

5498

2011-2012 Regular Sessions

I N A S S E M B L Y

February 22, 2011

Introduced by M. of A. ENGLEBRIGHT, SCHIMEL, MOLINARO, LATIMER -- read once and referred to the Committee on Governmental Employees

AN ACT to enact the "framework for the future act"; to amend the education law, in relation to requiring the state to pay one-half of the employer contributions to the New York state teachers' retirement system (Part A); to amend the civil service law, in relation to the provision of a health insurance plan to the officers and employees of school districts and boards of cooperative educational services, and their dependents (Part B); to amend the education law, in relation to public high cost excess cost aid; and to repeal subdivision 5-a of section 3602 of such law relating to supplemental public excess cost aid (Part C); to direct state leaders to lobby for greater federal funding of state public education (Part D); to direct the governor to establish a study group to evaluate and make recommendations relating to the extent to which state mandates exceed federal mandates; to amend the state finance law, in relation to requiring state reimbursement of localities for additional mandate expenses; and providing for the repeal of certain provisions upon the expiration thereof (Part E); to amend the legislative law, in relation to prohibiting unfunded mandates (Part F); to amend the legislative law, the executive law and the state administrative procedure act, in relation to requiring disclosure of the cost and source of funding of any provision requiring a political subdivision of the state to expend additional funds (Part G); to amend the education law, in relation to directing the commissioner of education to develop and implement a program to provide information, expertise and assistance to school districts to facilitate consolidation (Part H); to amend the state finance law and the education law, in relation to efficiency study grants for school districts (Part I); to amend the education law, in relation to expanding the authority of boards of cooperative educational services to provide shared services to their component school districts; and to repeal subparagraph 2 of paragraph a of subdivision 4 of section 1950 of such law relating to limitations on the compensation payable to the superintendent of such board (Part J); to amend the education law, in

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

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relation to providing state aid to boards of cooperative educational services for career and technical education (Part K); to direct the commissioner of education to establish a task force to analyze and report on alternative methods of funding charter schools which do not reduce the funding of the school districts of residence; and providing for the repeal of such provisions upon expiration thereof (Part L); to amend the education law, in relation to providing state aid to school districts for energy cost increases (Part M); to amend the public authorities law, in relation to directing the power authority of the state of New York to provide financing for energy conservation improvements to schools (Part N); to amend the education law, in relation to authorizing boards of cooperative educational services to operate regional transportation systems (Part O); to amend the education law, in relation to total foundation aid to school districts (Part P); to amend the education law, in relation to providing transportation aid based upon school district expenses therefor (Part Q); to amend the education law, in relation to increasing reorganization incentive aid (Part R); to amend the education law, in relation to the financial responsibility for state schools for the blind and the deaf (Part S); to amend the executive law, in relation to directing the department of audit and control to compile and publish an annual taxpayer report card (Part T); to amend the state finance law, the public authorities law and the general municipal law, in relation to requiring governmental entities to publish a detailed copy of their proposed budget not less than 30 days prior to approval thereof (Part U); to amend the executive law, in relation to directing the department of audit and control to publish an annual report on the costs to municipal corporations of requirements imposed thereon by state law, rules and regulations (Part V); and to amend the state finance law and the education law, in relation to appropriations for the support of school districts (Part W)

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "framework for the future act".
3 S 2. This act enacts into law major components of legislation which
4 are necessary to reform real property taxation for the support of public
5 schools, and enhancing the efficiency and transparency of the funding of
6 public education. Each component is wholly contained within a Part identified as Parts A through W. The effective date for each particular
7 provision contained within such Part is set forth in the last section of
8 such Part. Any provision of any section contained within a Part, including the effective date of the Part, which makes a reference to a section
9 "of this act", when used in connection with that particular component,
10 shall be deemed to mean and refer to the corresponding section of the
11 Part in which it is found. Section four of this act sets forth the
12 general effective date of this act.
13
14

15 PART A

16 Section 1. The education law is amended by adding a new section 521-a
17 to read as follows:

1 S 521-A. STATE CONTRIBUTIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION
2 OF LAW, ON AND AFTER JULY FIRST, TWO THOUSAND ELEVEN, THE STATE SHALL
3 PAY ONE-HALF OF ALL EMPLOYER CONTRIBUTIONS, EXCEPT WHEN THE EMPLOYER IS
4 THE STATE OR A STATE AGENCY, REQUIRED TO BE MADE TO THE RETIREMENT
5 SYSTEM PURSUANT TO THIS ARTICLE OR ANY OTHER PROVISION OF LAW REQUIRING
6 CONTRIBUTIONS TO THE RETIREMENT SYSTEM.

7 2. THE STATE COMPTROLLER SHALL, BY RULE OR REGULATION, ESTABLISH A
8 SYSTEM FOR THE PAYMENT BY THE STATE OF THE CONTRIBUTIONS REQUIRED BY
9 SUBDIVISION ONE OF THIS SECTION.

10 S 2. This act shall take effect immediately.

11 PART B

12 Section 1. Subdivision 1 of section 161 of the civil service law, as
13 amended by section 2 of part T of chapter 56 of the laws of 2010, is
14 amended to read as follows:

15 1. The president is hereby authorized and directed to establish a
16 health benefit plan for state officers and employees and their depen-
17 dents and officers and employees of the state colleges of agriculture,
18 home economics, industrial labor relations and veterinary medicine, the
19 state agricultural experiment station at Geneva, and any other institu-
20 tion or agency under the management and control of Cornell university as
21 the representative of the board of trustees of the state university of
22 New York, and the state college of ceramics under the management and
23 control of Alfred university as the representative of the board of trus-
24 tees of the state university of New York and their dependents; AND THE
25 OFFICERS AND EMPLOYEES OF SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE
26 EDUCATIONAL SERVICES, AND THEIR DEPENDENTS which, subject to the condi-
27 tions and limitations contained in this article, and in the regulations
28 of the president, will provide for group hospitalization, surgical and
29 medical insurance against the financial costs of hospitalization,
30 surgery, medical treatment and care, and may include, among other things
31 prescribed drugs, medicines, prosthetic appliances, hospital in-patient
32 and out-patient service benefits and medical expense indemnity benefits.

33 S 2. Subdivisions 1, 2, 4 and 7 of section 163 of the civil service
34 law, subdivisions 1, 2 and 7 as amended by section 4 of part T of chap-
35 ter 56 of the laws of 2010, and subdivision 4 as amended by chapter 329
36 of the laws of 1960, are amended to read as follows:

37 1. All persons in the service of the state, A SCHOOL DISTRICT OR A
38 BOARD OF COOPERATIVE EDUCATIONAL SERVICES, whether elected, appointed or
39 employed, who elect to participate in such health benefit plan shall be
40 eligible to participate therein, provided, however, that the president
41 may adopt such regulations as he or she may deem appropriate excluding
42 temporary, part time or intermittent employment.

43 2. The contract or contracts shall provide for health benefits for
44 retired employees of the state and of the state colleges of agriculture,
45 home economics, industrial labor relations and veterinary medicine, the
46 state agricultural experiment station at Geneva, and any other institu-
47 tion or agency under the management and control of Cornell university as
48 the representative of the board of trustees of the state university of
49 New York, and the state college of ceramics under the management and
50 control of Alfred university as the representative of the board of trus-
51 tees of the state university of New York[,]; AND OF THE SCHOOL DISTRICTS
52 AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES IN THE STATE; and their
53 spouses and dependent children as defined by the regulations of the
54 president, on such terms as the president may deem appropriate,

1 PROVIDED, HOWEVER, THAT FOR EMPLOYEES, AND THEIR SPOUSES AND DEPENDENTS,
2 THE EMPLOYER SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL
3 SERVICES SHALL PAY ONE-HALF OF THE EXPENSES OF ADMINISTRATION OF THE
4 PLAN AS DETERMINED BY THE PRESIDENT, and the president may authorize the
5 inclusion in the plan of the employees and retired employees of public
6 authorities, public benefit corporations, [school districts,] special
7 districts, district corporations, municipal corporations excluding
8 active employees and retired employees of cities having a population of
9 one million or more inhabitants whose compensation is or was before
10 retirement paid out of the city treasury, or other appropriate agencies,
11 subdivisions or quasi-public organizations of the state, including
12 active members of volunteer fire and volunteer ambulance companies serv-
13 ing one or more municipal corporations pursuant to subdivision seven of
14 section ninety-two-a of the general municipal law, and their spouses and
15 dependent children as defined by the regulations of the president. Any
16 such corporation, district, agency or organization electing to partic-
17 ipate in the plan shall be required to pay its proportionate share of
18 the expenses of administration of the plan in such amounts and at such
19 times as determined and fixed by the president. All amounts payable for
20 such expenses of administration shall be paid to the commissioner of
21 taxation and finance and shall be applied to the reimbursement of funds
22 previously advanced for such purposes. Neither the state nor any other
23 participant in the plan shall be charged with the particular experience
24 attributable to the employees of the participant, and all dividends or
25 retroactive rate credits shall be distributed pro-rata based upon the
26 number of employees of such participant covered by the plan.

