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

2202--A

2009-2010 Regular Sessions

I N S E N A T E

February 13, 2009

Introduced by Sens. VOLKER, DeFRANCISCO, LARKIN, MORAHAN, STACHOWSKI, WINNER, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- recommitted to the Committee on Education in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the education law, in relation to enacting the New York YouthBuild demonstration program; and making an appropriation therefor

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Short title. This act shall be known and may be cited as the "New York YouthBuild demonstration program".

S 2. Legislative intent. The legislature seeks to support economically disadvantaged youth, especially youth who have not finished high school, to obtain the education, work experience skills training, personal counseling, leadership development skills training, job placement assistance, and long-term follow-up services necessary for them to achieve permanent economic self-sufficiency, while at the same time providing valuable community service that addresses urgent community needs including the demand for affordable housing and the need for young role models and mentors for younger teenagers and children.

The legislature further intends to foster the development of leadership skills and a commitment to community development among youth and to ensure maximum educational achievement of program participants through GED attainment and transition to institutions of higher education, where appropriate.

The legislature further intends to provide communities the opportunity to establish or rebuild neighborhood stability in economically depressed and low-income areas, as well as historic areas requiring restoration or preservation, while providing economically disadvantaged youth and youth

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

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who have not finished high school an opportunity for a meaningful participation in society.

The legislature further intends to allow communities to expand the supply of affordable housing for homeless and other low-income individuals by utilizing the energies and talents of economically disadvantaged youth and young people who have not graduated from high school.

The legislature also intends to foster the development of leadership skills and a commitment to community development among youth.

S 3. The education law is amended by adding a new section 4608 to read as follows:

S 4608. THE NEW YORK YOUTHBUILD DEMONSTRATION PROGRAM; REQUIREMENTS; SERVICES. 1. A. THE NEW YORK YOUTHBUILD INTER-AGENCY BOARD (HEREINAFTER, THE BOARD) IS HEREBY ESTABLISHED. IT SHALL CONSIST OF NINE MEMBERS APPOINTED BY THE GOVERNOR, THREE OF WHOM SHALL BE NOMINEES OF THE COMMISSIONER OF EDUCATION, THREE OF WHOM SHALL BE NOMINEES OF THE COMMISSIONER OF LABOR AND THREE OF WHOM SHALL BE NOMINEES OF THE COMMISSIONER OF THE DIVISION OF HOUSING AND COMMUNITY RENEWAL. MEMBERSHIP ON THE BOARD SHALL BE GEOGRAPHICALLY REPRESENTATIVE OF THE STATE. THE MEMBERS SHALL SERVE FOR THE DURATION OF THE DEMONSTRATION PROGRAM. THE CHAIRPERSON SHALL BE SELECTED BY MAJORITY VOTE OF THE MEMBERS OF THE BOARD. THE BOARD SHALL MEET AT THE CALL OF THE COMMISSIONER, BUT NO LESS THAN THREE TIMES PER YEAR. FIVE MEMBERS SHALL CONSTITUTE A QUORUM.

B. THE MEMBERS OF THE BOARD SHALL RECEIVE NO COMPENSATION FOR THEIR SERVICES AS MEMBERS OF THE BOARD, BUT EACH OF THEM SHALL BE ALLOWED THE NECESSARY AND ACTUAL EXPENSES WHICH HE OR SHE SHALL INCUR IN THE PERFORMANCE OF HIS OR HER DUTIES UNDER THIS SECTION. THE DEPARTMENT SHALL PROVIDE STAFF AND SUPPORT NECESSARY FOR THE BOARD TO CARRY OUT ITS DUTIES AND RESPONSIBILITIES.

