4 and 12 of subdivision c of section 26-511 of the administrative code of the city of New York are amended to read as follows:

(4) includes provisions requiring owners to grant a one or two year vacancy or renewal lease at the option of the tenant, PROVIDED, HOWEVER, THAT FOR VACANCY AND RENEWAL LEASES WHICH TAKE EFFECT ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, SUCH CODE SHALL REQUIRE OWNERS TO GRANT A NEW ONE YEAR VACANCY OR RENEWAL LEASE except where a mortgage or mortgage commitment existing as of April first, nineteen hundred sixty-nine, provides that the mortgagor shall not grant a one year lease;

(12) permits subletting of units subject to this law pursuant to section two hundred twenty-six-b of the real property law provided that (a) the rental charged to the subtenant does not exceed the stabilized rent plus a ten percent surcharge payable to the tenant if the unit sublet was furnished with the tenant's furniture; (b) the tenant can establish that at all times he or she has maintained the unit as his or her primary residence and intends to occupy it as such at the expiration of the sublease; (c) an owner may terminate the tenancy of a tenant who sublets or assigns contrary to the terms of this paragraph but no action or proceeding based on the non-primary residence of a tenant may be commenced prior to the expiration date of his or her lease; (d) where an apartment is sublet the prime tenant shall retain the right to a renewal lease and the rights and status of a tenant in occupancy as they relate to conversion to condominium or cooperative ownership; (e) where a tenant violates the provisions of subparagraph (a) of this paragraph the subtenant shall be entitled to damages of three times the overcharge and may also be awarded attorneys fees and interest from the date of the overcharge at the rate of interest payable on a judgment pursuant to section five thousand four of the civil practice law and rules; (f) the tenant may not sublet the unit for more than a total of two years,

including the term of the proposed sublease, out of the four-year period preceding the termination date of the proposed sublease, PROVIDED, HOWEVER, THAT FOR SUBLEASES COMMENCING ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, A TENANT MAY NOT SUBLET THE UNIT FOR MORE THAN ONE YEAR. The provisions of this subparagraph shall only apply to subleases commencing on and after July first, nineteen hundred eighty-three; (g) for the purposes of this paragraph only, the term of the proposed sublease may extend beyond the term of the tenant's lease. In such event, such sublease shall be subject to the tenant's right to a renewal lease. The subtenant shall have no right to a renewal lease. It shall be unreasonable for an owner to refuse to consent to a sublease solely because such sublease extends beyond the tenant's lease; and (h) notwithstanding the provisions of section two hundred twenty-six-b of the real property law, a not-for-profit hospital shall have the right to sublet any housing accommodation leased by it to its affiliated personnel without requiring the landlord's consent to any such sublease and without being bound by the provisions of subparagraphs (b), (c) and (f) of this paragraph. Commencing with the effective date of this subparagraph, whenever a not-for-profit hospital executes a renewal lease for a housing accommodation, the legal regulated rent shall be increased by a sum equal to fifteen percent of the previous lease rental for such housing accommodation, hereinafter referred to as a vacancy surcharge, unless the landlord shall have received within the seven year period prior to the commencement date of such renewal lease any vacancy increases or vacancy surcharges allocable to the said housing accommodation. In the event the landlord shall have received any such vacancy increases or vacancy surcharges during such seven year period, the vacancy surcharge shall be reduced by the amount received by any such vacancy increase or vacancy surcharges.

S 14. Paragraphs 12 and 13 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, paragraph 12 as amended by chapter 116 of the laws of 1997 and paragraph 13 as amended by chapter 82 of the laws of 2003, are amended to read as follows:

(12) upon issuance of an order by the division, housing accommodations which are: (1) occupied by persons who have a total AVERAGE annual income in excess of one hundred seventy-five thousand dollars OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY AN OWNER TO A TENANT AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS per annum [in each of] FOR the two preceding calendar years, as defined in and subject to the limitations and process set forth in section five-a of this act; and (2) have a legal regulated rent of [two] ONE thousand FIVE HUNDRED dollars or more per month. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this act (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law.