27 4. Any public authority, public benefit corporation, [school
28 district,] special district, district corporation, municipal corpo-
29 ration, or other agency, subdivision or quasi-public organization of the
30 state, whose employees and retired employees are authorized to be
31 included in the plan as provided by subdivision two OF THIS SECTION, may
32 elect to participate in such plan. Any such election shall be exercised
33 by the adoption of a resolution by its governing body and, in the case
34 of any municipal corporation where a resolution of its governing body is
35 required by law to be approved by any other body or officer, such resol-
36 ution shall also be approved by such other body or officer. Any such
37 election may be made with respect to inclusion in the plan of both its
38 employees and its retired employees at the same time, or may be made
39 only with respect to its employees alone and at another time with
40 respect to its retired employees. Any such authority, corporation,
41 district, agency, subdivision or organization making such election shall
42 become a participating employer under such plan, subject to and in
43 accordance with the regulations of the president relating thereto.

44 7. For purposes of eligibility for participation in the health benefit
45 plan no person shall be deemed to be a state officer or employee or to
46 be in the service of the state unless his OR HER salary or compensation
47 is paid directly by the state, and no person shall be deemed to be a
48 retired officer or employee of the state unless his OR HER salary or
49 compensation immediately preceding his OR HER retirement was paid
50 directly by the state; provided, however, that all active and retired
51 justices, judges, officers and employees of the supreme court, surro-
52 gate's court, county court, family court, civil court of the city of New
53 York, criminal court of the city of New York and district court in any
54 county, officers and employees of the office of probation for the courts
55 of New York city, AND ALL ACTIVE AND RETIRED OFFICERS AND EMPLOYEES OF A
56 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES shall be

1 eligible for participation in the health benefit plan whether or not
2 their salaries are paid or before retirement were paid directly by the
3 state.

4 S 3. Section 165-a of the civil service law, as amended by section 6
5 of part T of chapter 56 of the laws of 2010, is amended to read as
6 follows:

7 S 165-a. Continuation of state health benefit plans for survivors of
8 employees of the state, OF A SCHOOL DISTRICT, OF A BOARD OF COOPERATIVE
9 EDUCATIONAL SERVICES and/or of a political subdivision or of a public
10 authority. Notwithstanding any other provision of law to the contrary,
11 the president shall permit the unremarried spouse and the dependents,
12 otherwise qualified as eligible for coverage under regulations of the
13 president, of a person who was an employee of the state, OF A SCHOOL
14 DISTRICT, OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES and/or of a
15 political subdivision thereof or of a public authority for not less than
16 ten years, provided however, that the ten-year service requirement shall
17 not apply to such employees on active military duty in connection with
18 the Persian Gulf conflict who die on or after August second, nineteen
19 hundred ninety while in the Persian Gulf combat zone or while performing
20 such military duties, who had been a participant in any of the state
21 health benefit plans, to continue under the coverage which such deceased
22 employee had in effect at the time of death, upon the payment at inter-
23 vals determined by the president of the full cost of such coverage[,];
24 provided, however, that the unremarried spouse of an active employee of
25 the [State] STATE, OF A SCHOOL DISTRICT OR OF A BOARD OF COOPERATIVE
26 EDUCATIONAL SERVICES who died on or after April first, nineteen hundred
27 seventy-five and before April first, nineteen hundred seventy-nine who
28 timely elected to continue dependent coverage, or such unremarried
29 spouse who timely elected individual coverage shall continue to pay at
30 intervals determined by the president one-quarter of the full cost of
31 dependent coverage and provided further, that, with regard to employees
32 of the [State] STATE, where and to the extent that an agreement pursuant
33 to article fourteen of this chapter so provides, or where the director
34 of employee relations, with respect to employees of the [State] STATE,
35 OF A SCHOOL DISTRICT OR OF A BOARD OF COOPERATIVE EDUCATIONAL SERVICES
36 who are not included within a negotiating unit so recognized or certi-
37 fied pursuant to article fourteen of this chapter whom the director of
38 employee relations determines should be declared eligible for the
39 continuation of health benefit plans for the survivors of such employees
40 of the [State] STATE, OF A SCHOOL DISTRICT OR OF A BOARD OF COOPERATIVE
41 EDUCATIONAL SERVICES who died on or after April first, nineteen hundred
42 seventy-nine who elects to continue dependent coverage, or such unremar-
43 ried spouse who elects individual coverage, and upon such election shall
44 pay at intervals determined by the president one-quarter of the full
45 cost of dependent coverage and, provided further with respect to
46 enrolled employees of a political subdivision or public authority in a
47 negotiating unit recognized or certified pursuant to article fourteen of
48 this chapter, where an agreement negotiated pursuant to said article so
49 provides, and with respect to enrolled employees of a political subdivi-
50 sion or public authority not included within a negotiating unit so
51 recognized or certified, at the discretion of the appropriate political
52 subdivision or public authority, the unremarried spouse of an active
53 employee of the political subdivision or of the public authority who
54 died on or after April first, nineteen hundred seventy-five, may elect
55 to continue dependent coverage or such unremarried spouse may elect
56 individual coverage and upon such election shall pay at intervals deter-

1 mined by the president one-quarter of the full cost of dependent cover-
2 age.

3 The president shall adopt such regulations as may be required to carry
4 out the provisions of this [subdivision] SECTION which shall include,
5 but need not be limited to, provisions for filing application for
6 continued coverage.

7 Notwithstanding any law to the contrary, the survivors of any employee
8 subject to this section shall be entitled to the health benefits granted
9 pursuant to this section, provided that such employee died while on
10 active duty other than for training purposes, pursuant to Title 10 of
11 the United States Code, with the armed forces of the United States, and
12 such member died on such active duty on or after the effective date of
13 chapter one hundred five of the laws of two thousand five as a result of
14 injuries, disease or other medical condition sustained or contracted in
15 such active duty with the armed forces of the United States.

16 S 4. Subdivision 1 of section 167 of the civil service law, as amended
17 by chapter 582 of the laws of 1988, paragraph (a) as amended by section
18 7 of part T of chapter 56 of the laws of 2010, and paragraph (b) as
19 amended by chapter 317 of the laws of 1995, is amended to read as
20 follows:

21 1. (a) The full cost of premium or subscription charges for the cover-
22 age of retired state EMPLOYEES, AND ONE-HALF OF SUCH COSTS FOR COVERAGE
23 OF SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES employ-
24 ees who are enrolled in the statewide and the supplementary health bene-
25 fit plans established pursuant to this article and who retired prior to
26 January first, nineteen hundred eighty-three shall be paid by the state.
27 Nine-tenths of the cost of premium or subscription charges for the
28 coverage of state EMPLOYEES, AND FORTY-FIVE PERCENT OF SUCH COSTS FOR
29 COVERAGE OF SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
30 employees and retired state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE
31 EDUCATIONAL SERVICES employees retiring on or after January first, nine-
32 teen hundred eighty-three who are enrolled in the statewide and supple-
33 mentary health benefit plans shall be paid by the state. Three-quarters
34 of the cost of premium or subscription charges for the coverage of
35 dependents of such state EMPLOYEES, AND THREE-EIGHTHS OF SUCH COSTS FOR
36 COVERAGE OF SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
37 employees and retired state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE
38 EDUCATIONAL SERVICES employees shall be paid by the state. Except as
39 provided in paragraph (b) of this subdivision, the state shall contrib-
40 ute toward the premium or subscription charges for the coverage of each
41 state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
42 employee or retired state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE
43 EDUCATIONAL SERVICES employee who is enrolled in an optional benefit
44 plan and for the dependents of such state, SCHOOL DISTRICT OR BOARD OF
45 COOPERATIVE EDUCATIONAL SERVICES employee or retired state, SCHOOL
46 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES employee the same
47 dollar amount which would be paid by the state for the premium or
48 subscription charges for the coverage of such state, SCHOOL DISTRICT OR
49 BOARD OF COOPERATIVE EDUCATIONAL SERVICES employee or retired state,
50 SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES employee
51 and his or her dependents if he or she were enrolled in the statewide
52 and the supplementary health benefit plans, but not in excess of the
53 premium or subscription charges for the coverage of such state, SCHOOL
54 DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES employee or
55 retired state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL
56 SERVICES employee and his or her dependents under such optional benefit

1 plan. For purposes of this subdivision, employees of the state colleges
2 of agriculture, home economics, industrial labor relations, and veteri-
3 nary medicine, the state agricultural experiment station at Geneva, and
4 any other institution or agency under the management and control of
5 Cornell university as the representative of the board of trustees of the
6 state university of New York, and employees of the state college of
7 ceramics under the management and control of Alfred university as the
8 representative of the board of trustees of the state university of New
9 York, shall be deemed to be state employees whose salaries or compen-
10 sation are paid directly by the state.

11 (b) Effective January first, nineteen hundred eighty-nine, notwith-
12 standing any other law, rule or regulation, and where, and to the extent
13 that, an agreement between the state and an employee organization
14 entered into pursuant to article fourteen of this chapter so provides or
15 where and to the extent the employee health insurance council so directs
16 with respect to any other state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE
17 EDUCATIONAL SERVICES employees and for retired state, SCHOOL DISTRICT OR
18 BOARD OF COOPERATIVE EDUCATIONAL SERVICES employees retiring on or after
19 January first, nineteen hundred eighty-three, the state shall contribute
20 nine-tenths of the cost of premiums or subscription charges for coverage
21 of each such state EMPLOYEE, AND FORTY-FIVE PERCENT OF SUCH COSTS FOR
22 COVERAGE OF SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
23 employee or retired state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE
24 EDUCATIONAL SERVICES employee who is enrolled in an optional benefit
25 plan and three-fourths of such premium or subscription charges for
26 dependents of such state EMPLOYEES, AND THREE-EIGHTHS OF SUCH COSTS FOR
27 COVERAGE OF SCHOOL DISTRICT OR BOARD OF COOPERATIVE EDUCATIONAL SERVICES
28 employees or retired state, SCHOOL DISTRICT OR BOARD OF COOPERATIVE
29 EDUCATIONAL SERVICES employees enrolled in such optional benefit plan;
30 provided, however, effective January first, nineteen hundred ninety-six,
31 the contribution rates for the hospitalization and medical components of
32 each optional benefit plan shall not exceed one hundred percent of the
33 dollar amount of the state's contribution toward the hospitalization and
34 medical components of individual and dependent coverage, respectively,
35 in the Empire Plan. In the case of state employees retiring prior to
36 January first, nineteen hundred eighty-three, the state shall contribute
37 one hundred percent of the individual premium and three-fourths of such
38 premium for dependents of such retired employees enrolled in such
39 optional benefit plan; however, these contribution rates shall not
40 exceed one hundred percent of the employer dollar amount contribution
41 for individual and dependent coverage respectively in the Empire Plan.

