

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

S. 2808--D

A. 4008--D
R. R. 16

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

February 1, 2011

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- amended on the special order of third reading, ordered reprinted as amended, retaining its place on the special order of third reading

AN ACT to amend the education law, in relation to contracts of excellence, library funding, reimbursement of school districts, apportionment of school aid, building aid, foundation aid base, apportionment of school aid and of current year approved expenditures for debt service, apportionment of transportation aid, academic enhancement aid, high tax aid, Medicaid reimbursement, gap elimination adjustment, small government assistance, maximum class size; to amend the state finance law, in relation to base grant; 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; 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, 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, chapter 386 of the laws of 1996 amending the education law relating to providing

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

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for a waiver allowing state aid in certain circumstances, chapter 472 of the laws of 1998 amending the education law relating to the lease of school buses by school districts, chapter 147 of the laws of 2001 amending the education law relating to conditional appointment of school district, charter school or BOCES employees, 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, 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 school aid and extending the expiration of certain provisions of such chapters; to amend chapter 57 of the laws of 2004, relating to support of education, in relation to extending the provisions thereof; to amend the general municipal law, in relation to the employee benefit accrued liability reserve fund; in relation to school bus driver training; in relation to the support of public libraries; to provide special apportionment for salary expenses; to provide special apportionment for public pension expenses; in relation to suballocation of certain education department accruals; in relation to purchases by the city school district of Rochester; and providing for the repeal of certain provisions upon expiration thereof (Part A); to amend the education law, in relation to expenses for textbooks, school library materials, software programs and computer equipment (Part A-1); to amend the education law, in relation to the school district management efficiency awards program and school district performance improvement awards grant (Part B); to amend the state finance law, in relation to the former New York State Theatre Institute; to transfer all the rights and property held by the former New York State Theatre Institute to the office of general services and to authorize the commissioner of general services to transfer all the property that was part of the former New York State Theatre Institute to the Sage Colleges; and to repeal article 9 of the arts and cultural affairs law, section 97-u of the state finance law and certain provisions of the public officers law relating to the former New York State Theatre Institute (Part C); to amend the education law, in relation to capital facilities in support of the state university and community colleges; and providing for the repeal of such provisions upon expiration thereof (Subpart A); to amend the education law, in relation to procurement in support of the state and city universities; and providing for the repeal of such provisions upon expiration thereof (Subpart B); and to amend the education law, in relation to state university health care facilities; and providing for the repeal of such provisions upon expiration thereof (Subpart C) (Part D); to amend the education law, in relation to tuition assistance program award determinations (Part E); to amend the education law, in relation to income as a determinate of tuition assistance awards (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 (Part H); to amend the education law, in relation to good academic standing requirements (Part I); to amend the education law, in relation to tuition assistance program awards for graduate school students; and to repeal certain provisions of such law relating thereto (Part J); to amend chapter 31 of the laws of 1985, amending the education law relating to regents scholarships in certain professions,

in relation to the physician loan forgiveness program (Part K); 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 L); to amend chapter 161 of the laws of 2005, amending the education law and other laws relating to the social worker loan forgiveness program, in relation to the effectiveness thereof (Part M); to amend the real property tax law and the tax law, in relation to containing the cost of the STAR program and allowing the renunciation of STAR and other property tax exemptions (Part N); to amend the education law, in relation to maintenance costs for students with disabilities placed in a residential school under article 89 of the education law; and to amend the social services law, in relation to expenditures by social services districts for children in residential schools (Part O); Intentionally omitted (Part P); to authorize the commissioner of the office of children and family services to close certain facilities and to make other decisions necessary for the cost-effective and efficient operation of facilities operated by the office; and providing for the repeal of certain provisions upon expiration thereof (Subpart A); and to amend the executive law, the family court act and the social services law, in relation to funding and utilization of juvenile detention and funding for supervision and treatment services; and to repeal subdivisions 7 and 8 of section 530 of the executive law, relating to state operation of juvenile detention and approval of new juvenile detention capacity; (Subpart B) (Part Q); to amend the social services law, in relation to the fee charged for clearances from the statewide central register of child abuse or maltreatment (Part R); to amend the social services law, in relation to increasing the standards of monthly need for aged, blind and disabled persons (Part S); Intentionally omitted (Part T); to amend the social services law, in relation to the standards of monthly need for persons in receipt of public assistance (Part U); Intentionally omitted (Part V); to amend chapter 62 of the laws of 2003 amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, in relation to extending the interest assessment surcharge fund (Part W) to amend part NN of chapter 57 of the laws of 2008 relating to authorizing the New York state mortgage agency to transfer certain moneys, in relation to the use of surplus funds from the greater Catskills flood remediation program (Part X); to amend the executive law, in relation to directing the office of children and family services to annually provide, to the legislative leaders and social services districts, a detailed report on the total cost and operating capacity of its juvenile facilities (Part Y); to amend the education law, in relation to eligibility requirements for student financial aid (Part Z); to amend part A of a chapter of the laws of 2011 relating to constituting chapter 18-A of the consolidated laws relating to financial services, as proposed in legislative bill numbers S.2812-C and A.4012-C, in relation to the effectiveness of certain provisions thereof (Part AA); to provide for the administration of certain funds and accounts related to the 2011-2012 budget; to authorize certain payments and transfers; to amend the state finance law, in relation to the school tax relief fund; to amend the state finance law, in relation to the issuance of revenue bonds and in relation to mental health service facilities financing; to amend chapter 57 of the laws of 2008, providing for the administration of

certain funds and accounts related to the 2008-2009 budget, in relation to effectiveness of certain provisions thereof; to amend the public authorities law, in relation to environmental infrastructure projects; to amend chapter 61 of the laws of 2005, providing for the administration of certain funds and accounts related to the 2005-2006 budget, chapter 81 of the laws of 2002, providing for the administration of certain funds and accounts related to the 2002-2003 budget, chapter 389 of the laws of 1997, providing for the financing of the correctional facilities improvement fund and the youth facility improvement fund, chapter 329 of the laws of 1991, amending the state finance law and other laws relating to the establishment of the dedicated highway and bridge trust fund; to amend the state finance law, in relation to certificates of participation; to amend the private housing finance law, in relation to housing program bonds and notes; to amend the public authorities law, in relation to the issuance of bonds by the dormitory authority and the New York state environmental facilities corporation; to repeal subdivision (b) of section 19-a of part PP of chapter 56 of the laws of 2009, providing funding for certain community projects, relating to increasing such funding, relating to certain monetary transfers; to amend the public authorities law, in relation to voting of directors of local government assistance corporation; to amend the public authorities law, in relation to library construction; to amend the state finance law, in relation to community enhancement facilities projects, to amend chapter 432 of the laws of 1997, amending the state finance law and other laws relating to the issuance of bonds or notes for community enhancement facilities projects, in relation to the amount of bonds issued for community enhancement projects; to amend chapter 84 of the laws of 2002, relating to authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds or notes for the purpose of financing certain project costs, in relation to providing for the administration of certain funds and accounts related to the 2002-2003 budget; to amend chapter 3 of the laws of 2004, relating to authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds or notes, in relation to bonds or notes; to amend chapter 59 of the laws of 2004, relating to authorizing the New York state urban development corporation and the dormitory authority of the state of New York to issue bonds or notes, in relation to bonds or notes; to amend chapter 59 of the laws of 2005, relating to the urban development corporation bonding authority, in relation to the issuance of bonds by the dormitory authority and the New York state urban development corporation; to amend chapter 60 of the laws of 2006 relating to providing for administration of certain funds and accounts related to the 2006-2007 budget, in relation to the aggregate principal amount; to amend chapter 61 of the laws of 2000 relating to authorizing bonds for the strategic investment program, in relation to the aggregate principal amount; to amend chapter 58 of the laws of 2006 authorizing the New York state urban development corporation, the dormitory authority, the New York state environmental facilities corporation, the New York state housing finance agency and the New York state thruway authority to issue bonds or notes, in relation to the aggregate principal amount; to amend chapter 174 of the laws of 1968 constituting the New York state urban development corporation act, in relation to financing economic development and regional initiatives and in relation to the issuance of bonds or notes for the

purpose of funding project costs for regional economic development council initiatives, communities impacted by the closure of New York state prison and correctional facilities and other states' costs associated with such projects; to amend part JJ of chapter 56 of the laws of 2010, relating to providing for the administration of certain funds and accounts related to the 2010-2011 budget, in relation to the effectiveness thereof; and providing for the repeal of certain provisions upon expiration thereof (Part BB); and to amend the vehicle and traffic law and the criminal procedure law, in relation to governing operators of commercial motor vehicles and federal requirements for medical certification pertaining to such operators (Part CC)

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

1 Section 1. This act enacts into law major components of legislation
2 which are necessary to implement the state fiscal plan for the 2011-2012
3 state fiscal year. Each component is wholly contained within a Part
4 identified as Parts A through CC. The effective date for each particular
5 provision contained within such Part is set forth in the last section of
6 such Part. Any provision in any section contained within a Part, includ-
7 ing the effective date of the Part, which makes a reference to a section
8 "of this act", when used in connection with that particular component,
9 shall be deemed to mean and refer to the corresponding section of the
10 Part in which it is found. Section three of this act sets forth the
11 general effective date of this act.

12 PART A

13 Section 1. Paragraph e of subdivision 1 of section 211-d of the educa-
14 tion law, as added by section 2-a of part A of chapter 57 of the laws of
15 2009, is amended to read as follows:

16 e. Notwithstanding paragraphs a and b of this subdivision, a school
17 district that submitted a contract for excellence for the two thousand
18 eight--two thousand nine school year shall submit a contract for excel-
19 lence for the two thousand nine--two thousand ten school year in
20 conformity with the requirements of subparagraph (vi) of paragraph a of
21 subdivision two of this section unless all schools in the district are
22 identified as in good standing AND PROVIDED FURTHER THAT, A SCHOOL
23 DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE TWO THOUSAND
24 NINE--TWO THOUSAND TEN SCHOOL YEAR, UNLESS ALL SCHOOLS IN THE DISTRICT
25 ARE IDENTIFIED AS IN GOOD STANDING, SHALL SUBMIT A CONTRACT FOR EXCEL-
26 LENCE FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR WHICH
27 SHALL, NOTWITHSTANDING THE REQUIREMENTS OF SUBPARAGRAPH (VI) OF PARA-
28 GRAPH A OF SUBDIVISION TWO OF THIS SECTION, PROVIDE FOR THE EXPENDITURE
29 OF AN AMOUNT WHICH SHALL BE NOT LESS THAN THE PRODUCT OF THE AMOUNT
30 APPROVED BY THE COMMISSIONER IN THE CONTRACT FOR EXCELLENCE FOR THE TWO
31 THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR, MULTIPLIED BY THE
32 DISTRICT'S GAP ELIMINATION ADJUSTMENT PERCENTAGE. FOR PURPOSES OF THIS
33 PARAGRAPH, THE "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL BE CALCU-
34 LATED AS THE SUM OF ONE MINUS THE QUOTIENT OF THE SUM OF THE SCHOOL
35 DISTRICT'S NET GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND TEN--TWO
36 THOUSAND ELEVEN COMPUTED PURSUANT TO CHAPTER FIFTY-THREE OF THE LAWS OF
37 TWO THOUSAND TEN, MAKING APPROPRIATIONS FOR THE SUPPORT OF GOVERNMENT,
38 PLUS THE SCHOOL DISTRICT'S GAP ELIMINATION ADJUSTMENT FOR TWO THOUSAND

1 ELEVEN--TWO THOUSAND TWELVE AS COMPUTED PURSUANT TO A CHAPTER OF THE
2 LAWS OF TWO THOUSAND ELEVEN, MAKING APPROPRIATIONS FOR THE SUPPORT OF
3 THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL SUPPORT FOR
4 PUBLIC SCHOOLS, DIVIDED BY THE TOTAL AID FOR ADJUSTMENT COMPUTED PURSU-
5 ANT TO A CHAPTER OF THE LAWS OF TWO THOUSAND ELEVEN, MAKING APPROPRI-
6 ATIONS FOR THE LOCAL ASSISTANCE BUDGET, INCLUDING SUPPORT FOR GENERAL
7 SUPPORT FOR PUBLIC SCHOOLS. PROVIDED, FURTHER, THAT SUCH AMOUNT SHALL
8 BE EXPENDED TO SUPPORT AND MAINTAIN ALLOWABLE PROGRAMS AND ACTIVITIES
9 APPROVED IN THE TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR OR TO
10 SUPPORT NEW OR EXPANDED ALLOWABLE PROGRAMS AND ACTIVITIES IN THE CURRENT
11 YEAR.

12 S 2. Subparagraph (vii) of paragraph a of subdivision 2 of section
13 211-d of the education law, as added by section 3 of part A of chapter
14 57 of the laws of 2009, is amended to read as follows:

15 (vii) (A) Notwithstanding any other provision of this section to the
16 contrary, a school district that submitted a contract for excellence for
17 the two thousand seven--two thousand eight school year and the two thou-
18 sand eight--two thousand nine school year and is required to submit a
19 contract for excellence for the two thousand nine--two thousand ten
20 school year but did not fully expend all of its two thousand seven--two
21 thousand eight foundation aid subject to the contract for excellence
22 restrictions during the two thousand seven--two thousand eight school
23 year may re-allocate and expend such unexpended funds during the two
24 thousand eight--two thousand nine and two thousand nine--two thousand
25 ten school years for allowable contract for excellence programs and
26 activities as defined in subdivision three of this section in a manner
27 prescribed by the commissioner. For purposes of determining maintenance
28 of effort pursuant to subparagraph (vi) of this paragraph for the two
29 thousand eight--two thousand nine school year, funds expended pursuant
30 to this subparagraph shall be included in the total budgeted amount
31 approved by the commissioner in the district's contract for excellence
32 for the two thousand seven--two thousand eight school year; provided
33 that such amount shall not be counted more than once in determining
34 maintenance of effort for the two thousand nine--two thousand ten school
35 year or thereafter.

36 (B) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
37 RY, A SCHOOL DISTRICT THAT SUBMITTED A CONTRACT FOR EXCELLENCE FOR THE
38 TWO THOUSAND NINE--TWO THOUSAND TEN SCHOOL YEAR BUT DID NOT FULLY EXPEND
39 ALL OF ITS TWO THOUSAND NINE--TWO THOUSAND TEN FOUNDATION AID SUBJECT TO
40 THE CONTRACT FOR EXCELLENCE RESTRICTIONS DURING THE TWO THOUSAND
41 NINE--TWO THOUSAND TEN SCHOOL YEAR MAY RE-ALLOCATE AND EXPEND SUCH UNEX-
42 PENDED FUNDS DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
43 YEAR FOR ALLOWABLE CONTRACT FOR EXCELLENCE PROGRAMS AND ACTIVITIES AS
44 DEFINED IN SUBDIVISION THREE OF THIS SECTION IN A MANNER PRESCRIBED BY
45 THE COMMISSIONER; PROVIDED THAT SUCH AMOUNT SHALL NOT BE COUNTED MORE
46 THAN ONCE IN DETERMINING ANY MAINTENANCE OF EFFORT PURSUANT TO THIS
47 SECTION.

48 S 3. Subdivision 12 of section 273 of the education law, as amended by
49 section 1 of part A of chapter 2 of the laws of 2011, is amended to read
50 as follows:

51 12. The commissioner is hereby authorized to expend [in state fiscal
52 year two thousand six--two thousand seven three million dollars and in
53 state fiscal year two thousand seven--two thousand eight eight million
54 dollars and in state fiscal year two thousand eight--two thousand nine
55 seven million nine hundred forty thousand dollars and in state fiscal
56 year two thousand nine--two thousand ten eight million dollars and in

1 state fiscal year two thousand ten--two thousand eleven eight million
2 dollars subject to an appropriation] FUNDS ANNUALLY for formula grants
3 to public library systems, reference and research library resources
4 systems, and school library systems operating under an approved plan of
5 service. Such formula grants shall be provided for the period commencing
6 July first and ending on June thirtieth next following. Such formula
7 grants will be distributed in the following manner:

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

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

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

31 S 4. Intentionally omitted.

32 S 5. Intentionally omitted.

33 S 6. Intentionally omitted.

34 S 7. Intentionally omitted.

35 S 8. Intentionally omitted.

36 S 9. Intentionally omitted.

37 S 10. Intentionally omitted.

38 S 11. Intentionally omitted.

39 S 12. Intentionally omitted.

40 S 13. Intentionally omitted.

41 S 14. Intentionally omitted.

42 S 15. Intentionally omitted.

43 S 16. Intentionally omitted.

44 S 17. Intentionally omitted.

45 S 18. Intentionally omitted.

46 S 19. Intentionally omitted.

47 S 20. Intentionally omitted.

48 S 21. Paragraph (a) of subdivision 1 of section 2856 of the education
49 law, as amended by section 12 of part A of chapter 57 of the laws of
50 2009, is amended to read as follows:

51 (a) The enrollment of students attending charter schools shall be
52 included in the enrollment, attendance, membership and, if applicable,
53 count of students with disabilities of the school district in which the
54 pupil resides. The charter school shall report all such data to the
55 school districts of residence in a timely manner. Each school district
56 shall report such enrollment, attendance and count of students with

1 disabilities to the department. The school district of residence shall
2 pay directly to the charter school for each student enrolled in the
3 charter school who resides in the school district the charter school
4 basic tuition, which shall be:

5 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN
6 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO
7 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of
8 the amount calculated pursuant to paragraph f of subdivision one of
9 section thirty-six hundred two of this chapter for the school district
10 for the year prior to the base year increased by the percentage change
11 in the state total approved operating expense calculated pursuant to
12 paragraph t of subdivision one of section thirty-six hundred two of this
13 chapter from two years prior to the base year to the base year;
14 [provided, however, that]

15 (II) for the two thousand nine--two thousand ten school year, the
16 charter school basic tuition shall be the amount payable by such
17 district as charter school basic tuition for the two thousand eight--two
18 thousand nine school year[.];

19 (III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOU-
20 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL
21 BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND
22 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF
23 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

24 S 22. Subdivision 1 of section 2856 of the education law, as separate-
25 ly amended by chapter 4 of the laws of 1998 and section 12 of part A of
26 chapter 57 of the laws of 2009, is amended to read as follows:

27 1. (A) The enrollment of students attending charter schools shall be
28 included in the enrollment, attendance and, if applicable, count of
29 students with disabilities of the school district in which the pupil
30 resides. The charter school shall report all such data to the school
31 districts of residence in a timely manner. Each school district shall
32 report such enrollment, attendance and count of students with disabili-
33 ties to the department. The school district of residence shall pay
34 directly to the charter school for each student enrolled in the charter
35 school who resides in the school district THE CHARTER SCHOOL BASIC
36 TUITION WHICH SHALL BE:

37 (I) FOR SCHOOL YEARS PRIOR TO THE TWO THOUSAND NINE--TWO THOUSAND TEN
38 SCHOOL YEAR AND FOR SCHOOL YEARS FOLLOWING THE TWO THOUSAND TWELVE--TWO
39 THOUSAND THIRTEEN SCHOOL YEAR, an amount equal to one hundred percent of
40 the amount calculated pursuant to paragraph f of subdivision one of
41 section [thirty six] THIRTY-SIX hundred two of this chapter for the
42 school district for the year prior to the base year increased by the
43 percentage change in the state total approved operating expense calcu-
44 lated pursuant to [subdivision eleven] PARAGRAPH T OF SUBDIVISION ONE of
45 section [thirty six] THIRTY-SIX hundred two of this chapter from two
46 years prior to the base year to the base year; [provided, however, that]

47 (II) for the two thousand nine--two thousand ten school year, the
48 charter school basic tuition shall be the amount payable by such
49 district as charter school basic tuition for the two thousand eight--two
50 thousand nine school year;

51 (III) FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN THROUGH TWO THOU-
52 SAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS, THE CHARTER SCHOOL
53 BASIC TUITION SHALL BE THE BASIC TUITION COMPUTED FOR THE TWO THOUSAND
54 TEN--TWO THOUSAND ELEVEN SCHOOL YEAR PURSUANT TO THE PROVISIONS OF
55 SUBPARAGRAPH (I) OF THIS PARAGRAPH.

1 (B) The school district shall also pay directly to the charter school
2 any federal or state aid attributable to a student with a disability
3 attending charter school in proportion to the level of services for such
4 student with a disability that the charter school provides directly or
5 indirectly. Notwithstanding anything in this section to the contrary,
6 amounts payable pursuant to this subdivision may be reduced pursuant to
7 an agreement between the school and the charter entity set forth in the
8 charter. Payments made pursuant to this subdivision shall be made by the
9 school district in six substantially equal installments each year begin-
10 ning on the first business day of July and every two months thereafter.
11 Amounts payable under this subdivision shall be determined by the
12 commissioner. Amounts payable to a charter school in its first year of
13 operation shall be based on the projections of initial-year enrollment
14 set forth in the charter. Such projections shall be reconciled with the
15 actual enrollment at the end of the school's first year of operation,
16 and any necessary adjustments shall be made to payments during the
17 school's second year of operation.

18 S 23. Intentionally omitted.

19 S 24. Intentionally omitted.

20 S 25. Paragraphs p and q of subdivision 1 of section 3602 of the
21 education law, as amended by section 11 of part B of chapter 57 of the
22 laws of 2007, subparagraph (i) of paragraph q as amended by section 11
23 of part B of chapter 5 of the laws of 2008, are amended and seven new
24 paragraphs aa, bb, cc, dd, ee, ff and gg are added to read as follows:

25 p. (I) "Percent of eligible applicants for the free and reduced price
26 lunch program" shall mean the quotient of

27 [(i)] (A) the number of pupils in kindergarten through grade six
28 attending the public schools of the district who have applications on
29 file or who are listed on a direct certification letter confirming their
30 eligibility for participation in the state and federally funded free and
31 reduced price school lunch program on the date enrollment was counted in
32 accordance with this subdivision for the year prior to the base year,
33 divided by

34 [(ii)] (B) the number of pupils in kindergarten through grade six on a
35 regular enrollment register of a public school district on the date
36 enrollment was counted in accordance with this subdivision for the year
37 prior to the base year, computed to four decimals without rounding, and
38 multiplied by one hundred to be expressed as a percent to two decimals.
39 For central high school districts, such percent shall be computed using
40 the sum of the eligible applicants and enrollment of the component
41 districts of the central high school district.