(13) IN A BUILDING WITH FIFTY OR FEWER HOUSING ACCOMMODATIONS, any housing accommodation with a legal regulated rent of two thousand ONE HUNDRED dollars or more per month [at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three] which is or becomes vacant on or after [the effective date of this paragraph, or] JUNE 19, 2011, AND IN A BUILDING WITH MORE THAN FIFTY HOUSING

ACCOMMODATIONS, any housing accommodation with a legal regulated rent of two thousand FOUR HUNDRED dollars or more per month [at any time on or after the effective date of the rent regulation reform act of 1997] which is or becomes vacant on or after [the effective date of the rent regulation reform act of 1997] JUNE 19, 2011. [This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand dollars a month.] Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this act (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law. This paragraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this act shall also apply.

S 15. Section 5-a of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as added by chapter 253 of the laws of 1993, subdivision (b) and paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as added by chapter 116 of the laws of 1997, is amended to read as follows:

S 5-a. High income rent decontrol. (a) For purposes of this section, annual income shall mean the federal adjusted gross income as reported on the New York state income tax return. Total annual income means the sum of the annual incomes of all persons whose names are recited as the tenant or co-tenant on a lease who occupy the housing accommodation and all other persons that occupy the housing accommodation as their primary residence on other than a temporary basis, excluding bona fide employees of such occupants residing therein in connection with such employment and excluding bona fide subtenants in occupancy pursuant to the provisions of section two hundred twenty-six-b of the real property law. In the case where a housing accommodation is sublet, the annual income of the tenant or co-tenant recited on the lease who will reoccupy the housing accommodation upon the expiration of the sublease shall be considered.

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the legal regulated rent is two thousand dollars or more per month may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one

hundred seventy-one-b of the tax law, and shall not require disclosure of any information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which had a legal regulated rent of [two] ONE thousand FIVE HUNDRED dollars or more per month are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total AVERAGE annual income as certified is in excess of one hundred seventy-five thousand dollars OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, in each such year, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order providing that such housing accommodation shall not be subject to the provisions of this act upon the expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

(c) 1. In the event that the tenant or tenants either fail to return the completed certification to the owner on or before the date required by subdivision (b) of this section or the owner disputes the certification returned by the tenant or tenants, the owner may, on or before June thirtieth of such year, petition the state division of housing and community renewal to verify, pursuant to section one hundred seventy-one-b of the tax law, whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Within twenty days after the filing of such request with the division, the division shall notify the tenant or tenants that such tenant or tenants named on the lease must provide the division with such information as the division and the department of taxation and finance shall require to verify whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each such year] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR THE TWO PRECEDING CALENDAR YEARS. The division's notification shall require the tenant or tenants to provide the information to the division within sixty days of service upon such tenant or tenants and shall include a warning in bold faced type that failure to respond will result in an order being issued by the division providing that such housing accommodations shall not be subject to the provisions of this act.

2. If the department of taxation and finance determines that the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results.

Within forty-five days after the expiration of the comment period, the division shall, where appropriate, issue an order providing that such housing accommodation shall not be subject to the provisions of this act upon expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

3. In the event the tenant or tenants fail to provide the information required pursuant to paragraph one of this subdivision, the division shall issue, on or before December first of such year, an order providing that such housing accommodation shall not be subject to the provisions of this act upon the expiration [or] OF the current lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

4. The provisions of the state freedom of information act shall not apply to any income information obtained by the division pursuant to this section.

(d) This section shall apply only to paragraph twelve of subdivision a of section five of this act.

(e) Upon receipt of such order of decontrol pursuant to this section, an owner shall offer the housing accommodation subject to such order to the tenant at a rent not in excess of the market rent, which for the purposes of this section means a rent obtainable in an arm's length transaction. Such rental offer shall be made by the owner in writing to the tenant by certified and regular mail and shall inform the tenant that such offer must be accepted in writing within ten days of receipt. The tenant shall respond within ten days after receipt of such offer. If the tenant declines the offer or fails to respond within such period, the owner may commence an action or proceeding for the eviction of such tenant.

S 16. Paragraphs (m) and (n) of subdivision 2 of section 2 of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, paragraph (m) as amended by chapter 116 of the laws of 1997 and paragraph (n) as amended by chapter 82 of the laws of 2003, are amended to read as follows:

(m) upon the issuance of an order of decontrol by the division, housing accommodations which[: (1)] are occupied by persons who have a total AVERAGE annual income in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS PER ANNUM FOR the two preceding calendar years, as defined in and subject to the limitations and process set forth in section two-a of this law; and (2) have a maximum rent of [two] ONE thousand FIVE HUNDRED dollars or more per month.