2. THE BOARD IS AUTHORIZED TO MAKE GRANTS, FROM SUCH FUNDS APPROPRIATED THEREFOR, TO ELIGIBLE APPLICANTS FOR THE PURPOSE OF CARRYING OUT YOUTHBUILD PROGRAMS AS APPROVED UNDER THIS SECTION. ALL PROGRAMS FUNDED PURSUANT TO THE PROVISIONS OF THIS SECTION SHALL REFLECT STRONG YOUTH AND COMMUNITY INVOLVEMENT. IN ADDITION, FUNDING PROVIDED UNDER THIS SECTION SHALL BE USED BY EACH YOUTHBUILD PROGRAM TO PROVIDE, AT MINIMUM, THE FOLLOWING SERVICES:

A. THE TRAINING COSTS FOR THE REHABILITATION OR CONSTRUCTION OF HOUSING AND RELATED FACILITIES TO BE USED FOR THE PURPOSE OF PROVIDING HOMEOWNERSHIP FOR DISADVANTAGED PERSONS, RESIDENTIAL HOUSING FOR HOMELESS INDIVIDUALS, AND LOW-INCOME AND VERY LOW-INCOME FAMILIES, OR TRANSITIONAL HOUSING FOR PERSONS WHO ARE HOMELESS, HAVE DISABILITIES, ARE ILL, ARE DEINSTITUTIONALIZED, OR HAVE SPECIAL NEEDS REHABILITATION OR CONSTRUCTION OF COMMUNITY FACILITIES OWNED BY NOT-FOR-PROFIT OR PUBLIC AGENCIES.

B. THE COST OF INTEGRATED EDUCATION AND WORK EXPERIENCE SKILLS TRAINING SERVICES AND ACTIVITIES WHICH ARE EVENLY DIVIDED WITHIN THE PROGRAM, WITH FIFTY PERCENT OF STUDENTS' TIME SPENT IN CLASSROOM-BASED INSTRUCTION, COUNSELING AND LEADERSHIP DEVELOPMENT INSTRUCTION AND FIFTY PERCENT OF THEIR TIME SPENT IN WORK EXPERIENCE TRAINING ON THE CONSTRUCTION SITE. THE PROGRAMS SHALL INCLUDE, AT MINIMUM, THE FOLLOWING ELEMENTS:

(1) THE COST OF AN EDUCATION COMPONENT WHICH INCLUDES: BASIC SKILLS INSTRUCTION, SECONDARY EDUCATION SERVICES, AND OTHER ACTIVITIES DESIGNED TO LEAD TO THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA OR ITS EQUIVALENT. THE CURRICULUM FOR THIS COMPONENT SHALL INCLUDE MATH, LANGUAGE ARTS, VOCATIONAL EDUCATION, LIFE SKILLS TRAINING, SOCIAL STUDIES RELATED TO THE CULTURAL AND COMMUNITY HISTORY OF THE STUDENTS, LEADERSHIP SKILLS,

AND OTHER TOPICS AT THE DISCRETION OF THE PROGRAMS. BILINGUAL SERVICES SHALL BE AVAILABLE FOR INDIVIDUALS WITH LIMITED-ENGLISH PROFICIENCY. THE DESIRED MINIMUM TEACHER/STUDENT CLASSROOM RATIO SHALL BE ONE TEACHER FOR EVERY FIFTEEN STUDENTS.

(2) A WORK EXPERIENCE AND SKILLS TRAINING COMPONENT APPRENTICESHIP PROGRAM THAT INCLUDES CONSTRUCTION AND REHABILITATION ACTIVITIES DESCRIBED IN PARAGRAPH A OF THIS SUBDIVISION. THE PROCESS OF CONSTRUCTION MUST BE COUPLED WITH WORK EXPERIENCE SKILLS TRAINING AND WITH CLOSE ON-SITE SUPERVISION BY EXPERIENCED TRAINERS. THE CURRICULUM FOR THIS COMPONENT SHALL CONTAIN A SET OF LOCALLY AGREED UPON SKILLS AND COMPETENCIES THAT ARE SYSTEMATICALLY TAUGHT, WITH STUDENTS' MASTERY ASSESSED INDIVIDUALLY ON A REGULAR, ONGOING BASIS. SAFETY SKILLS SHALL BE TAUGHT AT THE OUTSET. THE DESIRED TRAINER/STUDENT RATIO SHALL BE ONE TRAINER FOR EVERY SEVEN STUDENTS. THE WORK EXPERIENCE AND SKILLS TRAINING COMPONENT SHALL BE COORDINATED TO THE MAXIMUM EXTENT FEASIBLE WITH PREAPPRENTICESHIP AND APPRENTICESHIP PROGRAMS.

