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

S. 6607 A. 9707

S E N A T E - A S S E M B L Y

January 19, 2010

IN SENATE -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

IN ASSEMBLY -- A BUDGET BILL, submitted by the Governor pursuant to article seven of the Constitution -- read once and referred to the Committee on Ways and Means

AN ACT to amend the education law, in relation to a contract for excellence; to amend the education law, in relation to education mandates; to amend the state finance law, in relation to the state lottery fund; to amend the education law, in relation to identifying school districts with high rates of identification of students with disabilities; to amend the general municipal law, in relation to authorizing a withdrawal from the employee benefit accrued liability reserve fund and the examination of accounts; to amend chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city, in relation to apportionment and reimbursement and in relation to the effectiveness of such provisions; to amend chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, in relation to the effectiveness of such chapter; to amend chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, in relation to the effectiveness thereof; to amend chapter 618 of the laws of 1998, amending the general municipal law and the education law relating to disposal of surplus computer equipment by political subdivisions, in relation to extending the expiration of such chapter; to amend chapter 219 of the laws of 2003, amending the education law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities, in relation to extending the provisions of such chapter; to amend chapter 552 of the laws of 1995, amending the education law relating to contracts for the transportation of school children, in relation to the effectiveness thereof; to amend chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district,

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

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charter school or BOCES employees, in relation to the effectiveness thereof; to amend chapter 534 of the laws of 1993 amending the education law relating to physical therapy assistants, in relation to extending the effective date thereof; to amend chapter 20 of the laws of 1998 amending the education law relating to the provision of physical therapy assistant services in public and private primary and secondary schools, in relation to extending the effectiveness of such chapter; to amend chapter 386 of the laws of 1996, amending the education law relating to providing for a waiver allowing state aid in certain circumstances, in relation to extending its effectiveness; to amend chapter 537 of the laws of 2008, amending the education law, relating to a restricted dental faculty license, in relation to extending the effectiveness thereof; to amend chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, in relation to the effectiveness thereof; to amend chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, in relation to the effectiveness thereof; to repeal subdivision 17 of section 1950 of the education law, relating to boards of cooperative educational services; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to the streamlining of planning and reporting requirements for school districts; to repeal subdivision 32 of section 305 of such law relating to a study of reporting requirements; to repeal section 805 of such law relating to special procedures for enforcement of the health education curriculum; to repeal clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of such law relating to annual reports on transition of students with disabilities; to repeal paragraph b of subdivision 1 of section 4452 of such law relating to submission of a plan for the identification and education of gifted pupils; and to repeal subdivision 10 of section 4403 of such law relating to recommendations for adult services (Part B); to amend the education law, in relation to the renaming of certain special education aids (Part C); to amend the arts and cultural affairs law, in relation to the New York State Theatre Institute Corporation and to amend chapter 688 of the laws of 1979, relating to creating the Nelson A. Rockefeller Empire State Plaza performing arts center corporation and to repeal certain provisions of the arts and cultural affairs law relating thereto (Part D); to amend the education law and the state finance law, in relation to tuition and self-supporting revenues of the state and city universities; and to repeal subdivision 8-b of section 355 and paragraph 4-a of subdivision A of section 6221 of the education law relating thereto (Subpart A); to amend the education law, the public authorities law, and the public buildings law, in relation to capital facilities in support of the state university and community colleges (Subpart B); to amend the education law, and the state finance law, in relation to procurement in support of the state and city universities (Subpart C); to amend the public officers law, the education law and the retirement and social security law, in relation to promoting efficiency and effect savings in support of the state university (Subpart D); to amend the civil service law, the education law and the social services law, in relation to state university health care facilities (Part E); and to enact reporting requirements (Subpart F) (Part E); to amend the education law, in relation to good academic standing requirements

(Part F); to amend the education law, in relation to restrictions on eligibility to receive awards and loans; and to repeal certain provisions of such law relating thereto (Part G); to amend the education law, in relation to tuition assistance program awards for graduate school students; and repealing certain provisions of such law relating thereto (Part H); to amend the education law, in relation to tuition assistance program awards (Part I); to amend the education law, in relation to tuition assistance program award determinations (Part J); to amend the education law, in relation to eligibility requirements for student financial aid (Part K); to amend the education law, in relation to tuition assistance program awards (Part L); to amend the education law, in relation to the definition of income for purposes of tuition assistance program awards (Part M); to amend chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, in relation to the effectiveness thereof (Part N); to amend chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions, in relation to extending the effectiveness of certain provisions thereof (Part O); to amend the education law, in relation to the scholarship for academic excellence and New York state math and science teaching incentive program (Part P); to amend the education law, in relation to the definition of non-resident students for purposes of tuition charged by community colleges (Part Q); to amend chapter 420 of the laws of 2002 amending the education law relating to the profession of social work; and to amend chapter 676 of the laws of 2002 amending the education law relating to defining the practice of psychology, in relation to the professions of social work and mental health practitioners (Part R); to amend the education law and the public authorities law, in relation to the New York higher education loan program (Part S); to amend the education law, in relation to the New York state district attorney and indigent legal services attorney loan forgiveness program (Part T); to amend the education law, in relation to the optional retirement plan (Part U); to amend the real property tax law, in relation to limiting school tax relief (STAR) exemption benefit to certain home value (Part V); to amend the real property tax law, in relation to the computation of the school tax relief (STAR) exemption (Part W); to amend the state finance law, the tax law and the administrative code of the city of New York, in relation to the New York city personal income tax rates (Part X); to amend the social services law, in relation to electronic benefit transfer services (Part Y); to amend the social services law, the family court act and the surrogate's court procedure act, in relation to establishing a kinship guardianship assistance program (Part Z); to amend the family court act, in relation to limiting court-ordered child protective investigations to where there is a reasonable suspicion of child abuse or neglect (Part AA); to amend the family court act and the social services law, in relation to allowing electronic court appearances (Part BB); to amend the social services law, the family court act and the executive law, in relation to sexually exploited children (Part CC); in relation to fair share payments by certain child care providers; and providing for the repeal of such provisions upon expiration thereof (Part DD); to amend the social services law, in relation to local mandate relief pertaining to children and family services planning and to repeal subdivision 5 of section 423 of such law relating to child protective services planning

(Part EE); to amend the executive law, in relation to reimbursement for expenditures made by the office of children and family services (Part FF); to amend the social services law, in relation to the standards of monthly need for needy persons in receipt of public assistance (Part GG); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons (Part HH); to amend the social services law, in relation to establishing the amount of the additional state payment for persons eligible for supplemental security income, clarifying the meaning of the term standard of need for purposes of such payments, and authorizing the office of temporary and disability assistance to provide additional state payments (Part II); to amend the social services law, in relation to the nutrition outreach and education program; and to repeal certain provisions of the public health law relating thereto (Part JJ); and to amend the tax law and the social services law, in relation to the wage reporting system and providing for the repeal of such provisions upon expiration thereof (Part KK)

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

Section 1. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2009-2010 state fiscal year. Each component is wholly contained within a Part identified as Parts A through KK. The effective date for each particular provision contained within such Part is set forth in the last section of such Part. Any provision in any section contained within a Part, including the effective date of the Part, which makes reference to a section "of this act", when used in connection with that particular component, shall be deemed to mean and refer to the corresponding section of the Part in which it is found. Section three of this act sets forth the general effective date of this act.

PART A

Section 1. Paragraph e of subdivision 1 of section 211-d of the education law, as added by section 2-a of part A of chapter 57 of the laws of 2009, is amended to read as follows:

e. Notwithstanding paragraphs a and b of this subdivision, a school district that submitted a contract for excellence for the two thousand eight--two thousand nine school year shall submit a contract for excellence for the two thousand nine--two thousand ten school year in conformity with the requirements of subparagraph (vi) of paragraph a of subdivision two of this section unless all schools in the district are identified as in good standing AND PROVIDED FURTHER THAT, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR WHICH SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARAGRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE PRODUCT OF THE AMOUNT APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE BASE YEAR, MULTIPLIED BY THE DISTRICT'S GAP ELIMINATION ADJUSTMENT PERCENTAGE. FOR PURPOSES OF THIS PARAGRAPH, THE "GAP ELIMINATION ADJUSTMENT

PERCENTAGE" SHALL BE CALCULATED AS THE SUM OF ONE MINUS THE QUOTIENT OF THE SCHOOL DISTRICT'S NET GAP ELIMINATION ADJUSTMENT AS COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND TEN ENACTED TO MAKE APPROPRIATIONS FOR THE SUPPORT OF THE EDUCATION, LABOR, AND FAMILY ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS, DIVIDED BY THE TOTAL AID FOR ADJUSTMENT COMPUTED PURSUANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND TEN ENACTED TO MAKE APPROPRIATIONS FOR THE SUPPORT OF THE EDUCATION, LABOR, AND FAMILY ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR PUBLIC SCHOOLS. PROVIDED, FURTHER, THAT SUCH AMOUNT SHALL BE EXPENDED TO SUPPORT AND MAINTAIN ALLOWABLE PROGRAMS AND ACTIVITIES APPROVED IN THE BASE YEAR OR TO SUPPORT NEW OR EXPANDED ALLOWABLE PROGRAMS AND ACTIVITIES IN THE CURRENT YEAR.

S 2. The education law is amended by adding a new section 101-c to read as follows:

S 101-C. COST-BENEFIT ANALYSIS FOR EDUCATION MANDATE. 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION:

A. "MANDATE" SHALL MEAN: ANY STATE LAW, RULE OR REGULATION THAT REQUIRES ANY ENTITY OVERSEEN BY THE BOARD OF REGENTS TO: (I) PROVIDE OR UNDERTAKE ANY PROGRAM; OR (II) INCREASE THE LEVEL OF SERVICE OF AN EXISTING PROGRAM, PROJECT OR ACTIVITY; OR (III) THAT WOULD LIKELY HAVE THE EFFECT OF RAISING PROPERTY TAXES.

B. "COST-BENEFIT ANALYSIS" SHALL MEAN A SPECIFIC DELINEATION OF THE COSTS AND BENEFITS TO THE AFFECTED ENTITIES INCLUDING A QUANTIFICATION OF THE IMPACT ON THE REVENUE AND EXPENDITURES OF SUCH ENTITIES, WHERE SUCH IMPACT IS QUANTIFIABLE BASED ON AVAILABLE INFORMATION.

2. THE BOARD OF REGENTS SHALL NOT APPROVE, RECOMMEND, PROPOSE, PUBLISH OR SUBMIT ANY LEGISLATION, RULE OR REGULATION OR POLICY DIRECTIVE CONTAINING A MANDATE WITHOUT AN ACCOUNTING OF THE IMPACT OF SUCH MANDATE ON THE AFFECTED ENTITIES, WHICH SHALL INCLUDE: A. THE FISCAL IMPACTS OF SUCH MANDATE, B. A COST-BENEFIT ANALYSIS, C. DOCUMENTATION OF INPUT SOUGHT AND RECEIVED BY AFFECTED ENTITIES, AND D. PROPOSED SOURCES OF REVENUE TO FUND SUCH MANDATE. PRIOR TO THE FORMALIZATION OF ANY SUCH PROPOSAL, SUCH ACCOUNTING SHALL BE PROVIDED IN WRITING TO THE GOVERNOR; PROVIDED, HOWEVER, THAT IF SUCH PROPOSAL IS NECESSARY TO PROTECT AGAINST AN IMMEDIATE THREAT TO PUBLIC HEALTH OR SAFETY, SUCH PROPOSAL MAY BE FORMALIZED AND ADVANCED WITHOUT SUCH ACCOUNTING ONLY UPON THE APPROVAL OF THE GOVERNOR OR HIS OR HER DESIGNEE, PROVIDED THAT SUCH ACCOUNTING SHALL BE COMPLETED PROMPTLY THEREAFTER.

3. ANY PROPOSED BILL CONTAINING A MANDATE WHICH IS OFFERED BY THE DEPARTMENT TO THE LEGISLATURE OR EXECUTIVE SHALL BE ACCOMPANIED BY A LOCAL FISCAL IMPACT STATEMENT WHICH STATES, SO FAR AS POSSIBLE, SUCH MANDATE'S ESTIMATED COST TO AFFECTED ENTITIES. SUCH STATEMENT SHALL INCLUDE BUT NEED NOT BE LIMITED TO:

A. AN ESTIMATE OF THE PRESENT AND FUTURE COST OF COMPLIANCE WITH SUCH MANDATE;

B. A DESCRIPTION OF THE METHODOLOGY USED TO ESTIMATE SUCH PRESENT AND FUTURE COST IMPACTS;

C. A SUMMARY OF THE INPUT SOUGHT AND OBTAINED FROM THE AFFECTED ENTITIES, OR WHERE A MANDATE WOULD BE APPLICABLE STATEWIDE, FROM ORGANIZATIONS REPRESENTATIVE OF SUCH ENTITIES;

D. PROPOSED REVENUE SOURCES TO FUND SUCH MANDATE; AND

E. A COST-BENEFIT ANALYSIS OF SUCH MANDATE.

4. ON OR BEFORE DECEMBER FIRST, TWO THOUSAND TEN, THE BOARD OF REGENTS SHALL REVIEW ITS REGULATIONS AND REPORT TO THE GOVERNOR, ON ANY PROPOSED CHANGES TO SUCH REGULATIONS WHICH COULD REDUCE THE IMPACT OF EXISTING

MANDATES AND GENERATE PROPERTY TAX RELIEF FOR NEW YORK STATE PROPERTY TAXPAYERS.

S 3. Subdivision 12 of section 273 of the education law, as amended by section 4-a of part A of chapter 57 of the laws of 2009, is amended to read as follows:

12. The commissioner is hereby authorized to expend in state fiscal year two thousand six--two thousand seven three million dollars and in state fiscal year two thousand seven--two thousand eight eight million dollars and in state fiscal year two thousand eight--two thousand nine seven million nine hundred forty thousand dollars and in state fiscal year two thousand nine--two thousand ten eight million dollars AND IN STATE FISCAL YEAR TWO THOUSAND TEN--TWO THOUSAND ELEVEN EIGHT MILLION DOLLARS subject to an appropriation for formula grants to public library systems, reference and research library resources systems, and school library systems operating under an approved plan of service. Such formula grants shall be provided for the period commencing July first and ending on June thirtieth next following. Such formula grants will be distributed in the following manner:

a. Each public library system established pursuant to sections two hundred fifty-five and two hundred seventy-two of this part and operating under a plan approved by the commissioner is entitled to receive thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year by such system under paragraphs a, c, d, e and n of subdivision one of this section for the two thousand [nine] TEN--two thousand [ten] ELEVEN state fiscal year;

b. Each reference and research library resources system established pursuant to section two hundred seventy-two of this part and operating under a plan approved by the commissioner is entitled to receive thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year under paragraph a of subdivision four of this section for the two thousand [nine] TEN--two thousand [ten] ELEVEN state fiscal year; and

c. Each school library system established pursuant to section two hundred eighty-two of this part and operating under a plan approved by the commissioner is entitled to receive thirty-nine thousand dollars and an amount equal to ten and ninety-four hundredths percent of the amount of state aid received for the current year by such system under paragraphs a, b, c, d, e and f of subdivision one of section two hundred eighty-four of this part for the two thousand [nine] TEN--two thousand [ten] ELEVEN state fiscal year.

S 3-a. Subdivision 1 of section 1104 of the education law, as amended by chapter 53 of the laws of 1990, is amended to read as follows:

1. The commissioner [of education] in the annual apportionment of public moneys shall apportion therefrom to each county maintaining approved vocational education and extension work, a quota amounting to one-half of the salary paid each teacher, director, assistant, and supervisor, but not to exceed THE AMOUNT COMPUTED BY THE COMMISSIONER BASED UPON AN ASSUMED ANNUALIZED SALARY EQUAL TO ten thousand five hundred dollars PER SCHOOL YEAR on account of the employment of such teacher, director, assistant or supervisor.

S 3-b. Section 1104 of the education law is amended by adding a new subdivision 3 to read as follows:

3. FOR THE APPORTIONMENT PAYABLE PURSUANT TO THIS SECTION FOR SCHOOL YEARS COMMENCING PRIOR TO JULY FIRST, TWO THOUSAND NINE, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A VOCATIONAL EDUCATION AND EXTENSION

BOARD BASED ON A CLAIM SUBMITTED LATER THAN THREE YEARS AFTER THE CLOSE OF THE SCHOOL YEAR IN WHICH SUCH PAYMENT WAS FIRST TO BE MADE. FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND NINE-TWO THOUSAND TEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A VOCATIONAL EDUCATION AND EXTENSION BOARD BASED ON A CLAIM SUBMITTED LATER THAN ONE YEAR AFTER THE CLOSE OF SUCH SCHOOL YEAR. PROVIDED, HOWEVER, NO PAYMENTS SHALL BE BARRED OR REDUCED WHERE SUCH PAYMENT IS REQUIRED AS A RESULT OF A FINAL AUDIT OF THE STATE.

S 3-c. 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 4. 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 4-a. Subdivision 17 of section 1950 of the education law is REPEALED.

S 5. Paragraph a of subdivision 4 of section 2023 of the education law, as added by section 24 of part A of chapter 436 of the laws of 1997, is amended to read as follows:

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, PROVIDED HOWEVER THAT THE RESULT OF SUCH CALCULATION SHALL NOT BE LESS THAN ZERO; or (ii) four percent.

S 5-a. Section 2215 of the education law is amended by adding a new subdivision 4 to read as follows:

4. 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 OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT. A DETERMINATION OF ADEQUACY SHALL BE BASED ON THE FOLLOWING FACTORS, INCLUDING BUT NOT LIMITED TO, CURRENT AND FUTURE SPECIAL EDUCATION PROGRAM AND SERVICE NEEDS, ACCESSIBILITY TO GENERAL CURRICULUM, AND THE PROVISION OF SUCH SERVICES IN A SETTING WITH NONDISABLED PEERS. IN THE EVENT THE SUPERINTENDENT DETERMINES THAT FACILITIES SPACE IS INADEQUATE AND ADDITIONAL SPACE IS REQUIRED, THE SUPERINTENDENT SHALL REPORT HIS OR HER FINDINGS TO THE COMMISSIONER IN A MANNER PRESCRIBED BY THE COMMISSIONER.

S 6. Subdivision 1 of section 2856 of the education law, as amended by chapter 378 of the laws of 2007, paragraph (a) as amended by section 12 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

1. (a) The enrollment of students attending charter schools shall be included in the enrollment, attendance, membership and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district the charter school basic tuition, which shall be an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of

section thirty-six hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to paragraph t of subdivision one of section thirty-six hundred two of this chapter from two years prior to the base year to the base year; provided, however, that for the two thousand nine--two thousand ten AND THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN school [year] YEARS, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year.

(b) The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision from state or local funds may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter until actual enrollment data is reported to the school district by the charter school. Such projections shall be reconciled with the actual enrollment as actual enrollment data is so reported and at the end of the school's first year of operation and each subsequent year based on a final report of actual enrollment by the charter school, and any necessary adjustments resulting from such final report shall be made to payments during the school's following year of operation.

(c) Notwithstanding any other provision of this subdivision to the contrary, payment of the federal aid attributable to a student with a disability attending a charter school shall be made in accordance with the requirements of section 8065-a of title twenty of the United States code and sections 76.785-76.799 and 300.209 of title thirty-four of the code of federal regulations.

S 6-a. Subdivision 1 of section 2856 of the education law, as separately amended by chapter 4 of the laws of 1998 and section 12 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

1. The enrollment of students attending charter schools shall be included in the enrollment, attendance and, if applicable, count of students with disabilities of the school district in which the pupil resides. The charter school shall report all such data to the school districts of residence in a timely manner. Each school district shall report such enrollment, attendance and count of students with disabilities to the department. The school district of residence shall pay directly to the charter school for each student enrolled in the charter school who resides in the school district an amount equal to one hundred percent of the amount calculated pursuant to paragraph f of subdivision one of section [thirty six] THIRTY-SIX hundred two of this chapter for the school district for the year prior to the base year increased by the percentage change in the state total approved operating expense calculated pursuant to subdivision eleven of section [thirty six] THIRTY-SIX hundred two of this chapter from two years prior to the base year to the base year; provided, however, that for the two thousand nine--two thou-

sand ten AND THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN school [year] YEARS, the charter school basic tuition shall be the amount payable by such district as charter school basic tuition for the two thousand eight--two thousand nine school year. The school district shall also pay directly to the charter school any federal or state aid attributable to a student with a disability attending charter school in proportion to the level of services for such student with a disability that the charter school provides directly or indirectly. Notwithstanding anything in this section to the contrary, amounts payable pursuant to this subdivision may be reduced pursuant to an agreement between the school and the charter entity set forth in the charter. Payments made pursuant to this subdivision shall be made by the school district in six substantially equal installments each year beginning on the first business day of July and every two months thereafter. Amounts payable under this subdivision shall be determined by the commissioner. Amounts payable to a charter school in its first year of operation shall be based on the projections of initial-year enrollment set forth in the charter. Such projections shall be reconciled with the actual enrollment at the end of the school's first year of operation, and any necessary adjustments shall be made to payments during the school's second year of operation.

S 7. Subparagraphs 1, 2 and 3 of paragraph n of subdivision 1 of section 3602 of the education law, as amended by section 11 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

(1) "Enrollment" shall mean the unduplicated count of all children registered to receive educational services in grades kindergarten through twelve, including children in ungraded programs AND OTHER CHILDREN ENTITLED TO ATTEND THE PUBLIC SCHOOLS WITHOUT THE PAYMENT OF TUITION PURSUANT TO SECTION THIRTY-TWO HUNDRED TWO OF THIS CHAPTER, BUT EXCLUDING FOUR YEAR OLD CHILDREN WHO BECOME FIVE YEARS OF AGE AFTER DECEMBER THIRTY-FIRST OF THE CURRENT YEAR, as registered on the date prior to November first that is specified by the commissioner as the enrollment reporting date for the school district or nonpublic school, as reported to the commissioner.

(2) "Public school district enrollment" shall mean THE ENROLLMENT OF CHILDREN IN A PUBLIC SCHOOL DISTRICT, COMPUTED AS the sum of: (1) the number of children on a regular enrollment register of a public school district on such date; (2) the number of children eligible to receive home instruction in the school district on such date; (3) the number of children for whom equivalent attendance must be computed pursuant to this subdivision on such date; (4) the number of children with disabilities who are residents of such district who are registered on such date to attend programs under the provisions of paragraph c of subdivision two of section forty-four hundred one of this chapter; (5) the number of children eligible to receive educational services on such date but not claimed for aid pursuant to subdivision seven of section thirty-two hundred two of this chapter; and (6) the number of children registered on such date to attend programs (i) pursuant to subdivision two of section three hundred fifty-five of this chapter or (ii) pursuant to an agreement between the city school district of the city of New York and Hunter College pursuant to section sixty-two hundred sixteen of this chapter.

(3) "Nonpublic school enrollment" shall mean THE ENROLLMENT OF CHILDREN IN A NONPUBLIC SCHOOL, COMPUTED AS the number of children on a regular enrollment register of a nonpublic school meeting the compulsory attendance law, excluding any child counted as part of the enrollment of a public school district.

S 8. The opening paragraph and paragraphs a, b and b-1 of subdivision 4 of section 3602 of the education law, the opening paragraph, subparagraph 1 of paragraph a and paragraphs b and b-1 as amended by section 13 of part A of chapter 57 of the laws of 2009, paragraph a as amended by section 14 of part B of chapter 57 of the laws of 2008, are amended to read as follows:

In addition to any other apportionment pursuant to this chapter, a school district, other than a special act school district as defined in subdivision eight of section four thousand one of this chapter, shall be eligible for total foundation aid equal to the product of total aidable foundation pupil units multiplied by the district's selected foundation aid, which shall be the greater of five hundred dollars ($500) or foundation formula aid, provided, however that for the two thousand seven--two thousand eight through two thousand eight--two thousand nine and two thousand eleven--two thousand twelve through [two thousand twelve--two thousand thirteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, no school district shall receive total foundation aid in excess of the sum of the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section, plus the phase-in foundation increase computed pursuant to paragraph b of this subdivision, and provided further that total foundation aid shall not be less than the product of the total foundation aid base computed pursuant to paragraph j of subdivision one of this section and one hundred three percent, nor more than the product of such total foundation aid base and one hundred fifteen percent, and provided further that for the two thousand nine--two thousand ten [and two thousand ten--two thousand eleven] THROUGH TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school years, each school district shall receive total foundation aid in an amount equal to the amount apportioned to such school district for the two thousand eight--two thousand nine school year pursuant to this subdivision. Total aidable foundation pupil units shall be calculated pursuant to paragraph g of subdivision two of this section. For the purposes of calculating aid pursuant to this subdivision, aid for the city school district of the city of New York shall be calculated on a citywide basis.

a. Foundation formula aid. Foundation formula aid shall equal the remainder when the expected minimum local contribution is subtracted from the product of the foundation amount, the regional cost index, and the pupil need index, or: (foundation amount x regional cost index x pupil need index) - expected minimum local contribution.

(1) The foundation amount shall reflect the average per pupil cost of general education instruction in successful school districts, as determined by a statistical analysis of the costs of special education and general education in successful school districts, provided that the foundation amount shall be adjusted annually to reflect the percentage increase in the consumer price index as computed pursuant to section two thousand twenty-two of this chapter, provided that for the two thousand eight--two thousand nine school year, for the purpose of such adjustment, the percentage increase in the consumer price index shall be deemed to be two and nine-tenths percent (0.029), and provided further that the foundation amount for the two thousand seven--two thousand eight school year shall be five thousand two hundred fifty-eight dollars, and provided further that for the two thousand seven--two thousand eight through [two thousand twelve--two thousand thirteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, [such] THE founda-

tion amount shall be further adjusted by the phase-in foundation percent established pursuant to paragraph b of this subdivision.

(2) The regional cost index shall reflect an analysis of labor market costs based on median salaries in professional occupations that require similar credentials to those of positions in the education field, but not including those occupations in the education field, provided that the regional cost indices for the two thousand seven--two thousand eight school year and thereafter shall be as follows:

Labor Force Region	Index
Capital District	1.124
Southern Tier	1.045
Western New York	1.091
Hudson Valley	1.314
Long Island/NYC	1.425
Finger Lakes	1.141
Central New York	1.103
Mohawk Valley	1.000
North Country	1.000

(3) The pupil need index shall equal the sum of one plus the extraordinary needs percent, provided, however, that the pupil need index shall not be less than one nor more than two. The extraordinary needs percent shall be calculated pursuant to paragraph w of subdivision one of this section.

(4) The expected minimum local contribution shall equal the lesser of (i) the product of (A) the quotient arrived at when the selected actual valuation is divided by total wealth foundation pupil units, multiplied by (B) the product of the local tax factor, multiplied by the income wealth index, or (ii) the product of (A) the product of the foundation amount, the regional cost index, and the pupil need index, multiplied by (B) the positive difference, if any, of one minus the state sharing ratio for total foundation aid. The local tax factor shall be established by May first of each year by determining the product, computed to four decimal places without rounding, of ninety percent multiplied by the quotient of the sum of the statewide average tax rate as computed by the commissioner for the current year in accordance with the provisions of paragraph e of subdivision one of section thirty-six hundred nine-e of this part plus the statewide average tax rate computed by the commissioner for the base year in accordance with such provisions plus the statewide average tax rate computed by the commissioner for the year prior to the base year in accordance with such provisions, divided by three, provided however that for the two thousand seven--two thousand eight school year, such local tax factor shall be sixteen thousandths (0.016), and provided further that for the two thousand eight--two thousand nine school year, such local tax factor shall be one hundred fifty-four ten thousandths (0.0154). The income wealth index shall be calculated pursuant to paragraph d of subdivision three of this section, provided, however, that for the purposes of computing the expected minimum local contribution the income wealth index shall not be less than sixty-five percent (0.65) and shall not be more than two hundred percent (2.0) and provided however that such income wealth index shall not be more than ninety-five percent (0.95) for the two thousand eight--two thousand nine school year. The selected actual valuation shall be calculated pursuant to paragraph c of subdivision one of this section. Total wealth foundation pupil units shall be calculated pursuant to paragraph h of subdivision two of this section.

b. Phase-in foundation increase. (1) The phase-in foundation increase shall equal the product of the phase-in foundation increase factor multiplied by the greater of (i) the positive difference, if any, of (A) the product of the total aidable foundation pupil units multiplied by the district's selected foundation aid less (B) the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section or (ii) the product of the phase-in due-minimum percent multiplied by the total foundation aid base for aid payable in the two thousand seven--two thousand eight school year computed pursuant to subparagraph (i) of paragraph j of subdivision one of this section.

(2) For the two thousand seven--two thousand eight school year, the phase-in foundation percent shall equal one hundred seven and sixty-eight hundredths percent (1.0768), the phase-in foundation increase factor shall equal twenty percent (0.20), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255);

for the two thousand eight--two thousand nine school year, the phase-in foundation percent shall equal one hundred five and twenty-six hundredths percent (1.0526), the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255);

for the two thousand nine--two thousand ten school year, the phase-in foundation percent shall equal one hundred two and five tenths percent (1.025), the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375), and the phase-in due-minimum percent shall equal twelve and fifty-five hundredths percent (0.1255)

for the two thousand ten--two thousand eleven school year, the phase-in foundation percent shall equal [one hundred seven and sixty-eight hundredths percent (1.0768)] ONE HUNDRED FOURTEEN AND TWENTY-SEVEN HUNDREDTHS PERCENT (1.1427), the phase-in foundation increase factor shall equal thirty-seven and one-half percent (0.375), and the phase-in due-minimum percent shall equal [twelve and fifty-five hundredths percent (0.1255)] TWENTY-TWO AND NINETY-NINE HUNDREDTHS PERCENT (0.2299);

for the two thousand eleven--two thousand twelve school year, the phase-in foundation percent shall equal [one hundred five and six hundredths percent (1.0506)] ONE HUNDRED THIRTEEN AND FOURTEEN ONE HUNDREDTHS PERCENT (1.1314), the phase-in foundation increase factor shall equal [fifty-three and one-tenth percent (0.531)] THIRTY-SEVEN AND ONE-HALF PERCENT (0.375), and the phase-in due-minimum percent shall equal [twelve and fifty-five hundredths percent (0.1255)] TWENTY-TWO AND NINETY-NINE HUNDREDTHS PERCENT (0.2299); [and]

for the two thousand twelve--two thousand thirteen school year, the phase-in foundation percent shall equal [one hundred two and five hundredths percent (1.0250)] ONE HUNDRED TEN AND THIRTY-EIGHT HUNDREDTHS PERCENT (1.1038), the phase-in foundation increase factor shall equal [seventy-five percent (0.75)] FORTY-THREE AND ONE-HALF PERCENT (0.435), and the phase-in due-minimum percent shall equal [twelve and fifty-five hundredths percent (0.1255)] TWENTY-TWO AND NINETY-NINE HUNDREDTHS PERCENT (0.2299); AND

FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL YEAR, THE PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED SEVEN AND SIXTY-EIGHT HUNDREDTHS PERCENT (1.0768), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL FIFTY-THREE AND ONE-HALF PERCENT (0.535),

AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL TWENTY-TWO AND NINETY-NINE HUNDREDTHS PERCENT (0.2299);

FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN SCHOOL YEAR, THE PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED FIVE AND SIX HUNDREDTHS PERCENT (1.0506), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL SIXTY-SIX AND ONE-HALF PERCENT (0.665), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL TWENTY-TWO AND NINETY- NINE HUNDREDTHS PERCENT (0.2299);

AND FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR, THE PHASE-IN FOUNDATION PERCENT SHALL EQUAL ONE HUNDRED TWO AND FIVE TENTHS PERCENT (1.0250), THE PHASE-IN FOUNDATION INCREASE FACTOR SHALL EQUAL EIGHTY-ONE AND ONE-HALF PERCENT (0.815), AND THE PHASE-IN DUE-MINIMUM PERCENT SHALL EQUAL TWENTY-TWO AND NINETY-NINE HUNDREDTHS PERCENT (0.2299).

b-1. Notwithstanding any other provision of law to the contrary, for the two thousand seven--two thousand eight through [two thousand thirteen--two thousand fourteen] TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN school years, 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 seventeen hundred eighteen and two thousand twenty-three of this chapter.

S 9. The closing paragraph of subdivision 5-a of section 3602 of the education law, as amended by section 14 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

For the two thousand eight--two thousand nine school year, each school district shall be entitled to an apportionment equal to the product of fifteen percent and the additional apportionment computed pursuant to this subdivision for the two thousand seven--two thousand eight school year. For the two thousand nine--two thousand ten [and] THROUGH two thousand [ten] ELEVEN--two thousand [eleven] TWELVE school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "SUPPLEMENTAL PUB EXCESS COST" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

S 10. Clause (ii) of subparagraph 5 of paragraph i 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:

(ii) notwithstanding any inconsistent provisions of this paragraph, for aid payable in the two thousand two--two thousand three school year and thereafter, approved expenditures for debt service for energy performance contracts shall be based on assumed amortization where required by paragraph e of this subdivision, AND PROVIDED FURTHER, THAT APPROVED EXPENDITURES FOR DEBT SERVICE FOR ENERGY PERFORMANCE CONTRACTS FOR PROJECTS APPROVED BY THE VOTERS OF THE SCHOOL DISTRICT OR BY THE BOARD OF EDUCATION OF A CITY SCHOOL DISTRICT IN A CITY WITH MORE THAN ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS, AND/OR THE CHANCELLOR IN A CITY SCHOOL DISTRICT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, ON OR AFTER JULY FIRST, TWO THOUSAND TEN SHALL NOT BE ELIGIBLE FOR AN ADDITIONAL APPORTIONMENT COMPUTED PURSUANT TO CLAUSE II OF SUBPARAGRAPH TWO OF PARAGRAPH B OF THIS SUBDIVISION.

S 11. Paragraph e of subdivision 6 of section 3602 of the education law is amended by adding a new subparagraph 8 to read as follows:

(8) NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW TO THE CONTRARY, WHERE, DURING THE PERIOD OF ASSUMED AMORTIZATION RELATING TO A PROJECT FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF A SCHOOL BUILDING, THE SCHOOL BUILDING IS SOLD OR OWNERSHIP IS OTHERWISE TRANSFERRED TO AN ENTITY OTHER THAN THE SCHOOL DISTRICT OR CITY AND SUCH TRANSFER RESULTS IN THE BUILDING NO LONGER BEING OPERATED BY THE SCHOOL DISTRICT AS A PUBLIC ELEMENTARY OR SECONDARY SCHOOL THAT IS NOT INDEPENDENT OR AUTONOMOUS, THE DISTRICT SHALL, WITHIN SIXTY DAYS OF THE TRANSFER OF OWNERSHIP, NOTIFY THE COMMISSIONER OF SUCH SALE OR TRANSFER, AND SHALL PROVIDE SUCH ADDITIONAL INFORMATION ABOUT THE SALE OR TRANSFER AS THE COMMISSIONER MAY REQUIRE, IN A FORM PRESCRIBED BY THE COMMISSIONER, AND THE COMMISSIONER SHALL RE-COMPUTE THE BUILDING AID, IF ANY, PAYABLE FOR SUCH PROJECT PURSUANT TO THIS SUBPARAGRAPH, EXCEPT TO THE EXTENT SUCH RE-COMPUTATION WOULD CONFLICT WITH THE PROVISIONS OF SECTION TWENTY-SEVEN HUNDRED NINETY-NINE-TT OF THE PUBLIC AUTHORITIES LAW. THE COMMISSIONER SHALL DEDUCT THE REVENUES RECEIVED BY THE SCHOOL DISTRICT OR CITY AS A RESULT OF SUCH SALE OR TRANSFER FROM THE APPROVED TOTAL PROJECT COST AND, BASED ON SUCH ADJUSTED PROJECT COST, ESTABLISH A NEW ASSUMED AMORTIZATION FOR THE REMAINING USEFUL LIFE OF THE PROJECT UNDER THE APPLICABLE PROVISIONS OF THIS PARAGRAPH.

S 12. Subdivision 12 of section 3602 of the education law, as added by section 19 of part B of chapter 57 of the laws of 2008, the closing paragraph as added by section 18 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

12. Academic enhancement aid. A school district that as of April first of the base year has been continuously identified as a district in need of improvement for at least five years shall, for the two thousand eight--two thousand nine school year, be entitled to an additional apportionment equal to the positive remainder, if any, of (a) the lesser of fifteen million dollars or the product of the total foundation aid base, as defined by paragraph j of subdivision one of this section, multiplied by ten percent (0.10), less (b) the positive remainder of (i) the sum of the total foundation aid apportioned pursuant to subdivision four of this section and the supplemental educational improvement grants apportioned pursuant to subdivision eight of section thirty-six hundred forty-one of this [act] ARTICLE, less (ii) the total foundation aid base.

For the two thousand nine--two thousand ten [and] THROUGH two thousand [ten] ELEVEN--two thousand [eleven] TWELVE school years, each school district shall be entitled to an apportionment equal to the amount set forth for such school district as "EDUCATION GRANTS, ACADEMIC EN" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910", and such apportionment shall be deemed to satisfy the state obligation to provide an apportionment pursuant to subdivision eight of section thirty-six hundred forty-one of this article.

S 13. Intentionally omitted.

S 14. Paragraphs d and d-1 of subdivision 14 of section 3602 of the education law, as added by section 17-a of part B of chapter 57 of the laws of 2007, is amended to read as follows:

d. Incentive operating aid for reorganized districts. Notwithstanding the provisions of paragraphs a through c of this subdivision, whenever two or more school districts are scheduled for reorganization pursuant to section three hundred fourteen of this chapter, and whenever after

July first, two thousand seven, all such school districts so scheduled do reorganize in accordance with the provisions of such section three hundred fourteen[, as amended by chapter seven hundred forty-five of the laws of nineteen hundred sixty-five], and

(1) whenever such proposed reorganization includes at least two school districts, each of which maintains its own high school, or

(2) where such proposed reorganization includes only one school district maintaining its own high school, whenever in such case such proposed reorganization, in addition to such school district maintaining its own high school, includes at least nine other school districts, or

(3) whenever such proposed reorganization includes at least two central school districts, or

(4) where such proposed reorganization includes at least one school district maintaining its own high school and, in addition thereto, includes at least one school district employing eight or more teachers, or

(5) where such proposed reorganization includes a city school district, and in addition thereto, includes at least seven other school districts, or

(6) where such reorganization includes at least two school districts employing eight or more teachers forming a central high school district pursuant to section nineteen hundred thirteen of this chapter, such reorganized district shall be entitled to an apportionment equal to an additional percent of the [apportionment] SELECTED OPERATING AMOUNT computed in accordance with the provisions of paragraph d-1 of this subdivision; but in no case shall the sum of such apportionment under this paragraph plus the selected operating [aid per pupil] AMOUNT be more than a total of ninety-five per centum of the year prior to the base year approved operating expense; for a period of five years beginning with the first school year of operation as a reorganized district such additional percent shall be forty percent; and thereafter such additional forty percent apportionment to such district shall be reduced by four percentage points each year, beginning with the sixth school year of operation as a reorganized district, and continuing until such additional forty percent apportionment is eliminated; provided, however, that the total apportionment to such reorganized district, beginning with the first school year of operation as a reorganized district, and for a period of fifteen years thereafter, shall be not less than the sum of all apportionments computed in accordance with the provisions of this paragraph plus the apportionment computed in accordance with the provisions of paragraph d-1 of this subdivision that each component school district was entitled to receive and did receive during the last school year preceding such first year of operation. In the event a school district is eligible for incentive operating aid and again reorganizes pursuant to a new plan or reorganization established by the commissioner, and where such new reorganization is again eligible for incentive operating aid, the newly created school district shall be entitled to receive incentive operating aid pursuant to the provisions of this paragraph, based on all school districts included in any such reorganization, provided, however, that incentive operating aid payments due because of any such former reorganization shall cease.

d-1. For purposes of paragraph d of this subdivision, "selected operating [aid per pupil] AMOUNT shall mean the [apportionment] PRODUCT computed for the 2006-07 school year, based on data on file with the commissioner as of the date upon which an electronic data file was created for the purposes of compliance with paragraph b of subdivision

twenty-one of section three hundred five of this chapter on February fifteenth, [as] OF: the product of (i) the state sharing ratio calculated pursuant to paragraph g of subdivision three of this section and (ii) the sum of $3,900 and the product of (a) the lesser of $8,000 or the expense per pupil as defined in subdivision one of this section minus $3,900 and (b) the greater of the quotient, computed to four decimals without rounding, of .075 divided by the school district combined wealth ratio calculated pursuant to paragraph c of subdivision three of this section or 7.5 percent, but not less than $400[, and the selected apportionment shall mean the product of] MULTIPLIED BY the district's total aidable pupil units calculated pursuant to subdivision two of this section [and the selected operating aid per pupil as calculated pursuant to the provisions contained herein].

S 15. The opening paragraph of subdivision 16 of section 3602 of the education law, as amended by section 19 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

Each school district shall be eligible to receive a high tax aid apportionment in the two thousand eight--two thousand nine school year, which shall equal the greater of (i) the sum of the tier 1 high tax aid apportionment, the tier 2 high tax aid apportionment and the tier 3 high tax aid apportionment or (ii) the product of the apportionment received by the school district pursuant to this subdivision in the two thousand seven--two thousand eight school year, multiplied by the due-minimum factor, which shall equal, for districts with an alternate pupil wealth ratio computed pursuant to paragraph b of subdivision three of this section that is less than two, seventy percent (0.70), and for all other districts, fifty percent (0.50). Each school district shall be eligible to receive a high tax aid apportionment in the two thousand nine--two thousand ten [and] THROUGH two thousand [ten] ELEVEN--two thousand [eleven] TWELVE school years in the amount set forth for such school district as "HIGH TAX AID" under the heading "2008-09 BASE YEAR AIDS" in the school aid computer listing produced by the commissioner in support of the budget for the two thousand nine--two thousand ten school year and entitled "SA0910".

S 16. The opening paragraph of subdivision 10 of section 3602-e of the education law, as amended by section 21 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

Notwithstanding any provision of law to the contrary, for aid payable in the two thousand eight--two thousand nine school year, the grant to each eligible school district for universal prekindergarten aid shall be computed pursuant to this subdivision, and for the two thousand nine--two thousand ten [and two thousand ten--two thousand eleven] THROUGH TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school years, each school district shall be eligible for a maximum grant equal to the amount computed for such school district for the base year in the electronic data file produced by the commissioner in support of the two thousand nine--two thousand ten education, labor and family assistance budget, provided, however, that in the case of a district implementing [programs for the first time or implementing] expansion programs in the two thousand eight--two thousand nine school year where such programs operate for a minimum of ninety days in any one school year as provided in section 151-1.4 of the regulations of the commissioner, such school district shall be eligible for a maximum grant equal to the amount THAT WOULD HAVE BEEN computed pursuant to paragraph a of subdivision nine of this section in the two thousand eight--two thousand nine school year IF THE AIDABLE PREKINDERGARTEN PUPILS SERVED BY SUCH EXPANSION PROGRAMS HAD

BEEN SERVED BY FULL-YEAR PROGRAMS IN THE TWO THOUSAND EIGHT--TWO THOUSAND NINE SCHOOL YEAR, and provided further that the maximum grant shall not exceed the total actual grant expenditures incurred by the school district in the current school year as approved by the commissioner.

S 17. Subdivisions 7 and 8 of section 3604 of the education law, subdivision 7 as amended by section 31 of part B of chapter 57 of the laws of 2007 and subdivision 8 as amended by section 46 of part H of chapter 83 of the laws of 2002, are amended to read as follows:

7. No district shall be entitled to any portion of such school moneys on such apportionment unless the report of the trustees or board of education for the preceding school year shall show that the public schools were actually in session in the district and taught by a qualified teacher or by successive qualified teachers or by qualified teachers for not less than one hundred eighty days BETWEEN SEPTEMBER FIRST AND THE LAST DAY OF THE JUNE REGENTS EXAMINATION PERIOD. The moneys payable to a school district pursuant to section thirty-six hundred nine-a of this [chapter] PART in the current year shall be reduced by one one-hundred eightieth of the district's total foundation aid for each day less than one hundred eighty days that the schools of the district were actually in session, except that the commissioner may disregard such reduction, up to five days, in the apportionment of public money, if he finds that the schools of the district were not in session for one hundred eighty days because of extraordinarily adverse weather conditions, impairment of heating facilities, insufficiency of water supply, shortage of fuel, lack of electricity, natural gas leakage, unacceptable levels of chemical substances, or the destruction of a school building either in whole or in part, and if, further, the commissioner finds that such district cannot make up such days of instruction by using for the secondary grades all scheduled vacation days which occur prior to the first scheduled regents examination day in June, and for the elementary grades all scheduled vacation days which occur prior to the last scheduled regents examination day in June. For the purposes of this subdivision, "scheduled vacation days" shall mean days on which the schools of the district are not in session and for which no prohibition exists in subdivision eight of this section for them to be in session.

8. No school shall be in session on a Saturday or a legal holiday, except general election day, Washington's birthday and Lincoln's birthday, and except that driver education classes may be conducted on a Saturday. A deficiency not exceeding [three] FOUR days during any school year caused by teachers' attendance upon conferences held by superintendents of schools of city school districts or other school districts employing superintendents of schools shall be excused by the commissioner, provided however, notwithstanding any other provision of law, that [during the nineteen hundred ninety-two--ninety-three through the two thousand two--two thousand three school years and thereafter, the commissioner shall excuse a deficiency not exceeding four days during such school year caused by teachers' attendance upon conferences held by such superintendents] SUCH CONFERENCES SHALL BE HELD FOR SECONDARY TEACHERS BETWEEN SEPTEMBER FIRST AND THE FIRST DAY OF THE JUNE REGENTS EXAMINATION PERIOD, AND FOR ELEMENTARY TEACHERS BETWEEN SEPTEMBER FIRST AND THE LAST DAY OF THE JUNE REGENTS EXAMINATION PERIOD, AND, provided that at least two such conference days during such school year shall be dedicated to staff attendance upon conferences providing staff development relating to implementation of the new high learning standards and assessments, as adopted by the board of regents. Notwithstanding any

other provision of law, rule or regulation to the contrary, school districts may elect to use one or more of such allowable conference days in units of not less than one hour each to provide staff development activities relating to implementation of the new high learning standards and assessments. A district making such election may provide such staff development during the regularly scheduled daily session and apply such units to satisfy a deficiency in the length of one or more daily sessions of instruction for pupils as specified in regulations of the commissioner. The commissioner shall assure that such conference days include appropriate school violence prevention and intervention training, and may require that up to one such conference day be dedicated for such purpose.

S 18. Paragraphs a and b of subdivision 5 of section 3604 of the education law, paragraph a as amended by chapter 161 of the laws of 2005 and paragraph b as amended by section 59 of part A of chapter 436 of the laws of 1997, are amended to read as follows:

a. State aid adjustments. All errors or omissions in the apportionment shall be corrected by the commissioner. Whenever a school district has been apportioned less money than that to which it is entitled, the commissioner may allot to such district the balance to which it is entitled. Whenever a school district has been apportioned more money than that to which it is entitled, the commissioner may, by an order, direct such moneys to be paid back to the state to be credited to the general fund local assistance account for state aid to the schools, or may deduct such amount from the next apportionment to be made to said district, provided, however, that, upon notification of excess payments of aid for which a recovery must be made by the state through deduction of future aid payments, a school district may request that such excess payments be recovered by deducting such excess payments from the payments due to such school district and payable in the month of June in (i) the school year in which such notification was received and (ii) the two succeeding school years, provided further that there shall be no interest penalty assessed against such district or collected by the state. Such request shall be made to the commissioner in such form as the commissioner shall prescribe, and shall be based on documentation that the total amount to be recovered is in excess of one percent of the district's total general fund expenditures for the preceding school year. The amount to be deducted in the first year shall be the greater of (i) the sum of the amount of such excess payments that is recognized as a liability due to other governments by the district for the preceding school year and the positive remainder of the district's unreserved fund balance at the close of the preceding school year less the product of the district's total general fund expenditures for the preceding school year multiplied by five percent, or (ii) one-third of such excess payments. The amount to be recovered in the second year shall equal the lesser of the remaining amount of such excess payments to be recovered or one-third of such excess payments, and the remaining amount of such excess payments shall be recovered in the third year. Provided further that, notwithstanding any other provisions of this subdivision, any pending payment of moneys due to such district as a prior year adjustment payable pursuant to paragraph c of this subdivision for aid claims that had been previously paid as current year aid payments in excess of the amount to which the district is entitled and for which recovery of excess payments is to be made pursuant to this paragraph, shall be reduced at the time of actual payment by any remaining unrecovered balance of such excess payments, and the remaining scheduled deductions

of such excess payments pursuant to this paragraph shall be reduced by the commissioner to reflect the amount so recovered. [The commissioner shall certify no payment to a school district based on a claim submitted later than three years after the close of the school year in which such payment was first to be made. For claims for which payment is first to be made in the nineteen hundred ninety-six--ninety-seven school year, the commissioner shall certify no payment to a school district based on a claim submitted later than two years after the close of such school year.] For claims for which payment is first to be made [in the nineteen hundred ninety-seven--ninety-eight] PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN school year [and thereafter], the commissioner shall certify no payment to a school district based on a claim submitted later than one year after the close of such school year. FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND ENTITLED "BT101-1". FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND THEREAFTER, THE COMMISSIONER SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT, OTHER THAN PAYMENTS PURSUANT TO SUBDIVISIONS SIX-A, ELEVEN, THIRTEEN AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, IN EXCESS OF THE PAYMENT COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST, AND SHALL CERTIFY NO PAYMENT TO A SCHOOL DISTRICT BASED ON A CLAIM SUBMITTED LATER THAN THE DATE UPON WHICH AN ELECTRONIC DATA FILE WAS CREATED FOR THE PURPOSES OF COMPUTING THE JUNE AMOUNT PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH B OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-A OF THIS PART. Provided, however, no payments shall be barred or reduced where such payment is required as a result of a final audit of the state. [It is further provided that, until June thirtieth, nineteen hundred ninety-six, the commissioner may grant a waiver from the provisions of this section for any school district if it is in the best educational interests of the district pursuant to guidelines developed by the commissioner and approved by the director of the budget.]

b. Claims resulting from court orders or judgments. [Any] FOR CLAIMS FOR WHICH PAYMENT IS FIRST TO BE MADE PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, ANY payment which would be due as the result of a court order or judgment shall not be barred, provided that, commencing January first, nineteen hundred ninety-six, such court order or judgment and any other data required shall be filed with the comptroller within one year from the date of the court order or judgment, and provided further that the commissioner shall certify no payment to a school district for a specific school year that is based on a claim that results from a court order or judgement so filed with the comptroller unless the total value of such claim, as determined by the commissioner, is greater than one percent of the school district's total revenues from state sources as previously recorded in the general fund and reported to the comptroller in the annual financial report of the school district for such school year.

S 19. The opening paragraph of section 3609-a of the education law, as amended by section 22 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

For aid payable in the two thousand seven--two thousand eight [school year and thereafter], TWO THOUSAND EIGHT--TWO THOUSAND NINE, AND TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEARS, "moneys apportioned" shall mean the lesser of (i) the sum of one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year produced by the commissioner in support of the budget which includes the appropriation for the general support for public schools for the prescribed payments and individualized payments due prior to April first for the current year plus the apportionment payable during the current school year pursuant to subdivision six-a and subdivision fifteen of section thirty-six hundred two of this part minus any reductions to current year aids pursuant to subdivision seven of section thirty-six hundred four of this part or any deduction from apportionment payable pursuant to this chapter for collection of a school district basic contribution as defined in subdivision eight of section forty-four hundred one of this chapter, less any grants provided pursuant to subparagraph two-a of paragraph b of subdivision four of section ninety-two-c of the state finance law, less any grants provided pursuant to subdivision twelve of section thirty-six hundred forty-one of this article, or (ii) the apportionment calculated by the commissioner based on data on file at the time the payment is processed; provided however, that for the purposes of any payments made pursuant to this section prior to the first business day of June of the current year, moneys apportioned shall not include any aids payable pursuant to subdivisions six and fourteen, if applicable, of section thirty-six hundred two of this part as current year aid for debt service on bond anticipation notes and/or bonds first issued in the current year or any aids payable for full-day kindergarten for the current year pursuant to subdivision nine of section thirty-six hundred two of this part. The definitions of "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this part shall apply to this section. For aid payable in the two thousand nine--two thousand ten school year, reference to such "school aid computer listing for the current year" shall mean the printouts entitled "SA0910". FOR AID PAYABLE IN THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND THEREAFTER, "MONEYS APPORTIONED" SHALL MEAN THE LESSER OF: (I) THE SUM OF ONE HUNDRED PERCENT OF THE RESPECTIVE AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT AS PAYABLE PURSUANT TO THIS SECTION IN THE SCHOOL AID COMPUTER LISTING FOR THE CURRENT YEAR PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET REQUEST WHICH INCLUDES THE APPROPRIATION FOR THE GENERAL SUPPORT FOR PUBLIC SCHOOLS FOR THE PRESCRIBED PAYMENTS AND INDIVIDUALIZED PAYMENTS DUE PRIOR TO APRIL FIRST FOR THE CURRENT YEAR PLUS THE APPORTIONMENT PAYABLE DURING THE CURRENT SCHOOL YEAR PURSUANT TO SUBDIVISIONS SIX-A AND FIFTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART MINUS ANY REDUCTIONS TO CURRENT YEAR AIDS PURSUANT TO SUBDIVISION SEVEN OF SECTION THIRTY-SIX HUNDRED FOUR OF THIS PART OR ANY DEDUCTION FROM APPORTIONMENT PAYABLE PURSUANT TO THIS CHAPTER FOR COLLECTION OF A SCHOOL DISTRICT BASIC CONTRIBUTION AS DEFINED IN SUBDIVISION EIGHT OF SECTION FORTY-FOUR HUNDRED ONE OF THIS CHAPTER, LESS ANY GRANTS PROVIDED PURSUANT TO SUBPARAGRAPH TWO-A OF PARAGRAPH B OF SUBDIVISION FOUR OF SECTION NINETY-TWO-C OF THE STATE FINANCE LAW, LESS ANY GRANTS PROVIDED PURSUANT TO SUBDIVISION TWELVE OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE; OR (II) THE APPORTIONMENT CALCULATED BY THE COMMISSIONER BASED ON DATA ON FILE AT THE TIME THE PAYMENT IS PROCESSED; PROVIDED HOWEVER, THAT FOR THE PURPOSES OF ANY PAYMENTS MADE PURSUANT TO THIS SECTION

PRIOR TO THE FIRST BUSINESS DAY OF JUNE OF THE CURRENT YEAR, MONEYS APPORTIONED SHALL NOT INCLUDE ANY AIDS PAYABLE PURSUANT TO SUBDIVISIONS SIX AND FOURTEEN, IF APPLICABLE, OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART AS CURRENT YEAR AID FOR DEBT SERVICE ON BOND ANTICIPATION NOTES AND/OR BONDS FIRST ISSUED IN THE CURRENT YEAR OR ANY AIDS PAYABLE FOR FULL-DAY KINDERGARTEN FOR THE CURRENT YEAR PURSUANT TO SUBDIVISION NINE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART. THE DEFINITIONS OF "BASE YEAR" AND "CURRENT YEAR" AS SET FORTH IN SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART SHALL APPLY TO THIS SECTION.

S 20. Subdivision 1 of section 3609-a of the education law is amended by adding a new paragraph e to read as follows:

E. GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND TEN--TWO THOUSAND ELEVEN. (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL REDUCE PAYMENTS DUE TO EACH DISTRICT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THIS SECTION BY AN AMOUNT EQUAL TO THE GAP ELIMINATION ADJUSTMENT COMPUTED FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL BE DEDUCTED FROM MONEYS APPORTIONED FOR THE PURPOSES OF PAYMENTS MADE PURSUANT TO THIS SECTION AND IF THE REDUCTION IS GREATER THAN THE SUM OF THE AMOUNTS AVAILABLE FOR SUCH DEDUCTIONS, THE REMAINDER OF THE REDUCTION SHALL BE WITHHELD FROM PAYMENTS SCHEDULED TO BE MADE TO THE DISTRICT PURSUANT TO THIS SECTION FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, AND PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE AMOUNT OF SUCH DEDUCTION SHALL BE DEEMED TO HAVE BEEN PAID TO THE DISTRICT PURSUANT TO THIS SECTION FOR THE SCHOOL YEAR IN WHICH SUCH DEDUCTION IS MADE. THE COMMISSIONER SHALL COMPUTE SUCH GAP ELIMINATION ADJUSTMENT AND SHALL PROVIDE A SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO THE STATE COMPTROLLER, THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS COMMITTEE.

(2) THE GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR SHALL BE COMPUTED AS FOLLOWS, BASED ON DATA USED BY THE COMMISSIONER FOR THE PURPOSES OF PRODUCING A SCHOOL AID COMPUTER LISTING IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND ENTITLED "BT101-1".

(I) THE PERCENTAGE REDUCTION SHALL BE THE SUM OF (A) THE PRODUCT OF THE TOTAL AID FOR ADJUSTMENT, MULTIPLIED BY FIVE AND FIVE-TENTHS PERCENT (0.055), AND (B) THE PRODUCT OF THREE THOUSAND ONE HUNDRED TWENTY-ONE DOLLARS ($3,121.00) MULTIPLIED BY THE REDUCTION FACTOR, MULTIPLIED BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF SUCH SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, PROVIDED, HOWEVER, THAT SUCH PERCENTAGE REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF EIGHT PERCENT (0.08) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PRODUCT OF TWENTY-ONE PERCENT (0.21) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT.

(II) THE TAX EFFORT REDUCTION SHALL BE THE PRODUCT OF THE TOTAL AID FOR ADJUSTMENT, MULTIPLIED BY THE QUOTIENT OF TWENTY-ONE PERCENT (0.21) DIVIDED BY THE QUOTIENT OF THE TAX EFFORT RATIO DIVIDED BY THREE AND FIVE TENTHS PERCENT (0.035), PROVIDED, HOWEVER, THAT SUCH TAX EFFORT REDUCTION SHALL NOT BE LESS THAN THE PRODUCT OF TEN PERCENT (0.1) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PRODUCT OF TWENTY-ONE PERCENT (0.21) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT.

(III) THE TGFE CHECK SHALL BE THE PRODUCT OF THE TGFE PERCENTAGE AND THE TOTAL GENERAL FUND EXPENDITURES OF SUCH DISTRICT IN THE BASE YEAR.