42 (II) "THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT" SHALL
43 MEAN THE QUOTIENT OF (A) THE SUM OF THE NUMBER OF PUPILS IN KINDERGARTEN
44 THROUGH GRADE SIX ATTENDING THE PUBLIC SCHOOLS OF THE DISTRICT WHO HAVE
45 APPLICATIONS ON FILE OR WHO ARE LISTED ON A DIRECT CERTIFICATION LETTER
46 CONFIRMING THEIR ELIGIBILITY FOR PARTICIPATION IN THE STATE AND FEDER-
47 ALLY FUNDED FREE AND REDUCED PRICE LUNCH PROGRAM ON THE DATE ENROLLMENT
48 WAS COUNTED IN ACCORDANCE WITH THIS SUBDIVISION FOR THE YEAR PRIOR TO
49 THE BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND
50 REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR TWO YEARS PRIOR TO THE
51 BASE YEAR, PLUS SUCH NUMBER OF ELIGIBLE APPLICANTS FOR THE FREE AND
52 REDUCED PRICE LUNCH PROGRAM COMPUTED FOR THE YEAR THREE YEARS PRIOR TO
53 THE BASE YEAR, DIVIDED BY (B) THE SUM OF THE NUMBER OF PUPILS IN KINDER-
54 GARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC
55 SCHOOL DISTRICT ON THE DATE ENROLLMENT WAS COUNTED IN ACCORDANCE WITH
56 THIS SUBDIVISION FOR THE YEAR PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER

1 OF PUPILS IN KINDERGARTEN THROUGH GRADE SIX ON A REGULAR ENROLLMENT
2 REGISTER OF A PUBLIC SCHOOL DISTRICT COMPUTED FOR THE YEAR TWO YEARS
3 PRIOR TO THE BASE YEAR, PLUS SUCH NUMBER OF PUPILS IN KINDERGARTEN
4 THROUGH GRADE SIX ON A REGULAR ENROLLMENT REGISTER OF A PUBLIC SCHOOL
5 DISTRICT COMPUTED FOR THE YEAR THREE YEARS PRIOR TO THE BASE YEAR.

6 q. "Poverty count" shall mean the sum of the product of the lunch
7 count multiplied by sixty-five percent, plus the product of the census
8 count multiplied by sixty-five percent, where:

9 (i) "Lunch count" shall mean the product of the public school enroll-
10 ment of the school district on the date enrollment was counted in
11 accordance with this subdivision for the base year multiplied by [the
12 quotient of (A) the sum of the number of pupils in kindergarten through
13 grade six attending the public schools of the district who have applica-
14 tions on file or who are listed on a direct certification letter
15 confirming their eligibility for participation in the state and feder-
16 ally funded free and reduced price lunch program on the date enrollment
17 was counted in accordance with this subdivision for the year prior to
18 the base year, plus such number of eligible applicants for the free and
19 reduced price lunch program computed for the year two years prior to the
20 base year, plus such number of eligible applicants for the free and
21 reduced price lunch program computed for the year three years prior to
22 the base year, divided by (B) the sum of the number of pupils in kinder-
23 garten through grade six on a regular enrollment register of a public
24 school district on the date enrollment was counted in accordance with
25 this subdivision for the year prior to the base year, plus such number
26 of pupils in kindergarten through grade six on a regular enrollment
27 register of a public school district computed for the year two years
28 prior to the base year, plus such number of pupils in kindergarten
29 through grade six on a regular enrollment register of a public school
30 district computed for the year three years prior to the base year] THE
31 THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT; and

32 (ii) "Census count" shall mean the product of the public school
33 enrollment of the school district on the date enrollment was counted in
34 accordance with this subdivision for the base year multiplied by the
35 quotient of the number of persons aged five to seventeen within the
36 school district, based on the most recent decennial census as tabulated
37 by the National Center on Education Statistics, who were enrolled in
38 public schools and whose families had incomes below the poverty level,
39 divided by the total number of persons aged five to seventeen within the
40 school district, based on such decennial census, who were enrolled in
41 public schools, computed to four decimals without rounding.

42 AA. "TOTAL PERSONAL INCOME OF THE STATE" SHALL MEAN THE TOTAL
43 PERSONAL INCOME OF THE STATE OF NEW YORK AS PUBLISHED BY THE UNITED
44 STATES DEPARTMENT OF COMMERCE OR ANY SUCCESSOR AGENCY FROM WHICH INFOR-
45 MATION IS AVAILABLE, AGGREGATED ON A STATE FISCAL YEAR BASIS. FOR THE
46 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, SUCH PERSONAL
47 INCOME SHALL BE BASED ON THE DATA AVAILABLE MOST PROXIMATE AND PRIOR TO
48 FEBRUARY FIRST, TWO THOUSAND ELEVEN, AND FOR THE TWO THOUSAND THIRTEEN-
49 -TWO THOUSAND FOURTEEN SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, SUCH
50 PERSONAL INCOME SHALL BE BASED ON THE DATA AVAILABLE MOST PROXIMATE AND
51 PRIOR TO OCTOBER THIRTY-FIRST OF THE BASE YEAR. SUBSEQUENT REVISIONS OF
52 THE PUBLISHED ESTIMATED DOLLAR AMOUNT FOR ANY STATE FISCAL YEAR ESTIMATE
53 EMPLOYED PURSUANT TO THE TERMS OF THIS SECTION SHALL NOT AFFECT THE
54 VALIDITY OF THE DETERMINATIONS MADE FOR ANY STATE FISCAL YEAR.

55 BB. "PERSONAL INCOME GROWTH INDEX" SHALL MEAN (1) FOR THE TWO THOUSAND
56 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, THE AVERAGE OF THE QUOTIENTS

1 FOR EACH YEAR IN THE PERIOD COMMENCING WITH THE TWO THOUSAND FIVE--TWO
2 THOUSAND SIX STATE FISCAL YEAR AND FINISHING WITH THE TWO THOUSAND
3 NINE--TWO THOUSAND TEN STATE FISCAL YEAR OF THE TOTAL PERSONAL INCOME OF
4 THE STATE FOR EACH SUCH YEAR DIVIDED BY THE TOTAL PERSONAL INCOME OF THE
5 STATE FOR THE IMMEDIATELY PRECEDING STATE FISCAL YEAR, BUT NOT LESS THAN
6 ONE AND (2) FOR THE TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN SCHOOL
7 YEAR AND EACH SCHOOL YEAR THEREAFTER, THE QUOTIENT OF THE TOTAL PERSONAL
8 INCOME OF THE STATE FOR THE STATE FISCAL YEAR ONE YEAR PRIOR TO THE
9 STATE FISCAL YEAR IN WHICH THE BASE YEAR COMMENCED DIVIDED BY THE TOTAL
10 PERSONAL INCOME OF THE STATE FOR THE IMMEDIATELY PRECEDING STATE FISCAL
11 YEAR, BUT NOT LESS THAN ONE.

12 CC. "GAP ELIMINATION ADJUSTMENT PERCENTAGE" SHALL MEAN THE QUOTIENT OF
13 THE GAP ELIMINATION ADJUSTMENT AMOUNT SET FORTH FOR EACH SCHOOL DISTRICT
14 AS "GAP ELIMINATION ADJUSTMENT" UNDER THE HEADING "2011-12 ESTIMATED
15 AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN
16 SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND
17 TWELVE SCHOOL YEAR AND ENTITLED "SA111-2", DIVIDED BY THE STATEWIDE
18 TOTAL OF ALL SUCH GAP ELIMINATION ADJUSTMENT AMOUNTS SET FORTH FOR ALL
19 DISTRICTS IN SUCH SCHOOL AID COMPUTER LISTING.

20 DD. "ALLOWABLE GROWTH AMOUNT" SHALL MEAN THE PRODUCT OF THE POSITIVE
21 DIFFERENCE OF THE PERSONAL INCOME GROWTH INDEX MINUS ONE, MULTIPLIED BY
22 THE STATEWIDE TOTAL OF THE APPORTIONMENTS, INCLUDING THE GAP ELIMINATION
23 ADJUSTMENT, DUE AND OWING DURING THE BASE YEAR, COMMENCING WITH THE BASE
24 YEAR COMPUTED FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL
25 YEAR, TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES
26 FROM THE GENERAL SUPPORT FOR PUBLIC SCHOOLS AS COMPUTED BASED ON AN
27 ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER LISTING
28 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
29 BASE YEAR.

30 EE. "COMPETITIVE AWARDS AMOUNT" SHALL MEAN, FOR TWO THOUSAND
31 TWELVE--TWO THOUSAND THIRTEEN STATE FISCAL YEAR, FIFTY MILLION DOLLARS,
32 AND FOR TWO THOUSAND THIRTEEN--TWO THOUSAND FOURTEEN AND THEREAFTER, THE
33 PRODUCT OF THE PERSONAL INCOME GROWTH INDEX MULTIPLIED BY THE BASE YEAR
34 COMPETITIVE AWARDS AMOUNT.

35 FF. "PRELIMINARY GROWTH AMOUNT" SHALL MEAN THE DIFFERENCE BETWEEN THE
36 STATEWIDE TOTAL, EXCLUDING THE APPORTIONMENTS COMPUTED PURSUANT TO
37 SUBDIVISIONS FOUR AND SEVENTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THE
38 EDUCATION LAW, OF THE APPORTIONMENTS DUE AND OWING DURING THE CURRENT
39 SCHOOL YEAR, COMMENCING WITH THE TWO THOUSAND TWELVE--TWO THOUSAND THIR-
40 TEEN SCHOOL YEAR, TO SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCA-
41 TIONAL SERVICES FROM THE GENERAL SUPPORT FOR PUBLIC SCHOOLS AS COMPUTED
42 BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER
43 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET
44 FOR THE CURRENT YEAR, LESS THE STATEWIDE TOTAL OF SUCH APPORTIONMENTS,
45 EXCLUDING THE APPORTIONMENTS COMPUTED PURSUANT TO SUBDIVISIONS FOUR AND
46 SEVENTEEN OF SECTION THIRTY-SIX HUNDRED TWO OF THE EDUCATION LAW, DUE
47 AND OWING DURING THE BASE SCHOOL YEAR TO SCHOOL DISTRICTS AND BOARDS OF
48 COOPERATIVE EDUCATIONAL SERVICES FROM THE GENERAL SUPPORT FOR PUBLIC
49 SCHOOLS AS COMPUTED BASED ON AN ELECTRONIC DATA FILE USED TO PRODUCE THE
50 SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF
51 THE ENACTED BUDGET FOR THE CURRENT YEAR.

52 GG. "ALLOCABLE GROWTH AMOUNT" SHALL MEAN THE POSITIVE DIFFERENCE, IF
53 ANY, OF THE ALLOWABLE GROWTH AMOUNT LESS THE SUM OF THE COMPETITIVE
54 AWARDS AMOUNT PLUS THE PRELIMINARY GROWTH AMOUNT.

55 S 26. Subdivision 4 of section 3602 of the education law, as amended
56 by section 14 of part B of chapter 57 of the laws of 2008, the opening

1 paragraph, subparagraph 1 of paragraph a and paragraphs b and b-1 as
2 amended by section 13 of part A of chapter 57 of the laws of 2009, is
3 amended to read as follows:

4 4. Total foundation aid. In addition to any other apportionment
5 pursuant to this chapter, a school district, other than a special act
6 school district as defined in subdivision eight of section four thousand
7 one of this chapter, shall be eligible for total foundation aid equal to
8 the product of total aidable foundation pupil units multiplied by the
9 district's selected foundation aid, which shall be the greater of five
10 hundred dollars (\$500) or foundation formula aid, provided, however that
11 for the two thousand seven--two thousand eight through two thousand
12 eight--two thousand nine [and two thousand eleven--two thousand twelve
13 through two thousand twelve--two thousand thirteen] school years, no
14 school district shall receive total foundation aid in excess of the sum
15 of the total foundation aid base for aid payable in the two thousand
16 seven--two thousand eight school year computed pursuant to subparagraph
17 (i) of paragraph j of subdivision one of this section, plus the phase-in
18 foundation increase computed pursuant to paragraph b of this subdivi-
19 sion, AND PROVIDED FURTHER THAT FOR THE TWO THOUSAND TWELVE--TWO THOU-
20 SAND THIRTEEN SCHOOL YEAR AND THEREAFTER, NO SCHOOL DISTRICT SHALL
21 RECEIVE TOTAL FOUNDATION AID IN EXCESS OF THE SUM OF THE TOTAL FOUNDA-
22 TION AID BASE FOR AID PAYABLE IN THE TWO THOUSAND TWELVE--TWO THOUSAND
23 THIRTEEN SCHOOL YEAR COMPUTED PURSUANT TO PARAGRAPH J OF SUBDIVISION ONE
24 OF THIS SECTION, PLUS THE PHASE-IN FOUNDATION INCREASE COMPUTED PURSUANT
25 TO PARAGRAPH B OF THIS SUBDIVISION, and provided further that total
26 foundation aid shall not be less than the product of the total founda-
27 tion aid base computed pursuant to paragraph j of subdivision one of
28 this section and one hundred three percent SUBJECT TO ALLOCATION PURSU-
29 ANT TO THE PROVISIONS OF SUBDIVISION EIGHTEEN OF THIS SECTION AND ANY
30 PROVISIONS OF A CHAPTER OF THE LAWS OF NEW YORK AS DESCRIBED THEREIN,
31 nor more than the product of such total foundation aid base and one
32 hundred fifteen percent, and provided further that for the two thousand
33 nine--two thousand ten [and two thousand ten--two thousand eleven]
34 THROUGH TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school years, each
35 school district shall receive total foundation aid in an amount equal to
36 the amount apportioned to such school district for the two thousand
37 eight--two thousand nine school year pursuant to this subdivision. Total
38 aidable foundation pupil units shall be calculated pursuant to paragraph
39 g of subdivision two of this section. For the purposes of calculating
40 aid pursuant to this subdivision, aid for the city school district of
41 the city of New York shall be calculated on a citywide basis.

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

47 (1) The foundation amount shall reflect the average per pupil cost of
48 general education instruction in successful school districts, as deter-
49 mined by a statistical analysis of the costs of special education and
50 general education in successful school districts, provided that the
51 foundation amount shall be adjusted annually to reflect the percentage
52 increase in the consumer price index as computed pursuant to section two
53 thousand twenty-two of this chapter, provided that for the two thousand
54 eight--two thousand nine school year, for the purpose of such adjust-
55 ment, the percentage increase in the consumer price index shall be
56 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 foundation 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

1 thousand nine school year. The selected actual valuation shall be calcu-
2 lated pursuant to paragraph c of subdivision one of this section. Total
3 wealth foundation pupil units shall be calculated pursuant to paragraph
4 h of subdivision two of this section.

5 b. Phase-in foundation increase. (1) The phase-in foundation increase
6 shall equal the product of the phase-in foundation increase factor
7 multiplied by the greater of (i) the positive difference, if any, of (A)
8 the product of the total aidable foundation pupil units multiplied by
9 the district's selected foundation aid less (B) the total foundation aid
10 base for aid payable in the [two thousand seven--two thousand eight] TWO
11 THOUSAND ELEVEN--TWO THOUSAND TWELVE school year computed pursuant to
12 [subparagraph (i) of] paragraph j of subdivision one of this section or
13 (ii) the product of the phase-in due-minimum percent multiplied by the
14 total foundation aid base for aid payable in the two thousand seven--two
15 thousand eight school year computed pursuant to subparagraph (i) of
16 paragraph j of subdivision one of this section.

17 (2) [For the two thousand seven--two thousand eight school year, the
18 phase-in foundation percent shall equal one hundred seven and sixty-
19 eight hundredths percent (1.0768), the phase-in foundation increase
20 factor shall equal twenty percent (0.20), and the phase-in due-minimum
21 percent shall equal twelve and fifty-five hundredths percent (0.1255);
22 for the two thousand eight--two thousand nine school year, the phase-
23 in foundation percent shall equal one hundred five and twenty-six
24 hundredths percent (1.0526), the phase-in foundation increase factor
25 shall equal thirty-seven and one-half percent (0.375), and the phase-in
26 due-minimum percent shall equal twelve and fifty-five hundredths percent
27 (0.1255);
28 for the two thousand nine--two thousand ten school year, the phase-in
29 foundation percent shall equal one hundred two and five tenths percent
30 (1.025), the phase-in foundation increase factor shall equal thirty-sev-
31 en and one-half percent (0.375), and the phase-in due-minimum percent
32 shall equal twelve and fifty-five hundredths percent (0.1255)
33 for the two thousand ten--two thousand eleven school year, the phase-
34 in foundation percent shall equal one hundred seven and sixty-eight
35 hundredths percent (1.0768), the phase-in foundation increase factor
36 shall equal thirty-seven and one-half percent (0.375), and the phase-in
37 due-minimum percent shall equal twelve and fifty-five hundredths percent
38 (0.1255);
39 for the two thousand eleven--two thousand twelve school year, the] THE
40 phase-in foundation percent shall equal [one hundred five and six
41 hundredths percent (1.0506), the phase-in foundation increase factor
42 shall equal fifty-three and one-tenth percent (0.531), and the phase-in
43 due-minimum percent shall equal twelve and fifty-five hundredths percent
44 (0.1255); and
45 for the two thousand twelve--two thousand thirteen school year, the
46 phase-in foundation percent shall equal one hundred two and five
47 hundredths percent (1.0250), the phase-in foundation increase factor
48 shall equal seventy-five percent (0.75), and the phase-in due-minimum
49 percent shall equal twelve and fifty-five hundredths percent (0.1255)]
50 ONE HUNDRED THIRTEEN AND FOURTEEN ONE HUNDREDTHS PERCENT (1.1314) FOR
51 THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, ONE HUNDRED
52 TEN AND THIRTY-EIGHT HUNDREDTHS PERCENT (1.1038) FOR THE TWO THOUSAND
53 TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR, ONE HUNDRED SEVEN AND SIXTY-
54 EIGHT HUNDREDTHS PERCENT (1.0768) FOR THE TWO THOUSAND THIRTEEN--TWO
55 THOUSAND FOURTEEN SCHOOL YEAR, ONE HUNDRED FIVE AND SIX HUNDREDTHS
56 PERCENT (1.0506) FOR THE TWO THOUSAND FOURTEEN--TWO THOUSAND FIFTEEN

SCHOOL YEAR, AND ONE HUNDRED TWO AND FIVE TENTHS PERCENT (1.0250) FOR THE TWO THOUSAND FIFTEEN--TWO THOUSAND SIXTEEN SCHOOL YEAR.

FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR, 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 NINETEEN AND FORTY-ONE HUNDREDTHS PERCENT (0.1941), AND FOR THE TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER THE COMMISSIONER SHALL ANNUALLY DETERMINE THE PHASE-IN FOUNDATION INCREASE FACTOR SUBJECT TO ALLOCATION PURSUANT TO THE PROVISIONS OF SUBDIVISION EIGHTEEN OF THIS SECTION AND ANY PROVISIONS OF A CHAPTER OF THE LAWS OF NEW YORK AS DESCRIBED THEREIN.

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] school [years] YEAR AND THEREAFTER, the additional amount payable to each school district pursuant to this subdivision in the current year as total foundation aid, after deducting the total foundation aid base, shall be deemed a state grant in aid identified by the commissioner for general use for purposes of sections seventeen hundred eighteen and two thousand twenty-three of this chapter.

c. Public excess cost aid set aside. 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 aid set aside shall be paid pursuant to section thirty-six hundred nine-b of this part.

S 27. 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] TWELVE--two thousand [eleven] THIRTEEN 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 28. Intentionally omitted.

S 29. Clause (c) of subparagraph 1 of paragraph e of subdivision 6 of section 3602 of the education law, as amended by section 3 of part A-3 of chapter 58 of the laws of 2006, is amended to read as follows:

1 (c) By the first day of September of the current year the comptroller
2 of the city of New York shall provide to the commissioner an analysis,
3 as prescribed by the commissioner, of the actual average interest rate
4 applied to all capital debt incurred by the city of New York AND THE NEW
5 YORK CITY TRANSITIONAL FINANCE AUTHORITY for school purposes [(or by the
6 New York city transitional finance authority for school purposes, if no
7 such capital debt is incurred by the city of New York)] during the base
8 year and of the estimated average interest rate applied to all capital
9 debt to be incurred by the city of New York AND THE NEW YORK CITY TRAN-
10 SITIONAL FINANCE AUTHORITY for school purposes [(or by the New York city
11 transitional finance authority for school purposes, if no such capital
12 debt is incurred by the city of New York)] during the current year. Upon
13 approval by the commissioner such actual average interest rate shall be
14 established as the interest rate applicable to the base year for the
15 purposes of this subparagraph and subparagraph two of this paragraph,
16 and such estimated average interest rate shall be tentatively estab-
17 lished as the interest rate applicable to the current year, except that
18 all apportionments of aid payable during the current year based on such
19 estimated average interest rate shall be recalculated in the following
20 year and adjusted as appropriate based on the appropriate actual average
21 interest rate then established by the commissioner.

22 S 30. Clause (d) of subparagraph 5 of paragraph e of subdivision 6 of
23 section 3602 of the education law, as added by section 55-a of part A of
24 chapter 57 of the laws of 2009, is amended to read as follows:

25 (d) Notwithstanding any other law, rule or regulation to the contrary,
26 any interest rate calculated under this subdivision shall take into
27 account any federal subsidy payments made or to be made to the applica-
28 ble [issuer] SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL
29 DISTRICT under the terms of a federally authorized debt instrument which
30 have the effect of reducing the actual interest costs incurred by [such
31 issuer] THE SCHOOL DISTRICT OR AN ISSUER ON BEHALF OF THE SCHOOL
32 DISTRICT over the life of such capital debt, irrespective of any federal
33 government right of set-off.