42 S 5. This act shall take effect on the first of January next succeed-
43 ing the date on which it shall have become a law.

44

PART C

45 Section 1. Subdivision 5 of section 3602 of the education law, as
46 added by section 13 of part B of chapter 57 of the laws of 2007, is
47 amended to read as follows:

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

1 expense per pupil [without limits] SHALL BE ENTITLED TO AN ADDITIONAL
2 APPORTIONMENT FOR EACH SUCH CHILD EQUAL TO ONE-HALF OF THE EXCESS OF THE
3 COST FOR SUCH CHILD WITH A DISABILITY OVER THE DISTRICTS EXPENSES PER
4 PUPIL.

5 [a.] For the purpose of this subdivision[:

6 (1) Expense], "EXPENSE per pupil [for the purposes of this subdivi-
7 sion]" shall be not less than two thousand dollars and not more than the
8 greater of seven thousand one hundred ten dollars or the statewide aver-
9 age of such expense per pupil. Such statewide average expense per pupil
10 shall be computed and rounded to the nearest fifty dollars by the
11 commissioner using the expense and pupils as estimated by school
12 districts or as determined by the commissioner for use in determining
13 the expense per pupil of the district pursuant to paragraph f of subdi-
14 vision one of this section for all districts eligible for aid pursuant
15 to this section. For the purposes of calculating such statewide expense
16 per pupil, the data for the city school district of the city of New York
17 shall be city-wide data.

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

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

26 S 2. Subdivision 5-a of section 3602 of the education law is REPEALED.

27 S 3. This act shall take effect on the first of July next succeeding
28 the date on which it shall have become a law.

29 PART D

30 Section 1. The governor, executive chamber, commissioner of education
31 and legislative leaders are hereby directed to engage in ongoing contact
32 with members of the United States House of Representatives, United
33 States Senators and the President of the United States to maximize
34 federal funding to the education system of the state of New York for the
35 purposes of both general education and special education.

36 S 2. This act shall take effect immediately.

37 PART E

38 Section 1. Within 60 days of the effective date of this act the gover-
39 nor shall establish and convene a study group to evaluate state mandates
40 as compared to the federal mandates.

41 S 2. Such study group shall be composed of members who have extensive
42 experience in the provision of services, required pursuant to federal
43 law, rules or regulations.

44 S 3. The lieutenant-governor shall be the chair of the study group
45 established by this act. The study group shall meet at such times and
46 places as shall be determined by the lieutenant-governor.

47 S 4. The members of the study group shall receive no compensation for
48 their services, but shall be allowed their actual and necessary expenses
49 incurred in the performance of their duties pursuant to this act.

50 S 5. The study group shall, on or before March 31, 2012, report to the
51 governor and the legislature. Such report shall include the study
52 group's findings, conclusions and recommendations.

1 S 6. The state finance law is amended by adding a new section 28 to
2 read as follows:

3 S 28. MANDATE RELIEF. 1. DEFINITION. FOR THE PURPOSES OF THIS SECTION,
4 "POLITICAL SUBDIVISION" SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE, SCHOOL
5 DISTRICT OR SPECIAL DISTRICT, AND SHALL INCLUDE ANY AGENCY, AUTHORITY,
6 COMMISSION, DEPARTMENT OR INSTRUMENTALITY THEREOF.

7 2. EACH FISCAL YEAR THE BUDGET SUBMITTED BY THE GOVERNOR AND ENACTED
8 BY THE LEGISLATURE SHALL CONTAIN SEPARATE AND DISTINCT APPROPRIATIONS TO
9 REIMBURSE POLITICAL SUBDIVISIONS FOR THE ENTIRETY OF ANY ADDITIONAL
10 EXPENSES INCURRED BY SUCH POLITICAL SUBDIVISIONS PURSUANT TO ANY STATE
11 LAW, RULE OR REGULATION ENACTED TO COMPLY WITH A REQUIREMENT ESTABLISHED
12 BY FEDERAL LAWS, RULES OR REGULATIONS TO THE EXTENT THAT SUCH STATE
13 LAWS, RULES OR REGULATIONS REQUIRE THE ASSUMPTION OF ADDITIONAL COSTS
14 ABOVE THOSE IMPOSED BY SUCH FEDERAL REQUIREMENTS.

15 S 7. This act shall take effect immediately and sections one through
16 five of this act shall expire and be deemed repealed April 1, 2012.

17

PART F

18 Section 1. The legislative law is amended by adding a new section 49
19 to read as follows:

20 S 49. PROHIBITION ON UNFUNDED MANDATES. 1. (A) ANY PROVISION OF LAW
21 DETERMINED IN ACCORDANCE WITH THIS SECTION TO BE AN UNFUNDED MANDATE
22 SHALL BE VOID.

23 (B) A PROVISION OF LAW THAT REQUIRES ONE OR MORE POLITICAL SUBDIVI-
24 SIONS TO EXPEND FUNDS OR TO TAKE ACTIONS REQUIRING THE EXPENDITURE OF
25 FUNDS SHALL BE DEEMED AN UNFUNDED MANDATE IF SUCH PROVISION OF LAW
26 RESULTS IN AN AGGREGATE NET INCREASE IN NECESSARY DIRECT EXPENDITURES BY
27 ANY POLITICAL SUBDIVISION OF THE STATE. ANY SUCH AGGREGATE NET INCREASE
28 IN EXPENDITURES SHALL BE OFFSET BY: (I) MONIES PROVIDED TO POLITICAL
29 SUBDIVISIONS FOR THE SPECIFIC PURPOSE OF FUNDING SUCH PROVISION OF LAW;
30 AND (II) DECREASES IN EXPENDITURES EXPECTED TO RESULT FROM OTHER
31 PROVISIONS OF LAW ENACTED CONCURRENTLY THEREWITH THAT REPEAL, REDUCE OR
32 MODIFY EXISTING MANDATES ON POLITICAL SUBDIVISIONS. FOR PURPOSES OF THIS
33 SECTION, ALL BUDGET BILLS AND LEGISLATION NECESSARY TO IMPLEMENT THE
34 BUDGET ENACTED PURSUANT TO ARTICLE SEVEN OF THE CONSTITUTION SHALL BE
35 DEEMED TO HAVE BEEN CONCURRENTLY ENACTED INTO LAW.

36 (C) FOR PURPOSES OF THIS SECTION, THE TERM "POLITICAL SUBDIVISION"
37 SHALL MEAN A COUNTY, CITY, TOWN, VILLAGE, SCHOOL DISTRICT OR SPECIAL
38 DISTRICT, AND SHALL INCLUDE ANY AGENCY, AUTHORITY, COMMISSION, DEPART-
39 MENT OR INSTRUMENTALITY THEREOF.

40 (D) FOR PURPOSES OF THIS SECTION, THE TERM "LAW" SHALL MEAN A STATUTE
41 ENACTED BY THE LEGISLATURE, AN EXECUTIVE ORDER ISSUED BY THE GOVERNOR,
42 AND A RULE OR REGULATION PROMULGATED BY A STATE AGENCY, DEPARTMENT,
43 BOARD, BUREAU, OFFICER, AUTHORITY OR COMMISSION.

44 2. NOTWITHSTANDING ANYTHING IN THIS SECTION TO THE CONTRARY, THE
45 FOLLOWING TYPES OF LAWS SHALL NOT BE CONSIDERED UNFUNDED MANDATES:

46 (A) THOSE THAT HAVE BEEN REQUESTED THROUGH A HOME RULE MESSAGE OR
47 OTHER RESOLUTION OF THE AFFECTED POLITICAL SUBDIVISION, OR WHICH HAVE
48 BEEN ACCEPTED BY THE AFFECTED POLITICAL SUBDIVISION;

49 (B) THOSE APPLICABLE TO BOTH GOVERNMENT AND NON-GOVERNMENT ENTITIES IN
50 THE SAME OR A SUBSTANTIALLY SIMILAR MANNER; AND

51 (C) THOSE IN FULL FORCE AND EFFECT PRIOR TO THE EFFECTIVE DATE OF THIS
52 SECTION, INCLUDING ANY PROVISION OF LAW THAT EXTENDS OR REAUTHORIZES
53 SUCH A LAW.

54 S 2. This act shall take effect immediately.

1

PART G

2 Section 1. Section 51 of the legislative law, as added by chapter 985
3 of the laws of 1983, is amended to read as follows:

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

8 2. The legislature shall by concurrent resolution of the senate and
9 assembly prescribe rules requiring fiscal notes to accompany, on a sepa-
10 rate form, bills and amendments to bills, [except as otherwise
11 prescribed by such rules,] which would [substantially] affect the reven-
12 ues or expenses, or both, of any political subdivision.