(IV) THE ADMINISTRATIVE EFFICIENCY OFFSET SHALL BE THE PRODUCT OF EIGHTY DOLLARS ($80.00), MULTIPLIED BY THE STATE SHARING RATIO, MULTIPLIED BY THE TOTAL AIDABLE FOUNDATION PUPIL UNITS.

THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL (A) THE DISTRICT'S PERCENTAGE REDUCTION, PROVIDED, HOWEVER, THAT IN THE CASE OF A DISTRICT WITH A TAX EFFORT RATIO GREATER THAN THREE AND ONE-HALF PERCENT (0.035) AND A COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID THAT IS LESS THAN FOUR (4.0), THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE LESSER OF THE PERCENTAGE REDUCTION AND THE TAX EFFORT REDUCTION, AND FURTHER PROVIDED, (B) IN THE CASE OF A DISTRICT DETERMINED TO BE A HIGH NEED SCHOOL DISTRICT PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", THE GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE LESSER OF THE TGFE CHECK AND THE GAP ELIMINATION ADJUSTMENT SELECTED PURSUANT TO SUBCLAUSE (A) OF THIS CLAUSE, AND FURTHER PROVIDED THAT IN THE CASE OF A SCHOOL DISTRICT, OTHER THAN A CITY SCHOOL DISTRICT OF A CITY HAVING A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, WITH AN ADMINISTRATIVE EFFICIENCY RATIO OF LESS THAN TWO PERCENT (0.02), THE GAP ELIMINATION ADJUSTMENT SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE ADMINISTRATIVE EFFICIENCY OFFSET.

(3) THE NET GAP ELIMINATION ADJUSTMENT FOR A DISTRICT SHALL EQUAL THE PRODUCT OF THE GAP ELIMINATION ADJUSTMENT COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH, MULTIPLIED BY SIXTY-SIX AND FOUR HUNDRED SEVENTY-NINE TEN-THOUSANDTHS PERCENT (0.660479).

(4) FOR THE PURPOSES OF SUCH COMPUTATION, (I) "TOTAL AID FOR ADJUSTMENT" SHALL MEAN THE SUM OF THE AMOUNTS SET FORTH FOR EACH SCHOOL DISTRICT AS "FOUNDATION AID", "FULL DAY K CONVERSION", "BOCES + SPECIAL SERVICES", "PUBLIC HIGH COST SPECIAL EDN", "PRIVATE SPECIAL EDUCATION", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID" AND "SUPPLEMENTAL PUB SPECIAL EDN" UNDER THE HEADING "2010-11 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR AND ENTITLED "BT101-1", AND

(II) "THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT" SHALL MEAN THE QUOTIENT OF (A) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ATTENDING THE PUBLIC SCHOOLS OF THE DISTRICT WHO HAVE APPLICATIONS ON FILE OR WHO ARE LISTED ON A DIRECT CERTIFICATION LETTER CONFIRMING THEIR ELIGIBILITY FOR PARTICIPATION IN THE STATE AND FEDERALLY FUNDED FREE AND REDUCED PRICE LUNCH PROGRAM ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR, DIVIDED BY (B) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN

THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR, AND

(III) "TOTAL AIDABLE FOUNDATION PUPIL UNITS" SHALL MEAN THE TOTAL AIDABLE FOUNDATION PUPIL UNITS COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION TWO OF SUCH SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, AND

(IV) "COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID" SHALL MEAN THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, AND

(V) "THE STATE SHARING RATIO" SHALL MEAN THE STATE SHARING RATIO COMPUTED FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, BUT NOT LESS THAN TEN PERCENT (0.10), AND

(VI) "TAX EFFORT RATIO" SHALL MEAN THE TAX EFFORT RATIO COMPUTED PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART, AND

(VII) "REDUCTION FACTOR" SHALL MEAN THE PRODUCT OF THE POSITIVE REMAINDER OF ONE LESS THE THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT, MULTIPLIED BY THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID, AND

(IX) "ADMINISTRATIVE EFFICIENCY RATIO" SHALL MEAN THE QUOTIENT OF THE SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE, THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDITURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSONNEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND SERVICES AND FEES FOR FISCAL AGENTS, DIVIDED BY THE TOTAL EXPENDITURES CHARGED BY A DISTRICT TO THE GENERAL, DEBT SERVICE, AND SPECIAL AID FUNDS, EXCLUDING TRANSFERS FROM THE GENERAL FUND TO THE DEBT SERVICE AND SPECIAL AID FUNDS, BASED ON EXPENDITURES REPORTED BY THE DISTRICT FOR THE SCHOOL YEAR TWO YEARS PRIOR TO THE BASE YEAR, AND

(X) "TGFE PERCENTAGE" SHALL MEAN, FOR A SCHOOL DISTRICT WHICH HAS A THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT GREATER THAN SEVENTY-FIVE PERCENT (0.75) AND WHICH HAS AN ADMINISTRATIVE EFFICIENCY RATIO LESS THAN ONE AND ONE-HALF PERCENT (0.015), THREE AND SIX-TENTHS PERCENT (0.036) AND FOR ALL OTHER SCHOOL DISTRICTS, FIVE PERCENT (0.05).

S 21. Paragraph e of subdivision 1 of section 3609-e of the education law, as added by section 34 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

e. "Tax rate" shall mean the amount computed by dividing a school district's total revenues from real property and non-property tax levies for the base year levied for school purposes exclusive of library purposes plus any payments in lieu of taxes received pursuant to section four hundred eighty-five of the real property tax law and exclusive of any balances in excess of six percent of general fund expense remaining in the general fund of the district at the end of the base year, by such district's actual valuation as defined in subdivision one of section thirty-six hundred two of this [article] PART including any actual valuation equivalent of payments in lieu of taxes determined pursuant to section four hundred eighty-five of the real property tax law, provided, however, that in the instance of a fiscally dependent city school district, the tax rate shall be computed by dividing (i) such district's total general fund [expenditures, plus inter-fund transfers outgoing from the general fund, and plus general fund reserve expenditures]

REVENUES, less any and all general fund non-tax revenue of such city school district which has been paid and identified by an original payer as being specifically on behalf of such city school district, and less any and all non-tax revenue of the city upon which such city school district is fiscally dependent which has been paid and identified by an original payer as being specifically on behalf of such city school district but which has not been identified as revenue of such city school district, and less any and all other general fund revenues of such city school district which are determined by the commissioner to be non-tax revenue of the city upon which such city school district is fiscally dependent, by (ii) such district's actual valuation as defined in subdivision one of such section thirty-six hundred two. Revenues raised by a school district in support of a central high school district shall be included in the revenue of the district raising such revenue, and no local revenue shall be attributed to such central high school districts. Such tax rate shall be computed to five decimals without rounding and shall be multiplied by one thousand to be expressed in mills.

S 22. Paragraph b of subdivision 2 of section 3612 of the education law, as amended by section 28 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

b. Such grants shall be awarded to school districts, within the limits of funds appropriated therefor, through a competitive process that takes into consideration the magnitude of any shortage of teachers in the school district, the number of teachers employed in the school district who hold temporary licenses to teach in the public schools of the state, the number of provisionally certified teachers, the fiscal capacity and geographic sparsity of the district, the number of new teachers the school district intends to hire in the coming school year and the number of summer in the city student internships proposed by an eligible school district, if applicable. Grants provided pursuant to this section shall be used only for the purposes enumerated in this section. Notwithstanding any other provision of law to the contrary, a city school district in a city having a population of one million or more inhabitants receiving a grant pursuant to this section may use no more than eighty percent of such grant funds for any recruitment, retention and certification costs associated with transitional certification of teacher candidates for the school years two thousand one--two thousand two through [two thousand nine--two thousand ten] TWO THOUSAND TEN--TWO THOUSAND ELEVEN.

S 22-a. Subdivision 4 of section 3622-a of the education law, as amended by section 47 of part A of chapter 60 of the laws of 2000, is amended and a new subdivision 8 is added to read as follows:

4. Out-of-district transportation to AND FROM nonpublic elementary or [high] SECONDARY schools;

8. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY AIDABLE REGULAR TRANSPORTATION AS DEFINED IN THIS SECTION MAY BE PROVIDED AS PART OF A JOINT OR REGIONAL TRANSPORTATION SYSTEM.

S 23. Paragraph a of subdivision 3 of section 3641 of the education law, as amended by section 31 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

a. In addition to apportionments otherwise provided by section thirty-six hundred two of this article, for aid payable in the two thousand eight--two thousand nine [and], two thousand nine--two thousand ten AND TWO THOUSAND TEN--TWO THOUSAND ELEVEN school years, the amounts specified in paragraphs c and d of this subdivision shall be paid for the purpose of providing additional funding for school districts which have

experienced a significant financial hardship caused by an extraordinary change in the taxable property valuation or extraordinary judgments resulting from tax certiorari proceedings.

S 24. Paragraph b of subdivision 11 of section 3641 of the education law, as amended by chapter 9 of the laws of 2008, is amended to read as follows:

b. To the Roosevelt union free school district FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEARS there shall be paid [twelve] SIX million dollars [($12,000,000)] ($6,000,000) on an annual basis, AND FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER THERE SHALL BE PAID TWELVE MILLION DOLLARS ($12,000,000) ON AN ANNUAL BASIS. For school years commencing on July first, two thousand seven and thereafter, such special academic improvement grant shall be payable from funds appropriated for such purpose and shall be apportioned to the Roosevelt union free school district in accordance with the payment schedules contained in section three thousand six hundred nine-a of this article, notwithstanding any provision of law to the contrary.

S 24-a. Subparagraphs 5 and 7 of paragraph b of subdivision 1 of section 4402 of the education law, subparagraph 5 as amended by chapter 256 of the laws of 1988 and subparagraph 7 as amended by chapter 194 of the laws of 1991, are amended to read as follows:

(5) The committee on special education or, in the case of a state operated school, the multidisciplinary team shall [provide written notice that a child who is placed in those residential programs specified in paragraphs d, g, h and l of subdivision two of section forty-four hundred one of this article is not entitled to receive tuition free educational services after the age of twenty-one, the receipt of a high school diploma or the time described in subdivision five of this section] ENSURE THAT UPON THE FIRST ANNUAL REVIEW AFTER THE AGE OF EIGHTEEN OF A STUDENT WITH A DISABILITY WHO IS PLACED IN A RESIDENTIAL PROGRAM BY THE COMMITTEE OR MULTIDISCIPLINARY TEAM, THE COMMITTEE OR MULTIDISCIPLINARY TEAM, WITH THE CONSENT OF THE PARENTS OR THE CHILD IF AGE EIGHTEEN OR OLDER, SHALL NOTIFY AND INVITE A REPRESENTATIVE OF THE OFFICE OF MENTAL HEALTH, OFFICE OF MENTAL RETARDATION AND DEVELOPMENTAL DISABILITIES, THE STATE OFFICE OF CHILDREN AND FAMILY SERVICES, OR THE STATE EDUCATION DEPARTMENT AS APPROPRIATE, TO PARTICIPATE IN THE COMMITTEE ON SPECIAL EDUCATION MEETING FOR THE DEVELOPMENT OF A RECOMMENDATION FOR ADULT SERVICES PURSUANT TO SECTION 7.37 OR SECTION 13.37 OF THE MENTAL HYGIENE LAW, SECTION THREE HUNDRED NINETY-EIGHT-C OF THE SOCIAL SERVICES LAW OR SECTION FORTY-FOUR HUNDRED THREE OF THIS ARTICLE. THE COMMITTEE OR MULTIDISCIPLINARY TEAM SHALL GIVE THE PARENT OR GUARDIAN OF THE CHILD, OR FOR A STUDENT AGE EIGHTEEN AND OLDER, THE CHILD, THE OPPORTUNITY TO CONSENT IN WRITING TO THE RELEASE OF RELEVANT INFORMATION TO SUCH OTHER PUBLIC AGENCY OR AGENCIES, UPON REQUEST OF SUCH AGENCY OR AGENCIES, FOR PURPOSES OF DETERMINING APPROPRIATENESS OF AN ADULT PROGRAM FOR SUCH STUDENT. [Such written notice shall be provided to the child and to the parents or legal guardian of such child when such child attains the age of eighteen or, if such child is over the age of eighteen when placed in such a residential program, at the time of placement. Upon the first annual review after the age of fifteen of a child who is receiving non-residential special services or programs as specified in paragraph a, b, c, d, e, f, i, j, l or m of subdivision two of section forty-four hundred one of this article, or is receiving special services or programs in a day program at the human resources school; is receiving such special services or programs one hundred per centum of

the school day; is receiving individualized attention or intervention because of intensive management needs or a severe handicap; and, as determined by the committee on special education or multidisciplinary team pursuant to regulations promulgated by the commissioner, may need adult services from the office of mental health, office of mental retardation and developmental disabilities, the state department of social services, a social services district, or the state education department, the committee or multidisciplinary team shall provide to such child's parent or guardian, and if such child is eighteen years of age or older, to the child, written notice that such child is not entitled to receive tuition free educational services after the receipt of a high school diploma, the age of twenty-one or the time described in subdivision five of this section.]

(a) [Written notice given pursuant to this subparagraph shall describe in detail the opportunity to consent to have the child's name and other relevant information forwarded in a report to the commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of social services, or commissioner of education, or their designees, for the purpose of determining whether such child will likely need adult services and, if so, recommending possible adult services.] For the purposes of this subparagraph "relevant information" shall be defined as that information in the possession of and used by the committee or the multidisciplinary team to ascertain the physical, mental, emotional and cultural-educational factors which contribute to the child's [handicapping condition] DISABILITY, including but not limited to: (i) results of physical and psychological examinations performed by private and school district physicians and psychologists; (ii) relevant information presented by the parent, guardian and teacher; (iii) school data which bear on the child's progress including the child's most recent individualized education program; (iv) results of the most recent examinations and evaluations performed pursuant to clause (d) of subparagraph three of this paragraph; and (v) results of other suitable evaluations and examinations possessed by the committee or multidisciplinary team. Nothing in this subparagraph shall be construed to require any committee or multidisciplinary team to perform any examination or evaluation not otherwise required by law.

(b) Upon consent obtained pursuant to clause [(c)] (A) of this subparagraph, the committee or multidisciplinary team shall forward the child's name and other relevant information in a report to the [commissioner of mental health, commissioner of mental retardation and developmental disabilities, commissioner of social services, or commissioner of education, or their designees, for the development of a recommendation for adult services pursuant to section 7.37 or 13.37 of the mental hygiene law, section three hundred ninety-eight-c of the social services law or subdivision ten of section forty-four hundred three of this article. The] APPROPRIATE PUBLIC AGENCY AS DETERMINED BY THE committee or multidisciplinary team [shall determine which commissioner shall receive the report by considering], BASED UPON the child's [handicapping condition] DISABILITY and physical, mental, emotional and social needs. The committee shall forward additional and updated relevant information to the [commissioner of mental health, commissioner of mental retardation and developmental disabilities, commmissioner of social services, or commissioner of education, or their designees,] APPROPRIATE PUBLIC AGENCY upon the request for such information by such [commissioner or designee] AGENCY, WITH THE CONSENT OF THE PARENTS, OR THE STUDENT, IF AGE EIGHTEEN OR OLDER.

(c) [Upon receipt of the notice by the child pursuant to this subparagraph, the child, if eighteen years of age or older, shall be given the opportunity to consent or withhold consent to the release of the relevant information. Such opportunity shall be given within twenty days of the receipt of the notice. An appropriate member of the staff of the educational facility shall be available to assist the child, if necessary, to understand the contents of the notice and the need for his or her consent for the release of the relevant information. A form, prescribed by the commissioner, shall be presented to the child for response, which shall clearly set forth the options of giving consent or withholding consent. In the event that the child exercises neither option, and the designated member of the staff of the educational facility has reason to believe that the child may not be able to understand the purpose of the form, or in the event that the child is less than eighteen years of age, the committee on special education or the multidisciplinary team shall give the parent or guardian of the child the opportunity to consent in writing to the release of the relevant information. Nothing in this clause shall be construed to be a determination of the child's mental capacity.

(d)] When the committee or multidisciplinary team is notified by the [commissioner who] PUBLIC AGENCY WHICH received the report that such state agency is not responsible for determining and recommending adult services for the child, the committee or multidisciplinary team shall forward the report to another [commissioner] PUBLIC AGENCY; or, if the committee or multidisciplinary team determines that there exists a dispute as to which state agency has the responsibility for determining and recommending adult services, the committee or multidisciplinary team may forward the report to the council on children and families for a resolution of such dispute.

[(e) The committee and multidisciplinary team shall prepare and submit an annual report to the state education department on or before October first of each year. Such annual report shall contain the number of cases submitted to each commissioner pursuant to clause (b) or (d) of this subparagraph, the type and severity of the handicapping condition involved with each such case, the number of notices received which deny responsibility for determining and recommending adult services, and other information necessary for the state education department and the council on children and families to monitor the need for adult services. Such annual report shall not contain individually identifying information. The state education department shall forward a copy of such annual report to the council on children and families. All information received by the council on children and families pursuant to this subparagraph shall be subject to the confidentiality requirements of the department.

(f) For purposes of this subparagraph, the term "multidisciplinary team" refers to the unit which operates in lieu of a committee on special education with respect to children in state operated schools.

(7)] (6) The committee on special education shall provide a copy of the handbook for parents of children with [handicapping conditions] DISABILITIES established under subdivision eight of section four thousand four hundred three of this article or a locally approved [handicapped] booklet FOR PARENTS OF CHILDREN WITH DISABILITIES to the parents or person in parental relationship to a child as soon as practicable after such child has been referred for evaluation to the committee on special education.

S 25. Subdivision 6 of section 4402 of the education law, as amended by section 34 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

6. Notwithstanding any other law, rule or regulation to the contrary, the board of education of a city school district with a population of one hundred twenty-five thousand or more inhabitants shall be permitted to establish maximum class sizes for special classes for certain students with disabilities in accordance with the provisions of this subdivision. For the purpose of obtaining relief from any adverse fiscal impact from under-utilization of special education resources due to low student attendance in special education classes at the middle and secondary level as determined by the commissioner, such boards of education shall, during the school years nineteen hundred ninety-five--ninety-six through June thirtieth, two thousand [ten] ELEVEN of the [two thousand nine--two thousand ten] TWO THOUSAND TEN--TWO THOUSAND ELEVEN school year, be authorized to increase class sizes in special classes containing students with disabilities whose age ranges are equivalent to those of students in middle and secondary schools as defined by the commissioner for purposes of this section by up to but not to exceed one and two tenths times the applicable maximum class size specified in regulations of the commissioner rounded up to the nearest whole number, provided that in a city school district having a population of one million or more, classes that have a maximum class size of fifteen may be increased by no more than one student and provided that the projected average class size shall not exceed the maximum specified in the applicable regulation, provided that such authorization shall terminate on June thirtieth, two thousand. Such authorization shall be granted upon filing of a notice by such a board of education with the commissioner stating the board's intention to increase such class sizes and a certification that the board will conduct a study of attendance problems at the secondary level and will implement a corrective action plan to increase the rate of attendance of students in such classes to at least the rate for students attending regular education classes in secondary schools of the district. Such corrective action plan shall be submitted for approval by the commissioner by a date during the school year in which such board increases class sizes as provided pursuant to this subdivision to be prescribed by the commissioner. Upon at least thirty days notice to the board of education, after conclusion of the school year in which such board increases class sizes as provided pursuant to this subdivision, the commissioner shall be authorized to terminate such authorization upon a finding that the board has failed to develop or implement an approved corrective action plan.

S 25-a. Section 4408 of the education law, as amended by chapter 82 of the laws of 1995, subdivision 1 as amended by section 32 and subdivision 3 as amended by section 33 of part A-1 of chapter 58 of the laws of 2006, is amended to read as follows:

S 4408. Payment for July and August programs for students with disabilities. 1. State aid. The commissioner shall make payments for approved July and August programs for students with disabilities in accordance with this section in an amount equal to [eighty percent of] THE PRODUCT OF THE STATE SHARE, COMPUTED PURSUANT TO SUBDIVISION FIVE OF THIS SECTION, AND the sum of the approved tuition and maintenance rates and the transportation expense for the [current] BASE year enrollment of students with disabilities ages five through twenty-one or students eligible for services during July and August pursuant to article eighty-five, eighty-seven or eighty-eight of this chapter, where such costs

are determined pursuant to section forty-four hundred five of this article, provided that the placement of such students was approved by the commissioner, if required. Such programs shall operate for six weeks and shall be funded for thirty days of service, provided, however, that the observance of the legal holiday for Independence day may constitute a day of service. Upon certification by the school district in which the student resides, that such services were provided, such payment shall be made to the provider of such services, in accordance with the provisions of subdivision three of this section.

2. Chargeback to a municipality. Ten percent of the approved cost of July and August services provided pursuant to this section for each student shall be a charge against the municipality in which the parent, or person in parental relationship to such student, resided on July first of the school year in which such services were provided. The comptroller shall deduct from any state funds which become due to a municipality an amount equal to such ten percent required in accordance with this subdivision which amount shall be credited to the local assistance account of the state education department as designated by the division of the budget.

3. Payment schedule. For aid payable in the [two thousand six--two thousand seven] TWO THOUSAND TEN--TWO THOUSAND ELEVEN school year AND THEREAFTER, moneys appropriated annually to the department from the general fund - local assistance account under the elementary, middle and secondary education program for July and August programs for students with disabilities, shall be used as follows: (i) for remaining [base year and prior school years] obligations FROM SCHOOL YEARS PRIOR TO THE BASE YEAR, PROVIDED THAT THE SCHOOL DISTRICT IN WHICH THE STUDENT RESIDES HAD CERTIFIED, PRIOR TO THE END OF THE SCHOOL YEAR FOLLOWING THE YEAR IN WHICH SERVICES WERE PROVIDED, THAT SUCH SERVICES WERE PROVIDED, AND PROVIDED FURTHER THAT STATE AID PAYMENTS DUE FOR SUCH PRIOR SCHOOL YEARS SHALL BE PAID WITHIN THE LIMIT OF THE APPROPRIATION DESIGNATED FOR PURPOSES OF THIS SECTION, AND PROVIDED FURTHER THAT EACH ELIGIBLE CLAIM SHALL BE PAYABLE IN THE ORDER THAT IT HAS BEEN APPROVED FOR PAYMENT BY THE COMMISSIONER, BUT IN NO CASE SHALL A SINGLE CLAIM DRAW DOWN MORE THAN FORTY-FIVE PERCENT OF THE APPROPRIATION SO DESIGNATED FOR A SINGLE YEAR, AND PROVIDED FURTHER THAT NO CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL BE ELIGIBLE FOR A PARTIAL PAYMENT IN ONE YEAR AND SHALL RETAIN ITS PRIORITY DATE STATUS FOR APPROPRIATIONS DESIGNATED FOR SUCH PURPOSES IN FUTURE YEARS, (ii) for the purposes of subdivision four of this section for schools operated under articles eighty-seven and eighty-eight of this chapter, and (iii) notwithstanding any inconsistent provisions of this chapter, for payments made pursuant to this section for [current] BASE school year obligations[, provided, however, that such payments shall not exceed seventy percent of the state aid due for the sum of the approved tuition and maintenance rates and transportation expense provided for herein] WITHIN THE LIMIT OF THE AMOUNT OF THE APPROPRIATION DESIGNATED FOR PURPOSES OF THIS SECTION THAT REMAINS AFTER PAYMENT OF CLAIMS PURSUANT TO PARAGRAPHS (I) AND (II) OF THIS SUBDIVISION; provided, however, that payment of eligible claims shall be payable in the order that such claims have been approved for payment by the commissioner, but in no case shall a single payee draw down more than forty-five percent of the appropriation provided for the purposes of this section, and provided further that no claim shall be set aside for insufficiency of funds to make a complete payment, but shall be eligible for a partial payment in one year and shall retain its priority date status for appropriations

provided for this section in future years; AND PROVIDED FURTHER THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE PAYMENT FOR OBLIGATIONS INCURRED FOR SERVICES RENDERED IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR MORE THAN ONCE.

4. Of the amount so appropriated to the department for the July and August programs for schools operated under articles eighty-seven and eighty-eight of this chapter, an amount shall be transferred to the special revenue funds - other, Batavia school for the blind and Rome school for the deaf accounts, pursuant to a plan to be developed by the commissioner and approved by the director of the budget for students with disabilities attending July and August programs pursuant to this section at such schools pursuant to such articles. Such amount shall be determined by the tuition and maintenance rates and the total number of students with disabilities approved by the commissioner for placement for the July and August program. The commissioner shall establish the methodology for computation of such tuition and maintenance rates for each school which shall take into account all pertinent expenditures including administration, direct care staff, nondirect care staff and other than personal service costs.

5. State share. A. FOR SCHOOL YEARS COMMENCING PRIOR TO JULY FIRST, TWO THOUSAND TEN, THE STATE SHARE SHALL BE EIGHTY PERCENT OF THE SUM OF SUCH APPROVED TUITION AND MAINTENANCE RATES AND TRANSPORTATION EXPENSE.

B. FOR SCHOOL YEARS COMMENCING ON OR AFTER JULY FIRST, TWO THOUSAND TEN, THE STATE SHARE SHALL BE EQUAL TO THE STATE SHARING RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS CHAPTER, BUT SHALL NOT BE LESS THAN TEN PERCENT NOR MORE THAN EIGHTY PERCENT.

6. MEDICAID ADJUSTMENT. In accordance with the provisions of subparagraph four of paragraph b of subdivision one of section thirty-six hundred nine-a of this chapter, any moneys due the school district shall be reduced by an amount equal to fifty percent of any federal participation, pursuant to title XIX of the social security act, in special education programs provided pursuant to this section.

[6.] 7. Notwithstanding any other provision of law to the contrary, no payments shall be made by the commissioner pursuant to this section on or after July first, nineteen hundred ninety-six based on a claim submitted later than three years after the end of the school year in which services were rendered, AND PAYMENTS SHALL BE MADE ON OR AFTER JULY FIRST, TWO THOUSAND TEN FOR CLAIMS FOR WHICH THE SCHOOL DISTRICT IN WHICH THE STUDENT RESIDES HAD FAILED TO CERTIFY, PRIOR TO THE END OF THE SCHOOL YEAR FOLLOWING THE YEAR IN WHICH SERVICES WERE PROVIDED, THAT SUCH SERVICES WERE PROVIDED, FROM AN APPROPRIATION DESIGNATED FOR SUCH PURPOSE, AND SHALL ONLY BE MADE WITHIN THE LIMIT OF SUCH APPROPRIATION, AND PROVIDED FURTHER THAT EACH ELIGIBLE CLAIM SHALL BE PAYABLE IN THE ORDER THAT IT HAS BEEN APPROVED FOR PAYMENT BY THE COMMISSIONER, BUT IN NO CASE SHALL A SINGLE CLAIM DRAW DOWN MORE THAN FORTY-FIVE PERCENT OF THE APPROPRIATION SO DESIGNATED FOR A SINGLE YEAR, AND PROVIDED FURTHER THAT NO CLAIM SHALL BE SET ASIDE FOR INSUFFICIENCY OF FUNDS TO MAKE A COMPLETE PAYMENT, BUT SHALL BE ELIGIBLE FOR A PARTIAL PAYMENT IN ONE YEAR AND SHALL RETAIN ITS PRIORITY DATE STATUS FOR APPROPRIATIONS DESIGNATED FOR SUCH PURPOSES IN FUTURE YEARS, provided however that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit.

S 25-b. Subparagraph (i) of paragraph b of subdivision 5 of section 4410 of the education law, as amended by chapter 474 of the laws of 1996, is amended to read as follows:

(i) If the committee determines that the child has a disability, the committee shall recommend approved appropriate services or special programs and the frequency, duration and intensity of such services, including but not limited to the appropriateness of single services or half-day programs based on the individual needs of the preschool child. The committee shall first consider the appropriateness of providing: (i) related services only; (ii) special education itinerant services only; (iii) related services in combination with special education itinerant services; (iv) a half-day program, as defined in the regulations of the commissioner; (v) a full day program; in meeting the child's needs. If the committee determines that the child demonstrates the need for a single related service, such service shall be provided as a related service only or, where appropriate, as a special education itinerant service. Prior to recommending the provision of special education services in a setting which includes only preschool children with disabilities, the committee shall first consider providing special education services in a setting which includes age-appropriate peers without disabilities. Provision of special education services in a setting with no regular contact with such age-appropriate peers shall be considered only when the nature or severity of the child's disability is such that education in a less restrictive environment with the use of supplementary aids and services cannot be achieved satisfactorily. IN ADDITION, PRIOR TO RECOMMENDING PLACEMENT OF A PRESCHOOL CHILD IN AN APPROVED PROGRAM, THE COMMITTEE SHALL DETERMINE WHETHER SUCH PLACEMENT IS AS CLOSE AS POSSIBLE TO THE CHILD'S HOME AND, IN MAKING SUCH DETERMINATION, SHALL CONSIDER WHETHER ANOTHER APPROPRIATE APPROVED PROGRAM LOCATED CLOSER TO THE CHILD'S HOME IS AVAILABLE. The committee's recommendation shall include a statement of the reasons why less restrictive placements were not recommended, INCLUDING, WHERE THE COMMITTEE RECOMMENDS PLACEMENT IN AN APPROVED PROGRAM THAT IS MORE DISTANT FROM THE CHILD'S HOME THAN ANOTHER APPROVED PROGRAM OFFERING COMPARABLE SERVICES APPROPRIATE TO THE NEEDS OF THE PRESCHOOL CHILD, AN EXPLANATION OF WHY THE MORE DISTANT PROGRAM WAS RECOMMENDED. The committee may recommend placement in a program that uses psychotropic drugs only if the program has a written policy pertaining to such use and the parent is given a copy of such written policy at the time such recommendation is made.

S 25-c. Paragraphs a and b of subdivision 11 of section 4410 of the education law, paragraph a as amended by chapter 474 of the laws of 1996, paragraph b as amended by chapter 170 of the laws of 1994, subparagraph (ii) of paragraph b as amended by section 54 of part C of chapter 57 of the laws of 2004, subparagraph (iii) of paragraph b as amended by chapter 205 of the laws of 2009, subparagraphs (iv) and (v) of paragraph b as added by chapter 474 of the laws of 1996 and subparagraph (vi) of paragraph b as added by section 1 of part Q-1 of chapter 109 of the laws of 2006, are amended and a new paragraph a-1 is added to read as follows:

a. The approved costs for a preschool child who receives services pursuant to this section shall be a charge upon the municipality wherein such child resides IN THE FIRST INSTANCE. All approved costs shall be paid in the first instance and at least quarterly by the appropriate governing body or officer of the municipality upon vouchers presented and audited in the same manner as the case of other claims against the municipality. Notwithstanding any inconsistent provisions of this section, upon notification by the commissioner, a municipality may withhold payments due any provider for services rendered to preschool children in a program for which the commissioner has been unable to estab-

lish a tuition rate due to the failure of the provider to file complete and accurate reports for such purpose, as required by the commissioner.

b. (i) Commencing with the reimbursement of municipalities for services provided pursuant to this section on or after July first, nineteen hundred ninety-three, the state shall reimburse fifty-nine and [one half] ONE-HALF percent of the approved costs paid by a municipality for the purposes of this section. [Commencing with the reimbursement of municipalities for services provided pursuant to this section on or after July first, nineteen hundred ninety-four, the state shall reimburse sixty-nine and one-half percent of the approved costs paid by a municipality for the purposes of this section. The state shall reimburse fifty percent of the approved costs paid by a municipality for the purposes of this section for services provided prior to July first, nineteen hundred ninety-three.] Such state reimbursement to the municipality shall not be paid prior to April first of the school year in which such approved costs are paid by the municipality.

(ii) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER, SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, SHALL COMPUTE AND ESTABLISH A LOCAL SHARE CEILING AMOUNT FOR CLAIMS BY MUNICIPALITIES OTHER THAN THE CITY OF NEW YORK OF THE APPROVED COSTS SUBJECT TO STATE REIMBURSEMENT FOR SERVICES PROVIDED PURSUANT TO THIS SECTION IN EACH SCHOOL YEAR STARTING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR. FOR PURPOSES OF THIS PARAGRAPH, THE "LOCAL SHARE CEILING AMOUNT" MEANS THE SUM OF THE SCHOOL DISTRICT SHARE BASE FOR EACH SCHOOL DISTRICT OF RESIDENCE OF PRESCHOOL CHILDREN WHO RESIDE WITHIN THE MUNICIPALITY, AND FOR A PRESCHOOL CHILD WHO IS HOMELESS OR A FOSTER CARE CHILD IN EACH SCHOOL DISTRICT OF LOCATION AS DEFINED IN SECTION FORTY-FOUR HUNDRED TEN-A OF THIS ARTICLE. THE "SCHOOL DISTRICT SHARE BASE" MEANS THE PRODUCT OF: (A) FORTY AND ONE-HALF PERCENT AND (B) THE PRODUCT OF THE APPROVED COSTS INCURRED PURSUANT TO THIS SECTION IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR ATTRIBUTABLE TO SUCH SCHOOL DISTRICT OF RESIDENCE OR SCHOOL DISTRICT OF CURRENT LOCATION, AS APPLICABLE, AND THE INFLATION FACTOR. THE "INFLATION FACTOR" MEANS ONE HUNDRED TWO PERCENT FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, AND SHALL INCREASE ANNUALLY THEREAFTER BY TWO PERCENT EACH YEAR. APPROVED COSTS ATTRIBUTABLE TO A SPECIFIC SCHOOL DISTRICT IN EXCESS OF THE SCHOOL DISTRICT SHARE BASE SHALL BE A CHARGE UPON THE SCHOOL DISTRICT. THE COMMISSIONER SHALL DEDUCT AN AMOUNT EQUAL TO SUCH UNPAID OBLIGATION FROM ANY GENERAL AID FOR PUBLIC SCHOOLS PAYMENTS WHICH BECOME DUE TO SUCH SCHOOL DISTRICT PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-A OF THIS CHAPTER, EXCLUDING PAYMENTS PURSUANT TO CLAUSE (III) OF SUBPARAGRAPH THREE OF PARAGRAPH B OF SUBDIVISION ONE OF SUCH SECTION THIRTY-SIX HUNDRED NINE-A. WHERE SUCH SCHOOL DISTRICT IS NOT ELIGIBLE FOR PAYMENTS PURSUANT TO SUCH SECTION THIRTY-SIX HUNDRED NINE-A, OR THE AMOUNT OF SUCH UNPAID OBLIGATIONS EXCEEDS THE AMOUNT DUE TO SUCH SCHOOL DISTRICT PURSUANT TO SUCH SECTION THIRTY-SIX HUNDRED NINE-A IN THE CURRENT SCHOOL YEAR, THE COMMISSIONER SHALL BILL AND RECOVER FROM SUCH SCHOOL DISTRICT ANY EXCESS UNPAID OBLIGATION AND THE AMOUNT RECOVERED FROM SUCH SCHOOL DISTRICT SHALL BE CREDITED TO THE APPROPRIATION FOR PURPOSES OF THIS SECTION IN THE LOCAL ASSISTANCE ACCOUNT OF THE DEPARTMENT. PROVIDED HOWEVER, THAT NO SUCH DEDUCTION OR RECOVERY SHALL BE MADE PRIOR TO JULY FIRST, TWO THOUSAND TEN AND THE AMOUNT SO DEDUCTED FROM PAYMENTS PURSUANT TO SUCH SECTION THIRTY-SIX HUNDRED NINE-A SHALL BE TRANSFERRED TO THE APPROPRIATION MADE FOR PURPOSES OF THIS SECTION FROM GENERAL SUPPORT FROM PUBLIC SCHOOLS APPROPRIATION.

(III) In accordance with a schedule adopted by the commissioner, each municipality which has been notified by a board of its obligation to contract for the provision of approved special services or programs for a preschool child shall be provided with a listing of all such children by the commissioner. Such list shall include approved services and costs as prescribed by the commissioner for each such child for whom the municipality shall certify, on such list, the amount expended for such purposes and the date of expenditure. Upon the receipt of such certified statement, the commissioner shall examine the same, and if such expenditures were made as required by this section, the commissioner shall approve it and transmit it to the comptroller for audit. The comptroller shall thereupon issue his warrant, in the amount specified in such approved statement for the payment thereof out of moneys appropriated therefor, to the municipal treasurer or chief fiscal officer as the case may be.

[(iii)] (IV) (a) Notwithstanding the provisions of this paragraph, any monies due municipalities pursuant to this paragraph for services provided during the two thousand eight--two thousand nine and prior school years shall be reduced by an amount equal to the product of the percentage of the approved costs reimbursed by the state pursuant to subparagraph (i) of this paragraph and any federal participation, pursuant to title XIX of the social security act, in special education programs provided pursuant to this section. The commissioner shall deduct such amount, as certified by the commissioner of health as the authorized fiscal agent of the state education department. Such deductions shall be made in accordance with a plan developed by the commissioner and approved by the director of the budget. To the extent that such deductions exceed moneys owed to the municipality pursuant to this paragraph, such excess shall be deducted from any other payments due the municipality.

(b) Any moneys due municipalities pursuant to this paragraph for services provided during the two thousand nine--two thousand ten school year and thereafter shall, in the first instance, be designated as the state share of moneys due a municipality pursuant to title XIX of the social security act, on account of school supportive health services provided to preschool students with disabilities pursuant to this section. Such state share shall be assigned on behalf of municipalities to the department of health, as provided herein; the amount designated as such nonfederal share shall be transferred by the commissioner to the department of health based on the monthly report of the commissioner of health to the commissioner; and any remaining moneys to be apportioned to a municipality pursuant to this section shall be paid in accordance with this section. The amount to be assigned to the department of health, as determined by the commissioner of health, for any municipality shall not exceed the federal share of any moneys due such municipality pursuant to title XIX of the social security act. Moneys designated as state share moneys shall be paid to such municipality by the department of health based on the submission and approval of claims related to such school supportive health services, in the manner provided by law.

[(iv)] (V) Notwithstanding any other provision of law to the contrary, no payments shall be made by the commissioner pursuant to this section on or after July first, nineteen hundred ninety-six based on a claim for services provided during school years nineteen hundred eighty-nine--ninety, nineteen hundred ninety--ninety-one, nineteen hundred ninety-one-ninety-two, nineteen hundred ninety-two--ninety-three, nineteen hundred

ninety-three--ninety-four, and nineteen hundred ninety-four--ninety-five which is submitted later than two years after the end of the nineteen hundred ninety-five--ninety-six school year; provided, however, that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit, and provided further that the commissioner may grant a waiver to a municipality excusing the late filing of such a claim upon a finding that the delay was caused by a party other than the municipality or a board to which the municipality delegated authority pursuant to paragraph f of subdivision five or subdivision eight of this section.

[(v)] (VI) Notwithstanding any other provision of law to the contrary, no payments shall be made by the commissioner pursuant to this section on or after July first, nineteen hundred ninety-six based on a claim for services provided in the nineteen hundred ninety-five--ninety-six school year or thereafter which is submitted later than three years after the end of the school year in which services were rendered, provided, however, that no payment shall be barred or reduced where such payment is required as a result of a court order or judgment or a final audit, and provided further that the commissioner may grant a waiver to a municipality excusing the late filing of such a claim upon a finding that the delay was caused by a party other than the municipality or a board to which the municipality delegates authority pursuant to paragraph f of subdivision five or subdivision eight of this section.

[(vi)] (VII) Notwithstanding any other provision of law to the contrary, beginning with state reimbursement otherwise payable in the two thousand six--two thousand seven state fiscal year and in each year thereafter, payments pursuant to this section, subject to county agreement and in the amounts specified in such agreement, shall be paid no later than June thirtieth of the state fiscal year next following the state fiscal year in which such reimbursement was otherwise eligible for payment and in which the liability to the county for such state reimbursement accrued, provided that such payments in a subsequent state fiscal year shall be recognized by the state and the applicable county as satisfying the state reimbursement obligation for the prior state fiscal year. Any unspent amount associated with such county agreements shall not be available for payments to other counties or municipalities.

S 25-d. Subparagraph (ii) of paragraph c of subdivision 11 of section 4410 of the education law, as amended by chapter 205 of the laws of 2009, is amended to read as follows:

(ii) Payments made pursuant to this section by a municipality shall, upon conclusion of the July first to June thirtieth school year for which such payment was made, be subject to audit against the actual difference between such audited expenditures and revenues. The municipality shall submit the results of any such audit to the commissioner and the commissioner of [social] THE OFFICE OF CHILDREN AND FAMILY services, if appropriate, for review and, if warranted, adjustment of the tuition and/or maintenance rates. SUCH REVIEW SHALL BE COMPLETED AND A RESPONSE PROVIDED TO THE MUNICIPALITY WITHIN THREE MONTHS OF SUBMISSION OF SUCH AUDIT TO THE APPROPRIATE COMMISSIONER. The municipality is authorized to recover overpayments made to a provider of special services or programs pursuant to this section as determined by the commissioner or the commissioner of [health] THE OFFICE OF CHILDREN AND FAMILY SERVICES based upon their adjustment of a tuition and/or maintenance rate, PROVIDED THAT FOR PURPOSES OF MAKING SUCH ADJUSTMENT AND RECOVERY, THE MUNICIPALITY SHALL BE DEEMED TO HAVE PAID FIFTY PERCENT OF THE DISALLOWED COSTS. Such recovery may be accomplished by

withholding such amount from any moneys due the provider in the current year, or by direct reimbursement.

S 26. Subparagraph 4 of paragraph b of subdivision 4 of section 92-c of the state finance law, as amended by section 46 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

(4) each eligible school district shall be entitled to an additional lottery grant equal to the result of multiplying the district's total aidable FOUNDATION pupil units for the base year COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION TWO OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW by:

Base Grant x (1 + aid ratio)

Where, the base grant shall equal the sum of the net total available moneys after making payments pursuant to subparagraphs (1), (2), (2-a) and (3) above, plus an amount from the general support for public schools--general fund local assistance account equal to the June lottery payment, divided by the total aidable pupil units of the state and where the Aid Ratio is equal to one minus the pupil wealth ratio of the district as such term is defined in section thirty-six hundred two of the education law. In no case shall a school district aid ratio exceed one (1) or be less than minus one (-1).

S 27. Section 4403 of the education law is amended by adding two new subdivisions 21 and 22 to read as follows:

21. TO IDENTIFY SCHOOL DISTRICTS WITH HIGH RATES OF IDENTIFICATION OF STUDENTS AS STUDENTS WITH DISABILITIES, SCHOOL DISTRICTS WITH LOW RATES OF DECLASSIFICATION OF STUDENTS WITH DISABILITIES, SCHOOL DISTRICTS WITH HIGH RATES OF PLACEMENT OF STUDENTS WITH DISABILITIES IN SEPARATE SITES AND SCHOOL DISTRICTS WITH SIGNIFICANT DISPROPORTIONALITY BASED ON RACE AND ETHNICITY IN SUCH IDENTIFICATION OR PLACEMENT IN PARTICULAR SETTINGS. TO ENSURE COMPLIANCE WITH THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION ACT, THE DEPARTMENT SHALL WORK WITH THE DISTRICTS TO VERIFY SUCH RATES, DETERMINE THE UNDERLYING CAUSES AND, IF NECESSARY, MAY REQUIRE THE DEVELOPMENT OF A CORRECTIVE ACTION PLAN TO IMPLEMENT POLICIES, PRACTICES AND PROCEDURES TO IMPROVE RESULTS IN THE IDENTIFIED PROBLEM AREA.

22. TO PROVIDE TECHNICAL ASSISTANCE TO SUCH SCHOOL DISTRICTS IN ACCORDANCE WITH SUBDIVISION TWENTY-ONE OF THIS SECTION TO ASSIST THEM IN DEVELOPING EFFECTIVE STRATEGIES TO IMPROVE SUCH RESULTS INCLUDING ALTERNATIVE PLACEMENT MODELS; MODELS FOR EFFECTIVE PREVENTIVE SERVICES; COORDINATED USE OF FINANCIAL RESOURCES; IMPROVED EVALUATION PRACTICES AND APPROPRIATE DECLASSIFICATION PRACTICES. THE DEPARTMENT SHALL SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE ON ITS ACTIONS TO IMPLEMENT THIS SUBDIVISION IN THE PRIOR SCHOOL YEAR BY DECEMBER FIRST OF EACH YEAR, COMMENCING WITH DECEMBER FIRST, TWO THOUSAND ELEVEN.

S 28. Section 6-p of the general municipal law is amended by adding a new subdivision 10 to read as follows:

10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERNING BOARD OF A SCHOOL DISTRICT MAY, DURING THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR, AUTHORIZE A WITHDRAWAL FROM THIS FUND IN AN AMOUNT NOT TO EXCEED THE LESSER OF: (A) THE DOLLAR VALUE OF EXCESS FUNDING IN THE FUND AS DETERMINED BY THE COMPTROLLER PURSUANT TO SECTION THIRTY-THREE OF THIS CHAPTER OR

(B) THE AMOUNT OF THE SCHOOL DISTRICT'S NET GAP ELIMINATION ADJUSTMENT AS CALCULATED BY THE COMMISSIONER OF EDUCATION PURSUANT TO SUBPARAGRAPH THREE OF PARAGRAPH E OF SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED

NINE-A OF THE EDUCATION LAW. FUNDS WITHDRAWN PURSUANT TO THIS SUBDIVISION MAY ONLY BE USED FOR THE PURPOSE OF MAINTAINING EDUCATIONAL PROGRAMMING DURING THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN SCHOOL YEAR WHICH OTHERWISE WOULD HAVE BEEN REDUCED AS A RESULT OF SUCH NET GAP ELIMINATION ADJUSTMENT. GOVERNING BOARDS WHICH MAKE SUCH A WITHDRAWAL SHALL SUBMIT, IN A FORM PRESCRIBED BY THE COMMISSIONER OF EDUCATION, RELEVANT INFORMATION ABOUT THE WITHDRAWAL, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO, THE AMOUNT OF SUCH WITHDRAWAL, THE DATE OF WITHDRAWAL, AND THE USE OF SUCH WITHDRAWN FUNDS.

S 29. Subdivision 3 of section 33 of the general municipal law, as added by section 40 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

3. Examinations and report. In addition to the inspection and examination of certain accounts pursuant to this section, the comptroller [by the end of] DURING the [two thousand eleven--two thousand twelve] TWO THOUSAND TEN--TWO THOUSAND ELEVEN school year, shall also examine for the most recent school year [as] practicable, the employee benefit accrued liability reserve funds of school districts established pursuant to section six-p of this chapter. Such examination shall be for the purpose of determining the amount of funding in the reserve fund, the amount of liabilities against such fund and if there exist funds in the reserve fund which are in excess of the total liabilities of such fund. The comptroller shall notify the school district if such excess funds exist and the dollar value of the excess funding. The comptroller shall also prepare a report on the school districts with excess funds in their employee benefit accrued liability reserve fund and the amount of the excess funding for each district. Such report shall be submitted by July first, two thousand [twelve] ELEVEN to the director of the budget, the chair of the senate finance committee, the chair of the assembly ways and means committee and the commissioner of education.

S 30. Subdivision b of section 2 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 41 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

b. Reimbursement for programs approved in accordance with subdivision a of this section [for the 2006-07 school year shall not exceed 64.7 percent of the lesser of such approvable costs per contact hour or nine dollars and twenty-five cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult, reimbursement] for the 2007-08 school year shall not exceed 63.3 percent of the lesser of such approvable costs per contact hour or nine dollars and ninety cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult, reimbursement for the 2008-09 school year shall not exceed 62.8 percent of the lesser of such approvable costs per contact hour or ten dollars and sixty-five cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult [and], reimbursement for the 2009-10 school year shall not exceed 64.1 percent of the lesser of such approvable costs per contact hour or eleven dollars and fifty cents per contact hour where a contact hour represents sixty minutes of instruction services provided to an eligible adult AND REIMBURSEMENT FOR THE 2010-11 SCHOOL YEAR SHALL NOT EXCEED 62.6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS PER CONTACT HOUR WHERE A CONTACT HOUR REPRESENTS SIXTY MINUTES OF INSTRUCTION SERVICES PROVIDED TO AN ELIGIBLE ADULT. Notwith-

standing any other provision of law to the contrary, [for the 2006-07 school year such contact hours shall not exceed one million nine hundred twenty-three thousand seventy-six (1,923,076) hours; whereas] for the 2007-08 school year such contact hours shall not exceed one million eight hundred thirty-seven thousand sixty (1,837,060) hours; whereas for the 2008-09 school year such contact hours shall not exceed one million nine hundred forty-six thousand one hundred seven (1,946,107) hours; whereas for the 2009-10 school year such contact hours shall not exceed one million seven hundred sixty-three thousand nine hundred seven (1,763,907) hours; WHEREAS FOR THE 2010-11 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED THIRTY-ONE THOUSAND TWO HUNDRED NINETY-ONE (1,531,291) HOURS.

Notwithstanding any other provision of law to the contrary, the apportionment calculated for the city school district of the city of New York pursuant to subdivision 11 of section 3602 of the education law shall be computed as if such contact hours provided by the consortium for worker education, not to exceed the contact hours set forth herein, were eligible for aid in accordance with the provisions of such subdivision 11 of section 3602 of the education law.

S 31. Section 4 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, is amended by adding a new subdivision p to read as follows:

P. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE COMPLETION OF PAYMENTS FOR THE 2010-2011 SCHOOL YEAR. NOTWITHSTANDING ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE COSTS OF THE WORK FORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT AND SHALL NOT EXCEED ELEVEN MILLION FIVE HUNDRED THOUSAND DOLLARS ($11,500,000).

S 32. Section 6 of chapter 756 of the laws of 1992, relating to funding a program for work force education conducted by the consortium for worker education in New York city, as amended by section 43 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

S 6. This act shall take effect July 1, 1992, and shall be deemed repealed on June 30, [2010] 2011.

S 33. Section 4 of chapter 425 of the laws of 2002, amending the education law relating to the provision of supplemental educational services, attendance at a safe public school and the suspension of pupils who bring a firearm to or possess a firearm at a school, as amended by chapter 158 of the laws of 2009, is amended to read as follows:

S 4. This act shall take effect July 1, 2002 and shall expire and be deemed repealed June 30, [2010] 2011.

S 34. Section 5 of chapter 101 of the laws of 2003, amending the education law relating to implementation of the No Child Left Behind Act of 2001, as amended by chapter 158 of the laws of 2009, is amended to read as follows:

S 5. This act shall take effect immediately; provided that sections one, two and three of this act shall expire and be deemed repealed on June 30, [2010] 2011.

S 35. Section 3 of chapter 618 of the laws of 1998, amending the general municipal law and the education law relating to disposal of

surplus computer equipment by political subdivisions, as amended by chapter 158 of the laws of 2007, is amended to read as follows:

S 3. This act shall take effect immediately and shall expire July 1, [2010] 2013 when upon such date the provisions of this act shall be deemed repealed.

S 36. Section 2 of chapter 219 of the laws of 2003, amending the education law relating to publishers or manufacturers providing printed instructional materials for college students with disabilities, as amended by chapter 342 of the laws of 2007, is amended to read as follows:

S 2. This act shall take effect August 15, 2004 and shall expire and be deemed repealed [6] 9 years after such effective date.

S 37. Section 2 of chapter 552 of the laws of 1995 amending the education law relating to contracts for the transportation of school children, as amended by chapter 267 of the laws of 2007, is amended to read as follows:

S 2. This act shall take effect on the first day of January next succeeding the date on which it shall have become a law and shall remain in full force and effect until January 1, [2011] 2012, when upon such date the provisions of this act shall be deemed repealed.

S 38. Section 12 of chapter 147 of the laws of 2001, amending the education law relating to conditional appointment of school district, charter school or BOCES employees, as amended by chapter 179 of the laws of 2009, is amended to read as follows:

S 12. This act shall take effect on the same date as chapter 180 of the laws of 2000 takes effect, and shall expire July 1, [2010] 2011 when upon such date the provisions of this act shall be deemed repealed.

S 39. Intentionally omitted.

S 40. Section 2 of chapter 534 of the laws of 1993 amending the education law relating to physical therapy assistants, as amended by chapter 148 of the laws of 2006, is amended to read as follows:

S 2. This act shall take effect on the sixtieth day after it shall have become a law and shall remain in effect until June 30, [2010] 2014 on which date it shall be repealed.

S 41. Section 2 of chapter 20 of the laws of 1998 amending the education law relating to the provision of physical therapy assistant services in public and private primary and secondary schools, as amended by chapter 36 of the laws of 2005, is amended to read as follows:

S 2. This act shall take effect immediately and shall remain in effect until June 30, [2010] 2015 when upon such date the provisions of this act shall expire and be deemed repealed.

S 42. Section 2 of chapter 386 of the laws of 1996, amending the education law relating to providing for a waiver allowing state aid in certain circumstances, as amended by chapter 661 of the laws of 2005, is amended to read as follows:

S 2. This act shall take effect immediately, provided that the provisions of this act shall be deemed to have been in full force and effect on and after January 1, 1996, and provided, further that this act shall be deemed repealed on and after January 1, [2011] 2015.

S 43. Intentionally omitted.

S 44. Section 2 of chapter 537 of the laws of 2008, amending the education law relating to a restricted dental faculty license, is amended to read as follows:

S 2. This act shall take effect February 1, 2009 and shall expire February 1, [2011] 2013 when upon such date the provisions of this act shall be deemed repealed; provided that the commissioner of education is

authorized to promulgate rules and regulations necessary to implement the provisions of this act prior to such effective date; and provided further that any restricted dental faculty license awarded prior to February 1, [2011] 2013 shall remain valid and effective until the expiration thereof.

S 45. Subdivision 1 of section 167 of chapter 169 of the laws of 1994 relating to certain provisions related to the 1994-95 state operations, aid to localities, capital projects and debt service budgets, as amended by section 44 of part A of chapter 57 of the laws of 2009, is amended to read as follows:

1. Sections one through seventy of this act shall be deemed to have been in full force and effect as of April 1, 1994 provided, however, that sections one, two, twenty-four, twenty-five and twenty-seven through seventy of this act shall expire and be deemed repealed on March 31, 2000; provided, however, that section twenty of this act shall apply only to hearings commenced prior to September 1, 1994, and provided further that section twenty-six of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections four through fourteen, sixteen, and eighteen, nineteen and twenty-one through twenty-one-a of this act shall expire and be deemed repealed on March 31, 1997; and provided further that sections three, fifteen, seventeen, twenty, twenty-two and twenty-three of this act shall expire and be deemed repealed on March 31, [2011] 2012.

S 46. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws of 1995, amending the education law and certain other laws relating to state aid to school districts and the appropriation of funds for the support of government, as amended by section 45 of part A of chapter 57 of the laws of 2009, are amended to read as follows:

(22) sections one hundred twelve, one hundred thirteen, one hundred fourteen, one hundred fifteen and one hundred sixteen of this act shall take effect on July 1, 1995; provided, however, that section one hundred thirteen of this act shall remain in full force and effect until July 1, [2010] 2011 at which time it shall be deemed repealed;

(24) sections one hundred eighteen through one hundred thirty of this act shall be deemed to have been in full force and effect on and after July 1, 1995; provided further, however, that the amendments made pursuant to section one hundred nineteen of this act shall be deemed to be repealed on and after July 1, [2010] 2011;

S 47. The commissioner of education shall conduct one or more pilot projects in the 2010--2011 school year to identify barriers to the formation of, and evaluate the cost-effectiveness of, regional transportation systems as authorized by subdivision 21-b of section 1604 or subdivision 25 of section 1709 of the education law. On or before November 1, 2010, the commissioner of education shall submit a report to the board of regents, the governor, the speaker of the assembly and the majority leader and the temporary president of the senate, the director of the budget and the legislative fiscal committees analyzing the pilot projects and their cost-effectiveness, and identifying any barriers to implementation of regional transportation systems throughout the state, including any statutory changes needed to promote such implementation.

S 48. School bus driver training. In addition to apportionments otherwise provided by section 3602 of the education law, for aid payable in the 2010-2011 school year, the commissioner of education shall allocate school bus driver training grants to school districts and boards of cooperative education services pursuant to sections 3650-a, 3650-b and 3650-c of the education law, or for contracts directly with not-for-pro-

fit educational organizations for the purposes of this section. Such payments shall not exceed four hundred thousand dollars ($400,000).

S 49. Support of public libraries. The moneys appropriated for the support of public libraries by the chapter of the laws of 2010 enacting the education, labor and family assistance budget shall be apportioned for 2010--2011 in accordance with the provisions of sections 271, 272, 273, 282, 284, and 285 of the education law as amended by the provisions of this chapter and the provisions of this section, provided that library construction aid pursuant to section 273-a of the education law shall not be payable from the appropriations for the support of public libraries and provided further that no library, library system or program, as defined by the commissioner of education, shall receive less total system or program aid than it received for the year 2001--2002 except as a result of a reduction adjustment necessary to conform to the appropriations for support of public libraries.

Notwithstanding any other provision of law to the contrary the moneys appropriated for the support of public libraries for the year 2010--2011 by a chapter of the laws of 2010 enacting the education, labor and family assistance budget shall fulfill the state's obligation to provide such aid and, pursuant to a plan developed by the commissioner of education and approved by the director of the budget, the aid payable to libraries and library systems pursuant to such appropriations shall be reduced proportionately to assure that the total amount of aid payable does not exceed the total appropriations for such purpose.