34 S 31. Paragraph e of subdivision 6 of section 3602 of the education
35 law is amended by adding a new subparagraph 8 to read as follows:

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

1 S 32. Clause (vi) of subparagraph 1 of paragraph c of subdivision 14
2 of section 3602 of the education law, as amended by section 34 of part B
3 of chapter 57 of the laws of 2008, is amended to read as follows:

4 (vi) where such proposed reorganization includes at least two school
5 districts employing eight or more teachers forming a central high school
6 district pursuant to section nineteen hundred thirteen of this chapter,
7 beginning with July first, nineteen hundred sixty-five or the first
8 school year of operation as a reorganized district after such date, such
9 reorganized school district shall be entitled to an additional appor-
10 tionment of twenty-five per centum of the sum of: (A) its apportionment
11 as provided in subdivision six of this section whenever such apportion-
12 ment is computed on the basis of its approved base year expenditures for
13 capital outlay from its general, capital, or a reserve fund incurred
14 prior to July first, two thousand one, or on the basis of its approved
15 base year expenditures for capital outlay from its general, capital or a
16 reserve fund incurred in the two thousand one--two thousand two school
17 year and computed pursuant to subdivision six of this section as if such
18 expenditures were aidable under such subdivision, and current year
19 approved expenditures for debt service for school building purposes and
20 (B) its apportionment as provided in subdivision six of this section,
21 the general contracts for which shall have been awarded on or after the
22 date this act takes effect and prior to July first, two thousand ten, OR
23 PRIOR TO JULY FIRST, TWO THOUSAND TWELVE WHERE SUCH GENERAL CONTRACTS
24 ARE FOR PROJECTS WITH COMPLETE FINAL PLANS AND SPECIFICATIONS FILED FOR
25 APPROVAL WITH THE COMMISSIONER PRIOR TO JULY FIRST, TWO THOUSAND TEN, or
26 within ten years from the effective date of reorganization, whichever is
27 later as provided in subdivision six of this section, and which said sum
28 shall be payable for and during the terms of any indebtedness created
29 for the purpose of financing such construction or other facility as
30 aforesaid, provided however, that in no event may the total apportion-
31 ment under this paragraph, under subdivision twelve of section thirty-
32 six hundred forty-one of this article, and under subdivisions six and
33 six-f of this section for any project exceed the product of (1) ninety-
34 eight percent for a high need school district, as defined pursuant to
35 guidelines of the commissioner for the two thousand five--two thousand
36 six school year, for all school building projects approved by the voters
37 of the school district or by the board of education of a city school
38 district in a city with more than one hundred twenty-five thousand
39 inhabitants, and/or the chancellor in a city school district in a city
40 having a population of one million or more, on or after July first, two
41 thousand five, or ninety-five per cent for any other school building
42 project or school district, multiplied by (2) the sum of the base year
43 approved expenditures for capital outlay for school building purposes
44 from the general fund, capital fund or from a reserve fund, and current
45 year approved expenditures for debt service for such purposes for such
46 project.

47 S 33. Intentionally omitted.

48 S 34. Intentionally omitted.

49 S 35. Subdivision 12 of section 3602 of the education law, as added by
50 section 19 of part B of chapter 57 of the laws of 2008, the closing
51 paragraph as added by section 18 of part A of chapter 57 of the laws of
52 2009, is amended to read as follows:

53 12. Academic enhancement aid. A school district that as of April first
54 of the base year has been continuously identified as a district in need
55 of improvement for at least five years shall, for the two thousand
56 eight--two thousand nine school year, be entitled to an additional

1 apportionment equal to the positive remainder, if any, of (a) the lesser
2 of fifteen million dollars or the product of the total foundation aid
3 base, as defined by paragraph j of subdivision one of this section,
4 multiplied by ten percent (0.10), less (b) the positive remainder of (i)
5 the sum of the total foundation aid apportioned pursuant to subdivision
6 four of this section and the supplemental educational improvement grants
7 apportioned pursuant to subdivision eight of section thirty-six hundred
8 forty-one of this [act] ARTICLE, less (ii) the total foundation aid
9 base.

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

20 S 36. The opening paragraph of subdivision 16 of section 3602 of the
21 education law, as amended by section 19 of part A of chapter 57 of the
22 laws of 2009, is amended to read as follows:

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

41 S 37. Section 3602 of the education law is amended by adding two new
42 subdivisions 17 and 18 to read as follows:

43 17. GAP ELIMINATION ADJUSTMENT. A. NOTWITHSTANDING ANY OTHER PROVISION
44 OF LAW TO THE CONTRARY, THE COMMISSIONER SHALL REDUCE PAYMENTS DUE TO
45 EACH DISTRICT FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
46 YEAR AND THEREAFTER PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-A OF
47 THIS ARTICLE BY AN AMOUNT EQUAL TO THE GAP ELIMINATION ADJUSTMENT
48 COMPUTED FOR SUCH DISTRICT, AND SUCH AMOUNT SHALL BE DEDUCTED FROM
49 MONEYS APPORTIONED FOR THE PURPOSES OF PAYMENTS MADE PURSUANT TO SUCH
50 SECTION THIRTY-SIX HUNDRED NINE-A AND IF THE REDUCTION IS GREATER THAN
51 THE SUM OF THE AMOUNTS AVAILABLE FOR SUCH DEDUCTIONS, THE REMAINDER OF
52 THE REDUCTION SHALL BE WITHHELD FROM PAYMENTS SCHEDULED TO BE MADE TO
53 THE DISTRICT PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-A FOR THE
54 FOLLOWING SCHOOL YEAR, AND PROVIDED FURTHER THAT AN AMOUNT EQUAL TO THE
55 AMOUNT OF SUCH DEDUCTION SHALL BE DEEMED TO HAVE BEEN PAID TO THE
56 DISTRICT PURSUANT TO THIS SECTION FOR THE SCHOOL YEAR IN WHICH SUCH

1 DEDUCTION IS MADE. THE COMMISSIONER SHALL COMPUTE SUCH GAP ELIMINATION
2 ADJUSTMENT AND SHALL PROVIDE A SCHEDULE OF SUCH REDUCTION IN PAYMENTS TO
3 THE STATE COMPTROLLER, THE DIRECTOR OF THE BUDGET, THE CHAIR OF THE
4 SENATE FINANCE COMMITTEE AND THE CHAIR OF THE ASSEMBLY WAYS AND MEANS
5 COMMITTEE.

6 B. THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND ELEVEN--TWO
7 THOUSAND TWELVE SCHOOL YEAR SHALL BE COMPUTED AS FOLLOWS, BASED ON AN
8 UPDATED ELECTRONIC DATA FILE CONTAINING ACTUAL AND ESTIMATED DATA RELAT-
9 ING TO APPORTIONMENTS DUE AND OWING DURING THE CURRENT SCHOOL YEAR AND
10 PROJECTIONS OF SUCH APPORTIONMENTS FOR THE FOLLOWING SCHOOL YEAR TO
11 SCHOOL DISTRICTS AND BOARDS OF COOPERATIVE EDUCATIONAL SERVICES FROM THE
12 GENERAL SUPPORT FOR PUBLIC SCHOOLS, GROWTH AND BOARDS OF COOPERATIVE
13 EDUCATIONAL SERVICES APPROPRIATIONS PRODUCED PURSUANT TO PARAGRAPH B OF
14 SUBDIVISION TWENTY-ONE OF SECTION THREE HUNDRED FIVE OF THIS CHAPTER ON
15 FEBRUARY FIFTEENTH OF THE BASE YEAR. THE GAP ELIMINATION ADJUSTMENT FOR
16 A DISTRICT SHALL EQUAL THE LESSER OF THE DISTRICT'S PERCENTAGE REDUCTION
17 AND ITS TGFE CHECK, PROVIDED, HOWEVER, THAT IN THE CASE OF A DISTRICT
18 WITH A TAX EFFORT RATIO GREATER THAN FOUR PERCENT (0.04) AND A COMBINED
19 WEALTH RATIO FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH
20 TWO OF PARAGRAPH C OF SUBDIVISION THREE OF THIS SECTION THAT IS LESS
21 THAN ONE AND FIVE-TENTHS (1.5), THE GAP ELIMINATION ADJUSTMENT FOR A
22 DISTRICT SHALL EQUAL THE LESSER OF THE PERCENTAGE REDUCTION, THE TGFE
23 CHECK AND THE TAX EFFORT REDUCTION, AND FURTHER PROVIDED THAT IN THE
24 CASE OF A SCHOOL DISTRICT, OTHER THAN A CITY SCHOOL DISTRICT OF A CITY
25 HAVING A POPULATION IN EXCESS OF ONE HUNDRED TWENTY-FIVE THOUSAND, WITH
26 (A) AN ADMINISTRATIVE EFFICIENCY RATIO OF LESS THAN ONE AND EIGHT-TENTHS
27 PERCENT (0.018) AND (B) AN ADMINISTRATIVE EXPENSE PER PUPIL OF LESS THAN
28 THREE HUNDRED FORTY-EIGHT DOLLARS (\$348), THE GAP ELIMINATION ADJUSTMENT
29 SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE ADMINISTRATIVE EFFICIENCY
30 RESTORATION, AND FURTHER PROVIDED THAT, WHERE APPLICABLE, THE GAP ELIMI-
31 NATION ADJUSTMENT SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE SUM OF THE
32 NEEDS-BASED RESTORATION PLUS THE LOW WEALTH-HIGH TAX EFFORT RESTORATION
33 PLUS THE ENROLLMENT ADJUSTMENT AWARD.

34 (I) THE PERCENTAGE REDUCTION SHALL BE THE SUM OF (A) THE PRODUCT OF
35 THE TOTAL AID FOR ADJUSTMENT, MULTIPLIED BY SIX AND FOUR-TENTHS PERCENT
36 (0.064), AND (B) THE PRODUCT OF FOUR THOUSAND FOUR HUNDRED DOLLARS
37 (\$4,400) MULTIPLIED BY THE REDUCTION FACTOR, MULTIPLIED BY THE PUBLIC
38 SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO
39 SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION,
40 PROVIDED, HOWEVER, THAT SUCH PERCENTAGE REDUCTION SHALL NOT BE LESS THAN
41 THE PRODUCT OF NINE AND ONE-HALF PERCENT (0.095) MULTIPLIED BY SUCH
42 TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PRODUCT OF TWENTY-ONE
43 AND FOUR-TENTHS PERCENT (0.214) MULTIPLIED BY SUCH TOTAL AID FOR ADJUST-
44 MENT.

45 (II) THE TAX EFFORT REDUCTION SHALL BE THE PRODUCT OF THE TOTAL AID
46 FOR ADJUSTMENT, MULTIPLIED BY THE QUOTIENT OF TWENTY-THREE PERCENT
47 (0.23) DIVIDED BY THE QUOTIENT OF THE TAX EFFORT RATIO COMPUTED PURSUANT
48 TO SUBPARAGRAPH THREE OF PARAGRAPH A OF SUBDIVISION SIXTEEN OF THIS
49 SECTION DIVIDED BY FOUR AND TWO HUNDRED FORTY-SEVEN THOUSANDTHS PERCENT
50 (0.04247), PROVIDED, HOWEVER, THAT SUCH TAX EFFORT REDUCTION SHALL NOT
51 BE LESS THAN THE PRODUCT OF THIRTEEN PERCENT (0.13) MULTIPLIED BY SUCH
52 TOTAL AID FOR ADJUSTMENT, AND NOT MORE THAN THE PRODUCT OF TWENTY-THREE
53 PERCENT (0.23) MULTIPLIED BY SUCH TOTAL AID FOR ADJUSTMENT.

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

(IV) THE ADMINISTRATIVE EFFICIENCY RESTORATION SHALL BE THE PRODUCT OF SEVENTY-FIVE DOLLARS (\$75), MULTIPLIED BY THE STATE SHARING RATIO, MULTIPLIED BY THE TOTAL AIDABLE FOUNDATION PUPIL UNITS COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION TWO OF THIS SECTION FOR THE PURPOSES OF COMPUTING TOTAL FOUNDATION AID.

(V) THE NEEDS-BASED RESTORATION SHALL BE THE SUM OF (A) THE PRODUCT OF THE NEEDS-BASED GRANT, 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, PLUS (B) IN THE CASE OF ANY DISTRICT FOR WHICH THE QUOTIENT OF THE LIMITED ENGLISH PROFICIENT COUNT FOR THE BASE YEAR COMPUTED PURSUANT TO PARAGRAPH O OF SUBDIVISION ONE OF THIS SECTION DIVIDED BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION, EXCEEDS THIRTEEN PERCENT (0.13), THE PRODUCT OF THE TOTAL AID FOR ADJUSTMENT MULTIPLIED BY SEVENTY-FIVE HUNDREDTHS OF A PERCENT (0.0075).

(VI) THE LOW WEALTH-HIGH TAX EFFORT RESTORATION SHALL BE, FOR ANY SCHOOL DISTRICT WITH A TAX EFFORT RATIO GREATER THAN SIX PERCENT (0.06) AND A COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID THAT IS LESS THAN SEVEN-TENTHS (0.7), THE PRODUCT OF ONE HUNDRED DOLLARS (\$100.00) MULTIPLIED BY THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION.

(VII) THE ENROLLMENT ADJUSTMENT AWARD SHALL BE THE PRODUCT OF FIVE HUNDRED DOLLARS (\$500.00) MULTIPLIED BY THE ENROLLMENT INCREASE FOR ANY ELIGIBLE SCHOOL DISTRICT. AN ELIGIBLE SCHOOL DISTRICT SHALL BE A SCHOOL DISTRICT (A) WITH A COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID LESS THAN THREE (3.0) AND AN ENROLLMENT INCREASE GREATER THAN OR EQUAL TO FORTY-FIVE, WHERE, (B) FOR SUCH SCHOOL DISTRICT, EITHER THE ENROLLMENT INCREASE IS GREATER THAN ONE PERCENT (0.01) OF THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR OR THE COMBINED WEALTH RATIO FOR TOTAL FOUNDATION AID IS LESS THAN TWO (2.0). THE ENROLLMENT INCREASE SHALL BE AS THE POSITIVE DIFFERENCE OF THE ESTIMATED PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE CURRENT YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION LESS THE PUBLIC SCHOOL DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION.

(VIII) FOR THE PURPOSES OF SUCH COMPUTATION, (A) "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", "HIGH COST EXCESS COST", "PRIVATE EXCESS COST", "HARDWARE & TECHNOLOGY", "SOFTWARE, LIBRARY, TEXTBOOK", "TRANSPORTATION INCL SUMMER", "OPERATING REORG INCENTIVE", "CHARTER SCHOOL TRANSITIONAL", "ACADEMIC ENHANCEMENT", "HIGH TAX AID" AND "SUPPLEMENTAL PUB EXCESS COST" UNDER THE HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET PROPOSAL FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR;

(B) "THE STATE SHARING RATIO" SHALL MEAN THE STATE SHARING RATIO COMPUTED FOR TOTAL FOUNDATION AID COMPUTED PURSUANT TO PARAGRAPH G OF SUBDIVISION THREE OF THIS SECTION, BUT NOT LESS THAN TEN PERCENT (0.10); AND

(C) "REDUCTION FACTOR" SHALL MEAN THE PRODUCT OF THE POSITIVE REMAINDER OF ONE LESS THE THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT COMPUTED PURSUANT TO SUBPARAGRAPH (II) OF PARAGRAPH P OF SUBDI-

1 VISION ONE OF THIS SECTION, MULTIPLIED BY THE COMBINED WEALTH RATIO FOR
2 TOTAL FOUNDATION AID COMPUTED PURSUANT TO SUBPARAGRAPH TWO OF PARAGRAPH
3 C OF SUBDIVISION THREE OF SECTION THIRTY-SIX HUNDRED TWO OF THIS PART;
4 AND

5 (D) "NEEDS-BASED GRANT" SHALL MEAN, (1) IN THE CASE OF A DISTRICT
6 DETERMINED TO BE A HIGH NEED SCHOOL DISTRICT PURSUANT TO CLAUSE (C) OF
7 SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS SECTION FOR
8 THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT
9 OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOUSAND EIGHT
10 SCHOOL YEAR AND ENTITLED "SA0708", HAVING A NEED-RESOURCE CATEGORY OF
11 THREE OR FOUR, SIXTY-ONE DOLLARS (\$61.00), AND (2) IN THE CASE OF A
12 DISTRICT DETERMINED TO BE AN AVERAGE NEED SCHOOL DISTRICT PURSUANT TO
13 CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF SUBDIVISION SIX OF THIS
14 SECTION FOR THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER
15 IN SUPPORT OF THE ENACTED BUDGET FOR THE TWO THOUSAND SEVEN--TWO THOU-
16 SAND EIGHT SCHOOL YEAR AND ENTITLED "SA0708", HAVING A NEED-RESOURCE
17 CATEGORY OF FIVE, FIFTY-FOUR DOLLARS (\$54.00).

18 (E) "ADMINISTRATIVE EFFICIENCY RATIO" SHALL MEAN THE QUOTIENT OF THE
19 SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING
20 EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE,
21 THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX
22 COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDI-
23 TURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF
24 SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSON-
25 NEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND
26 SERVICES, FEES FOR FISCAL AGENTS AND UNDISTRIBUTED INDIRECT COSTS,
27 DIVIDED BY THE TOTAL EXPENDITURES CHARGED BY A DISTRICT TO THE GENERAL,
28 DEBT SERVICE, AND SPECIAL AID FUNDS, EXCLUDING TRANSFERS FROM THE GENER-
29 AL FUND TO THE DEBT SERVICE AND SPECIAL AID FUNDS, BASED ON EXPENDITURES
30 REPORTED BY THE DISTRICT FOR THE SCHOOL YEAR TWO YEARS PRIOR TO THE BASE
31 YEAR, BASED ON DATA ON FILE FOR AN ELECTRONIC DATA FILE USED TO PRODUCE
32 THE SCHOOL AID COMPUTER LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT
33 OF THE EXECUTIVE BUDGET REQUEST; AND

34 (F) "ADMINISTRATIVE EXPENSE PER PUPIL" SHALL MEAN THE QUOTIENT OF THE
35 SUM OF THE EXPENDITURES RELATED TO THE BOARD OF EDUCATION, INCLUDING
36 EXPENDITURES FOR THE BOARD OF EDUCATION, THE DISTRICT CLERK'S OFFICE,
37 THE DISTRICT MEETING, AUDITING SERVICE, THE TREASURER'S OFFICE, THE TAX
38 COLLECTOR'S OFFICE, LEGAL SERVICES AND THE SCHOOL CENSUS, PLUS EXPENDI-
39 TURES FOR CENTRAL ADMINISTRATION, INCLUDING EXPENDITURES FOR THE CHIEF
40 SCHOOL OFFICER, THE BUSINESS OFFICE, THE PURCHASING OFFICE, THE PERSON-
41 NEL OFFICE, THE RECORDS MANAGEMENT OFFICER, PUBLIC INFORMATION AND
42 SERVICES, FEES FOR FISCAL AGENTS AND UNDISTRIBUTED INDIRECT COSTS,
43 CHARGED BY A DISTRICT TO THE GENERAL, DEBT SERVICE, AND SPECIAL AID
44 FUNDS, BASED ON EXPENDITURES REPORTED BY THE DISTRICT FOR THE SCHOOL
45 YEAR TWO YEARS PRIOR TO THE BASE YEAR, DIVIDED BY THE PUBLIC SCHOOL
46 DISTRICT ENROLLMENT FOR THE BASE YEAR COMPUTED PURSUANT TO SUBPARAGRAPH
47 TWO OF PARAGRAPH N OF SUBDIVISION ONE OF THIS SECTION BASED ON DATA ON
48 FILE FOR AN ELECTRONIC DATA FILE USED TO PRODUCE THE SCHOOL AID COMPUTER
49 LISTING PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE EXECUTIVE BUDGET
50 REQUEST; AND

51 (G) "TGFE PERCENTAGE" SHALL MEAN,

52 (1) IN THE CASE OF A DISTRICT DETERMINED TO BE A HIGH-NEED SCHOOL
53 DISTRICT PURSUANT TO CLAUSE (C) OF SUBPARAGRAPH TWO OF PARAGRAPH C OF
54 SUBDIVISION SIX OF THIS SECTION FOR THE SCHOOL AID COMPUTER LISTING
55 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE

1 TWO THOUSAND SEVEN--TWO THOUSAND EIGHT SCHOOL YEAR AND ENTITLED
2 "SA0708",

3 (A) IN THE CASE OF A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
4 IN EXCESS OF ONE MILLION INHABITANTS, FOUR AND FIVE HUNDRED THIRTY-SEVEN
5 THOUSANDTHS PERCENT (0.04537),

6 (B) IN THE CASE OF A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
7 OF MORE THAN TWO HUNDRED FIFTY THOUSAND INHABITANTS AND LESS THAN ONE
8 MILLION INHABITANTS ACCORDING TO THE TWO THOUSAND FEDERAL CENSUS, FOUR
9 AND ONE-TENTH PERCENT (0.041),

10 (C) IN THE CASE OF A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
11 OF MORE THAN TWO HUNDRED TEN THOUSAND INHABITANTS AND LESS THAN TWO
12 HUNDRED FIFTY THOUSAND INHABITANTS ACCORDING TO THE TWO THOUSAND FEDERAL
13 CENSUS, FOUR AND THIRTEEN HUNDREDTHS PERCENT (0.0413),

14 (D) IN THE CASE OF A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
15 OF MORE THAN ONE HUNDRED SEVENTY THOUSAND INHABITANTS AND LESS THAN TWO
16 HUNDRED TEN THOUSAND INHABITANTS ACCORDING TO THE TWO THOUSAND FEDERAL
17 CENSUS, FIVE AND NINETY-SEVEN HUNDREDTHS PERCENT (0.0597),

18 (E) IN THE CASE OF A CITY SCHOOL DISTRICT IN A CITY WITH A POPULATION
19 OF MORE THAN ONE HUNDRED THOUSAND INHABITANTS AND LESS THAN ONE HUNDRED
20 SEVENTY THOUSAND INHABITANTS ACCORDING TO THE TWO THOUSAND FEDERAL
21 CENSUS, FIVE AND FIFTY-THREE HUNDREDTHS PERCENT (0.0553),

22 (F) IN THE CASE OF ANY OTHER SUCH SCHOOL DISTRICT WHICH HAS A
23 THREE-YEAR AVERAGE FREE AND REDUCED PRICE LUNCH PERCENT GREATER THAN
24 SEVENTY-FIVE PERCENT (0.75) AND WHICH HAS AN ADMINISTRATIVE EFFICIENCY
25 RATIO LESS THAN ONE AND FIFTY-FIVE HUNDREDTHS PERCENT (0.0155), FOUR AND
26 NINE HUNDREDTHS PERCENT (0.0409), AND

27 (G) FOR ALL OTHER SUCH SCHOOL DISTRICTS, SIX AND EIGHT-TENTHS PERCENT
28 (0.068), OR

29 (2) IN THE CASE OF ALL OTHER SCHOOL DISTRICTS, ELEVEN PERCENT (0.11).