(3) ASSISTANCE IN ATTAINING POST SECONDARY EDUCATION AND REQUIRED FINANCIAL AID SHALL BE MADE AVAILABLE TO PARTICIPANTS PRIOR TO GRADUATION.

C. THE COST OF COUNSELING SERVICES DESIGNED TO ASSIST PARTICIPANTS TO POSITIVELY PARTICIPATE IN SOCIETY, WHICH SHOULD INCLUDE ALL OF THE FOLLOWING IF NECESSARY: OUTREACH, ASSESSMENT, AND ORIENTATION; INDIVIDUAL AND PEER COUNSELING; LIFE SKILLS TRAINING, DRUG AND ALCOHOL ABUSE EDUCATION AND PREVENTION; AND REFERRAL TO APPROPRIATE DRUG REHABILITATION, MEDICAL, MENTAL HEALTH, LEGAL, HOUSING, AND OTHER SERVICES AND RESOURCES IN THE COMMUNITY. THE DESIRED COUNSELOR/PARTICIPANT RATIO SHALL BE ONE COUNSELOR FOR EVERY TWENTY-EIGHT STUDENTS.

D. THE COST OF LEADERSHIP DEVELOPMENT TRAINING THAT PROVIDED PARTICIPANTS WITH MEANINGFUL OPPORTUNITIES TO DEVELOP LEADERSHIP SKILLS SUCH AS DECISION MAKING, PROBLEM SOLVING, AND NEGOTIATING. THE PROGRAM SHALL ALSO ENCOURAGE PARTICIPANTS TO DEVELOP STRONG PEER GROUP TIES THAT SUPPORT THEIR MUTUAL PURSUIT OF SKILLS AND VALUES.

ALL PROGRAMS MUST ESTABLISH A YOUTH COUNCIL IN WHICH PARTICIPANTS ARE AFFORDED OPPORTUNITIES TO DEVELOP PUBLIC SPEAKING AND NEGOTIATING SKILLS, AND MANAGEMENT AND POLICYMAKING PARTICIPATION IN SPECIFIC ASPECTS OF THE PROGRAM.

3. A TRAINING SUBSIDY, LIVING ALLOWANCE, OR STIPEND THAT SHALL BE NO LESS THAN MINIMUM WAGE MUST BE PROVIDED TO PROGRAM PARTICIPANTS FOR THE TIME SPENT AT THE WORKSITE IN CONSTRUCTION TRAINING. FOR THOSE PARTICIPANTS WHO RECEIVE PUBLIC ASSISTANCE, THIS TRAINING SUBSIDY, LIVING ALLOWANCE, OR STIPEND SHALL NOT AFFECT THEIR HOUSING BENEFITS, MEDICAL BENEFITS, CHILD CARE BENEFITS OR FOOD STAMP BENEFITS. STIPENDS AND WAGES MAY BE DISTRIBUTED IN A MANNER THAT OFFERS INCENTIVES FOR GOOD PERFORMANCE.

A. FULL TIME PARTICIPATION IN A YOUTHBUILD PROGRAM SHALL BE REQUIRED FOR A PERIOD OF NOT LESS THAN SIX MONTHS AND NOT MORE THAN TWENTY-FOUR MONTHS.

B. A CONCENTRATED EFFORT, FOR THOSE PARTICIPANTS WHO CHOOSE NOT TO IMMEDIATELY ENROLL IN AN INSTITUTION OF HIGHER EDUCATION, SHALL BE MADE TO FIND CONSTRUCTION, CONSTRUCTION-RELATED, AND NONCONSTRUCTION JOBS FOR ALL GRADUATES OF THE PROGRAM WHO HAVE PERFORMED WELL. THE WORK EXPERIENCE SKILLS TRAINING CURRICULUM SHALL PROVIDE PARTICIPANTS WITH BASIC PREPARATION FOR SEEKING AND MAINTAINING A JOB. FOLLOW-UP COUNSELING AND ASSISTANCE IN JOB-SEEKING SHALL ALSO BE PROVIDED TO PARTICIPANTS FOR THE TWELVE MONTHS FOLLOWING GRADUATION FROM THE PROGRAM.