(n) IN A BUILDING WITH FIFTY OR FEWER HOUSING ACCOMMODATIONS, any housing accommodation with a maximum rent of two thousand ONE HUNDRED dollars or more per month [at any time between the effective date of this paragraph and October first, nineteen hundred ninety-three] which is or becomes vacant on or after [the effective date of this paragraph, or] JUNE 19, 2011, AND IN A BUILDING WITH MORE THAN FIFTY HOUSING ACCOMMODATIONS, any housing accommodation with a maximum rent of two thousand FOUR HUNDRED dollars or more per month [at any time on or after the effective date of the rent regulation reform act of 1997] which is or becomes vacant on or after [the effective date of the rent regulation reform act of 1997] JUNE 19, 2011. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in

occupancy actually is charged or pays less than two thousand dollars a month. This exclusion shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

S 17. Section 2-a of chapter 274 of the laws of 1946, constituting the emergency housing rent control law, as added by chapter 253 of the laws of 1993, subdivision (b) and paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as added by chapter 116 of the laws of 1997, is amended to read as follows:

S 2-a. (a) For purposes of this section, annual income shall mean the federal adjusted gross income as reported on the New York state income tax return. Total annual income means the sum of the annual incomes of all persons who occupy the housing accommodation as their primary residence on other than a temporary basis, excluding bona fide employees of such occupants residing therein in connection with such employment and excluding bona fide subtenants in occupancy pursuant to the provisions of section two hundred twenty-six-b of the real property law. In the case where a housing accommodation is sublet, the annual income of the sublessor shall be considered.

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the maximum rent is [two] ONE thousand FIVE HUNDRED dollars or more per month may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state [that]: (i) only tenants residing in housing accommodations which had a maximum rent of [two] ONE thousand FIVE HUNDRED dollars or more per month are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total AVERAGE annual income as certified is in excess of one hundred seventy-five thousand dollars [in each such year] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR THE TWO PRECEDING CALENDAR YEARS, the owner may file the certification with the state

division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order of decontrol providing that such housing accommodations shall not be subject to the provisions of this law as of the first day of June in the year next succeeding the filing of the certification by the owner. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

(c) 1. In the event that the tenant or tenants either fail to return the completed certification to the owner on or before the date required by subdivision (b) of this section or the owner disputes the certification returned by the tenant or tenants, the owner may, on or before June thirtieth of such year, petition the state division of housing and community renewal to verify, pursuant to section one hundred seventy-one-b of the tax law, whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Within twenty days after the filing of such request with the division, the division shall notify the tenant or tenants that such tenant or tenants must provide the division with such information as the division and the department of taxation and finance shall require to verify whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each such year] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR THE TWO PRECEDING CALENDAR YEARS. The division's notification shall require the tenant or tenants to provide the information to the division within sixty days of service upon such tenant or tenants and shall include a warning in bold faced type that failure to respond will result in an order of decontrol being issued by the division for such housing accommodation.

2. If the department of taxation and finance determines that the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results. Within forty-five days after the expiration of the comment period, the division shall, where appropriate, issue an order of decontrol providing that such housing accommodation shall not be subject to the provisions of this law as of the first day of March in the year next succeeding the filing of the owner's petition with the division. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

3. In the event the tenant or tenants fail to provide the information required pursuant to paragraph one of this subdivision, the division shall issue, on or before December first of such year, an order of decontrol providing that such housing accommodation shall not be subject to the provisions of this law as of the first day of March in the year next succeeding the last day on which the tenant or tenants were required to provide the information required by such paragraph. A copy of such order shall be mailed by regular and certified mail, return

receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

4. The provisions of the state freedom of information act shall not apply to any income information obtained by the division pursuant to this section.

S 18. Section 26-504.1 of the administrative code of the city of New York, as amended by chapter 116 of the laws of 1997, is amended to read as follows:

S 26-504.1 Exclusion of accommodations of high income renters. Upon the issuance of an order by the division, "housing accommodations" shall not include housing accommodations which: (1) are occupied by persons who have a total AVERAGE annual income in excess of one hundred seventy-five thousand dollars OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY 1, 2012, TWO HUNDRED THOUSAND DOLLARS per annum for [each of] the two preceding calendar years, as defined in and subject to the limitations and process set forth in section 26-504.3 of this chapter; and (2) have a legal regulated rent of [two] ONE thousand FIVE HUNDRED dollars or more per month. Provided, however, that this exclusion shall not apply to housing accommodations which became or become subject to this law (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law.