30 C. THE GAP ELIMINATION ADJUSTMENT FOR THE TWO THOUSAND TWELVE--TWO
31 THOUSAND THIRTEEN SCHOOL YEAR AND THEREAFTER SHALL BE EQUAL TO THE GAP
32 ELIMINATION ADJUSTMENT FOR THE BASE YEAR, PLUS, IN ANY YEAR IN WHICH THE
33 PRELIMINARY GROWTH AMOUNT EXCEEDS THE ALLOWABLE GROWTH AMOUNT, THE PROD-
34 UCT OF THE GAP ELIMINATION ADJUSTMENT PERCENTAGE FOR SUCH DISTRICT AND
35 THE POSITIVE DIFFERENCE, IF ANY, BETWEEN THE PRELIMINARY GROWTH AMOUNT
36 LESS THE ALLOWABLE GROWTH AMOUNT, AS COMPUTED PURSUANT TO SUBDIVISION
37 ONE OF THIS SECTION, AND LESS THE PRODUCT OF THE GAP ELIMINATION ADJUST-
38 MENT PERCENTAGE FOR SUCH DISTRICT AND THE GAP ELIMINATION ADJUSTMENT
39 RESTORATION AMOUNT, IF ANY, ALLOCATED PURSUANT TO SUBDIVISION EIGHTEEN
40 OF THIS SECTION.

41 18. ALLOCABLE GROWTH AMOUNT APPORTIONMENT. SUCH AMOUNT SHALL BE
42 APPORTIONED FOR A SCHOOL YEAR PURSUANT TO A CHAPTER OF THE LAWS OF NEW
43 YORK ENACTED FOR THE STATE FISCAL YEAR IN WHICH SUCH SCHOOL YEAR
44 COMMENCES, AND SHALL BE ALLOCATED TO PURPOSES INCLUDING BUT NOT LIMITED
45 TO COMPETITIVE GRANT AWARDS MADE PURSUANT TO SUBDIVISIONS FIVE AND SIX
46 OF SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE, THE FOUNDATION
47 AID PHASE-IN AMOUNT OR OTHER FOUNDATION AID INCREASE ALLOCATED PURSUANT
48 TO SUBDIVISION FOUR OF THIS SECTION AND THE GAP ELIMINATION ADJUSTMENT
49 RESTORATION AMOUNT APPORTIONED PURSUANT TO SUBDIVISION SEVENTEEN OF THIS
50 SECTION. IN THE EVENT THAT A CHAPTER OF THE LAWS OF NEW YORK ENACTED FOR
51 THE STATE FISCAL YEAR IN WHICH SUCH SCHOOL YEAR COMMENCES IS NOT
52 ENACTED, THE ALLOCATIONS IN SUPPORT OF SUBDIVISIONS FIVE AND SIX OF
53 SECTION THIRTY-SIX HUNDRED FORTY-ONE OF THIS ARTICLE SHALL EQUAL THE
54 ALLOCATIONS IN SUPPORT OF SUCH AWARDS IN THE BASE YEAR, AND THE APPOR-
55 TIONMENTS PURSUANT TO SUBDIVISIONS FOUR AND SEVENTEEN OF THIS SECTION

1 FOR THE CURRENT YEAR SHALL EQUAL THE APPORTIONMENTS FOR SUCH SUBDIVI-
2 SIONS FOUR AND SEVENTEEN FOR THE BASE YEAR.

3 S 38. The opening paragraph of subdivision 10 of section 3602-e of the
4 education law, as amended by section 21 of part A of chapter 57 of the
5 laws of 2009, is amended to read as follows:

6 Notwithstanding any provision of law to the contrary, for aid payable
7 in the two thousand eight--two thousand nine school year, the grant to
8 each eligible school district for universal prekindergarten aid shall be
9 computed pursuant to this subdivision, and for the two thousand nine--
10 two thousand ten and two thousand ten--two thousand eleven school years,
11 each school district shall be eligible for a maximum grant equal to the
12 amount computed for such school district for the base year in the elec-
13 tronic data file produced by the commissioner in support of the two
14 thousand nine--two thousand ten education, labor and family assistance
15 budget, provided, however, that in the case of a district implementing
16 programs for the first time or implementing expansion programs in the
17 two thousand eight--two thousand nine school year where such programs
18 operate for a minimum of ninety days in any one school year as provided
19 in section 151-1.4 of the regulations of the commissioner, FOR THE TWO
20 THOUSAND NINE--TWO THOUSAND TEN AND TWO THOUSAND TEN--TWO THOUSAND ELEV-
21 EN SCHOOL YEARS, such school district shall be eligible for a maximum
22 grant equal to the amount computed pursuant to paragraph a of subdivi-
23 sion nine of this section in the two thousand eight--two thousand nine
24 school year, AND FOR THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE AND
25 TWO THOUSAND TWELVE--TWO THOUSAND THIRTEEN SCHOOL YEARS EACH SCHOOL
26 DISTRICT SHALL BE ELIGIBLE FOR A MAXIMUM GRANT EQUAL TO THE AMOUNT SET
27 FORTH FOR SUCH SCHOOL DISTRICT AS "UNIVERSAL PREKINDERGARTEN" UNDER THE
28 HEADING "2011-12 ESTIMATED AIDS" IN THE SCHOOL AID COMPUTER LISTING
29 PRODUCED BY THE COMMISSIONER IN SUPPORT OF THE ENACTED BUDGET FOR THE
30 2011-12 SCHOOL YEAR AND ENTITLED "SA111-2", and provided further that
31 the maximum grant shall not exceed the total actual grant expenditures
32 incurred by the school district in the current school year as approved
33 by the commissioner.

34 S 39. Intentionally omitted.

35 S 40. The opening paragraph of section 3609-a of the education law, as
36 amended by section 22 of part A of chapter 57 of the laws of 2009, is
37 amended to read as follows:

38 For aid payable in the two thousand seven--two thousand eight school
39 year and thereafter, "moneys apportioned" shall mean the lesser of (i)
40 the sum of one hundred percent of the respective amount set forth for
41 each school district as payable pursuant to this section in the school
42 aid computer listing for the current year produced by the commissioner
43 in support of the budget which includes the appropriation for the gener-
44 al support for public schools for the prescribed payments and individ-
45 ualized payments due prior to April first for the current year plus the
46 apportionment payable during the current school year pursuant to subdivi-
47 sion six-a and subdivision fifteen of section thirty-six hundred two
48 of this part minus any reductions to current year aids pursuant to
49 subdivision seven of section thirty-six hundred four of this part or any
50 deduction from apportionment payable pursuant to this chapter for
51 collection of a school district basic contribution as defined in subdivi-
52 sion eight of section forty-four hundred one of this chapter, less any
53 grants provided pursuant to subparagraph two-a of paragraph b of subdivi-
54 sion four of section ninety-two-c of the state finance law, less any
55 grants provided pursuant to subdivision twelve of section thirty-six
56 hundred forty-one of this article, or (ii) the apportionment calculated

1 by the commissioner based on data on file at the time the payment is
2 processed; provided however, that for the purposes of any payments made
3 pursuant to this section prior to the first business day of June of the
4 current year, moneys apportioned shall not include any aids payable
5 pursuant to subdivisions six and fourteen, if applicable, of section
6 thirty-six hundred two of this part as current year aid for debt service
7 on bond anticipation notes and/or bonds first issued in the current year
8 or any aids payable for full-day kindergarten for the current year
9 pursuant to subdivision nine of section thirty-six hundred two of this
10 part. The definitions of "base year" and "current year" as set forth in
11 subdivision one of section thirty-six hundred two of this part shall
12 apply to this section. For aid payable in the [two thousand nine--two
13 thousand ten] TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE school year,
14 reference to such "school aid computer listing for the current year"
15 shall mean the printouts entitled ["SA0910"] "SA111-2".

16 S 41. Subparagraphs 2 and 3 of paragraph a and clauses (i), (iv), (v),
17 (vi) and (vii) of subparagraph 3 of paragraph b of subdivision 1 of
18 section 3609-a of the education law, subparagraph 2 of paragraph a and
19 clauses (v) and (vii) of subparagraph 3 of paragraph b as amended by
20 section 32 of part B of chapter 57 of the laws of 2007, subparagraph 3
21 of paragraph a and clauses (i) and (iv) of subparagraph 3 of paragraph b
22 as amended by chapter 474 of the laws of 1996 and clause (vi) of subpar-
23 agraph 3 of paragraph b as added by section 43 of part A of chapter 60
24 of the laws of 2000, are amended to read as follows:

25 (2) Lottery apportionment. Of the estimated moneys to be apportioned
26 by the commissioner to school districts for the current year, that
27 portion payable pursuant to section ninety-two-c of the state finance
28 law, exclusive of the minimum lottery grant provided for the purchase of
29 textbooks pursuant to subparagraph one of paragraph b of subdivision
30 four of section ninety-two-c of such law and the lottery grant provided
31 pursuant to subparagraph two-a of paragraph b of subdivision four of
32 section ninety-two-c of the state finance law, shall be payable on OR
33 BEFORE the [first] LAST state business day of September.

34 (3) Lottery textbook apportionment. The minimum lottery grant provided
35 for the purchase of textbooks pursuant to subparagraph one of paragraph
36 b of subdivision four of section ninety-two-c of the state finance law,
37 shall be payable on or before the [first] LAST STATE BUSINESS day of
38 September.

39 (i) Winter payments. The amounts designated for January, February and
40 March pursuant to clauses (i), (ii) and (iii) of subparagraph two of
41 this paragraph shall be paid on OR BEFORE the [first] LAST state busi-
42 ness day of such months.

43 (iv) April and May payments. Any amount designated for and remaining
44 to be paid in April or May pursuant to clauses (iv) and (v) of subpara-
45 graph two of this paragraph minus any portion of such amounts advanced
46 pursuant to clause (ii) of this subparagraph shall be paid on OR BEFORE
47 the [first] LAST state business day of such months.

48 (v) June payment. The moneys apportioned to school districts and
49 designated for June pursuant to clause (vi) of subparagraph two of this
50 paragraph shall be paid on OR BEFORE the [first] LAST state business day
51 of such month, to the extent that moneys are owed to school districts
52 pursuant to this section for the current year, including claims for
53 current year aid for debt service on bond anticipation notes aidable in
54 June and/or new bonds and capital notes aidable in June pursuant to
55 subdivisions six and fourteen, if applicable, of section thirty-six
56 hundred two of this [article] PART and claims for current year aid for

1 conversion to full day kindergarten [pursuant to subdivision nine of
2 section thirty-six hundred two of this article], after taking into
3 account any adjustments made in accordance with clauses (ii) and (iii)
4 of this subparagraph, net of any disallowances.

5 (vi) Deferred July payment of certain claims for debt service on bond
6 anticipation notes and on bonds or capital notes first issued in the
7 current year. The moneys apportioned to school districts for claims for
8 current year aid for debt service on bond anticipation notes aidable in
9 July following the current year and/or new bonds and capital notes aidable
10 in July following the current year pursuant to subdivisions six and
11 fourteen, if applicable, of section thirty-six hundred two of this
12 [article] PART shall be paid on OR BEFORE the [first] LAST state busi-
13 ness day of July immediately following the current school year, to the
14 extent that moneys are owed to school districts pursuant to this section
15 for the current year, net of any disallowances.

16 (vii) Deferred September payments. Any amounts payable to a school
17 district pursuant to this section which exceeded one hundred percent of
18 the respective amount set forth for such district as payable pursuant to
19 this section in the school aid computer listing for the current school
20 year shall be designated for payment for the month of September next
21 following the close of the current school year. Such payments shall be
22 made on OR BEFORE the [first] LAST state business day of the month of
23 September, based on data on file as of August first.

24 S 42. Clause (iii) of subparagraph 3 of paragraph b of subdivision 1
25 of section 3609-a of the education law, as amended by section 32 of part
26 B of chapter 57 of the laws of 2007, is amended to read as follows:

27 (iii) Determining final payment for the state fiscal year. Prior to
28 transmitting the March payment to the state comptroller, based on
29 current year, base year and prior school year state aid payments made or
30 scheduled to be made from the general support for public schools appro-
31 priations for the state fiscal year ending March thirty-first, the
32 commissioner shall determine the extent to which the amount designated
33 for June pursuant to clause (vi) of subparagraph two of this paragraph,
34 as adjusted in accordance with clause (ii) of this subparagraph, net of
35 any disallowances, would need to be advanced and paid on or before March
36 thirty-first in order to use the remainder of such appropriations,
37 EXCLUDING AMOUNTS ASSIGNED TO THE DEPARTMENT OF HEALTH PURSUANT TO
38 SUBDIVISION ONE OF SECTION THIRTY-SIX HUNDRED NINE-B OF THIS ARTICLE, on
39 or before March thirty-first, or to the extent to which the amount
40 designated for March would need to be proportionally reduced so as not
41 to exceed such state fiscal year appropriations. The commissioner shall
42 report the amount of money required to be advanced or deferred and the
43 percent it represents of the June or March amounts, as the case may be,
44 to the director of the budget, the chairperson of the senate finance
45 committee and the chairperson of the assembly ways and means committee.
46 To the extent that moneys are advanced or deferred pursuant to this
47 paragraph, they shall be in the same proportion as each school
48 district's share bears to the total of such June or March amount. Upon
49 approval of the director of the budget, the commissioner shall transmit
50 the schedule of any such partial June prepayments or such reduced March
51 payments to the state comptroller. Any portion of the March payment
52 deferred shall be added to the June payment; any portion of the June
53 payment advanced shall be paid on or before March thirty-first.

54 S 43. Subparagraph 4 of paragraph b of subdivision 1 of section 3609-a
55 of the education law, as amended by section 25 of part A of chapter 57
56 of the laws of 2009, is amended to read as follows:

1 (4) State share of medicaid reimbursements. For the purposes of this
2 subparagraph, FOR AID PAYABLE IN THE TWO THOUSAND TEN--TWO THOUSAND
3 ELEVEN SCHOOL YEAR, the first reporting period shall run from May first
4 of the base year through January thirty-first of the current year, and
5 the second reporting period shall run from February first of the current
6 year through [April thirtieth] MARCH THIRTY-FIRST of the current year.
7 FOR AID PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL
8 YEAR AND THEREAFTER, THE FIRST REPORTING PERIOD SHALL RUN FROM APRIL
9 FIRST OF THE BASE YEAR THROUGH DECEMBER THIRTY-FIRST OF THE CURRENT
10 YEAR, AND THE SECOND REPORTING PERIOD SHALL RUN FROM JANUARY FIRST OF
11 THE CURRENT YEAR THROUGH MARCH THIRTY-FIRST OF THE CURRENT YEAR.
12 Notwithstanding any inconsistent provisions of law to the contrary, the
13 sustaining advance payment due any school district pursuant to clause
14 (ii) of subparagraph three of this paragraph in March shall be reduced
15 by fifty percent of any federal participation during the first reporting
16 period pursuant to title XIX of the social security act, in special
17 education programs provided pursuant to article eighty-nine of this
18 chapter for services provided on or before June thirtieth, two thousand
19 nine; the June payment due any school district pursuant to clause (v) of
20 subparagraph three of this paragraph shall be reduced by fifty percent
21 of any federal participation during the second reporting period for
22 services provided on or before June thirtieth, two thousand nine. Not
23 later than ten days after the end of [a] THE FIRST reporting period
24 ENDING ON JANUARY THIRTY-FIRST, TWO THOUSAND ELEVEN, NOT LATER THAN
25 FORTY-ONE DAYS AFTER EACH FIRST REPORTING PERIOD THEREAFTER AND NOT
26 LATER THAN FORTY DAYS AFTER THE END OF EACH SECOND REPORTING PERIOD, the
27 commissioner of health, as the authorized fiscal agent of the state
28 education department, shall certify to the commissioner and the director
29 of the budget the total amount of such federal moneys paid to a school
30 district for such services during such reporting period. Following each
31 cycle payment, the commissioner of health shall report to the commis-
32 sioner the aggregate amount of such federal medicaid payments to each
33 school district. The commissioner shall recoup such amounts first, to
34 the extent possible, from the specified payment, then by withholding any
35 other moneys due the school district and finally by direct billing to
36 any school district still owing moneys to the state. All moneys withheld
37 or paid to the state on account of this paragraph shall be credited by
38 the comptroller to the local assistance account for general support for
39 public schools.

40 S 44. Intentionally omitted.

41 S 45. Paragraphs a and a-1 of subdivision 1 of section 3609-b of the
42 education law, paragraph a as amended by section 26 and paragraph a-1 as
43 added by section 27 of part A of chapter 57 of the laws of 2009, are
44 amended to read as follows:

45 a. Any moneys to be apportioned by the commissioner to school
46 districts during the school year pursuant to this section for services
47 provided on or before June thirtieth, two thousand nine THAT WERE REIM-
48 BURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEVEN shall,
49 in the first instance, be designated as the state share of moneys due a
50 school district pursuant to title XIX of the social security act, on
51 account of school supportive health services provided to students with
52 disabilities in special education programs pursuant to article eighty-
53 nine of this chapter and to those pupils who are qualified handicapped
54 persons as defined in the federal rehabilitation act of nineteen hundred
55 seventy-three, as amended. Some or all of such state share may be
56 assigned on behalf of school districts to the department of health, as

1 provided herein; any remaining state share moneys shall be paid to
2 school districts on the same schedule as the federal share of such title
3 XIX payments and shall be based on the monthly report of the commission-
4 er of health to the commissioner; and any remaining moneys to be appor-
5 tioned to a school district pursuant to this section shall be paid in
6 accordance with the provisions of subdivision two of this section. The
7 amount to be assigned to the department of health, as determined by the
8 commissioner of health, for any school district shall not exceed the
9 federal share of any moneys due such school district pursuant to title
10 XIX. Moneys designated as state share moneys shall be paid to such
11 school districts based on the submission and approval of claims related
12 to such school supportive health services, in the manner provided by
13 law.

14 a-1. Any moneys to be apportioned by the commissioner to school
15 districts during the school year pursuant to this section for services
16 provided during the two thousand nine--two thousand ten school year and
17 thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR THAT WERE
18 NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO THOUSAND ELEV-
19 EN, shall, in the first instance, be designated as the state share of
20 moneys due a school district pursuant to title XIX of the social securi-
21 ty act, on account of school supportive health services provided to
22 students with disabilities in special education programs pursuant to
23 article eighty-nine of this chapter and to those pupils who are quali-
24 fied handicapped persons as defined in the federal rehabilitation act of
25 nineteen hundred seventy-three, as amended. Such state share shall be
26 assigned on behalf of school districts to the department of health, as
27 provided herein; the amount designated as such nonfederal share shall be
28 transferred by the commissioner to the department of health based on the
29 monthly report of the commissioner of health to the commissioner; and
30 any remaining moneys to be apportioned to a school district pursuant to
31 this section shall be paid in accordance with the provisions of subdivi-
32 sion two of this section. The amount to be assigned to the department of
33 health, as determined by the commissioner of health, for any school
34 district shall not exceed the federal share of any moneys due such
35 school district pursuant to title XIX. Moneys designated as state share
36 moneys shall be paid to such school districts by the department of
37 health based on the submission and approval of claims related to such
38 school supportive health services, in the manner provided by law.

39 S 46. Paragraph b of subdivision 2 of section 3612 of the education
40 law, as amended by chapter 2 of the laws of 2011, is amended to read as
41 follows:

42 b. Such grants shall be awarded to school districts, within the limits
43 of funds appropriated therefor, through a competitive process that takes
44 into consideration the magnitude of any shortage of teachers in the
45 school district, the number of teachers employed in the school district
46 who hold temporary licenses to teach in the public schools of the state,
47 the number of provisionally certified teachers, the fiscal capacity and
48 geographic sparsity of the district, the number of new teachers the
49 school district intends to hire in the coming school year and the number
50 of summer in the city student internships proposed by an eligible school
51 district, if applicable. Grants provided pursuant to this section shall
52 be used only for the purposes enumerated in this section. Notwithstand-
53 ing any other provision of law to the contrary, a city school district
54 in a city having a population of one million or more inhabitants receiv-
55 ing a grant pursuant to this section may use no more than eighty percent
56 of such grant funds for any recruitment, retention and certification

1 costs associated with transitional certification of teacher candidates
2 for the school years two thousand one--two thousand two through [two
3 thousand ten--two thousand eleven] TWO THOUSAND ELEVEN--TWO THOUSAND
4 TWELVE.