S 50. Special apportionment for salary expenses. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not sooner than the first day of the second full business week of June, 2011 and not later than the last day of the third full business week of June, 2011, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2011, for salary expenses incurred between April 1 and June 30, 2011, and such apportionment shall not exceed the sum of (i) the deficit reduction assessment of 1990-91 as determined by the commissioner of education, pursuant to paragraph f of subdivision 1 of section 3602 of the education law, as in effect through June 30, 1993, plus (ii) 186 percent of such amount for a city school district in a city with a population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of such amount for a city school district in a city with a population of more than 195,000 inhabitants and less than 219,000 inhabitants according to the latest federal census, plus (iv) the net gap elimination adjustment for 2010--2011, as determined by the commissioner of education pursuant to paragraph e of subdivision 1 of section 3609-a of the education law as in effect through June 30, 2011, and provided further that such apportionment shall not exceed such salary expenses. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph

(4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 51. Special apportionment for public pension accruals. a. Notwithstanding any other provision of law, upon application to the commissioner of education, not later than June 30, 2011, a school district eligible for an apportionment pursuant to section 3602 of the education law shall be eligible to receive an apportionment pursuant to this section, for the school year ending June 30, 2011, and such apportionment shall not exceed the additional accruals required to be made by school districts in the 2004-05 and 2005-06 school years associated with changes for such public pension liabilities. The amount of such additional accrual shall be certified to the commissioner of education by the president of the board of education or the trustees or, in the case of a city school district in a city with a population in excess of 125,000 inhabitants, the mayor of such city. Such application shall be made by a school district, after the board of education or trustees have adopted a resolution to do so and in the case of a city school district in a city with a population in excess of 125,000 inhabitants, with the approval of the mayor of such city.

b. The claim for an apportionment to be paid to a school district pursuant to subdivision a of this section shall be submitted to the commissioner of education on a form prescribed for such purpose, and shall be payable upon determination by such commissioner that the form has been submitted as prescribed. Such approved amounts shall be payable on the same day in September of the school year following the year in which application was made as funds provided pursuant to subparagraph (4) of paragraph b of subdivision 4 of section 92-c of the state finance law, on the audit and warrant of the state comptroller on vouchers certified or approved by the commissioner of education in the manner prescribed by law from moneys in the state lottery fund and from the general fund to the extent that the amount paid to a school district pursuant to this section exceeds the amount, if any, due such school district pursuant to subparagraph (2) of paragraph a of subdivision 1 of

section 3609-a of the education law in the school year following the year in which application was made.

c. Notwithstanding the provisions of section 3609-a of the education law, an amount equal to the amount paid to a school district pursuant to subdivisions a and b of this section shall first be deducted from the following payments due the school district during the school year following the year in which application was made pursuant to subparagraphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of section 3609-a of the education law in the following order: the lottery apportionment payable pursuant to subparagraph (2) of such paragraph followed by the fixed fall payments payable pursuant to subparagraph (4) of such paragraph and then followed by the district's payments to the teachers' retirement system pursuant to subparagraph (1) of such paragraph, and any remainder to be deducted from the individualized payments due the district pursuant to paragraph b of such subdivision shall be deducted on a chronological basis starting with the earliest payment due the district.

S 52. a. Notwithstanding any other law, rule or regulation to the contrary, any moneys appropriated to the state education department may be suballocated to other state departments or agencies, as needed, to accomplish the intent of the specific appropriations contained therein.

b. Notwithstanding any other law, rule or regulation to the contrary, moneys appropriated to the state education department from the general fund/aid to localities, local assistance account-001, shall be for payment of financial assistance, as scheduled, net of disallowances, refunds, reimbursement and credits.

c. Notwithstanding any other law, rule or regulation to the contrary, all moneys appropriated to the state education department for aid to localities shall be available for payment of aid heretofore or hereafter to accrue and may be suballocated to other departments and agencies to accomplish the intent of the specific appropriations contained therein.

d. Notwithstanding any other law, rule or regulation to the contrary, moneys appropriated to the state education department for general support for public schools may be interchanged with any other item of appropriation for general support for public schools within the general fund local assistance account elementary, middle, secondary and continuing education program.

S 53. Notwithstanding the provision of any law, rule, or regulation to the contrary, the city school district of the city of Rochester, upon the consent of the board of cooperative educational services of the supervisory district serving its geographic region may purchase from such board for the 2010-11 school year, as a non-component school district, services required by article 19 of the education law.

S 54. The amounts specified in this section shall be a setaside from the state funds which each such district is receiving from the total foundation aid:

a. for the purpose of the development, maintenance or expansion of magnet schools or magnet school programs for the two thousand ten--two thousand eleven school year. To the city school district of the city of New York there shall be paid forty-eight million one hundred seventy-five thousand dollars ($48,175,000) including five hundred thousand dollars ($500,000) for the Andrew Jackson High School; to the Buffalo city school district, twenty-one million twenty-five thousand dollars ($21,025,000); to the Rochester city school district, fifteen million dollars ($15,000,000); to the Syracuse city school district, thirteen million dollars ($13,000,000); to the Yonkers city school district,

forty-nine million five hundred thousand dollars, ($49,500,000); to the Newburgh city school district, four million six hundred forty-five thousand dollars ($4,645,000); to the Poughkeepsie city school district, two million four hundred seventy-five thousand dollars ($2,475,000); to the Mount Vernon city school district, two million dollars ($2,000,000); to the New Rochelle city school district, one million four hundred ten thousand dollars ($1,410,000); to the Schenectady city school district, one million eight hundred thousand dollars ($1,800,000); to the Port Chester city school district, one million one hundred fifty thousand dollars ($1,150,000); to the White Plains city school district, nine hundred thousand dollars ($900,000); to the Niagara Falls city school district, six hundred thousand dollars ($600,000); to the Albany city school district, three million five hundred fifty thousand dollars ($3,550,000); to the Utica city school district, two million dollars ($2,000,000); to the Beacon city school district, five hundred sixty-six thousand dollars ($566,000); to the Middletown city school district, four hundred thousand dollars ($400,000); to the Freeport union free school district, four hundred thousand dollars ($400,000); to the Greenburgh central school district, three hundred thousand dollars ($300,000); to the Amsterdam city school district, eight hundred thousand dollars ($800,000); to the Peekskill city school district, two hundred thousand dollars ($200,000); and to the Hudson city school district, four hundred thousand dollars ($400,000).

b. notwithstanding the provisions of paragraph a of this subdivision, a school district receiving a grant pursuant to this subdivision may use such grant funds for: (i) any instructional or instructional support costs associated with the operation of a magnet school; or (ii) any instructional or instructional support costs associated with implementation of an alternative approach to reduction of racial isolation and/or enhancement of the instructional program and raising of standards in elementary and secondary schools of school districts having substantial concentrations of minority students. The commissioner of education shall not be authorized to withhold magnet grant funds from a school district that used such funds in accordance with this paragraph, notwithstanding any inconsistency with a request for proposals issued by such commissioner.

c. for the purpose of attendance improvement and dropout prevention for the two thousand nine--two thousand ten school year, for any city school district in a city having a population of more than one million, the setaside for attendance improvement and dropout prevention shall equal the amount set aside in the base year. For the two thousand ten--two thousand eleven school year, it is further provided that any city school district in a city having a population of more than one million shall allocate at least one-third of any increase from base year levels in funds set aside pursuant to the requirements of this subdivision to community-based organizations. Any increase required pursuant to this subdivision to community-based organizations must be in addition to allocations provided to community-based organizations in the base year.

d. for the purpose of teacher support for the two thousand ten--two thousand eleven school year: to the city school district of the city of New York, sixty-two million seven hundred seven thousand dollars ($62,707,000); to the Buffalo city school district, one million seven hundred forty-one thousand dollars ($1,741,000); to the Rochester city school district, one million seventy-six thousand dollars ($1,076,000); to the Yonkers city school district, one million one hundred forty-seven thousand dollars ($1,147,000); and to the Syracuse city school district,

eight hundred nine thousand dollars ($809,000). All funds made available to a school district pursuant to this subdivision shall be distributed among teachers including prekindergarten teachers and teachers of adult vocational and academic subjects in accordance with this subdivision and shall be in addition to salaries heretofore or hereafter negotiated or made available; provided, however, that all funds distributed pursuant to this section for the current year shall be deemed to incorporate all funds distributed pursuant to former subdivision 27 of section 3602 of the education law for prior years. In school districts where the teachers are represented by certified or recognized employee organizations, all salary increases funded pursuant to this section shall be determined by separate collective negotiations conducted pursuant to the provisions and procedures of article 14 of the civil service law, notwithstanding the existence of a negotiated agreement between a school district and a certified or recognized employee organization.

S 54-a. Gap elimination adjustment restoration. Notwithstanding any other provision of law to the contrary, apportionments from this section shall be supported from funds appropriated for such purpose from the state fiscal stabilization fund-education fund as funded by the American recovery and reinvestment act of 2009. For the purposes of this section the term "fiscal year", followed by a reference to a year shall mean the period from July first of the preceding year to June thirtieth of the calendar year referenced.

Funds shall be apportioned to each school district in an amount equal to the positive difference of the gap elimination adjustment less the net gap elimination adjustment, both as computed pursuant to paragraph e of subdivision 1 of section 3609-a of the education law.

Each district shall be eligible, pursuant to applicable federal rules, regulations and guidelines, for a payment for the 2010--2011 school year of up to seventy percent (0.7) of such funds on or after the effective date of this act and up to an additional thirty percent (0.3) of such funds on or after April 1, 2011.

S 55. Severability. The provisions of this act shall be severable, and if the application of any clause, sentence, paragraph, subdivision, section or part of this act to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not necessarily affect, impair or invalidate the application of any such clause, sentence, paragraph, subdivision, section, part of this act or remainder thereof, as the case may be, to any other person or circumstance, 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.

S 56. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010, provided, however, that:

1. section two of this act shall be deemed to have been in full force and effect on and after July 1, 2006.

2. sections four-a and five-a of this act shall take effect June 30, 2010.

3. sections three-c, six, six-a, eight, nine, twelve, fifteen, eighteen through twenty-five-a, twenty-six, twenty-seven, forty-eight, fifty, fifty-one, fifty-four, and fifty-four-a of this act shall take effect July 1, 2010.

4. sections seven, eleven, and sixteen of this act shall be deemed to have been in full force and effect on and after July 1, 2009.

5. sections three-a and fourteen of this act shall be deemed to have been in full force and effect on and after July 1, 2007.

6. section twenty-five-b of this act shall take effect on the sixtieth day after it shall have become a law.

7. the amendments to subdivision 1 of section 2856 of the education law made by section six of this act shall not affect the expiration of such subdivision as provided in chapter 378 of the laws of 2007, as amended, when upon such date the provisions of section six-a of this act shall take effect;

8. the amendments to subdivision 6 of section 4402 of the education law made by section twenty-five of this act shall not affect the repeal of such subdivision and shall be deemed repealed therewith;

9. the amendments to chapter 756 of the laws of 1992 relating to funding a program for work force education conducted by the consortium for worker education in New York city made by sections thirty and thirty-one of this act shall not affect the repeal of such chapter and shall be deemed repealed therewith; and

10. Section fifty-two of this act shall be deemed to have been in full force and effect on and after April 1, 2010 and shall expire and be deemed repealed on March 31, 2011.

PART B

Section 1. Short title. This act shall be known and may be cited as the "school paperwork elimination and reduction act of 2010".

S 2. The education law is amended by adding a new section 101-b to read as follows:

S 101-B. PAPERWORK REDUCTION. 1. IT SHALL BE THE DUTY OF THE COMMISSIONER, WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, TO REDUCE THE PAPERWORK BURDEN ON SCHOOL DISTRICTS BY ELIMINATING AND AVOIDING DUPLICATIVE REPORTING REQUIREMENTS WHEREVER POSSIBLE, AND BY CONSOLIDATING PLANS, REPORTS AND APPLICATIONS, WHERE POSSIBLE AND CONSISTENT WITH LAW. THE COMMISSIONER SHALL CONFORM STATE REPORTING AND PLANNING REQUIREMENTS TO FEDERAL REQUIREMENTS, WHERE POSSIBLE, AND SHALL SEEK FEDERAL WAIVERS WHERE NEEDED TO ALIGN STATE AND FEDERAL REQUIREMENTS. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO EXCUSE THE COMMISSIONER OR THE BOARD OF REGENTS FROM, OR OTHERWISE LIMIT, REPORTING OF INFORMATION BY THE DEPARTMENT TO THE LEGISLATURE OR THE GOVERNOR UNDER ANY OTHER LAW.

2. WITHIN ONE YEAR OF THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER SHALL REDUCE THE NUMBER OF PLANS, REPORTS AND APPLICATIONS REQUIRED BY LAW, OF SCHOOL DISTRICTS BY ESTABLISHING STREAMLINED AND UNIFIED ELECTRONIC DATA COLLECTION SYSTEMS WHICH ELIMINATE REDUNDANT REPORTING, CONNECT PLANNING AND REPORTING, AND WHICH FOCUS ON COLLECTING DATA AND REQUIRING PLANNING WHEN NECESSARY TO ASSURE FISCAL AND PROGRAMMATIC ACCOUNTABILITY AND COMPLIANCE WITH LAW, TO FOSTER CONTINUOUS SCHOOL IMPROVEMENT AND CLOSE THE GAP BETWEEN ACTUAL AND DESIRED STUDENT ACHIEVEMENT, AND TO ASSURE SCHOOLS PROVIDE A SAFE AND SECURE ENVIRONMENT AND/OR PROTECT THE HEALTH AND SAFETY OF STUDENTS AND STAFF. SUCH SYSTEMS SHALL LINK PLANNING AND REPORTING TO THE STATE SYSTEM OF ACCOUNTABILITY REQUIRED UNDER FEDERAL LAW, PROVIDING FOR AN AUDIT BASED ASSESSMENT OF RISK OF POOR STUDENT PERFORMANCE, POOR FISCAL PERFORMANCE OR IMPROPER MANAGEMENT OR USE OF PUBLIC FUNDS. THE COMMISSIONER SHALL COLLABORATE WITH SELECTED SCHOOL DISTRICTS TO PROMOTE BETTER USE OF REQUIRED PLANNING AND REPORTING AND SHALL ASSURE THAT REPORTING REQUIREMENTS INCLUDE DATA WHICH CAN BE USED TO IDENTIFY BEST PRACTICES. THE COMMISSIONER

SHALL PROVIDE FOR THE SHARING OF EFFECTIVE PLANNING PRACTICES WITH SCHOOL DISTRICTS AND, TO THE EXTENT PRACTICABLE, SHALL PROVIDE TECHNICAL ASSISTANCE ON THE USE OF DATA FOR PLANNING, INVOLVE BOARDS OF COOPERATIVE EDUCATIONAL SERVICES AND INSTITUTIONS OF HIGHER EDUCATION IN PROVIDING TECHNICAL ASSISTANCE ON THE USE OF DATA FOR STRATEGIC PLANNING TO SUPERINTENDENTS OF SCHOOLS, SCHOOL BUSINESS OFFICIALS AND TEACHERS, INVOLVE RESEARCHERS IN DATA ANALYSIS AND EVALUATION, AND, TO THE EXTENT PRACTICABLE, PROVIDE TECHNICAL ASSISTANCE OR TRAINING ON THE USE OF DATA IN PLANNING TO SCHOOL BOARD MEMBERS.

S 3. Subdivision 32 of section 305 of the education law is REPEALED.

S 4. Section 805 of the education law is REPEALED.

S 5. Subdivision 2 of section 806 of the education law, as amended by chapter 946 of the laws of 1973, is amended to read as follows:

2. The regents shall determine the subjects to be included in such courses of instruction in highway safety and traffic regulation including bicycle safety, and the period of instruction in each of the grades in such subjects. [They shall adopt rules providing for attendance upon such instruction and for such other matters as are required for carrying into effect the teaching of the courses of instruction prescribed by this section. The commissioner of education shall be responsible for the enforcement of such section and shall cause to be inspected and supervise the instruction to be given in such subjects. The commissioner may, in his discretion, cause all or a portion of the public school money to be apportioned to a district or city to be withheld for failure of the school authorities of such district or city to provide instruction in such courses and to compel attendance upon such instruction, as herein prescribed, and for a noncompliance with the rules of the regents adopted as herein provided.]

S 6. Subdivision 5 of section 2802 of the education law, as added by chapter 181 of the laws of 2000, is amended to read as follows:

5. By [January] APRIL first of each year, the commissioner shall report to the governor, the legislature and the regents concerning the prevalence of violence and disruptive incidents in the public schools, and the effectiveness of school programs undertaken to reduce violence and assure the safety and security of students and school personnel. The report shall summarize the information available from the incident reporting system, and [identify specifically the schools and school districts with the least and greatest incidence of violent and disruptive incidents, and the least and most improvement since the previous year or years] COMPARE THE INCIDENCE OF VIOLENT AND DISRUPTIVE INCIDENTS OF SCHOOLS AND SCHOOL DISTRICTS AND BOARDS WITH OTHER SCHOOLS AND SCHOOL DISTRICTS AND BOARDS BASED ON SIMILARITY IN SIZE AND GRADE LEVELS AND OTHER CHARACTERISTICS, INCLUDING STUDENT NEED AND RESOURCES, AS DETERMINED BY THE COMMISSIONER. The report shall also, to the extent possible, relate the results available from the incident reporting system, together with such other analysis and information as the commissioner determines is appropriate, to the effectiveness of school violence measures undertaken by participating schools and school districts, including the school codes and school safety plans required by sections twenty-eight hundred one and twenty-eight hundred one-a of this article.

S 7. Paragraph b of subdivision 8 of section 3602 of the education law, as amended by section 16 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

b. District plans of service. Any school district receiving an additional apportionment pursuant to subdivision ten of this section for pupils in career education programs or a payment in lieu of such appor-

tionment or having a public [excess cost] SPECIAL EDUCATION aid setaside pursuant to subdivision four of this section shall keep on file and make available for public inspection and review by the commissioner an acceptable plan of service describing the student outcomes expected from implementation of the proposed plan, provided that such plan may be incorporated into a school district's district-wide comprehensive plan. The plan of service [submitted by] OF a school district receiving an additional apportionment pursuant to this section for pupils with disabilities shall also describe how such district intends to ensure that all instructional materials to be used in the schools of such district will be made available in a usable alternative format for each student with a disability and for each student who is a qualified individual with a disability, at the same time as such instructional materials are available to non-disabled students, provided that such plan may incorporate by reference the alternative format plans developed pursuant to subdivision twenty-nine-a of section sixteen hundred four, subdivision four-a of section seventeen hundred nine, subdivision seven-a of section twenty-five hundred three or subdivision seven-a of section twenty-five hundred fifty-four of this chapter. Such plans shall be in a form prescribed by the commissioner, and except as heretofore provided, shall have the content prescribed by the commissioner. The commissioner may, from time to time, require amendments of such plans as deemed to be necessary and appropriate to further the educational welfare of the pupils involved.

S 8. Clause (e) of subparagraph 5 of paragraph b of subdivision 1 of section 4402 of the education law is REPEALED.

S 9. Paragraph b of subdivision 1 of section 4452 of the education law is REPEALED.

S 10. Subdivision 10 of section 4403 of the education law is REPEALED.

S 11. This act shall take effect immediately and shall be deemed to be in full force and effect on and after April 1, 2010; provided, however, that the commissioner of education shall promulgate any rules or regulations necessary to implement the provisions of this act on or before April 1, 2011.

PART C

Section 1. Paragraph c of subdivision 4 of section 3602 of the education law, as amended by section 14 of part B of chapter 57 of the laws of 2008, is amended to read as follows:

c. Public [excess cost] SPECIAL EDUCATION aid setaside. Each school district shall set aside from its total foundation aid computed for the current year pursuant to this subdivision an amount equal to the product of: (i) the difference between the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, minus the amount such district was eligible to receive pursuant to or in lieu of paragraph five of subdivision nineteen of this section as such paragraph existed on June thirtieth, two thousand seven, in such school year, and (ii) the sum of one and the percentage increase in the consumer price index for the current year over such consumer price index for the two thousand six--two thousand seven school year, as computed pursuant to section two thousand twenty-two of this chapter. Notwithstanding any other provision of law to the contrary, the public [excess cost]

SPECIAL EDUCATION aid setaside shall be paid pursuant to section thirty-six hundred nine-b of this part.

S 2. Subdivision 5 of section 3602 of the education law, as added by section 13 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

5. Public high cost [excess cost] SPECIAL EDUCATION aid. A school district having a pupil with a disability of school age for whom the cost, as approved by the commissioner, of appropriate special services or programs exceeds the lesser of ten thousand dollars or four times the expense per pupil without limits shall be entitled to an additional apportionment for each such child computed by multiplying the district's [excess cost] SPECIAL EDUCATION aid ratio by the amount by which such cost exceeds three times the district's expense per pupil without limits.

a. For the purpose of this subdivision:

(1) Expense per pupil for the purposes of this subdivision shall be not less than two thousand dollars and not more than the greater of seven thousand one hundred ten dollars or the statewide average of such expense per pupil. Such statewide average expense per pupil shall be computed and rounded to the nearest fifty dollars by the commissioner using the expense and pupils as estimated by school districts or as determined by the commissioner for use in determining the expense per pupil of the district pursuant to paragraph f of subdivision one of this section for all districts eligible for aid pursuant to this section. For the purposes of calculating such statewide expense per pupil, the data for the city school district of the city of New York shall be city-wide data.

(2) The [excess cost] SPECIAL EDUCATION aid ratio shall be computed by subtracting from one the product obtained by multiplying fifty-one per centum by the combined wealth ratio. This aid ratio shall be expressed as a decimal carried to three places without rounding, but not less than twenty-five percent.

b. Notwithstanding section thirty-six hundred nine-a of this part, the apportionment provided for in this subdivision shall be paid pursuant to section thirty-six hundred nine-b of this part.

S 3. The subdivision heading and paragraphs a, b, c, d, e, f and g of subdivision 5-a of section 3602 of the education law, the subdivision heading and paragraphs a, c, d and g as added by section 13 of part B of chapter 57 of the laws of 2007, paragraphs b, e and f as amended by section 15-a of part B of chapter 57 of the laws of 2008, are amended to read as follows:

Supplemental public [excess cost] SPECIAL EDUCATION aid.

a. Total [excess cost] SPECIAL EDUCATION amount per pupil shall equal the product of the expense per pupil computed pursuant to subparagraph one of paragraph a of subdivision five of this section and the [excess cost] SPECIAL EDUCATION aid ratio, which shall be computed pursuant to subparagraph two of paragraph a of subdivision five of this section.

b. Basic [excess cost] SPECIAL EDUCATION amount shall equal the product of the total [excess cost] SPECIAL EDUCATION amount per pupil and the resident weighted supplemental pupils with disabilities computed pursuant to subparagraph five of paragraph i of subdivision one of this section.

c. Integrated settings [excess cost] SPECIAL EDUCATION amount shall equal the product of the total [excess cost] SPECIAL EDUCATION amount per pupil and the integrated settings weighted pupils with disabilities

computed pursuant to subparagraph six of paragraph i of subdivision one of this section.

d. Declassification support services amount. (1) Declassification support services shall mean services for teachers and pupils in the first year that a pupil moves from a special education program to a full-time regular education program. Services to pupils shall be provided on a regular basis and may include, but not be limited to psychological, social work, speech and language services and noncareer counseling services provided by qualified professional personnel as defined in regulations of the commissioner. Services for teachers of such pupils may include the assistance of teacher aides or consultation with appropriate personnel. When a committee on special education determines that a pupil no longer needs special education services and is ready for a full-time regular education program, such committee shall identify and recommend the appropriate declassification support services for the first year in the regular education program.

(2) The declassification support services amount shall be equal to fifty percent of the total [excess cost] SPECIAL EDUCATION amount per pupil multiplied by the number of such pupils in the base year.

(3) Declassification support services shall not be eligible for an apportionment pursuant to section nineteen hundred fifty of this chapter.

(4) The commissioner shall adopt regulations to implement the provisions of this paragraph.

e. Total supplemental public [excess cost] SPECIAL EDUCATION amount shall be equal to the sum of the basic [excess cost] SPECIAL EDUCATION aid amount, the integrated settings [excess cost] SPECIAL EDUCATION amount, the declassification support services amount and the public high cost [excess cost] SPECIAL EDUCATION aid computed pursuant to subdivision five of this section for the current year.

f. The supplemental public [excess cost] SPECIAL EDUCATION aid base shall equal for the two thousand seven--two thousand eight school year, the amount the school district was eligible to receive in the two thousand six--two thousand seven school year pursuant to or in lieu of paragraph six of former subdivision nineteen of this section.

g. Supplemental public [excess cost] SPECIAL EDUCATION aid shall equal the product of ninety-one hundredths and the positive difference, if any, of:

(1) the difference of the total supplemental [excess cost] SPECIAL EDUCATION amount minus the supplemental public [excess cost] SPECIAL EDUCATION aid base, minus (2) the positive difference of the district's total foundation aid minus the product of one hundred three percent and the total foundation aid base.

S 4. Paragraph a of subdivision 8 of section 3602 of the education law, as amended by section 16 of part B of chapter 57 of the laws of 2007, is amended to read as follows:

a. Program approval requirements. Any school district receiving an additional apportionment pursuant to subdivision ten of this section for pupils in career education programs or a payment in lieu of such apportionment or having a public [excess cost] SPECIAL EDUCATION aid setaside pursuant to subdivision four of this section shall use the total funds attributable to such pupils for locally administered programs for such pupils in accordance with regulations issued by the commissioner. Such regulations shall provide for the use of such funds in the manner determined by the commissioner to be the most educationally advantageous for such pupils. The commissioner shall require the submission of such

reports as are necessary to assure accountability for the use of such funds. A district which spends any part of its total annual apportionment attributable to such pupils in an unauthorized manner in the base year shall have its current year apportionment reduced by the amount of such unauthorized expenditures in the base year.

S 5. The article heading of article 89 of the education law, as added by chapter 853 of the laws of 1976, is amended to read as follows:

CHILDREN WITH [HANDICAPPING CONDITIONS] DISABILITIES

S 6. The opening paragraph, the second undesignated paragraph, paragraph a of subdivision 2 and subdivision 3 of section 3609-b of the education law, as amended by section 33 of part B of chapter 57 of the laws of 2007, are amended to read as follows:

Moneys apportioned to school districts for the [excess cost] SPECIAL EDUCATION aid setaside pursuant to subdivision four of section thirty-six hundred two of this [article] PART and the apportionments for students with disabilities due in accordance with the provisions of subdivisions five and five-a of section thirty-six hundred two of this [article] PART and section forty-four hundred five of this chapter, shall be paid to or on behalf of school districts in accordance with the provisions of this section, provided, however, that payments made to or on behalf of any school district pursuant to this section shall be adjusted subsequent to the filing, in an acceptable manner, of aid claim forms prescribed by the commissioner.

For aid payable in the two thousand seven--two thousand eight school year and thereafter, "moneys apportioned" shall mean the sum of; (i) the lesser of (A) one hundred percent of the respective amount set forth for each school district as payable pursuant to this section in the school aid computer listing for the current year, as defined in the opening paragraph of section thirty-six hundred nine-a of this [article] PART, or (B) the apportionment calculated by the commissioner for the current year based on data on file at the time the payment is processed plus (ii) the [excess cost] SPECIAL EDUCATION aid setaside computed pursuant to subdivision four of section thirty-six hundred two of this [article] PART, based on data utilized in producing such school aid listing for the current year. The definitions "base year" and "current year" as set forth in subdivision one of section thirty-six hundred two of this [article] PART shall apply to this section.

a. The moneys apportioned by the commissioner to school districts in accordance with the provisions of subdivisions five and five-a of section thirty-six hundred two of this [article] PART and section forty-four hundred five of this chapter and the moneys apportioned to school districts for the [excess cost] SPECIAL EDUCATION aid setaside pursuant to subdivision four of section thirty-six hundred two of this [article] PART, during the school year and remaining due after deductions are made for the purposes of subdivision one of this section, shall be payable, for the two thousand seven--two thousand eight school year and thereafter in accordance with the following schedule:

(1) December payment. On or before December fifteenth, a portion shall be paid equal to the positive remainder of twenty-five percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section for the current year.

(2) March payment. On or before March fifteenth, a portion shall be paid equal to the positive remainder of seventy percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivi-

sion one of this section and subparagraph one of this paragraph for the current year.

(3) June payment. On or before June fifteenth, a portion shall be paid equal to the positive remainder of eighty-five percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section and subparagraphs one and two of this paragraph for the current year.

(4) August payment. To the extent that any moneys are owed to a school district pursuant to this section, a portion shall be paid on or before August fifteenth equal to the positive remainder of one hundred percent of the moneys apportioned less any payments made pursuant to paragraph a of subdivision one of this section and subparagraphs one, two and three of this paragraph for the current year.

(5) Deferred September payment. Any amount payable to a school district pursuant to this section which exceeded one hundred percent of the respective amount set forth for such district as payable pursuant to this section in the school aid computer listing for the current school year shall be designated for payment for the month of September next following the close of the current school year. Such payments shall be made on the first state business day of the month of September, based on data on file as of August first; provided however, that for the September two thousand six payment such calculation shall be based on the computer listing for the current year using data on file as of August first.

3. Due minimum supplemental apportionment. Notwithstanding any inconsistent provisions of subdivisions five and five-a of section thirty-six hundred two of this [article] PART and section forty-four hundred five of this chapter, for the two thousand seven--two thousand eight school year and thereafter, the due minimum supplemental apportionment shall equal the positive remainder resulting when the sum of the apportionments due a school district pursuant to such subdivisions five and five-a and such section forty-four hundred five for any school year and, the moneys apportioned for the [excess cost] SPECIAL EDUCATION aid setaside pursuant to subdivision four of section thirty-six hundred two of this [article] PART, is subtracted from the amount designated as the state share of moneys due a school district pursuant to title XIX of the social security act, on account of school supportive health services provided to pupils with disabilities in special education programs pursuant to article eighty-nine of this chapter as determined in accordance with the provisions of subdivision one of this section. Any additional apportionment pursuant to this subdivision shall be computed and recomputed by the commissioner in the normal course of auditing school district claims for aid.

S 7. Subdivisions 6 and 7 of section 4401 of the education law, subdivision 6 as amended by chapter 57 of the laws of 1993 and subdivision 7 as amended by chapter 53 of the laws of 1984, are amended to read as follows:

6. "Excess SPECIAL EDUCATION cost" shall mean the difference between the tuition and the sum of the following:

a. the school district basic contribution as defined in subdivision eight of this section; and

b. the amount of federal funds received by the school district and expended for such pupil which in the judgment of the commissioner shall be deemed duplicative.

7. "[Excess cost] SPECIAL EDUCATION aid ratio" for a school district shall be computed by subtracting from one the product obtained by multi-

plying fifteen per centum by the combined wealth ratio as defined in section thirty-six hundred two of this chapter. This aid ratio shall be expressed as a decimal carried to three places without rounding, but shall not be less than fifty hundredths, nor more than one.

S 8. Paragraphs a and c of subdivision 3 of section 4405 of the education law, paragraph a as amended by chapter 57 of the laws of 1993 and paragraph c as amended by chapter 82 of the laws of 1995, are amended to read as follows:

a. In addition to any other apportionments under the provisions of this chapter, there shall be apportioned to each applicable school district for each child with a [handicapping condition] DISABILITY in attendance in a state school under the provisions of paragraph d of subdivision two of section forty-four hundred one of this article or an approved program under the provisions of paragraphs e, f, g, h, i and l of such subdivision two, the product of such attendance, computed in accordance with regulations of the commissioner, and the [excess cost] SPECIAL EDUCATION aid: an amount computed by multiplying the excess SPECIAL EDUCATION cost, as defined in subdivision six of section forty-four hundred one of this article by the [excess cost] SPECIAL EDUCATION aid ratio [defined in subdivision seven of this section].

c. The apportionments to each school district pursuant to this subdivision shall be based on excess SPECIAL EDUCATION cost paid and attendance during the base year.

S 9. This act shall take effect July 1, 2010.

PART D

Section 1. Subdivision 3 of section 9.01 of the arts and cultural affairs law, as added by chapter 824 of the laws of 1992, is amended to read as follows:

3. Teachers should be experienced in the use of arts and theatre techniques in reaching and working with children and young people, as well as be prepared in the use of community cultural and human resources.

The legislature further finds that IF FUNDS ARE AVAILABLE FOR THIS PURPOSE, there [should] MAY be a state theatre institute dedicated to bringing arts in education to the children and young people of this state.

It is further found that such state theatre institute should embody a model theatre and education program for the children of New York state and should symbolize the commitment of the people of the state of New York to the maintenance and development of theatre and education for children and young people while making programs of such theatre institute accessible to the general public.

It is further found that such state theatre institute [should] MAY establish affiliations with public and private schools, institutions of higher learning and arts centers to assure delivery of its services to young people throughout the state.

It is therefore found and declared that these findings can best be met through the establishment of a public benefit corporation to be known as the New York state theatre institute corporation and the powers and duties of the corporation defined in this article are necessary and proper for the achievement of these ends.

S 2. The opening paragraph of section 9.07 of the arts and cultural affairs law, as added by chapter 824 of the laws of 1992, is amended to read as follows:

The New York state theatre institute corporation [shall] MAY:

S 3. Subdivision 2 of section 9.13 of the arts and cultural affairs law is REPEALED.

S 4. Subdivision 1 of section 9.15 of the arts and cultural affairs law, as amended by chapter 825 of the laws of 1992, is amended to read as follows:

1. To effect the purposes of this article, the corporation may request from any department, division, commission, or other agency of the state, and the same [are authorized and directed to] MAY provide such cooperation and assistance and services of processing payroll for the corporation's state employees and other services as would enable the corporation properly to carry out its powers and duties hereunder.

S 5. Section 12 of chapter 688 of the laws of 1979, relating to creating the Nelson A. Rockefeller Empire State Plaza performing arts center corporation, as amended by chapter 62 of the laws of 1989, is amended to read as follows:

S 12. [The corporation shall annually submit a proposed budget to the director of the budget in September at the time as budget requests are required to be submitted by state departments. The proposed budget shall contain an operating budget, an equipment and an estimate of revenues.] THE CORPORATION SHALL SUBMIT ANNUALLY A REQUEST TO THE OFFICE OF GENERAL SERVICES FOR MAINTENANCE NEEDS. THE OFFICE SHALL INCLUDE SUCH REQUEST AS AN INTEGRAL PART OF THAT AGENCY'S OVERALL BUDGET REQUEST THAT IS SUBMITTED TO THE DIRECTOR OF THE BUDGET.

S 6. This act shall take effect immediately.

PART E

Section 1. This act shall be known and may be cited as the "New York state public higher education empowerment and innovation act".

S 2. This act enacts into law major components of legislation which are necessary to implement the state fiscal plan for the 2010-2011 state fiscal year. Each component is wholly contained within a Subpart identified as Subparts A through F. 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 Subparts, 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 four of this act sets forth the general effective date of this act.

SUBPART A

Section 1. Subparagraph 4 of paragraph h of subdivision 2 of section 355 of the education law, as amended by chapter 309 of the laws of 1996, is amended to read as follows:

(4) The trustees shall not impose a differential tuition charge based upon need or income. [All] UNTIL THE ACADEMIC YEAR COMMENCING TWO THOUSAND TEN--TWO THOUSAND ELEVEN, ALL students enrolled in programs leading to like degrees at state-operated institutions of the state university shall be charged a uniform rate of tuition except for differential tuition rates based on state residency[. Provided]; PROVIDED, however, that UNTIL THE ACADEMIC YEAR COMMENCING TWO THOUSAND TEN--TWO THOUSAND ELEVEN, the trustees may authorize the presidents of the colleges of technology and the colleges of agriculture and technology to set differing rates of tuition for each of the colleges for students enrolled in

degree-granting programs leading to an associate degree and non-degree granting programs so long as such tuition rate does not exceed the tuition rate charged to students who are enrolled in like degree programs or degree-granting undergraduate programs leading to a baccalaureate degree at other state-operated institutions of the state university of New York[. The trustees shall not adopt changes affecting tuition charges prior to the enactment of the annual budget.]; AND PROVIDED FURTHER, THAT:

(I) COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR, THE PRESIDENT OF ANY STATE-OPERATED INSTITUTION, IN CONSULTATION WITH THE RESPECTIVE STUDENT GOVERNMENT AND UPON THE RECOMMENDATION OF THE RESPECTIVE COLLEGE COUNCIL, MAY RECOMMEND TO THE TRUSTEES, AND THE TRUSTEES SHALL BE AUTHORIZED TO IMPLEMENT, DIFFERING RATES OF ANNUAL TUITION UPON THE BASIS OF CAMPUS OR PROGRAM:

(1) FOR STUDENTS WHO ARE NEW YORK STATE RESIDENTS IN COURSES OF STUDY LEADING TO UNDERGRADUATE, GRADUATE AND FIRST PROFESSIONAL DEGREES; PROVIDED, HOWEVER, THAT ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND TEN THE TRUSTEES SHALL PROMULGATE GUIDELINES OUTLINING THE CRITERIA SUCH CAMPUS OR PROGRAM MUST MEET IN ORDER TO QUALIFY FOR DIFFERENTIAL RATES. SUCH CRITERIA SHALL INCLUDE, BUT NOT BE LIMITED TO, PROGRAM COST, PROGRAM MIX, NEED, COMPARISON WITH PEER PROGRAMS OR CAMPUSES, ECONOMIC ELASTICITY, IMPACT ON ACCESS, FAIRNESS AND MEASURES TO ENSURE THAT STUDENTS ARE NOT STEERED TOWARD CERTAIN COURSES OF STUDY BASED ON ABILITY TO PAY; AND

(2) FOR ALL STUDENTS WHO ARE NOT NEW YORK STATE RESIDENTS, PROVIDED THAT THE TRUSTEES SHALL ESTABLISH MAXIMUM PERCENTAGE ENROLLMENT LIMITATIONS FOR SUCH STUDENTS.

(II) NOTWITHSTANDING THE FOREGOING, ANY TUITION INCREASE IMPLEMENTED PURSUANT TO THIS SUBPARAGRAPH, OTHER THAN PURSUANT TO CLAUSE (I) OF THIS SUBPARAGRAPH SHALL NOT EXCEED TWO AND A HALF TIMES THE FIVE YEAR ROLLING AVERAGE OF THE HIGHER EDUCATION PRICE INDEX.

(III) NOTHING IN THIS SECTION OR ANY OTHER PROVISION OF LAW SHALL BE INTERPRETED AS PREVENTING STATE-OPERATED INSTITUTIONS FROM PROVIDING SCHOLARSHIPS OR FINANCIAL AID TO STUDENTS ON THE BASIS OF NEED, WHICH AID SHALL NOT REQUIRE A DEPOSIT OF FUNDS INTO THE STATE TREASURY OR ANY ACCOUNT HELD BY THE OFFICE OF THE STATE COMPTROLLER.

S 2. Paragraph (a) of subdivision 7 of section 6206 of the education law, as amended by chapter 327 of the laws of 2002, the opening paragraph as amended by section 2 of part O of chapter 58 of the laws of 2006, is amended to read as follows:

(a) The board of trustees shall establish positions, departments, divisions and faculties; appoint and in accordance with the provisions of law fix salaries of instructional and non-instructional employees therein; establish and conduct courses and curricula; prescribe conditions of student admission, attendance and discharge; and shall have the power to determine in its discretion whether tuition shall be charged and to regulate tuition charges, and other instructional and non-instructional fees and other fees and charges at the educational units of the city university. The trustees shall review any proposed community college tuition increase and the justification for such increase. The justification provided by the community college for such increase shall include a detailed analysis of ongoing operating costs, capital, debt service expenditures, and all revenues. The trustees shall not impose a differential tuition charge based upon need or income. All students enrolled in programs leading to like degrees at the senior colleges

shall be charged a uniform rate of tuition, except for differential tuition rates based on state residency[.]; PROVIDED, HOWEVER, THAT:

(I) COMMENCING WITH THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN ACADEMIC YEAR, THE PRESIDENT OF ANY SENIOR COLLEGE, IN CONSULTATION WITH THE RESPECTIVE STUDENT GOVERNMENT, MAY RECOMMEND TO THE CHANCELLOR, AND UPON RECOMMENDATION OF THE CHANCELLOR, THE TRUSTEES SHALL BE AUTHORIZED TO IMPLEMENT, DIFFERING RATES OF ANNUAL TUITION UPON THE BASIS OF CAMPUS OR PROGRAM:

(1) FOR STUDENTS WHO ARE NEW YORK STATE RESIDENTS IN COURSES OF STUDY LEADING TO UNDERGRADUATE, GRADUATE AND FIRST PROFESSIONAL DEGREES; PROVIDED, HOWEVER, THAT ON OR BEFORE JUNE FIFTEENTH, TWO THOUSAND TEN THE TRUSTEES SHALL PROMULGATE GUIDELINES OUTLINING THE CRITERIA SUCH CAMPUS OR PROGRAM MUST MEET IN ORDER TO QUALIFY FOR DIFFERENTIAL RATES. SUCH MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO, PROGRAM COST, PROGRAM MIX, NEED, COMPARISON WITH PEER PROGRAMS OR CAMPUSES, ECONOMIC ELASTICITY, IMPACT ON ACCESS, FAIRNESS AND MEASURES TO ENSURE THAT STUDENTS ARE NOT STEERED TOWARD CERTAIN COURSES OF STUDY BASED ON ABILITY TO PAY; AND

(2) FOR ALL STUDENTS WHO ARE NOT NEW YORK STATE RESIDENTS, PROVIDED THAT THE TRUSTEES SHALL ESTABLISH MAXIMUM PERCENTAGE ENROLLMENT LIMITATIONS FOR SUCH STUDENTS.

(II) NOTWITHSTANDING THE FOREGOING, ANY TUITION INCREASE IMPLEMENTED PURSUANT TO THIS PARAGRAPH, OTHER THAN PURSUANT TO CLAUSE ONE OF SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL NOT EXCEED TWO AND A HALF TIMES THE FIVE YEAR ROLLING AVERAGE OF THE HIGHER EDUCATION PRICE INDEX.

(A-1) The trustees shall further provide that the payment of tuition and fees by any student who is not a resident of New York state, other than a non-immigrant alien within the meaning of paragraph (15) of subsection (a) of section 1101 of title 8 of the United States Code, shall be paid at a rate or charge no greater than that imposed for students who are residents of the state if such student:

(i) attended an approved New York high school for two or more years, graduated from an approved New York high school and applied for attendance at an institution or educational unit of the city university within five years of receiving a New York state high school diploma; or

(ii) attended an approved New York state program for general equivalency diploma exam preparation, received a general equivalency diploma issued within New York state and applied for attendance at an institution or educational unit of the city university within five years of receiving a general equivalency diploma issued within New York state; or

(iii) was enrolled in an institution or educational unit of the city university in the fall semester or quarter of the two thousand one--two thousand two academic year and was authorized by such institution or educational unit to pay tuition at the rate or charge imposed for students who are residents of the state.

A student without lawful immigration status shall also be required to file an affidavit with such institution or educational unit stating that the student has filed an application to legalize his or her immigration status, or will file such an application as soon as he or she is eligible to do so. The trustees shall not adopt changes in tuition charges prior to the enactment of the annual budget. The board of trustees may accept as partial reimbursement for the education of veterans of the armed forces of the United States who are otherwise qualified such sums as may be authorized by federal legislation to be paid for such education. The board of trustees may conduct on a fee basis extension courses and courses for adult education appropriate to the field of higher

education. In all courses and courses of study it may, in its discretion, require students to pay library, laboratory, locker, breakage and other instructional and non-instructional fees and meet the cost of books and consumable supplies. In addition to the foregoing fees and charges, the board of trustees may impose and collect fees and charges for student government and other student activities and receive and expend them as agent or trustee.

S 3. Subdivisions 8 and 8-a of section 355 of the education law, subdivision 8 as amended by chapter 553 of the laws of 1985 and subdivision 8-a as added by chapter 363 of the laws of 1998, are amended to read as follows:

8. All moneys received by the state university of New York and by state-operated institutions thereof from [appropriations,] tuition, fees, user charges, sales of products and services, SAVINGS UNDER ENERGY PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS and from [all other sources, including] sources and activities of the state university which are intended by law to be self-supporting may be credited to an appropriate fund or funds [to be designated by the state comptroller] HELD BY THE STATE UNIVERSITY. The amounts so paid into such fund or funds which were received by or for the state university shall be used for expenses of the state university in carrying out any of its objects and purposes and such amounts received by or for state-operated institutions of the state university shall be used for expenses of the state university under regulations prescribed by the state university trustees.

8-a. All monies received by state university health care facilities from fees, charges, and reimbursement and from all other sources, OTHER THAN APPROPRIATIONS, shall be credited to a state university health care account in a fund [to be designated by the state comptroller] HELD BY THE STATE UNIVERSITY. Monies to establish reserves for long-term expenses of state university health care facilities and to fulfill obligations required for any contract for health care services authorized pursuant to subdivision sixteen of this section may be designated by the state university as a reserve and transferred to a separate contractual reserve account. The amounts in such accounts shall be available for use in accordance with [paragraph b of subdivision four and] subdivision eight of this section. Monies shall [only] be expended from the state university health care account and the contractual reserve account [pursuant to] WITHOUT appropriation; PROVIDED, HOWEVER, THAT GENERAL FUND SUPPORT FOR THE OPERATIONS OF STATE UNIVERSITY HEALTH CARE FACILITIES SHALL BE EXPENDED PURSUANT TO APPROPRIATION. Notwithstanding any provision of this chapter, the state finance law or any other law to the contrary, [such appropriations] MONIES APPROPRIATED IN SUPPORT OF THE STATE UNIVERSITY HEALTH CARE FACILITIES shall remain in full force and effect for two years from the effective date of the appropriation act making the appropriation. Monies so transferred may be returned to the state university health care account; provided, however, that funds in such contractual reserve account must be sufficient to meet the obligations of all such contracts.

S 4. Subdivision 8-b of section 355 of the education law is REPEALED.

S 5. Section 4 of the state finance law is amended by adding a new subdivision 11 to read as follows:

11. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION, MONEYS HELD BY THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARGES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE

STATE UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING SHALL BE PAID WITHOUT AN APPROPRIATION.

S 6. Subdivision 2 of section 121 of the state finance law, as amended by chapter 293 of the laws of 1992, is amended to read as follows:

2. There are excepted from payment to the treasury as provided by subdivision one of this section: (i) all moneys to which the provisions of subdivision four of section four of this chapter apply unless such moneys are held in a fund subject to appropriation; (ii) moneys held as part of the principal of an endowment of the state university of New York, units thereof and other state agencies; (III) MONEYS RECEIVED BY THE STATE UNIVERSITY OF NEW YORK DERIVED FROM TUITION, FEES, USER CHARGES, SALES OF PRODUCTS AND SERVICES, SAVINGS UNDER ENERGY PERFORMANCE, PROCUREMENT OR SUPPLY CONTRACTS AND FROM SOURCES AND ACTIVITIES OF THE STATE UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING; and [(iii)] (IV) moneys received pursuant to a clinical practice plan established pursuant to subdivision fourteen of section two hundred six of the public health law. In those cases where such moneys are held in the custody of the state officer other than the comptroller, the officer shall file with the comptroller, at such times as the comptroller shall determine, a detailed statement, in such form and content as the comptroller shall prescribe, for the period covered by the statement. The comptroller shall from time to time, but not less than once in every three years, examine the books and accounts relating to such moneys heretofore or hereinafter established, including its receipts, disbursements, investments, and any financial matters. An independent audit of such moneys may be authorized by the comptroller in lieu of his own examination, which examination shall be undertaken within twelve months of such authorization.

S 7. Section 359 of the education law is amended by adding a new subdivision 5 to read as follows:

5. ON OR BEFORE MARCH FIRST, ANNUALLY, FOR THE SIX MONTH PERIOD ENDING THE PRECEDING DECEMBER THIRTY-FIRST, AND ON OR BEFORE SEPTEMBER FIRST, FOR THE SIX MONTH PERIOD ENDING THE PRECEDING JUNE THIRTIETH, THE STATE UNIVERSITY SHALL PROVIDE TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE AND THE DIRECTOR OF THE BUDGET A REPORT THAT SHALL INCLUDE THE FOLLOWING:

A. THE ALLOCATION BY THE STATE UNIVERSITY, BY STATE-OPERATED CAMPUS, SYSTEM ADMINISTRATION AND UNIVERSITY-WIDE PROGRAM, OF STATE AID APPROPRIATED TO THE STATE UNIVERSITY;

B. REVENUE RECEIVED BY EACH STATE-OPERATED CAMPUS FROM TUITION, FEES AND OTHER SOURCES AND ACTIVITIES OF THE STATE UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING (I) WITH RESPECT TO TUITION REVENUE, BY PROGRAM OR DEGREE CATEGORY, (II) WITH RESPECT TO FEE REVENUE, BY A LISTING OF EACH FEE, THE AMOUNT THEREOF, AND AGGREGATE REVENUE PER FEE, AND (III) WITH RESPECT TO REVENUE DERIVED FROM OTHER SOURCES AND ACTIVITIES, BY A LISTING OF EACH SOURCE, AND THE AGGREGATE REVENUE DERIVED FROM EACH SOURCE;

C. EXPENDITURES MADE BY EACH STATE-OPERATED CAMPUS FOR PERSONAL SERVICE AND NON-PERSONAL SERVICE, AND (I) WITH RESPECT TO PERSONAL SERVICE, FOR PERSONAL SERVICE-REGULAR, TEMPORARY SERVICE AND HOLIDAY/OVERTIME COMPENSATION, AND (II) WITH RESPECT TO NON-PERSONAL SERVICE, BY SUPPLIES AND MATERIALS, TRAVEL, CONTRACTUAL SERVICES AND EQUIPMENT;

D. PROGRAMS AND ACTIVITIES THE STATE UNIVERSITY HAS FUNDED WITH TUITION REVENUE DERIVED FROM DIFFERING RATES OF TUITION UPON THE BASIS OF CAMPUS OR PROGRAM AUTHORIZED PURSUANT TO CLAUSE (I) OF SUBPARAGRAPH

FOUR OF PARAGRAPH (H) OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE;

E. ENROLLMENT AT EACH STATE-OPERATED CAMPUS (I) IN THE AGGREGATE, AND (II) BY PROGRAM OR DEGREE CATEGORY AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH B OF THIS SUBDIVISION; AND

F. SUCH OTHER INFORMATION AS THE DIRECTOR OF THE BUDGET SHALL REQUEST.

S 8. Section 352 of the education law is amended by adding a new subdivision 4 to read as follows:

4. NOTWITHSTANDING ANY OTHER LAW TO THE CONTRARY, THE STATE SHALL ANNUALLY APPROPRIATE AND PAY AN AMOUNT, TO BE HELD IN ACCOUNTS OF THE STATE UNIVERSITY OF NEW YORK, EQUAL TO AVAILABLE STATE SUPPORT FOR THE STATE UNIVERSITY. SUCH STATE PAYMENT SHALL BE MADE IN FOUR INSTALLMENTS, ON OR BEFORE THE FIRST WEEK OF JULY, OCTOBER, JANUARY AND APRIL.

S 9. Paragraph 4-a of subdivision A of section 6221 of the education law is REPEALED.

S 10. Paragraphs 1 and 7 of subdivision A of section 6221 of the education law, paragraph 1 as amended by chapter 554 of the laws of 1985, paragraph 7 as added by chapter 305 of the laws of 1979 and subparagraph (d) of paragraph 7 as amended by chapter 585 of the laws of 1988, are amended to read as follows:

1. Notwithstanding any other provision of law, AMOUNTS FOR all expenditures, WHICH INCLUDES NET OPERATING EXPENSES AS DEFINED BY PARAGRAPH SEVEN OF THIS SUBDIVISION, TUITION AS DEFINED IN SUBPARAGRAPH (A) OF SUCH PARAGRAPH AND THAT PORTION OF OPERATING COSTS OF CENTRAL ADMINISTRATION AND UNIVERSITY-WIDE PROGRAMS AS DEFINED BY SUBPARAGRAPH (D) OF SUCH PARAGRAPH for the senior college programs and services of the city university of New York shall continue to be pre-financed from city of New York funds. The comptroller of the state of New York may establish a separate fund for the receipt and deposit of such pre-financing funds from the city of New York pursuant to this subdivision, and all other monies deemed appropriate by the state comptroller and the state director of the budget, except that all monies presently required by law to be paid directly to the city university construction fund shall continue to be so paid. All [monies] NET OPERATING EXPENSES AS DEFINED IN PARAGRAPH SEVEN OF THIS SUBDIVISION appropriated for such senior college programs and services[, or derived from other sources in the course of the administration thereof,] shall be expended upon vouchers approved by the chancellor of the city university, as chief administrative officer of the city university, or by such authority or authorities in the city university as shall be designated by the chancellor by a rule or written direction filed with the comptroller, when and in the manner authorized by the board of trustees. No monies appropriated for such senior college programs and services[, or derived from other sources in the course of the administration thereof,] shall be expended until a certificate of the aggregate funds available for expenditure pursuant to section forty-nine of the state finance law has been approved by the director of the budget and copies thereof filed with the state comptroller, the chairman of the senate finance committee and the chairman of the assembly ways and means committee. ALL TUITION AND INSTRUCTIONAL AND NON-INSTRUCTIONAL FEES ATTRIBUTABLE TO THE SENIOR COLLEGES AND RECEIVED FROM THE CITY UNIVERSITY CONSTRUCTION FUND PURSUANT TO SUBDIVISION (B) OF SECTION SIXTY-TWO HUNDRED SEVENTY-EIGHT OF THIS TITLE AND THAT PORTION OF OPERATING COSTS OF CENTRAL ADMINISTRATION AND UNIVERSITY-WIDE PROGRAMS SHALL BE PAID AND EXPENDED WITHOUT AN APPROPRIATION UPON WRITTEN AGREEMENT BY THE CITY UNIVERSITY, THE OFFICE OF THE STATE COMPTROLLER, AND THE NEW YORK CITY COMPTROLLER SETTING FORTH THE AMOUNT, TO

BE COMPRISED OF ALL COSTS PRE-FINANCED BY NEW YORK CITY LESS NET OPERATING EXPENSES. IF AN AMOUNT IS NOT AGREED TO WITHIN THIRTY DAYS FOLLOWING THE ENACTMENT OF THE BUDGET THEN THE DIRECTOR OF THE BUDGET SHALL DETERMINE SUCH AMOUNT. In regard to the city university, the director of the budget shall exercise the authority granted under section forty-nine of the state finance law in accordance with the provisions of paragraph b of subdivision four of section three hundred fifty-five of this chapter.

7. For the purposes of this subdivision, "net operating expenses" shall be defined as the total operating expenses of approved programs and services less: (a) all [excess] tuition and instructional and non-instructional fees attributable to the senior colleges and received from the city university construction fund pursuant to subdivision b of section sixty-two hundred seventy-eight of this [chapter] TITLE; (b) an amount to be deposited from overhead funds and miscellaneous earnings recovered in the administration of sponsored programs for which the research foundation of the city university of New York has been designated as fiscal administrator; (c) the amount of all monies from any source other than those paid by the city, if any, and the state on a per centum basis of the net operating budget, which are expended through the operating budget; and (d) that portion of the operating costs of central administration and university-wide programs which the state budget director determines to be chargeable to the community colleges and which is to be paid by the city of New York pursuant to paragraph two of subdivision C of this section.

S 11. Section 6233 of the education law is amended by adding a new subdivision 4 to read as follows:

4. ON OR BEFORE MARCH FIRST, ANNUALLY, FOR THE SIX MONTH PERIOD ENDING THE PRECEDING DECEMBER THIRTY-FIRST, AND ON OR BEFORE SEPTEMBER FIRST, FOR THE SIX MONTH PERIOD ENDING THE PRECEDING JUNE THIRTIETH, THE CITY UNIVERSITY SHALL PROVIDE TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND ASSEMBLY WAYS AND MEANS COMMITTEE AND THE DIRECTOR OF THE BUDGET A REPORT THAT SHALL INCLUDE THE FOLLOWING:

A. THE ALLOCATION BY THE CITY UNIVERSITY, BY SENIOR COLLEGE CAMPUS, CENTRAL ADMINISTRATION AND UNIVERSITY-WIDE PROGRAMS, OF STATE AID APPROPRIATED TO THE CITY UNIVERSITY;

B. REVENUE RECEIVED BY EACH SENIOR COLLEGE CAMPUS FROM TUITION, FEES AND OTHER SOURCES AND ACTIVITIES OF THE CITY UNIVERSITY THAT ARE INTENDED TO BE SELF-SUPPORTING (I) WITH RESPECT TO TUITION REVENUE, BY PROGRAM OR DEGREE CATEGORY, (II) WITH RESPECT TO FEE REVENUE, BY A LISTING OF EACH FEE, THE AMOUNT THEREOF, AND AGGREGATE REVENUE PER FEE, AND (III) WITH RESPECT TO REVENUE DERIVED FROM OTHER SOURCES AND ACTIVITIES, BY A LISTING OF EACH SOURCE, AND THE AGGREGATE REVENUE DERIVED FROM EACH SOURCE;

C. EXPENDITURES MADE BY EACH SENIOR COLLEGE CAMPUS FOR PERSONAL SERVICE AND NON-PERSONAL SERVICE, AND (I) WITH RESPECT TO PERSONAL SERVICE, FOR PERSONAL SERVICE-REGULAR, TEMPORARY SERVICE AND HOLIDAY/OVERTIME COMPENSATION, AND (II) WITH RESPECT TO NON-PERSONAL SERVICE, BY SUPPLIES AND MATERIALS, TRAVEL, CONTRACTUAL SERVICES AND EQUIPMENT;

D. PROGRAMS AND ACTIVITIES THE CITY UNIVERSITY HAS FUNDED WITH TUITION REVENUE DERIVED FROM DIFFERING RATES OF TUITION UPON THE BASIS OF CAMPUS OR PROGRAM AUTHORIZED PURSUANT TO SUBPARAGRAPH (I) OF PARAGRAPH (A) OF SUBDIVISION SEVEN OF SECTION SIXTY-TWO HUNDRED SIX OF THIS ARTICLE;

E. ENROLLMENT AT EACH SENIOR COLLEGE CAMPUS (I) IN THE AGGREGATE, AND (II) BY PROGRAM OR DEGREE CATEGORY AS SET FORTH IN SUBPARAGRAPH (II) OF PARAGRAPH B OF THIS SUBDIVISION; AND

F. SUCH OTHER INFORMATION AS THE DIRECTOR OF THE BUDGET SHALL REQUEST.

S 12. Subdivision 1 of section 355-a of education law, as amended by chapter 552 of the laws of 1985, paragraph (b) as amended by chapter 554 of the laws of 1985, is amended to read as follows:

1. (a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE STATE UNIVERSITY AFFECTED BY THE PROVISIONS OF THE NEW YORK STATE PUBLIC HIGHER EDUCATION EMPOWERMENT AND INNOVATION ACT, SHALL BE PRESERVED AND PROTECTED. INCUMBENTS OF ANY NEWLY CREATED POSITIONS WITHIN THE STATE UNIVERSITY SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

(B) The state university trustees are authorized and empowered to classify and reclassify all positions in the state university determined pursuant to section thirty-five of the civil service law to be in the professional service as defined in subdivision three of this section, except those of the New York state colleges, schools and experiment stations administered by Cornell university and Alfred university.

[(b)] (C) To the fullest extent possible consistent with its authority under the civil service law, and after consultation with the state university trustees, the state civil service commission shall consider the unique educational mission and operating requirements of the state university when making any determination relating to the jurisdictional classification of positions in the state university in the classified service. The director of the classification and compensation division of the department of civil service shall similarly consider the unique educational mission and operating requirements of the state university when making determinations concerning the classification and reclassification and the allocation and reallocation of the positions in the state university in the classified service.