S 19. Section 26-504.2 of the administrative code of the city of New York, as amended by chapter 116 of the laws of 1997, subdivision a as amended by chapter 82 of the laws of 2003, subdivision b as amended by local law number 12 of the city of New York for the year 2000, is amended to read as follows:

S 26-504.2 Exclusion of high rent accommodations. a. "Housing accommodations" shall not include IN A BUILDING WITH FIFTY OR FEWER HOUSING ACCOMMODATIONS, any housing accommodation which becomes vacant on or after [April first, nineteen hundred ninety-seven and where at the time the tenant vacated such housing accommodation the] JUNE NINETEENTH, TWO THOUSAND ELEVEN WITH A legal regulated rent [was] OF two thousand ONE HUNDRED dollars or more per month, [or] AND IN A BUILDING WITH MORE THAN FIFTY HOUSING ACCOMMODATIONS, any housing accommodation which is or becomes vacant on or after [the effective date of the rent regulation reform act of 1997] JUNE NINETEENTH, TWO THOUSAND ELEVEN with a legal regulated rent of two thousand FOUR HUNDRED dollars or more per month. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand dollars a month. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this law (a) by virtue of receiving tax benefits pursuant to section four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, except as otherwise provided in subparagraph (i) of paragraph (f) of subdivision two of section four hundred twenty-one-a of the real property tax law, or (b) by virtue of article seven-C of the multiple dwelling law. This section shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfer-

ed with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

b. The owner of any housing accommodation that is not subject to this law pursuant to the provisions of subdivision a of this section or subparagraph k of paragraph 2 of subdivision e of section 26-403 of this code shall give written notice certified by such owner to the first tenant of that housing accommodation after such housing accommodation becomes exempt from the provisions of this law or the city rent and rehabilitation law. Such notice shall contain the last regulated rent, the reason that such housing accommodation is not subject to this law or the city rent and rehabilitation law, a calculation of how either the rental amount charged when there is no lease or the rental amount provided for in the lease has been derived so as to reach, IN A BUILDING WITH FIFTY OR FEWER HOUSING ACCOMMODATIONS, two thousand ONE HUNDRED dollars or more per month FOR ANY HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER JUNE NINETEENTH, TWO THOUSAND ELEVEN, AND IN A BUILDING WITH MORE THAN FIFTY HOUSING ACCOMMODATIONS, TWO THOUSAND FOUR HUNDRED DOLLARS OR MORE PER MONTH FOR ANY HOUSING ACCOMMODATION WHICH IS OR BECOMES VACANT ON OR AFTER JUNE NINETEENTH, TWO THOUSAND ELEVEN, a statement that the last legal regulated rent or the maximum rent may be verified by the tenant by contacting the state division of housing and community renewal, or any successor thereto, and the address and telephone number of such agency, or any successor thereto. Such notice shall be sent by certified mail within thirty days after the tenancy commences or after the signing of the lease by both parties, whichever occurs first or shall be delivered to the tenant at the signing of the lease. In addition, the owner shall send and certify to the tenant a copy of the registration statement for such housing accommodation filed with the state division of housing and community renewal indicating that such housing accommodation became exempt from the provisions of this law or the city rent and rehabilitation law, which form shall include the last regulated rent, and shall be sent to the tenant within thirty days after the tenancy commences or the filing of such registration, whichever occurs later.

S 20. Section 26-504.3 of the administrative code of the city of New York, as added by chapter 253 of the laws of 1993, subdivision (b) and paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as added by chapter 116 of the laws of 1997, is amended to read as follows:

S 26-504.3 High income rent decontrol. (a) For purposes of this section, annual income shall mean the federal adjusted gross income as reported on the New York state income tax return. Total annual income means the sum of the annual incomes of all persons whose names are recited as the tenant or co-tenant on a lease who occupy the housing accommodation and all other persons that occupy the housing accommodation as their primary residence on other than a temporary basis, excluding bona fide employees of such occupants residing therein in connection with such employment and excluding bona fide subtenants in occupancy pursuant to the provisions of section two hundred twenty-six-b of the real property law. In the case where a housing accommodation is sublet, the annual income of the tenant or co-tenant recited on the lease who will reoccupy the housing accommodation upon the expiration of the sublease shall be considered.