5 S 47. Subdivision 6 of section 3622-a of the education law, as amended
6 by chapter 422 of the laws of 2004, is amended to read as follows:

7 6. Transportation of pupils to and from approved summer school
8 programs operated by a school district in the two thousand--two thousand
9 one school year and thereafter, provided, however, [that any expenses
10 for which aid is received pursuant to subdivision thirty-nine of section
11 thirty-six hundred two of this article shall be excluded from the compu-
12 tation of allowable transportation expense, and provided further] that
13 if the total statewide apportionment attributable to allowable transpor-
14 tation expenses incurred pursuant to this subdivision exceeds five
15 million dollars (\$5,000,000), individual school district allocations
16 shall be prorated to ensure that the apportionment for such summer
17 transportation does not exceed five million dollars (\$5,000,000),
18 provided that such prorated apportionment computed and payable as of
19 September one of the school year immediately following the school year
20 for which such aid is claimed shall be deemed final and not subject to
21 change; and

22 S 48. Intentionally omitted.

23 S 49. Section 3641 of the education law is amended by adding a new
24 subdivision 7 to read as follows:

25 7. SMALL GOVERNMENT ASSISTANCE. A. IN ADDITION TO APPORTIONMENTS
26 OTHERWISE PROVIDED BY SECTION THIRTY-SIX HUNDRED TWO OF THIS ARTICLE FOR
27 PAYABLE IN THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND
28 THEREAFTER THE AMOUNTS SPECIFIED IN PARAGRAPH B OF THIS SUBDIVISION
29 SHALL BE PAID TO SCHOOL DISTRICTS FOR SMALL GOVERNMENT ASSISTANCE.

30 B. TO SCHOOL DISTRICTS THAT RECEIVED SMALL GOVERNMENT ASSISTANCE IN
31 THE STATE FISCAL YEAR TWO THOUSAND TEN--TWO THOUSAND ELEVEN, SUCH APPOR-
32 TIONMENT IN THE SAME AMOUNT SHALL BE APPORTIONED TO SCHOOL DISTRICTS ON
33 OR BEFORE MARCH THIRTY-FIRST OF THE SCHOOL YEAR UPON AUDIT AND WARRANT
34 OF THE COMPTROLLER.

35 S 50. Intentionally omitted.

36 S 51. Section 4204 of the education law, subdivision 1 as amended by
37 chapter 352 of the laws of 1958, is amended to read as follows:

38 S 4204. Support and term of instruction of deaf state pupils. 1. Each
39 deaf pupil so received into any of the institutions aforesaid shall be
40 provided with board, lodging and tuition; and the directors of the
41 institution shall receive an appropriation for each pupil so provided
42 for, in quarterly payments, to be paid by the commissioner of taxation
43 and finance, on the warrant of the comptroller, to the treasurer of said
44 institution; provided, however, that an estimated one-half of each such
45 quarterly payment shall be due on the first day of each quarter, the
46 estimate to be based on the affidavit of the chief executive officer of
47 the institution stating the number of pupils for whom board, lodging and
48 tuition was so provided by the institution during the preceding quarter
49 and during the comparable quarter of the preceding year, and the remain-
50 ing part of each such quarterly payment shall be due thereafter on the
51 first day of the quarter next ensuing, upon the presentation by the
52 treasurer of the institution of a bill showing the actual time and
53 number of pupils attending the institution, which bill shall be signed
54 by the chief executive officer of the institution, and verified by his
55 oath. THE PROVISIONS OF THIS SUBDIVISION SHALL APPLY TO BOARD, LODGING

1 AND TUITION FOR THE TWO THOUSAND TEN--TWO THOUSAND ELEVEN AND PRIOR
2 SCHOOL YEARS.

3 2. FOR EXPENSES INCURRED IN THE TWO THOUSAND ELEVEN--TWO THOUSAND
4 TWELVE SCHOOL YEAR AND THEREAFTER, EACH DEAF PUPIL SO RECEIVED INTO ANY
5 OF THE INSTITUTIONS SUBJECT TO THIS ARTICLE SHALL BE PROVIDED WITH
6 BOARD, LODGING AND TUITION, AND SUCH INSTITUTIONS SHALL BE REIMBURSED
7 FOR SUCH EXPENSES IN ACCORDANCE WITH THIS SUBDIVISION.

8 A. THE COSTS OF TUITION AS DEFINED IN SECTION FORTY-TWO HUNDRED ELEVEN
9 OF THIS ARTICLE, SHALL BE A CHARGE UPON THE SCHOOL DISTRICT OF WHICH ANY
10 SUCH CHILD IS RESIDENT AT THE TIME OF ADMISSION OR READMISSION TO ANY OF
11 THE INSTITUTIONS SUBJECT TO THIS ARTICLE AND THE DIRECTORS OF THE INSTI-
12 TUTION SHALL BILL SUCH SCHOOL DISTRICT FOR SUCH TUITION COSTS ON A QUAR-
13 TERLY BASIS. THE FIRST SUCH QUARTERLY PAYMENT MAY BE BASED ON PROJECTED
14 ENROLLMENT, PROVIDED THAT SUBSEQUENT PAYMENTS SHALL BE ADJUSTED TO
15 REFLECT ACTUAL ENROLLMENT. THE AMOUNT OF TUITION PAID BY SUCH SCHOOL
16 DISTRICT SHALL BE ELIGIBLE FOR REIMBURSEMENT BY THE STATE TO THE EXTENT
17 PROVIDED IN SECTION FORTY-TWO HUNDRED FOUR-B OF THIS ARTICLE.

18 B. THE COSTS OF BOARD AND LODGING SHALL BE A CHARGE UPON THE STATE AND
19 THE DIRECTORS OF THE INSTITUTION SHALL RECEIVE AN APPROPRIATION FOR EACH
20 PUPIL SO PROVIDED FOR, IN QUARTERLY PAYMENTS, TO BE PAID BY THE COMMIS-
21 SIONER OF TAXATION AND FINANCE, ON THE WARRANT OF THE COMPTROLLER, TO
22 THE TREASURER OF SAID INSTITUTION; PROVIDED, HOWEVER, THAT AN ESTIMATED
23 ONE-HALF OF EACH SUCH QUARTERLY PAYMENT SHALL BE DUE ON THE FIRST DAY OF
24 EACH QUARTER, THE ESTIMATE TO BE BASED ON THE AFFIDAVIT OF THE CHIEF
25 EXECUTIVE OFFICER OF THE INSTITUTION STATING THE NUMBER OF PUPILS FOR
26 WHOM BOARD AND LODGING WAS SO PROVIDED BY THE INSTITUTION DURING THE
27 PRECEDING QUARTER AND DURING THE COMPARABLE QUARTER OF THE PRECEDING
28 YEAR, AND THE REMAINING PART OF EACH SUCH QUARTERLY PAYMENT SHALL BE DUE
29 THEREAFTER DURING THE FIRST DAY OF EACH QUARTER NEXT ENSUING, UPON THE
30 PRESENTATION BY THE TREASURER OF THE INSTITUTION OF A BILL SHOWING THE
31 ACTUAL TIME AND NUMBER OF PUPILS ATTENDING THE INSTITUTION WHO RECEIVED
32 BOARD AND LODGING, WHICH BILL SHALL BE SIGNED BY THE CHIEF EXECUTIVE
33 OFFICER OF THE INSTITUTION, AND VERIFIED BY HIS OATH.

34 3. The regular term of instruction of any such deaf pupil shall be
35 twelve years, or until the pupil shall have attained the age of eighteen
36 years before the expiration of twelve years from the beginning of such
37 term. The commissioner [of education] may, in his discretion, extend the
38 term of any pupil until his twenty-first birthday for the purpose of
39 pursuing or completing academic or vocational courses of study. Such
40 pupils must be recommended by the trustees of the [institiution] INSTITU-
41 TION in which they are in attendance before such extension of time is
42 granted.

43 [3.] 4. Children placed in any such institution for the instruction of
44 the deaf, pursuant to section forty-two hundred three OF THIS ARTICLE,
45 shall be maintained therein [at the expense of the state] for the period
46 of time the school is in session.

47 S 52. Section 4204-a of the education law, as added by chapter 1066 of
48 the laws of 1974, subdivision 1 as amended by chapter 705 of the laws of
49 1992, is amended to read as follows:

50 S 4204-a. DEAF-INFANT PROGRAM. (1) All deaf children resident in this
51 state, below the age of three, of suitable age and capacity, who shall
52 have been resident in this state for one year immediately preceding the
53 application, or is an orphan whose nearest friend shall have been resi-
54 dent in this state for one year immediately preceding the application,
55 shall be eligible to receive approved educational services in one of the
56 institutions for instruction for the deaf of the state as enumerated in

1 section forty-two hundred one of this article, as well as in such educa-
2 tional programs or other like facilities which shall, in the discretion
3 of the commissioner, be certified as eligible to receive such pupils on
4 a day basis only; provided, however, the foregoing requirement as to
5 length of residence in this state may be waived in the discretion of the
6 commissioner. Such children who are first eligible for services pursuant
7 to section forty-four hundred ten of this [chapter] TITLE whose parents
8 or persons in parental relationship elect to have them continue to
9 receive services pursuant to this section may do so through August thir-
10 ty-first of the calendar year in which such child turns three.

11 (2) Each deaf pupil so received into any of the approved institutions
12 or facilities aforesaid shall be provided with tuition; and the direc-
13 tors of the institution or facility shall receive an appropriation for
14 each pupil so provided for, in quarterly payments, to be paid by the
15 commissioner of taxation and finance on the warrant of the comptroller,
16 to the treasurer of said institution or facility, on his presenting a
17 bill showing the actual time and number of pupils in attendance, which
18 bill shall be signed by the chief executive officer of the institution,
19 and verified under his oath.

20 (3) Children placed in any such approved institution or facility,
21 pursuant to this section, shall be maintained therein on a day basis
22 only at the expense of the state for the period of time the school is in
23 session. Further, the commissioner shall approve such expense only if
24 the child attends the facility nearest his legal residence; provided,
25 however, that the foregoing requirement as to the facility the child
26 shall attend may be waived in the discretion of the commissioner.

27 (4) The commissioner shall promulgate such rules and regulations
28 pertaining to the educational programs for deaf children placed in
29 facilities under the provisions of this section as he shall deem to be
30 in the best interests of such children.

31 (5) The [state education] department shall maintain a register of such
32 approved institutions or facilities which, after inspection, it deems
33 qualified to meet the needs of such child for instruction of such child
34 in such institution or facility. Such inspection shall also determine
35 the eligibility of such educational facility to receive the funds
36 hereinbefore specified.

37 S 53. Section 4204-b of the education law, as added by chapter 853 of
38 the laws of 1976, is amended to read as follows:

39 S 4204-b. School district contribution AND STATE REIMBURSEMENT. 1.
40 The school district of which any such child is resident at the time of
41 admission or readmission to any of the institutions or facilities
42 [enumerated in section forty-two hundred one of this chapter] SUBJECT TO
43 THIS ARTICLE shall be required to reimburse the state on account of any
44 expenditure made by the state for any such child initially appointed by
45 the commissioner to such institution or facility after June thirtieth,
46 nineteen hundred seventy-seven in an amount equal to the school district
47 basic contribution defined in subdivision eight of section forty-four
48 hundred one of this [chapter] TITLE, EXCEPT THAT FOR THE TWO THOUSAND
49 ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR AND THEREAFTER, SUCH SCHOOL
50 DISTRICT SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE IN AN AMOUNT
51 EQUAL TO THE POSITIVE DIFFERENCE OF THE SCHOOL DISTRICT BASIC CONTRIB-
52 UTION MINUS THE TUITION PAID BY SUCH SCHOOL DISTRICT PURSUANT TO SECTION
53 FORTY-TWO HUNDRED FOUR OR FORTY-TWO HUNDRED SEVEN OF THIS ARTICLE. The
54 state comptroller may deduct from any state funds which become due to a
55 school district for each year in which such child was in attendance at
56 such institution or facility an amount equal to the reimbursement

1 required to be made by such school district in accordance with this
2 section, and the amount so deducted shall not be included in the operat-
3 ing expense of such district for the purposes of computing the appor-
4 tionment for operating expense aid pursuant to subdivision eleven of
5 section thirty-six hundred two of this chapter.

6 2. THE STATE SHALL REIMBURSE THE SCHOOL DISTRICT OF WHICH ANY SUCH
7 CHILD IS RESIDENT AT THE TIME OF ADMISSION OR READMISSION TO ANY OF THE
8 INSTITUTIONS SUBJECT TO THIS ARTICLE FOR TUITION PAID TO THE INSTITUTION
9 IN AN AMOUNT EQUAL TO THE POSITIVE DIFFERENCE BETWEEN THE AMOUNT OF SUCH
10 TUITION AND THE SCHOOL DISTRICT BASIC CONTRIBUTION. SUCH STATE
11 REIMBURSEMENT TO THE SCHOOL DISTRICT SHALL NOT BE PAID PRIOR TO APRIL
12 FIRST OF THE SCHOOL YEAR IN WHICH SUCH TUITION COSTS ARE PAID BY THE
13 SCHOOL DISTRICT. THE TUITION INCURRED THROUGH DECEMBER THIRTY-FIRST OF
14 SUCH SCHOOL YEAR SHALL BE PAYABLE PRIOR TO JUNE THIRTIETH OF SUCH SCHOOL
15 YEAR, PROVIDED THAT A CLAIM IS SUBMITTED ON OR BEFORE JUNE FIRST.

16 S 54. Section 4207 of the education law, subdivision 1 as amended by
17 chapter 352 of the laws of 1958, subdivision 2 as amended by chapter 496
18 of the laws of 1986, is amended to read as follows:

19 S 4207. Support and term of instruction of blind state pupils. 1. Each
20 blind pupil so received into any of the institutions specified in this
21 article shall be provided with board, lodging and tuition; and the
22 directors of the institution shall receive an appropriation for each
23 pupil so provided for, in quarterly payments, to be paid by the commis-
24 sioner of taxation and finance, on the warrant of the comptroller, to
25 the treasurer of said institution; provided, however, that an estimated
26 one-half of each such quarterly payment shall be due on the first day of
27 each quarter, the estimate to be based on the affidavit of the chief
28 executive officer of the institution stating the number of pupils for
29 whom board, lodging and tuition was so provided by the institution
30 during the preceding quarter and during the comparable quarter of the
31 preceding year, and the remaining part of each such quarterly payment
32 shall be due thereafter on the first day of the quarter next ensuing,
33 upon the presentation by the treasurer of the institution of a bill
34 showing the actual time and number of pupils attending the institution,
35 which bill shall be signed by the chief executive officer of the insti-
36 tution, and verified by his oath. THE PROVISIONS OF THIS SUBDIVISION
37 SHALL APPLY TO BOARD, LODGING AND TUITION FOR THE TWO THOUSAND TEN--TWO
38 THOUSAND ELEVEN AND PRIOR SCHOOL YEARS.

39 2. FOR EXPENSES INCURRED IN THE TWO THOUSAND ELEVEN--TWO THOUSAND
40 TWELVE SCHOOL YEAR AND THEREAFTER, EACH BLIND PUPIL SO RECEIVED INTO ANY
41 OF THE INSTITUTIONS SUBJECT TO THIS ARTICLE SHALL BE PROVIDED WITH
42 BOARD, LODGING AND TUITION, AND SUCH INSTITUTIONS SHALL BE REIMBURSED
43 FOR SUCH EXPENSES IN ACCORDANCE WITH THIS SUBDIVISION.

44 A. THE COSTS OF TUITION, AS DEFINED IN SECTION FORTY-TWO HUNDRED ELEV-
45 EN OF THIS ARTICLE, SHALL BE A CHARGE UPON THE SCHOOL DISTRICT OF WHICH
46 ANY SUCH CHILD IS RESIDENT AT THE TIME OF ADMISSION OR READMISSION TO
47 ANY OF THE INSTITUTIONS SUBJECT TO THIS ARTICLE AND THE DIRECTORS OF THE
48 INSTITUTION SHALL BILL SUCH SCHOOL DISTRICT FOR SUCH TUITION COSTS ON A
49 QUARTERLY BASIS. THE FIRST SUCH QUARTERLY PAYMENT MAY BE BASED ON
50 PROJECTED ENROLLMENT, PROVIDED THAT SUBSEQUENT PAYMENTS SHALL BE
51 ADJUSTED TO REFLECT ACTUAL ENROLLMENT. THE AMOUNT OF TUITION PAID BY
52 SUCH SCHOOL DISTRICT SHALL BE ELIGIBLE FOR REIMBURSEMENT BY THE STATE TO
53 THE EXTENT PROVIDED IN SECTION FORTY-TWO HUNDRED FOUR-B OF THIS ARTICLE.

54 B. THE COSTS OF BOARD AND LODGING SHALL BE A CHARGE UPON THE STATE AND
55 THE DIRECTORS OF THE INSTITUTION SHALL RECEIVE AN APPROPRIATION FOR EACH
56 PUPIL SO PROVIDED FOR, IN QUARTERLY PAYMENTS, TO BE PAID BY THE COMMIS-

1 SIONER OF TAXATION AND FINANCE, ON THE WARRANT OF THE COMPTROLLER, TO
2 THE TREASURER OF SAID INSTITUTION; PROVIDED, HOWEVER, THAT AN ESTIMATED
3 ONE-HALF OF EACH SUCH QUARTERLY PAYMENT SHALL BE DUE ON THE FIRST DAY OF
4 EACH QUARTER, THE ESTIMATE TO BE BASED ON THE AFFIDAVIT OF THE CHIEF
5 EXECUTIVE OFFICER OF THE INSTITUTION STATING THE NUMBER OF PUPILS FOR
6 WHOM BOARD AND LODGING WAS SO PROVIDED BY THE INSTITUTION DURING THE
7 PRECEDING QUARTER AND DURING THE COMPARABLE QUARTER OF THE PRECEDING
8 YEAR, AND THE REMAINING PART OF EACH SUCH QUARTERLY PAYMENT SHALL BE DUE
9 THEREAFTER ON THE FIRST DAY OF THE QUARTER NEXT ENSUING, UPON THE PRES-
10 ENTATION BY THE TREASURER OF THE INSTITUTION OF A BILL SHOWING THE ACTU-
11 AL TIME AND NUMBER OF PUPILS ATTENDING THE INSTITUTION WHO RECEIVED
12 BOARD AND LODGING, WHICH BILL SHALL BE SIGNED BY THE CHIEF EXECUTIVE
13 OFFICER OF THE INSTITUTION, AND VERIFIED BY HIS OATH.

14 3. The regular term of instruction of any such blind pupil in the New
15 York Institute for Special Education shall be eight years. The commis-
16 sioner [of education] may in his discretion extend the term of any pupil
17 for a period not exceeding three years. It shall also be lawful for the
18 commissioner [of education] to continue such pupils as state pupils for
19 an additional period of three years for the purpose of pursuing or
20 completing a course of high school study; such pupils must be recom-
21 mended by the trustees of the New York Institute for Special Education
22 before such extension is granted.

23 [3.] 4. The term of appointment for blind babies and children of the
24 age of fifteen years and under received into any institution in accord-
25 ance with [paragraph c of subdivision one of section forty-two hundred
26 six of] this article shall be at the discretion of the commissioner [of
27 education].

28 [4.] 5. Children placed in any such institutions for the blind pursu-
29 ant to section forty-two hundred six shall be maintained therein [at the
30 expense of the state] for the period of time the school is in session.

31 S 55. Intentionally omitted.

32 S 56. Intentionally omitted.

33 S 57. Intentionally omitted.

34 S 58. Subdivision 6 of section 4402 of the education law, as amended
35 by chapter 2 of the laws of 2011, is amended to read as follows:

36 6. Notwithstanding any other law, rule or regulation to the contrary,
37 the board of education of a city school district with a population of
38 one hundred twenty-five thousand or more inhabitants shall be permitted
39 to establish maximum class sizes for special classes for certain
40 students with disabilities in accordance with the provisions of this
41 subdivision. For the purpose of obtaining relief from any adverse fiscal
42 impact from under-utilization of special education resources due to low
43 student attendance in special education classes at the middle and
44 secondary level as determined by the commissioner, such boards of educa-
45 tion shall, during the school years nineteen hundred ninety-five--nine-
46 ty-six through June thirtieth, two thousand [eleven] TWELVE of the [two
47 thousand ten--two thousand eleven] TWO THOUSAND ELEVEN--TWO THOUSAND
48 TWELVE school year, be authorized to increase class sizes in special
49 classes containing students with disabilities whose age ranges are
50 equivalent to those of students in middle and secondary schools as
51 defined by the commissioner for purposes of this section by up to but
52 not to exceed one and two tenths times the applicable maximum class size
53 specified in regulations of the commissioner rounded up to the nearest
54 whole number, provided that in a city school district having a popu-
55 lation of one million or more, classes that have a maximum class size of
56 fifteen may be increased by no more than one student and provided that

1 the projected average class size shall not exceed the maximum specified
2 in the applicable regulation, provided that such authorization shall
3 terminate on June thirtieth, two thousand. Such authorization shall be
4 granted upon filing of a notice by such a board of education with the
5 commissioner stating the board's intention to increase such class sizes
6 and a certification that the board will conduct a study of attendance
7 problems at the secondary level and will implement a corrective action
8 plan to increase the rate of attendance of students in such classes to
9 at least the rate for students attending regular education classes in
10 secondary schools of the district. Such corrective action plan shall be
11 submitted for approval by the commissioner by a date during the school
12 year in which such board increases class sizes as provided pursuant to
13 this subdivision to be prescribed by the commissioner. Upon at least
14 thirty days notice to the board of education, after conclusion of the
15 school year in which such board increases class sizes as provided pursu-
16 ant to this subdivision, the commissioner shall be authorized to termi-
17 nate such authorization upon a finding that the board has failed to
18 develop or implement an approved corrective action plan.