13 3. Fiscal notes shall not, however, be required for bills: (a) subject
14 to the provisions of section fifty of this [chapter] ARTICLE, or (b)
15 accompanied by special home rule requests submitted by political subdi-
16 visions, or (c) which provide discretionary authority to political
17 subdivisions[, or (d) submitted pursuant to section twenty-four of the
18 state finance law].

19 4. [If the estimate or estimates contained in a fiscal note are inac-
20 curate, such inaccuracies shall not affect, impair or invalidate such
21 bill] SUCH FISCAL NOTES SHALL FULLY DISCLOSE THE COSTS AND SOURCE OF
22 FUNDING OF EVERY PROVISION OF THE BILL OR AMENDMENT THERETO, WHICH WOULD
23 AFFECT THE REVENUE OR EXPENSES OF ANY POLITICAL SUBDIVISION.

24 S 2. The executive law is amended by adding a new section 13 to read
25 as follows:

26 S 13. FISCAL NOTES ON EXECUTIVE ORDERS AFFECTING POLITICAL SUBDIVI-
27 SIONS. 1. FOR THE PURPOSES OF THIS SECTION, THE TERM "POLITICAL SUBDIVI-
28 SION" MEANS ANY COUNTY, CITY, TOWN, VILLAGE, SPECIAL DISTRICT OR SCHOOL
29 DISTRICT.

30 2. THE GOVERNOR SHALL ATTACH A FISCAL NOTE TO EVERY EXECUTIVE ORDER
31 WHICH WOULD AFFECT THE REVENUES OR EXPENSES, OR BOTH, OF ANY POLITICAL
32 SUBDIVISION. SUCH FISCAL NOTES SHALL FULLY DISCLOSE THE COSTS AND SOURCE
33 OF FUNDING OF EVERY PROVISION OF THE EXECUTIVE ORDER WHICH WOULD AFFECT
34 THE REVENUE OR EXPENSES OF ANY POLITICAL SUBDIVISION.

35 3. FISCAL NOTES SHALL NOT, HOWEVER, BE REQUIRED FOR EXECUTIVE ORDERS
36 WHICH PROVIDE DISCRETIONARY AUTHORITY TO POLITICAL SUBDIVISIONS.

37 S 3. The state administrative procedure act is amended by adding a new
38 section 201-b to read as follows:

39 S 201-B. FISCAL NOTES ON PROPOSED RULES. 1. FOR THE PURPOSES OF THIS
40 SECTION, THE TERM "POLITICAL SUBDIVISION" MEANS ANY COUNTY, CITY, TOWN,
41 VILLAGE, SPECIAL DISTRICT OR SCHOOL DISTRICT.

42 2. EACH AGENCY PROPOSING A RULE SHALL ATTACH A FISCAL NOTE TO A
43 PROPOSED RULE WHICH WOULD AFFECT THE REVENUES OR EXPENSES, OR BOTH, OF
44 ANY POLITICAL SUBDIVISION. SUCH FISCAL NOTES SHALL FULLY DISCLOSE THE
45 COSTS AND SOURCE OF FUNDING OF EVERY PROVISION OF THE PROPOSED RULE
46 WHICH WOULD AFFECT THE REVENUE OR EXPENSES OF ANY POLITICAL SUBDIVISION.

47 3. FISCAL NOTES SHALL NOT, HOWEVER, BE REQUIRED FOR PROPOSED RULES
48 WHICH PROVIDE DISCRETIONARY AUTHORITY TO POLITICAL SUBDIVISIONS.

49 S 4. This act shall take effect on the sixtieth day after it shall
50 have become a law.

51

PART H

52 Section 1. Section 305 of the education law is amended by adding a new
53 subdivision 42 to read as follows:

42. THE COMMISSIONER SHALL DEVELOP AND IMPLEMENT, ON OR BEFORE JULY FIRST, TWO THOUSAND TWELVE, A PROGRAM WITHIN THE DEPARTMENT WHICH PROVIDES INFORMATION, EXPERTISE AND ASSISTANCE TO SCHOOL DISTRICTS IN THE CONSOLIDATION OF FUNCTIONS WITHIN AND AMONG SUCH DISTRICTS.

S 2. This act shall take effect immediately.

PART I

Section 1. Clause 1 of subparagraph (i) of paragraph o of subdivision 10 of section 54 of the state finance law, as amended by section 7 of part GG of chapter 56 of the laws of 2009, is amended to read as follows:

(1) For the purposes of this paragraph, "municipality" shall mean counties, cities, towns, villages, special improvement districts, fire districts, public libraries, association libraries, water authorities, sewer authorities, AND regional planning and development boards[, school districts, and boards of cooperative educational services; provided, however, that for the purposes of this definition, a board of cooperative educational services shall be considered a municipality only in instances where such board of cooperative educational services advances a joint application on behalf of school districts and other municipalities within the board of cooperative educational services region; provided, however, that any agreements with a board of cooperative educational services: shall not generate additional state aid; shall be deemed not to be a part of the program, capital and administrative budgets of the board of cooperative educational services for the purposes of computing charges upon component school districts pursuant to subparagraph seven of paragraph b of subdivision four of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty and subdivision one of section nineteen hundred fifty-one of the education law; and shall be deemed to be a cooperative municipal service for purposes of subparagraph two of paragraph d of subdivision four of section nineteen hundred fifty of the education law].

S 2. Clause 3 of subparagraph (ii) of paragraph o of subdivision 10 of section 54 of the state finance law, as added by section 7 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

(3) High priority planning grants may be used to cover costs including, but not limited to, legal and consultant services and other necessary expenses. [The amounts awarded to a school district pursuant to this subparagraph shall not be included in the approved operating expense of the school district as defined in paragraph t of subdivision one of section thirty-six hundred two of the education law.] No part of the grant shall be used by the applicant for recurring expenses such as salaries.

S 3. Clause 3 of subparagraph (iii) of paragraph o of subdivision 10 of section 54 of the state finance law, as added by section 7 of part O of chapter 56 of the laws of 2008, is amended to read as follows:

(3) General efficiency planning grants may be used to cover costs including, but not limited to, legal and consultant services and other necessary expenses. [The amounts awarded to a school district pursuant to this subparagraph shall not be included in the approved operating expense of the school district as defined in paragraph t of subdivision one of section thirty-six hundred two of the education law.] No part of the grant shall be used by the applicant for recurring expenses such as salaries.

1 S 4. Clause 2 of subparagraph (iv) of paragraph o of subdivision 10 of
2 section 54 of the state finance law, as added by section 7 of part 0 of
3 chapter 56 of the laws of 2008, is amended to read as follows:

4 (2) Efficiency implementation grants may be used to cover costs
5 including, but not limited to, legal and consultant services, capital
6 improvements, transitional personnel costs essential for the implementa-
7 tion of the approved efficiency implementation grant work plan, and
8 other necessary expenses. Grants may be used for capital improvements,
9 transitional personnel costs or joint equipment purchases only where
10 such expenses are integral to the coordinated or consolidated service
11 delivery. [The amounts awarded to a school district pursuant to this
12 subparagraph shall not be included in the approved operating expense of
13 the school district as defined in paragraph t of subdivision one of
14 section thirty-six hundred two of the education law.]

15 S 5. Clause 1 of subparagraph (v) of paragraph o of subdivision 10 of
16 section 54 of the state finance law, as added by section 7 of part 0 of
17 chapter 56 of the laws of 2008, is amended to read as follows:

18 (1) Within the amounts appropriated therefor, subject to a plan devel-
19 oped in consultation with the commission on local government efficiency
20 and competitiveness and approved by the director of the budget, the
21 secretary of state may award competitive grants to municipalities to
22 cover costs associated with a functional consolidation or a shared
23 services agreement having great potential to achieve financial savings
24 and serve as a model for other municipalities, including the consol-
25 idation of services on a multi-county basis, the consolidation of
26 certain services countywide as identified in such plan, the creation of
27 a regional entity empowered to provide multiple functions on a county-
28 wide or regional basis, the creation of a regional or city-county
29 consolidated municipal government, [the consolidation of school
30 districts or supporting services for school districts encompassing the
31 area served by a board of cooperative educational services,] or the
32 creation of a regional smart growth compact or program.

33 S 6. Subdivision 14 of section 3602 of the education law is amended by
34 adding a new paragraph h to read as follows:

35 H. EFFICIENCY STUDY GRANTS. (1) ANY SCHOOL DISTRICT WHICH IS ELIGIBLE
36 TO RECEIVE AN APPORTIONMENT UNDER THIS SECTION OR SECTION THIRTY-SIX
37 HUNDRED TWO-B OF THIS ARTICLE MAY SUBMIT PLANS TO THE COMMISSIONER FOR
38 THE PURPOSE OF RECEIVING A GRANT TO STUDY REORGANIZATION OF THE DISTRICT
39 WITH ONE OR MORE SCHOOL DISTRICTS OR THE SHARING OF PROGRAMS BETWEEN
40 SUCH DISTRICTS AND OTHER SCHOOL DISTRICTS.