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the legal regulated rent is [two] ONE thousand FIVE HUNDRED dollars or more per month may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which have a legal regulated rent of [two] ONE thousand FIVE HUNDRED dollars or more per month are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total AVERAGE annual income as certified is in excess of one hundred seventy-five thousand dollars [in each such year] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR THE TWO PRECEDING CALENDAR YEARS, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order providing that such housing accommodation shall not be subject to the provisions of this act upon the expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

(c) 1. In the event that the tenant or tenants either fail to return the completed certification to the owner on or before the date required by subdivision (b) of this section or the owner disputes the certification returned by the tenant or tenants, the owner may, on or before June thirtieth of such year, petition the state division of housing and community renewal to verify, pursuant to section one hundred seventy-one-b of the tax law, whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Within twenty days after the filing of such request with the division, the division shall notify the tenant or tenants named on the lease that such tenant or tenants must provide the division with such information as the division and the department of taxation and finance shall require to verify whether the total annual income exceeds one hundred seventy-five thousand dollars OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, in each such

year. The division's notification shall require the tenant or tenants to provide the information to the division within sixty days of service upon such tenant or tenants and shall include a warning in bold faced type that failure to respond will result in an order being issued by the division providing that such housing accommodation shall not be subject to the provisions of this law.

2. If the department of taxation and finance determines that the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results. Within forty-five days after the expiration of the comment period, the division shall, where appropriate, issue an order providing that such housing accommodation shall not be subject to the provisions of this law upon the expiration of the existing lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

3. In the event the tenant or tenants fail to provide the information required pursuant to paragraph one of this subdivision, the division shall issue, on or before December first of such year, an order providing that such housing accommodation shall not be subject to the provisions of this law upon the expiration of the current lease. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

4. The provisions of the state freedom of information act shall not apply to any income information obtained by the division pursuant to this section.

(d) This section shall apply only to section 26-504.1 of this code.

(e) Upon receipt of such order of decontrol pursuant to this section, an owner shall offer the housing accommodation subject to such order to the tenant at a rent not in excess of the market rent, which for the purposes of this section means a rent obtainable in an arm's length transaction. Such rental offer shall be made by the owner in writing to the tenant by certified and regular mail and shall inform the tenant that such offer must be accepted in writing within ten days of receipt. The tenant shall respond within ten days after receipt of such offer. If the tenant declines the offer or fails to respond within such period, the owner may commence an action or proceeding for the eviction of such tenant.

S 21. Subparagraphs (j) and (k) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, subparagraph (j) as amended by chapter 116 of the laws of 1997 and subparagraph (k) as amended by chapter 82 of the laws of 2003, are amended to read as follows:

(j) Upon the issuance of an order of decontrol by the division, housing accommodations which: (1) are occupied by persons who have a total AVERAGE annual income in excess of one hundred seventy-five thousand dollars OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, per annum [in each of] FOR the two preceding calendar years, as defined in and subject to the limitations and process set forth in

section 26-403.1 of this chapter; and (2) have a maximum rent of [two] ONE thousand FIVE HUNDRED dollars or more per month. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this law by virtue of receiving tax benefits pursuant to section four hundred eighty-nine of the real property tax law.

(k) [Any] IN A BUILDING WITH FIFTY OR FEWER HOUSING ACCOMMODATIONS, ANY housing accommodation which becomes vacant on or after [April first, nineteen hundred ninety-seven and where at the time the tenant vacated such housing accommodation the] JUNE NINETEENTH, TWO THOUSAND ELEVEN WITH A maximum rent [was] OF two thousand ONE HUNDRED dollars or more per month, [or] IN A BUILDING WITH MORE THAN FIFTY HOUSING ACCOMMODATIONS, any housing accommodation which is or becomes vacant on or after [the effective date of the rent regulation reform act of 1997] JUNE NINETEENTH, TWO THOUSAND ELEVEN with a maximum rent of two thousand FOUR HUNDRED dollars or more per month. This exclusion shall apply regardless of whether the next tenant in occupancy or any subsequent tenant in occupancy actually is charged or pays less than two thousand ONE HUNDRED dollars a month OR TWO THOUSAND FOUR HUNDRED DOLLARS A MONTH, AS THE CASE MAY BE, DEPENDING UPON THE NUMBER OF HOUSING ACCOMMODATIONS IN SUCH BUILDING. Provided however, that this exclusion shall not apply to housing accommodations which became or become subject to this law by virtue of receiving tax benefits pursuant to section four hundred eighty-nine of the real property tax law. This subparagraph shall not apply, however, to or become effective with respect to housing accommodations which the commissioner determines or finds that the landlord or any person acting on his or her behalf, with intent to cause the tenant to vacate, has engaged in any course of conduct (including, but not limited to, interruption or discontinuance of required services) which interfered with or disturbed or was intended to interfere with or disturb the comfort, repose, peace or quiet of the tenant in his or her use or occupancy of the housing accommodations and in connection with such course of conduct, any other general enforcement provision of this law shall also apply.