19 S 59. Subdivision 3 of section 4408 of the education law, as amended
20 by section 33 of part A-1 of chapter 58 of the laws of 2006, is amended
21 to read as follows:

22 3. Payment schedule. For aid payable in the two thousand six--two
23 thousand seven school year, moneys appropriated annually to the depart-
24 ment from the general fund - local assistance account under the [elemen-
25 tary, middle and secondary education] OFFICE OF PREKINDERGARTEN THROUGH
26 GRADE TWELVE EDUCATION program for July and August programs for students
27 with disabilities, shall be used as follows: (i) for remaining base year
28 and prior school years obligations, (ii) for the purposes of subdivision
29 four of this section for schools operated under articles eighty-seven
30 and eighty-eight of this chapter, and (iii) notwithstanding any incon-
31 sistent provisions of this chapter, for payments made pursuant to this
32 section for current school year obligations, provided, however, that
33 such payments shall not exceed seventy percent of the state aid due for
34 the sum of the approved tuition and maintenance rates and transportation
35 expense provided for herein; provided, however, that payment of eligible
36 claims shall be payable in the order that such claims have been approved
37 for payment by the commissioner, but in no case shall a single payee
38 draw down more than forty-five percent of the appropriation provided for
39 the purposes of this section, and provided further that no claim shall
40 be set aside for insufficiency of funds to make a complete payment, but
41 shall be eligible for a partial payment in one year and shall retain its
42 priority date status for appropriations provided for this section in
43 future years.

44 S 60. Subdivision 5 of section 4408 of the education law, as amended
45 by chapter 82 of the laws of 1995, is amended to read as follows:

46 5. State share. In accordance with the provisions of subparagraph
47 four of paragraph b of subdivision one of section thirty-six hundred
48 nine-a of this chapter FOR SERVICES PROVIDED DURING THE TWO THOUSAND
49 EIGHT--TWO THOUSAND NINE AND PRIOR SCHOOL YEARS, any moneys due the
50 school district shall be reduced by an amount equal to fifty percent of
51 any federal participation, pursuant to title XIX of the social security
52 act, in special education programs provided pursuant to this section.
53 FOR SERVICES PROVIDED DURING THE TWO THOUSAND NINE--TWO THOUSAND TEN
54 SCHOOL YEAR AND THEREAFTER, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL
55 YEAR THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO

1 THOUSAND ELEVEN, SUCH STATE SHARE SHALL BE DESIGNATED AND TRANSFERRED
2 PURSUANT TO SECTION THIRTY-SIX HUNDRED NINE-B OF THIS CHAPTER.

3 S 61. Intentionally omitted.

4 S 62. Intentionally omitted.

5 S 63. Clause (b) of subparagraph (iii) of paragraph b of subdivision
6 11 of section 4410 of the education law, as amended by chapter 205 of
7 the laws of 2009, is amended to read as follows:

8 (b) Any moneys due municipalities pursuant to this paragraph for
9 services provided during the two thousand nine--two thousand ten school
10 year and thereafter, OR FOR SERVICES PROVIDED IN A PRIOR SCHOOL YEAR
11 THAT WERE NOT REIMBURSED BY THE STATE ON OR BEFORE APRIL FIRST, TWO
12 THOUSAND ELEVEN, shall, in the first instance, be designated as the
13 state share of moneys due a municipality pursuant to title XIX of the
14 social security act, on account of school supportive health services
15 provided to preschool students with disabilities pursuant to this
16 section. Such state share shall be assigned on behalf of municipalities
17 to the department of health, as provided herein; the amount designated
18 as such nonfederal share shall be transferred by the commissioner to the
19 department of health based on the monthly report of the commissioner of
20 health to the commissioner; and any remaining moneys to be apportioned
21 to a municipality pursuant to this section shall be paid in accordance
22 with this section. The amount to be assigned to the department of
23 health, as determined by the commissioner of health, for any munici-
24 pality shall not exceed the federal share of any moneys due such munici-
25 pality pursuant to title XIX of the social security act. Moneys desig-
26 nated as state share moneys shall be paid to such municipality by the
27 department of health based on the submission and approval of claims
28 related to such school supportive health services, in the manner
29 provided by law.

30 S 64. Subparagraph 4 of paragraph b of subdivision 4 of section 92-c
31 of the state finance law, as amended by section 46 of part B of chapter
32 57 of the laws of 2007, is amended to read as follows:

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

38
$$\text{Base Grant} \times (1 + \text{aid ratio})$$

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

48 S 65. Subdivision b of section 2 of chapter 756 of the laws of 1992,
49 relating to funding a program for work force education conducted by the
50 consortium for worker education in New York city, as amended by section
51 41 of part A of chapter 57 of the laws of 2009, is amended to read as
52 follows:

53 b. Reimbursement for programs approved in accordance with subdivision
54 a of this section [for the 2006-07 school year shall not exceed 64.7

1 percent of the lesser of such approvable costs per contact hour or nine
2 dollars and twenty-five cents per contact hour where a contact hour
3 represents sixty minutes of instruction services provided to an eligible
4 adult, reimbursement for the 2007-08 school year shall not exceed 63.3
5 percent of the lesser of such approvable costs per contact hour or nine
6 dollars and ninety cents per contact hour where a contact hour repres-
7 ents sixty minutes of instruction services provided to an eligible
8 adult, reimbursement] for the 2008-09 school year shall not exceed 62.8
9 percent of the lesser of such approvable costs per contact hour or ten
10 dollars and sixty-five cents per contact hour [where a contact hour
11 represents sixty minutes of instruction services provided to an eligible
12 adult and], reimbursement for the 2009-10 school year shall not exceed
13 64.1 percent of the lesser of such approvable costs per contact hour or
14 eleven dollars and fifty cents per contact hour [where a contact hour
15 represents sixty minutes of instruction services provided to an eligible
16 adult], REIMBURSEMENT FOR THE 2010--2011 SCHOOL YEAR SHALL NOT EXCEED
17 62.6 PERCENT OF THE LESSER OF SUCH APPROVABLE COSTS PER CONTACT HOUR OR
18 TWELVE DOLLARS AND FIVE CENTS PER CONTACT HOUR AND REIMBURSEMENT FOR THE
19 2011--2012 SCHOOL YEAR SHALL NOT EXCEED 62.9 PERCENT OF THE LESSER OF
20 SUCH APPROVABLE COSTS PER CONTACT HOUR OR TWELVE DOLLARS AND FIFTEEN
21 CENTS PER CONTACT HOUR, WHERE A CONTACT HOUR REPRESENTS SIXTY MINUTES OF
22 INSTRUCTION SERVICES PROVIDED TO AN ELIGIBLE ADULT. Notwithstanding any
23 other provision of law to the contrary, [for the 2006-07 school year
24 such contact hours shall not exceed one million nine hundred twenty-
25 three thousand seventy-six (1,923,076) hours; whereas for the 2007-08
26 school year such contact hours shall not exceed one million eight
27 hundred thirty-seven thousand sixty (1,837,060) hours; whereas] for the
28 2008-09 school year such contact hours shall not exceed one million nine
29 hundred forty-six thousand one hundred seven (1,946,107) hours; whereas
30 for the 2009-10 school year such contact hours shall not exceed one
31 million seven hundred sixty-three thousand nine hundred seven
32 (1,763,907) hours; WHEREAS FOR THE 2010--2011 SCHOOL YEAR SUCH CONTACT
33 HOURS SHALL NOT EXCEED ONE MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND ONE
34 HUNDRED NINETY-EIGHT (1,525,198) HOURS; WHEREAS FOR THE 2011--2012
35 SCHOOL YEAR SUCH CONTACT HOURS SHALL NOT EXCEED ONE MILLION SEVEN
36 HUNDRED ONE THOUSAND FIVE HUNDRED SEVENTY (1,701,570) HOURS. Notwith-
37 standing any other provision of law to the contrary, the apportionment
38 calculated for the city school district of the city of New York pursuant
39 to subdivision 11 of section 3602 of the education law shall be computed
40 as if such contact hours provided by the consortium for worker educa-
41 tion, not to exceed the contact hours set forth herein, were eligible
42 for aid in accordance with the provisions of such subdivision 11 of
43 section 3602 of the education law.

44 S 66. Section 4 of chapter 756 of the laws of 1992, relating to fund-
45 ing a program for work force education conducted by the consortium for
46 worker education in New York city, is amended by adding a new subdivi-
47 sion p to read as follows:

48 P. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY AFTER THE
49 COMPLETION OF PAYMENTS FOR THE 2011--2012 SCHOOL YEAR. NOTWITHSTANDING
50 ANY INCONSISTENT PROVISIONS OF LAW, THE COMMISSIONER OF EDUCATION SHALL
51 WITHHOLD A PORTION OF EMPLOYMENT PREPARATION EDUCATION AID DUE TO THE
52 CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK TO SUPPORT A PORTION OF THE
53 COSTS OF THE WORKFORCE EDUCATION PROGRAM. SUCH MONEYS SHALL BE CREDITED
54 TO THE ELEMENTARY AND SECONDARY EDUCATION FUND-LOCAL ASSISTANCE ACCOUNT
55 AND SHALL NOT EXCEED THIRTEEN MILLION DOLLARS (\$13,000,000).

1 S 67. Section 6 of chapter 756 of the laws of 1992, relating to fund-
2 ing a program for work force education conducted by the consortium for
3 worker education in New York city, as amended by chapter 2 of the laws
4 of 2011, is amended to read as follows:

5 S 6. This act shall take effect July 1, 1992, and shall be deemed
6 repealed on June 30, [2011] 2012.

7 S 68. Subdivision 1 of section 167 of chapter 169 of the laws of 1994
8 relating to certain provisions related to the 1994-95 state operations,
9 aid to localities, capital projects and debt service budgets, as amended
10 by chapter 2 of the laws of 2011, is amended to read as follows:

11 1. Sections one through seventy of this act shall be deemed to have
12 been in full force and effect as of April 1, 1994 provided, however,
13 that sections one, two, twenty-four, twenty-five and twenty-seven
14 through seventy of this act shall expire and be deemed repealed on March
15 31, 2000; provided, however, that section twenty of this act shall apply
16 only to hearings commenced prior to September 1, 1994, and provided
17 further that section twenty-six of this act shall expire and be deemed
18 repealed on March 31, 1997; and provided further that sections four
19 through fourteen, sixteen, and eighteen, nineteen and twenty-one through
20 twenty-one-a of this act shall expire and be deemed repealed on March
21 31, 1997; and provided further that sections three, fifteen, seventeen,
22 twenty, twenty-two and twenty-three of this act shall expire and be
23 deemed repealed on March 31, [2012] 2013.

24 S 69. Subdivisions 22 and 24 of section 140 of chapter 82 of the laws
25 of 1995, amending the education law and certain other laws relating to
26 state aid to school districts and the appropriation of funds for the
27 support of government, as amended by chapter 2 of the laws of 2011, are
28 amended to read as follows:

29 (22) sections one hundred twelve, one hundred thirteen, one hundred
30 fourteen, one hundred fifteen and one hundred sixteen of this act shall
31 take effect on July 1, 1995; provided, however, that section one hundred
32 thirteen of this act shall remain in full force and effect until July 1,
33 [2011] 2012 at which time it shall be deemed repealed;

34 (24) sections one hundred eighteen through one hundred thirty of this
35 act shall be deemed to have been in full force and effect on and after
36 July 1, 1995; provided further, however, that the amendments made pursu-
37 ant to section one hundred nineteen of this act shall be deemed to be
38 repealed on and after July 1, [2011] 2012;

39 S 70. Section 2 of chapter 386 of the laws of 1996, amending the
40 education law relating to providing for a waiver allowing state aid in
41 certain circumstances, as amended by chapter 2 of the laws of 2011, is
42 amended to read as follows:

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

47 S 71. Section 7 of chapter 472 of the laws of 1998 amending the educa-
48 tion law relating to the lease of school buses by school districts, as
49 amended by section 46 of part A of chapter 57 of the laws of 2009, is
50 amended to read as follows:

51 S 7. This act shall take effect September 1, 1998, and shall expire
52 and be deemed repealed September 1, [2011] 2013.

53 S 72. Section 12 of chapter 147 of the laws of 2001, amending the
54 education law relating to conditional appointment of school district,
55 charter school or BOCES employees, as amended by chapter 2 of the laws
56 of 2011, is amended to read as follows:

1 S 12. This act shall take effect on the same date as chapter 180 of
2 the laws of 2000 takes effect, and shall expire July 1, [2011] 2012 when
3 upon such date the provisions of this act shall be deemed repealed.

4 S 73. Section 4 of chapter 425 of the laws of 2002, amending the
5 education law relating to the provision of supplemental educational
6 services, attendance at a safe public school and the suspension of
7 pupils who bring a firearm to or possess a firearm at a school, as
8 amended by chapter 2 of the laws of 2011, is amended to read as follows:

9 S 4. This act shall take effect July 1, 2002 and shall expire and be
10 deemed repealed June 30, [2011] 2012.

11 S 74. Section 5 of chapter 101 of the laws of 2003, amending the
12 education law relating to implementation of the No Child Left Behind Act
13 of 2001, as amended by chapter 2 of the laws of 2011, is amended to read
14 as follows:

15 S 5. This act shall take effect immediately; provided that sections
16 one, two and three of this act shall expire and be deemed repealed on
17 June 30, [2011] 2012.

18 S 75. Paragraph a-1 of subdivision 11 of section 3602 of the education
19 law, as amended by section 39 of part A of chapter 57 of the laws of
20 2009, is amended to read as follows:

21 a-1. Notwithstanding the provisions of paragraph a of this subdivi-
22 sion, for aid payable in the school years two thousand--two thousand one
23 through two thousand nine--two thousand ten, AND TWO THOUSAND
24 ELEVEN--TWO THOUSAND TWELVE, the commissioner may set aside an amount
25 not to exceed two million five hundred thousand dollars from the funds
26 appropriated for purposes of this subdivision for the purpose of serving
27 persons twenty-one years of age or older who have not been enrolled in
28 any school for the preceding school year, including persons who have
29 received a high school diploma or high school equivalency diploma but
30 fail to demonstrate basic educational competencies as defined in regu-
31 lation by the commissioner, when measured by accepted standardized
32 tests, and who shall be eligible to attend employment preparation educa-
33 tion programs operated pursuant to this subdivision.

34 S 76. Intentionally omitted.

35 S 77. Intentionally omitted.

36 S 78. Intentionally omitted.

37 S 79. Subdivision 11 of section 94 of part C of chapter 57 of the laws
38 of 2004, relating to support of education, as amended by chapter 2 of
39 the laws of 2011, is amended to read as follows:

40 11. section seventy-one of this act shall expire and be deemed
41 repealed June 30, [2011] 2012;

42 S 80. Section 6-p of the general municipal law is amended by adding a
43 new subdivision 11 to read as follows:

44 11. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A
45 BOARD OF COOPERATIVE EDUCATIONAL SERVICES THAT HAS BEEN DETERMINED UPON
46 STATE AUDIT OR IN ITS ANNUAL INDEPENDENT AUDIT TO HAVE ACCUMULATED AN
47 EXCESS IN SUCH FUND OVER THE SUM SUFFICIENT TO PAY ALL LIABILITIES
48 INCURRED OR ACCRUED AGAINST IT SHALL WITHDRAW THE AMOUNT OF SUCH EXCESS
49 AS OF THE DATE OF WITHDRAWAL AND SHALL DISTRIBUTE SUCH AMOUNT TO ALL
50 SCHOOL DISTRICTS THAT PAID TO SUCH BOARD OF COOPERATIVE EDUCATIONAL
51 SERVICES MONEYS THAT WERE DEPOSITED TO SUCH FUND IN THE SAME PROPORTION
52 AS THE TOTAL PAYMENTS FROM SUCH SCHOOL DISTRICT INTO SUCH FUND BEARS TO
53 THE TOTAL PAYMENTS FROM ALL SCHOOL DISTRICTS INTO SUCH FUND, OR, AT THE
54 REQUEST OF THE SCHOOL DISTRICT, MAY USE SUCH AMOUNT TO OFFSET THE ADMIN-
55 ISTRATIVE AND CAPITAL EXPENSES PAYABLE BY THE SCHOOL DISTRICT IN THE
56 CURRENT SCHOOL YEAR, AND ANY SUCH AMOUNT ATTRIBUTABLE TO AN APPROVED

1 COST OF SERVICE COMPUTED PURSUANT TO SUBDIVISION FIVE OF SECTION NINE-
2 TEEN HUNDRED FIFTY OF THE EDUCATION LAW SHALL NOT BE INCLUDED IN THE
3 APPROVED COST OF SERVICES COMPUTED PURSUANT TO SUBDIVISION FIVE OF
4 SECTION NINETEEN HUNDRED FIFTY OF THE EDUCATION LAW. SUCH WITHDRAWAL
5 SHALL BE MADE WITHIN THIRTY DAYS AFTER THE AUDIT BECOMES FINAL OR WITHIN
6 THIRTY DAYS AFTER THIS SUBDIVISION TAKES EFFECT, WHICHEVER IS LATER.

7 S 80-a. Paragraph b of subdivision 5 of section 1950 of the education
8 law, as amended by chapter 53 of the laws of 1990, is amended to read as
9 follows:

10 b. The cost of services herein referred to shall be the amount allo-
11 cated to each component school district by the board of cooperative
12 educational services to defray expenses of such board, except that that
13 part of the salary paid any teacher, supervisor or other employee of the
14 board of cooperative educational services which is in excess of thirty
15 thousand dollars shall not be such an approved expense, and except also
16 that administrative and clerical expenses shall not exceed ten percent
17 of the total expenses for purposes of this computation. Any gifts,
18 donations or interest earned by the board of cooperative educational
19 services or on behalf of the board of cooperative educational services
20 by the dormitory authority or any other source shall not be deducted in
21 determining the cost of services allocated to each component school
22 district. ANY PAYMENTS MADE TO A COMPONENT SCHOOL DISTRICT BY THE BOARD
23 OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SUBDIVISION ELEVEN OF
24 SECTION SIX-P OF THE GENERAL MUNICIPAL LAW ATTRIBUTABLE TO AN APPROVED
25 COST OF SERVICE COMPUTED PURSUANT TO THIS SUBDIVISION SHALL BE DEDUCTED
26 FROM THE COST OF SERVICES ALLOCATED TO SUCH COMPONENT SCHOOL DISTRICT.
27 The expense of transportation provided by the board of cooperative
28 educational services pursuant to paragraph q of subdivision four of this
29 section shall be eligible for aid apportioned pursuant to subdivision
30 seven of section thirty-six hundred two of this chapter and no board of
31 cooperative educational services transportation expense shall be an
32 approved cost of services for the computation of aid under this subdivi-
33 sion. Transportation expense pursuant to paragraph q of subdivision four
34 of this section shall be included in the computation of the ten percent
35 limitation on administrative and clerical expenses.

36 S 81. Section 6-p of the general municipal law is amended by adding a
37 new subdivision 10 to read as follows:

38 10. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE GOVERN-
39 ING BOARD OF A SCHOOL DISTRICT MAY, DURING THE TWO THOUSAND ELEVEN--TWO
40 THOUSAND TWELVE SCHOOL YEAR, AUTHORIZE A WITHDRAWAL FROM THIS FUND IN AN
41 AMOUNT NOT TO EXCEED THE LESSER OF: (A) THE DOLLAR VALUE OF EXCESS FUND-
42 ING IN THE FUND AS DETERMINED BY THE COMPTROLLER PURSUANT TO SECTION
43 THIRTY-THREE OF THIS CHAPTER OR (B) THE AMOUNT OF THE SCHOOL DISTRICT'S
44 GAP ELIMINATION ADJUSTMENT AS CALCULATED BY THE COMMISSIONER OF EDUCA-
45 TION PURSUANT TO SUBDIVISION SEVENTEEN OF SECTION THIRTY-SIX HUNDRED TWO
46 OF THE EDUCATION LAW. FUNDS WITHDRAWN PURSUANT TO THIS SUBDIVISION MAY
47 ONLY BE USED FOR THE PURPOSE OF MAINTAINING EDUCATIONAL PROGRAMMING
48 DURING THE TWO THOUSAND ELEVEN--TWO THOUSAND TWELVE SCHOOL YEAR WHICH
49 OTHERWISE WOULD HAVE BEEN REDUCED AS A RESULT OF SUCH GAP ELIMINATION
50 ADJUSTMENT. GOVERNING BOARDS WHICH MAKE SUCH A WITHDRAWAL SHALL SUBMIT,
51 IN A FORM PRESCRIBED BY THE COMMISSIONER OF EDUCATION, RELEVANT INFORMA-
52 TION ABOUT THE WITHDRAWAL, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO,
53 THE AMOUNT OF SUCH WITHDRAWAL, THE DATE OF WITHDRAWAL, AND THE USE OF
54 SUCH WITHDRAWN FUNDS.

55 S 82. School bus driver training. In addition to apportionments other-
56 wise provided by section 3602 of the education law, for aid payable in

1 the 2011-2012 school year, the commissioner of education shall allocate
2 school bus driver training grants to school districts and boards of
3 cooperative education services pursuant to sections 3650-a, 3650-b and
4 3650-c of the education law, or for contracts directly with not-for-pro-
5 fit educational organizations for the purposes of this section. Such
6 payments shall not exceed four hundred thousand dollars (\$400,000) per
7 school year.

8 S 83. Support of public libraries. The moneys appropriated for the
9 support of public libraries by the chapter of the laws of 2011 enacting
10 the local assistance budget shall be apportioned for the 2011--12 state
11 fiscal year in accordance with the provisions of sections 271, 272, 273,
12 282, 284, and 285 of the education law as amended by the provisions of
13 this chapter and the provisions of this section, provided that library
14 construction aid pursuant to section 273-a of the education law shall
15 not be payable from the appropriations for the support of public
16 libraries and provided further that no library, library system or
17 program, as defined by the commissioner of education, shall receive less
18 total system or program aid than it received for the year 2001--2002
19 except as a result of a reduction adjustment necessary to conform to the
20 appropriations for support of public libraries.

21 Notwithstanding any other provision of law to the contrary the moneys
22 appropriated for the support of public libraries for the year 2011--2012
23 by a chapter of the laws of 2011 enacting the local assistance budget
24 shall fulfill the state's obligation to provide such aid and, pursuant
25 to a plan developed by the commissioner of education and approved by the
26 director of the budget, the aid payable to libraries and library systems
27 pursuant to such appropriations shall be reduced proportionately to
28 assure that the total amount of aid payable does not exceed the total
29 appropriations for such purpose.