41 (2) EFFICIENCY GRANTS MAY ALSO BE AWARDED PURSUANT TO THIS PARAGRAPH
42 TO A SCHOOL DISTRICT, A GROUP OF SCHOOL DISTRICTS, OR TO A BOARD OF
43 COOPERATIVE EDUCATIONAL SERVICES FOR A PROJECT IN WHICH A COUNTY OR
44 OTHER MUNICIPALITY IS A PARTNER FOR THE PURPOSE OF STUDYING A COLLABORA-
45 TIVE SERVICE DELIVERY SYSTEM FOR SCHOOL AGED AT-RISK YOUTH AND THEIR
46 FAMILIES.

47 (3) PLANS SHALL BE IN THE FORM PRESCRIBED BY THE COMMISSIONER AND
48 APPROVED BY HIM OR HER IN ACCORDANCE WITH REGULATIONS ADOPTED FOR SUCH
49 PURPOSES.

50 (4) AFTER HIS OR HER APPROVAL OF A PLAN, THE COMMISSIONER MAY AWARD A
51 MAXIMUM GRANT OF FIFTY THOUSAND DOLLARS PER STUDY PURSUANT TO SUBPARA-
52 GRAPH ONE OF THIS PARAGRAPH AND A MAXIMUM GRANT OF TWENTY THOUSAND
53 DOLLARS PER STUDY PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH.

54 (5) THE COMMISSIONER SHALL ENSURE THAT OF THE TOTAL AMOUNT ALLOCATED
55 FOR GRANTS AWARDED UNDER THIS PARAGRAPH, THE AMOUNT OF GRANTS AWARDED

1 PURSUANT TO SUBPARAGRAPH TWO OF THIS PARAGRAPH SHALL CONSTITUTE NO MORE
2 THAN THIRTY-FIVE PERCENT OF SUCH TOTAL AMOUNT.
3 S 7. This act shall take effect on the first of July next succeeding
4 the date on which it shall have become a law.

5 PART J

6 Section 1. Subdivision 1 of section 1950 of the education law, as
7 amended by chapter 396 of the laws of 1974, is amended to read as
8 follows:

9 1. The boards of education and school trustees of a supervisory
10 district which is not part of an intermediate district, meeting at a
11 time and place to be designated by the district superintendent of
12 schools, may, by a majority vote of their members present and voting,
13 file with the commissioner [of education] a petition for the establish-
14 ment of a board of cooperative educational services for the purpose of
15 carrying out a program of SUCH shared educational services [in] AS the
16 schools of the supervisory district ELECT TO HAVE PROVIDED BY SUCH BOARD
17 and for providing instruction in such special subjects as the commis-
18 sioner may approve. NO PROVISION OF LAW, RULE OR REGULATION, OTHER THAN
19 THE PROVISIONS OF THIS SECTION SHALL LIMIT THE SHARED SERVICES THAT A
20 BOARD OF COOPERATIVE EDUCATIONAL SERVICES IS AUTHORIZED TO PROVIDE OF
21 ITS COMPONENT SCHOOL DISTRICTS. The commissioner, by order, may estab-
22 lish such a board with membership of not less than five nor more than
23 fifteen, upon such application and when a vacancy occurs in the office
24 of district superintendent of schools shall establish such a board,
25 unless the commissioner shall issue an order pursuant to section twen-
26 ty-two hundred one OF THIS TITLE redistricting the county so as to
27 provide for a lesser number of supervisory districts. The commissioner,
28 by order, may authorize a board, established prior to July second, nine-
29 teen hundred sixty-five, to increase its membership to not less than
30 five nor more than fifteen.

31 S 2. Subparagraph 2 of paragraph a of subdivision 4 of section 1950 of
32 the education law is REPEALED.

33 S 3. Paragraph c of subdivision 4 of section 1950 of the education
34 law, as amended by chapter 378 of the laws of 2010, is amended to read
35 as follows:

36 c. Make or cause to be made surveys to determine the need for cooper-
37 ative educational services in the supervisory district and present the
38 findings of their surveys to local school authorities. Each board of
39 cooperative educational services shall prepare long range program plans,
40 including special education and career education program plans, to meet
41 the projected need for such cooperative educational services in the
42 supervisory district for the next five years [as may be specified by the
43 commissioner,] and shall keep on file and make available for public
44 inspection and review by the commissioner such plans and thereafter
45 annual revisions of such plans on or before the first day of December of
46 each year, provided that such plans may be incorporated into a board of
47 cooperative educational services district-wide comprehensive plan.

48 S 4. Subparagraph 1 of paragraph d of subdivision 4 of section 1950 of
49 the education law, as amended by chapter 474 of the laws of 1996, is
50 amended to read as follows:

51 (1) Aidable shared services. At the request of component school
52 districts[, and with the approval of the commissioner,] provide any of
53 the following services on a cooperative basis: school nurse teacher,
54 attendance supervisor, supervisor of teachers, dental hygienist,

1 psychologist, teachers of art, music, physical education, career educa-
2 tion subjects, guidance counsellors, operation of special classes for
3 students with disabilities, as such term is defined in article eighty-
4 nine of this chapter; pupil and financial accounting service by means of
5 mechanical equipment; maintenance and operation of cafeteria or restau-
6 rant service for the use of pupils and teachers while at school[,];
7 OPERATION OF A REGIONAL TRANSPORTATION SYSTEM FOR THE BENEFIT OF THE
8 COMPONENT SCHOOL DISTRICTS and such other services as the [commissioner
9 may approve] COMPONENT SCHOOL DISTRICTS MAY REQUEST. Such cafeteria or
10 restaurant service may be used by the community for school related func-
11 tions and activities and to furnish meals to the elderly residents of
12 the district, sixty years of age or older. Utilization by elderly resi-
13 dents or school related groups shall be subject to the approval of the
14 board of education. Charges shall be sufficient to bear the direct cost
15 of preparation and serving of such meals, exclusive of any other avail-
16 able reimbursements.

17 S 5. Subparagraph 2 of paragraph d of subdivision 4 of section 1950 of
18 the education law, as added by chapter 474 of the laws of 1996, is
19 amended to read as follows:

20 (2) [Certain] ADDITIONAL SHARED services [prohibited] AUTHORIZED.
21 [Commencing with the nineteen hundred ninety-seven--ninety-eight school
22 year, the] THE commissioner shall [not be authorized to] approve as an
23 aidable shared service pursuant to this subdivision any cooperative
24 maintenance services or municipal services, including but not limited
25 to, lawn mowing services and heating, ventilation or air conditioning
26 repair or maintenance or trash collection, or any other municipal
27 services [as defined by the commissioner. On and after the effective
28 date of this paragraph, the commissioner shall not approve, as an aida-
29 ble shared service, any new cooperative maintenance or municipal
30 services for the nineteen hundred ninety-six--ninety-seven school year,
31 provided that the commissioner may approve the continuation of such
32 services for one year if provided in the nineteen hundred ninety-five--
33 ninety-six school year] REQUESTED BY THE COMPONENT SCHOOL DISTRICTS.

34 S 6. Subparagraph 3 of paragraph d of subdivision 4 of section 1950 of
35 the education law, as amended by chapter 474 of the laws of 1996, is
36 amended to read as follows:

37 (3) Requests for shared services; operating plan; required notice.
38 Requests for such shared services shall be filed by component school
39 districts with the board of cooperative educational services not later
40 than the first day of February of each year, provided that such requests
41 shall not be binding upon the component school district. The board of
42 cooperative educational services shall submit its proposed annual oper-
43 ating plan for the ensuing school year to the department [for approval]
44 not later than the fifteenth day of February of each year. Such board
45 shall, through its executive officer, notify each component school
46 district on or before the tenth day of March concerning the services
47 which have been approved by the [commissioner] BOARD to be made avail-
48 able for the ensuing school year. Such notice shall set forth the local
49 uniform cost of each such service, based on (i) anticipated partic-
50 ipation in the ensuing school year, or (ii) participation in the current
51 year, or (iii) a two or three year average including participation in
52 the current year, which unit cost shall be the same for all participat-
53 ing component districts and shall be based upon a uniform methodology
54 approved annually by at least three-quarters of the participating compo-
55 nent school districts after consultation by local school officials with
56 their respective boards; provided, however, such unit cost shall be

1 subject to final adjustment for programs for students with disabilities
2 based on actual participation in accordance with regulations of the
3 commissioner. [Notwithstanding the determination of the local uniform
4 unit cost methodology selected in accordance with this paragraph, each
5 board of cooperative education services shall annually report to the
6 commissioner the budgeted unit cost and, when available, the actual unit
7 cost of such programs and services, in accordance with both the local
8 uniform unit cost methodology and a statewide uniform unit cost method-
9 ology prescribed by the commissioner by regulation, where the budgeted
10 statewide unit cost shall be based on the anticipated participation in
11 the ensuing year and the actual statewide unit cost shall be based on
12 actual participation through the end of each year.]

13 S 7. Paragraph r of subdivision 4 of section 1950 of the education
14 law, as amended by chapter 53 of the laws of 1990, is amended to read as
15 follows:

16 r. With the approval of the district superintendent of schools [and of
17 the commissioner of education] to furnish any of the educational
18 services provided for in this section or any other section of law which
19 authorizes such board to provide services to school districts outside of
20 the supervisory district, upon such terms as may be agreed upon pursuant
21 to contracts executed by such board of cooperative educational services
22 and the trustees or boards of education of such school districts.

23 S 8. This act shall take effect on the first of January next succeed-
24 ing the date on which it shall have become a law.