S 22. Section 26-403.1 of the administrative code of the city of New York, as added by chapter 253 of the laws of 1993, subdivision (b) and paragraphs 1 and 2 of subdivision (c) as amended and subdivision (e) as added by chapter 116 of the laws of 1997, is amended to read as follows:

S 26-403.1 High income rent decontrol. (a) For purposes of this section, annual income shall mean the federal adjusted gross income as reported on the New York state income tax return. Total annual income means the sum of the annual incomes of all persons who occupy the housing accommodation as their primary residence other than on a temporary basis, excluding bona fide employees of such occupants residing therein in connection with such employment and excluding bona fide subtenants in occupancy pursuant to the provisions of section two hundred twenty-six-b of the real property law. In the case where a housing accommodation is sublet, the annual income of the sublessor shall be considered.

(b) On or before the first day of May in each calendar year, the owner of each housing accommodation for which the maximum rent is [two] ONE thousand FIVE HUNDRED dollars or more per month may provide the tenant or tenants residing therein with an income certification form prepared by the division of housing and community renewal on which such tenant or tenants shall identify all persons referred to in subdivision (a) of this section and shall certify whether the total AVERAGE annual income is in excess of one hundred seventy-five thousand dollars [in each of]

OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years. Such income certification form shall state that the income level certified to by the tenant may be subject to verification by the department of taxation and finance pursuant to section one hundred seventy-one-b of the tax law and shall not require disclosure of any income information other than whether the aforementioned threshold has been exceeded. Such income certification form shall clearly state that: (i) only tenants residing in housing accommodations which have a maximum rent of [two] ONE thousand FIVE HUNDRED dollars or more per month are required to complete the certification form; (ii) that tenants have protections available to them which are designed to prevent harassment; (iii) that tenants are not required to provide any information regarding their income except that which is requested on the form and may contain such other information the division deems appropriate. The tenant or tenants shall return the completed certification to the owner within thirty days after service upon the tenant or tenants. In the event that the total AVERAGE annual income as certified is in excess of one hundred seventy-five thousand dollars [in each such year] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR THE TWO PRECEDING CALENDAR YEARS, the owner may file the certification with the state division of housing and community renewal on or before June thirtieth of such year. Upon filing such certification with the division, the division shall, within thirty days after the filing, issue an order of decontrol providing that such housing accommodations shall not be subject to the provisions of this law as of the first day of June in the year next succeeding the filing of the certification by the owner. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be mailed to the owner.

(c) 1. In the event that the tenant or tenants either fail to return the completed certification to the owner on or before the date required by subdivision (b) of this section or the owner disputes the certification returned by the tenant or tenants, the owner may, on or before June thirtieth of such year, petition the state division of housing and community renewal to verify, pursuant to section one hundred seventy-one-b of the tax law, whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS FOR the two preceding calendar years. Within twenty days after the filing of such request with the division, the division shall notify the tenant or tenants that such tenant or tenants must provide the division with such information as the division and the department of taxation and finance shall require to verify whether the total AVERAGE annual income exceeds one hundred seventy-five thousand dollars [in each such year] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR THE TWO PRECEDING CALENDAR YEARS. The division's notification shall require the tenant or tenants to provide the information to the division within sixty days of service upon such tenant or tenants and shall include a warning in bold faced type that failure to respond will result in an order of decontrol being issued by the division for such housing accommodation.