S 13. Section 6207 of the education law, as added by chapter 305 of the laws of 1979, is amended to read as follows:

S 6207. Administration of civil service. 1. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE CITY UNIVERSITY AFFECTED BY THE PROVISIONS OF THE NEW YORK STATE PUBLIC HIGHER EDUCATION EMPOWERMENT AND INNOVATION ACT, SHALL BE PRESERVED AND PROTECTED. INCUMBENTS OF ANY NEWLY CREATED POSITIONS WITHIN THE CITY UNIVERSITY SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

(2) The city university, for the purpose of administering the state civil service law, shall be deemed to be a municipal employer, provided, however, that the city university may elect to delegate the administration of any or all of the provisions of the civil service law, except article fourteen OF SUCH LAW, to the department of personnel of the city of New York. In that event, the city department of personnel shall enter into a contract with such university for the rendition of such services. The city university of New York shall compensate the city of New York for such services only with respect to such services rendered for or on behalf of the senior colleges of such university. If the city of New York and city university cannot agree on the amount of such compensation, the state comptroller shall determine the fair and reasonable value of such services and the city university shall pay such sum to the city of New York. Any person on an eligible list for a position with the city university of New York in effect on the effective date of

this article shall continue to hold such position on such list and shall be entitled to the same civil service rights. With respect to all persons employed by the city university on the effective date of this article, the city university and the city of New York shall be deemed to be the same public employer only for purposes of transfer of employment under the civil service law. No civil service right of an employee of the city university of New York employed on the effective date of this article shall be lost, impaired or affected by reason of the enactment of this article into law.

S 14. This act shall take effect immediately.

SUBPART B

Section 1. Paragraph a of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

a. (1) To take, hold and administer on behalf of the state university or any institution therein, real and personal property or any interest therein and the income thereof either absolutely or in trust for any educational or other purpose within the jurisdiction and corporate purposes of the state university. The trustees may acquire property for such purposes by purchase, appropriation or lease and by the acceptance of gifts, grants, bequests and devises, and, within appropriations made therefor, may equip and furnish buildings and otherwise improve property owned, used or occupied by the state university or any institution therein. THE TRUSTEES MAY ACQUIRE PROPERTY BY THE ACCEPTANCE OF CONDITIONAL GIFTS, GRANTS, DEVISES OR BEQUESTS, THE PROVISIONS OF SECTION ELEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING. Where real property is to be acquired by purchase or appropriation, such acquisition shall be in accordance with the provisions of section three hundred seven of this chapter except that the powers and duties in said section mentioned to be performed by the commissioner [of education] shall be performed by the state university trustees.

(2) THE PROVISIONS OF SECTIONS THREE, THIRTY-A, AND THIRTY-THREE OF THE PUBLIC LANDS LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE LEASE, TRANSFER OR CONVEYANCE, OTHER THAN CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY, UPON APPROVAL OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD CREATED PURSUANT TO SECTION THREE HUNDRED SIXTY-ONE OF THIS ARTICLE. THE FOREGOING NOTWITHSTANDING, THE TRUSTEES, UPON APPROVAL OF THE STATE UNIVERSITY ASSET MAXIMIZATION BOARD, MAY PROVIDE FOR THE LEASE OF SUCH REAL PROPERTY FOR PERIODS NOT TO EXCEED FIFTY YEARS IN SUPPORT OF THE EDUCATIONAL AND OTHER CORPORATE PURPOSES OF THE STATE UNIVERSITY, UNLESS THE SUBJECT PROJECT IS IN CONFLICT WITH THE MISSION OF THE CAMPUS TO WHICH IT RELATES, INCLUDING BUT NOT LIMITED TO, THE DEVELOPMENT AND OPERATION OF RESEARCH, INCUBATOR, COMMUNITY, HEALTH CARE, RETAIL, FOOD SERVICE, TELECOMMUNICATION, STUDENT AND FACULTY HOUSING, ENERGY, GOVERNMENTAL, SENIOR COMMUNITY, HOTEL, CONFERENCE CENTER AND RECREATIONAL FACILITIES, AND FOR THE PURPOSE OF MAXIMIZING THE USE OF NATURAL RESOURCES; PROVIDED, HOWEVER, THAT WITH REGARD TO ANY SUCH LEASE, TRANSFER OR CONVEYANCE:

(I) SUCH LEASE OR AGREEMENT SHALL BE DEEMED A STATE CONTRACT FOR PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND THE ENTITY ENTERING INTO SUCH CONTRACT SHALL BE DEEMED A STATE AGENCY FOR PURPOSES OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW.

(II) SUCH LEASE OR AGREEMENT FOR CONSTRUCTION, DEMOLITION, RECONSTRUCTION, EXCAVATION, REHABILITATION, REPAIR, RENOVATION, ALTERATION OR IMPROVEMENT SHALL BE DEEMED A PUBLIC WORKS PROJECT FOR THE PURPOSES OF ARTICLE EIGHT OF THE LABOR LAW, AND COMPLIANCE WITH ALL PROVISIONS OF ARTICLE EIGHT OF THE LABOR LAW SHALL BE REQUIRED OF ANY LESSEE, SUBLESSEE, CONTRACTOR OR SUBCONTRACTOR WHICH PERFORMS SUCH WORK.

(III) THE LESSEE OR SUBLESSEE SHALL INDEMNIFY AND DEFEND THE STATE UNIVERSITY OF NEW YORK AGAINST ALL CLAIMS, SUITS, ACTIONS AND LIABILITY TO ALL PERSONS ARISING OUT OF THE LESSEE OR SUBLESSEE'S USE OR OCCUPANCY OF THE DEMISED PREMISES.

(IV) NOTHING IN THE LEASE OR AGREEMENT SHALL BE DEEMED TO WAIVE OR IMPAIR ANY RIGHTS OR BENEFITS OF EMPLOYEES OF THE STATE UNIVERSITY OF NEW YORK THAT OTHERWISE WOULD BE AVAILABLE TO THEM PURSUANT TO THE TERMS OF COLLECTIVE BARGAINING AGREEMENTS. ALL WORK PERFORMED ON THE DEMISED PREMISES THAT ORDINARILY WOULD BE PERFORMED BY EMPLOYEES SUBJECT TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW SHALL CONTINUE TO BE PERFORMED BY SUCH EMPLOYEES.

(V) UPON THE EXPIRATION OF THE LEASE OR AGREEMENT, THE DEMISED PREMISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

(VI) IN THE EVENT THE DEMISED PREMISES SHALL CEASE TO BE USED FOR THE PURPOSES DESCRIBED IN THE LEASE OR AGREEMENT, THE LEASE OR AGREEMENT SHALL IMMEDIATELY TERMINATE, AND THE DEMISED PREMISES SHALL REVERT TO THE STATE UNIVERSITY OF NEW YORK.

(VII) ANY CONTRACTS AWARDED OR ENTERED INTO BY A CAMPUS RELATED FOUNDATION, ALUMNI ASSOCIATION OR AFFILIATE THEREOF, ANY NOT-FOR-PROFIT CORPORATION OR ASSOCIATION ORGANIZED BY A STATE-OPERATED INSTITUTION TO FURTHER ITS PURPOSES, OR ANY LIMITED LIABILITY COMPANY WHOSE SOLE MEMBER IS ANY OF THE FOREGOING ENTITIES, FOR CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPERATED INSTITUTION, FOR ANY SINGLE CONSTRUCTION PROJECT EXCEEDING TWENTY MILLION DOLLARS IN THE AGGREGATE, FOR WHICH MORE THAN TWENTY-FIVE PERCENT OF SUCH AGGREGATE AMOUNT IS TO BE PAID FROM APPROPRIATIONS FURNISHED BY EITHER THE STATE OF NEW YORK OR THE STATE UNIVERSITY, SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION AT THE STATE-OPERATED INSTITUTION SHALL BE UNDERTAKEN PURSUANT TO A PROJECT LABOR AGREEMENT, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO HUNDRED TWENTY-TWO OF THE LABOR LAW, PROVIDED A STUDY DONE BY OR FOR THE CONTRACTING ENTITY DETERMINES THAT A PROJECT LABOR AGREEMENT WILL BENEFIT SUCH CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION THROUGH REDUCED RISK OF DELAY, POTENTIAL COST SAVINGS OR POTENTIAL REDUCTION IN THE RISK OF LABOR UNREST IN LIGHT OF ANY PERTINENT LOCAL HISTORY THEREOF. FOR PURPOSES OF APPLYING THE DOLLAR THRESHOLDS SET FORTH IN THIS CLAUSE, THE TERM "SINGLE CONSTRUCTION PROJECT" SHALL MEAN ANY FUNCTIONALLY-INTERDEPENDENT CONSTRUCTION, RECONSTRUCTION, RENOVATION, REHABILITATION, IMPROVEMENT OR EXPANSION ACTIVITY ASSOCIATED WITH A SINGLE BUILDING, STRUCTURE OR IMPROVEMENT, INCLUDING ALL DIRECTLY RELATED INFRASTRUCTURE AND SITE WORK IN CONTEMPLATION THEREOF.

(3) THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE TRUSTEES MAY PROVIDE FOR THE SALE, LEASE, TRANSFER OR CONVEYANCE OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL OF THE STATE UNIVERSITY IN SUCH MANNER AND UPON SUCH TERMS AS THE TRUSTEES SHALL DETERMINE. THE PROVISIONS OF SECTION TWENTY-THREE OF THE PUBLIC LANDS LAW AND SECTION ONE HUNDRED SIXTY-SEVEN OF THE STATE FINANCE LAW NOTWITHSTANDING, THE PROCEEDS FROM THE SALE, LEASE, TRANSFER OR CONVEYANCE OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE

STATE UNIVERSITY OR OF PERSONAL PROPERTY UNDER THE CUSTODY AND CONTROL OF THE STATE UNIVERSITY SHALL BE RETAINED BY THE STATE UNIVERSITY.

S 2. The education law is amended by adding a new section 361 to read as follows:

S 361. STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; CREATION; PROCEDURE. 1. CREATION. (A) THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD ("THE BOARD") IS HEREBY CREATED TO HAVE AND EXERCISE THE POWERS, DUTIES AND PREROGATIVES PROVIDED BY THE PROVISIONS OF THIS SECTION AND ANY OTHER PROVISION OF LAW.

(B) THE VOTING MEMBERSHIP OF THE BOARD SHALL CONSIST OF THREE PERSONS APPOINTED BY THE GOVERNOR, OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE TEMPORARY PRESIDENT OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE SPEAKER OF THE ASSEMBLY. UPON RECOMMENDATION OF THE NOMINATING PARTY, THE GOVERNOR SHALL REPLACE ANY MEMBER IN ACCORDANCE WITH THE PROVISION CONTAINED IN THIS SUBDIVISION FOR THE APPOINTMENT OF MEMBERS. THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS TO SERVE AS CHAIRPERSON. THE BOARD SHALL ACT BY MAJORITY VOTE OF THE MEMBERS OF THE BOARD. ANY DETERMINATION OF THE BOARD SHALL BE EVIDENCED BY A CERTIFICATION THEREOF EXECUTED BY ALL THE MEMBERS. EACH MEMBER OF THE BOARD SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD ON THE DESIGNATING MEMBER'S BEHALF, AND TO VOTE OR OTHERWISE ACT ON THE DESIGNATING MEMBER'S BEHALF IN THE DESIGNATING MEMBER'S ABSENCE. NOTICE OF SUCH DESIGNATION SHALL BE FURNISHED IN WRITING TO THE BOARD BY THE DESIGNATING MEMBER. A REPRESENTATIVE SHALL SERVE AT THE PLEASURE OF THE DESIGNATING MEMBER DURING THE MEMBER'S TERM OF OFFICE. A REPRESENTATIVE SHALL NOT BE AUTHORIZED TO DELEGATE ANY OF HIS OR HER DUTIES OR FUNCTIONS TO ANY OTHER PERSON.

(C) THE GOVERNOR SHALL ALSO APPOINT TWO NON-VOTING MEMBERS TO THE BOARD OF WHICH ONE SHALL BE UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE SENATE AND ONE UPON THE RECOMMENDATION OF THE MINORITY LEADER OF THE ASSEMBLY. EACH NON-VOTING MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(D) TWO EX-OFFICIO NON-VOTING MEMBERS OF THE BOARD SHALL BE THE STATE COMPTROLLER AND THE STATE ATTORNEY GENERAL. EACH EX-OFFICIO MEMBER SHALL BE ENTITLED TO DESIGNATE A REPRESENTATIVE TO ATTEND MEETINGS OF THE BOARD IN HIS OR HER PLACE.

(E) EVERY OFFICER, EMPLOYEE, OR MEMBER OF A GOVERNING BOARD OR OTHER BOARD OF ANY COLLEGE OR GROUP OR ASSOCIATION OF COLLEGES, AND EVERY NEW YORK STATE REGENT, EVERY OFFICER OR EMPLOYEE OF THE BOARD OF REGENTS OR THE DEPARTMENT AND EVERY TRUSTEE, OFFICER OR EMPLOYEE OF THE STATE UNIVERSITY OF NEW YORK SHALL BE INELIGIBLE FOR APPOINTMENT AS A MEMBER, REPRESENTATIVE, OFFICER, EMPLOYEE OR AGENT OF THE BOARD.

(F) THE MEMBERS OF THE BOARD SHALL SERVE WITHOUT SALARY OR PER DIEM ALLOWANCE BUT SHALL BE ENTITLED TO REIMBURSEMENT FOR ACTUAL AND NECESSARY EXPENSES INCURRED IN THE PERFORMANCE OF OFFICIAL DUTIES PURSUANT TO THIS SECTION OR OTHER PROVISION OF LAW, PROVIDED HOWEVER THAT SUCH MEMBERS AND REPRESENTATIVES ARE NOT, AT THE TIME SUCH EXPENSES ARE INCURRED, PUBLIC OFFICERS OR EMPLOYEES OTHERWISE ENTITLED TO SUCH REIMBURSEMENT.

(G) THE MEMBERS, THEIR REPRESENTATIVES, OFFICERS AND STAFF TO THE BOARD SHALL BE DEEMED EMPLOYEES WITHIN THE MEANING OF SECTION SEVENTEEN OF THE PUBLIC OFFICERS LAW.

2. POWERS, FUNCTIONS AND DUTIES OF THE STATE UNIVERSITY ASSET MAXIMIZATION REVIEW BOARD; LIMITATIONS. PURSUANT TO THIS CHAPTER, THE BOARD SHALL HAVE THE POWER AND IT SHALL BE ITS DUTY TO APPROVE OR DENY: (A)

REQUESTS RECEIVED FROM THE TRUSTEES OF THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY, AND (B) REQUESTS FROM THE TRUSTEES OF THE STATE UNIVERSITY TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE.

3. (A) THE TRUSTEES OF THE STATE UNIVERSITY OF NEW YORK SHALL SUBMIT, IN WRITING, AN APPLICATION TO THE BOARD FOR THE LEASE, TRANSFER, CONVEYANCE, OTHER THAN THE CONVEYANCE OF TITLE, OF STATE-OWNED REAL PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OR NAMES OF THE PROSPECTIVE ENTITY FOR WHICH A LEASE OR AGREEMENT SHALL BE ENTERED, THE GEOGRAPHICAL LOCATION AND PARCEL OF REAL PROPERTY THAT WOULD BE UTILIZED, THE PERIOD OF TIME FOR WHICH THE LEASE, TRANSFER OR CONVEYANCE IS TO BE EXECUTED AND ANY CONSIDERATION WHICH IS TO BE GRANTED TO THE STATE UNIVERSITY FOR THE LEASE, TRANSFER OR CONVEYANCE OF SUCH REAL PROPERTY. WHERE A LEASE AGREEMENT FOR STUDENT AND/OR FACULTY HOUSING IS SUBMITTED TO THE BOARD FOR APPROVAL, IF APPLICABLE, THE BOARD MAY TAKE INTO CONSIDERATION WHETHER THE AGREEMENT WOULD IMPACT OCCUPANCY IN DORMITORIES FINANCED PURSUANT TO AGREEMENTS BETWEEN THE DORMITORY AUTHORITY OF THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK OR THE STATE UNIVERSITY CONSTRUCTION FUND. THE TRUSTEES SHALL ALSO FURNISH ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITHIN FIFTEEN DAYS OF THE REQUEST.

(B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL HAVE NO MORE THAN FORTY-FIVE DAYS TO DEEM AN APPLICATION FOR THE LEASE, TRANSFER OR CONVEYANCE OF PROPERTY, OTHER THAN THE CONVEYANCE OF TITLE, APPROVED OR DENIED.

(C) IF THE BOARD FAILS TO ACT ON AN APPLICATION WITHIN THE ALLOTTED TIME PERIOD SPECIFIED IN PARAGRAPH (B) OF THIS SUBDIVISION, THE APPLICATION SHALL BE DEEMED APPROVED.

4. (A) THE TRUSTEES OF THE STATE UNIVERSITY SHALL SUBMIT, IN WRITING, AN APPLICATION TO THE BOARD TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS, AS AUTHORIZED BY PARAGRAPH Z OF SUBDIVISION TWO OF SECTION THREE HUNDRED FIFTY-FIVE OF THIS ARTICLE. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, THE NAME OF THE ENTITY WITH WHICH THE STATE UNIVERSITY SEEKS TO PARTICIPATE, THE TYPE OF LEGAL ENTITY TO BE CREATED, AND THE TRANSACTION THAT THE STATE UNIVERSITY AND THE OTHER PARTICIPANT SEEK TO UNDERTAKE. THE TRUSTEES SHALL ALSO FURNISH ANY OTHER INFORMATION THAT THE BOARD DEEMS NECESSARY WITH FIFTEEN DAYS OF THE REQUEST.

(B) UPON RECEIPT OF AN APPLICATION FROM THE TRUSTEES, THE BOARD SHALL HAVE NO MORE THAN FORTY-FIVE DAYS TO APPROVE OR DENY THE APPLICATION.

(C) IF THE BOARD FAILS TO ACT ON AN APPLICATION WITHIN THE ALLOTTED TIME PERIOD SPECIFIED IN PARAGRAPH (B) OF THIS SUBDIVISION, THE APPLICATION SHALL BE DEEMED APPROVED.

5. INSOFAR AS THE PROVISIONS OF THIS SECTION ARE INCONSISTENT WITH THE PROVISIONS OF ANY LAW, GENERAL, SPECIAL OR LOCAL, THE PROVISIONS OF THIS SECTION SHALL BE CONTROLLING.

S 3. Subdivision 2 of section 355 of the education law is amended by adding two new paragraphs y and z to read as follows:

Y. TO LEASE OR MAKE AVAILABLE TO ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO, A LOCAL DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, A PORTION OF THE GROUNDS OR REAL PROPERTY OCCUPIED BY A STATE OPERATED INSTITUTION OR STATUTORY OR CONTRACT COLLEGE FOR THE CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT OF ACADEMIC BUILDINGS, DORMITORIES OR OTHER FACILITIES THEREON AND FOR THE PURPOSE OF FACILITATING SUCH CONSTRUCTION, ACQUISITION, RECONSTRUCTION, REHABILITATION OR IMPROVEMENT, TO ENTER INTO LEASES AND AGREEMENTS FOR THE USE OF ANY SUCH ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY; PROVIDED, HOWEVER, THAT NOTHING HEREIN CONTAINED SHALL AFFECT THE PROVISIONS OF ANY LEASE OR AGREEMENT HERETOFORE EXECUTED BY THE STATE UNIVERSITY WITH THE DORMITORY AUTHORITY. THE STATE UNIVERSITY TRUSTEES MAY ALSO ENTER INTO AGREEMENTS WITH ANY OTHER PUBLIC OR PRIVATE FOR-PROFIT OR NON-PROFIT ENTITY, INCLUDING, BUT NOT LIMITED TO A LOCAL DEVELOPMENT CORPORATION ORGANIZED UNDER SECTION FOURTEEN HUNDRED ELEVEN OF THE NOT-FOR-PROFIT CORPORATION LAW OR AN INDUSTRIAL DEVELOPMENT AGENCY ORGANIZED UNDER ARTICLE EIGHTEEN-A OF THE GENERAL MUNICIPAL LAW, TO FURNISH HEAT FROM A CENTRAL HEATING PLANT TO ANY ACADEMIC BUILDING, DORMITORY OR OTHER FACILITY ERECTED BY THEM OR WITH MONEYS SUPPLIED BY THEM.

Z. IN CONNECTION WITH PUBLIC-PRIVATE PARTNERSHIPS IN SUPPORT OF THE CORPORATE PURPOSES OF THE STATE UNIVERSITY, TO PARTICIPATE IN JOINT AND COOPERATIVE ARRANGEMENTS WITH PUBLIC, NOT-FOR-PROFIT AND BUSINESS ENTITIES AS PARTNERS, JOINT VENTURERS, MEMBERS OF NOT-FOR-PROFIT CORPORATIONS, MEMBERS OF LIMITED LIABILITY COMPANIES AND SHAREHOLDERS OF BUSINESS CORPORATIONS. THE STATE UNIVERSITY'S PARTICIPATION SHALL BE SUBJECT TO GUIDELINES OF THE STATE UNIVERSITY WITH RESPECT TO CONFLICTS OF INTEREST AND TO ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW AND THE APPLICABLE PROVISIONS OF AGREEMENTS BETWEEN THE STATE AND EMPLOYEE ORGANIZATIONS PURSUANT TO SUCH ARTICLE FOURTEEN. NOTWITHSTANDING ANY INCONSISTENT PROVISION IN SECTION EIGHT OF THE COURT OF CLAIMS ACT, THE STATE UNIVERSITY MAY INCLUDE IN A CONTRACT RELATING TO SUCH PARTICIPATION, OTHER THAN A CONTRACT WITH STATE EMPLOYEES RELATING TO TERMS AND CONDITIONS OF THEIR EMPLOYMENT, A PROVISION THAT SOME OR ALL DISPUTES ARISING UNDER OR RELATED TO SUCH CONTRACT SHALL BE RESOLVED BY BINDING ARBITRATION IN ACCORDANCE WITH THE RULES OF A NATIONALLY-RECOGNIZED ARBITRATION ASSOCIATION. NOTHING CONTAINED IN THE PUBLIC OFFICERS LAW OR IN ANY OTHER LAW, RULE OR REGULATION SHALL BE CONSTRUED OR APPLIED TO PROHIBIT STATE UNIVERSITY OFFICERS AND EMPLOYES FROM ENGAGING IN ACTIVITIES FOR WHICH NO COMPENSATION IS PAID AS DESIGNEES OF THE STATE UNIVERSITY IN CONNECTION WITH SUCH JOINT AND COOPERATIVE ARRANGEMENTS, INCLUDING SERVING AS DESIGNEES OF THE STATE UNIVERSITY AS DIRECTORS ON BOARDS OR OTHER GOVERNING BODIES OF CORPORATIONS OR OTHER ENTITIES.

S 4. Subdivisions 8, 12, and 15 of section 373 of the education law, as added by chapter 251 of the laws of 1962, are amended and a new subdivision 20 is added to read as follows:

8. To design, construct, acquire, reconstruct, rehabilitate and improve academic buildings, dormitories and other facilities for the state university [in accordance with sections three hundred seventy-five and three hundred seventy-six of this chapter] USING ANY PROJECT DELIVERY METHOD, INCLUDING BUT NOT LIMITED TO, DESIGN, BID, BUILD, DESIGN/BUILD, OR CONSTRUCTION MANAGER AT RISK, THAT WILL ASSIST THE FUND

IN FULFILLING ITS PURPOSES UNDER SECTION THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE, PROVIDED THAT ALL CONTRACTS FOR SUCH CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENTS SHALL REQUIRE COMPLIANCE WITH THE PROVISIONS OF SECTION TWO HUNDRED TWENTY OF THE LABOR LAW AND SHALL BE SUBJECT TO ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW;

12. To [make] PROCURE and execute contracts, lease agreements, and all other instruments necessary or convenient for the exercise of its corporate powers and the fulfillment of its corporate purposes under this article. NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, ALL SUCH FUND PROCUREMENTS SHALL BE SUBJECT ONLY TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW EXCEPT SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW;

15. To engage the services of construction, engineering, architectural, legal and financial consultants, surveyors and appraisers, on a contract basis or as employees, for professional service and technical assistance and advice AND NOTWITHSTANDING SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, TO DETERMINE ITS STAFFING, SUPPORT SERVICES AND EQUIPMENT NEEDS WHICH IN THE JUDGMENT OF THE FUND ARE NECESSARY TO FULFILL ITS PURPOSES AS SET FORTH IN SECTION THREE HUNDRED SEVENTY-TWO OF THIS ARTICLE; and

20. NOTWITHSTANDING ANY LAW TO THE CONTRARY, ALL RIGHTS AND BENEFITS, INCLUDING TERMS AND CONDITIONS OF EMPLOYMENT, AND PROTECTION OF CIVIL SERVICE AND COLLECTIVE BARGAINING STATUS OF ALL EMPLOYEES OF THE FUND AFFECTED BY THE PROVISIONS OF THE NEW YORK STATE PUBLIC HIGHER EDUCATION EMPOWERMENT AND INNOVATION ACT, SHALL BE PRESERVED AND PROTECTED. INCUMBENTS OF ANY NEWLY CREATED POSITIONS WITHIN THE STATE UNIVERSITY CONSTRUCTION FUND SHALL BE CONSIDERED PUBLIC EMPLOYEES FOR ALL PURPOSES OF ARTICLE FOURTEEN OF THE CIVIL SERVICE LAW.

S 5. Subdivisions 2 and 8 of section 376 of the education law, as added by chapter 251 of the laws of 1962, the opening paragraph and paragraph a of subdivision 8 as amended by chapter 877 of the laws of 1990 and paragraph f of subdivision 8 as added by chapter 769 of the laws of 1978, are amended to read as follows:

2. The fund may construct, acquire, reconstruct, rehabilitate and improve such facilities, other than dormitories, by its own employees, by agreement with a state retirement system or any state agency authorized to perform such work, or by contract awarded pursuant to subdivision eight of this section. IF THE FUND AND THE STATE UNIVERSITY ENTER INTO AN AGREEMENT WHEREBY THE STATE UNIVERSITY IS AUTHORIZED BY THE FUND TO CONSTRUCT, ACQUIRE, RECONSTRUCT, REHABILITATE AND IMPROVE SUCH FACILITIES, SUCH AGREEMENT MAY ALLOW THE STATE UNIVERSITY TO USE THE SAME PROJECT DELIVERY METHODS CONTAINED IN SUBDIVISION EIGHT OF SECTION THREE HUNDRED SEVENTY-THREE OF THIS CHAPTER.

8. All contracts which are to be awarded pursuant to this subdivision shall be awarded by public letting in accordance with the following provisions, notwithstanding any contrary provision of section ONE HUNDRED TWELVE, one hundred thirty-five, one hundred thirty-six, one hundred thirty-nine or one hundred forty of the state finance law OR ANY OTHER LAW, provided, however, that where the estimated expense of any contract which may be awarded pursuant to this subdivision is less than TWO HUNDRED fifty thousand dollars, a performance bond and a bond for the payment of labor and material may, in the discretion of the fund, not be required, and except that in the discretion of the fund, a contract may be entered into for such purposes without public letting

where the estimated expense thereof is less than twenty thousand dollars, or where in the judgment of the fund an emergency condition exists as a result of damage to an existing academic building, dormitory or other facility which has been caused by an act of God, fire or other casualty, or any other unanticipated, sudden and unexpected occurrence, that has resulted in damage to or a malfunction in an existing academic building, dormitory or other facility and involves a pressing necessity for immediate repair, reconstruction or maintenance in order to permit the safe continuation of the use or function of such facility, or to protect the facility or the life, health or safety of any person, and the nature of the work is such that in the judgment of the fund it would be impractical and against the public interest to have public letting; provided, however, that the fund, prior to awarding a contract hereunder because of an emergency condition notify the comptroller of its intent to award such a contract:

a. [If contracts are to be publicly let, the] THE letting agency shall advertise the invitation to bid OR THE REQUEST FOR PROPOSALS in [a newspaper published in the city of Albany and in] such [other newspapers] NEWSPAPER as will be most likely in its opinion to give adequate notice to contractors of the work required [and of the invitation to bid] provided, however, that where the estimated expense of any contract which may be awarded pursuant to this subdivision is less than TWO HUNDRED fifty thousand dollars, the letting agency may advertise the invitation to bid solely through the procurement opportunities newsletter published pursuant to section one hundred forty-two of the economic development law. The invitation to bid OR REQUEST FOR PROPOSALS shall contain such information as the letting agency shall deem appropriate [and a statement of the time and place where all bids received pursuant to such notice will be publicly opened and read].

b. The letting agency shall not award any contract after public bidding except to the lowest bidder who in its opinion is qualified to perform the work required and is responsible and reliable. The letting agency may, however, reject any or all bids, again advertise for bids, or waive any informality in a bid if it believes that the public interest will be promoted thereby.

c. The invitation to bid, REQUEST FOR PROPOSALS and the contract awarded shall contain such other terms and conditions, and such provisions for penalties, as the letting agency may deem desirable.

d. [The form of any] ANY contract awarded pursuant to this subdivision shall [be approved by the attorney general and by the comptroller and shall] contain a clause that the contract shall be deemed executory to the extent of the moneys available and that no liability shall be incurred by the fund beyond the moneys available therefor.

e. The letting agency shall require such deposits, bonds and security in connection with the submission of bids OR REQUEST FOR PROPOSALS, the award of contracts and the performance of work as it shall determine to be in the public interest and for the protection of the state, the state university, the fund and the letting agency.

f. Notwithstanding the provisions of any other law to the contrary, all contracts for public work awarded by the state university construction fund pursuant to this subdivision shall be in accordance with section one hundred thirty-nine-f of the state finance law.

S 6. Subdivision 4 of section 377 of the education law, as added by chapter 624 of the laws of 1999, is amended to read as follows:

4. Monies received by the fund, FOR ALL OF ITS OPERATING AND ADMINISTRATIVE COSTS OR in connection with approved university-related economic

development facilities, [other than state appropriations to the fund,] may be deposited in a general account and other such accounts as the fund may deem necessary, for the transaction of its business [or in relation to construction or property management activities undertaken in connection with such projects] and shall be paid out on checks signed by the chairman of the fund or such other person or persons as the trustees of the fund may authorize.

S 7. Paragraph (b) of subdivision 2 of section 1676 of the public authorities law is amended by adding three new undesignated paragraphs to read as follows:

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE STATE UNIVERSITY OF NEW YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT.

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR OTHER FACILITY, BUILDING OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT.

A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

S 8. Subdivision 1 of section 1680 of the public authorities law is amended by adding three new undesignated paragraphs to read as follows:

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF THE STATE UNIVERSITY OF NEW YORK TO SUPPORT THE STATE UNIVERSITY AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN THE RESEARCH FOUNDATION OF STATE UNIVERSITY OF NEW YORK AND ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE STATE UNIVERSITY, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECON-

STRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE STATE UNIVERSITY OF NEW YORK, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE STATE UNIVERSITY OF NEW YORK; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE STATE UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY CONSTRUCTION FUND ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE OF STATE-OWNED PROPERTY UNDER THE JURISDICTION OF THE STATE UNIVERSITY TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, THAT ANY PROJECT UNDERTAKEN BY THE AUTHORITY PURSUANT TO THIS PARAGRAPH SHALL CONSTITUTE A PUBLIC WORK FOR PURPOSES OF THE LABOR LAW, SHALL BE SUBJECT TO THE REQUIREMENTS OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW, AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR THE STATE UNIVERSITY CONSTRUCTION FUND SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

ANY ENTITY WHICH IS ORGANIZED BY OFFICERS, EMPLOYEES, ALUMNI OR STUDENTS OF A LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING A LOCALLY SPONSORED COMMUNITY COLLEGE ESTABLISHED AND OPERATED BY A COMMUNITY COLLEGE REGION AS SET FORTH IN SECTION SIXTY-THREE HUNDRED ONE OF THE EDUCATION LAW, TO SUPPORT THE LOCALLY SPONSORED COMMUNITY COLLEGE AND WHICH IS QUALIFIED AS AN ORGANIZATION UNDER THE UNITED STATES INTERNAL REVENUE CODE AS EXEMPT FROM INCOME TAX, OTHER THAN ANY ENTITY WHICH IS ORGANIZED EXCLUSIVELY BY STUDENTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY HOUSING UNIT FOR THE USE OF STUDENTS, FACULTY, STAFF AND THEIR FAMILIES OR ANY ACADEMIC BUILDING, ADMINISTRATION BUILDING, LIBRARY, LABORATORY, CLASSROOM, HEALTH FACILITY OR ANY OTHER BUILDING, FACILITY OR STRUCTURE ESSENTIAL, NECESSARY OR USEFUL IN FURTHERING THE ACADEMIC, CULTURAL, HEALTH OR RESEARCH PROGRAMS FOR THE LOCALLY SPONSORED COMMUNITY COLLEGE, INCLUDING ALL NECESSARY AND USUAL ATTENDANT AND RELATED FACILITIES AND EQUIPMENT; PROVIDED HOWEVER THAT ANY PROJECT PROPOSED TO BE UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL FIRST BE APPROVED BY THE BOARD OF TRUSTEES OF THE LOCALLY SPONSORED COMMUNITY COLLEGE; PROVIDED FURTHER AND NOTWITHSTANDING ANY PROVISION OF LAW TO

THE CONTRARY, THAT ANY SUCH NOT-FOR-PROFIT ENTITY, THE LOCALLY SPONSORED COMMUNITY COLLEGE AND THE LOCAL SPONSOR ARE HEREBY AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF ANY PROJECT AS PROVIDED IN THIS PARAGRAPH, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE CONVEYANCE OF PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES OF THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE NOT-FOR-PROFIT ENTITY; OR (II) GRANT THE AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE NOT-FOR-PROFIT ENTITY TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE ENTITY TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY PROJECT UNDERTAKEN PURSUANT TO THIS PARAGRAPH; PROVIDED FURTHER, THAT ANY PROJECT UNDERTAKEN BY THE AUTHORITY PURSUANT TO THIS PARAGRAPH SHALL CONSTITUTE A PUBLIC WORK FOR PURPOSES OF THE LABOR LAW, SHALL BE SUBJECT TO THE REQUIREMENTS OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW AND SHALL BE SUBJECT TO A COMPETITIVE PROCESS. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE LOCAL SPONSOR NOR THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS PARAGRAPH.

A LOCALLY SPONSORED COMMUNITY COLLEGE, FOR THE ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION AND IMPROVEMENT OF A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT, FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT SUCH LOCALLY SPONSORED COMMUNITY COLLEGE.

S 9. Section 6304 of the education law is amended by adding a new subdivision 14 to read as follows:

14. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED, CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A COMMUNITY COLLEGE.

B. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, A COMMUNITY COLLEGE IS AUTHORIZED TO TAKE SUCH ACTIONS AND TO ENTER INTO SUCH AGREEMENTS WITH THE DORMITORY AUTHORITY AS ARE NECESSARY TO: (I) UNDERTAKE THE FINANCING, REFINANCING, ACQUISITION, DESIGN, CONSTRUCTION, RECONSTRUCTION, REHABILITATION, IMPROVEMENT, FURNISHING AND EQUIPPING OF A COMMUNITY COLLEGE DORMITORY, INCLUDING, BUT NOT LIMITED TO, PROVIDING FOR THE LEASING OR OTHERWISE MAKING AVAILABLE TO THE DORMITORY AUTHORITY REAL PROPERTY HELD BY THE LOCAL SPONSOR IN TRUST FOR THE USES AND PURPOSES OF THE COMMUNITY COLLEGE; OR (II) GRANT THE DORMITORY AUTHORITY A LIEN ON ANY REVENUES OR PROPERTY OR ANY MONEYS TO BE RECEIVED BY THE COMMUNITY COLLEGE DERIVED FROM THE OPERATIONS OF THE PROJECT BEING FINANCED TO THE EXTENT THAT SUCH REVENUES, PROPERTY OR MONEYS ARE PLEDGED BY THE COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY TO SECURE THE PAYMENT OF ALL AMOUNTS OWED TO THE AUTHORITY ON ACCOUNT OF ANY COMMUNITY COLLEGE DORMITORY UNDERTAKEN PURSUANT TO THIS SUBDIVISION;

PROVIDED, FURTHER, THAT ANY SUCH AGREEMENTS MAY PROVIDE THAT THE OBLIGATION OF THE COMMUNITY COLLEGE TO MAKE RENTAL OR OTHER PAYMENTS TO THE DORMITORY AUTHORITY SHALL CONSTITUTE A GENERAL OBLIGATION OF THE COMMUNITY COLLEGE PAYABLE FROM ALL MONIES LEGALLY AVAILABLE TO THE COMMUNITY COLLEGE (INCLUDING AMOUNTS PROVIDED FOR OPERATING AID BY THE LOCAL SPONSOR OR SPONSORS TO THE COMMUNITY COLLEGE PURSUANT TO SUBDIVISION ONE OF THIS SECTION OR AMOUNTS PROVIDED FOR OPERATING AID BY THE STATE TO THE COMMUNITY COLLEGE); AND PROVIDED FURTHER, THAT ANY COMMUNITY COLLEGE DORMITORY UNDERTAKEN BY THE DORMITORY AUTHORITY PURSUANT TO THIS SUBDIVISION SHALL CONSTITUTE A PUBLIC WORK FOR PURPOSES OF THE LABOR LAW AND SHALL BE SUBJECT TO THE REQUIREMENTS OF ARTICLE FIFTEEN-A OF THE EXECUTIVE LAW. ALL STATE AND LOCAL OFFICERS ARE HEREBY AUTHORIZED AND REQUIRED TO PAY ALL SUCH FUNDS SO ASSIGNED AND PLEDGED TO THE DORMITORY AUTHORITY OR, UPON THE DIRECTION OF THE DORMITORY AUTHORITY, TO ANY TRUSTEE OF ANY DORMITORY AUTHORITY BOND OR NOTE ISSUE. NEITHER THE STATE OF NEW YORK, THE STATE UNIVERSITY OF NEW YORK NOR A LOCAL SPONSOR SHALL TAKE ANY ACTION IN SUCH MANNER AS TO IMPAIR OR DIMINISH THE RIGHTS AND REMEDIES OF THE DORMITORY AUTHORITY PURSUANT TO ANY SUCH PLEDGE AND ASSIGNMENT AND ANY LIEN OR OTHER SECURITY INTEREST CREATED PURSUANT TO THIS SUBDIVISION.

C. A LOCAL SPONSOR IS AUTHORIZED TO LEASE OR OTHERWISE MAKE AVAILABLE TO THE DORMITORY AUTHORITY FOR THE PURPOSES SET FORTH IN THIS SUBDIVISION REAL PROPERTY HELD IN TRUST BY THE LOCAL SPONSOR FOR THE USES AND PURPOSES OF THE COMMUNITY COLLEGE.

D. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NEITHER A LOCAL SPONSOR NOR THE STATE OF NEW YORK SHALL BE REQUIRED TO PROVIDE A SHARE OF THE CAPITAL COSTS OF A COMMUNITY COLLEGE DORMITORY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO ANY PROJECT FOR WHICH THE STATE APPROPRIATES FUNDS PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION.

S 10. Section 1680 of the public authorities law is amended by adding a new subdivision 41 to read as follows:

41. A. FOR THE PURPOSES OF THIS SUBDIVISION, A "COMMUNITY COLLEGE DORMITORY" SHALL MEAN A HOUSING UNIT, INCLUDING ALL NECESSARY AND ATTENDANT AND RELATED FACILITIES AND EQUIPMENT ACQUIRED, DESIGNED, CONSTRUCTED, RECONSTRUCTED, REHABILITATED AND IMPROVED, OR OTHERWISE PROVIDED THROUGH THE DORMITORY AUTHORITY IN ACCORDANCE WITH THE PROVISIONS OF THE DORMITORY AUTHORITY ACT FOR THE USE OF STUDENTS, MARRIED STUDENTS, FACULTY, STAFF AND THE FAMILIES THEREOF AT A LOCALLY SPONSORED COMMUNITY COLLEGE.

B. THE DORMITORY AUTHORITY IS HEREBY EMPOWERED AND AUTHORIZED TO ENTER INTO A LEASE OR OTHER AGREEMENT WITH A LOCALLY SPONSORED COMMUNITY COLLEGE TO FINANCE, REFINANCE, ACQUIRE, DESIGN, CONSTRUCT, RECONSTRUCT, REHABILITATE, IMPROVE, FURNISH AND EQUIP ONE OR MORE COMMUNITY COLLEGE DORMITORIES. SUCH LEASE OR OTHER AGREEMENT MAY PROVIDE FOR THE PAYMENT OF ANNUAL RENTALS AND OTHER PAYMENTS BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY AND CONTAIN SUCH OTHER TERMS AND CONDITIONS AS MAY BE AGREED UPON BY THE PARTIES THERETO, INCLUDING BUT NOT LIMITED TO PROVISIONS RELATING TO THE MAINTENANCE AND OPERATION OF THE COMMUNITY COLLEGE DORMITORIES, THE ESTABLISHMENT OF RESERVE FUNDS, INDEMNITIES AND THE DISPOSITION OF A COMMUNITY COLLEGE DORMITORY OR THE INTEREST OF THE AUTHORITY THEREIN PRIOR TO OR UPON THE TERMINATION OR EXPIRATION OF SUCH LEASE OR OTHER AGREEMENT.

C. IN THE EVENT OF A FAILURE OF A LOCALLY SPONSORED COMMUNITY COLLEGE TO PAY THE DORMITORY AUTHORITY WHEN DUE ALL OR PART OF AMOUNTS PAYABLE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE TO THE DORMITORY AUTHORITY

PURSUANT TO A LEASE OR AGREEMENT AUTHORIZED BY THIS SUBDIVISION, THE DORMITORY AUTHORITY SHALL FORTHWITH MAKE AND DELIVER TO THE STATE COMPTROLLER A CERTIFICATE STATING THE AMOUNT OF THE PAYMENT REQUIRED TO HAVE BEEN MADE BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, THE AMOUNT PAID BY THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE AMOUNT REMAINING UNPAID BY THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE STATE COMPTROLLER, AFTER GIVING WRITTEN NOTICE TO THE DIRECTOR OF THE BUDGET, SHALL PAY TO THE DORMITORY AUTHORITY THE AMOUNT SET FORTH IN SUCH CERTIFICATE AS REMAINING UNPAID, WHICH AMOUNT SHALL BE PAID FROM ANY MONIES APPROPRIATED BY THE STATE FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE AND NOT YET PAID. THE AMOUNT REQUIRED TO BE PAID BY THE STATE COMPTROLLER PURSUANT TO THIS PARAGRAPH SHALL BE PAID TO THE DORMITORY AUTHORITY AS SOON AS PRACTICABLE AFTER RECEIPT OF THE CERTIFICATE OF THE DORMITORY AUTHORITY AND NOTICE TO THE DIRECTOR OF THE BUDGET IS GIVEN, WHETHER OR NOT THE MONEYS FROM WHICH SUCH PAYMENT IS TO BE MADE ARE THEN DUE AND PAYABLE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE. THE AMOUNT OF STATE APPROPRIATIONS PAYABLE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM WHICH THE STATE COMPTROLLER HAS MADE A PAYMENT PURSUANT TO THIS PARAGRAPH SHALL BE REDUCED BY THE AMOUNT SO PAID TO THE DORMITORY AUTHORITY, NOTWITHSTANDING THE AMOUNT APPROPRIATED AND APPORTIONED BY THE STATE TO THE LOCALLY SPONSORED COMMUNITY COLLEGE, AND THE STATE SHALL NOT BE OBLIGATED TO MAKE AND THE LOCALLY SPONSORED COMMUNITY COLLEGE SHALL NOT BE ENTITLED TO RECEIVE ANY ADDITIONAL APPORTIONMENT OR PAYMENT OF STATE MONEYS. NOTHING CONTAINED IN THIS SUBDIVISION SHALL BE CONSTRUED TO CREATE AN OBLIGATION UPON THE STATE TO APPROPRIATE MONEYS FOR OR ON ACCOUNT OF THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE, TO PRECLUDE THE STATE FROM REDUCING THE AMOUNT OF MONEYS APPROPRIATED OR LEVEL OF SUPPORT PROVIDED FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE FROM THE AMOUNT APPROPRIATED OR LEVEL OF SUPPORT PROVIDED IN ANY PRIOR FISCAL YEAR, OR TO PRECLUDE THE STATE FROM ALTERING OR MODIFYING THE MANNER IN WHICH IT PROVIDES FOR THE OPERATING COSTS OF THE LOCALLY SPONSORED COMMUNITY COLLEGE.

D. THE PROVISIONS OF THIS SUBDIVISION SHALL BE IN ADDITION TO ANY AUTHORIZATION CONTAINED IN THIS TITLE GOVERNING THE PROVISION OF FACILITIES BY THE DORMITORY AUTHORITY FOR THE LOCAL SPONSOR OF A LOCALLY SPONSORED COMMUNITY COLLEGE, AND ALL PROVISIONS OF THIS TITLE NOT INCONSISTENT WITH THE PROVISIONS OF THIS SUBDIVISION SHALL BE APPLICABLE WITH RESPECT TO ANY BONDS OF THE AUTHORITY ISSUED TO OBTAIN FUNDS FOR ANY PURPOSE AUTHORIZED UNDER THIS SUBDIVISION FOR THE BENEFIT OF A LOCALLY SPONSORED COMMUNITY COLLEGE AND WITH RESPECT TO THE POWERS OF THE DORMITORY AUTHORITY.

S 11. Subdivision 12 of section 3 of the public buildings law, as amended by section 48 of part T of chapter 57 of the laws of 2007, is amended to read as follows:

12. Lease from time to time buildings, rooms or premises in the county of Albany, and elsewhere as required, for providing space for departments, commissions, boards and officers of the state government, upon such terms and conditions as he or she deems most advantageous to the state. Any such lease shall, however, be for a term not exceeding ten years, but may provide for optional renewals on the part of the state, for terms of ten years or less. Each such lease shall contain a clause stating that the contract of the state thereunder shall be deemed executory only to the extent of moneys available therefor and that no liability shall be incurred by the state beyond the money available for such purpose. Notwithstanding the provisions of any other law, except section

sixteen hundred seventy-six of the public authorities law relating to use of dormitory authority facilities by the aged, the commissioner of general services shall have sole and exclusive authority to lease space for state departments, agencies, commissions, boards and officers, OTHER THAN THE STATE UNIVERSITY OF NEW YORK, within the county of Albany. Any buildings, rooms or premises, now or hereafter held by the commissioner of general services under lease, may be sublet, in part or in whole, provided that in the judgment of the commissioner, and the occupying department, commission, board, and officers of the state government, such buildings, rooms or premises are not for a time needed.

S 12. This act shall take effect immediately, provided that the amendments to subdivision 12 of section 3 of the public buildings law made by section eleven of this act shall take effect on the same date as the reversion of such subdivision as provided in subdivision 4 of section 27 of chapter 95 of the laws of 2000, as amended.

SUBPART C

Section 1. Subdivisions 5 and 6 of section 355 of the education law, subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a of subdivision 5 as amended by chapter 682 of the laws of 2007, paragraph c of subdivision 5 as added by chapter 103 of the laws of 1989, paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997 and subdivision 6 as amended by chapter 554 of the laws of 1985, are amended to read as follows:

5. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND THREE of section one hundred twelve and sections one hundred fifteen, one hundred sixty-one, AND one hundred sixty-three [and one hundred seventy-four] of the state finance law and sections three and six of the New York state printing and public documents law or any other law to the contrary, the state university trustees are authorized and empowered to:

a. (i) purchase materials, equipment and supplies, including computer equipment and motor vehicles[, where the amount for a single purchase does not exceed twenty thousand dollars], (ii) execute contracts for services, PERMITS, LICENSES, LEASES, CONTRACTS FOR THE PURCHASE OR SALE OF REAL PROPERTY and construction contracts [to an amount not exceeding twenty thousand dollars], and (iii) contract for printing [to an amount not exceeding five thousand dollars], without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with [the] GUIDELINES, rules [and] OR regulations promulgated by the state university board of trustees after consultation with the state comptroller. [In addition, the trustees, after consultation with the commissioner of general services, are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and] GUIDELINES, RULES OR regulations promulgated by the state university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest available price, including consideration of prices available through other state agencies, consistent with quality requirements, and as will best promote the public interest. Such purchases may be made directly from any contractor pursuant to any contract for commodities let by the office of general services or any other state agency;

b. to establish cash advance accounts for the purpose of purchasing materials, supplies, or services, for cash advances for travel expenses and per diem allowances, or for advance payment of wages and salary. The account may be used to purchase such materials, supplies, or services where the amount of a single purchase does not exceed two hundred fifty dollars, in accordance with such guidelines as shall be prescribed by the state university trustees after consultation with the state comptroller.

c. establish guidelines in consultation with the commissioner of general services authorizing participation by the state university in programs administered by the office of general services for the purchase of available New York state food products. The commissioner of general services shall provide assistance to the state university necessary to enable the university to participate in these programs.

[d. (1) Award contract extensions for campus transportation without competitive bidding where such contracts were secured either through competitive bidding or through evaluation of proposals in response to a request for proposals pursuant to subparagraph (2) of this paragraph, however such extensions may be rejected if the amount to be paid to the contractor in any year of such proposed extension fails to reflect any decrease in the regional consumer price index for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U) during the preceding twelve-month period. At the time of any contract extension, consideration shall be given to any competitive proposal offered by a public transportation agency. Such contract may be increased for each year of the contract extension by an amount not to exceed the regional consumer price index increase for the New York, New York-Northeastern, New Jersey area, based upon the index for all urban consumers (CPI-U), during the preceding twelve-month period, provided it has been satisfactorily established by the contractor that there has been at least an equivalent increase in the amount of his cost of operation, during the period of the contract.]

6. To enter into any contract or agreement deemed necessary or advisable after consultation with appropriate state agencies for carrying out the objects and purposes of state university without prior review or approval by any state officer or agency [other than the state comptroller and the attorney general] including contracts with non-profit corporations organized by officers, employees, alumni or students of state university for the furtherance of its objects and purposes. Contracts or agreements entered into with the federal government to enable participation in federal student loan programs, including any and all instruments required thereunder, shall not be subject to the requirements of section forty-one of the state finance law; provided, however, that the state shall not be liable for any portion of any defaults which it has agreed to assume pursuant to any such agreement in an amount in excess of money appropriated or otherwise lawfully available therefor at the time the liability for payment arises.

S 2. Section 6218 of the education law, as amended by chapter 697 of the laws of 1993, is amended to read as follows:

S 6218. Contracts and purchases. a. Notwithstanding the provisions of [paragraph] SUBDIVISIONS two AND THREE of section one hundred twelve and [sections] SECTION one hundred fifteen, SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY, SECTION one hundred sixty-one[,] AND SECTION one hundred sixty-three [and one hundred seventy-four] of the state finance law and sections three and six of the New York state printing and public docu-

ments law or any other law to the contrary, the city university [trustees are] IS authorized and empowered to[:

(i) purchase materials, equipment and supplies, including computer equipment and motor vehicles, where the amount for a single purchase does not exceed twenty thousand dollars, (ii) execute contracts for services to an amount not exceeding twenty thousand dollars, and (iii) contract for printing to an amount not exceeding five thousand dollars,] EXECUTE VALID, ENFORCEABLE AND EFFECTIVE CONTRACTS FOR COMMODITIES, INCLUDING TECHNOLOGY AND MOTOR VEHICLES AND FOR SERVICES, INCLUDING PRINTING, TECHNOLOGY AND CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES, without prior approval by any other state officer or agency, but subject to rules and regulations of the state comptroller not otherwise inconsistent with the provisions of this section and in accordance with the rules and regulations promulgated by the city university board of trustees after consultation with the state comptroller. [In addition, the trustees are authorized to annually negotiate with the state comptroller increases in the aforementioned dollar limits and the exemption of any articles, categories of articles or commodities from these limits. Rules and regulations promulgated by the city university board of trustees shall, to the extent practicable, require that competitive proposals be solicited for purchases, and shall include requirements that purchases and contracts authorized under this section be at the lowest possible price.

b. Except as hereinafter provided, no contract for work or labor or the purchase of supplies, material, or equipment or for the construction or the alteration of any building or facility involving an expenditure or liability of more than twenty thousand dollars shall be entered into by the board of trustees, unless said board of trustees shall have duly advertised for bids for the same for a period of not less than five days under regulations to be approved by the board of trustees and the contract in each case shall be awarded to the lowest responsible bidder furnishing the security as required by the board of trustees. If two or more bids are tied, and are the lowest bids submitted by responsible bidders furnishing the security as required by the board, the board of trustees may award the contract to any of said tied bidders.

c. If the several parts of the work or labor to be done and/or the supplies, materials or equipment to be furnished shall together involve an expenditure of not more than twenty thousand dollars, the same may be procured on an order awarded to the lowest responsible bidder upon bids submitted without public advertisement under such regulations as shall be made by the board of trustees. Purchases of five thousand dollars or less may be made without competition.

d. The board of trustees, if it shall deem it in the public interest, may reject all bids.

e. Upon the adoption of a resolution by a vote of at least two-thirds of the members of the board of trustees by vote at a meeting, stating that, for reasons of efficiency or economy, there is need for standardization, purchase contracts for a particular type or kind of equipment, materials, or supplies of more than twenty thousand dollars may be awarded to the lowest responsible bidder furnishing the required security after advertisement for bids in the manner provided in this section. Such resolution shall contain a full explanation of the reasons for its adoption. Purchase contracts for a particular type or kind of equipment, materials or supplies of not more than twenty thousand dollars may be awarded to the lowest responsible bidder upon bids submitted without

public advertisement under such regulations as shall be made by the board of trustees.

f. Surplus or second-hand supplies, materials or equipment may be purchased without competitive bidding from the federal government, the state of New York or from any political subdivision of the state.

g. The board of trustees is authorized to establish cash advance accounts for the purpose of purchasing materials, supplies, or services, for cash advances for travel expenses and per diem allowances, or for advance payment of wages and salary. The account may be used to purchase such materials, supplies, or services where the amount of a single purchase does not exceed two hundred fifty dollars in accordance with such guidelines as shall be prescribed by the city university trustees after consultation with the state comptroller.

h. Notwithstanding any of the provisions of this section, the board of trustees may make purchases, when available, through the state of New York, the city of New York, the federal government or the board of education of the city of New York, provided that the board of trustees shall accept sole responsibility for any payment due the vendor.]

B. THE CITY UNIVERSITY IS FURTHER AUTHORIZED AND EMPOWERED TO ESTABLISH GUIDELINES WHICH SHALL: (I) INCLUDE REQUIREMENTS THAT PURCHASES AND CONTRACTS AUTHORIZED UNDER THIS SECTION BE AWARDED TO A RESPONSIVE AND RESPONSIBLE OFFEROR; (II) REQUIRE MAXIMUM PRACTICAL COMPETITION; (III) PERMIT AWARD OF THE CONTRACT TO ANY OF THE TIED OFFERORS IF TWO OR MORE BIDS ARE TIED; AND (IV) PERMIT THE REJECTION OF ALL OFFERS IN THE PUBLIC INTEREST.

C. THE CITY UNIVERSITY IS FURTHER AUTHORIZED AND EMPOWERED TO MAKE PURCHASES, WHEN AVAILABLE, THROUGH THE USE OF A CONTRACT LET BY ANY DEPARTMENT, AGENCY OR INSTRUMENTALITY OF THE UNITED STATES GOVERNMENT AND/OR ANY DEPARTMENT, AGENCY, OFFICE, POLITICAL SUBDIVISION, INSTRUMENTALITY OR MUNICIPALITY OF ANY STATE OR STATES.

D. THE CITY UNIVERSITY IS FURTHER AUTHORIZED AND EMPOWERED TO MAKE PURCHASES, WHEN AVAILABLE, OF SURPLUS OR SECOND HAND COMMODITIES, INCLUDING TECHNOLOGY AND MOTOR VEHICLES, WITHOUT COMPETITIVE BIDDING, FROM ANY DEPARTMENT, AGENCY OR INSTRUMENTALITY OF THE UNITED STATES GOVERNMENT AND/OR ANY DEPARTMENT, AGENCY, OFFICE, POLITICAL SUBDIVISION, INSTRUMENTALITY OR MUNICIPALITY OF ANY STATE OR STATES.

E. THE CITY UNIVERSITY IS FURTHER AUTHORIZED AND EMPOWERED TO ESTABLISH CASH ADVANCE ACCOUNTS FOR THE PURPOSE OF PURCHASING COMMODITIES, RENOVATIONS OR SERVICES, FOR CASH ADVANCES FOR TRAVEL EXPENSES AND PER DIEM ALLOWANCES, OR FOR ADVANCE PAYMENT OF WAGES AND SALARY. SUCH ACCOUNTS MAY BE USED TO PURCHASE SUCH COMMODITIES, RENOVATIONS OR SERVICES WHERE THE AMOUNT OF A SINGLE PURCHASE DOES NOT EXCEED ONE THOUSAND DOLLARS, IN ACCORDANCE WITH THE GUIDELINES ESTABLISHED BY THE CITY UNIVERSITY AFTER CONSULTATION WITH THE STATE COMPTROLLER.

S 3. The education law is amended by adding a new section 6283 to read as follows:

S 6283. PROCUREMENTS OF THE FUND. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE CONTRACTS OF THE FUND MAY BE EXECUTED AND SHALL BE VALID, ENFORCEABLE AND EFFECTIVE WITHOUT PRIOR REVIEW OR APPROVAL BY, OR FILING WITH, THE STATE COMPTROLLER, PROVIDED, HOWEVER, THAT SUCH CONTRACTS SHALL BE SUBJECT TO PROCUREMENT GUIDELINES THAT ARE ANNUALLY ADOPTED BY THE FUND TRUSTEES, WHICH SHALL CONFORM TO THE PROVISIONS OF TITLE FOUR OF ARTICLE NINE OF THE PUBLIC AUTHORITIES LAW, EXCEPT SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE-A OF SUCH LAW.

S 4. Subdivisions 2 and 3 of section 112 of the state finance law, as amended by chapter 319 of the laws of 1992, paragraph (a) of subdivision

2 as amended by section 2 of part D of chapter 56 of the laws of 2006, are amended to read as follows:

2. (a) Before any contract made for or by any state agency, department, board, officer, commission, or institution, except the office of general services, THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK, shall be executed or become effective, whenever such contract exceeds fifty thousand dollars in amount and before any contract made for or by the office of general services shall be executed or become effective, whenever such contract exceeds eighty-five thousand dollars in amount, it shall first be approved by the comptroller and filed in his or her office, provided, however, that the comptroller shall make a final written determination with respect to approval of such contract within ninety days of the submission of such contract to his or her office unless the comptroller shall notify, in writing, the state agency, department, board, officer, commission, or institution, prior to the expiration of the ninety day period, and for good cause, of the need for an extension of not more than fifteen days, or a reasonable period of time agreed to by such state agency, department, board, officer, commission, or institution and provided, further, that such written determination or extension shall be made part of the procurement record pursuant to paragraph f of subdivision one of section one hundred sixty-three of this chapter.