C. ALL PROGRAMS SERVING TWENTY-EIGHT TRAINEES OR MORE ARE REQUIRED TO HAVE A FULL-TIME DIRECTOR RESPONSIBLE FOR THE COORDINATION OF ALL ASPECTS OF THE YOUTHBUILD PROGRAM.

4. IMPLEMENTATION GRANTS MAY BE USED TO CARRY OUT THE ACTIVITIES LISTED IN SUBDIVISIONS ONE, TWO AND THREE OF THIS SECTION. OTHER ELIGIBLE ACTIVITIES INCLUDE THE FOLLOWING:

A. ADMINISTRATIVE COSTS OF THE APPLICANT WHICH MAY NOT EXCEED TEN PERCENT OF THE AMOUNT OF ASSISTANCE PROVIDED.

B. DEFRAYING COSTS FOR THE ONGOING TRAINING AND TECHNICAL ASSISTANCE NEEDS OF THE RECIPIENT THAT ARE RELATED TO DEVELOPING AND CARRYING OUT A YOUTHBUILD, YOUTHBUILD USA PROGRAM INCLUDING: THE BOARD SHALL RESERVE THREE TO FIVE PERCENT OF THE NEW YORK YOUTHBUILD PROGRAM APPROPRIATIONS TO ENTER INTO CONTRACT WITH YOUTHBUILD USA TO PROVIDE ASSISTANCE TO THE BOARD IN THE PROVISION OF TRAINING AND TECHNICAL ASSISTANCE TO, OR IN THE MANAGEMENT, SUPERVISION AND COORDINATION OF, YOUTHBUILD PROGRAMS UNDER THIS SECTION.

5. ELIGIBLE PARTICIPANTS ARE YOUTH BETWEEN THE AGES OF SIXTEEN AND TWENTY-FOUR WHO ARE ECONOMICALLY DISADVANTAGED AS DEFINED IN 29 UNITED STATES CODE 1503, AND WHO ARE PART OF ONE OF THE FOLLOWING GROUPS:

A. PERSONS WHO ARE NOT ATTENDING ANY SCHOOL AND HAVE NOT RECEIVED A SECONDARY SCHOOL DIPLOMA OR ITS EQUIVALENT; OR

B. PERSONS CURRENTLY ENROLLED IN A TRADITIONAL OR ALTERNATIVE SCHOOL SETTING OR A GED PROGRAM AND WHO ARE IN DANGER OF DROPPING OUT OF SCHOOL; OR

C. VERY LOW-INCOME PERSONS WHOSE INCOMES ARE AT OR LESS THAN FIFTY PERCENT OF THE AREA MEDIAN INCOME AREA, ADJUSTED FOR FAMILY SIZE, AS ESTIMATED BY THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.

6. AN EXCEPTION MAY BE MADE FOR INDIVIDUALS NOT MEETING INCOME OR EDUCATIONAL NEED REQUIREMENTS. NOT MORE THAN TWENTY-FIVE PERCENT OF THE PARTICIPANTS IN SUCH PROGRAM MAY BE INDIVIDUALS WHO DO NOT MEET THE REQUIREMENTS OF SUBDIVISION FIVE OF THIS SECTION, BUT WHO HAVE EDUCATIONAL NEEDS DESPITE THE ATTAINMENT OF A HIGH SCHOOL DIPLOMA.

7. PRIORITY IN THE AWARDING OF FUNDS UNDER THIS SECTION SHALL BE GIVEN TO APPLICANTS WITH EXPERIENCE IN OPERATING YOUTHBUILD PROGRAMS AND IMPLEMENTING THE YOUTHBUILD MODEL, INCLUDING BUT NOT LIMITED TO, HOUSING CONSTRUCTION SKILLS TRAINING, EDUCATION, LEADERSHIP DEVELOPMENT LIFE SKILLS TRAINING, AND COUNSELING SERVICES. PRIORITY SHALL ALSO BE GIVEN TO THOSE WHO MEET THE PROGRAM STANDARDS OF YOUTHBUILD USA.