30 S 84. Special apportionment for salary expenses. a. Notwithstanding
31 any other provision of law, upon application to the commissioner of
32 education, not sooner than the first day of the second full business
33 week of June, 2012 and not later than the last day of the third full
34 business week of June, 2012, a school district eligible for an appor-
35 tionment pursuant to section 3602 of the education law shall be eligible
36 to receive an apportionment pursuant to this section, for the school
37 year ending June 30, 2012, for salary expenses incurred between April 1
38 and June 30, 2012 and such apportionment shall not exceed the sum of (i)
39 the deficit reduction assessment of 1990-91 as determined by the commis-
40 sioner of education, pursuant to paragraph f of subdivision 1 of section
41 3602 of the education law, as in effect through June 30, 1993, plus (ii)
42 186 percent of such amount for a city school district in a city with a
43 population in excess of 1,000,000 inhabitants, plus (iii) 209 percent of
44 such amount for a city school district in a city with a population of
45 more than 195,000 inhabitants and less than 219,000 inhabitants accord-
46 ing to the latest federal census plus (iv) the net gap elimination
47 adjustment for 2010-2011, as determined by the commissioner of education
48 pursuant to chapter fifty-three of the laws of two thousand ten, plus
49 (v) the gap elimination adjustment for 2011-12 as determined by the
50 commissioner of education pursuant to subdivision 17 of section 3602 of
51 the education law, and provided further that such apportionment shall
52 not exceed such salary expenses. Such application shall be made by a
53 school district, after the board of education or trustees have adopted a
54 resolution to do so and in the case of a city school district in a city
55 with a population in excess of 125,000 inhabitants, with the approval of
56 the mayor of such city.

1 b. The claim for an apportionment to be paid to a school district
2 pursuant to subdivision a of this section shall be submitted to the
3 commissioner of education on a form prescribed for such purpose, and
4 shall be payable upon determination by such commissioner that the form
5 has been submitted as prescribed. Such approved amounts shall be payable
6 on the same day in September of the school year following the year in
7 which application was made as funds provided pursuant to subparagraph
8 (4) of paragraph b of subdivision 4 of section 92-c of the state finance
9 law, on the audit and warrant of the state comptroller on vouchers
10 certified or approved by the commissioner of education in the manner
11 prescribed by law from moneys in the state lottery fund and from the
12 general fund to the extent that the amount paid to a school district
13 pursuant to this section exceeds the amount, if any, due such school
14 district pursuant to subparagraph (2) of paragraph a of subdivision 1 of
15 section 3609-a of the education law in the school year following the
16 year in which application was made.

17 c. Notwithstanding the provisions of section 3609-a of the education
18 law, an amount equal to the amount paid to a school district pursuant to
19 subdivisions a and b of this section shall first be deducted from the
20 following payments due the school district during the school year
21 following the year in which application was made pursuant to subpara-
22 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
23 section 3609-a of the education law in the following order: the lottery
24 apportionment payable pursuant to subparagraph (2) of such paragraph
25 followed by the fixed fall payments payable pursuant to subparagraph (4)
26 of such paragraph and then followed by the district's payments to the
27 teachers' retirement system pursuant to subparagraph (1) of such para-
28 graph, and any remainder to be deducted from the individualized payments
29 due the district pursuant to paragraph b of such subdivision shall be
30 deducted on a chronological basis starting with the earliest payment due
31 the district.

32 S 85. Special apportionment for public pension accruals. a. Notwith-
33 standing any other provision of law, upon application to the commission-
34 er of education, not later than June 30, 2012, a school district eligi-
35 ble for an apportionment pursuant to section 3602 of the education law
36 shall be eligible to receive an apportionment pursuant to this section,
37 for the school year ending June 30, 2012 and such apportionment shall
38 not exceed the additional accruals required to be made by school
39 districts in the 2004-05 and 2005-06 school years associated with chang-
40 es for such public pension liabilities. The amount of such additional
41 accrual shall be certified to the commissioner of education by the pres-
42 ident of the board of education or the trustees or, in the case of a
43 city school district in a city with a population in excess of 125,000
44 inhabitants, the mayor of such city. Such application shall be made by a
45 school district, after the board of education or trustees have adopted a
46 resolution to do so and in the case of a city school district in a city
47 with a population in excess of 125,000 inhabitants, with the approval of
48 the mayor of such city.

49 b. The claim for an apportionment to be paid to a school district
50 pursuant to subdivision a of this section shall be submitted to the
51 commissioner of education on a form prescribed for such purpose, and
52 shall be payable upon determination by such commissioner that the form
53 has been submitted as prescribed. Such approved amounts shall be payable
54 on the same day in September of the school year following the year in
55 which application was made as funds provided pursuant to subparagraph
56 (4) of paragraph b of subdivision 4 of section 92-c of the state finance

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

9 c. Notwithstanding the provisions of section 3609-a of the education
10 law, an amount equal to the amount paid to a school district pursuant to
11 subdivisions a and b of this section shall first be deducted from the
12 following payments due the school district during the school year
13 following the year in which application was made pursuant to subpara-
14 graphs (1), (2), (3), (4) and (5) of paragraph a of subdivision 1 of
15 section 3609-a of the education law in the following order: the lottery
16 apportionment payable pursuant to subparagraph (2) of such paragraph
17 followed by the fixed fall payments payable pursuant to subparagraph (4)
18 of such paragraph and then followed by the district's payments to the
19 teachers' retirement system pursuant to subparagraph (1) of such para-
20 graph, and any remainder to be deducted from the individualized payments
21 due the district pursuant to paragraph b of such subdivision shall be
22 deducted on a chronological basis starting with the earliest payment due
23 the district.

24 S 86. a. Notwithstanding any other law, rule or regulation to the
25 contrary, any moneys appropriated to the state education department may
26 be suballocated to other state departments or agencies, as needed, to
27 accomplish the intent of the specific appropriations contained therein.

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

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

38 d. Notwithstanding any other law, rule or regulation to the contrary,
39 moneys appropriated to the state education department for general
40 support for public schools may be interchanged with any other item of
41 appropriation for general support for public schools within the general
42 fund local assistance account office of prekindergarten through grade
43 twelve education program.

44 S 87. Notwithstanding the provision of any law, rule, or regulation to
45 the contrary, the city school district of the city of Rochester, upon
46 the consent of the board of cooperative educational services of the
47 supervisory district serving its geographic region may purchase from
48 such board for the 2011-12 school year, as a non-component school
49 district, services required by article 19 of the education law.

50 S 88. The amounts specified in this section shall be a setaside from
51 the state funds which each such district is receiving from the total
52 foundation aid:

53 a. for the purpose of the development, maintenance or expansion of
54 magnet schools or magnet school programs for the two thousand eleven--
55 two thousand twelve school year. To the city school district of the city
56 of New York there shall be paid forty-eight million one hundred seven-

1 ty-five thousand dollars (\$48,175,000) including five hundred thousand
2 dollars (\$500,000) for the Andrew Jackson High School; to the Buffalo
3 city school district, twenty-one million twenty-five thousand dollars
4 (\$21,025,000); to the Rochester city school district, fifteen million
5 dollars (\$15,000,000); to the Syracuse city school district, thirteen
6 million dollars (\$13,000,000); to the Yonkers city school district,
7 forty-nine million five hundred thousand dollars, (\$49,500,000); to the
8 Newburgh city school district, four million six hundred forty-five thou-
9 sand dollars (\$4,645,000); to the Poughkeepsie city school district, two
10 million four hundred seventy-five thousand dollars (\$2,475,000); to the
11 Mount Vernon city school district, two million dollars (\$2,000,000); to
12 the New Rochelle city school district, one million four hundred ten
13 thousand dollars (\$1,410,000); to the Schenectady city school district,
14 one million eight hundred thousand dollars (\$1,800,000); to the Port
15 Chester city school district, one million one hundred fifty thousand
16 dollars (\$1,150,000); to the White Plains city school district, nine
17 hundred thousand dollars (\$900,000); to the Niagara Falls city school
18 district, six hundred thousand dollars (\$600,000); to the Albany city
19 school district, three million five hundred fifty thousand dollars
20 (\$3,550,000); to the Utica city school district, two million dollars
21 (\$2,000,000); to the Beacon city school district, five hundred sixty-six
22 thousand dollars (\$566,000); to the Middletown city school district,
23 four hundred thousand dollars (\$400,000); to the Freeport union free
24 school district, four hundred thousand dollars (\$400,000); to the Green-
25 burgh central school district, three hundred thousand dollars
26 (\$300,000); to the Amsterdam city school district, eight hundred thou-
27 sand dollars (\$800,000); to the Peekskill city school district, two
28 hundred thousand dollars (\$200,000); and to the Hudson city school
29 district, four hundred thousand dollars (\$400,000).

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

43 c. for the purpose of attendance improvement and dropout prevention
44 for the two thousand eleven--two thousand twelve school year, for any
45 city school district in a city having a population of more than one
46 million, the setaside for attendance improvement and dropout prevention
47 shall equal the amount set aside in the base year. For the two thousand
48 eleven--two thousand twelve school year, it is further provided that any
49 city school district in a city having a population of more than one
50 million shall allocate at least one-third of any increase from base year
51 levels in funds set aside pursuant to the requirements of this subdivi-
52 sion to community-based organizations. Any increase required pursuant to
53 this subdivision to community-based organizations must be in addition to
54 allocations provided to community-based organizations in the base year.

55 d. for the purpose of teacher support for the two thousand eleven--two
56 thousand twelve school year: to the city school district of the city of

1 New York, sixty-two million seven hundred seven thousand dollars
2 (\$62,707,000); to the Buffalo city school district, one million seven
3 hundred forty-one thousand dollars (\$1,741,000); to the Rochester city
4 school district, one million seventy-six thousand dollars (\$1,076,000);
5 to the Yonkers city school district, one million one hundred forty-seven
6 thousand dollars (\$1,147,000); and to the Syracuse city school district,
7 eight hundred nine thousand dollars (\$809,000). All funds made available
8 to a school district pursuant to this subdivision shall be distributed
9 among teachers including prekindergarten teachers and teachers of adult
10 vocational and academic subjects in accordance with this subdivision and
11 shall be in addition to salaries heretofore or hereafter negotiated or
12 made available; provided, however, that all funds distributed pursuant
13 to this section for the current year shall be deemed to incorporate all
14 funds distributed pursuant to former subdivision 27 of section 3602 of
15 the education law for prior years. In school districts where the teach-
16 ers are represented by certified or recognized employee organizations,
17 all salary increases funded pursuant to this section shall be determined
18 by separate collective negotiations conducted pursuant to the provisions
19 and procedures of article 14 of the civil service law, notwithstanding
20 the existence of a negotiated agreement between a school district and a
21 certified or recognized employee organization.

22 S 89. Severability. The provisions of this act shall be severable, and
23 if the application of any clause, sentence, paragraph, subdivision,
24 section or part of this act to any person or circumstance shall be
25 adjudged by any court of competent jurisdiction to be invalid, such
26 judgment shall not necessarily affect, impair or invalidate the applica-
27 tion of any such clause, sentence, paragraph, subdivision, section, part
28 of this act or remainder thereof, as the case may be, to any other
29 person or circumstance, but shall be confined in its operation to the
30 clause, sentence, paragraph, subdivision, section or part thereof
31 directly involved in the controversy in which such judgment shall have
32 been rendered.

33 S 90. This act shall take effect immediately; and shall be deemed to
34 have been in full force and effect on and after April 1, 2011, provided,
35 however, that:

36 1. sections seventy-two through seventy-four of this act shall take
37 effect immediately and shall be deemed to have been in full force and
38 effect on and after June 30, 2011;

39 2. sections two, three, thirty-nine, sixty-five and sixty-six of this
40 act shall take effect immediately and shall be deemed to have been in
41 full force and effect on and after July 1, 2010;

42 3. sections twenty-one, twenty-two, twenty-five through twenty-seven,
43 thirty-five through thirty-eight, forty-two, forty-three, forty-six,
44 fifty-one through fifty-four, fifty-eight through sixty, sixty-four,
45 seventy-nine, eighty, eighty-two, eighty-seven and eighty-eight of this
46 act shall take effect July 1, 2011;

47 4. section sixty-seven of this act shall take effect immediately, and
48 shall be deemed to have been in full force and effect on and after the
49 effective date of section 85 of part H of chapter 83 of the laws of
50 2002;

51 5. section sixty-eight of this act shall be deemed to have been in
52 full force and effect on and after the effective date of section 101 of
53 chapter 436 of the laws of 1997;

54 6. section sixty-nine of this act shall take effect immediately, and
55 shall be deemed to have been in full force and effect as of the effec-
56 tive date of section 140 of chapter 82 of the laws of 1995;

1 7. section seventy of this act shall take effect immediately and shall
2 be deemed to have been in full force and effect on and after January 1,
3 2011;
4 8. section eighty-six of this act shall take effect immediately, and
5 shall be deemed to have been in full force and effect on and after April
6 1, 2010 and shall be deemed repealed on March 31, 2012;
7 9. the amendments to subdivision 1 of section 2856 of the education
8 law made by section twenty-one of this act shall be subject to the expi-
9 ration and reversion of such subdivision pursuant to subdivision d of
10 section 27 of chapter 378 of the laws of 2007, as amended, when upon
11 such date the provisions of section twenty-two of this act shall take
12 effect;
13 10. the amendments to subdivision 6 of section 4402 of the education
14 law, made by section fifty-eight of this act shall not affect the repeal
15 of such subdivision and shall be deemed repealed therewith; and
16 11. the amendments to subdivision b of section 2 and section 4 of
17 chapter 756 of the laws of 1992 relating to funding a program for work
18 force education conducted by the consortium for worker education in New
19 York city, made by sections sixty-five and sixty-six of this act shall
20 not affect the repeal of such sections and shall be deemed repealed
21 therewith.

22

PART A-1

23 Section 1. Subdivision 2 of section 701 of the education law, as
24 amended by section 8 of part L of chapter 405 of the laws of 1999, is
25 amended to read as follows:
26 2. A text-book, for the purposes of this section shall mean: (i) any
27 book, or a book substitute, which shall include hard covered or paper-
28 back books, work books, or manuals and (ii) for expenses incurred after
29 July first, nineteen hundred ninety-nine, any courseware or other
30 content-based instructional materials in an electronic format, as such
31 terms are defined in the regulations of the commissioner, which a pupil
32 is required to use as a text, or a text-substitute, in a particular
33 class or program in the school he or she legally attends. FOR EXPENSES
34 INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, A TEXT-BOOK SHALL
35 ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT
36 PURSUANT TO SECTIONS SEVEN HUNDRED ELEVEN, SEVEN HUNDRED FIFTY-ONE
37 AND/OR SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE
38 DESIGNATED BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS
39 SECTION, PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH
40 EXPENSES SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.
41 Expenditures aided pursuant to this section shall not be eligible for
42 aid pursuant to ANY OTHER section [seven hundred eleven or seven hundred
43 fifty-one] of [this chapter] LAW. Courseware or other content-based
44 instructional materials in an electronic format included in the defi-
45 nition of textbook pursuant to this subdivision shall be subject to the
46 same limitations on content as apply to books or book substitutes aided
47 pursuant to this section.
48 S 2. Subdivision 2 of section 711 of the education law, as added by
49 chapter 53 of the laws of 1985, is amended to read as follows:
50 2. School library materials, for the purposes of this article shall
51 mean both audio/visual materials and printed materials that may or may
52 not require magnification which meet all of the following criteria: (1)
53 materials which are catalogued and processed as part of the school
54 library or media center for use by elementary and/or secondary school

1 children and teachers; (2) materials which with reasonable care and use
2 may be expected to last more than one year; and (3) materials which
3 would not be eligible for aid pursuant to sections seven hundred one and
4 seven hundred fifty-one of this [chapter] TITLE. School library materi-
5 als meeting these criteria may include (i) hard cover and paperback
6 books, periodicals, that is, publications which appear at regular inter-
7 vals of less than one year on a continuing basis for an indefinite peri-
8 od, documents other than books, pamphlets, musical scores, other printed
9 and published materials, and (ii) for school year nineteen hundred
10 eighty-six--eighty-seven and thereafter, audio/visual materials includ-
11 ing films, film strips, micro-film, sound recordings, processed slides,
12 transparencies, [kinescopies] KINESCOPES, video tapes, maps, charts,
13 globes, pictorial works, including pictures and picture sets, reprod-
14 uctions, photographs, graphic works, and any other audio/visual materi-
15 als of a similar nature made.

16 S 3. Subdivision 2 of section 751 of the education law, as amended by
17 section 6 of part A of chapter 57 of the laws of 2009, is amended to
18 read as follows:

19 2. A software program, for the purposes of this article shall mean (a)
20 a computer program which a pupil is required to use as a learning aid in
21 a particular class in the school the pupil legally attends, or (b) for
22 expenses incurred after July first, two thousand nine, any content-based
23 instructional materials in an electronic format that are aligned with
24 state standards which are accessed or delivered through the internet
25 based on a subscription model. Such electronic format materials may
26 include a variety of media assets and learning tools, including video,
27 audio, images, teacher guides, and student access capabilities as such
28 terms are defined in the regulations of the commissioner. FOR EXPENSES
29 INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, A SOFTWARE PROGRAM
30 SHALL ALSO MEAN ITEMS OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTION-
31 MENT PURSUANT TO SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN AND/OR
32 SEVEN HUNDRED FIFTY-THREE OF THIS TITLE, WHERE SUCH ITEMS ARE DESIGNATED
33 BY THE SCHOOL DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS SECTION,
34 PROVIDED, HOWEVER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH EXPENSES
35 SHALL NOT BE AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW.

36 S 4. Subdivision 1 of section 753 of the education law, as added by
37 section 7-a of part B of chapter 57 of the laws of 2007, is amended to
38 read as follows:

39 1. In addition to any other apportionment under this chapter, a school
40 district shall be eligible for an apportionment under the provisions of
41 this section for approved expenses for (i) the purchase or lease of
42 micro and/or mini computer equipment or terminals for instructional
43 purposes or (ii) technology equipment, as defined in paragraph c of
44 subdivision two of this section, used for instructional purposes, or
45 (iii) for the repair of such equipment and training and staff develop-
46 ment for instructional purposes as provided hereinafter, OR (IV) FOR
47 EXPENSES INCURRED ON OR AFTER JULY FIRST, TWO THOUSAND ELEVEN, ANY ITEMS
48 OF EXPENDITURE THAT ARE ELIGIBLE FOR AN APPORTIONMENT PURSUANT TO
49 SECTIONS SEVEN HUNDRED ONE, SEVEN HUNDRED ELEVEN AND/OR SEVEN HUNDRED
50 FIFTY-ONE OF THIS TITLE, WHERE SUCH ITEMS ARE DESIGNATED BY THE SCHOOL
51 DISTRICT AS ELIGIBLE FOR AID PURSUANT TO THIS SECTION, PROVIDED, HOWEV-
52 ER, THAT IF AIDED PURSUANT TO THIS SECTION, SUCH EXPENSES SHALL NOT BE
53 AIDABLE PURSUANT TO ANY OTHER SECTION OF LAW. Such aid shall be
54 provided pursuant to a plan developed by the district which demonstrates
55 to the satisfaction of the commissioner that the instructional computer
56 hardware needs of the district's public school students have been

1 adequately met and that the school district has provided for the loan of
2 instructional computer hardware to students legally attending nonpublic
3 schools pursuant to section seven hundred fifty-four of this article.
4 The apportionment shall equal the lesser of such approved expense in the
5 base year or, the product of (i) the technology factor, (ii) the sum of
6 the public school district enrollment and the nonpublic school enroll-
7 ment in the base year as defined in subparagraphs two and three of para-
8 graph n of subdivision one of section thirty-six hundred two of this
9 chapter, and (iii) the building aid ratio, as defined in subdivision
10 four of section thirty-six hundred two of this chapter. For aid payable
11 in the two thousand seven--two thousand eight school year and thereaft-
12 er, the technology factor shall be twenty-four dollars and twenty cents.
13 A school district may use up to twenty percent of the product of (i) the
14 technology factor, (ii) the sum of the public school district enrollment
15 and the nonpublic school enrollment in the base year as defined in
16 subparagraphs two and three of paragraph n of subdivision one of section
17 thirty-six hundred two of this chapter, and (iii) the building aid ratio
18 for the repair of instructional computer hardware and technology equip-
19 ment and training and staff development for instructional purposes
20 pursuant to a plan submitted to the commissioner.

21 S 5. This act shall take effect April 1, 2011.

22

PART B

23 Section 1. Section 3641 of the education law is amended by adding a
24 new subdivision 5 to read as follows:

25 5. SCHOOL DISTRICT MANAGEMENT EFFICIENCY AWARDS PROGRAM. A. WITHIN
26 THE AMOUNT APPROPRIATED FOR SUCH PURPOSE, SUBJECT TO A PLAN DEVELOPED IN
27 CONSULTATION WITH THE SECRETARY OF STATE AND APPROVED BY THE DIRECTOR OF
28 THE BUDGET, THE COMMISSIONER SHALL AWARD COMPETITIVE GRANTS PURSUANT TO
29 THIS SUBDIVISION FOR ACHIEVING SCHOOL DISTRICT MANAGEMENT EFFICIENCIES.

30 (1) SUCH PLAN SHALL INCLUDE BUT NOT BE LIMITED TO: THE PROCESS BY
31 WHICH A REQUEST FOR PROPOSALS IS DEVELOPED; THE SCORING RUBRIC BY WHICH
32 SUCH PROPOSALS WILL BE EVALUATED; THE FORM AND MANNER BY WHICH APPLICA-
33 TIONS WILL BE SUBMITTED; THE MANNER BY WHICH CALCULATION OF THE AMOUNT
34 OF THE AWARD WAS DETERMINED, INCLUDING ESTABLISHING BENCHMARKS BASED ON
35 ACTUAL COST SAVINGS THAT MUST BE MET BEFORE ANY AWARDS ARE PAID; AND THE
36 TIMELINE FOR THE ISSUANCE AND REVIEW OF APPLICATIONS TO ENSURE THAT
37 GRANTS WILL BE FIRST AWARDED DURING THE TWO THOUSAND ELEVEN--TWO THOU-
38 SAND TWELVE SCHOOL YEAR.