(b) Whenever any liability of any nature shall be incurred by or for any state department, board, officer, commission, or institution OTHER THAN THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK, notice that such liability has been incurred shall be immediately given in writing to the state comptroller.

3. A contract or other instrument wherein the state or any of its officers, agencies, boards or commissions OTHER THAN THE CITY UNIVERSITY OF NEW YORK AND THE STATE UNIVERSITY OF NEW YORK agrees to give a consideration other than the payment of money, when the value or reasonably estimated value of such consideration exceeds ten thousand dollars, shall not become a valid enforceable contract unless such contract or other instrument shall first be approved by the comptroller and filed in his office.

S 5. Subparagraph (iv) of paragraph a of subdivision 3 of section 163 of the state finance law, as amended by chapter 430 of the laws of 1997, is amended to read as follows:

(iv) The commissioner is authorized to permit any officer, body or agency of the state or of a political subdivision or a district therein, or fire company or volunteer ambulance service as such are defined in section one hundred of the general municipal law, to make purchases of commodities through the office of general services' centralized contracts, pursuant to the provisions of section one hundred four of the general municipal law. The commissioner is authorized to permit any county extension service association as authorized under subdivision eight of section two hundred twenty-four of the county law, or any association or other entity as specified in and in accordance with section one hundred nine-a of the general municipal law, OR ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK, or any other association or entity as specified in state law, to make purchases of commodities through the office of general services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase; AND PROVIDED FURTHER, HOWEVER, THAT COMMODITIES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED

IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT CORPORATION, NOR SHALL SUCH COMMODITIES SO PURCHASED BY SUCH NON-PROFIT CORPORATION BE OFFERED FOR RESALE.

S 6. Paragraph e of subdivision 4 of section 163 of the state finance law, as amended by chapter 95 of the laws of 2000, is amended to read as follows:

e. Any officer, body or agency of a political subdivision as defined in section one hundred of the general municipal law or a district therein, may make purchases of services through the office of general services' centralized contracts for services, subject to the provisions of section one hundred four of the general municipal law. The commissioner may permit and prescribe the conditions for the purchase of services through the office of general services' centralized contracts for services by any public authority or public benefit corporation of the state including the port authority of New York and New Jersey, OR ANY NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK; PROVIDED, HOWEVER, THAT SERVICES SO PURCHASED BY A NON-PROFIT CORPORATION ORGANIZED IN FURTHERANCE OF THE OBJECTS AND PURPOSES OF THE STATE UNIVERSITY OF NEW YORK SHALL NOT BE USED DIRECTLY OR INDIRECTLY BY A FOR-PROFIT CORPORATION OR OTHER ENTITY WHICH CONTRACTS WITH THE NON-PROFIT ORGANIZATION. The commissioner is authorized to permit any public library, association library, library system, cooperative library system, the New York Library Association, and the New York State Association of Library Boards or any other library except those which are operated by for profit entities, to make purchases of services through the office of general services' centralized contracts; provided, however, that such entity so empowered shall accept sole responsibility for any payment due with respect to such purchase.

S 7. Paragraph i of subdivision 2 of section 355 of the education law, as amended by chapter 552 of the laws of 1985, is amended to read as follows:

i. To lease to alumni associations of institutions of the state university a portion of the grounds occupied by any institution of the state university, for the erection thereon of dormitories to be used by students in attendance at such institutions. The terms of any lease and the character of the building to be erected shall be determined by the state university trustees. [Such lease, prior to its execution, shall be submitted to the attorney general for his approval as to its form, contents and legal effect.] Nothing contained in this paragraph shall affect the provisions of any lease heretofore executed by a board of visitors of any state-operated institution pursuant to law. The state university trustees may similarly enter into an agreement with an alumni association of an institution of the state university to furnish heat from a central heating plant to any dormitory erected by such alumni association. Any such dormitory shall not be subject to taxation for any purpose.

S 8. Subdivision (b) of section 6281 of the education law, as amended by chapter 1081 of the laws of 1969, is amended to read as follows:

(b) Notwithstanding any other provision of this article or any other law, any contract let by the dormitory authority and/or the city university construction fund for the purposes of this article shall be in conformity with the provisions of section one hundred one of the general municipal law, AND MAY BE AWARDED USING ANY DELIVERY METHOD AUTHORIZED

BY THE PROCUREMENT GUIDELINES ADOPTED BY THE CITY UNIVERSITY CONSTRUCTION FUND OR THE DORMITORY AUTHORITY PURSUANT TO SECTION TWENTY-EIGHT HUNDRED SEVENTY-NINE OF THE PUBLIC AUTHORITIES LAW.

S 9. This act shall take effect immediately; provided, however, that the amendments to section 163 of the state finance law made by sections five and six of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

SUBPART D

Section 1. Subdivision 1 of section 17 of the public officers law is amended by adding a new paragraph (w) to read as follows:

(W) FOR THE PURPOSES OF THIS SECTION, THE TERM "EMPLOYEE" SHALL INCLUDE ANY STUDENT WHILE ENROLLED AND PARTICIPATING IN A CREDIT BEARING COURSE OFFERED BY THE CITY UNIVERSITY OF NEW YORK OR BY A STATE OPERATED INSTITUTION IN THE STATE UNIVERSITY OF NEW YORK FOR WHICH THERE IS A COURSE REQUIREMENT TO COMPLETE A SUPERVISED CLINICAL OR EXPERIENCED-BASED AFFILIATION AT AN AFFILIATE'S SITE, INCLUDING BUT NOT LIMITED TO INTERNSHIPS AND SERVICES PROVIDED TO OTHER ENTITIES BY STUDENT VOLUNTEERS AT UNIVERSITY-SPONSORED CLINICS.

S 2. Subdivisions 2, 3, 4, 5 and 6 of section 237 of the education law, subdivisions 2, 3 and 4 as amended by chapter 186 of the laws of 1977 and subdivisions 5 and 6 as amended by chapter 567 of the laws of 1971, are amended to read as follows:

2. The regents shall, on or before the twenty-fifth day of April [nineteen hundred seventy-one] TWO THOUSAND ELEVEN and each [fourth] EIGHTH year thereafter, request the state university trustees, the board of higher education of the city of New York, and all independent higher educational institutions to submit long-range master plans for their development. Such request shall specify the nature of the information, plans and recommendations to be submitted, shall describe statewide needs, problems, societal conditions and interests of the citizens and discuss their priorities, and provide appropriate information which may be useful in the formulation of such plans.

3. The regents shall, once every [four] EIGHT years, review the proposed plan and recommendations required to be submitted by the state university trustees pursuant to section three hundred fifty-four of this chapter, the proposed plan and recommendations of the board of higher education in the city of New York required to be submitted pursuant to section sixty-two hundred [two] SIX of this chapter, and the plans of independent institutions of higher education and, upon approval by the regents of the plans submitted by the state university trustees and the board of higher education, they shall be incorporated into a regents plan or general revision thereof for the development of higher education in the state. Such regents plan shall include the plan and recommendations proposed by the state university trustees and the plan and recommendations proposed by the board of higher education in the city of New York and may include plans with respect to other matters not comprehended within the plan of the state and city universities, including but not limited to improving institutional management and resources, instruction and guidance programs, financial assistance to students and extension of educational opportunities. In determining the need for additional educational facilities in a particular area, the plans and facilities of existing public and independent institutions shall be fully evaluated. Such statewide plan shall include for information purposes a summary of all recommendations appearing in the prior state-

wide plan and subsequent amendments thereof containing a brief statement of action taken and progress toward achievement of each such recommendation.

4. During the calendar year [nineteen hundred sixty-four] TWO THOUSAND TWELVE and each [fourth] EIGHTH year thereafter the regents shall evaluate all available information with respect to the plans and facilities of independent institutions and shall review and act upon the proposed plan and recommendations of the state university trustees and upon the proposed plan and recommendations of the board of higher education in the city of New York and incorporate such information, recommendations and each of the component plans so acted upon into a tentative regents plan or general revision thereof for the development of higher education in the state. Copies of such tentative regents plan or general revision thereof, as the case may be, shall be made available to the trustees of the state university, the board of higher education in the city of New York and the governing boards of all other institutions of higher education admitted to the university of the state of New York. Thereafter, after giving due notice, the regents shall conduct one or more hearings on such tentative regents plan or general revision thereof.

5. The regents shall transmit their plan or general revision thereof for the development of higher education in the state to the governor and the legislature on or before the first day of November, [nineteen hundred sixty-four] TWO THOUSAND TWELVE and each [fourth] EIGHTH year thereafter. The governor may disapprove or conditionally approve any part of the plan or general revision thereof after notifying the regents of such disagreements at least sixty days prior to such action during which time they may revise their recommendations relating to such items and request the governor to adopt such revised recommendations in lieu of such action. Such plan or general revision thereof or so much thereof as shall be approved and upon such terms and conditions as the governor may impose, shall become effective upon such approval by the governor.

6. Any modification recommended by the state university trustees or by the board of higher education in the city of New York to their respective plans, theretofore formulated and approved pursuant to section three hundred fifty-four or section sixty-two hundred [two] SIX of this chapter shall be reviewed by the regents who may hold one or more hearings thereon after giving due notice thereof. As approved by the regents, such modification shall be made a part of the respective plans of the state university and of the city university and shall, together with any modifications the regents may make to that portion of their plan for the development of higher education in the state not comprehended in the plans of the state and city universities, be transmitted to the governor and the legislature, all of which shall then become effective upon approval by the governor as modifications of the regents plan. By the first day of November in [nineteen hundred seventy-four] TWO THOUSAND EIGHT and each [fourth] EIGHTH year thereafter the regents shall summarize and report to the governor and the legislature any modifications made pursuant to this subdivision and shall include in such report a statement on the progress made in implementing the regents plan and their general recommendations with respect to higher education.

S 3. Subdivisions 1, 2 and 3 of section 354 of the education law, as amended by chapter 552 of the laws of 1985, are amended to read as follows:

1. The state university trustees shall, once every [four] EIGHT years, formulate a long-range state university plan or general revision thereof and make recommendations to the board of regents and the governor for

the organization, development, coordination and expansion of the state university and for the establishment of community colleges in areas suitable for and in need of such institutions, which plan and recommendations shall include the following:

a. plans for new curricula;

b. plans for new facilities;

c. plans for change in policies with respect to student admissions;

d. projected student enrollments; and

e. comments upon its relationship to other colleges and universities, public, independent and proprietary, within the state.

f. For informational purposes only, projection standards and overall expenditure projections of capital and operating costs. Prior to transmitting their long-range state university plan or general revision thereof to the board of regents and the governor the state university trustees may, after giving due notice, conduct one or more hearings on such plan.

2. During the calendar year [nineteen hundred sixty-four] TWO THOUSAND TWELVE and each [fourth] EIGHTH year thereafter the state university trustees shall transmit their proposed plan or general revision thereof to the board of regents and the governor on or before the first day of June in each such year. Such plan shall be reviewed by the board of regents and shall be subject to approval by such board. As approved by the board of regents and incorporated into the regents plan or general revision thereof for the development of higher education in the state and, upon approval thereafter by the governor, such plan shall guide and determine the development of the state university and its community colleges until such plan is modified or revised in the manner provided herein.

3. By the first day of June in [nineteen hundred seventy-four] TWO THOUSAND EIGHT and every [fourth] EIGHTH year thereafter, the state university trustees shall report in writing to the board of regents, to the governor and to the legislature on the progress made in carrying out their responsibilities under such plan and their general recommendations with respect to public higher education, including recommendations as to modifications of such plan which the trustees deem essential to meet the then current demands upon public higher education. The state university trustees may also at any other time propose modifications which they then deem essential or desirable with respect to such plan. They may, after giving due notice, conduct one or more hearings on such modifications and shall transmit their recommendations therefor to the board of regents and the governor. Such modifications shall be subject to approval by the regents and thereafter by the governor in the same manner as such plan or general revisions thereof.

S 4. Subdivision 3 of section 390 of the education law, as amended by chapter 486 of the laws of 1967, is amended to read as follows:

3. The term "eligible employees" means those employees in positions requiring the performance of educational functions in teacher education, agriculture, home economics, forestry, ceramics, liberal and applied arts and sciences, engineering, technical skills, crafts, business education, labor and industrial relations, medicine, dentistry, veterinary medicine, pharmacy, nursing, law, public affairs, maritime officer training, academic administration, library service, student activities, student personnel service and other professions required to carry on the work of the state university and the colleges, schools, institutes, research centers, facilities and institutions comprising it and of the community colleges; PROVIDED, THAT THE TERM "ELIGIBLE EMPLOYEES" SHALL

INCLUDE MEDICAL, DENTAL AND OPTOMETRIC RESIDENTS AND INTERNS WHO RENDER SERVICES AT HEALTH SCIENCES CENTERS OF THE STATE UNIVERSITY AND WHO MAY OPT TO PARTICIPATE IN THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM BUT NOT IN THE OPTIONAL RETIREMENT PROGRAM OR THE NEW YORK STATE TEACHERS' RETIREMENT SYSTEM. Such positions in the state university, including those at the state colleges of agriculture, home economics, veterinary medicine or industrial and labor relations, the state agricultural experiment station at Geneva, or any other institution or agency under the management and control of Cornell university as representative of the board, and at the state college of ceramics under the management and control of Alfred university as the representative of the board, and such positions in the community colleges shall be those certified to the board by the chancellor of state university as requiring the performance of such functions. No person receiving a benefit by reason of his retirement from any retirement or pension system of New York state or any political subdivision thereof shall be eligible to elect the optional retirement program.

S 5. Paragraph (a) of subdivision 1 of section 393 of the education law, as amended by chapter 696 of the laws of 1965, is amended to read as follows:

(a) Each eligible employee initially appointed on or after July first, nineteen hundred sixty-four, within thirty days of his entry into service, shall elect (i) to join either the New York state teachers' retirement system or the New York state employees' retirement system or other public retirement system in this state in accordance with the provisions of law applicable thereto or (ii) to elect the optional retirement program established pursuant to this article; PROVIDED THAT A MEDICAL, DENTAL OR OPTOMETRIC RESIDENT OR INTERN WHO RENDERS SERVICES AT A HEALTH SCIENCES CENTER OF THE STATE UNIVERSITY MAY ELECT TO JOIN THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM, BUT MAY NOT ELECT THE OPTIONAL RETIREMENT PROGRAM OR THE NEW YORK STATE TEACHERS' RETIREMENT PROGRAM; provided, FURTHER, however, that (1) such persons initially entering service during the period July first, nineteen hundred sixty-four through November fourth, nineteen hundred sixty-four may defer such election until December fourth, nineteen hundred sixty-four, and (2) eligible employees of an electing employer initially appointed on or after the effective date of the election to offer such program may defer such election until the ninetieth day following such effective date of the election to offer such program established by an electing employer. Any such deferred election shall be effective as of the date of entry into service or the effective date of such offer, whichever is later.

S 6. Subdivision 4 of section 501 of the education law, as amended by chapter 713 of the laws of 1986, is amended to read as follows:

4. "Teacher" shall mean any regular teacher, special teacher, including any school librarian or physical training teacher, principal, vice-principal, supervisor, supervisory principal, director, superintendent, city superintendent, assistant city superintendent, district superintendent and other member of the teaching or professional staff of any class, public school, vocational school, truant reformatory school or parental school, and of any or all classes of schools within the state of New York, including schools on the Indian reservation, conducted under the order and superintendence of and wholly or partly at the expense of the New York state education department or of a duly elected board of education, board of school directors or board of trustees of the state or of any city or school district thereof, provided that no person shall be deemed a teacher within the meaning of this article who

is not so employed for full time outside vacation periods. The word, "teacher," shall also include any person employed in the state education department who at the time he entered such employment, or within one year prior thereto, was a teacher within the foregoing definition, or who was engaged in such department in the performance of duties pertaining to instructional services prior to September first, nineteen hundred eighty-six or who provides instructional services at the New York state school for the blind or the New York state school for the deaf, but shall not include a person who is a teacher within the foregoing definition, and who elects to become a member of the New York state employees' retirement system pursuant to paragraph five OR PARAGRAPH TEN of subdivision c of section forty of the retirement and social security law upon his entry, on or after April first, nineteen hundred fifty, into his employment as such a teacher in a state-operated institution or community college under the jurisdiction of the board of trustees of the state university, or who is a teacher within the foregoing definition, and who elects to become a member of the New York city employees' retirement system, upon his entry, on or after April first, nineteen hundred fifty-six, into his employment as such a teacher in a community college operated by the city of New York, or who is a teacher within the foregoing definition, and who elects the optional retirement program established either by article [eight-b] EIGHT-B or by PART V OF article three[, part V] of this chapter. In all cases of doubt, the retirement board shall determine whether any person is a teacher as defined in this article.

S 7. Subdivision c of section 40 of the retirement and social security law is amended by adding a new paragraph 10 to read as follows:

10. A PERSON WHO IS A MEDICAL, DENTAL OR OPTOMETRIC RESIDENT OR INTERN WHO RENDERS SERVICES AT A HEALTH SCIENCES CENTER OF THE STATE UNIVERSITY.

S 8. Paragraph 3 of subdivision b of section 600 of the retirement and social security law, as added by chapter 414 of the laws of 1983, is amended to read as follows:

3. Enter the employment of a public employer which participates for such employees in the New York state employees' retirement system in positions in which they shall work full time shall be required to become members;

(a) Provided, however, persons in the employ of such employers after such date in positions in which they work less than full time shall be permitted to become members of the New York state employees' retirement system by filing an application therefor in the manner provided for by section forty of this chapter;

(b) Provided further that an employee of a county extension service association or Cornell university appointed for the first time on or after August first, nineteen hundred seventy-seven who holds a federal cooperative appointment with the United States department of agriculture as designated by the director of the New York state cooperative extension service and who is eligible for participation in the federal retirement system shall be excluded from membership in the state employees' retirement system; and

(c) Provided further that any employee of a county extension service association and any employee of Cornell university appointed for the first time on or after July first, nineteen hundred seventy-six but on or before July thirty-first, nineteen hundred seventy-seven, who holds a state cooperative appointment as designated by the director of the New York state cooperative extension service may elect to receive a federal

cooperative appointment in the manner provided for by the relevant federal laws, rules and regulations and to participate in the federal retirement system and discontinue his participation in the state retirement system by filing a written notice of termination on or before December thirty-first, nineteen hundred eighty-three with the comptroller. Any employee who is a member of the state employees' retirement system at the time he or she elects coverage in the federal retirement program shall be deemed to be a person who discontinues service on the effective date of such election, for the purpose of determining his or her eligibility for rights and benefits in such state system; provided, however, that if he or she does not withdraw accumulated contributions, (i) continued service with the county extension service association or Cornell university while under the federal retirement program shall be deemed to be member service in the New York state employees' retirement system for the purpose of determining eligibility for any vested retirement allowance, retirement allowance or ordinary death benefit under such system dependent upon a specified period of total service or upon attainment of a specified age while in service or upon death while in service; and (ii) the amount of any such benefit to which the person or his or her estate or person designated by him or her may become entitled under either such system shall be computed only on the basis of service otherwise creditable to him or her therein and his or her compensation during such service. Electing employees and their beneficiaries shall not be entitled to any right or benefit under the New York state employees' retirement system other than a vested retirement allowance, retirement allowance or ordinary death benefit to the extent expressly provided for in this chapter[.]; AND

(D) PROVIDED, FURTHER THAT MEDICAL, DENTAL AND OPTOMETRIC RESIDENTS AND INTERNS WHO RENDER SERVICES AT HEALTH SCIENCES CENTERS OF THE STATE UNIVERSITY OF NEW YORK SHALL BE PERMITTED TO BECOME MEMBERS OF THE NEW YORK STATE EMPLOYEES' RETIREMENT SYSTEM BY FILING AN APPLICATION THEREFOR IN THE MANNER PROVIDED FOR BY SECTION FORTY OF THIS CHAPTER.

S 9. This act shall take effect immediately.

SUBPART E

Section 1. Subdivision 14 of section 130 of the civil service law, as added by chapter 685 of the laws of 1995, is amended to read as follows:

14. Notwithstanding any foregoing provisions of this section to the contrary, wage rates and/or pay differentials paid by the state PURSUANT TO SUBDIVISION THIRTEEN OF SECTION THREE HUNDRED FIFTY-FIVE-A OF THE EDUCATION LAW, AS ADDED BY CHAPTER SIX HUNDRED EIGHTY-FIVE OF THE LAWS OF NINETEEN HUNDRED NINETY-FIVE, to teaching and research center nurses of the state university of New York [pursuant to subdivision thirteen of section three hundred fifty-five-a of the education law] may be based on a study of representative peer institutions in private or other public hospitals in the same geographic area as a hospital of the state university which shows that WAGE RATES AND/OR pay differentials of nurses employed by such peer institutions are higher than the wage rates and/or pay differentials paid by the state to teaching and research center nurses of the state university. Whenever, in the opinion of the chief administrative officer of the health science centers at which teaching and research center nurses are employed, additional compensation for such employees is necessary to maintain adequate support to protect the health, safety and welfare of patients, such chief administrative offi-

cer OR PRESIDENT shall request the state university board of trustees to conduct such a study.

S 2. Subdivision 6 of section 350 of the education law, as added by chapter 363 of the laws of 1998, is amended to read as follows:

6. "Clinic" shall mean a facility LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW AS A DIAGNOSTIC AND TREATMENT CENTER WHICH IS located either within or outside of a state university health care facility providing services related to the medical education mission of the university, but shall not include state university student health services.

S 3. Subdivision 16 of section 355 of the education law, as added by chapter 363 of the laws of 1998, is amended to read as follows:

16. Subject to laws and regulations applicable to the state university as a health care provider the state university trustees may:

a. Notwithstanding section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize [contracts for] a state university health care facility [for participation] TO CREATE AND/OR PARTICIPATE in managed care networks and other joint and cooperative arrangements with public, [non-profit] NOT-FOR-PROFIT or FOR PROFIT business entities, INCLUDING JOINT VENTURERS, NOT-FOR-PROFIT OR FOR PROFIT CORPORATIONS, PROFESSIONAL CORPORATIONS, AND LIMITED LIABILITY COMPANIES, including entering into a maximum of twenty network arrangements per year, as partners, JOINT VENTURERS, members of [non-profit] NOT-FOR-PROFIT corporations, MEMBERS OF LIMITED LIABILITY COMPANIES and shareholders of business corporations, and the provision of management and administrative services by or for state university. Any contract for the provision of management services shall be subject to any provision of the public health law and health regulations applicable to the state university as a health care provider, including any review by the commissioner of health pursuant to 10 NYCRR section 405.3(f). In addition, the commissioner of health shall provide for public comment within thirty days of a submission of any management contract required to be reviewed pursuant to regulation. The trustees may also authorize contracts, including [capitation] RISK-SHARING contracts, for a state university health care facility for the provision of general comprehensive and specialty health care services, directly or through contract with other service providers or entities, including state university employees or entities comprised thereof. Contracts authorized hereunder shall be:

(1) consistent with trustee guidelines respecting all terms and conditions necessary and appropriate for managed care NETWORKS and other [network,] joint or cooperative arrangements, including GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, guidelines for comparative review where appropriate, AND CONFLICT-OF-INTEREST GUIDELINES;

(2) subject to laws and regulations applicable to the state university as a health care provider, including with respect to rates and certificates of need; and

(3) subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law.

b. (1) Notwithstanding the provisions of [subdivision two of section one hundred twelve of the state finance law relating to the dollar threshold requiring the comptroller's approval of contracts and] subdivision six of section one hundred sixty-three of the state finance law AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW, authorize contracts for

the purchase of goods and services for state university health care facilities WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY:

[(1)] (A) for any contract [which does not exceed seventy-five thousand dollars] FOR GOODS OR SERVICES OR FOR ANY REVENUE CONTRACT; or

[(2)] (B) for joint or group purchasing arrangements [which do not exceed seventy-five thousand dollars without prior approval by any other state, officer or agency] in accordance with procedures and requirements found in paragraph a of subdivision five of this section.

[(3) contracts] (2) CONTRACTS authorized hereunder shall be subject to article fourteen of the civil service law and the applicable provisions of agreements between the state and employee organizations pursuant to article fourteen of the civil service law AND SHALL BE CONSISTENT WITH TRUSTEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, COMPARATIVE REVIEW WHERE APPROPRIATE, AND CONFLICT-OF-INTEREST GUIDELINES.

[The trustees are authorized to negotiate annually with the state comptroller increases in the aforementioned dollar limits.]

c. Authorize contracts for the acquisition BY STATE UNIVERSITY HEALTH CARE FACILITIES OR FACILITIES SUITABLE FOR THE DELIVERY OF HEALTH CARE SERVICES, by purchase, lease, sublease, transfer of jurisdiction or otherwise[, of facilities suitable for the delivery of health care services] and for the construction, repair, maintenance, equipping, rehabilitation or improvement thereof. SUCH FACILITIES MAY BE ACQUIRED IN WHOLE OR IN PART BY STATE UNIVERSITY HEALTH CARE FACILITIES, EITHER DIRECTLY OR THROUGH OWNERSHIP IN A JOINT OR COOPERATIVE ARRANGEMENT AUTHORIZED BY PARAGRAPH A OF THIS SUBDIVISION. Such contracts shall be [subject to approval by the attorney general as to form and by the director of the budget and the state comptroller] CONSISTENT WITH TRUSTEE GUIDELINES GOVERNING THE AWARDING OF SUCH CONTRACTS, INCLUDING GUIDELINES REQUIRING COMPARATIVE REVIEW WHERE APPROPRIATE AND CONFLICT OF INTEREST GUIDELINES. Contracts under this paragraph shall be funded from any moneys lawfully available for the expenses of the STATE UNIVERSITY health care facilities.

D. THE STATE UNIVERSITY SHALL PROVIDE BY JULY FIFTEENTH OF EACH YEAR TO THE DIRECTOR OF THE BUDGET AND TO THE CHAIRS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE A REPORT WHICH SETS FORTH WITH RESPECT TO CONTRACTS ENTERED INTO DURING THE PRIOR YEAR BY STATE UNIVERSITY HEALTH CARE FACILITIES (1) THE AMOUNT, PURPOSE, AND DURATION OF CONTRACTS AND ARRANGEMENTS ENTERED INTO PURSUANT TO PARAGRAPHS A AND C OF THIS SUBDIVISION, (2) A LISTING OF CONTRACTS OVER THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO CLAUSE (A) OF SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION, AND (3) THE AMOUNT, PURPOSE AND DURATION OF CONTRACTS OVER THE AMOUNT OF TWO HUNDRED FIFTY THOUSAND DOLLARS ENTERED INTO PURSUANT TO CLAUSE (B) OF SUBPARAGRAPH ONE OF PARAGRAPH B OF THIS SUBDIVISION.

S 4. Notwithstanding any inconsistent provision in section 8 of the court of claims act, subdivision 10 of section 355 of the education law or any other provision of law, a state university health care facility may include in a contract authorized by paragraph a of subdivision 16 of section 355 of the education law, other than a contract with state employees relating to terms and conditions of their employment, a provision that some or all disputes arising under or related to such contract shall be resolved by binding arbitration in accordance with the rules of a nationally-recognized arbitration association.

S 5. Clause (E) of subparagraph (iii) of paragraph (a) of subdivision 4 of section 364-j of the social services law is relettered clause (F) and a new clause (E) is added to read as follows:

(E) THE SERVICES ARE OPTOMETRIC SERVICES AND ARE PROVIDED BY A DIAGNOSTIC AND TREATMENT CENTER LICENSED UNDER ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW WHICH IS AFFILIATED WITH THE COLLEGE OF OPTOMETRY OF THE STATE UNIVERSITY OF NEW YORK AND WHICH HAS BEEN GRANTED AN OPERATING CERTIFICATE PURSUANT TO ARTICLE TWENTY-EIGHT OF THE PUBLIC HEALTH LAW TO PROVIDE SUCH OPTOMETRIC SERVICES. ANY DIAGNOSTIC AND TREATMENT CENTER PROVIDING OPTOMETRIC SERVICES PURSUANT TO THIS CLAUSE SHALL PRIOR TO JUNE FIRST OF EACH YEAR REPORT TO THE GOVERNOR, TEMPORARY PRESIDENT OF THE SENATE AND SPEAKER OF THE ASSEMBLY ON THE FOLLOWING: THE TOTAL NUMBER OF VISITS MADE BY MEDICAL ASSISTANCE RECIPIENTS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; THE NUMBER OF VISITS MADE BY MEDICAL ASSISTANCE RECIPIENTS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR BY RECIPIENTS WHO WERE ENROLLED IN MANAGED CARE PROGRAMS; THE NUMBER OF VISITS MADE BY MEDICAL ASSISTANCE RECIPIENTS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR BY RECIPIENTS WHO WERE ENROLLED IN MANAGED CARE PROGRAMS THAT PROVIDE OPTOMETRIC BENEFITS AS A COVERED SERVICE; AND THE NUMBER OF VISITS MADE BY THE UNINSURED DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR; OR

S 6. This act shall take effect immediately; provided, however, that the amendments to section 364-j of the social services law, made by section five of this act, shall not affect the repeal of such section and shall be deemed repealed therewith.

SUBPART F

Section 1. The board of trustees of the state university of New York and the city university of New York shall report every January first to the governor, the temporary president of the senate and the speaker of the assembly on the effectiveness of the reforms pursuant to this act. The report shall address the progress of the state-operated and senior colleges in competing with the top academic research institutions, the impact of efforts by the state university of New York and the city university of New York to increase the economic well-being of New York; and the impact of tuition increases and efforts to ensure affordable access for economically deprived students.

S 2. This act shall take effect immediately.

S 3. 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 4. This act shall take effect immediately provided, however, that the applicable effective date of Subparts A through F of this act shall be as specifically set forth in the last section of such Subparts.

PART F

Section 1. Subparagraphs (i), (ii), (iii), and (iv) of paragraph c of subdivision 6 of section 665 of the education law, subparagraphs (i), (ii) and (iii) as added by section 3 of part E-1 of chapter 57 of the laws of 2007, and subparagraph (iv) as amended by section 2 of part I of chapter 57 of the laws of 2008, are amended to read as follows:

(i) For students first receiving aid in two thousand seven--two thousand eight THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN, AND THOSE STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER, WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
A Student Must Have Accrued at Least This Many Credits	0	3	9	21	33	45	60	75	90	105
With At Least This Grade Point Average	0	1.1	1.2	1.3	2.0	2.0	2.0	2.0	2.0	2.0

(ii) For students first receiving aid in two thousand seven--two thousand eight THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN, AND THOSE STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER, WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in two-year undergraduate programs whose terms are organized in semesters:

Before Being Certified for This Payment	1	2	3	4	5	6
A Student Must Have Accrued at Least This Many Credits	0	3	9	18	30	45
With at Least This Grade Point Average	0	.5	.75	1.3	2.0	2.0

(iii) For students first receiving aid in two thousand seven--two thousand eight THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN, AND THOSE STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER, WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in four-year or five-year undergraduate programs whose terms are organized on a trimester basis:

Before Being Certified for This Payment	1	2	3	4	5	6	7	8
A Student	0	2	4	9	17	25	33	40

Must Have Accrued at Least This Many Credits								
With At Least This Grade Point Average	0	1.1	1.1	1.2	1.2	1.3	2.0	2.0

and,

Before Being Certified for This Payment	9	10	11	12	13	14	15
A Student Must Have Accrued at Least This Many Credits	50	60	70	80	90	100	110
With At Least This Grade Point Average	2.0	2.0	2.0	2.0	2.0	2.0	2.0

(iv) For students first receiving aid in two thousand seven--two thousand eight THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN, AND THOSE STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER, WHO FIRST RECEIVED AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in two-year undergraduate programs whose terms are organized on a trimester basis:

Before Being Certified for This Payment	1	2	3	4	5	6	7	8	9
A Student Must Have Accrued at Least This Many Credits	0	2	4	9	15	21	30	37	45
With At Least This Grade Point Average	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0

S 2. Paragraph c of subdivision 6 of section 665 of the education law is amended by adding four new subparagraphs (v), (vi), (vii) and (viii) to read as follows:

(V) FOR STUDENTS NOT ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER FIRST RECEIVING AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, AND THEREAFTER, AND ENROLLED IN FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH	10TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	6	15	30	45	60	75	90	105	120
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.5	1.8	2.0	2.0	2.0	2.0	2.0	2.0	2.0

(VI) FOR STUDENTS NOT ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER FIRST RECEIVING AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, AND THEREAFTER, AND ENROLLED IN TWO-YEAR UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	6	15	30	45	60
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.5	1.8	2.0	2.0	2.0

(VII) FOR STUDENTS NOT ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER FIRST RECEIVING AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, AND THEREAFTER, AND ENROLLED IN FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED ON A TRIMESTER BASIS:

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	4	10	15	25	35	45	55
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.3	1.5	1.8	1.8	2.0	2.0	2.0

AND,

BEFORE BEING CERTIFIED	9TH	10TH	11TH	12TH	13TH	14TH	15TH

FOR THIS PAYMENT							
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	65	75	85	95	105	115	120
WITH AT LEAST THIS GRADE POINT AVERAGE	2.0	2.0	2.0	2.0	2.0	2.0	2.0

(VIII) FOR STUDENTS NOT ENROLLED IN A PROGRAM OF REMEDIAL STUDY APPROVED BY THE COMMISSIONER FIRST RECEIVING AID IN TWO THOUSAND SEVEN--TWO THOUSAND EIGHT, AND THEREAFTER, AND ENROLLED IN TWO-YEAR UNDERGRADUATE PROGRAMS WHOSE TERMS ARE ORGANIZED ON A TRIMESTER BASIS:

BEFORE BEING CERTIFIED FOR THIS PAYMENT	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH
A STUDENT MUST HAVE ACCRUED AT LEAST THIS MANY CREDITS	0	2	6	15	25	35	45	55	60
WITH AT LEAST THIS GRADE POINT AVERAGE	0	1.3	1.5	1.8	1.8	2.0	2.0	2.0	2.0

S 3. Subdivision 6 of section 665 of the education law is amended by adding a new paragraph d to read as follows:

D. FOR PURPOSES OF PARAGRAPH C OF THIS SUBDIVISION, STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY SHALL MEAN STUDENTS WHO ARE ENROLLED IN REMEDIAL COURSES EQUIVALENT TO AT LEAST SIX CREDITS IN THEIR INITIAL TERM OF RECEIPT OF STATE FINANCIAL AID AND ENROLLED IN AT LEAST TWELVE CREDITS IN THEIR FIRST YEAR OF RECEIPT OF STATE FINANCIAL AID AND WHOSE SCORES ON RECOGNIZED COLLEGE PLACEMENT EXAMS INDICATE THE NEED FOR REMEDIATION AND SHALL MEAN STUDENTS ENROLLED IN THE HIGHER EDUCATION OPPORTUNITY PROGRAM (HEOP), THE EDUCATION OPPORTUNITY PROGRAM (EOP), THE SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM, OR THE COLLEGE DISCOVERY PROGRAM.

S 4. This act shall take effect July 1, 2010.

PART G

Section 1. Paragraphs b and c of subdivision 6 of section 661 of the education law are REPEALED and two new paragraphs b and c are added to read as follows:

B. A STUDENT WHO IS IN DEFAULT ON A STUDENT LOAN MADE UNDER ANY STATUTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN PROGRAM SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE UNTIL THE STUDENT CURES THE DEFAULT STATUS PURSUANT TO APPLICABLE LAW AND REGULATION.

C. A STUDENT WHO HAS FAILED TO COMPLY WITH THE TERMS OF ANY SERVICE CONDITION IMPOSED BY AN AWARD MADE PURSUANT TO THIS ARTICLE OR HAS FAILED TO REPAY AN AWARD MADE PURSUANT TO THIS ARTICLE, AS REQUIRED BY PARAGRAPH A OF SUBDIVISION FOUR OF SECTION SIX HUNDRED SIXTY-FIVE OF THIS SUBPART, SHALL BE INELIGIBLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE SO LONG AS SUCH FAILURE TO COMPLY OR REPAY CONTINUES.

S 2. This act shall take effect July 1, 2010; provided further that the provisions of this act shall apply to any student who is in default in the repayment of any student loan or under the terms of any award pursuant to this article.

PART H

Section 1. Subdivision 2 of section 667 of the education law, as added by chapter 83 of the laws of 1995, is amended to read as follows:

2. Duration. No undergraduate shall be eligible for more than four academic years of study, or five academic years if the program of study normally requires five years. Students enrolled in a program of remedial study, approved by the commissioner in an institution of higher education and intended to culminate in a degree in undergraduate study shall, for purposes of this section, be considered as enrolled in a program of study normally requiring five years. An undergraduate student enrolled in an eligible two year program of study approved by the commissioner shall be eligible for no more than three academic years of study. [No graduate student shall be eligible for more than four academic years of study provided, however, that no graduate student shall be eligible for more than one degree program at the master's, first professional or doctorate level. No student shall be eligible for a total of more than the equivalent of eight years of combined undergraduate and graduate study.] Any semester, quarter, or term of attendance during which a student receives any award under this article, after the effective date of the former scholar incentive program and prior to academic year nineteen hundred eighty-nine--nineteen hundred ninety, shall be counted toward the maximum term of eligibility for tuition assistance under this section, except that any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-six of this article shall be counted as one-half of a semester, quarter or term, as the case may be, toward the maximum term of eligibility under this section. Any semester, quarter or term of attendance during which a student received an award pursuant to section six hundred sixty-seven-a of this article shall not be counted toward the maximum term of eligibility under this section.

S 2. Paragraph c of subdivision 3 of section 667 of the education law is REPEALED and paragraph d is relettered paragraph c.

S 3. Subdivision 5 of section 663 of the education law, as amended by chapter 622 of the laws of 2008, is amended to read as follows:

5. Adjustments of income. [(a) Except for purposes of paragraphs a and b of subdivision three of section six hundred sixty-seven of this part if, during the academic year in which the applicant will receive an award, one or more of either the parents of the applicant or other dependent children of such parents, the spouse of the applicant, or one or more dependent children of the applicant, in addition to the applicant, will be in full-time attendance in an approved program, the combined net taxable income determined under subdivision one of this section shall be divided by the total number of the aforesaid persons (including the applicant) who will be in such attendance, and the

resulting quotient shall be deemed the applicable income in determining the applicant's award for such academic year.

(b)] In the determination of income for purposes of paragraphs a and b of subdivision three of section six hundred sixty-seven of this part if, during the academic year in which the applicant will receive an award, one of either the parents of the applicant or other dependent child of such parents, the spouse of the applicant, or one or more dependent children of the applicant, in addition to the applicant, will be in full-time attendance in an approved program, the combined net taxable income determined under subdivision one of this section shall be reduced by three thousand dollars and an additional two thousand dollars for each other such person additional to the aforesaid persons (including the applicant) who will be in such attendance, and the resulting amount shall be deemed the applicable income in determining the applicant's award for the academic year.

S 4. Paragraph a of subdivision 3 of section 663 of the education law, as amended by chapter 62 of the laws of 1977, is amended to read as follows:

a. In determining the amount of an award for [graduate and undergraduate] students, the income of the parents shall be excluded if the student has been emancipated from his parents.

S 5. The opening paragraph of subparagraph 1 of paragraph b of subdivision 3 of section 663 of the education law, as amended by chapter 101 of the laws of 1992, is amended to read as follows:

The applicant is a student who was married on or before December thirty-first of the calendar year prior to the beginning of the academic year for which application is made or is an undergraduate student who has reached the age of twenty-two on or before June thirtieth prior to the academic year for which application is made [or is a graduate student,] and who, during the calendar year next preceding the semester, quarter or term of attendance for which application is made and at all times subsequent thereto up to and including the entire period for which application is made:

S 6. Paragraph d of subdivision 3 of section 663 of the education law, as amended by chapter 62 of the laws of 1977, is amended to read as follows:

d. Any [graduate or] undergraduate student who was allowed to exclude parental income pursuant to the provisions of subdivision three of section six hundred three of this chapter as they existed prior to July first, nineteen hundred seventy-four may continue to exclude such income for so long as he continues to comply with such provisions.

S 7. This act shall take effect July 1, 2010.

PART I

Section 1. Subclause 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(1) In the case of students who have not been granted an exclusion of parental income or had a dependent for income tax purposes during the tax year next preceding the academic year for which application is made OR IN THE CASE OF STUDENTS UNDER TWENTY-TWO YEARS OF AGE WITH NO DEPENDENT WHO HAVE BEEN GRANTED AN EXCLUSION OF PARENTAL INCOME, EXCEPT FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT:

(a) For students first receiving aid after nineteen hundred ninety-three--nineteen hundred ninety-four and before two thousand--two thousand one, four thousand one hundred twenty-five dollars; or

(b) For students first receiving aid in nineteen hundred ninety-three--nineteen hundred ninety-four or earlier, three thousand five hundred seventy-five dollars; or

(c) For students first receiving aid in [the] two thousand--two thousand one and thereafter, five thousand dollars.

S 2. Subparagraph (ii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(ii) Except for students as noted in subparagraph (iii) of this paragraph, the base amount as determined from subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
(A) Less than seven thousand dollars	None
(B) Seven thousand dollars or more, but less than eleven thousand dollars	Seven per centum of excess over seven thousand dollars
(C) Eleven thousand dollars or more, but less than eighteen thousand dollars	Two hundred eighty dollars plus ten per centum of excess over eleven thousand dollars
(D) Eighteen thousand dollars or more, but not more than eighty thousand dollars EXCEPT FOR STUDENTS UNDER TWENTY-TWO YEARS OF AGE WITH NO DEPENDENT WHO HAVE BEEN GRANTED AN EXCLUSION OF PARENTAL INCOME, THEN, EIGHTEEN THOUSAND DOLLARS OR MORE, BUT NOT MORE THAN TWENTY-FIVE THOUSAND DOLLARS	Nine hundred eighty dollars plus twelve per centum of excess over eighteen thousand dollars

S 3. Subparagraph (vi) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(vi) For the two thousand two--two thousand three academic year and thereafter, the award shall be the net amount of the base amount determined pursuant to subparagraph (i) of this paragraph reduced pursuant to subparagraph (ii) or (iii) of this paragraph but the award shall not be reduced below five hundred dollars AND IN THE CASE OF STUDENTS UNDER TWENTY-TWO YEARS OF AGE WITH NO DEPENDENT WHO HAVE BEEN GRANTED AN EXCLUSION OF PARENTAL INCOME, THE AWARD SHALL NOT BE REDUCED BELOW THREE THOUSAND ONE HUNDRED EIGHTY DOLLARS.

S 4. Subclause 2 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(2) In the case of students receiving awards pursuant to subparagraph (iii) of this paragraph AND THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT.

(a) For students first receiving aid in nineteen hundred ninety-four--nineteen hundred ninety-five and nineteen hundred ninety-five--nine-

teen hundred ninety-six and thereafter, three thousand twenty-five dollars, or

(b) For students first receiving aid in nineteen hundred ninety-two--nineteen hundred ninety-three and nineteen hundred ninety-three--nineteen hundred ninety-four, two thousand five hundred seventy-five dollars, or

(c) For students first receiving aid in nineteen hundred ninety-one--nineteen hundred ninety-two or earlier, two thousand four hundred fifty dollars; or

S 5. Subparagraph (iii) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended to read as follows:

(iii) [For] (A) EXCEPT IN THE CASE OF STUDENTS UNDER TWENTY-TWO YEARS OF AGE WITH NO DEPENDENT WHO HAVE BEEN GRANTED AN EXCLUSION OF PARENTAL INCOME, FOR students who have been granted exclusion of parental income and were single with no dependent for income tax purposes during the tax year next preceding the academic year for which application is made, the base amount, as determined in subparagraph (i) of this paragraph, shall be reduced in relation to income as follows:

Amount of income	Schedule of reduction of base amount
[(A)] (1) Less than three thousand dollars	None
[(B)] (2) Three thousand dollars or more, but not more than ten thousand dollars	Thirty-one per centum of amount in excess of three thousand dollars

(B) FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT, FOR INCOME TAX PURPOSES DURING THE TAX YEAR NEXT PRECEDING THE ACADEMIC YEAR FOR WHICH APPLICATION IS MADE, THE BASE AMOUNT, AS DETERMINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, SHALL BE REDUCED IN RELATION TO INCOME AS FOLLOWS:

AMOUNT OF INCOME	SCHEDULE OF REDUCTION OF BASE AMOUNT
(1) LESS THAN SEVEN THOUSAND DOLLARS	NONE
(2) SEVEN THOUSAND DOLLARS OR MORE, BUT LESS THAN ELEVEN THOUSAND DOLLARS	SEVEN PER CENTUM OF EXCESS OVER SEVEN THOUSAND DOLLARS
(3) ELEVEN THOUSAND DOLLARS OR MORE, BUT LESS THAN EIGHTEEN THOUSAND DOLLARS	TWO HUNDRED EIGHTY DOLLARS PLUS TEN PER CENTUM OF EXCESS OVER ELEVEN THOUSAND DOLLARS
(4) EIGHTEEN THOUSAND DOLLARS OR MORE, BUT NOT MORE THAN FORTY THOUSAND DOLLARS	NINE HUNDRED EIGHTY DOLLARS PLUS TWELVE PER CENTUM OF EXCESS OVER EIGHTEEN THOUSAND DOLLARS

S 6. This act shall take effect July 1, 2010.

PART J

Section 1. Subitem (c) of item 1 of clause (A) of subparagraph (i) of paragraph a of subdivision 3 of section 667 of the education law, as amended by section 1 of part B of chapter 60 of the laws of 2000, is amended and a new subitem (d) is added to read as follows:

(c) For students first receiving aid in [the] two thousand--two thousand one and thereafter, five thousand dollars[.]; OR

(D) FOR UNDERGRADUATE STUDENTS ENROLLED IN A PROGRAM OF STUDY AT A PUBLIC OR NON-PUBLIC DEGREE-GRANTING INSTITUTION THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, OR AT A REGISTERED NOT-FOR-PROFIT BUSINESS SCHOOL QUALIFIED FOR TAX EXEMPTION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE DEGREE, FOUR THOUSAND DOLLARS.

S 2. This act shall take effect July 1, 2010.

PART K

Section 1. Subdivision 4 of section 661 of the education law, as amended by chapter 309 of the laws of 1996, paragraph a as amended by section 1 and paragraph c as amended, paragraphs d and e as added and paragraph f as relettered by section 2 of part E-1 of chapter 57 of the laws of 2007 and paragraph f as added by chapter 332 of the laws of 1998, is amended to read as follows:

4. Attendance in approved courses of study in approved institutions. To be eligible to receive payments from the president a student:

a. Must be matriculated in an approved program, as defined by the commissioner pursuant to article thirteen OF THIS CHAPTER, OR PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION, in an institution situated in the state, which has been approved and operating in this state for at least one year, and has been approved for participation in federal student financial aid programs authorized by Title IV of the Higher Education Act of 1965, as amended. Nothing in this subdivision shall preclude payment of an award to a recipient who receives instruction outside the state, which instruction is conducted by an institution situated in the state, and is part of the student's program of study at such institution; provided, however, that nothing in this subdivision shall preclude the receipt of a loan pursuant to section six hundred eighty of this article; provided, further, that students not attending institutions eligible for participating in federal Title IV financial aid programs on or before July first, two thousand seven: (i) who received their first award under this article before the two thousand six--two thousand seven academic year shall be eligible for payments until the end of the two thousand nine--two thousand ten academic year; or (ii) who received their first award under this article for the two thousand six--two thousand seven academic year through and including the two thousand nine--two thousand ten academic year shall be eligible for payments until the end of the two thousand fourteen--two thousand fifteen academic year.

b. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY AND THE RULES AND REGULATIONS PROMULGATED PURSUANT THERETO, THE PRESIDENT SHALL MAKE TUITION ASSISTANCE PROGRAM AWARDS AVAILABLE TO FULL-TIME RESIDENT UNDERGRADUATE STUDENTS NOT CURRENTLY ELIGIBLE FOR AWARDS UNDER SUBDIVISION THREE OF SECTION SIX HUNDRED SIXTY-SEVEN OF THIS PART AND WHO ARE ATTENDING AN EDUCATIONAL INSTITUTION IN THIS STATE THAT:

(I) IS EXEMPT FROM FEDERAL TAXATION UNDER SECTION 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

(II) HAS ITS HEADQUARTERS AND MAIN CAMPUS LOCATED WITHIN THE STATE AND IS ELIGIBLE FOR FUNDS UNDER TITLE IV OF THE HIGHER EDUCATION ACT OF 1965, AS AMENDED; AND

(III) IS ACCREDITED BY AN AGENCY RECOGNIZED BY THE UNITED STATES SECRETARY OF EDUCATION, OR BY A SUCCESSOR FEDERAL AGENCY; AND

(IV) ENROLLMENT IN WHICH INSTITUTION WOULD RENDER THE STUDENT ELIGIBLE TO RECEIVE A FEDERAL PELL GRANT IN ACCORDANCE WITH SECTION ONE THOUSAND SEVENTY OF TITLE TWENTY OF THE UNITED STATES CODE, ET. SEQ. AND THE REGULATIONS PROMULGATED THEREUNDER; AND

(V) PROVIDES A PROGRAM OF INSTRUCTION LASTING AT LEAST THREE YEARS, FOR WHICH THE STUDENT IS ENROLLED.

B-1. TUITION ASSISTANCE PROGRAM AWARDS THAT ARE MADE AVAILABLE TO STUDENTS PURSUANT TO PARAGRAPH B OF THIS SUBDIVISION SHALL NOT BE AWARDED IF AN APPLICANT:

(I) DOES NOT MEET THE CITIZENSHIP REQUIREMENTS PURSUANT TO SUBDIVISION THREE OF THIS SECTION;

(II) DOES NOT MEET THE INCOME REQUIREMENTS PURSUANT TO SECTION SIX HUNDRED SIXTY-THREE OF THIS SUBPART;

(III) DOES NOT MAINTAIN GOOD ACADEMIC STANDING PURSUANT TO PARAGRAPH C OF SUBDIVISION SIX OF SECTION SIX HUNDRED SIXTY-FIVE OF THIS SUBPART, AND IF THERE IS NO APPLICABLE EXISTING ACADEMIC STANDARDS SCHEDULE PURSUANT TO SUCH SUBDIVISION, THEN SUCH RECIPIENT SHALL BE PLACED ON THE ACADEMIC STANDARDS SCHEDULE APPLICABLE TO STUDENTS ENROLLED IN A FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM;

(IV) IS IN DEFAULT IN THE REPAYMENT OF ANY STATE OR FEDERAL STUDENT LOAN, HAS FAILED TO COMPLY WITH THE TERMS OF ANY SERVICE CONDITION IMPOSED BY AN ACADEMIC PERFORMANCE AWARD MADE PURSUANT TO THIS ARTICLE, OR HAS FAILED TO MAKE A REFUND OF ANY AWARD; OR

(V) IS INCARCERATED IN ANY FEDERAL, STATE OR OTHER PENAL INSTITUTION.

C. Must be in full-time attendance, as defined by the commissioner, except as otherwise specifically provided in THIS article [fourteen], and, for a student having completed his or her second academic year, must have a cumulative C average or its equivalent. The president may waive the requirement that the student have a cumulative C average or its equivalent for undue hardship based on: (i) the death of a relative of the student; (ii) the personal injury or illness of the student; or (iii) other extenuating circumstances; and

[c.] D. For students who first receive aid pursuant to this chapter in academic year nineteen hundred ninety-six--nineteen hundred ninety-seven to academic year two thousand six--two thousand seven, must have a certificate of graduation from a school providing secondary education, or the recognized equivalent of such certificate; or have achieved a passing score, as determined by the United States secretary of education, on a federally approved examination which demonstrates that the student can benefit from the education being offered;

[d.] E. For students who first receive aid pursuant to this chapter in academic year two thousand six--two thousand seven, must have a certificate of graduation from a recognized school providing secondary education within the United States, or the recognized equivalent of such certificate, or have been admitted to such institution after receiving a passing score on a federally approved ability to benefit test that has been independently administered and evaluated, as provided by the commissioner;

[e.] F. For students who first receive aid pursuant to this chapter in academic year two thousand seven--two thousand eight or thereafter, must have (i) a certificate of graduation from a school providing secondary

education from a state within the United States; or (ii) the recognized equivalent of such certificate; or (iii) received a passing score on a federally approved ability to benefit test that has been identified by the board of regents as satisfying the eligibility requirements of this section and has been independently administered and evaluated as defined by the commissioner[.];

[f. for] G. FOR students who are disabled as defined by the Americans With Disability Act of 1990, 42 USC 12101, the full-time attendance requirement is eliminated. Such disabled students may be in part-time attendance, as defined by the commissioner in order to be eligible to receive payments from the president.

S 2. This act shall take effect immediately and shall apply to academic year 2010-2011 and to all subsequent academic years.

PART L

Section 1. Paragraph a of subdivision 3 of section 667 of the education law is amended by adding a new subparagraph (vii) to read as follows:

(VII) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II), (III), (V) AND (VI) OF THIS PARAGRAPH, FOR THE TWO THOUSAND TEN -- TWO THOUSAND ELEVEN ACADEMIC YEAR, AND FOR EACH ACADEMIC YEAR THEREAFTER, EACH AWARD SHALL BE REDUCED BY A TOTAL OF SEVENTY-FIVE DOLLARS OR BY THE ACTUAL AWARD WHEN SUCH AWARD IS LESS THAN SEVENTY-FIVE DOLLARS. SUCH AWARD REDUCTION SHALL BE APPLIED PROPORTIONATELY TO REDUCE AWARDS FOR EACH SEMESTER, TRIMESTER, QUARTER OR OTHER TERM OF ATTENDANCE DURING WHICH A STUDENT RECEIVES AN AWARD IN THE ACADEMIC YEAR.

S 2. Paragraph b of subdivision 3 of section 667 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(VI) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II), (III) AND (V) OF THIS PARAGRAPH, FOR THE TWO THOUSAND TEN -- TWO THOUSAND ELEVEN ACADEMIC YEAR, AND FOR EACH ACADEMIC YEAR THEREAFTER, EACH AWARD SHALL BE REDUCED BY A TOTAL OF SEVENTY-FIVE DOLLARS OR BY THE ACTUAL AWARD WHEN SUCH AWARD IS LESS THAN SEVENTY-FIVE DOLLARS. SUCH AWARD REDUCTION SHALL BE APPLIED PROPORTIONATELY TO REDUCE AWARDS FOR EACH SEMESTER, TRIMESTER, QUARTER OR OTHER TERM OF ATTENDANCE DURING WHICH A STUDENT RECEIVES AN AWARD IN THE ACADEMIC YEAR.

S 3. Paragraph c of subdivision 3 of section 667 of the education law is amended by adding a new subparagraph (vi) to read as follows:

(VI) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPHS (I), (II), (III) AND (V) OF THIS PARAGRAPH, FOR THE TWO THOUSAND TEN -- TWO THOUSAND ELEVEN ACADEMIC YEAR, AND FOR EACH ACADEMIC YEAR THEREAFTER, EACH AWARD SHALL BE REDUCED BY A TOTAL OF SEVENTY-FIVE DOLLARS OR BY THE ACTUAL AWARD WHEN SUCH AWARD IS LESS THAN SEVENTY-FIVE DOLLARS. SUCH AWARD REDUCTION SHALL BE APPLIED PROPORTIONATELY TO REDUCE AWARDS FOR EACH SEMESTER, TRIMESTER, QUARTER OR OTHER TERM OF ATTENDANCE DURING WHICH A STUDENT RECEIVES AN AWARD IN THE ACADEMIC YEAR.

S 4. This act shall take effect July 1, 2010.

PART M

Section 1. Subdivision 1 of section 663 of the education law, as amended by section 1 of part F of chapter 57 of the laws of 2009, is amended to read as follows:

1. Income defined. Except as otherwise provided in this section, "income" shall be the total of the combined net taxable income and

income from pensions of New York state, local governments [and], the federal government AND ANY PRIVATE EMPLOYER of the applicant, the applicant's spouse, and the applicant's parents, INCLUDING ANY PENSION AND ANNUITY INCOME EXCLUDED FOR PURPOSES OF TAXATION PURSUANT TO PARAGRAPH THREE-A OF SUBSECTION (C) OF SECTION SIX HUNDRED TWELVE OF THE TAX LAW, as reported in New York state income tax returns for the calendar year next preceding the beginning of the school year for which application for assistance is made, except that any amount received by an applicant as a scholarship at an educational institution or as a fellowship grant, including the value of contributed services and accommodations, shall not be included within the definition of "income" for the purposes of this article. The term "parent" shall include birth parents, stepparents, adoptive parents and the spouse of an adoptive parent. Income, if not a whole dollar amount, shall be assumed to be equal to the next lowest whole dollar amount. Any change in the status of an applicant with regard to the persons responsible for the applicant's support occurring after the beginning of any semester shall not be considered to change the applicant's award for that semester.

S 2. This act shall take effect July 1, 2010.

PART N

Section 1. Section 3 of part V of chapter 57 of the laws of 2005 amending the education law relating to the New York state nursing faculty loan forgiveness incentive program and the New York state nursing faculty scholarship program, as added by section 4 of part D of chapter 63 of the laws of 2005, is amended to read as follows:

S 3. This act shall take effect on the same date and in the same manner as Part H of [a] THIS chapter [of the laws of 2005 amending the labor law and other laws relating to implementing the state fiscal plan for the 2005-2006 state fiscal year, as proposed in legislative bill numbers S.3667 and A.6841, takes effect]; provided that section two of this act shall take effect on the same date and in the same manner as Part I of [a] THIS chapter [of the laws of 2005 amending the labor law and other laws relating to implementing the state fiscal plan for the 2005-2006 state fiscal year, as proposed in legislative bill numbers S.3667 and A.6841, takes effect]; and provided further that this act shall expire and be deemed repealed on June 30, [2010] 2015.

S 2. This act shall take effect immediately.