2. If the department of taxation and finance determines that the total annual income is in excess of one hundred seventy-five thousand dollars [in each of] OR, FOR INCOME CERTIFICATION FORMS PROVIDED BY OWNERS TO TENANTS ON AND AFTER JANUARY FIRST, TWO THOUSAND TWELVE, TWO HUNDRED THOUSAND DOLLARS, FOR the two preceding calendar years, the division shall, on or before November fifteenth of such year, notify the owner and tenants of the results of such verification. Both the owner and the tenants shall have thirty days within which to comment on such verification results. Within forty-five days after the expiration of the comment period, the division shall, where appropriate, issue an order of decontrol providing that such housing accommodation shall not be subject to the provisions of this law as of the first day of March in the year next succeeding the filing of the owner's petition with the division. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

3. In the event the tenant or tenants fail to provide the information required pursuant to paragraph one of this subdivision, the division shall issue, on or before December first of such year, an order of decontrol providing that such housing accommodation shall not be subject to the provisions of this law as of the first day of March in the year next succeeding the last day on which the tenant or tenants were required to provide the information required by such paragraph. A copy of such order shall be mailed by regular and certified mail, return receipt requested, to the tenant or tenants and a copy thereof shall be sent to the owner.

4. The provisions of the state freedom of information act shall not apply to any income information obtained by the division pursuant to this section.

(d) This section shall apply only to subparagraph (j) of paragraph two of subdivision e of section 26-403 of this code.

(e) Upon receipt of such order of decontrol pursuant to this section, an owner shall offer the housing accommodation subject to such order to the tenant at a rent not in excess of the market rent, which for the purposes of this section means a rent obtainable in an arm's length transaction. Such rental offer shall be made by the owner in writing to the tenant by certified and regular mail and shall inform the tenant that such offer must be accepted in writing within ten days of receipt. The tenant shall respond within ten days after receipt of such offer. If the tenant declines the offer or fails to respond within such period, the owner may commence an action or proceeding for the eviction of such tenant.

S 23. No provision of this act shall be construed to affect, in any manner whatsoever, the deregulation of any housing accommodations effectuated pursuant to any of the foregoing provisions of law in effect as of or prior to the date of the enactment of this act.

S 24. This act shall take effect immediately.

SUBPART C

Section 1. Clause 10 of subparagraph (i) of paragraph 2 of subdivision e of section 26-403 of the administrative code of the city of New York, as amended by chapter 422 of the laws of 2010, is amended to read as follows:

(10) Housing accommodations not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined

by a court of competent jurisdiction. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. FOR PURPOSES OF DETERMINING PRIMARY RESIDENCY, AS SUCH TERM IS USED IN THIS CHAPTER, THE FOLLOWING SHALL APPLY: (I) THE FAILURE TO FILE A CITY RESIDENT INCOME TAX RETURN BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH WOULD EXCUSE THE TIMELY FILING OF THE RETURN; PROVIDED FURTHER, THAT THE TIMELY FILING OF SUCH RETURN SHALL NOT, IN AND OF ITSELF, RESULT IN A DETERMINATION THAT THE INDIVIDUAL DOES OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE OR (II) A VOTE IS CAST BY A TENANT DURING THEIR TENANCY IN ANY ELECTION HELD IN ACCORDANCE WITH THE PROVISIONS OF THE ELECTION LAW CONDUCTED IN ANY ELECTION DISTRICT OTHER THAN THE ONE DESIGNATED FOR THE HOUSING ACCOMMODATION LOCATED IN THE CITY SHALL RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

S 2. Subparagraph (f) of paragraph 1 of subdivision a of section 26-504 of the administrative code of the city of New York, as amended by chapter 422 of the laws of 2010, is amended to read as follows:

(f) not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction[, provided, however that no]. FOR PURPOSES OF DETERMINING PRIMARY RESIDENCY, AS SUCH TERM IS USED IN THIS CHAPTER, THE FOLLOWING SHALL APPLY: (I) THE FAILURE TO FILE A CITY RESIDENT INCOME TAX RETURN BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH WOULD EXCUSE THE TIMELY FILING OF SUCH RETURN; PROVIDED FURTHER, THAT THE TIMELY FILING OF SUCH RETURN SHALL NOT, IN AND OF ITSELF, RESULT IN A DETERMINATION THAT THE INDIVIDUAL DOES OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE OR (II) A VOTE CAST BY A TENANT DURING TENANCY IN ANY ELECTION HELD IN ACCORDANCE WITH THE PROVISIONS OF THE ELECTION LAW CONDUCTED IN ANY ELECTION DISTRICT OTHER THAN THE ONE DESIGNATED FOR THE HOUSING ACCOMMODATION LOCATED IN THE CITY SHALL RESULT IN A FINDING THAT THE TENANT DOES NOT OCCUPY THE UNIT AS HIS OR HER PRIMARY RESIDENCE. NO action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds. SUCH ACTION OR PROCEEDING MAY BE BROUGHT AT ANY TIME DURING THE COURSE OF A TENANT'S LEASE OR ANY RENEWAL LEASE. IN THE EVENT AN ACTION OR PROCEEDING IS COMMENCED PRIOR TO THE DATE THAT AN OFFER OF A RENEWAL