25

PART K

26 Section 1. The education law is amended by adding a new section 3602-g
27 to read as follows:

28 S 3602-G. CAREER AND TECHNICAL EDUCATION. THE COMMISSIONER SHALL OUT
29 OF FUNDS APPROPRIATED THEREFOR, DISBURSE STATE ASSISTANCE TO BOARDS OF
30 COOPERATIVE EDUCATIONAL SERVICES FOR THE ESTABLISHMENT AND IMPLEMENTA-
31 TION OF PARTNERSHIPS BETWEEN SCHOOL DISTRICTS, SUCH BOARDS AND INSTI-
32 TUTIONS OF HIGHER EDUCATION FOR THE PROVISION AND COORDINATION OF
33 SCHOOL-BASED CAREER ACADEMIES WITH CAREER AND TECHNICAL EDUCATION
34 PROGRAMS.

35 S 2. This act shall take effect on the first of July next succeeding
36 the date on which it shall have become a law.

37

PART L

38 Section 1. The commissioner of education shall establish a task force
39 to examine, evaluate and make recommendations concerning the various
40 alternative methods for funding charter schools which do not reduce the
41 funding provided to the school districts of residence of the charter
42 school students. Such task force shall review, with particular care, the
43 impact on charter schools and public schools of the funding methodology
44 for charter schools established pursuant to section 2856 of the educa-
45 tion law.

46 S 2. The task force shall be composed of the commissioner of educa-
47 tion, the commissioner of taxation and finance, the executive director
48 of the office of real property services, and such members as the commis-
49 sioner of education shall appoint. The members of the task force
50 appointed by the commissioner of education shall include representatives
51 of school districts, charter schools, parents of students attending
52 charter schools and residents of this state.

1 S 3. The task force shall hold public hearings and shall have all the
2 powers of a legislative committee pursuant to the legislative law.

3 S 4. The members of the task force shall receive no compensation for
4 their services, but shall be allowed their actual and necessary expenses
5 incurred in the performance of their duties pursuant to this act.

6 S 5. The task force shall submit a report, to the governor and the
7 legislature, of its findings, conclusions and recommendations on or
8 before April 1, 2012, and shall submit with its report such legislative
9 proposals as it deems necessary to implement such recommendations.

10 S 6. This act shall take effect immediately, and shall expire and be
11 deemed repealed April 2, 2012.

12 PART M

13 Section 1. Section 3602 of the education law is amended by adding a
14 new subdivision 27 to read as follows:

15 27. AID FOR ENERGY COST INCREASES. COMMENCING WITH AID PAYABLE IN THE
16 TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND ALL SCHOOL
17 YEARS THEREAFTER, THE COMMISSIONER SHALL APPORTION AID TO EACH SCHOOL
18 DISTRICT EQUAL TO THE AMOUNT BY WHICH THE COST OF ELECTRICITY, PROPANE,
19 NATURAL GAS AND HEATING OIL USED BY THE SCHOOL DISTRICT DURING THE
20 SCHOOL YEAR EXCEEDS THE LESSER OF, ONE HUNDRED FOUR PERCENT OF THE COST
21 THEREOF DURING THE PRECEDING SCHOOL YEAR OR ONE HUNDRED TWENTY PERCENT
22 OF THE CONSUMER PRICE INDEX WITH REGARD TO THE COST THEREOF DURING THE
23 PRECEDING SCHOOL YEAR.

24 S 2. This act shall take effect immediately.

25 PART N

26 Section 1. The public authorities law is amended by adding a new
27 section 1001-b to read as follows:

28 S 1001-B. ENERGY CONSERVATION IMPROVEMENTS FOR SCHOOLS. THE AUTHORITY
29 SHALL ESTABLISH AND IMPLEMENT A PLAN THAT PROVIDES FINANCING TO SCHOOL
30 DISTRICTS FOR THE COSTS OF ENERGY CONSERVATION IMPROVEMENTS MADE TO ANY
31 SCHOOL IN THE SCHOOL DISTRICT, PROVIDED THAT NO COSTS ASSOCIATED WITH
32 SUCH FINANCIAL ASSISTANCE SHALL BE CHARGED TO THE AUTHORITY'S CUSTOMERS.
33 FINANCIAL ASSISTANCE SHALL BE REPAYED TO THE AUTHORITY, OVER A PERIOD NOT
34 TO EXCEED TEN YEARS, WITH SAVINGS IN ENERGY COSTS AND RELATED COSTS
35 WHICH ACCRUE TO THE SCHOOL DISTRICT AS A RESULT OF SUCH ENERGY CONSERVA-
36 TION IMPROVEMENTS.

37 S 2. This act shall take effect immediately.

38 PART O

39 Section 1. Paragraph q of subdivision 4 of section 1950 of the educa-
40 tion law, as separately amended by chapters 367 and 563 of the laws of
41 1979, is amended to read as follows:

42 q. To provide transportation for pupils to and from classes maintained
43 by such board of cooperative educational services at the request of one
44 or more school districts. School districts and boards of cooperative
45 educational services are authorized to enter into contracts with one or
46 more school districts, private contractors, and one or more boards of
47 cooperative educational services and any municipal corporation and
48 authority to provide such transportation. Boards of cooperative educa-
49 tional services may operate joint or regional transportation systems for
50 the transportation authorized by articles seventy-three and eighty-nine

1 of this chapter. Such transportation, except when provided by a poli-
2 tical subdivision or a board of cooperative educational services, shall
3 be subject to the requirements of subdivision fourteen of section three
4 hundred five of [the education law] THIS CHAPTER. IN ADDITION, EACH
5 BOARD SHALL, IN COOPERATION WITH ITS COMPONENT SCHOOL DISTRICTS, CONDUCT
6 A STUDY OF THE FEASIBILITY AND SAVINGS DERIVED FROM ESTABLISHING A
7 REGIONAL TRANSPORTATION SYSTEM. THE GOAL OF SUCH STUDY AND THE ESTAB-
8 LISHMENT OF ANY REGIONAL TRANSPORTATION SYSTEM SHALL BE MAXIMIZATION OF
9 COST EFFICIENCIES AND CONSERVATION OF FUEL.
10 S 2. This act shall take effect on the first of July next succeeding
11 the date on which it shall have become a law.

12 PART P

13 Section 1. The opening paragraph of subdivision 4 of section 3602 of
14 the education law, as amended by section 13 of part A of chapter 57 of
15 the laws of 2009, is amended to read as follows:

16 In addition to any other apportionment pursuant to this chapter, a
17 school district, other than a special act school district as defined in
18 subdivision eight of section four thousand one of this chapter, shall be
19 eligible for total foundation aid equal to the product of total aidable
20 foundation pupil units multiplied by the district's selected foundation
21 aid, which shall be the greater of five hundred dollars (\$500) or foun-
22 dation formula aid, provided, however that for the two thousand seven--
23 two thousand eight through two thousand eight--two thousand nine and two
24 thousand eleven--two thousand twelve through two thousand twelve--two
25 thousand thirteen school years, no school district shall receive total
26 foundation aid in excess of the sum of the total foundation aid base for
27 aid payable in the two thousand seven--two thousand eight school year
28 computed pursuant to subparagraph (i) of paragraph j of subdivision one
29 of this section, plus the phase-in foundation increase computed pursuant
30 to paragraph b of this subdivision, and provided further that total
31 foundation aid shall not be less than the product of the total founda-
32 tion aid base computed pursuant to paragraph j of subdivision one of
33 this section and one hundred three percent, nor more than the product of
34 such total foundation aid base and one hundred fifteen percent, and
35 provided further that for the two thousand nine--two thousand ten and
36 two thousand ten--two thousand eleven school years, each school district
37 shall receive total foundation aid in an amount equal to the amount
38 apportioned to such school district for the two thousand eight--two
39 thousand nine school year pursuant to this subdivision. Total aidable
40 foundation pupil units shall be calculated pursuant to paragraph g of
41 subdivision two of this section. For the purposes of calculating aid
42 pursuant to this subdivision, aid for the city school district of the
43 city of New York shall be calculated on a citywide basis. NOTWITHSTAND-
44 ING ANY OTHER PROVISION OF THIS SUBDIVISION, TOTAL FOUNDATION AID SHALL
45 BE INCREASED TO REFLECT THE REGIONAL COST INDEX OF THE SCHOOL DISTRICT.

46 S 2. This act shall take effect on the first of July next succeeding
47 the date on which it shall have become a law.

48 PART Q

49 Section 1. Section 3623-a of the education law is amended by adding a
50 new subdivision 4 to read as follows:

51 4. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE TO THE CONTRA-
52 RY, FOR SCHOOL YEARS COMMENCING AFTER JUNE THIRTIETH, TWO THOUSAND ELEV-

1 EN, STATE TRANSPORTATION AID SHALL BE EQUAL TO ALL TRANSPORTATION COSTS
2 INCURRED BY A SCHOOL DISTRICT.

3 S 2. This act shall take effect April 1, 2011.

4 PART R

5 Section 1. Paragraph j of subdivision 14 of section 3602 of the educa-
6 tion law, as amended by section 17-b of part B of chapter 57 of the laws
7 of 2007, is amended to read as follows:

8 j. For school districts which reorganize on or after July first,
9 [nineteen hundred ninety-two] TWO THOUSAND ELEVEN, the percent increase
10 in apportionment pursuant to paragraph c of this subdivision shall be
11 [thirty] SIXTY DURING THE YEAR OF SUCH REORGANIZATION, FIFTY DURING THE
12 FIRST YEAR AFTER SUCH REORGANIZATION, FORTY DURING THE SECOND YEAR
13 AFTER SUCH REORGANIZATION, THIRTY DURING THE THIRD YEAR AFTER SUCH REOR-
14 GANIZATION, TWENTY DURING THE FOURTH YEAR AFTER SUCH REORGANIZATION, AND
15 NO ADDITIONAL APPORTIONMENT THEREOF; provided that such school districts
16 meet all other requirements of the provisions of such paragraph c. All
17 other requirements of paragraph c OF THIS SUBDIVISION shall apply.
18 School districts which receive an apportionment under this paragraph
19 shall not be eligible for an apportionment under paragraph c[, e] or f
20 of this subdivision.