PART O

Section 1. Section 17 of chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions, as amended by section 1 of part I of chapter 57 of the laws of 2008, is amended to read as follows:

S 17. This act shall take effect immediately; provided, however, that the scholarship and loan forgiveness programs established pursuant to the provisions of this act shall terminate upon the granting of such awards for the 2008-2009 school year PROVIDED, HOWEVER, THAT THE REGENTS PHYSICIAN LOAN FORGIVENESS PROGRAM ESTABLISHED PURSUANT TO THIS ACT SHALL NOT TERMINATE UNTIL THE GRANTING OF SUCH AWARDS FOR THE 2010-11 SCHOOL YEAR, PROVIDED THAT THE FINAL DISBURSEMENT OF ANY MULTI-YEAR AWARDS GRANTED IN SUCH SCHOOL YEAR SHALL BE PAID.

S 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on the same date and in the same manner as part I of chapter 57 of the laws of 2008, takes effect.

PART P

Section 1. Section 605-a of the education law, as amended by section 83 of part C of chapter 58 of the laws of 1998, is amended to read as follows:

S 605-a. Scholarships for academic excellence. 1. (a) Beginning with the nineteen hundred ninety-seven--ninety-eight academic year [and thereafter,] THROUGH AND INCLUDING THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR, scholarships for academic excellence shall be awarded to students completing their high school programs for attendance in approved programs. The academic merit criteria for awarding these scholarships will be determined by taking the weighted average of a student's score on Regents examinations taken by students prior to their senior year in all of the following five subject areas: comprehensive English; global studies; U.S. history/government; level 3 math; and science, which shall consist of the weighted average of the combination of exams taken in chemistry, biology, earth science and physics. For those schools not offering regents examinations in all such five subject areas, awards shall be based on criteria developed by the commissioner and subject to the approval of the director of the budget.

(b) School allocation. (i) Each high school in the state, as defined in regulations of the commissioner adopted for such purpose and subject to the approval of the director of the budget, shall be allocated: for the nineteen hundred ninety-seven--ninety-eight academic year, a single scholarship of one thousand dollars; and for the nineteen hundred ninety-eight--ninety-nine academic year [and thereafter,] THROUGH AND INCLUDING THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR, a single scholarship of one thousand five hundred dollars which shall be awarded to the top scholar of such school as determined by the academic merit criteria set forth in paragraph (a) of this subdivision.

(ii) The remaining scholarships for the nineteen hundred ninety-seven--ninety-eight academic year of one thousand dollars, and for the nineteen hundred ninety-eight--ninety-nine academic year [and thereafter,] THROUGH AND INCLUDING THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR, of one thousand five hundred dollars shall be allocated to high schools in the state as defined in regulations of the commissioner for such purpose and subject to the approval of the director of the budget, in the same ratio that the number of students enrolled in the twelfth grade at such high school in the prior school year bears to the total number of students who were enrolled in the twelfth grade in the state during the prior school year. The ratio shall be multiplied by the number of scholarships available and the results, rounded to the nearest whole number, shall be the number of scholarships allocated to the school. Such awards shall be distributed on the basis of the academic merit criteria as set forth in paragraph (a) of this subdivision.

(iii) All scholarships of five hundred dollars shall be allocated in the same manner as described in subparagraph (ii) of this paragraph.

2. In the event that a scholarship awarded is declined by a student, or for any reason revoked by the commissioner or the president, its benefits shall lapse and there shall be no further payments or awarding of such scholarship.

S 2. Subdivision 1 of section 670-b of the education law, as amended by section 83 of part C of chapter 58 of the laws of 1998, is amended to read as follows:

1. Number and certification. Five thousand scholarships shall be awarded in the nineteen hundred ninety-seven--ninety-eight academic year, and eight thousand scholarships shall be awarded in the nineteen hundred ninety-eight--ninety-nine academic year [and thereafter] THROUGH AND INCLUDING THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR. Such scholarships shall be allocated as provided in article thirteen of this chapter to eligible students certified to the president by the commissioner.

S 3. Subdivision 2 of section 669-d of the education law, as amended by section 1 of part H1 of chapter 109 of the laws of 2006, is amended to read as follows:

2. Within amounts appropriated therefor, awards shall be granted to applicants that the corporation has certified are eligible to receive such awards. Up to five hundred awards may be made to new recipients annually, THROUGH AND INCLUDING THE TWO THOUSAND NINE--TWO THOUSAND TEN ACADEMIC YEAR. Such awards shall be made to recipients after the successful completion of each academic year, as defined by the corporation.

S 4. This act shall take effect July 1, 2010.

PART Q

Section 1. Subdivision 2 of section 6305 of the education law, as amended by chapter 646 of the laws of 1975, is amended to read as follows:

2. Any community college may, with the approval of the state university trustees, charge non-resident students, WHO ARE UNDERGRADUATE STUDENTS ENROLLED IN A TWO-YEAR PROGRAM OF STUDY LEADING TO AN ASSOCIATE'S DEGREE, sufficient tuition and fees to cover an allocable portion of the local sponsor's share of the operating costs of such community college in addition to regular tuition and fees. Such community college may elect to charge to and collect from each county within the state which has issued a certificate or certificates of residence pursuant to subdivision three of this section on the basis of which such non-resident students are attending such community college, an allocable portion of the local sponsor's share of the operating costs of such community college attributable to such non-resident students, computed on a per student basis, together with a further sum of not to exceed three hundred dollars each year to be determined and approved by the state university trustees for each such non-resident student on account of the local sponsor's share of the capital costs incurred to provide facilities in which such non-resident students can be accommodated; or, where such non-resident students come from communities which have elected to participate in and pay an appropriate share of the expenses involved in the local sponsor's community college program, such allocable portion of operating expenses and such further sum not to exceed three hundred dollars per student for capital costs on account of their residents attending such community college shall be determined and approved by the state university trustees, and be charged to and collected from such communities.

S 2. This act shall take effect immediately and shall apply to charges imposed in the 2010-2011 academic year and thereafter.

PART R

Section 1. Section 9 of chapter 420 of the laws of 2002 amending the education law relating to the profession of social work, as amended by section 1 of part II of chapter 57 of the laws of 2009, is amended to read as follows:

S 9. Nothing in this act shall prohibit or limit the activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene or the office of children and family services, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, provided, however, this section shall not authorize the use of any title authorized pursuant to article 154 of the education law, except that this section shall be deemed repealed on June 1, [2010] 2014.

S 2. Section 17-a of chapter 676 of the laws of 2002 amending the education law relating to defining the practice of psychology, as amended by section 2 of part II of chapter 57 of the laws of 2009, is amended to read as follows:

S 17-a. Nothing in this act shall prohibit or limit the activities or services on the part of any person in the employ of a program or service operated, regulated, funded, or approved by the department of mental hygiene or the office of children and family services, or a local governmental unit as that term is defined in article 41 of the mental hygiene law or a social services district as defined in section 61 of the social services law, provided, however, this section shall not authorize the use of any title authorized pursuant to article 153 or 163 of the education law, except as otherwise provided by such articles, except that this section shall be deemed repealed on June 1, [2010] 2014.

S 3. This act shall take effect immediately and be deemed to have been in full force and effect on and after April 1, 2010.

PART S

Section 1. Subdivision 3 of section 694-a of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

3. [Interest] TO THE EXTENT THAT INTEREST paid on education loans made under this program shall be allowed as a deduction in computing the [net taxable] FEDERAL ADJUSTED GROSS income of any such person, THAT DEDUCTION SHALL NOT BE DISALLOWED for purposes of any income [or franchise] tax imposed by the state or any political subdivision thereof.

S 2. Subdivision 3 of section 693 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

3. Forbearance and deferments. Education loans made under this program shall be eligible for in-school and military deferments [pursuant to rules and regulations promulgated by the corporation, or pursuant to such additional deferments and/or forbearance as offered by an eligible lender], ECONOMIC HARDSHIP FORBEARANCE, AND, WITH RESPECT TO EDUCATION LOANS THAT WERE MADE FOR A PERIOD OF ATTENDANCE BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, SUCH ADDITIONAL DEFERMENTS AND/OR FORBEARANCE, in each case, TO THE EXTENT PROVIDED BY RULES AND REGULATIONS PROMULGATED BY THE CORPORATION, subject to the

approval of the state of New York mortgage agency, or other authorized public benefit corporation authorized to issue bonds under the public authorities law for purposes of this program, with respect to loans that are expected to be financed by such entity. Upon the assignment of a defaulted education loan made under this program for collection as described in subdivision five of this section, the borrower shall no longer be eligible for any forbearance or deferments while such loan remains in default.

S 3. Subdivision 14 of section 693 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

14. Bankruptcy. Education loans under this program shall be considered non-dischargeable pursuant to section 523(a)(8) of the U.S. Bankruptcy Code. IN THE EVENT THAT AN EDUCATION LOAN THAT WAS MADE FOR A PERIOD OF ATTENDANCE BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR IS NONETHELESS DISCHARGED BY ORDER OF A BANKRUPTCY COURT, THE HOLDER OF SUCH DISCHARGED EDUCATION LOANS SHALL BE PAID THE OUTSTANDING PRINCIPAL, CAPITALIZED AND UNPAID ACCRUED INTEREST DUE FROM THE NEW YORK HIGHER EDUCATION LOAN PROGRAM VARIABLE RATE DEFAULT RESERVE FUND, THE NEW YORK HIGHER EDUCATION LOAN PROGRAM FIXED RATE DEFAULT RESERVE FUND, OR THE STATE OF NEW YORK MORTGAGE AGENCY NEW YORK HIGHER EDUCATION LOAN PROGRAM DEFAULT RESERVE FUND, AS APPLICABLE.

S 4. Paragraph (e) of subdivision 6 of section 2405-a of the public authorities law, as added by section 9 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

(e) This fund, including all sub-accounts thereof, shall be segregated from all other funds kept by the agency and shall not be used for any other purpose beyond those set forth in part V of article fourteen of the education law or in this section. The agency shall utilize monies in the fund solely to pay the outstanding principal, capitalized and unpaid accrued interest: (I) on defaulted education loans described in paragraph [a] (A) of this subdivision; (II) ON SUCH EDUCATION LOANS THAT ARE DISCHARGED AS A RESULT OF THE DEATH OR PERMANENT TOTAL DISABILITY OF THE STUDENT WHILE A STUDENT; AND (III) ON SUCH EDUCATION LOANS THAT WERE MADE FOR A PERIOD OF ATTENDANCE BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR AND THAT ARE DISCHARGED AS A RESULT OF A BORROWER DYING WHILE ON ACTIVE MILITARY DUTY AS PROVIDED PURSUANT TO SUBDIVISION THIRTEEN OF SECTION SIX HUNDRED NINETY-THREE OF THE EDUCATION LAW OR ARE DISCHARGED AS DESCRIBED IN SUBDIVISION FOURTEEN OF SECTION SIX HUNDRED NINETY-THREE OF THE EDUCATION LAW.

S 5. Section 6501-a of the education law, as added by chapter 78 of the laws of 1991, is amended to read as follows:

S 6501-a. Disclosure with respect to loans ADMINISTERED, made or guaranteed by the New York state higher education services corporation. Every application for a license issued pursuant to the provisions of this article shall contain a question IDENTIFYING THE PROGRAMS UNDER WHICH LOANS ARE ADMINISTERED, MADE OR GUARANTEED BY THE NEW YORK STATE HIGHER EDUCATION SERVICES CORPORATION AND inquiring whether the applicant [has] IS THE BORROWER OR COSIGNER UNDER any [loans made or guaranteed by the New York state higher education services corporation] LOANS currently outstanding[,] UNDER ANY SUCH PROGRAM, and if so, whether such applicant is presently in default on any such loan. The name and address of any applicant who answers either or both of such questions in the affirmative shall be transmitted to such corporation by the department prior to the date on which such license is issued.

S 6. Paragraph (c) of subdivision 1 of section 692 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

(c) borrowers AND COSIGNERS shall successfully complete a financial literacy course as prescribed by the corporation;

S 7. Subdivision 3 of section 690 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

3. "Eligible college" shall mean a post-secondary institution, located within New York state, eligible for funds under Title IV of the Higher Education Act of nineteen hundred sixty-five, as amended, or successor statute offering [a two-year, four-year, graduate or] AN ACADEMIC DEGREE, A professional degree [granting], or A PROFESSIONAL certificate program, AS DEFINED BY REGULATION.

S 8. Paragraph (a) of subdivision 7 of section 692 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

(a) General provisions. One or more default reserve funds shall be established in the custody of the comptroller pursuant to sections seventy-eight-a and seventy-eight-b of the state finance law. THESE FUNDS SHALL BE USED BY THE CORPORATION TO PAY DEFAULT AND DISCHARGE CLAIMS TO PARTICIPATING LENDERS AND HOLDERS OF EDUCATION LOANS MADE PURSUANT TO THIS PROGRAM FOR WHICH THESE FUNDS ARE ESTABLISHED. One or more default reserve funds shall be established in the custody of the state of New York mortgage agency pursuant to subdivision six of section two thousand four hundred five-a of the public authorities law. These funds shall be used by the [corporation] STATE OF NEW YORK MORTGAGE AGENCY to pay default AND APPLICABLE DISCHARGE claims to participating lenders and holders of education loans made pursuant to this program FOR WHICH THESE FUNDS ARE ESTABLISHED.

S 9. Subparagraph (i) of paragraph (a) of subdivision 7 of section 693 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

(i) The amount deducted for any pay period does not exceed THE LESSER OF fifteen percent of disposable pay OR, WITH RESPECT TO DEDUCTIONS THAT RELATE ONLY TO EDUCATION LOANS THAT WERE MADE FOR A PERIOD OF ATTENDANCE BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, THE AMOUNT BY WHICH THE INDIVIDUAL'S DISPOSABLE PAY EXCEEDS AN AMOUNT EQUAL TO THIRTY TIMES THE MINIMUM WAGE AS SPECIFIED IN SUBSECTION (A)(2) OF SECTION SIXTEEN HUNDRED SEVENTY-THREE OF TITLE FIFTEEN OF THE UNITED STATES CODE OR THE AMOUNT PERMITTED UNDER THIS PROGRAM. However, the amount deducted for any period may exceed fifteen percent with the written consent of the individual;

S 10. Subdivision 13 of section 693 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

13. Death and disability discharge. Upon the death of a student, for the funding of whose higher education expenses an education loan was made, WHILE THE STUDENT WAS ENROLLED OR ACCEPTED FOR ENROLLMENT AT LEAST HALF-TIME, the education loan made under this program shall be deemed discharged. If such a student becomes totally and permanently disabled, WHILE THE STUDENT WAS ENROLLED OR ACCEPTED FOR ENROLLMENT AT LEAST HALF-TIME, the education loan under this program shall be deemed discharged. A total or permanent disability shall mean a condition of an individual who is unable to work and earn money because of an injury or illness that is expected to continue indefinitely or result in death.

The holder of such discharged education loans shall be paid the outstanding principal, capitalized and unpaid accrued interest due from the New York higher education loan program variable rate default reserve fund, the New York higher education loan program fixed rate default reserve fund, or the state of New York mortgage agency New York higher education loan program default reserve fund, as applicable. IN ADDITION, AN EDUCATION LOAN MAY BE DEEMED DISCHARGED, OR MAY BE ELIGIBLE FOR A DEFERMENT, IF A BORROWER DIES WHILE ON ACTIVE MILITARY DUTY PURSUANT TO, AND TO THE EXTENT PROVIDED BY, RULES AND REGULATIONS PROMULGATED BY THE CORPORATION AND SUBJECT TO THE APPROVAL OF THE STATE OF NEW YORK MORTGAGE AGENCY, OR OTHER AUTHORIZED PUBLIC BENEFIT CORPORATION AUTHORIZED TO ISSUE BONDS UNDER THE PUBLIC AUTHORITIES LAW FOR PURPOSES OF THIS PROGRAM, WITH RESPECT TO LOANS THAT ARE EXPECTED TO BE FINANCED BY SUCH ENTITY. THE HOLDER OF SUCH DISCHARGED EDUCATION LOAN SHALL BE PAID THE OUTSTANDING PRINCIPAL, CAPITALIZED AND UNPAID ACCRUED INTEREST DUE FROM THE NEW YORK HIGHER EDUCATION LOAN PROGRAM VARIABLE RATE DEFAULT RESERVE FUND, THE NEW YORK HIGHER EDUCATION LOAN PROGRAM FIXED RATE DEFAULT RESERVE FUND, OR, WITH RESPECT TO EDUCATION LOANS MADE FOR A PERIOD OF ATTENDANCE BEGINNING WITH THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE ACADEMIC YEAR, THE STATE OF NEW YORK MORTGAGE AGENCY NEW YORK HIGHER EDUCATION LOAN PROGRAM DEFAULT RESERVE FUND, AS APPLICABLE.

S 11. Subdivision 1 of section 694-a of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

1. No education loan shall be deemed subject to section one hundred eight of the banking law, to article nine of the banking law, TO THE PROVISIONS OF ANY LOCAL OR MUNICIPAL LAW, or to any other provisions of law governing the qualifications to make loans or the terms or conditions of loans described in this part, including, without limitation, the interest rates, fees and charges applicable thereto. Neither the corporation nor any entity authorized to finance education loans pursuant to the public authorities law shall be subject to any STATE, LOCAL OR MUNICIPAL licensing requirements [in connection with its education lending activities], OR ANY OTHER LOCAL OR MUNICIPAL LAW REGULATING LENDING, SERVICING, OR COLLECTION ACTIVITIES. No entity shall be considered a lender OR DEBT COLLECTOR for purposes of any other provision of law solely as a result of its interest in an education loan made under this part.

S 12. Paragraph (a) of subdivision 1 of section 692 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

(a) eligible borrowers shall apply for education loans under this program on forms AND IN A MANNER prescribed by the corporation AND THE CORPORATION SHALL BE ENTITLED TO REQUIRE BORROWERS AND COSIGNERS TO USE ELECTRONIC SIGNATURES AND RECEIVE NOTICES ELECTRONICALLY NOTWITHSTANDING THE PROVISIONS OF ARTICLE THREE OF THE STATE TECHNOLOGY LAW. SUCH ELECTRONIC SIGNATURES SHALL CONCLUSIVELY EVIDENCE THE OBLIGATION OF THE BORROWERS AND COSIGNERS WITH RESPECT TO THE LOAN. SUCH ELECTRONIC NOTICES SHALL MEET ALL DELIVERY REQUIREMENTS OF SUCH NOTICES;

S 13. Paragraph (e) of subdivision 1 of section 692 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

(e) a borrower, or co-signer, who is, OR IS APPLYING FOR AN EDUCATION LOAN TO PAY FOR THE HIGHER EDUCATION EXPENSES OF A STUDENT WHO IS, in default on an education loan made under this program, the Federal Family Education Loan Program, the Williams D. Ford Program, OR WHO IS APPLYING

FOR AN EDUCATION LOAN TO PAY THE HIGHER EDUCATION EXPENSES OF A STUDENT WHO IS SO IN DEFAULT, or WHO has failed, OR WHO IS APPLYING FOR AN EDUCATION LOAN TO PAY THE HIGHER EDUCATION EXPENSES OF A STUDENT WHO HAS FAILED, to comply with the terms and conditions of any award under this article [and has failed to satisfactorily cure such default or non-compliance as prescribed by applicable law or regulation] shall be ineligible to receive a loan under this program UNLESS SUCH DEFAULT OR NONCOMPLIANCE HAS BEEN SATISFACTORILY CURED AS PRESCRIBED BY APPLICABLE LAW OR REGULATION, and SUCH BORROWER AND COSIGNER shall further be ineligible for any other state student aid UNDER THIS ARTICLE while SUCH BORROWER OR COSIGNER, OR THE STUDENT FOR WHOM THE EDUCATION LOAN WAS MADE, IS in default on an education loan made under this program; and

S 14. Subdivision 9 of section 693 of the education law, as added by section 1 of part J of chapter 57 of the laws of 2009, is amended to read as follows:

9. Data share. The corporation shall be entitled to receive data from the New York state department of taxation and finance pursuant to section one hundred seventy-one-a and paragraph three of subdivision (e) of section six hundred ninety-seven of the tax law with respect to DELINQUENT AND defaulted education loans under this program.

S 15. This act shall take effect immediately.

PART T

Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of section 679-e of the education law, as amended by section 1 of part VV of chapter 56 of the laws of 2009, is amended to read as follows:

(i) "Eligible attorney" means an attorney, WHO IS A RESIDENT OF AND IS admitted to practice law in New York state, who is employed full-time as either a district attorney, as defined in subparagraph (ii) of this paragraph, or an indigent legal services attorney, as defined in subparagraph (iii) of this paragraph, who is admitted to practice law in this state for not more than eleven years and who was within the eligible period as defined in paragraph b of this subdivision during the time for which such person is seeking a student loan expense grant. NOTWITHSTANDING THE FOREGOING, AN ELIGIBLE ATTORNEY SHALL INCLUDE THOSE DISTRICT ATTORNEY APPLICANTS WHO WERE AWARDED PROGRAM ELIGIBILITY AND WHO PROVIDED QUALIFIED SERVICE BETWEEN APRIL FIRST, TWO THOUSAND EIGHT AND MARCH THIRTY-FIRST, TWO THOUSAND NINE; SUCH AN ELIGIBLE ATTORNEY SHALL REMAIN ELIGIBLE TO PARTICIPATE IN THE PROGRAM PROVIDED THEY ARE WITHIN AN ELIGIBLE PERIOD MEASURED FROM SIX YEARS FROM THE DATE WHICH SUCH ATTORNEY WAS FIRST EMPLOYED AS A DISTRICT ATTORNEY.

S 2. This act shall take effect immediately.

PART U

Section 1. Subdivision 7 of section 390 of the education law, as added by chapter 337 of the laws of 1964, is amended to read as follows:

7. The term "insurer" shall mean a life insurance corporation, or other corporation subject to insurance department supervision OR A REGULATED INVESTMENT COMPANY REGISTERED WITH THE SECURITIES AND EXCHANGE COMMISSION UNDER THE INVESTMENT COMPANY ACT OF 1940, AS AMENDED, OR A DISTRIBUTOR OF SUCH REGULATED INVESTMENT COMPANIES.

S 2. Subdivision 1 of section 391 of the education law, as amended by chapter 696 of the laws of 1965, is amended to read as follows:

1. There is hereby established an optional retirement program which shall provide for the [purchase of contracts providing] retirement and death benefits THROUGH THE PURCHASE OF CONTRACTS, MUTUAL FUNDS, OR OTHER INVESTMENTS PERMISSIBLE UNDER SECTION 401(A) OF THE INTERNAL REVENUE CODE for or on behalf of electing employees. Under such program the state or an electing employer and such employees shall contribute, to the extent authorized or required, towards the purchase of such contracts OR OTHER PERMISSIBLE INVESTMENTS, which shall be issued to, and become the property of, such employees OR BE HELD IN A TRUST FOR THE BENEFIT OF SUCH EMPLOYEES, AS REQUIRED BY SECTION 401(A) OF THE INTERNAL REVENUE CODE. The board of trustees of a community college may elect to offer the optional retirement program to eligible employees of such college by resolution, which shall become effective upon approval of the local sponsor acting through its local legislative body or board or other appropriate governing agency.

S 3. Subdivision 2 of section 391 of the education law, as amended by chapter 696 of the laws of 1965, is amended to read as follows:

2. The board shall designate the insurer or insurers to which payment of such contributions may be made and shall approve the form and content of such contracts. In making such designation and giving such approval the board shall give due consideration to (i) the nature and extent of the rights and benefits to be provided by such contracts for electing employees and their beneficiaries, (ii) the relation of such rights and benefits to the amount of contributions to be made under this article, (iii) the suitability of such rights and benefits to the needs and interests of electing employees and to the interests of state university and of electing employers in the employment and retention of eligible employees, and (iv) the authority and ability of the designated insurer or insurers to provide rights and benefits under such contracts. IN ACCORDANCE WITH SECTION 401(A) OF THE INTERNAL REVENUE CODE, THE BOARD SHALL ESTABLISH A TRUST TO HOLD MUTUAL FUNDS AND OTHER PROGRAM ASSETS AND INVESTMENTS OTHER THAN CONTRACTS FOR THE BENEFIT OF PLAN PARTICIPANTS, AND SHALL DETERMINE WHICH INVESTMENTS TO MAKE AVAILABLE TO PROGRAM PARTICIPANTS (INCLUDING BUT NOT LIMITED TO SHARES OF REGISTERED INVESTMENT FUNDS ("MUTUAL FUNDS")) THROUGH INDIVIDUAL ACCOUNTS UNDER THE TRUST.

S 4. Subdivision 3 of section 392 of the education law, as amended by chapter 696 of the laws of 1965, is amended to read as follows:

3. Payment of contributions pursuant to subdivisions one and two of this section shall be made to the designated insurer or insurers OR TO THE TRUST upon audit and warrant of the comptroller for employees of the state university and by the appropriate fiscal officer for employees of an electing employer.

S 5. Subdivision 4 of section 392 of the education law, as amended by chapter 696 of the laws of 1965, is amended to read as follows:

4. In the case of an electing employee initially appointed on or after July first, nineteen hundred sixty-four, no contributions pursuant to subdivisions one and two of this section shall be made by the state or by the electing employer until his completion of one year of service and continuance in service thereafter. Employee contributions, if any, required during this initial year of service shall be deducted and held by the comptroller or by the appropriate fiscal officer of an electing employer. At the end of his initial year of service, a single contribution in an amount determined pursuant to subdivisions one and two of this section, with interest at the rate of four percentum per annum, shall be made by the state, upon audit and warrant of the comptroller,

and by the appropriate fiscal officer for an electing employer, to the designated insurer or insurers OR TO THE TRUST, on behalf of such employee continued in service. In the case of an electing employee who does not continue in service with state university or with a community college beyond his initial year of service, the amount of employee contribution, if any, deducted from his salary shall be refunded to him, with interest at the rate of four percentum per annum.

S 6. Section 394 of the education law, as amended by chapter 106 of the laws of 1965, is amended to read as follows:

S 394. Survivor's benefits. In the case of the death of any electing employee, after the effective date of this election and before retirement, the value of [the] ANY death benefits provided by the contract or contracts purchased under the optional retirement program which is attributable to the state's contribution as determined by the board AND ANY VESTED BALANCE IN THE EMPLOYEE'S ACCOUNT IN THE TRUST, shall be deemed to be an ordinary death benefit provided under a public pension plan within the meaning of FORMER section one hundred fifty-four of the civil service law. Notwithstanding the provisions of such section of the civil service law, a survivors benefit payable thereunder on account of the death of any electing employee while in the employ of state university, after the effective date of such election and before retirement, including an employee subject to the provisions of subdivision three of section three hundred ninety-three of this article, shall be paid to such person or persons as such employee shall have nominated to receive the death benefits provided by the contract or contracts purchased under the optional retirement program OR DESIGNATED AS THE EMPLOYEE'S BENEFICIARY OR BENEFICIARIES WITH RESPECT TO THE EMPLOYEE'S ACCOUNT IN THE TRUST. In the event such designated beneficiary or beneficiaries do not survive the employee, or if a beneficiary was not so designated, the survivors benefit shall be paid to the deceased employee's estate or as provided in FORMER section one hundred three-a of the decedent estate law.

S 7. Section 396 of the education law, as amended by chapter 696 of the laws of 1965, is amended to read as follows:

S 396. Employer not liable for payment of benefits. Neither the state, nor state university, nor any electing employer or its local sponsor shall be a party to any contract purchased in whole or in part with contributions made under the optional retirement program established and administered pursuant to this article. ALL BENEFITS TO BE PAID FROM THE TRUST SHALL BE BASED SOLELY ON THE VESTED ACCOUNT BALANCE OF SUCH EMPLOYEE. No retirement, death, or other benefits shall be payable by the state, or by state university, or by any electing employer or its local sponsor under such optional retirement program. Such benefits shall be paid to electing employees or their beneficiaries by the designated insurer or insurers OR FROM THE TRUST in accordance with the terms of their contracts OR THE PROGRAM.

S 8. This act shall take effect immediately.

PART V

Section 1. Subdivision 4-a of section 425 of the real property tax law is amended by adding a new paragraph (d) to read as follows:

(D) VALUE LIMITATION. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, NO EXEMPTION SHALL BE GRANTED PURSUANT TO THIS SECTION TO A PROPERTY WHICH HAS AN EQUALIZED VALUE THAT IS GREATER THAN OR EQUAL TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS. THIS LIMITATION SHALL NOT

APPLY TO A PROPERTY WHICH IS PARTIALLY ELIGIBLE FOR THE EXEMPTION BY VIRTUE OF PARAGRAPH (A) OF SUBDIVISION THREE OF THIS SECTION, UNLESS THE ELIGIBLE PORTION OF THE PROPERTY HAS AN EQUALIZED VALUE THAT IS GREATER THAN OR EQUAL TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS. NOR SHALL THIS LIMITATION APPLY TO A COOPERATIVE APARTMENT UNIT OR A MOBILE HOME WHOSE VALUE HAS BEEN INCLUDED IN THE ASSESSMENT OF PROPERTY OWNED BY ANOTHER PARTY, UNLESS THE EQUALIZED VALUE OF THE COOPERATIVE APARTMENT UNIT OR MOBILE HOME IS GREATER THAN OR EQUAL TO ONE MILLION FIVE HUNDRED THOUSAND DOLLARS. FOR PURPOSES OF THIS PARAGRAPH, THE EQUALIZED VALUE OF A PROPERTY SHALL EQUAL (I) THE TOTAL ASSESSED VALUE OF THE PROPERTY APPEARING ON THE ASSESSMENT ROLL, DIVIDED BY (II) THE RESIDENTIAL ASSESSMENT RATIO ESTABLISHED FOR THAT ROLL. WHERE A STAR EXEMPTION HAS BEEN IMPROPERLY GRANTED ON A FINAL ASSESSMENT ROLL TO A PROPERTY WITH AN EQUALIZED VALUE THAT EXCEEDS THE LIMITATIONS ESTABLISHED BY THIS PARAGRAPH, THE IMPROPERLY GRANTED EXEMPTION SHALL BE DEEMED AN "UNLAWFUL ENTRY" FOR PURPOSES OF TITLE THREE OF ARTICLE FIVE OF THIS CHAPTER, AND SHALL BE CORRECTED ACCORDINGLY.

S 2. This act shall take effect April 1, 2010 and shall apply to the administration of the STAR exemption authorized by section 425 of the real property tax law beginning with the 2010-2011 school year.

PART W

Section 1. Subparagraph (ii) of paragraph (e) of subdivision 2 of section 425 of the real property tax law, as amended by section 1 of part W of chapter 57 of the laws of 2008, is amended to read as follows:

(ii) For the two thousand nine--two thousand ten [and subsequent] school [years] YEAR, the result obtained in paragraph (d) of this subdivision may not be less than eighty-nine percent of the exempt amount determined for the prior levy, unless the level of assessment in the assessing unit, or in class one in a special assessing unit, has changed by five percent or more, in which case the result obtained in paragraph (d) of this subdivision for the assessing unit, or for class one in a special assessing unit, may not be less than eighty-nine percent of the product of the exempt amount determined for the prior levy multiplied by the applicable change in level of assessment factor.

S 2. Paragraph (e) of subdivision 2 of section 425 of the real property tax law is amended by adding a new subparagraph (iii) to read as follows:

(III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND SUBSEQUENT SCHOOL YEARS, THE RESULT OBTAINED IN PARAGRAPH (D) OF THIS SUBDIVISION MAY NOT BE LESS THAN EIGHTY-TWO PERCENT OF THE EXEMPT AMOUNT DETERMINED FOR THE PRIOR LEVY, UNLESS THE LEVEL OF ASSESSMENT IN THE ASSESSING UNIT, OR IN CLASS ONE IN A SPECIAL ASSESSING UNIT, HAS CHANGED BY FIVE PERCENT OR MORE, IN WHICH CASE THE RESULT OBTAINED IN PARAGRAPH (D) OF THIS SUBDIVISION FOR THE ASSESSING UNIT, OR FOR CLASS ONE IN A SPECIAL ASSESSING UNIT, MAY NOT BE LESS THAN EIGHTY-TWO PERCENT OF THE PRODUCT OF THE EXEMPT AMOUNT DETERMINED FOR THE PRIOR LEVY MULTIPLIED BY THE APPLICABLE CHANGE IN LEVEL OF ASSESSMENT FACTOR.

S 3. This act shall take effect immediately and shall apply to the administration of the STAR exemption for the 2010-2011 and subsequent school years.

PART X

Section 1. Subdivision 1 of section 54-f of the state finance law, as added by section 139 of part A of chapter 389 of the laws of 1997, is amended to read as follows:

1. Except as otherwise provided by law, the provisions of this section shall be utilized by the state to calculate the annual amount due to be paid to the city of New York by the state to reimburse such city for tax receipts foregone (A) as a result of a chapter of the laws of nineteen hundred ninety-seven that reduced the rates of tax imposed pursuant to authority granted under section thirteen hundred one of the tax law and that created a new "state school tax reduction credit" against liabilities imposed pursuant to the authority granted the city by such section and other statutes authorizing the imposition of a personal income tax on the residents of such city, AND (B) AS A RESULT OF THE TAX RATE ADJUSTMENTS MADE BY A CHAPTER OF THE LAWS OF TWO THOUSAND TEN WHICH AMENDED THIS SUBDIVISION.

S 2. Paragraphs 1, 2 and 3 of subsection (a) of section 1304 of the tax law, as amended by section 134 of part A of chapter 389 of the laws of 1997, subparagraph (A) of paragraph 1, subparagraph (A) of paragraph 2 and subparagraph (A) of paragraph 3 as amended by chapter 525 of the laws of 2008, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six of this article and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $21,600	2.55% OF THE CITY TAXABLE INCOME
OVER $21,600 BUT NOT OVER $45,000	$551 PLUS 3.1% OF EXCESS OVER $21,600
OVER $45,000 BUT NOT OVER $90,000	$1,276 PLUS 3.15% OF EXCESS OVER $45,000
OVER $90,000 BUT NOT OVER $250,000	$2,694 PLUS 3.2% OF EXCESS OVER $90,000
OVER $250,000	$7,814 PLUS 3.4% OF EXCESS OVER $250,000

(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand [twelve] TEN:

If the city taxable income is:	The tax is:
Not over $21,600	2.55% of the city taxable income
Over $21,600 but not over $45,000	$551 plus 3.1% of excess over $21,600
Over $45,000 but not over $90,000	$1,276 plus 3.15% of excess over $45,000
Over $90,000	$2,694 plus 3.2% of excess over $90,000

[(B) For taxable years beginning in two thousand:

If the city taxable income is:	The tax is:
Not over $21,600	2.65% of the city taxable income
Over $21,600 but not over $45,000	$572 plus 3.215% of excess over $21,600
Over $45,000 but not over $90,000	$1,325 plus 3.265% of excess over $45,000
Over $90,000	$2,794 plus 3.315% of excess over $90,000

(C) For taxable years beginning in nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $21,600	2.675% of the city taxable income
Over $21,600 but not over $45,000	$578 plus 3.2575% of excess over $21,600
Over $45,000 but not over $90,000	$1,340 plus 3.3075% of excess over $45,000
Over $90,000	$2,828 plus 3.3575% of excess over $90,000

(D) For taxable years beginning after nineteen hundred ninety-six and before nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $21,600	2.7% of the city taxable income
Over $21,600 but not over $45,000	$583 plus 3.3% of excess over $21,600
Over $45,000 but not over $90,000	$1,355 plus 3.35% of excess over $45,000
Over $90,000	$2,863 plus 3.4% of excess over $90,000

(E) For taxable years beginning in nineteen hundred ninety-six:

If the city taxable income is:	The tax is:
Not over $14,400	2.6% of the city taxable income
Over $14,400 but not over $27,000	$374 plus 3% of excess over $14,400
Over $27,000 but not over $45,000	$752 plus 3.3% of excess over $27,000
Over $45,000 but not over $108,000	$1,346 plus 3.35% of excess over $45,000
Over $108,000	$3,457 plus 3.4% of excess over $108,000

(F) For taxable years beginning in nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $14,400	2.25% of the city taxable income
Over $14,400 but not over $27,000	$324 plus 2.85% of excess over $14,400
Over $27,000 but not over $45,000	$683 plus 3.3% of excess over $27,000
Over $45,000 but not over $108,000	$1,278 plus 3.35% of excess over $45,000
Over $108,000	$3,388 plus 3.4% of excess

	over $108,000

(G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $14,400	2.2% of the city taxable income
Over $14,400 but not over $27,000	$317 plus 2.7% of excess over $14,400
Over $27,000 but not over $45,000	$657 plus 3.2% of excess over $27,000
Over $45,000 but not over $108,000	$1,233 plus 3.35% of excess over $45,000
Over $108,000	$3,344 plus 3.4% of excess over $108,000

(H) For taxable years beginning in nineteen hundred eighty-eight:

If the city taxable income is:	The tax is:
Not over $4,500	1.5% of the city taxable income
Over $4,500 but not over $16,200	$68 plus 2.2% of excess over $4,500
Over $16,200 but not over $27,000	$325 plus 2.7% of excess over $16,200
Over $27,000 but not over $45,000	$617 plus 3.2% of excess over $27,000
Over $45,000 but not over $108,000	$1,193 plus 3.4% of excess over $45,000
Over $108,000	$3,335 plus 3.5% of excess over $108,000

(I) For taxable years beginning in nineteen hundred eighty-seven:

If the city taxable income is:	The tax is:
Not over $4,125	1.5% of the city taxable income
Over $4,125 but not over $8,250	$62 plus 1.8% of excess over $4,125
Over $8,250 but not over $14,850	$136 plus 2.2% of excess over $8,250
Over $14,850 but not over $21,450	$281 plus 2.6% of excess over $14,850
Over $21,450 but not over $28,050	$453 plus 3% of excess over $21,450
Over $28,050 but not over $34,650	$651 plus 3.4% of excess over $28,050
Over $34,650 but not over $41,250	$875 plus 3.7% of excess over $34,650
Over $41,250 but not over $99,000	$1,119 plus 3.9% of excess over $41,250
Over $99,000	$3,371 plus 4.1% of excess over $99,000]

(2) Resident heads of households. The tax under this section for each taxable year on the city taxable income of every city resident head of a household shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $14,400	2.55% OF THE CITY TAXABLE INCOME
OVER $14,400 BUT NOT OVER $30,000	$367 PLUS 3.1% OF EXCESS OVER $14,400
OVER $30,000 BUT NOT OVER $60,000	$851 PLUS 3.15% OF EXCESS OVER $30,000
OVER $60,000 BUT NOT OVER $250,000	$1,796 PLUS 3.2% OF EXCESS OVER $60,000
OVER $250,000	$7,876 PLUS 3.4% OF EXCESS OVER $250,000

(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand [twelve] TEN:

If the city taxable income is:	The tax is:
Not over $14,400	2.55% of the city taxable income
Over $14,400 but not over $30,000	$367 plus 3.1% of excess over $14,400
Over $30,000 but not over $60,000	$851 plus 3.15% of excess over $30,000
Over $60,000	$1,796 plus 3.2% of excess over $60,000

[(B) For taxable years beginning in two thousand:

If the city taxable income is:	The tax is:
Not over $14,400	2.65% of the city taxable income
Over $14,400 but not over $30,000	$382 plus 3.215% of excess over $14,400
Over $30,000 but not over $60,000	$883 plus 3.265% of excess over $30,000
Over $60,000 but not	$1,863 plus 3.315% of excess over $60,000

(C) For taxable years beginning in nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $14,400	2.675% of the city taxable income
Over $14,400 but not over $30,000	$385 plus 3.2575% of excess over $14,400
Over $30,000 but not over $60,000	$893 plus 3.3075% of excess over $30,000
Over $60,000	$1,886 plus 3.3575% of excess over $60,000

(D) For taxable years beginning after nineteen hundred ninety-six and before nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $14,400	2.7% of the city taxable income
Over $14,400 but not over $30,000	$389 plus 3.3% of excess over $14,400
Over $30,000 but not over $60,000	$904 plus 3.35% of excess over $30,000
Over $60,000	$1,909 plus 3.4% of excess

	over $60,000

(E) For taxable years beginning in nineteen hundred ninety-six:

If the city taxable income is:	The tax is:
Not over $9,600	2.6% of the city taxable income
Over $9,600 but not over $18,000	$250 plus 3% of excess over $9,600
Over $18,000 but not over $30,000	$502 plus 3.3% of excess over $18,000
Over $30,000 but not over $72,000	$898 plus 3.35% of excess over $30,000
Over $72,000	$2,305 plus 3.4% of excess over $72,000

(F) For taxable years beginning in nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $9,200	2.25% of the city taxable income
Over $9,200 but not over $17,250	$207 plus 2.85% of excess over $9,200
Over $17,250 but not over $28,750	$436 plus 3.3% of excess over $17,250
Over $28,750 but not over $69,000	$816 plus 3.35% of excess over $28,750
Over $69,000	$2,164 plus 3.4% of excess over $69,000

(G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $8,800	2.2% of the city taxable income
Over $8,800 but not over $16,500	$194 plus 2.7% of excess over $8,800
Over $16,500 but not over $27,500	$402 plus 3.2% of excess over $16,500
Over $27,500 but not over $66,000	$754 plus 3.35% of excess over $27,500
Over $66,000	$2,044 plus 3.4% of excess over $66,000

(H) For taxable years beginning in nineteen hundred eighty-eight:

If the city taxable income is:	The tax is:
Not over $2,750	1.5% of the city taxable income
Over $2,750 but not over $9,900	$41 plus 2.2% of excess over $2,750
Over $9,900 but not over $16,500	$198 plus 2.7% of excess over $9,900
Over $16,500 but not over $27,500	$376 plus 3.2% of excess over $16,500
Over $27,500 but not over $66,000	$728 plus 3.4% of excess over $27,500
Over $66,000	$2,037 plus 3.5% of excess over $66,000

(I) For taxable years beginning in nineteen hundred eighty-seven:

If the city taxable income is:	The tax is:
Not over $2,750	1.5% of the city taxable income
Over $2,750 but not over $5,500	$41 plus 1.8% of excess over $2,750
Over $5,500 but not over $9,900	$91 plus 2.2% of excess over $5,500
Over $9,900 but not over $14,300	$188 plus 2.6% of excess over $9,900
Over $14,300 but not over $18,700	$302 plus 3% of excess over $14,300
Over $18,700 but not over $23,100	$434 plus 3.4% of excess over $18,700
Over $23,100 but not over $27,500	$584 plus 3.7% of excess over $23,100
Over $27,500 but not over $66,000	$747 plus 3.9% of excess over $27,500
Over $66,000	$2,249 plus 4.1% of excess over $66,000]

(3) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. The tax under this section for each taxable year on the city taxable income of every city resident individual who is not a city resident married individual who makes a single return jointly with his or her spouse under subsection (b) of section thirteen hundred six OF THIS ARTICLE or a city resident head of household or a city resident surviving spouse, and on the city taxable income of every city resident estate and trust shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $12,000	2.55% OF THE CITY TAXABLE INCOME
OVER $12,000 BUT NOT OVER $25,000	$306 PLUS 3.1% OF EXCESS OVER $12,000
OVER $25,000 BUT NOT OVER $50,000	$709 PLUS 3.15% OF EXCESS OVER $25,000
OVER $50,000 BUT NOT OVER $250,000	$1,497 PLUS 3.2% OF EXCESS OVER $50,000
OVER $250,000	$7,897 PLUS 3.4% OF EXCESS OVER $250,000

(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand [twelve] TEN:

If the city taxable income is:	The tax is:
Not over $12,000	2.55% of the city taxable income
Over $12,000 but not over $25,000	$306 plus 3.1% of excess over $12,000
Over $25,000 but not over $50,000	$709 plus 3.15% of excess over $25,000
Over $50,000	$1,497 plus 3.2% of excess over $50,000

[(B) For taxable years beginning in two thousand:

If the city taxable income is:	The tax is:
Not over $12,000	2.65% of the city taxable income
Over $12,000 but not over $25,000	$318 plus 3.215% of excess over $12,000
Over $25,000 but not over $50,000	$736 plus 3.265% of excess over $25,000
Over $50,000	$1,552 plus 3.315% of excess over $50,000

(C) For taxable years beginning in nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $12,000	2.675% of the city taxable income
Over $12,000 but not over $25,000	$321 plus 3.2575% of excess over $12,000
Over $25,000 but not over $50,000	$744 plus 3.3075% of excess over $25,000
Over $50,000	$1,571 plus 3.3575% of excess over $50,000

(D) For taxable years beginning after nineteen hundred ninety-six and before nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $12,000	2.7% of the city taxable income
Over $12,000 but not over $25,000	$324 plus 3.3% of excess over $12,000
Over $25,000 but not over $50,000	$753 plus 3.35% of excess over $25,000
Over $50,000	$1,591 plus 3.4% of excess over $50,000

(E) For taxable years beginning in nineteen hundred ninety-six:

If the city taxable income is:	The tax is:
Not over $8,000	2.6% of the city taxable income
Over $8,000 but not over $15,000	$208 plus 3% of excess over $8,000
Over $15,000 but not over $25,000	$418 plus 3.3% of excess over $15,000
Over $25,000 but not over $60,000	$748 plus 3.35% of excess over $25,000
Over $60,000	$1,920 plus 3.4% of excess over $60,000

(F) For taxable years beginning in nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $8,000	2.25% of the city taxable income
Over $8,000 but not over $15,000	$180 plus 2.85% of excess over $8,000
Over $15,000 but not over $25,000	$380 plus 3.3% of excess over $15,000
Over $25,000 but not	$710 plus 3.35% of excess

over $60,000	over $25,000
Over $60,000	$1,883 plus 3.4% of excess over $60,000

(G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $8,000	2.2% of the city taxable income
Over $8,000 but not over $15,000	$176 plus 2.7% of excess over $8,000
Over $15,000 but not over $25,000	$365 plus 3.2% of excess over $15,000
Over $25,000 but not over $60,000	$685 plus 3.35% of excess over $25,000
Over $60,000	$1,858 plus 3.4% of excess over $60,000

(H) For taxable years beginning in nineteen hundred eighty-eight:

If the city taxable income is:	The tax is:
Not over $2,500	1.5% of the city taxable income
Over $2,500 but not over $9,000	$38 plus 2.2% of excess over $2,500
Over $9,000 but not over $15,000	$181 plus 2.7% of excess over $9,000
Over $15,000 but not over $25,000	$343 plus 3.2% of excess over $15,000
Over $25,000 but not over $60,000	$663 plus 3.4% of excess over $25,000
Over $60,000	$1,853 plus 3.5% of excess over $60,000

(I) For taxable years beginning in nineteen hundred eighty-seven:

If the city taxable income is:	The tax is:
Not over $2,500	1.5% of the city taxable income
Over $2,500 but not over $5,000	$38 plus 1.8% of excess over $2,500
Over $5,000 but not over $9,000	$83 plus 2.2% of excess over $5,000
Over $9,000 but not over $13,000	$171 plus 2.6% of excess over $9,000
Over $13,000 but not over $17,000	$275 plus 3% of excess over $13,000
Over $17,000 but not over $21,000	$395 plus 3.4% of excess over $17,000
Over $21,000 but not over $25,000	$531 plus 3.7% of excess over $21,000
Over $25,000 but not over $60,000	$679 plus 3.9% of excess over $25,000
Over $60,000	$2,044 plus 4.1% of excess over $60,000]

S 3. Paragraphs 1, 2 and 3 of subdivision (a) of section 11-1701 of the administrative code of the city of New York, as amended by section

136 of part A of chapter 389 of the laws of 1997, subparagraph (A) of paragraph 1, subparagraph (A) of paragraph 2 and subparagraph (A) of paragraph 3 as amended by chapter 525 of the laws of 2008, are amended to read as follows:

(1) Resident married individuals filing joint returns and resident surviving spouses. The tax under this section for each taxable year on the city taxable income of every city resident married individual who makes a single return jointly with his or her spouse under subdivision (b) of section 11-1751 OF THIS CHAPTER and on the city taxable income of every city resident surviving spouse shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $21,600	2.55% OF THE CITY TAXABLE INCOME
OVER $21,600 BUT NOT OVER $45,000	$551 PLUS 3.1% OF EXCESS OVER $21,600
OVER $45,000 BUT NOT OVER $90,000	$1,276 PLUS 3.15% OF EXCESS OVER $45,000
OVER $90,000 BUT NOT OVER $250,000	$2,694 PLUS 3.2% OF EXCESS OVER $90,000
OVER $250,000	$7,814 PLUS 3.4% OF EXCESS OVER $250,000

(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand [twelve] TEN:

If the city taxable income is:	The tax is:
Not over $21,600	2.55% of the city taxable income
Over $21,600 but not over $45,000	$551 plus 3.1% of excess over $21,600
Over $45,000 but not over $90,000	$1,276 plus 3.15% of excess over $45,000
Over $90,000	$2,694 plus 3.2% of excess over $90,000

[(B) For taxable years beginning in two thousand:

If the city taxable income is:	The tax is:
Not over $21,600	2.65% of the city taxable income
Over $21,600 but not over $45,000	$572 plus 3.215% of excess over $21,600
Over $45,000 but not over $90,000	$1,325 plus 3.265% of excess over $45,000
Over $90,000	$2,794 plus 3.315% of excess over $90,000

(C) For taxable years beginning in nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $21,600	2.675% of the city taxable income
Over $21,600 but not over $45,000	$578 plus 3.2575% of excess over $21,600
Over $45,000 but not over $90,000	$1,340 plus 3.3075% of excess over $45,000
Over $90,000	$2,828 plus 3.3575% of excess

	over $90,000

(D) For taxable years beginning after nineteen hundred ninety-six and before nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $21,600	2.7% of the city taxable income
Over $21,600 but not over $45,000	$583 plus 3.3% of excess over $21,600
Over $45,000 but not over $90,000	$1,355 plus 3.35% of excess over $45,000
Over $90,000	$2,863 plus 3.4% of excess over $90,000

(E) For taxable years beginning in nineteen hundred ninety-six:

If the city taxable income is:	The tax is:
Not over $14,400	2.6% of the city taxable income
Over $14,400 but not over $27,000	$374 plus 3% of excess over $14,400
Over $27,000 but not over $45,000	$752 plus 3.3% of excess over $27,000
Over $45,000 but not over $108,000	$1,346 plus 3.35% of excess over $45,000
Over $108,000	$3,457 plus 3.4% of excess over $108,000

(F) For taxable years beginning in nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $14,400	2.25% of the city taxable income
Over $14,400 but not over $27,000	$324 plus 2.85% of excess over $14,400
Over $27,000 but not over $45,000	$683 plus 3.3% of excess over $27,000
Over $45,000 but not over $108,000	$1,278 plus 3.35% of excess over $45,000
Over $108,000	$3,388 plus 3.4% of excess over $108,000

(G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $14,400	2.2% of the city taxable income
Over $14,400 but not over $27,000	$317 plus 2.7% of excess over $14,400
Over $27,000 but not over $45,000	$657 plus 3.2% of excess over $27,000
Over $45,000 but not over $108,000	$1,233 plus 3.35% of excess over $45,000
Over $108,000	$3,344 plus 3.4% of excess over $108,000

(H) For taxable years beginning in nineteen hundred eighty-eight:

If the city taxable income is:	The tax is:
Not over $4,500	1.5% of the city taxable income
Over $4,500 but not over $16,200	$68 plus 2.2% of excess over $4,500
Over $16,200 but not over $27,000	$325 plus 2.7% of excess over $16,200
Over $27,000 but not over $45,000	$617 plus 3.2% of excess over $27,000
Over $45,000 but not over $108,000	$1,193 plus 3.4% of excess over $45,000
Over $108,000	$3,335 plus 3.5% of excess over $108,000

(I) For taxable years beginning in nineteen hundred eighty-seven:

If the city taxable income is:	The tax is:
Not over $4,125	1.5% of the city taxable income
Over $4,125 but not over $8,250	$62 plus 1.8% of excess over $4,125
Over $8,250 but not over $14,850	$136 plus 2.2% of excess over $8,250
Over $14,850 but not over $21,450	$281 plus 2.6% of excess over $14,850
Over $21,450 but not over $28,050	$453 plus 3% of excess over $21,450
Over $28,050 but not over $34,650	$651 plus 3.4% of excess over $28,050
Over $34,650 but not over $41,250	$875 plus 3.7% of excess over $34,650
Over $41,250 but not over $99,000	$1,119 plus 3.9% of excess over $41,250
Over $99,000	$3,371 plus 4.1% of excess over $99,000]

(2) Resident heads of households. The tax under this section for each taxable year on the city taxable income of every city resident head of a household shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $14,400	2.55% OF THE CITY TAXABLE INCOME
OVER $14,400 BUT NOT OVER $30,000	$367 PLUS 3.1% OF EXCESS OVER $14,400
OVER $30,000 BUT NOT OVER $60,000	$851 PLUS 3.15% OF EXCESS OVER $30,000
OVER $60,000 BUT NOT OVER $250,000	$1,796 PLUS 3.2% OF EXCESS OVER $60,000
OVER $250,000	$7,876 PLUS 3.4% OF EXCESS OVER $250,000

(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand [twelve] TEN:

If the city taxable income is:	The tax is:
Not over $14,400	2.55% of the city taxable income

Over $14,400 but not over $30,000	$367 plus 3.1% of excess over $14,400
Over $30,000 but not over $60,000	$851 plus 3.15% of excess over $30,000
Over $60,000	$[1,769] 1,796 plus 3.2% of excess over $60,000

[(B) For taxable years beginning in two thousand:

If the city taxable income is:	The tax is:
Not over $14,400	2.65% of the city taxable income
Over $14,400 but not over $30,000	$382 plus 3.215% of excess over $14,400
Over $30,000 but not over $60,000	$883 plus 3.265% of excess over $30,000
Over $60,000	$1,863 plus 3.315% of excess over $60,000

(C) For taxable years beginning in nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $14,400	2.675% of the city taxable income
Over $14,400 but not over $30,000	$385 plus 3.2575% of excess over $14,400
Over $30,000 but not over $60,000	$893 plus 3.3075% of excess over $30,000
Over $60,000	$1,886 plus 3.3575% of excess over $60,000

(D) For taxable years beginning after nineteen hundred ninety-six and before nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $14,400	2.7% of the city taxable income
Over $14,400 but not over $30,000	$389 plus 3.3% of excess over $14,400
Over $30,000 but not over $60,000	$904 plus 3.35% of excess over $30,000
Over $60,000	$1,909 plus 3.4% of excess over $60,000

(E) For taxable years beginning in nineteen hundred ninety-six:

If the city taxable income is:	The tax is:
Not over $9,600	2.6% of the city taxable income
Over $9,600 but not over $18,000	$250 plus 3% of excess over $9,600
Over $18,000 but not over $30,000	$502 plus 3.3% of excess over $18,000
Over $30,000 but not over $72,000	$898 plus 3.35% of excess over $30,000
Over $72,000	$2,305 plus 3.4% of excess over $72,000

(F) For taxable years beginning in nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $9,200	2.25% of the city taxable income
Over $9,200 but not over $17,250	$207 plus 2.85% of excess over $9,200
Over $17,250 but not over $28,750	$436 plus 3.3% of excess over $17,250
Over $28,750 but not over $69,000	$816 plus 3.35% of excess over $28,750
Over $69,000	$2,164 plus 3.4% of excess over $69,000

(G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $8,800	2.2% of the city taxable income
Over $8,800 but not over $16,500	$194 plus 2.7% of excess over $8,800
Over $16,500 but not over $27,500	$402 plus 3.2% of excess over $16,500
Over $27,500 but not over $66,000	$754 plus 3.35% of excess over $27,500
Over $66,000	$2,044 plus 3.4% of excess over $66,000

(H) For taxable years beginning in nineteen hundred eighty-eight:

If the city taxable income is:	The tax is:
Not over $2,750	1.5% of the city taxable income
Over $2,750 but not over $9,900	$41 plus 2.2% of excess over $2,750
Over $9,900 but not over $16,500	$198 plus 2.7% of excess over $9,900
Over $16,500 but not over $27,500	$376 plus 3.2% of excess over $16,500
Over $27,500 but not over $66,000	$728 plus 3.4% of excess over $27,500
Over $66,000	$2,037 plus 3.5% of excess over $66,000

(I) For taxable years beginning in nineteen hundred eighty-seven:

If the city taxable income is:	The tax is:
Not over $2,750	1.5% of the city taxable income
Over $2,750 but not over $5,500	$41 plus 1.8% of excess over $2,750
Over $5,500 but not over $9,900	$91 plus 2.2% of excess over $5,500
Over $9,900 but not over $14,300	$188 plus 2.6% of excess over $9,900
Over $14,300 but not over $18,700	$302 plus 3% of excess over $14,300
Over $18,700 but not over $23,100	$434 plus 3.4% of excess over $18,700
Over $23,100 but not over $27,500	$584 plus 3.7% of excess over $23,100

Over $27,500 but not over $66,000	$747 plus 3.9% of excess over $27,500
Over $66,000	$2,249 plus 4.1% of excess over $66,000]

(3) Resident unmarried individuals, resident married individuals filing separate returns and resident estates and trusts. The tax under this section for each taxable year on the city taxable income of every city resident individual who is not a married individual who makes a single return jointly with his or her spouse under subdivision (b) of section 11-1751 OF THIS CHAPTER or a city resident head of a household or a city resident surviving spouse, and on the city taxable income of every city resident estate and trust shall be determined in accordance with the following tables:

(A) FOR TAXABLE YEARS BEGINNING AFTER TWO THOUSAND NINE:

IF THE CITY TAXABLE INCOME IS:	THE TAX IS:
NOT OVER $12,000	2.55% OF THE CITY TAXABLE INCOME
OVER $12,000 BUT NOT OVER $25,000	$306 PLUS 3.1% OF EXCESS OVER $12,000
OVER $25,000 BUT NOT OVER $50,000	$709 PLUS 3.15% OF EXCESS OVER $25,000
OVER $50,000 BUT NOT OVER $250,000	$1,497 PLUS 3.2% OF EXCESS OVER $50,000
OVER $250,000	$7,897 PLUS 3.4% OF EXCESS OVER $250,000

(B) For taxable years beginning in two thousand one and two thousand two and for taxable years beginning after two thousand five and before two thousand [twelve] TEN:

If the city taxable income is:	The tax is:
Not over $12,000	2.55% of the city taxable income
Over $12,000 but not over $25,000	$306 plus 3.1% of excess over $12,000
Over $25,000 but not over $50,000	$709 plus 3.15% of excess over $25,000
Over $50,000	$1,497 plus 3.2% of excess over $50,000

[(B) For taxable years beginning in two thousand:

If the city taxable income is:	The tax is:
Not over $12,000	2.65% of the city taxable income
Over $12,000 but not over $25,000	$318 plus 3.215% of excess over $12,000
Over $25,000 but not over $50,000	$736 plus 3.265% of excess over $25,000
Over $50,000	$1,552 plus 3.315% of excess over $50,000

(C) For taxable years beginning in nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $12,000	2.675% of the city taxable income
Over $12,000 but not	$321 plus 3.2575% of excess

over $25,000	over $12,000
Over $25,000 but not over $50,000	$744 plus 3.3075% of excess over $25,000
Over $50,000	$1,571 plus 3.3575% of excess over $50,000

(D) For taxable years beginning after nineteen hundred ninety-six and before nineteen hundred ninety-nine:

If the city taxable income is:	The tax is:
Not over $12,000	2.7% of the city taxable income
Over $12,000 but not over $25,000	$324 plus 3.3% of excess over $12,000
Over $25,000 but not over $50,000	$753 plus 3.35% of excess over $25,000
Over $50,000	$1,591 plus 3.4% of excess over $50,000

(E) For taxable years beginning in nineteen hundred ninety-six:

If the city taxable income is:	The tax is:
Not over $8,000	2.6% of the city taxable income
Over $8,000 but not over $15,000	$208 plus 3% of excess over $8,000
Over $15,000 but not over $25,000	$418 plus 3.3% of excess over $15,000
Over $25,000 but not over $60,000	$748 plus 3.35% of excess over $25,000
Over $60,000	$1,920 plus 3.4% of excess over $60,000

(F) For taxable years beginning in nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $8,000	2.25% of the city taxable income
Over $8,000 but not over $15,000	$180 plus 2.85% of excess over $8,000
Over $15,000 but not over $25,000	$380 plus 3.3% of excess over $15,000
Over $25,000 but not over $60,000	$710 plus 3.35% of excess over $25,000
Over $60,000	$1,883 plus 3.4% of excess over $60,000

(G) For taxable years beginning after nineteen hundred eighty-eight and before nineteen hundred ninety-five:

If the city taxable income is:	The tax is:
Not over $8,000	2.2% of the city taxable income
Over $8,000 but not over $15,000	$176 plus 2.7% of excess over $8,000
Over $15,000 but not over $25,000	$365 plus 3.2% of excess over $15,000
Over $25,000 but not over $60,000	$685 plus 3.35% of excess over $25,000
Over $60,000	$1,858 plus 3.4% of excess

	over $60,000

(H) For taxable years beginning in nineteen hundred eighty-eight:

If the city taxable income is:	The tax is:
Not over $2,500	1.5% of the city taxable income
Over $2,500 but not over $9,000	$38 plus 2.2% of excess over $2,500
Over $9,000 but not over $15,000	$181 plus 2.7% of excess over $9,000
Over $15,000 but not over $25,000	$343 plus 3.2% of excess over $15,000
Over $25,000 but not over $60,000	$663 plus 3.4% of excess over $25,000
Over $60,000	$1,853 plus 3.5% of excess over $60,000

(I) For taxable years beginning in nineteen hundred eighty-seven:

If the city taxable income is:	The tax is:
Not over $2,500	1.5% of the city taxable income
Over $2,500 but not over $5,000	$38 plus 1.8% of excess over $2,500
Over $5,000 but not over $9,000	$83 plus 2.2% of excess over $5,000
Over $9,000 but not over $13,000	$171 plus 2.6% of excess over $9,000
Over $13,000 but not over $17,000	$275 plus 3% of excess over $13,000
Over $17,000 but not over $21,000	$395 plus 3.4% of excess over $17,000
Over $21,000 but not over $25,000	$531 plus 3.7% of excess over $21,000
Over $25,000 but not over $60,000	$679 plus 3.9% of excess over $25,000
Over $60,000	$2,044 plus 4.1% of excess over $60,000]

S 4. Notwithstanding any provision of law to the contrary, the method of determining the amount to be deducted and withheld from wages on account of taxes imposed by or pursuant to the authority of article 30 of the tax law in connection with the implementation of the provisions of this act shall be prescribed by regulations of the commissioner of taxation and finance with due consideration to the effect such withholding tables and methods would have on the receipt and amount of revenue. The commissioner of taxation and finance shall adjust such withholding tables and methods in regard to taxable years beginning in 2010 and after in such manner as to result, so far as practicable, in withholding from an employee's wages an amount substantially equivalent to the tax reasonably estimated to be due for such taxable years as a result of the provisions of this act. Provided, however, for tax year 2010 the withholding tables shall reflect as accurately as practicable the full amount of tax year 2010 liability so that such amount is withheld by December 31, 2010. Any such regulations to implement a change in withholding tables and methods for tax year 2010 shall be adopted and effective as soon as practicable and the commissioner may adopt such regu-

lations on an emergency basis notwithstanding anything to the contrary in section 202 of the state administrative procedure act. In carrying out his or her duties and responsibilities under this section, the commissioner of taxation and finance may accompany such a rule making procedure with a similar procedure with respect to the taxes required to be deducted and withheld by local laws imposing taxes pursuant to the authority of articles 30, 30-A and 30-B of the tax law, the provisions of any other law in relation to such a procedure to the contrary notwithstanding.