LEASE IS OTHERWISE REQUIRED TO BE MADE BY THE OWNER TO THE TENANT, THE COMMENCEMENT OF SUCH ACTION OR PROCEEDING SHALL SUBSTITUTE FOR THE SERVICE OF ANY OTHER NOTICE PERTAINING TO SUCH RENEWAL, INCLUDING BUT NOT LIMITED TO A NOTICE OF NON-RENEWAL OF SUCH LEASE. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. For the purposes of this subparagraph where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants, or

S 3. Paragraph 11 of subdivision a of section 5 of section 4 of chapter 576 of the laws of 1974, constituting the emergency tenant protection act of nineteen seventy-four, as amended by chapter 422 of the laws of 2010, is amended to read as follows:

(11) housing accommodations which are not occupied by the tenant, not including subtenants or occupants, as his or her primary residence, as determined by a court of competent jurisdiction. FOR PURPOSES OF DETERMINING PRIMARY RESIDENCY, AS SUCH TERM IS USED IN THIS ACT, THE FOLLOWING SHALL APPLY: (I) THE FAILURE TO FILE A STATE RESIDENT INCOME TAX RETURN BY AN INDIVIDUAL REQUIRED BY LAW TO FILE SUCH A RETURN, SHALL RESULT IN A DETERMINATION THAT THE TENANT DOES NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE; PROVIDED, HOWEVER, THAT THIS PROVISION SHALL NOT APPLY TO AN INDIVIDUAL WHO HAS REQUESTED AN EXTENSION OF TIME FOR PAYMENT OF TAX OR WHERE ANY OTHER FACTOR EXISTS WHICH WOULD EXCUSE THE TIMELY FILING OF THE RETURN; PROVIDED FURTHER, THAT THE TIMELY FILING OF SUCH RETURN SHALL NOT, IN AND OF ITSELF, RESULT IN A DETERMINATION THAT THE INDIVIDUAL DOES OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE OR (II) A VOTE CAST BY A TENANT DURING TENANCY IN ANY ELECTION HELD IN ACCORDANCE WITH THE PROVISIONS OF THE ELECTION LAW CONDUCTED IN ANY ELECTION DISTRICT OTHER THAN THE ONE DESIGNATED FOR THE HOUSING ACCOMMODATION LOCATED IN THE CITY OF NEW YORK SHALL RESULT IN A FINDING THAT THE TENANT DOES NOT OCCUPY THE HOUSING ACCOMMODATION AS HIS OR HER PRIMARY RESIDENCE. SUCH ACTION OR PROCEEDING MAY BE BROUGHT AT ANY TIME DURING THE COURSE OF A TENANT'S LEASE OR ANY RENEWAL LEASE. IN THE EVENT AN ACTION OR PROCEEDING IS COMMENCED PRIOR TO THE DATE THAT AN OFFER OF A RENEWAL LEASE IS OTHERWISE REQUIRED TO BE MADE BY THE OWNER TO THE TENANT, THE COMMENCEMENT OF SUCH ACTION OR PROCEEDING SHALL SUBSTITUTE FOR THE SERVICE OF ANY OTHER NOTICE PERTAINING TO SUCH RENEWAL, INCLUDING BUT NOT LIMITED TO A NOTICE OF NON-RENEWAL OF SUCH LEASE. For the purposes of determining primary residency, a tenant who is a victim of domestic violence, as defined in section four hundred fifty-nine-a of the social services law, who has left the unit because of such violence, and who asserts an intent to return to the housing accommodation shall be deemed to be occupying the unit as his or her primary residence. For the purposes of this paragraph, where a housing accommodation is rented to a not-for-profit hospital for residential use, affiliated subtenants authorized to use such accommodations by such hospital shall be deemed to be tenants. No action or proceeding shall be commenced seeking to recover possession on the ground that a housing accommodation is not occupied by the tenant as his or her primary residence unless the owner or lessor shall have given thirty days notice to the tenant of his or her intention to commence such action or proceeding on such grounds.

S 4. This act shall take effect immediately.

S 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.

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

S 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.

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