8. ANY NOT-FOR-PROFIT PRIVATE AGENCIES, OR PUBLIC AGENCIES WITH EXPERIENCE OPERATING A YOUTHBUILD PROGRAM OR WITH A PLAN TO INCUBATE A YOUTHBUILD PROGRAM UNTIL IT CAN BE ESTABLISHED AS A NOT-FOR-PROFIT PRIVATE AGENCY ARE ELIGIBLE ENTITIES. ONLY NOT-FOR-PROFIT PRIVATE AGENCIES, OR PUBLIC AGENCIES THAT ARE AFFILIATES OF THE YOUTHBUILD USA PROGRAM OR HAVE RECEIVED A HUD OR DEPARTMENT OF LABOR YOUTHBUILD AWARD, ARE ELIGIBLE TO USE THE TERM YOUTHBUILD.

9. THE BOARD SHALL REQUIRE THAT AN APPLICATION FOR YOUTHBUILD FUNDS UNDER THIS SECTION CONTAIN AT MINIMUM:

A. A REQUEST FOR AN IMPLEMENTATION GRANT, SPECIFYING THE AMOUNT OF THE GRANT REQUESTED AND ITS PROPOSED USES;

B. A DESCRIPTION OF THE APPLICANT AND A STATEMENT OF ITS QUALIFICATIONS, INCLUDING A DESCRIPTION OF THE APPLICANT'S PAST EXPERIENCE RUNNING A YOUTHBUILD PROGRAM, AND WITH HOUSING REHABILITATION OR CONSTRUCTION AND WITH YOUTH AND YOUTH EDUCATION, YOUTH LEADERSHIP DEVELOPMENT AND WORK EXPERIENCE SKILLS TRAINING PROGRAMS, AND ITS RELATIONSHIP WITH LOCAL UNIONS AND YOUTH APPRENTICESHIP PROGRAMS, AND OTHER COMMUNITY GROUPS;

C. A DESCRIPTION OF THE PROPOSED CONSTRUCTION SITE FOR THE PROGRAM AND EVIDENCE OF SITE CONTROL;

D. A DESCRIPTION OF THE EDUCATIONAL AND WORK EXPERIENCE SKILLS TRAINING ACTIVITIES, WORK OPPORTUNITIES, AND OTHER SERVICES THAT SHALL BE PROVIDED TO PARTICIPANTS;

E. A DESCRIPTION OF THE PROPOSED CONSTRUCTION OR REHABILITATION ACTIVITIES TO BE UNDERTAKEN AND THE ANTICIPATED SCHEDULE FOR CARRYING OUT SUCH ACTIVITIES;

F. A DESCRIPTION OF THE MANNER IN WHICH ELIGIBLE YOUTHS SHALL BE RECRUITED AND SELECTED, INCLUDING A DESCRIPTION OF THE ARRANGEMENTS THAT SHALL BE MADE WITH COMMUNITY-BASED ORGANIZATIONS, LOCAL EDUCATIONAL AGENCIES, INCLUDING AGENCIES OF NATIVE AMERICAN NATIONS, PUBLIC ASSISTANCE AGENCIES, THE COURTS OF JURISDICTION FOR STATUS AND YOUTH OFFENDERS, SHELTERS FOR HOMELESS INDIVIDUALS AND OTHER AGENCIES THAT SERVE HOMELESS YOUTH, FOSTER CARE AGENCIES, AND OTHER APPROPRIATE PUBLIC AND PRIVATE AGENCIES;

G. A DESCRIPTION OF THE SPECIAL EFFORTS THAT SHALL BE UNDERTAKEN TO RECRUIT ELIGIBLE YOUNG WOMEN (INCLUDING YOUNG WOMEN WITH DEPENDENT CHILDREN) WITH APPROPRIATE SUPPORTS, ESPECIALLY CHILDCARE;

H. A DESCRIPTION OF HOW THE PROPOSED PROGRAM SHALL BE COORDINATED WITH OTHER FEDERAL, STATE, AND LOCAL ACTIVITIES AND ACTIVITIES CONDUCTED BY NATIVE AMERICAN NATIONS, INCLUDING PUBLIC SCHOOLS, NATIONAL SERVICE, CRIME PREVENTION PROGRAMS, VOCATIONAL, ADULT AND BILINGUAL EDUCATION PROGRAMS AND JOB TRAINING;