S 5. 1. Notwithstanding any provision of law to the contrary, no addition to tax required shall be imposed for failure to pay the estimated tax in subsection (c) of section 685 of the tax law with respect to any underpayment of a required installment due prior to, or within thirty days of, the effective date of this act to the extent that such underpayment was created or increased by the amendments made by this act provided, however, that the taxpayer remits the amount of any underpayment prior to or with his or her next quarterly estimated tax payment.

2. The commissioner of taxation and finance shall take steps to publicize the necessary adjustments to estimated tax and, to the extent reasonably possible, to inform the taxpayer of the tax liability changes made by this act.

S 6. This act shall take effect immediately.

PART Y

Section 1. The opening paragraph of section 21-a of the social services law, as added by section 144-a of part B of chapter 436 of the laws of 1997, is amended to read as follows:

Any electronic benefit transfer system shall be implemented by the department on a statewide basis and shall be administered pursuant to the provisions of this section. AN ELECTRONIC BENEFIT TRANSFER SYSTEM MAY INCLUDE DIRECT DEPOSIT AND DEBIT CARDS.

S 2. Section 398-a of the social services law is amended by adding a new subdivision 2-b to read as follows:

(2-B) PAYMENTS MADE DIRECTLY BY SOCIAL SERVICES DISTRICTS TO FOSTER BOARDING HOMES FOR FOSTER CARE PURSUANT TO THIS SECTION MAY BE MADE BY ELECTRONIC BENEFIT TRANSFER, DIRECT DEPOSIT OR DEBIT CARD AND ADMINISTERED ELECTRONICALLY, OR BY SUCH OTHER METHODS, 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 SOCIAL SERVICES DISTRICTS FOR ELECTRONIC BENEFIT TRANSFER SERVICES IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS CHAPTER.

S 3. Subdivision 1 of section 453 of the social services law is amended by adding a new paragraph (a-1) to read as follows:

(A-1) PAYMENTS PURSUANT TO THIS SECTION MAY BE MADE BY ELECTRONIC BENEFIT TRANSFER, DIRECT DEPOSIT OR DEBIT CARD AND ADMINISTERED ELECTRONICALLY, OR BY SUCH OTHER METHODS, 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 ELECTRONIC BENEFIT TRANSFER SERVICES IN ACCORDANCE WITH SECTION TWENTY-ONE-A OF THIS CHAPTER.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART Z

Section 1. Paragraph (a) of subdivision 2 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, is 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 AND KINSHIP GUARDIANSHIP ASSISTANCE 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. SUCH KINSHIP GUARDIANSHIP ASSISTANCE SHALL INCLUDE EXPENDITURES FOR THE PROVISION AND ADMINISTRATION OF KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS AND NON-RECURRING GUARDIANSHIP EXPENSES MADE PURSUANT TO TITLE TEN OF ARTICLE SIX OF THIS CHAPTER. 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 reports submitted pursuant to section thirty-four-a of this chapter.

S 2. Paragraph (h) of subdivision 12 of section 366 of the social services law, as added by section 1 of part E of chapter 58 of the laws of 2006, is amended to read as follows:

(h) A person participating in the waiver program established by this subdivision may continue participation in the program until it is no longer consistent with the plan of care, or until age twenty-one, whichever occurs earlier, notwithstanding the person's status as having been discharged from the care and placement of the local commissioner of a social services district or the commissioner of children and family services, including adoption OR PARTICIPATION IN THE KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM UNDER TITLE TEN OF ARTICLE SIX OF THIS CHAPTER.

S 3. Section 366 of the social services law is amended by adding a new subdivision 13 to read as follows:

13. THE COMMISSIONER OF HEALTH, IN CONSULTATION WITH THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, SHALL MAKE ANY AVAILABLE AMENDMENTS TO THE STATE PLAN FOR MEDICAL ASSISTANCE SUBMITTED PURSUANT TO SECTION THREE HUNDRED SIXTY-THREE-A OF THIS TITLE, OR, IF AN AMENDMENT IS NOT POSSIBLE, DEVELOP AND SUBMIT AN APPLICATION FOR ANY WAIVER UNDER THE FEDERAL SOCIAL SECURITY ACT THAT MAY BE AVAILABLE TO PROVIDE MEDICAL ASSISTANCE FOR THOSE CHILDREN RECEIVING KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS UNDER TITLE TEN OF ARTICLE SIX OF THIS CHAPTER WHO ARE NOT AUTOMATICALLY ELIGIBLE FOR SUCH MEDICAL ASSISTANCE UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT.

S 4. Article 6 of the social services law is amended by adding a new title 10 to read as follows:

TITLE 10

KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM

SECTION 458-A. DEFINITIONS.
458-B. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS.
458-C. PAYMENTS FOR NON-RECURRING GUARDIANSHIP EXPENSES.
458-D. MEDICAL SUBSIDY.

458-E. INDEPENDENT LIVING SERVICES.
458-F. FAIR HEARINGS.
458-G. STATE REIMBURSEMENT.

S 458-A. DEFINITIONS. AS USED IN THIS TITLE:

1. "CHILD" SHALL MEAN A PERSON UNDER THE AGE OF TWENTY-ONE YEARS WHOSE CUSTODY, CARE AND CUSTODY, OR CUSTODY AND GUARDIANSHIP HAVE BEEN COMMITTED TO A SOCIAL SERVICES OFFICIAL PRIOR TO SUCH PERSON'S EIGHTEENTH BIRTHDAY PURSUANT TO THIS CHAPTER OR ARTICLE THREE, SEVEN OR TEN OF THE FAMILY COURT ACT.

2. "APPLICABLE BOARD RATE" SHALL MEAN AN AMOUNT EQUAL TO THE MONTHLY PAYMENT THAT HAS BEEN MADE BY A SOCIAL SERVICES OFFICIAL, IN ACCORDANCE WITH SECTION THREE HUNDRED NINETY-EIGHT-A OF THIS ARTICLE AND OTHER PROVISIONS OF THIS CHAPTER, FOR THE CARE AND MAINTENANCE OF THE CHILD, WHILE SUCH CHILD WAS BOARDED OUT IN THE APPROVED OR CERTIFIED FOSTER FAMILY BOARDING HOME WITH THE PROSPECTIVE RELATIVE GUARDIAN. SUCH RATE SHALL REFLECT ANNUAL CHANGES IN ROOM AND BOARD RATES AND CLOTHING REPLACEMENT ALLOWANCES.

3. "PROSPECTIVE RELATIVE GUARDIAN" SHALL MEAN A PERSON WHO IS RELATED TO THE CHILD THROUGH BLOOD, MARRIAGE, OR ADOPTION WHO HAS BEEN CARING FOR THE CHILD AS A FULLY CERTIFIED OR APPROVED FOSTER PARENT FOR AT LEAST SIX CONSECUTIVE MONTHS PRIOR TO APPLYING FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS.

4. "RELATIVE GUARDIAN" SHALL MEAN A PERSON WHO WAS ISSUED LETTERS OF GUARDIANSHIP FOR A CHILD AFTER ENTERING INTO AN AGREEMENT WITH A SOCIAL SERVICES OFFICIAL FOR THE RECEIPT OF PAYMENTS AND SERVICES IN ACCORDANCE WITH THIS TITLE.

5. "SOCIAL SERVICES OFFICIAL" SHALL MEAN A COUNTY COMMISSIONER OF SOCIAL SERVICES, A CITY COMMISSIONER OF SOCIAL SERVICES, OR AN INDIAN TRIBE WITH WHICH THE OFFICE OF CHILDREN AND FAMILY SERVICES HAS ENTERED INTO AN AGREEMENT TO PROVIDE FOSTER CARE SERVICES IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION THIRTY-NINE OF THIS CHAPTER.

S 458-B. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS. 1. A CHILD IS ELIGIBLE FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS UNDER THIS TITLE IF THE SOCIAL SERVICES OFFICIAL DETERMINES THE FOLLOWING:

(A) THE CHILD HAS BEEN IN FOSTER CARE FOR AT LEAST SIX CONSECUTIVE MONTHS IN THE HOME OF THE PROSPECTIVE RELATIVE GUARDIAN; AND

(B) THE CHILD BEING RETURNED HOME OR ADOPTED ARE NOT APPROPRIATE PERMANENCY OPTIONS FOR THE CHILD; AND

(C) THE CHILD DEMONSTRATES A STRONG ATTACHMENT TO THE PROSPECTIVE RELATIVE GUARDIAN AND THE PROSPECTIVE RELATIVE GUARDIAN HAS A STRONG COMMITMENT TO CARING PERMANENTLY FOR THE CHILD; AND

(D) WITH RESPECT TO A CHILD WHO HAS ATTAINED FOURTEEN YEARS OF AGE, THE CHILD HAS BEEN CONSULTED REGARDING THE KINSHIP GUARDIANSHIP ARRANGEMENT.

(E) THE FINANCIAL STATUS OF THE PROSPECTIVE RELATIVE GUARDIAN SHALL NOT BE CONSIDERED IN DETERMINING ELIGIBILITY FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS.

2. (A) A PROSPECTIVE RELATIVE GUARDIAN WHO HAS BEEN CARING FOR AN ELIGIBLE FOSTER CHILD FOR AT LEAST SIX CONSECUTIVE MONTHS AND WHO INTENDS TO SEEK GUARDIANSHIP OF THE CHILD MAY APPLY TO THE SOCIAL SERVICES OFFICIAL WHO HAS CUSTODY, CARE AND CUSTODY, OR GUARDIANSHIP AND CUSTODY OF THE CHILD TO RECEIVE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS, NON-RECURRING GUARDIANSHIP PAYMENTS, AND OTHER APPLICABLE SERVICES AND PAYMENTS AVAILABLE UNDER THIS TITLE ON BEHALF OF THE CHILD.

(B) APPLICATIONS SHALL ONLY BE ACCEPTED PRIOR TO ISSUANCE OF LETTERS OF GUARDIANSHIP OF THE CHILD TO THE RELATIVE GUARDIAN PURSUANT TO THE

PROVISIONS OF THE FAMILY COURT ACT OR THE SURROGATE'S COURT PROCEDURE ACT.

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A PROSPECTIVE RELATIVE GUARDIAN AND ANY PERSON OVER THE AGE OF EIGHTEEN LIVING IN THE HOME OF THE PROSPECTIVE RELATIVE GUARDIAN WHO HAS NOT ALREADY BEEN SUBJECT TO A NATIONAL AND STATE CRIMINAL HISTORY RECORD CHECK PURSUANT TO SECTION THREE HUNDRED SEVENTY-EIGHT-A OF THIS ARTICLE AS PART OF THE PROCESS OF THE PROSPECTIVE RELATIVE GUARDIAN BECOMING A CERTIFIED OR APPROVED FOSTER PARENT MUST COMPLETE SUCH A RECORD CHECK IN ACCORDANCE WITH THE PROCEDURES AND STANDARDS SET FORTH IN SUCH SECTION PRIOR TO THE SOCIAL SERVICES OFFICIAL ACTING UPON THE APPLICATION. THE SOCIAL SERVICES OFFICIAL MUST INQUIRE OF THE OFFICE OF CHILDREN AND FAMILY SERVICES WHETHER EACH PROSPECTIVE RELATIVE GUARDIAN AND EACH PERSON OVER THE AGE OF EIGHTEEN LIVING IN THE HOME OF THE PROSPECTIVE RELATIVE GUARDIAN HAS BEEN OR IS CURRENTLY THE SUBJECT OF AN INDICATED REPORT OF CHILD ABUSE OR MALTREATMENT ON FILE WITH THE STATEWIDE CENTRAL REGISTER OF CHILD ABUSE AND MALTREATMENT AND, IF THE PROSPECTIVE RELATIVE GUARDIAN OR ANY OTHER PERSON OVER THE AGE OF EIGHTEEN RESIDING IN THE HOME OF THE PROSPECTIVE RELATIVE GUARDIAN RESIDED IN ANOTHER STATE IN THE FIVE YEARS PRECEDING THE APPLICATION, REQUEST CHILD ABUSE AND MALTREATMENT INFORMATION MAINTAINED BY THE CHILD ABUSE AND MALTREATMENT REGISTRY FROM THE APPLICABLE CHILD WELFARE AGENCY IN EACH SUCH STATE OF PREVIOUS RESIDENCE, IF SUCH A REQUEST HAS NOT BEEN MADE AS PART OF THE PROCESS OF THE PROSPECTIVE RELATIVE GUARDIAN BECOMING A CERTIFIED OR APPROVED FOSTER PARENT.

3. IF THE SOCIAL SERVICES OFFICIAL DETERMINES THAT THE CHILD IS ELIGIBLE FOR KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS AND IT IS IN THE BEST INTERESTS OF THE CHILD FOR THE RELATIVE TO BECOME THE LEGAL GUARDIAN OF THE CHILD, THE SOCIAL SERVICES OFFICIAL SHALL ENTER INTO AN AGREEMENT WITH THE PROSPECTIVE RELATIVE GUARDIAN AUTHORIZING THE PROVISION OF KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS, NON-RECURRING GUARDIANSHIP PAYMENTS, AND OTHER SERVICES AND PAYMENTS AVAILABLE UNDER THIS TITLE SUBJECT TO THE ISSUANCE BY THE COURT OF LETTERS OF GUARDIANSHIP OF THE CHILD TO THE PROSPECTIVE RELATIVE GUARDIAN AND THE CHILD BEING FINALLY DISCHARGED FROM FOSTER CARE TO SUCH RELATIVE. A COPY OF THE FULLY EXECUTED AGREEMENT MUST BE PROVIDED BY THE SOCIAL SERVICES OFFICIAL TO THE PROSPECTIVE RELATIVE GUARDIAN.

4. (A) PAYMENTS AND ELIGIBILITY FOR SERVICES UNDER THIS TITLE SHALL BE MADE PURSUANT TO A WRITTEN AGREEMENT BETWEEN THE SOCIAL SERVICES OFFICIAL AND THE PROSPECTIVE RELATIVE GUARDIAN.

(B) THE WRITTEN AGREEMENT SHALL SPECIFY, AT A MINIMUM: THE AMOUNT OF, AND MANNER IN WHICH, EACH KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT WILL BE PROVIDED UNDER THE AGREEMENT; THE MANNER IN WHICH THE PAYMENT MAY BE ADJUSTED PERIODICALLY, IN CONSULTATION WITH THE RELATIVE GUARDIAN, BASED ON THE CIRCUMSTANCES OF THE RELATIVE GUARDIAN AND THE NEEDS OF THE CHILD; THE ADDITIONAL SERVICES AND ASSISTANCE THAT THE CHILD AND THE RELATIVE GUARDIAN WILL BE ELIGIBLE FOR UNDER THE AGREEMENT, WHICH SHALL BE LIMITED TO THE ADDITIONAL SERVICES AND ASSISTANCE SET FORTH IN THIS TITLE; THE PROCEDURES BY WHICH THE RELATIVE GUARDIAN MAY APPLY FOR ADDITIONAL SERVICES, AS NEEDED; THAT THE SOCIAL SERVICES OFFICIAL WILL PAY THE TOTAL COST OF NONRECURRING EXPENSES ASSOCIATED WITH OBTAINING LEGAL GUARDIANSHIP OF THE CHILD, TO THE EXTENT THE TOTAL COST DOES NOT EXCEED TWO THOUSAND DOLLARS IN ACCORDANCE WITH SECTION FOUR HUNDRED FIFTY-EIGHT-C OF THIS TITLE; AND, THAT THE AGREEMENT WILL REMAIN IN EFFECT REGARDLESS OF THE STATE OF RESIDENCE OF THE RELATIVE GUARDIAN AT ANY TIME.

(C) THE AGREEMENT MUST BE FULLY EXECUTED PRIOR TO THE ISSUANCE OF LETTERS OF GUARDIANSHIP OF THE CHILD TO THE RELATIVE GUARDIAN IN ORDER FOR THE CHILD TO BE ELIGIBLE FOR PAYMENTS AND SERVICES UNDER THIS TITLE.

5. ONCE THE PROSPECTIVE RELATIVE GUARDIAN WITH WHOM A SOCIAL SERVICES OFFICIAL HAS ENTERED INTO AN AGREEMENT UNDER SUBDIVISION FOUR OF THIS SECTION HAS BEEN ISSUED LETTERS OF GUARDIANSHIP FOR THE CHILD AND THE CHILD HAS BEEN FINALLY DISCHARGED FROM FOSTER CARE TO SUCH RELATIVE, A SOCIAL SERVICES OFFICIAL SHALL MAKE MONTHLY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CARE AND MAINTENANCE OF THE CHILD.

6. THE AMOUNT OF THE MONTHLY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENT MADE PURSUANT TO THIS SECTION SHALL BE DETERMINED PURSUANT TO REGULATIONS OF THE OFFICE. THE AMOUNT OF THE MONTHLY PAYMENT SHALL NOT BE LESS THAN SEVENTY-FIVE PER CENTUM OF THE APPLICABLE BOARD RATE NOR MORE THAN ONE HUNDRED PER CENTUM OF SUCH RATE AS DETERMINED BY THE SOCIAL SERVICES DISTRICT IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE; PROVIDED, HOWEVER, THAT THE RATE CHOSEN BY THE SOCIAL SERVICES DISTRICT SHALL BE EQUAL TO THE RATE USED BY THE DISTRICT FOR ADOPTION SUBSIDY PAYMENTS UNDER SECTION FOUR HUNDRED FIFTY-THREE OF THIS ARTICLE. THE SOCIAL SERVICES OFFICIAL SHALL CONSIDER THE FINANCIAL STATUS OF THE PROSPECTIVE RELATIVE GUARDIAN OR RELATIVE GUARDIAN ONLY FOR THE PURPOSE OF DETERMINING THE AMOUNT OF THE PAYMENTS TO BE MADE.

7. (A) KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS SHALL BE MADE TO THE RELATIVE GUARDIAN OR GUARDIANS UNTIL THE CHILD'S EIGHTEENTH BIRTHDAY OR, IF THE CHILD HAD ATTAINED SIXTEEN YEARS OF AGE BEFORE THE AGREEMENT BECAME EFFECTIVE, UNTIL THE CHILD ATTAINS TWENTY-ONE YEARS OF AGE PROVIDED THE CHILD IS: (I) COMPLETING SECONDARY EDUCATION OR A PROGRAM LEADING TO AN EQUIVALENT CREDENTIAL; (II) ENROLLED IN AN INSTITUTION WHICH PROVIDES POST-SECONDARY OR VOCATIONAL EDUCATION; (III) EMPLOYED FOR AT LEAST EIGHTY HOURS PER MONTH; OR (IV) INCAPABLE OF ANY OF SUCH ACTIVITIES DUE TO A MEDICAL CONDITION, WHICH INCAPABILITY IS SUPPORTED BY REGULARLY UPDATED INFORMATION IN THE CASE PLAN OF THE CHILD.

(B) NOTWITHSTANDING PARAGRAPH (A) OF THIS SUBDIVISION, NO KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS MAY BE MADE PURSUANT TO THIS TITLE IF THE SOCIAL SERVICES OFFICIAL DETERMINES THAT THE RELATIVE GUARDIAN IS NO LONGER LEGALLY RESPONSIBLE FOR THE SUPPORT OF THE CHILD OR THE CHILD IS NO LONGER RECEIVING ANY SUPPORT FROM SUCH GUARDIAN. IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE, A RELATIVE GUARDIAN WHO HAS BEEN RECEIVING KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS ON BEHALF OF A CHILD UNDER THIS TITLE MUST KEEP THE SOCIAL SERVICES OFFICIAL INFORMED, ON AN ANNUAL BASIS, OF ANY CIRCUMSTANCES THAT WOULD MAKE THE RELATIVE GUARDIAN INELIGIBLE FOR SUCH PAYMENTS OR ELIGIBLE FOR PAYMENTS IN A DIFFERENT AMOUNT.

8. THE PLACEMENT OF THE CHILD WITH THE RELATIVE GUARDIAN AND ANY KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS MADE ON BEHALF OF THE CHILD UNDER THIS SECTION SHALL BE CONSIDERED NEVER TO HAVE BEEN MADE WHEN DETERMINING THE ELIGIBILITY FOR ADOPTION SUBSIDY PAYMENTS UNDER TITLE NINE OF THIS ARTICLE OF A CHILD IN SUCH LEGAL GUARDIANSHIP ARRANGEMENT.

S 458-C. PAYMENTS FOR NON-RECURRING GUARDIANSHIP EXPENSES. 1. A SOCIAL SERVICES OFFICIAL SHALL MAKE PAYMENTS FOR NON-RECURRING GUARDIANSHIP EXPENSES INCURRED BY OR ON BEHALF OF THE RELATIVES WHO HAVE BEEN APPROVED BY THE SOCIAL SERVICES OFFICIAL TO RECEIVE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS, WHEN SUCH EXPENSES ARE INCURRED IN CONNECTION WITH ASSUMING THE GUARDIANSHIP OF A FOSTER CHILD. THE AGREEMENT FOR THE PAYMENT OF NON-RECURRING GUARDIANSHIP EXPENSES MUST BE REFLECTED IN THE WRITTEN AGREEMENT SET FORTH IN SUBDIVISION FOUR OF SECTION FOUR HUNDRED FIFTY-EIGHT-B OF THIS TITLE. IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, THE PAYMENTS SHALL BE MADE BY THE SOCIAL SERVICES OFFICIAL

EITHER TO THE RELATIVE GUARDIAN OR GUARDIANS DIRECTLY OR TO AN ATTORNEY ON BEHALF OF THE RELATIVE GUARDIAN OR GUARDIANS FOR THE ALLOWABLE AMOUNT OF NON-RECURRING GUARDIANSHIP EXPENSES INCURRED IN CONNECTION WITH OBTAINING SUCH GUARDIANSHIP.

2. THE AMOUNT OF THE PAYMENT MADE PURSUANT TO THIS SECTION SHALL NOT EXCEED TWO THOUSAND DOLLARS FOR EACH FOSTER CHILD AND SHALL BE AVAILABLE ONLY FOR THOSE EXPENSES THAT ARE DETERMINED TO BE ELIGIBLE FOR REIMBURSEMENT BY THE SOCIAL SERVICES OFFICIAL IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES.

3. PAYMENTS FOR NON-RECURRING GUARDIANSHIP EXPENSES MADE BY A SOCIAL SERVICES OFFICIAL PURSUANT TO THIS SECTION SHALL BE TREATED AS ADMINISTRATIVE EXPENDITURES UNDER TITLE IV-E OF THE FEDERAL SOCIAL SECURITY ACT AND SHALL BE REIMBURSED BY THE STATE ACCORDINGLY.

4. AS USED IN THIS SECTION, NON-RECURRING GUARDIANSHIP EXPENSES SHALL MEAN REASONABLE AND NECESSARY FEES, COURT COSTS, ATTORNEY FEES, AND OTHER EXPENSES WHICH ARE DIRECTLY RELATED TO OBTAINING LEGAL GUARDIANSHIP OF AN ELIGIBLE CHILD AND WHICH ARE NOT INCURRED IN VIOLATION OF FEDERAL LAW OR THE LAWS OF THIS STATE OR ANY OTHER STATE.

S 458-D. MEDICAL SUBSIDY. 1. ANY CHILD WITH RESPECT TO WHOM FEDERALLY REIMBURSABLE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS ARE MADE UNDER THIS TITLE IS ELIGIBLE FOR MEDICAL ASSISTANCE UNDER TITLE XIX OF THE FEDERAL SOCIAL SECURITY ACT.

2. IN ADDITION, A SOCIAL SERVICES OFFICIAL SHALL MAKE PAYMENTS FOR THE COST OF CARE, SERVICES AND SUPPLIES PAYABLE UNDER THE STATE'S PROGRAM OF MEDICAL ASSISTANCE FOR NEEDY PERSONS PROVIDED TO ANY CHILD FOR WHOM KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS ARE BEING MADE UNDER THIS TITLE WHO IS NOT ELIGIBLE FOR MEDICAL ASSISTANCE UNDER SUBDIVISION ONE OF THIS SECTION AND FOR WHOM THE RELATIVE GUARDIAN IS UNABLE TO OBTAIN MEDICAL COVERAGE THROUGH ANY OTHER AVAILABLE MEANS, REGARDLESS OF WHETHER THE CHILD OTHERWISE QUALIFIES FOR MEDICAL ASSISTANCE FOR NEEDY PERSONS. PAYMENTS PURSUANT TO THIS SUBDIVISION SHALL BE MADE ONLY WITH RESPECT TO THE COST OF CARE, SERVICES, AND SUPPLIES WHICH ARE NOT OTHERWISE COVERED OR SUBJECT TO PAYMENT OR REIMBURSEMENT BY INSURANCE, MEDICAL ASSISTANCE OR OTHER SOURCES. PAYMENTS MADE PURSUANT TO THIS SUBDIVISION SHALL ONLY BE MADE IF THE RELATIVE GUARDIAN APPLIES TO OBTAIN SUCH MEDICAL COVERAGE FOR THE CHILD FROM ALL AVAILABLE SOURCES, UNLESS THE SOCIAL SERVICES OFFICIAL DETERMINES THAT THE RELATIVE GUARDIAN HAS GOOD CAUSE FOR NOT APPLYING FOR SUCH COVERAGE.

3. PAYMENTS PURSUANT TO SUBDIVISION TWO OF THIS SECTION SHALL BE MADE TO, OR ON BEHALF OF, THE RELATIVE GUARDIAN OR GUARDIANS OF THE CHILD AND SHALL BE MADE WITHOUT REGARD TO THE FINANCIAL NEED OF SUCH PERSON OR PERSONS.

4. AN APPLICATION FOR PAYMENTS UNDER THIS SECTION SHALL BE MADE PRIOR TO THE ISSUANCE OF LETTERS OF GUARDIANSHIP FOR THE CHILD. AN APPROVAL OF AN APPLICATION FOR PAYMENTS UNDER THIS SECTION SHALL NOT BE SUBJECT TO ANNUAL REVIEW BY THE SOCIAL SERVICES OFFICIAL, AND SUCH APPROVAL SHALL REMAIN IN EFFECT FOR AS LONG AS KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS ARE BEING MADE UNDER THIS TITLE FOR THE CHILD. APPLICATIONS FOR SUCH PAYMENTS SHALL BE ACCEPTED PRIOR TO THE ISSUANCE OF LETTERS OF GUARDIANSHIP OF THE CHILD, AND APPROVAL THEREOF MAY BE GRANTED CONTINGENT UPON SUCH ISSUANCE.

S 458-E. INDEPENDENT LIVING SERVICES. IN ACCORDANCE WITH REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, ANY CHILD WHO LEAVES FOSTER CARE FOR GUARDIANSHIP WITH A RELATIVE AFTER ATTAINING SIXTEEN YEARS OF AGE FOR WHOM KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS ARE BEING MADE UNDER THIS TITLE SHALL BE ELIGIBLE:

1. TO RECEIVE THOSE INDEPENDENT LIVING SERVICES THAT ARE MADE AVAILABLE BY THE SOCIAL SERVICES DISTRICT TO FOSTER CHILDREN PURSUANT TO SECTION 477 OF THE FEDERAL SOCIAL SECURITY ACT; AND

2. TO APPLY FOR EDUCATIONAL AND TRAINING VOUCHERS MADE AVAILABLE PURSUANT TO SUCH SECTION, WHICH WILL BE AWARDED BASED ON THE PRIORITIES ESTABLISHED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES AND THE AMOUNT OF FUNDS MADE AVAILABLE THEREFOR.

S 458-F. FAIR HEARINGS. 1. ANY PERSON AGGRIEVED BY THE DECISION OF A SOCIAL SERVICES OFFICIAL NOT TO MAKE A PAYMENT OR PAYMENTS PURSUANT TO THIS TITLE OR TO MAKE SUCH PAYMENT OR PAYMENTS IN AN INADEQUATE OR INAPPROPRIATE AMOUNT OR THE FAILURE OF A SOCIAL SERVICES OFFICIAL TO DETERMINE AN APPLICATION UNDER THIS TITLE WITHIN THIRTY DAYS AFTER FILING, MAY APPEAL TO THE OFFICE OF CHILDREN AND FAMILY SERVICES, WHICH SHALL REVIEW THE CASE AND GIVE SUCH PERSON AN OPPORTUNITY FOR A FAIR HEARING THEREON. ALL DECISIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL BE BINDING UPON THE SOCIAL SERVICES DISTRICT INVOLVED AND SHALL BE COMPLIED WITH BY THE SOCIAL SERVICES OFFICIAL THEREOF.

2. THE ONLY ISSUES WHICH MAY BE RAISED IN A FAIR HEARING UNDER THIS SECTION ARE: (A) WHETHER THE SOCIAL SERVICES OFFICIAL HAS IMPROPERLY DENIED AN APPLICATION FOR PAYMENTS UNDER THIS TITLE; (B) WHETHER THE SOCIAL SERVICES OFFICIAL HAS IMPROPERLY DISCONTINUED PAYMENTS UNDER THIS TITLE; OR (C) WHETHER THE SOCIAL SERVICES OFFICIAL HAS DETERMINED THE AMOUNT OF THE PAYMENTS MADE OR TO BE MADE IN VIOLATION OF THE PROVISIONS OF THIS TITLE OR THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES PROMULGATED HEREUNDER.

3. THE PROVISIONS OF SUBDIVISIONS TWO AND FOUR OF SECTION TWENTY-TWO OF THIS CHAPTER SHALL APPLY TO FAIR HEARINGS HELD AND APPEALS TAKEN PURSUANT TO THIS SECTION.

S 458-G. STATE REIMBURSEMENT. 1. KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS, NON-RECURRING GUARDIANSHIP EXPENSES AND EXPENDITURES FOR THE ADMINISTRATION OF THE KINSHIP GUARDIANSHIP ASSISTANCE PROGRAM MADE BY SOCIAL SERVICES OFFICIALS PURSUANT TO THE PROVISIONS OF THIS TITLE SHALL, IF APPROVED BY THE OFFICE, BE SUBJECT TO REIMBURSEMENT BY THE STATE, IN ACCORDANCE WITH THE REGULATIONS OF THE OFFICE OF CHILDREN AND FAMILY SERVICES AS FOLLOWS: THERE SHALL BE PAID TO EACH SOCIAL SERVICES DISTRICT (A) THE AMOUNT OF FEDERAL FUNDS, IF ANY, PROPERLY RECEIVED OR TO BE RECEIVED ON ACCOUNT OF SUCH PAYMENTS; AND (B) EXCEPT AS SET FORTH IN PARAGRAPH (C) OF THIS SUBDIVISION, SUCH PAYMENTS SHALL BE SUBJECT TO STATE REIMBURSEMENT UNDER THE STATE FOSTER CARE BLOCK GRANT ESTABLISHED PURSUANT TO SUBDIVISION TWO OF SECTION ONE HUNDRED FIFTY-THREE-K OF THIS CHAPTER, AFTER FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROPERLY RECEIVED OR TO BE RECEIVED ON ACCOUNT THEREOF; OR (C) ONE HUNDRED PER CENTUM OF SUCH PAYMENTS AFTER FIRST DEDUCTING THEREFROM ANY FEDERAL FUNDS PROPERLY TO BE RECEIVED ON ACCOUNT OF SUCH PAYMENTS, FOR CHILDREN WHO HAD BEEN PLACED IN FOSTER CARE WITH THE RELATIVE GUARDIAN BY AN INDIAN TRIBE AS REFERENCED IN SUBDIVISION FIVE OF SECTION FOUR HUNDRED FIFTY-EIGHT-A OF THIS TITLE.

2. (A) CLAIMS FOR STATE REIMBURSEMENT SHALL BE MADE IN SUCH FORM AND MANNER AND AT SUCH TIMES AND FOR SUCH PERIODS AS THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL DETERMINE.

(B) WHEN CERTIFIED BY THE DEPARTMENT, STATE REIMBURSEMENT SHALL BE PAID FROM THE STATE TREASURY UPON THE AUDIT AND WARRANT OF THE COMPTROLLER OUT OF FUNDS MADE AVAILABLE THEREFOR.

S 5. Section 657 of the family court act is amended by adding a new subdivision (c) to read as follows:

(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, PERSONS POSSESSING A LAWFUL ORDER OF GUARDIANSHIP OF A CHILD SHALL HAVE THE RIGHT AND RESPONSIBILITY TO MAKE DECISIONS, INCLUDING ISSUING ANY NECESSARY CONSENTS, REGARDING THE CHILD'S PROTECTION, EDUCATION, CARE AND CONTROL, HEALTH AND MEDICAL NEEDS, AND THE PHYSICAL CUSTODY OF THE PERSON OF THE CHILD. PROVIDED, HOWEVER, THAT NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED TO LIMIT THE ABILITY OF A CHILD TO CONSENT TO HIS OR HER OWN MEDICAL CARE AS MAY BE OTHERWISE PROVIDED BY LAW.

S 6. Section 661 of the family court act is amended by adding a new subdivision (c) to read as follows:

(C) SPECIAL PROVISIONS IN RELATION TO GUARDIANSHIP OF A FOSTER CHILD. WHERE THE PERMANENCY GOAL FOR A FOSTER CHILD WHO IS THE SUBJECT OF A PROCEEDING UNDER ARTICLE TEN OR TEN-A OF THIS ACT IS REFERRAL FOR LEGAL GUARDIANSHIP, A PETITION UNDER THIS ARTICLE FILED BY A FIT AND WILLING RELATIVE OR OTHER SUITABLE PERSON SHALL BE FILED WITH THE COURT BEFORE WHOM THE MOST RECENT PROCEEDING UNDER ARTICLE TEN OR TEN-A OF THIS ACT IS PENDING. THE COURT PRESIDING OVER THE PROCEEDING PURSUANT TO ARTICLE TEN OR TEN-A OF THIS ACT MAY CONSOLIDATE THE HEARING OF THE GUARDIANSHIP PETITION FILED BY SUCH RELATIVE OR OTHER SUITABLE PERSON WITH THE DISPOSITIONAL HEARING UNDER ARTICLE TEN OF THIS ACT OR A PERMANENCY HEARING UNDER ARTICLE TEN-A OF THIS ACT, AS APPLICABLE. IN GRANTING SUCH A PETITION, THE COURT MUST MAKE SUCH ORDER IN ACCORDANCE WITH THE PROCEDURES AND MAKE THE FINDINGS ENUMERATED IN SECTION ONE THOUSAND FIFTY-FIVE-B OR ONE THOUSAND EIGHTY-NINE-A OF THIS ACT, AS APPLICABLE.

S 7. Section 1055-b of the family court act, as added by chapter 519 of the laws of 2008, is amended to read as follows:

S 1055-b. Custody or guardianship with relatives or suitable persons pursuant to article six of this act OR GUARDIANSHIP WITH SUCH A PERSON PURSUANT TO ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT. (a) At the conclusion of the dispositional hearing under this article, the court may enter an order of disposition granting custody or guardianship of the child to a relative or OTHER suitable person under article six of this act OR AN ORDER OF GUARDIANSHIP OF THE CHILD TO SUCH A PERSON UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT if:

(i) the relative or suitable person has filed a petition for custody or guardianship of the child pursuant to article six of this act OR A PETITION FOR GUARDIANSHIP OF THE CHILD UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; and

(ii) the court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child and that the safety of the child will not be jeopardized if the respondent or respondents under the child protective proceeding are no longer under supervision or receiving services. IN DETERMINING WHETHER THE BEST INTERESTS OF THE CHILD WILL BE PROMOTED BY THE GRANTING OF GUARDIANSHIP OF THE CHILD TO A RELATIVE WHO HAS CARED FOR THE CHILD AS A FOSTER PARENT, THE COURT SHALL GIVE DUE CONSIDERATION TO THE PERMANENCY GOAL OF THE CHILD, THE RELATIONSHIP BETWEEN THE CHILD AND THE RELATIVE, AND WHETHER THE RELATIVE AND THE SOCIAL SERVICES DISTRICT HAVE ENTERED INTO AN AGREEMENT TO PROVIDE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CHILD TO THE RELATIVE UNDER TITLE TEN OF ARTICLE SIX OF THE SOCIAL SERVICES LAW; and

(iii) the court finds that granting custody or guardianship of the child to the relative or suitable person under article six of this act OR GRANTING GUARDIANSHIP OF THE CHILD TO THE RELATIVE OR OTHER SUITABLE

PERSON UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT will provide the child with a safe and permanent home; and

(iv) all parties to the child protective proceeding consent to the granting of custody or guardianship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; or

(v) after a consolidated dispositional hearing on the child protective petition and the petition under article six of this act OR UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT;

(A) if a parent or parents fail to [contest] CONSENT TO the granting of custody or guardianship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, the court finds that extraordinary circumstances exist that support granting an order of custody or guardianship [under article six of this act]; PROVIDED, HOWEVER, THAT WHERE THE PROSPECTIVE RELATIVE GUARDIAN AND THE SOCIAL SERVICES DISTRICT HAVE ENTERED INTO AN AGREEMENT TO PROVIDE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CHILD TO THE RELATIVE UNDER TITLE TEN OF ARTICLE SIX OF THE SOCIAL SERVICES LAW PRIOR TO THE ORDER FINDING THAT THE CHILD IS AN ABUSED OR NEGLECTED CHILD UNDER SECTION ONE THOUSAND FIFTY-ONE OF THIS PART, THE COURT MAY ENTER AN ORDER OF DISPOSITION GRANTING GUARDIANSHIP OF THE CHILD TO THE RELATIVE ONLY IF THE PARENT OR PARENTS CONSENT TO THE GRANTING OF GUARDIANSHIP; or

(B) if a party other than the parent [of] OR parents fail to consent to the granting of custody or guardianship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, the court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child.

(b) An order made in accordance with the provisions of this section shall set forth the required findings as described in subdivision (a) of this section and shall constitute the final disposition of the child protective proceeding. Notwithstanding any other provision of law, the court shall not issue an order of supervision nor may the court require the local department of social services to provide services to the respondent or respondents when granting custody or guardianship pursuant to article six of this act under this section OR GRANTING GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT.

(c) As part of the order granting custody or guardianship pursuant to article six of this act OR GRANTING GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, the court may require that the local department of social services and the [law guardian] ATTORNEY for the child receive notice of, and be made parties to, any subsequent proceeding to modify the order of custody or guardianship granted pursuant to the article six proceeding OR THE ORDER OF GUARDIANSHIP GRANTED PURSUANT TO ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; PROVIDED, HOWEVER, IF THE GUARDIAN AND THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAD ENTERED INTO AN AGREEMENT TO PROVIDE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CHILD TO THE RELATIVE UNDER TITLE TEN OF ARTICLE SIX OF THE SOCIAL SERVICES LAW, THE ORDER MUST REQUIRE THAT THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND THE ATTORNEY FOR THE CHILD RECEIVE NOTICE OF, AND BE MADE PARTIES TO, ANY SUCH SUBSEQUENT PROCEEDING REGARDING CUSTODY OR GUARDIANSHIP OF THE CHILD.

(d) An order entered in accordance with this section shall conclude the court's jurisdiction over the proceeding held pursuant to this article and the court shall not maintain jurisdiction over the parties for

the purposes of permanency hearings held pursuant to article ten-A of this act.

(E) IF THE YOUTH IS OVER THE AGE OF FOURTEEN YEARS, THE COURT SHALL ASCERTAIN HIS OR HER PREFERENCE FOR A SUITABLE GUARDIAN. NOTWITHSTANDING ANY OTHER SECTION OF LAW, WHERE THE YOUTH IS OVER THE AGE OF EIGHTEEN, HE OR SHE SHALL CONSENT TO THE APPOINTMENT OF A SUITABLE GUARDIAN.

S 8. Section 1089-a of the family court act, as added by chapter 519 of the laws of 2008, is amended to read as follows:

S 1089-a. Custody or guardianship with relatives or suitable persons pursuant to article six of this act OR GUARDIANSHIP PURSUANT TO ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT. (a) Where the permanency plan is placement with a fit and willing relative, the court may issue an order of custody or guardianship in response to a petition filed by a relative or suitable person seeking custody or guardianship of the child under article six of this act OR AN ORDER OF GUARDIANSHIP OF THE CHILD UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT at a permanency hearing held pursuant to this article and terminate [the order] ALL PENDING ORDERS ISSUED pursuant to article ten of this act if:

(i) the court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child and that the termination of the order placing the child pursuant to article ten of this act will not jeopardize the safety of the child. IN DETERMINING WHETHER THE BEST INTERESTS OF THE CHILD WILL BE PROMOTED BY THE GRANTING OF GUARDIANSHIP OF THE CHILD TO A RELATIVE WHO HAS CARED FOR THE CHILD AS A FOSTER PARENT, THE COURT SHALL GIVE DUE CONSIDERATION TO THE PERMANENCY GOAL OF THE CHILD, THE RELATIONSHIP BETWEEN THE CHILD AND THE RELATIVE, AND WHETHER THE RELATIVE AND THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAVE ENTERED INTO AN AGREEMENT TO PROVIDE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CHILD TO THE RELATIVE UNDER TITLE TEN OF ARTICLE SIX OF THE SOCIAL SERVICES LAW; and

(ii) the court finds that granting custody or guardianship of the child to the relative or suitable person will provide the child with a safe and permanent home; and

(iii) [the parents, the law guardian for the child, the local department of social services, and the foster parent of the child who has been the foster parent for the child for one year or more] ALL PARTIES TO THE PERMANENCY HEARING consent to the issuance of an order of custody or guardianship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT and the termination of the order of placement pursuant to article ten of this act; or

(iv) after a consolidated hearing on the permanency of the child and the petition under article six of this act OR ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT;

(A) if a parent [of] OR parents fail to consent to the granting of custody or guardianship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, the court finds that extraordinary circumstances exist that support granting an order of custody or guardianship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT; or

(B) [if the local department of social services, the law guardian for the child, or the foster parent of the child who has been the foster parent for the child for one year or more] IF A PARTY OTHER THAN THE PARENT OR PARENTS fail to consent to the granting of custody or guardi-

anship under article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, the court finds that granting custody or guardianship of the child to the relative or suitable person is in the best interests of the child.

(b) An order made in accordance with the provisions of this section shall set forth the required findings as described in subdivision (a) of this section and shall result in the termination of any orders in effect pursuant to article ten of this act or pursuant to this article. Notwithstanding any other provision of law, the court shall not issue an order of supervision nor may the court require the local department of social services to provide services to the respondent or respondents when granting custody or guardianship pursuant to article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT in accordance with this section.

(c) As part of the order granting custody or guardianship to the relative or suitable person pursuant to article six of this act OR THE GRANTING OF GUARDIANSHIP UNDER ARTICLE SEVENTEEN OF THE SURROGATE'S COURT PROCEDURE ACT, the court may require that the local department of social services and the [law guardian] ATTORNEY for the child receive notice of, and be made parties to, any subsequent proceeding to modify the order of custody or guardianship granted pursuant to the article six proceeding; PROVIDED, HOWEVER, IF THE GUARDIAN AND THE LOCAL DEPARTMENT OF SOCIAL SERVICES HAVE ENTERED INTO AN AGREEMENT TO PROVIDE KINSHIP GUARDIANSHIP ASSISTANCE PAYMENTS FOR THE CHILD TO THE RELATIVE UNDER TITLE TEN OF ARTICLE SIX OF THE SOCIAL SERVICES LAW, THE ORDER MUST REQUIRE THAT THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND THE ATTORNEY FOR THE CHILD RECEIVE NOTICE OF, AND BE MADE PARTIES TO, ANY SUCH SUBSEQUENT PROCEEDING INVOLVING CUSTODY OR GUARDIANSHIP OF THE CHILD.

(d) Any order entered pursuant to this section shall conclude the court's jurisdiction over the article ten proceeding and the court shall not maintain jurisdiction over the proceeding for further permanency hearings.

(E) IF THE YOUTH IS OVER THE AGE OF FOURTEEN YEARS, THE COURT SHALL ASCERTAIN HIS OR HER PREFERENCE FOR A SUITABLE GUARDIAN OR CUSTODIAN. NOTWITHSTANDING ANY OTHER SECTION OF LAW, WHERE THE YOUTH IS OVER THE AGE OF EIGHTEEN, HE OR SHE SHALL CONSENT TO THE APPOINTMENT OF A SUITABLE GUARDIAN OR CUSTODIAN.

S 9. Section 1702 of the surrogate's court procedure act is amended by adding a new subdivision 3 to read as follows:

3. WHERE THE PERMANENCY GOAL FOR A FOSTER CHILD WHO IS THE SUBJECT OF A PROCEEDING UNDER ARTICLE TEN OR TEN-A OF THE FAMILY COURT ACT IS REFERRAL FOR LEGAL GUARDIANSHIP, A PETITION FILED UNDER THIS ARTICLE BY A FIT AND WILLING RELATIVE OR OTHER SUITABLE PERSON SHALL BE FILED WITH THE COURT BEFORE WHOM THE MOST RECENT PROCEEDING UNDER ARTICLE TEN OR TEN-A OF THE FAMILY COURT ACT IS PENDING.

S 10. Subdivision 1 of section 1706 of the surrogate's court procedure act, as amended by chapter 404 of the laws of 2008, is amended to read as follows:

1. Where process is not issued or upon the return of process, the court shall ascertain the age of the infant, the amount of his or her personal property, the gross amount of the rents and profits of his or her real estate during his or her minority and the sufficiency of the security offered by the proposed guardian. With respect to applications for appointment as a [permanent] guardian of a child, the [permanent] guardian shall have the right and responsibility to make decisions, including issuing any necessary consents, regarding the child's

protection, education, care and control, health and medical needs, and the physical custody of the person of the child[, and]. A PERMANENT GUARDIAN may consent to the adoption of the child. Provided, however, that nothing in this subdivision shall be construed to limit the ability of a child to consent to his or her own medical care as may be otherwise provided by law. If the [infant] YOUTH is over the age of fourteen years, the court shall ascertain his or her preference for a suitable guardian. Notwithstanding any other section of law, where the [infant] YOUTH is over the age of eighteen, [the infant] HE OR SHE shall consent to the appointment of a suitable guardian.

S 11. Subdivision 2 of section 1707 of the surrogate's court procedure act, as amended by chapter 404 of the laws of 2008, is amended to read as follows:

2. The term of office of a guardian of the person or property so appointed expires when the infant attains majority, unless the infant consents to the continuation of or appointment of a guardian after his or her eighteenth birthday, in which case such term of office expires on his or her twenty-first birthday, or after such other shorter period as the court establishes upon good cause shown; except that the term of office of a guardian of the person of an infant expires upon the infant's marriage prior to attaining majority. The appointment of a [permanent] guardian of a child shall expire when the infant or child reaches the age of eighteen years, unless the infant or child consents to the continuation of a guardian after his or her eighteenth birthday, in which case such term of office expires on his or her twenty-first birthday, or unless vacated by the court prior to the infant or child's eighteenth or twenty-first birthday if the court finds that, based upon clear and convincing evidence, the guardian failed to or is unable, unavailable or unwilling to provide proper care and custody of the infant or child, or that the guardianship is no longer in the best interests of the infant or child. THE COURT SHALL PROVIDE IN ITS ORDER APPOINTING A GUARDIAN OF A CHILD FOR WHOM THE GUARDIAN AND A LOCAL DEPARTMENT OF SOCIAL SERVICES HAVE ENTERED INTO AN AGREEMENT UNDER TITLE TEN OF ARTICLE SIX OF THE SOCIAL SERVICES LAW THAT THE LOCAL DEPARTMENT OF SOCIAL SERVICES AND THE ATTORNEY FOR THE CHILD MUST RECEIVE NOTICE OF, AND BE MADE PARTIES TO, ANY SUBSEQUENT PROCEEDING TO VACATE OR MODIFY THE ORDER OF GUARDIANSHIP.

S 12. This act shall take effect January 1, 2011; provided, however, that the amendments to paragraph (a) of subdivision 2 of section 153-k of the social services law made by section one of this act shall not affect the repeal of such section and shall be deemed repealed therewith, and provided, further, however, that effective immediately, the addition, amendment or repeal of any rule or regulation necessary for the implementation of the kinship guardianship assistance program as authorized under this act on its effective date are authorized and directed to be made and completed on or before such effective date.

PART AA

Section 1. 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 SUBDIVISION (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER THE CHILD PROTECTIVE SERVICE 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 2. 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 SUBDIVISION (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER THE CHILD PROTECTIVE SERVICE 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 3. Section 716 of the family court act, as amended by chapter 398 of the laws of 1983, is amended to read as follows:

S 716. Substitution of petition. On its own motion and at any time in the proceedings, the court may substitute a neglect petition under article ten for a petition to determine whether a person is in need of supervision. 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 SUBDIVISION (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS CHAPTER, THE COURT MAY ORDER THE CHILD PROTECTIVE SERVICE 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 4. 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 SUBDIVISION (E) AND (F) OF SECTION ONE THOUSAND TWELVE OF THIS ARTICLE, THE COURT may order the child protective service 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 5. This act shall take effect on the thirtieth day after it shall have become a law.

PART BB

Section 1. 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, SIX HUNDRED TWENTY-FOUR-A, 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 2. 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 3. The family court act is amended by adding a new section 624-a to read as follows:

S 624-A. TESTIMONY AND ATTENDANCE BY TELEPHONE, AUDIO-VISUAL MEANS OR OTHER ELECTRONIC MEANS. (A) 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, AS AVAILABLE, AT A FACT-FINDING HEARING IN ACCORDANCE WITH THIS PART 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 THIS ACT TO REPRESENTATION BY COUNSEL IN TERMINATION OF PARENTAL RIGHTS PROCEEDINGS.

(B) NOTWITHSTANDING ANY LAW TO THE CONTRARY, THE COURT MAY PERMIT A PARTY OR AN INTERESTED PERSON TO ATTEND, OR A WITNESS TO TESTIFY BY TELEPHONIC, AUDIO-VISUAL OR OTHER ELECTRONIC MEANS, AS AVAILABLE, AT A DISPOSITIONAL HEARING 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 4. 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 5. 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 6. 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 7. 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 8. This act shall take effect on April 1, 2010.

PART CC

Section 1. Subdivisions 1, 4 and 5 of section 447-a of the social services law, as added by chapter 569 of the laws of 2008, are amended to read as follows:

1. The term "sexually exploited child" means any person under the age of eighteen who has been subject to sexual exploitation because he or she:

(a) is the victim of the crime of sex trafficking as defined in section 230.34 of the penal law;

(b) [is an abused child as defined in paragraph (iii) of subdivision (e) of section ten hundred twelve of the family court act;

(c)] engages in any act as defined in section 230.00 or 240.37 of the penal law;

[(d)] (C) is a victim of the crime of compelling prostitution as defined in section 230.33 of the penal law;

[(e)] (D) engages in acts or conduct described in article two hundred sixty-three of the penal law.

4. The term "safe house" means a residential facility operated by an authorized agency as defined in subdivision ten of section three hundred seventy-one of this article including a residential facility operating as part of an approved runaway program as defined in subdivision four of section five hundred thirty-two-a of the executive law or a not-for-profit agency with experience in providing services to sexually exploited youth and approved in accordance with the regulations of the office of children and family services that provides shelter for sexually exploited children. IN ADDITION, A LONG-TERM SAFE HOUSE MAY BE OPERATED BY A TRANSITIONAL INDEPENDENT LIVING SUPPORT PROGRAM AS DEFINED IN SUBDIVISION SIX OF SECTION FIVE HUNDRED THIRTY-TWO-A OF THE EXECUTIVE LAW. A safe house [created under this article] SERVING SEXUALLY EXPLOITED CHILDREN AS DEFINED IN THIS TITLE shall provide or assist in securing necessary services for such sexually exploited children either through direct provision of services, or through written agreements with

other community and public agencies for the provision of services including but not limited to housing, assessment, case management, medical care, legal, mental health and substance and alcohol abuse services. Where appropriate such safe house in accordance with a service plan for such sexually exploited child may also provide counseling and therapeutic services, educational services including life skills services and planning services to successfully transition residents back to the community. [The safe house shall be available as a final disposition pursuant to section seven hundred fifty-six of the family court act to any sexually exploited child who is in need of long term housing.] Nothing in the provisions of this [article] TITLE OR ARTICLE NINETEEN-H OF THE EXECUTIVE LAW shall prevent a child who is the subject of a proceeding which has not reached final disposition from residing at the safe house for the duration of that proceeding nor shall it prevent any sexually exploited child who is not the subject of a proceeding from residing at the safe house. AN ADVOCATE EMPLOYED BY A SHORT-TERM SAFE HOUSE OR OTHER APPROPRIATE STAFF OF A SHORT-TERM SAFE HOUSE SHALL, TO THE MAXIMUM EXTENT POSSIBLE, PREFERABLY WITHIN TWENTY-FOUR HOURS BUT WITHIN NO MORE THAN SEVENTY-TWO HOURS FOLLOWING A SEXUALLY EXPLOITED CHILD'S ADMISSION INTO THE PROGRAM OTHER THAN PURSUANT TO A COURT ORDER, NOTIFY SUCH CHILD'S PARENT, GUARDIAN OR CUSTODIAN OF HIS OR HER PHYSICAL AND EMOTIONAL CONDITION AND THE CIRCUMSTANCES SURROUNDING THE CHILD'S PRESENCE AT THE PROGRAM, UNLESS THERE ARE COMPELLING CIRCUMSTANCES WHY THE PARENT, GUARDIAN OR CUSTODIAN SHOULD NOT BE SO NOTIFIED. WHERE SUCH CIRCUMSTANCES EXIST, THE ADVOCATE OR OTHER APPROPRIATE STAFF MEMBER SHALL EITHER FILE AN APPROPRIATE PETITION IN THE FAMILY COURT, REFER THE YOUTH TO THE LOCAL SOCIAL SERVICES DISTRICT, OR IN INSTANCES WHERE ABUSE OR NEGLECT IS SUSPECTED, REPORT SUCH CASE PURSUANT TO TITLE SIX OF THIS ARTICLE.