21 S 2. This act shall take effect July 1, 2011.

22 PART S

23 Section 1. Subparagraph 6 of paragraph n of subdivision 1 of section
24 3602 of the education law, as amended by section 11 of part B of chapter
25 57 of the laws of 2007, is amended to read as follows:

26 (6) "Additional public school enrollment" shall mean resident students
27 with disabilities placed by public school districts in approved private
28 schools, [the New York state school for the blind at Batavia, or the New
29 York state school for the deaf at Rome] and resident students placed in
30 schools subject to the provisions of chapter five hundred sixty-three of
31 the laws of nineteen hundred eighty as amended.

32 S 2. Section 4313 of the education law, as amended by chapter 53 of
33 the laws of 1990, paragraph a of subdivision 1 as amended by section 42
34 of part B of chapter 57 of the laws of 2007, is amended to read as
35 follows:

36 S 4313. [School district and social services district financial]
37 FINANCIAL responsibility. [1. Financial responsibilities. School
38 districts] THE DEPARTMENT and [social services districts] THE OFFICE OF
39 CHILDREN AND FAMILY SERVICES shall be responsible for the cost of
40 tuition and maintenance, respectively, for children in attendance at the
41 New York state school for the blind during the September first through
42 June thirtieth session. [Such costs shall be established pursuant to
43 section forty-four hundred five of this chapter. a.] 1. The [school
44 district of which any such child is resident at the time of admission or
45 readmission to the New York State school for the blind pursuant to this
46 article] DEPARTMENT shall [be required to reimburse the state in an
47 amount equal to the] MAKE tuition payments [made] to the state school
48 [by the state on behalf of the school district] FOR EACH CHILD WHO IS A
49 RESIDENT OF THE STATE. [The comptroller shall deduct the appropriate
50 tuition amounts from any state funds which become due to a school
51 district for each year in which such child is in attendance at such
52 school, and shall deposit such funds to the special revenue accounts

1 established for such purpose. Any tuition amounts deducted pursuant to
2 this subdivision shall be included in the approved operating expense of
3 the school district pursuant to paragraph t of subdivision one of
4 section thirty-six hundred two of this chapter.

5 b.] 2. The [social services district in which any such child is resi-
6 dent at the time of admission or readmission to the New York state
7 school for the blind pursuant to this article] OFFICE OF CHILDREN AND
8 FAMILY SERVICES shall be required to reimburse the [state] DEPARTMENT in
9 an amount equal to the maintenance payments made to the state school by
10 the [state] DEPARTMENT on behalf of [the social services district] SUCH
11 OFFICE. [The comptroller may deduct the appropriate maintenance amounts
12 from any state funds which become due to a social services district for
13 each year in which such child is in attendance at such school only upon
14 notification by the commissioner of social services after receiving
15 notice by the commissioner of education that such social services
16 district has failed to remit the required maintenance payments to the
17 state within ninety days of the date on which such social services
18 district was billed by the state for services rendered, and shall depos-
19 it such funds to the special revenue accounts established for such
20 purpose.]

21 S 3. Section 4357 of the education law, as amended by chapter 53 of
22 the laws of 1990, paragraph a of subdivision 1 as amended by section 43
23 of part B of chapter 57 of the laws of 2007, is amended to read as
24 follows:

25 S 4357. [School district and social services district financial]
26 FINANCIAL responsibility. 1. Financial responsibilities. [School
27 districts] THE DEPARTMENT and [social services districts] THE OFFICE OF
28 CHILDREN AND FAMILY SERVICES shall be responsible for the costs of
29 tuition and maintenance, respectively, for children attending the New
30 York state school for the deaf during the September first through June
31 thirtieth session. [Such costs shall be established pursuant to section
32 forty-four hundred five of this chapter.] a. The [school district of
33 which any such child is resident at the time of admission or readmission
34 to the New York State school for the deaf pursuant to this article]
35 DEPARTMENT shall [be required to reimburse the state in an amount equal
36 to the] MAKE tuition payments [made] to the state school [by the state
37 on behalf of the school district] FOR EACH CHILD WHO IS A RESIDENT OF
38 THE STATE. [The comptroller shall deduct the appropriate tuition amounts
39 from any state funds which become due to a school district for each year
40 in which such child is in attendance at such school, and shall deposit
41 such funds to the special revenue accounts established for such purpose.
42 Any tuition amounts deducted pursuant to this subdivision shall be
43 included in the approved operating expense of the school district pursu-
44 ant to paragraph t of subdivision one of section thirty-six hundred two
45 of this chapter.]

46 b. The [social services district in which any such child is resident
47 at the time of admission or readmission to the New York state school for
48 the deaf pursuant to this article] OFFICE OF CHILDREN AND FAMILY
49 SERVICES shall be required to reimburse the [state] DEPARTMENT in an
50 amount equal to the maintenance payments made to the state school by the
51 [state] DEPARTMENT on behalf of [the social services district] SUCH
52 OFFICE. [The comptroller may deduct the appropriate maintenance amounts
53 from any state funds which become due to a social services district for
54 each year in which such child is in attendance at such school only upon
55 notification by the commissioner of social services after receiving
56 notice by the commissioner of education that such social services

1 district has failed to remit the required maintenance payments within
2 ninety days of the date on which such social services district is billed
3 by the state for services rendered, and shall deposit such amount to the
4 special revenue accounts established for such purpose.]

5 2. Payment for preschool children with handicapping conditions. The
6 state [share of] SHALL PAY the costs of tuition, maintenance and trans-
7 portation for preschool children attending the New York state school for
8 the deaf during the July and August summer session and the September
9 through June session [shall be paid from the state moneys appropriated
10 in support of the provisions of section forty-four hundred ten of this
11 chapter. The remaining share shall be a charge on the county, or the
12 city of New York, of which any such child is resident at the time of
13 admission or readmission to such school. The state share shall be as set
14 forth in paragraph b of subdivision eleven of section forty-four hundred
15 ten of this chapter]. For the purposes of this subdivision "preschool
16 child" shall mean a child not eligible, by reason of age, for the deaf-
17 infant program pursuant to section forty-two hundred four-a of this
18 [chapter] TITLE and not eligible, by reason of age, to attend the public
19 schools pursuant to section thirty-two hundred two of this chapter,
20 provided that a child shall be deemed a preschool child through the
21 month of August of the school year in which the child first becomes
22 eligible to attend the public schools. [Preschool education charges on a
23 county, or the city of New York, pursuant to this subdivision shall be
24 deducted by the comptroller within thirty days of the issuance of a
25 warrant by the commissioner from any state funds which become due to a
26 county, or the city of New York, and be credited to the special revenue
27 account established for such purpose.] Such tuition, maintenance and
28 transportation costs shall be determined pursuant to section forty-four
29 hundred five of this [chapter] TITLE.

30 3. Deaf infants. The full costs of a deaf-infant program, as deter-
31 mined by the commissioner [of education and approved by the director of
32 the budget], for children below the age of three served by the New York
33 state school for the deaf pursuant to section forty-two hundred four-a
34 of this [chapter] TITLE shall be paid from the state moneys appropriated
35 in support of such section forty-two hundred four-a.

36 S 4. This act shall take effect on the first of July next succeeding
37 the date on which it shall have become a law.

38

PART T

39 Section 1. The executive law is amended by adding a new section 44-a
40 to read as follows:

41 S 44-A. TAXPAYER REPORT CARD. 1. ANNUALLY, ON OR BEFORE MARCH FIRST,
42 THE DEPARTMENT OF AUDIT AND CONTROL SHALL COMPILE AND PUBLISH IN BOTH
43 WRITTEN AND ELECTRONIC FORMS THE INFORMATION DERIVED FROM REPORTS TO THE
44 COMPTROLLER OR SUCH DEPARTMENT, AND FROM AUDITS CONDUCTED BY THE COMP-
45 TROLLER OR SUCH DEPARTMENT, RELATING TO THE STATE AND ITS POLITICAL
46 SUBDIVISIONS AND ALL AGENCIES AND PUBLIC AUTHORITIES THEREOF. SUCH
47 INFORMATION SHALL, IN PARTICULAR, RELATE TO GOVERNMENT FINANCES DURING
48 THE IMMEDIATELY PRECEDING CALENDAR YEAR.

49 2. THE INFORMATION PUBLISHED PURSUANT TO SUBDIVISION ONE OF THIS
50 SECTION SHALL BE KNOWN AS THE "TAXPAYER REPORT CARD". IT SHALL BE WRIT-
51 TEN IN CLEAR AND EASILY UNDERSTANDABLE LANGUAGE, AND INCLUDE A COMPRE-
52 HENSIVE INDEX WHICH FACILITATES ACCESS TO SPECIFIC INFORMATION WITHIN
53 THE TAXPAYER REPORT CARD.

3. THE TAXPAYER REPORT CARD SHALL INCLUDE DETAILED INFORMATION ON ALL EXPENDITURES AND REVENUE OF THE STATE AND ITS POLITICAL SUBDIVISIONS, AND ALL AGENCIES AND PUBLIC AUTHORITIES THEREOF.