I. ASSURANCES THAT THERE SHALL BE A SUFFICIENT NUMBER OF ADEQUATELY TRAINED SUPERVISORY PERSONNEL IN THE PROGRAM WHO HAVE ATTAINED THE LEVEL OF JOURNEYMAN OR ITS EQUIVALENT;

J. A DESCRIPTION OF THE APPLICANT'S RELATIONSHIP WITH ANY LOCAL BUILDING TRADE UNIONS OR AGENCIES LICENSED TO ISSUE INDUSTRY-RECOGNIZED CERTIFICATIONS, WHICH MAY EXIST, REGARDING THEIR INVOLVEMENT IN TRAINING, AND THE RELATIONSHIP OF THE YOUTHBUILD PROGRAM WITH ESTABLISHED APPRENTICESHIP PROGRAMS;

K. A DESCRIPTION OF ACTIVITIES THAT SHALL BE UNDERTAKEN TO DEVELOP THE LEADERSHIP SKILLS OF PARTICIPANTS, INCLUDING THEIR ROLE IN DECISION-MAKING;

L. A DETAILED BUDGET AND A DESCRIPTION OF THE SYSTEM OF FISCAL CONTROLS AND AUDITING AND ACCOUNTABILITY PROCEDURES THAT SHALL BE USED TO ENSURE FISCAL SOUNDNESS;

M. A DESCRIPTION OF ANY CONTRACTS AND ARRANGEMENTS ENTERED INTO BETWEEN THE APPLICANT AND OTHER AGENCIES AND ENTITIES INCLUDING ALL IN-KIND DONATIONS AND GRANTS FROM BOTH PUBLIC AND PRIVATE ENTITIES THAT SHALL SERVE TO AUGMENT NEW YORK YOUTHBUILD DEMONSTRATION PROGRAM FUNDS;

N. IDENTIFICATION AND DESCRIPTION OF THE FINANCING PROPOSED FOR ANY:

(1) ACQUISITION OF THE PROPERTY;

(2) REHABILITATION; OR

(3) CONSTRUCTION;

O. IDENTIFICATION AND DESCRIPTION OF THE ENTITY THAT SHALL OPERATE AND MANAGE THE PROPERTY;

P. A CERTIFICATION THAT THE APPLICANT SHALL COMPLY WITH THE REQUIREMENTS OF THE FAIR HOUSING ACT, TITLE VI OF THE CIVIL RIGHTS ACT OF 1964, SECTION 504 OF THE REHABILITATION ACT OF 1973, AND THE AGE DISCRIMINATION ACT OF 1975, AND SHALL AFFIRMATIVELY FURTHER FAIR HOUSING;

Q. THE QUALIFICATIONS AND PAST EXPERIENCE OF THE PERSON WHO SHALL FILL THE FULL-TIME PROGRAM DIRECTOR POSITION.

10. FOR THE PURPOSES OF THIS SECTION, THE TERM "YOUTHBUILD" SHALL BE DEFINED AS ORGANIZATIONS CLAIMING TO HAVE OPERATED YOUTHBUILD PROGRAMS

LICENSED BY YOUTHBUILD USA OR ORGANIZATIONS THAT HAVE RECEIVED FEDERAL HUD YOUTHBUILD FUNDING.

S 4. The sum of three million dollars ($3,000,000) per year for a period of three years, or so much thereof as may be necessary, is hereby appropriated to the education department from any moneys in the state treasury in the general fund to the credit of the local assistance account not otherwise appropriated for services and expenses of the education department and any other appropriate agency or department for the purposes of implementing the programs authorized by the New York YouthBuild demonstration program. Such sum shall be payable on the audit and warrant of the state comptroller on vouchers certified or approved by the New York YouthBuild inter-agency board, as provided in section 4608 of the education law and established in this act.

S 5. On or before January 1, 2014, the New York YouthBuild inter-agency board shall contract with an independent consultant to evaluate and report to the governor, the speaker of the assembly and the temporary president of the senate on the impact that the New York YouthBuild demonstration program has had upon participants with regard to but not limited to GED attainment, program completion, advancement to institutions of higher education and job placement.

S 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.