5. The term "community-based program" means a program operated by a not-for-profit organization that provides services such as street outreach, voluntary drop-in services, peer counseling, individual counseling, family-therapy and referrals for services such as educational and vocational training and health care. Any SUCH community-based program [funded under this article shall] MAY also work with the safe house [created under this article] SERVING SEXUALLY EXPLOITED CHILDREN AS DEFINED IN THIS TITLE to provide transitional services to SUCH children returning to the community.

S 2. Subdivisions 1, 2, 3, 5 and 6 of section 447-b of the social services law, as added by chapter 569 of the laws of 2008, are amended to read as follows:

1. Notwithstanding any inconsistent provision of law, pursuant to regulations of the office of children and family services, every local social services district shall as a component of the district's multi-year consolidated services child welfare services plan address the child welfare services needs of sexually exploited children and to the extent that funds are available SPECIFICALLY THEREFOR ensure that [preventative services including] a short-term safe house or another short-term safe placement such as an approved runaway and homeless youth program, approved respite or crisis program providing crisis intervention or respite services or community-based program to serve sexually exploited children is available to children residing in such district. Nothing in this section shall prohibit a local social services district from utilizing existing respite or crisis intervention services already operated by such social services district or homeless youth programs or services for victims of human trafficking pursuant to article ten-D of

this chapter so long as the staff members have received appropriate training approved by the office of children and family services regarding sexually exploited children and the existing programs and facilities provide a safe, secure and appropriate environment for sexually exploited children. Crisis intervention services, short-term safe house care and community-based programming may, where appropriate, be provided by the same not-for-profit agency. Local social services districts may work cooperatively to provide such short-term safe house or other short-term safe placement, services and programming and access to such placement, services and programming may be provided on a regional basis, provided, however, that every local social services district shall to the extent that funds are available ensure that such placement, services and programs shall be readily accessible to sexually exploited children residing within the district.

2. All of the services created under this [article] TITLE may, to the extent possible provided by law, be available to all sexually exploited children whether they are accessed voluntarily, as a condition of an adjournment in contemplation of dismissal issued in criminal court, through the diversion services created under section seven hundred thirty-five of the family court act, through a proceeding under article three of the family court act, a proceeding under article ten of the family court act or through a referral from a local social services agency.

3. The capacity of the crisis intervention services and community-based programs in subdivision one of this section shall be based on the number of sexually exploited children in each district who are in need of such services. A determination of such need shall be made [annually] IN TWO THOUSAND TEN AND EVERY FIVE YEARS THEREAFTER in every social services district by the local commissioner of social services and be included in the integrated county plan. Such determination shall be made in consultation with local law enforcement, runaway and homeless youth program providers, local probation departments, local social services commissioners, the runaway and homeless youth coordinator for the local social services district, local law guardians, presentment agencies, public defenders and district attorney's offices and child advocates and services providers who work directly with sexually exploited youth.

5. [The] TO THE EXTENT FUNDS ARE SPECIFICALLY APPROPRIATED THEREFOR, THE office of children and family services shall contract with an appropriate not-for-profit agency with experience working with sexually exploited children to operate at least one LONG-TERM safe house in a geographically appropriate area of the state which shall provide safe and secure long term housing and specialized services for sexually exploited children throughout the state. The appropriateness of the geographic location shall be determined taking into account the areas of the state with high numbers of sexually exploited children and the need for sexually exploited children to find shelter and long term placement in a region that cannot be readily accessed by the perpetrators of sexual exploitation. The need for more than one LONG-TERM safe house shall be determined by the office of children and family services based on the numbers and geographical location of sexually exploited children within the state. NOTHING HEREIN SHALL BE CONSTRUED TO PRECLUDE AN AGENCY FROM APPLYING FOR AND ACCEPTING GRANTS, GIFTS AND BEQUESTS OF FUNDS FROM PRIVATE INDIVIDUALS, FOUNDATIONS AND THE FEDERAL GOVERNMENT FOR THE PURPOSE OF CREATING OR CARRYING OUT THE DUTIES OF A LONG-TERM SAFE HOUSE.

6. The local social services commissioner may, to the extent that funds are available, in conjunction with THE DIVISION OF CRIMINAL JUSTICE SERVICES AND local law enforcement officials, contract with an appropriate not-for-profit agency with experience working with sexually exploited children to train law enforcement officials who are likely to encounter sexually exploited children in the course of their law enforcement duties on the provisions of this section and how to identify and obtain appropriate services for sexually exploited children. Local social services districts may work cooperatively to provide such training and such training may be provided on a regional basis. The [office of children and family services] DIVISION OF CRIMINAL JUSTICE SERVICES shall assist local social services districts in obtaining any available funds for the purposes of conducting law enforcement training from the federal justice department [and/or] AND the office of juvenile justice and delinquency prevention.

S 3. Paragraph (c) of subdivision 4 of section 305.2 of the family court act, as added by chapter 920 of the laws of 1982, is amended and two new paragraphs (d) and (e) are added to read as follows:

(c) take the child to a place certified by the [state division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES as a juvenile detention facility for the reception of children[.]; OR

(D) TAKE THE CHILD WHO SUCH OFFICER HAS DECIDED TO TAKE INTO CUSTODY IN ACCORDANCE WITH THIS SECTION OR SECTION 305.1 OF THIS PART FOR VIOLATING THE PROVISIONS OF SECTION 230.00 OR 240.37 OF THE PENAL LAW, TO AN AVAILABLE SHORT-TERM SAFE HOUSE AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW; OR

(E) TAKE THE CHILD, IF IT APPEARS THAT SUCH CHILD IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN PARAGRAPH (A), (C) OR (D) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, TO AN AVAILABLE SHORT-TERM SAFE HOUSE, BUT ONLY IF THE CHILD CONSENTS TO BE TAKEN.

S 4. Subdivision 3 of section 311.4 of the family court act, as added by chapter 569 of the laws of 2008, is amended to read as follows:

3. In any proceeding under this article based upon an arrest for an act of prostitution OR WHERE IT APPEARS THAT THE RESPONDENT ENGAGED IN LOITERING FOR THE PURPOSE OF ENGAGING IN A PROSTITUTION OFFENSE, there is a presumption that the respondent meets the criteria [for a certification] as a victim of a severe form of trafficking as defined in section 7105 of title 22 of the United States Code (Trafficking Victims Protection Act of 2000). Upon the motion of the respondent, without the consent of the presentment agency, a petition alleging that the respondent is in need of supervision shall be substituted for the delinquency petition. If, however, the respondent [is not a victim of a severe form of trafficking as defined by the federal Trafficking Victims Protection Act of 2000] WAS NOT INTIMIDATED, FORCED, THREATENED OR COERCED INTO ENGAGING IN PROSTITUTION OR LOITERING FOR THE PURPOSES OF ENGAGING IN A PROSTITUTION OFFENSE, or has been previously [found] ADJUDICATED AS A JUVENILE DELINQUENT under this article [to have committed an offense] FOR AN ACT WHICH WOULD BE A CRIME pursuant to article two hundred thirty of the penal law IF THE RESPONDENT WAS AN ADULT, or has been previously adjudicated under section seven hundred fifty-two of this chapter and placed with a commissioner of social services pursuant to [subdivisions] SUBDIVISION (a) [and (b)] of section seven hundred fifty-six of this chapter, or expresses a current unwillingness to cooperate with specialized services for sexually exploited youth, continuing with the delinquency proceeding shall be within the court's discretion. The necessary

findings of fact to support the continuation of the delinquency proceeding shall be reduced to writing and made part of the court record. If, subsequent to issuance of a substitution order under this subdivision AND PRIOR TO THE CONCLUSION OF THE FACT FINDING HEARING ON THE PETITION ALLEGING THAT THE RESPONDENT IS A PERSON IN NEED OF SUPERVISION, the respondent is not in substantial compliance with a lawful order of the court, the court may, in its discretion, substitute [a] THE ORIGINAL petition alleging that the respondent is a juvenile delinquent for the petition alleging that the respondent is in need of supervision.

S 5. Subdivision 3 of section 320.5 of the family court act is amended by adding a new paragraph (d) to read as follows:

(D) IF THE RESPONDENT MAY BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT MAY DIRECT THE RESPONDENT TO AN AVAILABLE SHORT-TERM SAFE HOUSE AS A CONDITION OF RELEASE.

S 6. Section 353.3 of the family court act, as added by chapter 920 of the laws of 1982, paragraphs (a), (b) and (c) of subdivision 3 and subdivision 4 as amended by chapter 465 of the laws of 1992, subdivision 5 as amended and subdivision 10 as added by chapter 419 of the laws of 1987 and subdivision 7 as amended by chapter 181 of the laws of 2000, is amended to read as follows:

S 353.3 Placement. 1. In accordance with section 352.2 OF THIS PART, the court may place the respondent in his own home or in the custody of a suitable relative or other suitable private person or the commissioner of THE LOCAL social services DISTRICT or [the division for youth] THE OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to article nineteen-G of the executive law, subject to the orders of the court.

2. Where the respondent is placed with the commissioner of THE LOCAL social services DISTRICT, the court may direct the commissioner to place him OR HER with an authorized agency or class of authorized agencies, INCLUDING, IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, AN AVAILABLE LONG-TERM SAFE HOUSE. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the respondent:

(a) the commissioner shall apply to the court for an order to stay, modify, set aside, or vacate such directive pursuant to the provisions of section 355.1 OF THIS PART; or

(b) the commissioner shall return the respondent to the family court for a new dispositional hearing and order.

3. Where the respondent is placed with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, the court shall, unless it directs the [division] OFFICE to place him OR HER with an authorized agency or class of authorized agencies, INCLUDING IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, AN AVAILABLE LONG-TERM SAFE HOUSE pursuant to subdivision four OF THIS SECTION, authorize the [division] OFFICE to do one of the following:

(a) place the respondent in a secure facility without a further hearing at any time or from time to time during the first sixty days of residency in [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES facilities. Notwithstanding the discretion of the [division] OFFICE to place the respondent in a secure facility at any time during the first sixty days of residency in a [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES facility, the respondent may be placed in a non-secure

facility. In the event that the [division] OFFICE desires to transfer a respondent to a secure facility at any time after the first sixty days of residency in [division] OFFICE facilities, a hearing shall be held pursuant to subdivision three of section five hundred four-a of the executive law; or

(b) place the respondent in a limited secure facility. The respondent may be transferred by the [division] OFFICE to a secure facility after a hearing is held pursuant to section five hundred four-a of the executive law; provided, however, that during the first twenty days of residency in [division] OFFICE facilities, the respondent shall not be transferred to a secure facility unless the respondent has committed an act or acts which are exceptionally dangerous to the respondent or to others; or

(c) place the respondent in a non-secure facility. No respondent placed pursuant to this paragraph may be transferred by the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES to a secure facility.

4. Where the respondent is placed with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, the court may direct the [division] OFFICE to place the respondent with an authorized agency or class of authorized agencies, INCLUDING, IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, AN AVAILABLE LONG-TERM SAFE HOUSE, and in the event the [division] OFFICE is unable to so place the respondent or, discontinues the placement with the authorized agency, the respondent shall be deemed to have been placed with the [division] OFFICE pursuant to paragraph (b) or (c) of subdivision three of this section. In such cases, the [division] OFFICE shall notify the court, presentment agency, law guardian and parent or other person responsible for the respondent's care, of the reason for discontinuing the placement with the authorized agency and the level and location of the youth's placement.

5. If the respondent has committed a felony the initial period of placement shall not exceed eighteen months. If the respondent has committed a misdemeanor such initial period of placement shall not exceed twelve months. If the respondent has been in detention pending disposition, the initial period of placement ordered under this section shall be credited with and diminished by the amount of time spent by the respondent in detention prior to the commencement of the placement unless the court finds that all or part of such credit would not serve the needs and best interests of the respondent or the need for protection of the community.

6. The court may at any time conduct a hearing in accordance with section 355.1 OF THIS PART concerning the need for continuing a placement.

7. The place in which or the person with whom the respondent has been placed under this section shall submit a report to the court, law guardian or attorney of record, and presentment agency at the conclusion of the placement period, except as provided in paragraphs (a) and (b) of this subdivision. Such report shall include recommendations and such supporting data as is appropriate. The court may extend a placement pursuant to section 355.3 of this [article] PART.

(a) Where the respondent is placed pursuant to subdivision two or three of this section and where the agency is not seeking an extension of the placement pursuant to section 355.3 of this [article] PART, such report shall be submitted not later than thirty days prior to the conclusion of the placement.

(b) Where the respondent is placed pursuant to subdivision two or three of this section and where the agency is seeking an extension of the placement pursuant to section 355.3 of this [article] PART and a permanency hearing pursuant to section 355.5 of this [article] PART, such report shall be submitted not later than sixty days prior to the date on which the permanency hearing must be held and shall be annexed to the petition for a permanency hearing and extension of placement.

(c) Where the respondent is placed pursuant to subdivision two or three of this section, such report shall contain a plan for the release, or conditional release (pursuant to section five hundred ten-a of the executive law), of the respondent to the custody of his or her parent or other person legally responsible, to independent living or to another permanency alternative as provided in paragraph (d) of subdivision seven of section 355.5 of this [article] PART. If the respondent is subject to article sixty-five of the education law or elects to participate in an educational program leading to a high school diploma, such plan shall include, but not be limited to, the steps that the agency with which the respondent is placed has taken and will be taking to facilitate the enrollment of the respondent in a school or educational program leading to a high school diploma following release, or, if such release occurs during the summer recess, upon the commencement of the next school term. If the respondent is not subject to article sixty-five of the education law and does not elect to participate in an educational program leading to a high school diploma, such plan shall include, but not be limited to, the steps that the agency with which the respondent is placed has taken and will be taking to assist the respondent to become gainfully employed or enrolled in a vocational program following release.

8. In its discretion, the court may recommend restitution or require services for the public good pursuant to section 353.6 OF THIS PART in conjunction with an order of placement.

9. If the court places a respondent with the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES pursuant to this section after finding that such child committed a felony, the court may, in its discretion, further order that such respondent shall be confined in a residential facility for a minimum period set by the order, not to exceed six months.

10. A placement pursuant to this section with the commissioner of THE LOCAL social services DISTRICT shall not be directed in any detention facility, but the court may direct detention pending transfer to a placement authorized and ordered under this section for no more than thirty days after the order of placement is made or in a city of one million or more, for no more than fifteen days after such order of placement is made. Such direction shall be subject to extension pursuant to subdivision three of section three hundred ninety-eight of the social services law.

S 7. Subdivision (a) of section 712 of the family court act, as amended by chapter 569 of the laws of 2008, is amended to read as follows:

(a) "Person in need of supervision". A person less than eighteen years of age who does not attend school in accordance with the provisions of part one of article sixty-five of the education law or who is incorrigible, ungovernable or habitually disobedient and beyond the lawful control of a parent or other person legally responsible for such child's care, or other lawful authority, or who violates the provisions of section 221.05, 230.00, or 240.37 of the penal law, OR WHO APPEARS TO BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN PARAGRAPH (A), (C) OR (D) OF

SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, BUT ONLY IF THE CHILD CONSENTS TO THE FILING OF A PETITION UNDER THIS ARTICLE.

S 8. Subdivision 5 of section 720 of the family court act is amended by adding a new paragraph (c) to read as follows:

(C) IF THE RESPONDENT MAY BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT MAY DIRECT THE RESPONDENT TO AN AVAILABLE SHORT-TERM SAFE HOUSE AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW AS AN ALTERNATIVE TO DETENTION.

S 9. Subdivisions (a), (b), (c) and (d) of section 732 of the family court act, subdivision (a) as amended by chapter 569 of the laws of 2008, subdivisions (b) and (c) as amended and subdivision (d) as added by section 6 of part E of chapter 57 of the laws of 2005, are amended to read as follows:

(a) (I) the respondent is an habitual truant or is incorrigible, ungovernable, or habitually disobedient and beyond the lawful control of his or her parents, guardian or lawful custodian, or has been the victim of sexual exploitation as defined in subdivision one of section four hundred forty-seven-a of the social services law, and specifying the acts on which the allegations are based and the time and place they allegedly occurred. Where habitual truancy is alleged or the petitioner is a school district or local educational agency, the petition shall also include the steps taken by the responsible school district or local educational agency to improve the school attendance and/or conduct of the respondent;

[(b)] (II) the respondent was under eighteen years of age at the time of the specified acts;

[(c)] (III) the respondent requires supervision or treatment; and

[(d)] (IV) the petitioner has complied with the provisions of section seven hundred thirty-five of this article[.]; OR

(B) THE RESPONDENT APPEARS TO BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN PARAGRAPH (A), (C) OR (D) OF SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW BUT ONLY IF THE CHILD CONSENTS TO THE FILING OF A PETITION UNDER THIS ARTICLE.

S 10. Subdivision (a) of section 739 of the family court act, as amended by section 8 of part E of chapter 57 of the laws of 2005, is amended to read as follows:

(a) After the filing of a petition under section seven hundred thirty-two of this article, the court in its discretion may release the respondent or direct his or her detention. IF THE RESPONDENT MAY BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, THE COURT MAY DIRECT THE RESPONDENT TO AN AVAILABLE SHORT-TERM SAFE HOUSE AS AN ALTERNATIVE TO DETENTION. However, the court shall not direct detention unless it finds and states the facts and reasons for so finding that unless the respondent is detained there is a substantial probability that the respondent will not appear in court on the return date and all available alternatives to detention have been exhausted.

S 11. Paragraph (ii) of subdivision (a) of section 756 of the family court act, as amended by chapter 920 of the laws of 1982, is amended to read as follows:

(ii) Where the child is placed with the commissioner of THE LOCAL social services DISTRICT, the court may direct the commissioner to place the child with an authorized agency or class of authorized agencies,

INCLUDING, IF THE COURT FINDS THAT THE RESPONDENT IS A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, AN AVAILABLE LONG-TERM SAFE HOUSE. Unless the dispositional order provides otherwise, the court so directing shall include one of the following alternatives to apply in the event that the commissioner is unable to so place the child:

S 12. Paragraph (i) of subdivision (a) of section 1055 of the family court act, as amended by chapter 519 of the laws of 2008, is amended to read as follows:

(i) For purposes of section one thousand fifty-two of this part the court may place the child in the custody of a relative or other suitable person pursuant to this article, or of the local commissioner of social services or of such other officer, board or department as may be authorized to receive children as public charges, or a duly authorized association, agency, society or in an institution suitable for the placement of a child. THE COURT MAY ALSO PLACE A CHILD WHO IT FINDS TO BE A SEXUALLY EXPLOITED CHILD AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW WITH THE LOCAL COMMISSIONER OF SOCIAL SERVICES FOR PLACEMENT IN AN AVAILABLE LONG-TERM SAFE HOUSE. The court may also place the child in the custody of the local commissioner of social services and may direct such commissioner to have the child reside with a relative or other suitable person who has indicated a desire to become a foster parent for the child and further direct such commissioner, pursuant to regulations of the office of children and family services, to commence an investigation of the home of such relative or other suitable person within twenty-four hours and thereafter expedite approval or certification of such relative or other suitable person, if qualified, as a foster parent. If such home is found to be unqualified for approval or certification, the local commissioner shall report such fact to the court forthwith so that the court may make a placement determination that is in the best interests of the child.

S 13. Section 532-a of the executive law is amended by adding a new subdivision 7 to read as follows:

7. "SAFE HOUSE" SHALL MEAN A RESIDENTIAL PROGRAM FOR SEXUALLY EXPLOITED CHILDREN AS DEFINED IN SUBDIVISION ONE OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW. AN APPROVED RUNAWAY PROGRAM MAY OPERATE A SHORT-TERM SAFE HOUSE, AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED FORTY-SEVEN-A OF THE SOCIAL SERVICES LAW, FOR SEXUALLY EXPLOITED CHILDREN. A TRANSITIONAL INDEPENDENT LIVING SUPPORT PROGRAM MAY OPERATE A LONG-TERM SAFE HOUSE FOR SEXUALLY EXPLOITED CHILDREN.

S 14. This act shall take effect on the same date and in the same manner as chapter 569 of the laws of 2008, as amended, takes effect.

PART DD

Section 1. Notwithstanding any provisions of law to the contrary, an organization that is certified by the State Employment Relations Board or any successor agency to be the designated unit representative of a representative unit comprised of licensed group family day care home, registered family day care home, or legally-exempt child care providers, or some combination thereof, may require the providers in such a representative unit that choose not to be members of the organization to pay to the organization a payment for services rendered. The amount of the payment shall not exceed the amount of dues uniformly required of the

providers in such representative unit who choose to be members of the organization.

The provisions of this section shall only be applicable in the case of a representative unit which has established and maintained a procedure providing for the refund to any provider demanding the return of any part of such a payment which represents the provider's pro rata share of expenditures by the representation unit in aid of activities or causes of a political or ideological nature only incidentally related to being a licensed group family day care provider, registered family day care provider or legally-exempt child care provider. Nothing in this section shall be deemed to require a provider to become a member of such representation unit. If the affected provider and the designated unit representative are unable to reach an agreement on the matter, the State Employment Relations Board or any successor agency may establish an approved list of charitable organizations to which such payments may be made. At the time of payment, the provider shall simultaneously send verifiable notice of such payment to the designated unit representative.

For each non-member provider in a representative unit who is paid directly by a social services district on behalf of one or more families receiving subsidized child care services in accordance with the social services law, the social services district shall deduct the amount of the payment required under this section from child care subsidy funds otherwise due to be paid to the provider and transmit such payment to the applicable designated unit representative. The designated unit representative will assume all the design, development and on-going maintenance costs for any changes to the applicable payment systems of the state or the city of New York, as applicable, and any other associated administrative costs necessary for the payments to be deducted and transferred to the designated unit representative from payments due to the applicable providers. Payments will only be deducted for activities occurring after the completion of the necessary technical changes and after the provision to the state by the designated unit representative of information about those providers who are responsible for making payments required under this section. Such information shall be provided to the state, in a format determined by the state as is necessary to electronically input the information into the applicable payment systems to enable the systems to deduct and transfer the payments to the designated unit representative. The designated unit representative shall be responsible for responding to all complaints and concerns regarding the deduction of payments required under this section; provided, however, that nothing in this section shall preclude any public entity from appearing and making any arguments in any legal proceeding, or otherwise representing their interests, concerning payments required under this section. The designated unit representative shall indemnify and hold the state and its social services districts harmless against any and all claims, damages, suits, and other forms of liability which may arise out of any action taken or not taken by the state or a social services district for the purposes of complying with the provisions of this section.

Should any part of this section or any provision contained herein be determined to be contrary to law; be determined by the federal government to jeopardize the receipt by the state of any federal child care funds; and/or, in cases where it may be necessary, not be approved by the federal government, such part or provision shall be deemed invalid; provided, however, that invalidation of such part or provision shall not

invalidate the remaining portions of this section and the remaining portions shall remain in full force and effect.

S 2. This act shall take effect immediately and shall expire September 30, 2013 when upon such date the provisions of this act shall be deemed repealed.

PART EE

Section 1. 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 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] MAY 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.

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) 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.

(b) [Commencing in nineteen hundred eighty-two, after such hearing] FOLLOWING COMPLETION OF THE PUBLIC PARTICIPATION PROCESS IF REQUIRED, 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 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 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 2. 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 3. 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 INFORMA-

TION 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, 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 "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 4. 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 plan 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. 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] AND ANY OTHER REQUIRED REPORTS OR UPDATES in accordance with the procedures set forth in section thirty-four-a of this chapter.

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

S 6. 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 7. 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.

(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 8. This act shall take effect on the thirtieth day after it shall have become a law; provided, however, that 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 two of this act shall not affect the repeal of such section and shall be deemed repealed therewith.

PART FF

Section 1. Paragraph (c) of subdivision 6 of section 529 of the executive law, as added by chapter 906 of the laws of 1973, is amended to read as follows:

(c) The [director] COMMISSIONER of the [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES, subject to the approval of the director of the budget and certification to the [chairmen] CHAIRS of the senate finance and assembly ways and means committees, may establish a single per diem rate for all [division] OFFICE facilities or may establish separate rates as may be appropriate to reflect the differentials in cost of specific [division] OFFICE programs INCLUDING MAKING ANY ADJUSTMENTS TO THE COSTS INCLUDED IN DETERMINING SUCH RATES TO REFLECT ANY CHANGES IN FEDERAL FUNDING MADE AVAILABLE TO THE OFFICE OR TO SOCIAL SERVICES DISTRICTS FOR SUCH COSTS.

S 2. Subdivision 9 of section 529 of the executive law, as added by section 2 of part G of chapter 57 of the laws of 2007, is amended to read as follows:

9. All reimbursement made by social services districts for care, maintenance and supervision under this section shall be paid directly to the state through the office of children and family services for deposit into a miscellaneous special revenue fund known as the youth facility per diem account. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, IF A SOCIAL SERVICES DISTRICT FAILS TO PROVIDE REIMBURSEMENT TO SUCH OFFICE WITHIN SIXTY DAYS OF RECEIVING A BILL FOR SUCH SERVICES OR BY THE DATE CERTAIN SET BY THE OFFICE FOR PROVIDING SUCH REIMBURSEMENT, WHICHEVER IS LATER, THE OFFICES OF THE DEPARTMENT OF FAMILY ASSISTANCE ARE AUTHORIZED TO EXERCISE THE STATE'S SET-OFF RIGHTS BY WITHHOLDING ANY AMOUNTS DUE AND OWING TO SUCH DISTRICT FROM SUCH OFFICE UNDER THIS ARTICLE OR THE SOCIAL SERVICES LAW UP TO THE AMOUNTS DUE AND OWING TO THE STATE UNDER THIS SECTION AND TRANSFERRING SUCH FUNDS TO THE YOUTH FACILITIES PER DIEM ACCOUNT.

S 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010; provided, however, that the provisions of section one of this act shall apply to all per diems established by the office of children and family services for office programs for the 2002 calendar year and thereafter; and provided further, however, that the provisions of section two of this act shall apply to all outstanding reimbursements due by social services

districts to the office of children and family services on or before April 1, 2010 and thereafter.

PART GG

Section 1. Paragraphs (a-2) and (a-3) of subdivision 2 of section 131-a of the social services law, as added by section 1 of part Y of chapter 57 of the laws of 2009, are amended and two new paragraphs (a-4) and (a-5) are added to read as follows:

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand eleven, the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
[$141]	[$225]	[$300]	[$386]	[$477]	[$551]
$134	$214	$285	$366	$452	$522

For each additional person in the household there shall be added an additional amount of [seventy-five] SEVENTY-ONE dollars monthly.

(a-3) For the period beginning July first, two thousand eleven and [thereafter,] ENDING JUNE THIRTIETH, TWO THOUSAND TWELVE the following schedule shall be the standard of monthly need for determining eligibility for all categories of assistance in and by all social services districts:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
[$158]	[$252]	[$335]	[$432]	[$533]	[$616]
$142	$226	$301	$388	$479	$553

For each additional person in the household there shall be added an additional amount of [eighty-four] SEVENTY-SIX dollars monthly.

(A-4) FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND TWELVE AND ENDING JUNE THIRTIETH, TWO THOUSAND THIRTEEN, THE FOLLOWING SCHEDULE SHALL BE THE STANDARD OF MONTHLY NEED FOR DETERMINING ELIGIBILITY FOR ALL CATEGORIES OF ASSISTANCE IN AND BY ALL SOCIAL SERVICES DISTRICTS:

NUMBER OF PERSONS IN HOUSEHOLD					
ONE	TWO	THREE	FOUR	FIVE	SIX
$150	$239	$319	$411	$507	$585

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY DOLLARS MONTHLY.

(A-5) FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN AND THEREAFTER, THE FOLLOWING SCHEDULE SHALL BE THE STANDARD OF MONTHLY NEED FOR DETERMINING ELIGIBILITY FOR ALL CATEGORIES OF ASSISTANCE IN AND BY ALL SOCIAL SERVICES DISTRICTS:

NUMBER OF PERSONS IN HOUSEHOLD					
ONE	TWO	THREE	FOUR	FIVE	SIX
$159	$253	$338	$435	$537	$619

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY-FIVE DOLLARS MONTHLY.

S 2. Paragraphs (a-2) and (a-3) of subdivision 3 of section 131-a of the social services law, as added by section 2 of part Y of chapter 57 of the laws of 2009, is amended and two new paragraphs (a-4) and (a-5) are added to read as follows:

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand eleven, persons and families determined to be eligible by the application of the standard of need prescribed by the

provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
[$141]	[$225]	[$300]	[$386]	[$477]	[$551]
$134	$214	$285	$366	$452	$522

For each additional person in the household there shall be added an additional amount of [seventy-five] SEVENTY-ONE dollars monthly.

(a-3) For the period beginning July first, two thousand eleven and [thereafter,] ENDING JUNE THIRTIETH, TWO THOUSAND TWELVE persons and families determined to be eligible by the application of the standard of need prescribed by the provisions of subdivision two of this section, less any available income or resources which are not required to be disregarded by other provisions of this chapter, shall receive maximum monthly grants and allowances in all social services districts, in accordance with the following schedule, for public assistance:

Number of Persons in Household					
One	Two	Three	Four	Five	Six
[$158]	[$252]	[$335]	[$432]	[$533]	[$616]
$142	$226	$301	$388	$479	$553

For each additional person in the household there shall be added an additional amount of [eighty-four] SEVENTY-SIX dollars monthly.

(A-4) FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND TWELVE AND ENDING JUNE THIRTIETH, TWO THOUSAND THIRTEEN, PERSONS AND FAMILIES DETERMINED TO BE ELIGIBLE BY THE APPLICATION OF THE STANDARD OF NEED PRESCRIBED BY THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, LESS ANY AVAILABLE INCOME OR RESOURCES WHICH ARE NOT REQUIRED TO BE DISREGARDED BY OTHER PROVISIONS OF THIS CHAPTER, SHALL RECEIVE MAXIMUM MONTHLY GRANTS AND ALLOWANCES IN ALL SOCIAL SERVICES DISTRICTS, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, FOR PUBLIC ASSISTANCE:

NUMBER OF PERSONS IN HOUSEHOLD					
ONE	TWO	THREE	FOUR	FIVE	SIX
$150	$239	$319	$411	$507	$585

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY DOLLARS MONTHLY.

(A-5) FOR THE PERIOD BEGINNING JULY FIRST, TWO THOUSAND THIRTEEN AND THEREAFTER, PERSONS AND FAMILIES DETERMINED TO BE ELIGIBLE BY THE APPLICATION OF THE STANDARD OF NEED PRESCRIBED BY THE PROVISIONS OF SUBDIVISION TWO OF THIS SECTION, LESS ANY AVAILABLE INCOME OR RESOURCES WHICH ARE NOT REQUIRED TO BE DISREGARDED BY OTHER PROVISIONS OF THIS CHAPTER, SHALL RECEIVE MAXIMUM MONTHLY GRANTS AND ALLOWANCES IN ALL SOCIAL SERVICES DISTRICTS, IN ACCORDANCE WITH THE FOLLOWING SCHEDULE, FOR PUBLIC ASSISTANCE:

NUMBER OF PERSONS IN HOUSEHOLD					
ONE	TWO	THREE	FOUR	FIVE	SIX
$159	$253	$338	$435	$537	$619

FOR EACH ADDITIONAL PERSON IN THE HOUSEHOLD THERE SHALL BE ADDED AN ADDITIONAL AMOUNT OF EIGHTY-FIVE DOLLARS MONTHLY.

S 3. Notwithstanding section 153 of the social services law or any other inconsistent provision of law, for the period beginning July 1, 2009 and ending March 31, 2014, the office of temporary and disability assistance shall reimburse social services districts for the additional incremental expenditures for public assistance directly resulting from

the changes in standards provided for in the provisions of subdivisions 2 and 3 of section 131-a of the social services law amended by sections one and two of this act, after applying any applicable federal reimbursement. The office of temporary and disability assistance shall develop a methodology for determining the reimbursement to social services districts pursuant to this section.

S 4. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2010.

PART HH

Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 131-o of the social services law, paragraphs (a), (b) and (d) as amended and paragraph (c) as added by section 1 of part U of chapter 57 of the laws of 2009, are amended to read as follows:

(a) in the case of each individual receiving family care, an amount equal to at least $130.00 for each month beginning on or after January first, two thousand [nine] TEN.

(b) in the case of each individual receiving residential care, an amount equal to at least $150.00 for each month beginning on or after January first, two thousand [nine] TEN.

(c) in the case of each individual receiving enhanced residential care, an amount equal to at least $178.00 for each month beginning on or after January first, two thousand [nine] TEN.

(d) for the period commencing January first, two thousand [ten] ELEVEN, the monthly personal needs allowance shall be an amount equal to the sum of the amounts set forth in subparagraphs one and two of this paragraph:

(1) the amounts specified in paragraphs (a), (b) and (c) of this subdivision; and

(2) the amount in subparagraph one of this paragraph, multiplied by the percentage of any federal supplemental security income cost of living adjustment which becomes effective on or after January first, two thousand [ten] ELEVEN, but prior to June thirtieth, two thousand [ten] ELEVEN, rounded to the nearest whole dollar.

S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of section 209 of the social services law, paragraphs (a), (b), (c), (d) and (e) as amended by section 3 and paragraph (f) as added by section 4 of part U of chapter 57 of the laws of 2009, are amended to read as follows:

(a) On and after January first, two thousand [nine] TEN, for an eligible individual living alone, $761.00; and for an eligible couple living alone, $1115.00.

(b) On and after January first, two thousand [nine] TEN, for an eligible individual living with others with or without in-kind income, $697.00; and for an eligible couple living with others with or without in-kind income, $1057.00.

(c) On and after January first, two thousand [nine] TEN, (i) for an eligible individual receiving family care, $940.48 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving family care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, $902.48; and (iv) for an eligible couple receiving such care in any other county in the

state, two times the amount set forth in subparagraph (iii) of this paragraph.

(d) On and after January first, two thousand [nine] TEN, (i) for an eligible individual receiving residential care, $1109.00 if he or she is receiving such care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland; and (ii) for an eligible couple receiving residential care in the city of New York or the county of Nassau, Suffolk, Westchester or Rockland, two times the amount set forth in subparagraph (i) of this paragraph; or (iii) for an eligible individual receiving such care in any other county in the state, $1079.00; and (iv) for an eligible couple receiving such care in any other county in the state, two times the amount set forth in subparagraph (iii) of this paragraph.

(e) (i) On and after January first, two thousand [nine] TEN, for an eligible individual receiving enhanced residential care, $1368.00; and (ii) for an eligible couple receiving enhanced residential care, two times the amount set forth in subparagraph (i) of this paragraph.

(f) The amounts set forth in paragraphs (a) through (e) of this subdivision shall be increased to reflect any increases in federal supplemental security income benefits for individuals or couples which become effective on or after January first, two thousand [ten] ELEVEN but prior to June thirtieth, two thousand [ten] ELEVEN.

S 3. This act shall take effect December 31, 2010.

PART II

Section 1. Subdivision 2 of section 208 of the social services law, as added by chapter 1080 of the laws of 1974, is amended to read as follows:

2. "Additional state payments" shall mean payments made to aged, blind and disabled persons who are receiving, or who would but for their income be eligible to receive, federal supplemental security income benefits, whether made by social services districts in accordance with the provisions of this title and with title sixteen of the federal social security act, or by the secretary of the federal department of health, education and welfare, pursuant to and in accordance with the provisions of this title, title sixteen of the federal social security act, and provisions of any agreement entered into between the state and such secretary by which the secretary agrees to administer such additional state payments on behalf of the state. SUCH PAYMENTS ARE EQUAL TO THE STANDARD OF NEED LESS THE GREATER OF THE FEDERAL BENEFIT RATE OR COUNTABLE INCOME. FOR PURPOSES OF THIS TITLE, THE "FEDERAL BENEFIT RATE" SHALL MEAN THE MAXIMUM PAYMENT OF SUPPLEMENTAL SECURITY INCOME PAYABLE TO A PERSON OR COUPLE WITH NO COUNTABLE INCOME.

S 2. Section 208 of the social services law is amended by adding a new subdivision 12 to read as follows:

12. "STANDARD OF NEED" SHALL REFER SOLELY TO THE MAXIMUM LEVEL OF INCOME A PERSON OR COUPLE MAY HAVE AND REMAIN ELIGIBLE FOR ADDITIONAL STATE PAYMENTS UNDER THIS TITLE. THE TERM APPLIES SOLELY TO THE PROGRAM OF ADDITIONAL STATE PAYMENTS AND HAS NO APPLICATION TO ANY OTHER PROGRAM OR BENEFIT.

S 3. Paragraph (a) of subdivision 1 of section 209 of the social services law, as added by chapter 1080 of the laws of 1974 and subparagraph (iv) as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(a) NOTWITHSTANDING ANY LAW TO THE CONTRARY, NO PERSON SHALL BE ELIGIBLE FOR ANY PAYMENT PURSUANT TO THIS TITLE WHO IS INELIGIBLE FOR SUPPLEMENTAL SECURITY INCOME FOR ANY REASON OTHER THAN HAVING COUNTABLE INCOME EXCEEDING THE FEDERAL BENEFIT RATE FOR SUCH PROGRAM. An individual shall be eligible to receive additional state payments if, AS SPECIFIED IN REGULATIONS OF THE DEPARTMENT, he OR SHE HAS APPLIED FOR SUPPLEMENTAL SECURITY INCOME BENEFITS, HAS RECEIVED A DETERMINATION WITH RESPECT TO SUCH APPLICATION AND:

(i) is over sixty-five years of age, or is blind or disabled; and

(ii) does not have countable income in an amount equal to or greater than the standard of need established in subdivision two of this section; and

(iii) does not have countable resources in an amount equal to or greater than the amount of resources an individual or couple may have and remain eligible for supplemental security income benefits pursuant to federal law and regulations of the department; and

(iv) is a resident of the state and is either a citizen of the United States or is not an alien who is or would be ineligible for federal supplemental security income benefits solely by reason of alien status.

S 4. The opening paragraph and paragraph (a) of subdivision 3 of section 209 of the social services law, as added by chapter 1080 of the laws of 1974, are amended to read as follows:

As used in subdivision two of this section AND IN ACCORDANCE WITH REGULATIONS OF THE DEPARTMENT:

(a) "Living alone" shall mean living in a private household composed of one eligible individual or one eligible couple AND NOT CATEGORIZED AS LIVING WITH OTHERS UNDER PARAGRAPH (B) OF THIS SUBDIVISION.

S 5. Section 212 of the social services law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING SUBDIVISION ONE OF THIS SECTION OR ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY, THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE, UPON A DETERMINATION THAT TO DO SO WOULD BE FISCALLY ADVANTAGEOUS TO THE STATE AND SUBJECT TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET, MAY PROVIDE ADDITIONAL STATE PAYMENTS TO ELIGIBLE RESIDENTS OF THE STATE AS REQUIRED BY THIS TITLE AND PERFORM WITHOUT LIMITATION ALL THE DUTIES SET FORTH IN PARAGRAPHS (A), (B), (C) AND (D) OF SUBDIVISION ONE OF THIS SECTION, EITHER DIRECTLY OR THROUGH STATE SUPERVISION OF A FISCAL AGENT.

S 6. This act shall take effect immediately.

PART JJ

Section 1. Title 7 of article 25 of the public health law is REPEALED.

S 2. The social services law is amended by adding a new article 8-A to read as follows:

ARTICLE 8-A
NUTRITION OUTREACH AND PUBLIC EDUCATION PROGRAM

SECTION 465. NUTRITION OUTREACH AND PUBLIC EDUCATION PROGRAM; ESTABLISHMENT.
465-A. DEFINITIONS.
465-B. RESPONSIBILITIES OF THE COMMISSIONER.
465-C. GRANTS TO COMMUNITY ORGANIZATIONS.
465-D. CRITERIA FOR HIGH RISK AREAS.

S 465. NUTRITION OUTREACH AND PUBLIC EDUCATION PROGRAM; ESTABLISHMENT. THE NUTRITION OUTREACH AND PUBLIC EDUCATION PROGRAM IS ESTABLISHED WITHIN THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE. SUCH PROGRAM IS ESTABLISHED TO ENSURE MAXIMUM PARTICIPATION BY ELIGIBLE PERSONS IN FEDERAL AND STATE FOOD ASSISTANCE PROGRAMS. THE PROGRAM SHALL BE STRUCTURED SO AS TO INCREASE PARTICIPATION STATEWIDE BUT WITH PARTICULAR ATTENTION TO HIGH RISK AREAS WITH A FOCUS ON CERTAIN AT RISK POPULATIONS.

S 465-A. DEFINITIONS. AS USED IN THIS ARTICLE:

1. "HIGH RISK AREAS" MEANS ANY COUNTY OR URBAN AREA WHERE A SIGNIFICANT PERCENTAGE OR NUMBER OF THOSE POTENTIALLY ELIGIBLE FOR FOOD ASSISTANCE PROGRAMS ARE NOT PARTICIPATING IN SUCH PROGRAMS.

2. "FOOD ASSISTANCE PROGRAMS" MEANS PROGRAMS INCLUDING BUT NOT LIMITED TO FOOD STAMP PROGRAMS, SCHOOL BREAKFAST AND LUNCH PROGRAMS, CHILD CARE FOOD PROGRAMS, SUMMER FOOD SERVICE PROGRAMS, SPECIAL SUPPLEMENTAL PROGRAMS FOR WOMEN, INFANTS AND CHILDREN, CONGREGATE MEAL PROGRAMS AND HOME DELIVERED MEAL PROGRAMS.

3. "AT RISK POPULATIONS" MEANS POPULATIONS INCLUDING BUT NOT LIMITED TO FAMILIES WITH CHILDREN RECEIVING FAMILY ASSISTANCE, HOUSEHOLDS RECEIVING FEDERAL SUPPLEMENTAL SECURITY INCOME PAYMENTS, HOUSEHOLDS WITH INCOMES AT OR BELOW ONE HUNDRED EIGHTY-FIVE PERCENT OF THE POVERTY LEVEL, RECIPIENTS OF EMERGENCY FOOD, ELDERLY OR DISABLED PERSONS, HOMELESS PERSONS, UNEMPLOYED PERSONS, AND FAMILIES AND PERSONS RESIDING IN RURAL HOUSEHOLDS WHO ARE AT RISK OF NUTRITIONAL DEFICIENCIES.

S 465-B. RESPONSIBILITIES OF THE COMMISSIONER. THE COMMISSIONER SHALL DIRECTLY OR THROUGH CONTRACT ADMINISTER A PROGRAM OF NUTRITION OUTREACH THAT SHALL INCLUDE BUT NOT BE LIMITED TO:

1. STATEWIDE COORDINATION;

2. PROVISION OF INFORMATION AS TO THE AVAILABILITY OF, ELIGIBILITY CRITERIA FOR, AND APPLICATION PROCEDURE FOR FOOD ASSISTANCE PROGRAMS;

3. COORDINATION OF EFFORTS AMONG STATE AGENCIES INCLUDING, BUT NOT LIMITED TO, THE DEPARTMENT OF HEALTH, THE OFFICE FOR THE AGING, AND THE EDUCATION DEPARTMENT AND COMMUNITY AGENCIES INVOLVED IN FOOD ASSISTANCE PROGRAMS;

4. COMPILATION OF STATISTICAL DATA FROM STATE AND LOCAL AGENCIES AND DISSEMINATION TO COMMUNITY ORGANIZATIONS; AND

5. NUTRITION EDUCATION.

S 465-C. GRANTS TO COMMUNITY ORGANIZATIONS. THE COMMISSIONER SHALL MAKE GRANTS WITHIN THE AMOUNT APPROPRIATED THEREFOR TO COMMUNITY-BASED ORGANIZATIONS OR CONSORTIA OF COMMUNITY-BASED ORGANIZATIONS IN HIGH RISK AREAS FOR OUTREACH ACTIVITIES. SUCH OUTREACH ACTIVITIES SHALL INCLUDE BUT NOT BE LIMITED TO:

1. IDENTIFICATION OF BARRIERS TO PARTICIPATION IN FOOD ASSISTANCE PROGRAMS INCLUDING THE UNAVAILABILITY OF SUCH PROGRAMS;

2. INFORMATION AS TO PROGRAM AVAILABILITY, INDIVIDUAL OR HOUSEHOLD ELIGIBILITY, AND APPLICATION PROCEDURE;

3. IDENTIFICATION OF AT RISK POPULATIONS AND INDIVIDUALS WITHIN THE AT RISK POPULATIONS WHO ARE NOT PARTICIPATING;

4. ASSISTANCE WITH ELIGIBILITY REQUIREMENTS INCLUDING VERIFICATION AND ENROLLMENT;

5. DISSEMINATION OF INFORMATION TO AND CONDUCTING TRAINING SESSIONS FOR LOCAL GROUPS; AND

6. NUTRITION EDUCATION TO AT RISK POPULATIONS.

S 465-D. CRITERIA FOR HIGH RISK AREAS. IN SELECTING THOSE AREAS WHICH WOULD BE DETERMINED TO BE HIGH RISK AND THEREFORE ELIGIBLE FOR A GRANT, THE COMMISSIONER MAY CONSIDER FACTORS INCLUDING, BUT NOT LIMITED TO:

1. FIFTY PERCENT OR MORE OF THOSE POTENTIALLY ELIGIBLE ARE NOT PARTICIPATING IN THE FOOD STAMP PROGRAM OR WHERE A SIGNIFICANT NUMBER OF THE POPULATION POTENTIALLY ELIGIBLE, PARTICULARLY THE WORKING POOR AND THE ELDERLY, ARE NOT PARTICIPATING;

2. TWENTY-FIVE PERCENT OR MORE OF CHILDREN ARE ELIGIBLE FOR FREE OR REDUCED PRICE MEALS WITHIN THE SCHOOL LUNCH PROGRAM;

3. INFANT MORTALITY OR MORBIDITY RATES;

4. ECONOMIC INDICATORS INCLUDING, BUT NOT LIMITED TO, THE UNEMPLOYMENT RATE, PREVAILING WAGES, AND RECENT LOSS OF JOB BASE;

5. HIGH CONCENTRATION OF AT RISK POPULATIONS; AND

6. UNAVAILABILITY OF FOOD ASSISTANCE PROGRAMS IN THE AREA BECAUSE OF LACK OF PROVIDER PARTICIPATION OR KNOWLEDGE ABOUT THE EXISTENCE OF SUCH PROGRAMS.

S 3. This act shall take effect immediately.

PART KK

Section 1. Paragraphs (a) and (b) of subdivision 3 of section 171-a of the tax law, paragraph (a) as amended by section 3 of part V of chapter 57 of the laws of 2009 and paragraph (b) as added by chapter 818 of the laws of 1990, are amended to read as follows:

(a) Notwithstanding any law to the contrary, the commissioner [of taxation and finance] shall maintain cooperative agreements with the [state] office of temporary and disability assistance, which shall provide:

(i) for the utilization by the office of temporary and disability assistance of information obtained pursuant to subdivision one of this section, for the purpose of verifying eligibility for and entitlement to amounts of benefits under the social services law, ADMINISTRATION OF SUCH OFFICE'S PUBLIC ASSISTANCE PROGRAMS, locating absent parents or other persons legally responsible for the support of applicants 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, and for the purpose of evaluating the effect on earnings of participation in employment or training programs authorized pursuant to the social services law by current recipients of public assistance and care and by former recipients of public assistance and care, such agreement shall further provide to the degree required by federal law for the commissioner and the office of temporary and disability assistance to provide information obtained pursuant to subdivision one of this section to the federal social security administration or to public agencies in other states which administer programs under the food stamp act of nineteen hundred seventy-seven or title I, II, IV-A, IV-D, X, XIV, XVI, or XIX of the federal social security act and to take such other steps as may be required by section one thousand one hundred thirty-seven of the social security act or federal regulations promulgated thereunder; and

(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.

(b) Notwithstanding any law to the contrary and not later than ninety days after the effective date of this paragraph, the commissioner [of taxation and finance] shall enter into a cooperative agreement with the commissioner of [social services] THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE for the delivery to [the state department of social services] SUCH OFFICE of information obtained pursuant to subdivision one [hereof] OF THIS SECTION, which information shall be utilized for the purpose of enabling such [department] OFFICE 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 by giving the federal parent locator service, maintained by the federal department of health and human services, prompt access to certain wage information for use by such latter department for the purpose of complying with such act.

S 2. Subdivision 4 of section 171-a of the tax law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(4) Notwithstanding any law to the contrary and not later than September first, nineteen hundred ninety-seven, the commissioner shall enter into a cooperative agreement with the state department of labor to allow the information obtained by the department pursuant to subdivision one of this section to be made available to the department of labor, or other individuals designated by the commissioner of labor, for administration of such department's employment security programs[, public assistance work programs,] or for other purposes deemed appropriate by the commissioner of labor consistent with the provisions of the labor law, as well as for the evaluation of the effect on earnings of participation in training programs with respect to which the department of labor has reporting, monitoring, administering, or evaluating responsibilities.

S 3. Paragraph 3 of subsection (e) of section 697 of the tax law, as amended by section 4 of part V of chapter 57 of the laws of 2009, is amended to read as follows:

(3) Nothing [herein] IN THIS SUBSECTION 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, 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] IN THIS SUBSECTION 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] IN THIS SUBSECTION 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 THE ADMINISTRATION OF SUCH OFFICE'S PUBLIC ASSISTANCE PROGRAMS, PROVIDED, HOWEVER, THAT THIS INFORMATION REGARDING FORMER RECIPIENTS SHALL NOT BE USED TO RECOVER PUBLIC ASSISTANCE PREVIOUSLY PROVIDED TO SUCH RECIPIENTS AND SHALL ONLY BE AVAILABLE TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR A PERIOD OF THREE YEARS SIX MONTHS AFTER THE CLOSURE OF THE RECIPIENT'S PUBLIC ASSISTANCE CASE AND ONLY FOR THE PURPOSE OF EVALUATING SUCH FORMER RECIPIENT'S ELIGIBILITY FOR TRANSITIONAL BENEFITS AND FOR THE PURPOSE OF EVALUATING THE EFFECTIVENESS OF PUBLIC ASSISTANCE PROGRAMS AND EMPLOYMENT PERFORMANCE WHEN RECIPIENTS LEAVE PUBLIC ASSISTANCE AND ANY USES OF THE INFORMATION NOT EXPRESSLY PERMITTED ARE PROHIBITED, AND for the purpose of determining 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] SUBSECTION 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 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 OR FORMER 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), PROVIDED, HOWEVER, THAT THIS INFORMATION REGARDING FORMER RECIPIENTS SHALL NOT BE USED TO RECOVER PUBLIC ASSISTANCE PREVIOUSLY PROVIDED TO SUCH RECIPIENTS AND SHALL ONLY BE AVAILABLE TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR A PERIOD OF THREE YEARS SIX MONTHS AFTER THE CLOSURE OF

THE RECIPIENT'S PUBLIC ASSISTANCE CASE AND ONLY FOR THE PURPOSE OF EVALUATING SUCH FORMER RECIPIENT'S ELIGIBILITY FOR TRANSITIONAL BENEFITS AND FOR THE PURPOSE OF EVALUATING THE EFFECTIVENESS OF PUBLIC ASSISTANCE PROGRAMS AND EMPLOYMENT PERFORMANCE WHEN RECIPIENTS LEAVE PUBLIC ASSISTANCE AND ANY USES OF THE INFORMATION NOT EXPRESSLY PERMITTED ARE PROHIBITED, 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 (I) THE NAME, (II) THE WAGES OF INDIVIDUALS INCLUDING the quarterly gross wages [(excluding any reference to the name], (III) THE INFORMATION PROVIDED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE DEPARTMENT FOR THE PURPOSES OF MATCHING TO THE DEPARTMENT'S RECORDS, (IV) THE social security number or [any] other information which could be used to identify [any employee or] EMPLOYEES, AND (V) the name [or identification number of any employer) paid to] AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS OF EMPLOYERS FOR SUCH employees who are former applicants for or recipients OR FORMER 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 4. Subparagraph (B) of paragraph 2 of subsection (1) of section 697 of the tax law, as amended by chapter 214 of the laws of 1998, is amended to read as follows:

(B) For purposes of this subsection, the term "employment security [and public assistance work] program purposes" means the unemployment insurance programs administered by the commissioner of labor pursuant to the labor law and those employment and training programs with respect to which the department of labor has administrative, reporting, monitoring, or evaluating responsibilities.

S 5. Section 697 of the tax law is amended by adding a new subsection (p) to read as follows:

(P) EXCHANGE OF WAGE REPORTING INFORMATION WITH THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE.--NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE DEPARTMENT SHALL FURNISH TO THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE FOR PURPOSES CONSISTENT WITH ALL REQUIREMENTS AND LIMITATIONS SET FORTH IN THIS SECTION, THE SOCIAL SERVICES LAW, AND THE FEDERAL SOCIAL SECURITY ACT, THE NAME, THE WAGES OF INDIVIDUALS, THE INFORMATION PROVIDED BY THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE DEPARTMENT FOR THE PURPOSES OF MATCHING TO THE DEPARTMENT'S RECORDS, THE SOCIAL SECURITY NUMBER OR OTHER INFORMATION WHICH COULD BE USED TO IDENTIFY EMPLOYEES, AND THE NAME AND FEDERAL EMPLOYER IDENTIFICATION NUMBERS OF EMPLOYERS CONTAINED WITHIN WITHHOLDING TAX INFORMATION REQUIRED FROM EMPLOYERS PURSUANT TO PART V OF THIS ARTICLE FOR THE PURPOSE OF EVALUATING THE EFFECTS OF PARTICIPATION IN EMPLOYMENT, TRAINING OR OTHER PROGRAMS DESIGNED TO PROMOTE SELF-SUFFICIENCY ON EARNINGS.

S 6. Paragraphs (a), (b), (c), and (c) and (d) of subdivision 1 of section 23 of the social services law, paragraph (a) as amended by section 1 of part V of chapter 57 of the laws of 2009, paragraphs (b), (c) and (d) as amended by chapter 304 of the laws of 1990 and paragraph (c) as added by chapter 818 of the laws of 1990, are amended to read as follows:

(a) to social services districts:

(i) with respect to applicants for and recipients of public assistance and care or other benefits pursuant to this chapter for which such districts are responsible;

(ii) with respect to any person legally responsible for the support of such applicants and recipients;

(iii) with respect to any person legally responsible for the support of a recipient of services under section one hundred eleven-g of this

chapter or to any agent of any entity that is under contract with the child support program pursuant to title six-A of article three of this chapter; [and]

(iv) 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 of this chapter or section three hundred eighty-four-a of this chapter was signed, provided however, that such social services district 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[,];

(b) to a public agency responsible for the administration of public assistance and care in any geographically contiguous state with which the department has an agreement with respect to wage information pursuant to paragraph (h) of subdivision three of section twenty of this article[,];

(c) to social services districts with respect to participants in employment [or], training [programs] OR OTHER PROGRAMS DESIGNED TO PROMOTE SELF-SUFFICIENCY authorized pursuant to this chapter who are current recipients of public assistance and care or who are former 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) for the purpose of evaluating the effect of participation in such programs on such current and former recipients[, and];

[(c)] (D) 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] OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE to fulfill obligations and responsibilities otherwise incumbent upon the state department of labor[.]; AND

[(d)] (E) to the federal social security administration or public agency of another state with which the [department] OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE has an agreement with respect to wage information pursuant to paragraph (i) of subdivision three of section twenty of this article.

S 7. 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] PROGRAMS, 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. 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 PROGRAMS, INCLUDING ASSESSMENTS OF THE EFFECTIVENESS THEREOF, 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; 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 8. The social services law is amended by adding a new section 24 to read as follows:

S 24. REPORTING OF PUBLIC ASSISTANCE RECIPIENT OUTCOMES USING WAGE REPORTING DATA. USING INFORMATION OBTAINED FROM THE WAGE REPORTING SYSTEM FOR NEW YORK STATE AND FOR EACH SOCIAL SERVICES DISTRICT, THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL POST ON ITS WEBSITE ON A QUARTERLY BASIS:

1. THE PERCENTAGE AND NUMBER OF PUBLIC ASSISTANCE RECIPIENTS EIGHTEEN YEARS OF AGE AND OLDER WITH EARNINGS DURING THE QUARTER, AND THE AVERAGE AMOUNT OF THE EARNINGS;

2. THE PERCENTAGE AND NUMBER OF PERSONS EIGHTEEN YEARS OF AGE AND OLDER LEAVING PUBLIC ASSISTANCE WHO HAD EARNINGS DURING THE QUARTER OF EXIT, AND THE AVERAGE AMOUNT OF THE EARNINGS;

3. THE PERCENTAGE AND NUMBER OF PUBLIC ASSISTANCE RECIPIENTS WITHOUT EARNINGS IN A QUARTER WHO HAVE EARNINGS IN THE SUBSEQUENT QUARTER, AND THE AVERAGE AMOUNT OF THE EARNINGS;

4. FOR PERSONS ENTERING EMPLOYMENT, THE PERCENTAGE OF PERSONS WITH EARNINGS IN EACH OF THE FOUR QUARTERS FOLLOWING JOB ENTRY AND THE AVERAGE CHANGE IN EARNINGS, WITH SUCH RATES REPORTED SEPARATELY FOR THOSE LEAVING AND REMAINING ON PUBLIC ASSISTANCE; AND

5. THE PERCENTAGE OF PUBLIC ASSISTANCE RECIPIENTS LEAVING ASSISTANCE FOR EMPLOYMENT WHO RECEIVE FOOD STAMP BENEFITS IN EACH OF THE FOUR QUARTERS FOLLOWING EXIT.

S 9. The office of temporary and disability assistance shall add a provision to its common application (LDSS 2921), at the time of its next revision, advising applicants that the office of temporary and disability assistance may obtain information from the wage reporting system operated by the state department of taxation and finance regarding applicants for, recipients of and former recipients of public assistance and care, provided, however, that this information regarding former recipients obtained using personal identifying information shall not be used to recover public assistance previously provided to such recipients and shall only be available to the office of temporary and disability assistance and to the social services districts in accordance with section 23 of the social services law for a period of three years six months after the closure of the recipient's public assistance case and only for the purpose of evaluating such former recipient's eligibility for transitional benefits and for the purpose of evaluating the effectiveness of public assistance programs and employment performance when recipients leave public assistance and any uses of the information not expressly permitted are prohibited.

S 10. In addition to quarterly reporting, the office of temporary and disability assistance shall submit to the legislature and the governor a final report of public assistance recipient outcomes using the wage

reporting data no later than January 1, 2014. Such report shall be made available to the public on the website maintained by the office of temporary and disability assistance.

S 11. This act shall take effect immediately and shall expire June 1, 2014 when upon such date the provisions of this act shall be deemed repealed.

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 KK of this act shall be as specifically set forth in the last section of such Parts.