S 2. This act shall take effect on the first of April next succeeding the date on which it shall have become a law.

PART U

Section 1. The state finance law is amended by adding a new section 24-a to read as follows:

S 24-A. PUBLISHING OF PROPOSED BUDGET BILLS. NO LESS THAN THIRTY DAYS PRIOR TO THE ENACTMENT OF THE BUDGET BILLS, AS SPECIFIED IN SECTION TWENTY-FOUR OF THIS ARTICLE, BY THE LEGISLATURE, THE BUDGET BILLS THAT THE LEGISLATURE HAS AGREED TO ENACT SHALL BE PUBLISHED IN BOTH WRITTEN AND ELECTRONIC FORMS AND MADE AVAILABLE TO THE PUBLIC BY THE SENATE AND THE ASSEMBLY, AND SHALL ALSO BE POSTED ON THE INTERNET WEBSITES OF THE SENATE AND ASSEMBLY. SUCH PUBLISHING AND POSTING OF THE AGREED UPON BUDGET BILLS SHALL INCLUDE A DETAILED EXPLANATION OF THE BILLS AND THE SOURCES OF REVENUE THEREFOR.

S 2. Section 2801 of the public authorities law is amended by adding a new subdivision 4 to read as follows:

4. ALL AUTHORITIES. EVERY STATE OR LOCAL AUTHORITY HERETOFORE OR HEREFTER CONTINUED OR CREATED BY THIS CHAPTER SHALL, NOT LESS THAN THIRTY DAYS PRIOR TO THE APPROVAL OF THE ANNUAL BUDGET OF SUCH AUTHORITY OR COMMISSION, PUBLISH IN BOTH WRITTEN AND ELECTRONIC FORMS AND MAKE AVAILABLE TO THE PUBLIC THE PROPOSED BUDGET OF THE AUTHORITY OR COMMISSION, AND SHALL ALSO POST SUCH PROPOSED BUDGET ON THE INTERNET WEBSITE OF THE COMMISSION OR AUTHORITY. SUCH PUBLISHING AND POSTING OF THE PROPOSED BUDGET SHALL INCLUDE SUCH DETAILED INFORMATION AS IS REQUIRED BY SUBDIVISION ONE OF THIS SECTION.

S 3. The general municipal law is amended by adding a new section 3-c to read as follows:

S 3-C. PUBLISHING OF PROPOSED BUDGET. NO LESS THAN THIRTY DAYS PRIOR TO THE APPROVAL OF ANY ANNUAL BUDGET OF A MUNICIPAL CORPORATION, SUCH CORPORATION SHALL PUBLISH IN BOTH WRITTEN AND ELECTRONIC FORMS AND MAKE AVAILABLE TO THE PUBLIC THE PROPOSED BUDGET OF THE MUNICIPAL CORPORATION, AND SHALL ALSO POST SUCH PROPOSED BUDGET ON THE INTERNET WEBSITE OF THE MUNICIPAL CORPORATION. SUCH PUBLISHING AND POSTING OF THE PROPOSED BUDGET SHALL INCLUDE A DETAILED EXPLANATION OF THE PROPOSED BUDGET AND THE SOURCES OF REVENUE THEREFOR.

S 4. This act shall take effect on the first of October next succeeding the date on which it shall have become a law.

PART V

Section 1. Section 40 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. ANNUALLY, ON OR BEFORE FEBRUARY FIFTEENTH, THE DEPARTMENT SHALL COMPILE AND PUBLISH, IN WRITTEN FORM AND ON ITS DEPARTMENTAL INTERNET WEBSITE, A REPORT ON THE COSTS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR TO EACH MUNICIPAL CORPORATION, AS DEFINED IN SECTION TWO OF THE GENERAL MUNICIPAL LAW, OF THE REQUIREMENTS IMPOSED THEREUPON BY STATE LAWS, RULES AND REGULATIONS. SUCH REPORT SHALL BE MADE AVAILABLE TO THE PUBLIC, AND SUBMITTED TO THE GOVERNOR AND THE LEGISLATURE.

S 2. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.

1

PART W

2 Section 1. The state finance law is amended by adding a new section 29
3 to read as follows:

4 S 29. APPROPRIATIONS FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION. 1.
5 EACH FISCAL YEAR THE BUDGET SUBMITTED BY THE GOVERNOR AND ENACTED BY THE
6 LEGISLATURE SHALL CONTAIN APPROPRIATIONS FOR THE SUPPORT OF SCHOOL
7 DISTRICTS WHICH EQUAL OR EXCEED THE APPROPRIATIONS THEREFOR IN THE IMME-
8 DIATELY PRECEDING FISCAL YEAR.

9 2. EACH FISCAL YEAR THE BUDGET SUBMITTED BY THE GOVERNOR AND ENACTED
10 BY THE LEGISLATURE SHALL CONTAIN, TO THE EXTENT PRACTICABLE, APPROPRI-
11 ATIONS FOR THE SUPPORT OF SCHOOL DISTRICTS WHICH PROVIDE AN ALLOCATION
12 OF STATE FUNDS TO EACH SCHOOL DISTRICT EQUAL TO ONE-HALF OF THE EXPENDI-
13 TURES OF SUCH DISTRICT DURING THE FISCAL YEAR.

14 3. IN ANY FISCAL YEAR IN WHICH THE APPROPRIATIONS FOR THE SUPPORT OF
15 SCHOOL DISTRICTS IN THE BUDGET ENACTED BY THE LEGISLATURE ARE GREATER
16 THAN THOSE IN THE BUDGET FOR THE IMMEDIATELY PRECEDING FISCAL YEAR, THE
17 DIFFERENCE BETWEEN SUCH APPROPRIATIONS SHALL BE ALLOCATED TO THE SCHOOL
18 DISTRICTS OF THE STATE FOR THE EXPENSES OF EMPLOYEE HEALTH INSURANCE
19 PREMIUMS, PUBLIC RETIREMENT SYSTEM CONTRIBUTIONS AND THE EXPENSES OF
20 PROVIDING SPECIAL EDUCATION. NO ADDITIONAL ALLOCATION TO ANY SCHOOL
21 DISTRICT PURSUANT TO THIS SUBDIVISION SHALL AUTHORIZE THE REDUCTION OF
22 ANY ALLOCATION OTHERWISE PROVIDED AND REQUIRED TO BE DISBURSED TO A
23 SCHOOL DISTRICT. NOR SHALL THE PROVISIONS OF THIS SUBDIVISION, PREVENT
24 ANY SCHOOL DISTRICT FROM ELECTING TO RECEIVE INCREASED ALLOCATIONS
25 PURSUANT TO THE PROVISIONS OF THE EDUCATION LAW.

26 S 2. Subparagraph 2 of paragraph b of subdivision 4 of section 3602 of
27 the education law, as amended by section 13 of part A of chapter 57 of
28 the laws of 2009, is amended to read as follows:

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

34 for the two thousand eight--two thousand nine school year, the phase-
35 in foundation percent shall equal one hundred five and twenty-six
36 hundredths percent (1.0526), the phase-in foundation increase factor
37 shall equal thirty-seven and one-half percent (0.375), and the phase-in
38 due-minimum percent shall equal twelve and fifty-five hundredths percent
39 (0.1255);

40 for the two thousand nine--two thousand ten school year, the phase-in
41 foundation percent shall equal one hundred two and five tenths percent
42 (1.025), the phase-in foundation increase factor shall equal thirty-sev-
43 en and one-half percent (0.375), and the phase-in due-minimum percent
44 shall equal twelve and fifty-five hundredths percent (0.1255)

45 for the two thousand ten--two thousand eleven school year, the phase-
46 in foundation percent shall equal one hundred seven and sixty-eight
47 hundredths percent (1.0768), the phase-in foundation increase factor
48 shall equal [thirty-seven and one-half] FORTY-ONE AND SIX-TENTHS percent
49 [(0.375)] (0.416), and the phase-in due-minimum percent shall equal
50 twelve and fifty-five hundredths percent (0.1255);

51 for the two thousand eleven--two thousand twelve school year, the
52 phase-in foundation percent shall equal one hundred five and six
53 hundredths percent (1.0506), the phase-in foundation increase factor
54 shall equal fifty-three and one-tenth percent (0.531), and the phase-in

1 due-minimum percent shall equal twelve and fifty-five hundredths percent
2 (0.1255); and
3 for the two thousand twelve--two thousand thirteen school year, the
4 phase-in foundation percent shall equal one hundred two and five
5 hundredths percent (1.0250), the phase-in foundation increase factor
6 shall equal seventy-five percent (0.75), and the phase-in due-minimum
7 percent shall equal twelve and fifty-five hundredths percent (0.1255).
8 S 3. This act shall take effect immediately.
9 S 3. Severability clause. If any clause, sentence, paragraph, subdivi-
10 sion, section or part of this act shall be adjudged by any court of
11 competent jurisdiction to be invalid, such judgment shall not affect,
12 impair, or invalidate the remainder thereof, but shall be confined in
13 its operation to the clause, sentence, paragraph, subdivision, section
14 or part thereof directly involved in the controversy in which such judg-
15 ment shall have been rendered. It is hereby declared to be the intent of
16 the legislature that this act would have been enacted even if such
17 invalid provisions had not been included herein.
18 S 4. This act shall take effect immediately provided, however, that
19 the applicable effective date of Parts A through W of this act shall be
20 as specifically set forth in the last section of such Parts.