39 (2) THE COMMISSIONER SHALL BE AUTHORIZED, CONSISTENT WITH THE PLAN
40 REQUIRED BY THIS PARAGRAPH, TO PROMULGATE RULES AND REGULATIONS NECES-
41 SARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

42 B. A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS
43 SUBDIVISION MAY BE SUBMITTED BY A SCHOOL DISTRICT OR JOINTLY BY TWO OR
44 MORE SCHOOL DISTRICTS WHO HAVE DEMONSTRATED TO THE SATISFACTION OF THE
45 COMMISSIONER THAT:

46 (1) ONE OR MORE LONG TERM EFFICIENCIES IN SCHOOL DISTRICT MANAGEMENT,
47 OPERATIONS, PROCUREMENT PRACTICES OR OTHER COST SAVINGS MEASURES THAT
48 HAVE NOT AND WILL NOT RESULT IN AN INCREASE IN COST TO THE STATE OR
49 LOCALITY HAVE BEEN IMPLEMENTED;

50 (2) SUCH EFFICIENCIES HAVE BEEN IMPLEMENTED WITHIN TWO YEARS PRIOR TO
51 A RESPONSE TO A REQUEST FOR PROPOSALS ISSUED PURSUANT TO THIS SUBDIVI-
52 SION OR WILL BE IMPLEMENTED DURING THE CURRENT SCHOOL YEAR;

53 (3) SUCH EFFICIENCIES HAVE RESULTED OR WILL RESULT IN A SIGNIFICANT
54 REDUCTION IN TOTAL OPERATING EXPENSES COMPARED TO THE PRIOR YEAR, IN THE

ADMINISTRATIVE COMPONENT, OR THE EQUIVALENT, OF THE SCHOOL DISTRICT BUDGET, IN TRANSPORTATION OPERATING EXPENSES, IN TRANSPORTATION CAPITAL EXPENSES, AND/OR IN OTHER NON-PERSONAL SERVICE COSTS INCLUDED IN THE PROGRAM COMPONENT OF THE SCHOOL DISTRICT BUDGET, OR THE EQUIVALENT, COMPARED TO THE PRIOR YEAR; AND

(4) SUCH EFFICIENCIES ARE EXPECTED TO RESULT IN SUBSTANTIAL AND SUSTAINABLE COST SAVINGS IN FUTURE YEARS; AND

(5) IF TWO OR MORE SCHOOL DISTRICTS ARE APPLYING JOINTLY, AND HAVE ENTERED A SHARED SERVICES AGREEMENT AS AUTHORIZED BY LAW, THAT SIGNIFICANT SAVINGS WOULD RESULT FROM SUCH SHARED SERVICES; PROVIDED THAT IN NO EVENT SHALL DISTRICTS THAT HAVE ENTERED INTO AN AIDABLE COOPERATIVE EDUCATIONAL SERVICES AGREEMENT FOR ANY SUCH SERVICES WITH A BOARD OF COOPERATIVE EDUCATIONAL SERVICES PURSUANT TO SECTION NINETEEN HUNDRED FIFTY OF THIS CHAPTER BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION FOR THE SAME PURPOSE, BUT MAY BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION FOR ANOTHER SHARED LONG TERM EFFICIENCY OR COST SAVING MEASURE. PROVIDED HOWEVER, A DISTRICT WHICH HAS RECEIVED AN AWARD PURSUANT TO THE LOCAL GOVERNMENT EFFICIENCY GRANT PROGRAM AUTHORIZED BY SUBDIVISION TEN OF SECTION FIFTY-FOUR OF THE STATE FINANCE LAW, SHALL NOT BE ELIGIBLE TO RECEIVE AN AWARD PURSUANT TO THIS SUBDIVISION FOR THE SAME PURPOSE, BUT MAY BE ELIGIBLE FOR AN AWARD PURSUANT TO THIS SUBDIVISION FOR ANOTHER LONG TERM EFFICIENCY OR COST SAVINGS MEASURE.

C. THE COMMISSIONER SHALL GRANT PRIORITY TO APPLICATIONS THAT HAVE DEMONSTRATED THAT THE LONG TERM EFFICIENCIES THAT HAVE BEEN IMPLEMENTED:

(1) ARE INNOVATIVE IN THE MANNER THAT THE MANAGEMENT OR ORGANIZATIONAL STRUCTURE MAY BE CHANGED TO GENERATE SIGNIFICANT SAVINGS WHILE MAINTAINING OR IMPROVING STUDENT ACHIEVEMENT; (2) HAVE THE PARTICIPATION OF THE TEACHERS, PARENTS AND/OR OTHER STAKEHOLDERS IN THE SCHOOL DISTRICT; (3) ARE MEASURES OR STRATEGIES THAT OTHER SCHOOL DISTRICTS CAN REPLICATE; OR (4) HAVE THE GREATEST QUANTIFIABLE SAVINGS THAT WILL BE SUSTAINABLE.

D. A SCHOOL DISTRICT OR SCHOOL DISTRICTS SEEKING A GRANT SHALL SUBMIT AN APPLICATION TO THE COMMISSIONER IN A FORM AND MANNER AND BY A DATE AS PRESCRIBED BY THE COMMISSIONER. THE COMMISSIONER MAY CONSULT WITH ANY OTHER STATE AGENCY ABOUT SUCH GRANTS AND EACH SUCH AGENCY SHALL COOPERATE IN ASSISTING IN THE ANALYSIS OF GRANT APPLICATIONS.

E. THE AMOUNT OF THE GRANT AWARD, INCLUDING THE MAXIMUM GRANT AMOUNT AVAILABLE TO ANY DISTRICT OR DISTRICTS, SHALL BE DETERMINED BY THE COMMISSIONER, CONSISTENT WITH THE PLAN DEVELOPED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION PROVIDED THAT THE AMOUNT OF SUCH AWARDS SHALL BE BASED UPON THE SIZE OF THE DISTRICT OR SCHOOL DISTRICTS MEASURED BY PUBLIC SCHOOL ENROLLMENT OF THE DISTRICT OR DISTRICTS, EXCEPT THAT NO SINGLE DISTRICT RECEIVING A GRANT AND NO GROUP OF DISTRICTS RECEIVING A GRANT JOINTLY MAY BE AWARDED MORE THAN FORTY PERCENT OF THE TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO THIS SUBDIVISION; AND PROVIDED FURTHER THAT SUCH AMOUNT MAY BE ADJUSTED BASED UPON MEASURES OF DISTRICT NEED.

S 2. Section 3641 of the education law is amended by adding a new subdivision 6 to read as follows:

6. SCHOOL DISTRICT PERFORMANCE IMPROVEMENT AWARDS GRANT. A. WITHIN THE AMOUNTS APPROPRIATED FOR SUCH PURPOSE, THE COMMISSIONER SHALL AWARD COMPETITIVE GRANTS TO ELIGIBLE SCHOOL DISTRICTS PURSUANT TO THIS SUBDIVISION THAT HAVE DEMONSTRATED THE MOST IMPROVED ACADEMIC ACHIEVEMENT GAINS AND STUDENT OUTCOMES, AS WELL AS HAVING IMPLEMENTED STRATEGIES THAT HAVE THE MOST POTENTIAL FOR CONTINUED IMPROVEMENTS IN STUDENT PERFORMANCE, NARROWING STUDENT ACHIEVEMENT GAPS AND INCREASING ACADEMIC PERFORMANCE IN TRADITIONALLY UNDERSERVED STUDENT GROUPS.

B. THE COMMISSIONER SHALL:

(1) DEVELOP A COMPETITIVE REQUEST FOR PROPOSALS, WHICH SHALL BE APPROVED BY THE DIRECTOR OF THE BUDGET, TO BE ISSUED ON OR BEFORE OCTOBER FIRST, TWO THOUSAND ELEVEN AND SHALL ENSURE THAT GRANTS WILL FIRST BE AWARDED PURSUANT TO THIS SUBDIVISION DURING THE TWO THOUSAND ELEVEN-TWO THOUSAND TWELVE SCHOOL YEAR.

(2) CREATE A PEER REVIEW PANEL AND PROCESS AND A SCORING RUBRIC TO BE USED IN THE EVALUATION OF APPLICATIONS DURING SUCH PROCESS. SUCH SCORING RUBRIC SHALL GIVE PRIORITY TO THOSE ELIGIBLE SCHOOL DISTRICTS THAT HAVE THE MOST SIGNIFICANT MEASURABLE IMPROVEMENTS IN ACADEMIC ACHIEVEMENT AND STUDENT OUTCOMES; AND HAVE (A) IMPLEMENTED RIGOROUS PROGRAMS TO IMPROVE MIDDLE SCHOOL STUDENT PERFORMANCE; (B) NEWLY ESTABLISHED OR EXPANDED PARTICIPATION IN COLLEGE LEVEL OR EARLY COLLEGE PROGRAMS; (C) SIGNIFICANTLY INCREASED COLLEGE ADMISSION RATES; (D) EXEMPLARY CAREER AND TECHNICAL EDUCATION PROGRAMS WITH A RECORD OF SUCCESSFUL STUDENT OUTCOMES; OR (E) OTHER INNOVATIVE AND REPLICABLE STRATEGIES FOR STUDENT ACHIEVEMENT. PROVIDED FURTHER THAT SUCH RUBRIC SHALL GRANT PRIORITY TO THOSE ELIGIBLE DISTRICTS WHOSE PROGRAMS BENEFIT STUDENTS HAVING THE GREATEST EDUCATIONAL NEEDS, INCLUDING BUT NOT LIMITED TO:

- (A) STUDENTS WITHIN TRADITIONALLY UNDERSERVED STUDENT GROUPS;
- (B) STUDENTS WITH LIMITED ENGLISH PROFICIENCY AND STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;
- (C) STUDENTS IN POVERTY;
- (D) STUDENTS WITH DISABILITIES; AND
- (E) STUDENTS WITH LOW ACADEMIC ACHIEVEMENT.

(3) BE AUTHORIZED TO PROMULGATE RULES AND REGULATIONS NECESSARY FOR THE IMPLEMENTATION OF THIS SUBDIVISION.

C. TO BE AN ELIGIBLE APPLICANT, A SCHOOL DISTRICT MUST:

(1) HAVE A RACE TO THE TOP FINAL SCOPE OF WORK THAT WAS APPROVED BY THE COMMISSIONER BY FEBRUARY FIFTEENTH, TWO THOUSAND ELEVEN; AND/OR

(2) HAVE DEMONSTRATED SATISFACTORY PROGRESS, AS DETERMINED BY THE COMMISSIONER, TOWARDS IMPLEMENTATION OF ELEMENTS SUCH AS HIGH QUALITY STUDENT ASSESSMENTS, USE OF DATA TO IMPROVE INSTRUCTION AND STUDENT PERFORMANCE, PROVISION OF PROFESSIONAL DEVELOPMENT TO IMPROVE TEACHER PERFORMANCE; AND

(3) BE AMONG THE SCHOOL DISTRICTS SHOWING THE GREATEST GAINS IN STUDENT PERFORMANCE IN ITS CATEGORY OF DISTRICT IN THE PRIOR SCHOOL YEAR AS REFLECTED BY INCREASES IN STUDENT OUTCOME, AS WELL AS OTHER MEASURES FOR CLOSING THE ACHIEVEMENT GAP, IMPROVING HIGH SCHOOL PERFORMANCE AND GRADUATION RATES, AND INCREASING COLLEGE ATTENDANCE AND RETENTION RATES AS COMPARED TO STUDENT PERFORMANCE IN THOSE AREAS IN THE APPLICABLE BASELINE YEAR.

D. FOR PURPOSES OF THIS SUBDIVISION:

(1) "CATEGORY OF DISTRICT" MEANS:

(A) A HIGH-NEED LARGE CITY CATEGORY CONSISTING OF CITY SCHOOL DISTRICTS HAVING A POPULATION OF ONE HUNDRED TWENTY-FIVE THOUSAND INHABITANTS OR MORE, PROVIDED THAT IN THE CASE OF THE CITY SCHOOL DISTRICT OF THE CITY OF NEW YORK THE CHANCELLOR SHALL HAVE THE OPTION OF APPLYING ON BEHALF OF ONE OR MORE COMMUNITY SCHOOL DISTRICTS AND/OR DISTRICT SEVENTY-FIVE IN LIEU OF APPLYING ON A CITYWIDE BASIS;

(B) A HIGH-NEED URBAN-SUBURBAN CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS;

(C) A HIGH-NEED RURAL CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS;

(D) AN AVERAGE NEED CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS; AND

(E) A LOW NEED CATEGORY AS DEFINED BY THE COMMISSIONER BASED UPON THE NEED/RESOURCE CAPACITY INDEX APPLICABLE TO SUCH SCHOOL DISTRICTS.

(2) THE COMMISSIONER SHALL ESTABLISH A METHODOLOGY FOR DETERMINING WHICH DISTRICTS IN EACH CATEGORY OF DISTRICT THAT HAVE APPLIED FOR A PERFORMANCE IMPROVEMENT GRANT HAVE SHOWN THE GREATEST ACHIEVEMENT GAINS. PROVIDED, HOWEVER, THAT WHERE A SCHOOL DISTRICT DOES NOT HAVE THE MINIMUM NUMBER OF STUDENTS SPECIFIED BY THE COMMISSIONER FOR ACCOUNTABILITY PURPOSES (MINIMUM "N" SIZE) IN ONE OR MORE OF THE FIVE SUBGROUPS, SUCH DISTRICT SHALL NOT BE DISQUALIFIED FROM RECEIVING A GRANT, BUT A PREFERENCE SHALL BE GIVEN TO DISTRICTS WITHIN EACH CATEGORY OF DISTRICT WITH THE HIGHEST NUMBER OF SUBGROUPS MEETING SUCH MINIMUM "N" SIZE.

E. THE COMMISSIONER SHALL GRANT AWARDS TO THE SCHOOL DISTRICTS, AS RECOMMENDED BY THE PEER REVIEW PANEL, AMONG THE VARIOUS CATEGORIES OF DISTRICTS AND DETERMINE THE AMOUNT OF THE GRANT AWARD FOR EACH ELIGIBLE SCHOOL DISTRICT BASED UPON THE PUBLIC SCHOOL ENROLLMENT OF THE DISTRICT, PROVIDED THAT NO DISTRICT RECEIVING A GRANT MAY BE AWARDED MORE THAN FORTY PERCENT OF THE TOTAL AMOUNT OF GRANT AWARDS MADE PURSUANT TO THIS SUBDIVISION; AND PROVIDED FURTHER THAT SUCH AMOUNT MAY BE ADJUSTED BASED UPON MEASURES OF DISTRICT NEED.

F. ANY SCHOOL DISTRICT RECEIVING AN AWARD PURSUANT TO THIS SUBDIVISION SHALL EXPEND GRANT FUNDS IN ACCORDANCE WITH A HIGH-QUALITY PLAN SUBMITTED WITH ITS APPLICATION IN RESPONSE TO THE REQUEST FOR PROPOSALS. SUCH PLAN MUST SPECIFY HOW SUCH FUNDS WILL BE USED TO ENHANCE THE ACTIVITIES AND STRATEGIES THAT HAVE BEEN OR WILL BE IMPLEMENTED THAT HAVE BEEN DEMONSTRATED TO BE EFFECTIVE IN, OR SHOW THE MOST PROMISE FOR, INCREASING STUDENT PERFORMANCE, NARROWING THE STUDENT ACHIEVEMENT GAP, AND INCREASING ACADEMIC PERFORMANCE IN TRADITIONALLY UNDERSERVED STUDENT GROUPS.

S 3. This act shall take effect immediately.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

S 3. This act shall take effect immediately provided, however, that the applicable effective date of Parts A, A-1 and B of this act shall be as specifically set forth in the last section of such Parts.

PART C

Section 1. Article 9 of the arts and cultural affairs law is REPEALED.

S 2. Section 97-u of the state finance law is REPEALED.

S 3. Subdivision 3 of section 97-zzz of the state finance law, as amended by section 1 of part Q of chapter 57 of the laws of 2005, is amended to read as follows:

3. Moneys of this account, following appropriation by the legislature, shall be available to support the following agencies and programs: (a) the state education department for services and expenses of the cultural education program including operating expenses and capital projects and

1 the New York state summer school of the arts subject to a plan approved
2 by the commissioner of education and the director of the budget; AND (b)
3 [the New York state theatre institute subject to a plan approved by the
4 director of the budget; and (c)] the Nelson A. Rockefeller performing
5 arts center corporation subject to a plan approved by the director of
6 the budget.

7 S 4. Paragraph (w) of subdivision 1 of section 17 of the public offi-
8 cers law, as added by chapter 131 of the laws of 2010, is REPEALED.

9 S 5. Notwithstanding any inconsistent provision of law, all rights and
10 property previously held by the entity formerly referred to as the New
11 York State Theatre Institute Corporation, as established in chapter 824
12 of the laws of 1992, and as repealed in this act, shall pass to and be
13 vested in the State of New York, acting by the commissioner of the
14 office of general services.

15 S 6. Notwithstanding any other provision of law, the commissioner of
16 general services is authorized to transfer and convey to the Sage
17 Colleges certain state land described in section seven of this act and
18 certain personal property within the improvements upon the land
19 described in section seven of this act and personal property contained
20 in storage units 405, 440 and 447 located at Mabey's Storage, 515 Third
21 Avenue Extension in the City of Rensselaer, County of Rensselaer, and
22 State of New York and within the trailers located at 34-36 River Street,
23 in the city of Troy, County of Rensselaer, and State of New York.
24 Transfer and conveyance of said land and personal property is to be made
25 at such time and upon terms and conditions, including consideration, as
26 the commissioner of general services may fix and determine.

27 S 7. The property authorized by this act to be transferred and
28 conveyed is as follows:

29 All that certain piece or parcel of land, situate, lying and being in
30 the First ward of the City of Troy, Rensselaer County, State of New
31 York, being more particularly described as follows:

32 BEGINNING at a point in the Northeast corner of Second and Division
33 Streets in said City and runs thence Easterly along the northerly line
34 of Division Street to the westerly line of the alley known as Franklin
35 Street; running thence northerly along the westerly line of Franklin
36 Street to the northerly line of Lot #283; running thence westerly along
37 said northerly line of said Lot #283 81 feet to the northeasterly corner
38 of the former Engine House; thence southerly along said former Engine
39 House parallel to Second Street 13.5 feet; thence westerly on a line
40 parallel to the northerly line of said lot #283 a distance of 12 feet;
41 thence southerly on a line parallel to Second Street 11.5 feet; thence
42 westerly on a line parallel to the northerly line of said Lot #283 along
43 the southerly wall of the former Engine House Building 32 feet to the
44 easterly line of Second Street; thence southerly along the easterly line
45 of Second Street 50 feet 10 inches to the place of beginning.

46 And all that tract or parcel of land, situated in the City of Troy, in
47 the County of Rensselaer, State of New York and being the south part of
48 lot number sixty-five and the north part of lot number sixty-four, and
49 which part of said lots hereby intended to be conveyed are bounded and
50 described as follows:

51 BEGINNING in the westerly boundary line of First Street at the center
52 of the partition wall which divides the dwelling house lately owned by
53 Eli Burritt, deceased, standing on said Lot No. 65 from the dwelling
54 house formerly owned by Ebenezer Wiswall standing partly on said lot
55 number 65 and partly on said lot number 64 at the distance of 30 feet
56 southerly from the northeast corner of said lot number 65 and running

1 thence westerly along the center of said partition wall to the west end
2 thereof and thence westerly on a line parallel with the north boundary
3 line of lot number 65 at a distance of 30 feet southerly therefrom the
4 alley in the rear of said lot, thence southerly on the east boundary
5 line of said alley 30 feet, thence easterly on line running parallel
6 with the division line between said lot number 64 and lot number 63 at
7 the distance of 40 feet northerly therefrom to the center of the west
8 end of the partition wall which divides the said dwelling of said
9 Ebenezer Wiswall from the dwelling formerly owned by John P. Cushman
10 standing on said lot number 64, thence easterly along the center of said
11 partition wall last mentioned to said First Street, thence northerly
12 along the west boundary line of said First Street to the place of begin-
13 ning.

14 S 8. The description in section seven of this act of the property to
15 be transferred and conveyed is not intended to be a legal description
16 but is intended to identify the assets to be conveyed.

17 S 9. Any assets transferred and conveyed pursuant to this act shall be
18 used primarily for the purposes of bringing arts to the children and
19 young people of this state.

20 S 10. Any such transfer and conveyance pursuant to the provisions of
21 section six of this act shall occur only after the New York State
22 archives and the office of general services have entered upon the state
23 land described in section seven of this act and reviewed the contents
24 thereof and the personal property contained in storage units 405, 440
25 and 447 located at Mabey's Storage, 515 Third Avenue Extension in the
26 City of Rensselaer, County of Rensselaer, and State of New York and
27 within the trailers located at 34-36 River Street, in the City of Troy,
28 County of Rensselaer, and State of New York and all steps necessary have
29 been taken by the state archives and the office of general services to
30 effectuate the transfer and assumption of all books, papers and intel-
31 lectual property of the New York State Theatre Institute to the New York
32 state archives as required by law.

33 S 11. The office of general services shall not transfer or convey the
34 aforesaid real and personal property unless application is made by The
35 Sage Colleges within one year after the effective date of this act.

36 S 12. This act shall take effect immediately.

37 PART D

38 Section 1. This act enacts into law major components of legislation
39 which are necessary to implement the state fiscal plan for the 2011-2012
40 state fiscal year. Each component is wholly contained within a Subpart
41 identified as Subparts A through C. The effective date for each partic-
42 ular provision contained within such Subparts is set forth in the last
43 section of such Subpart. Any provision in any section contained within a
44 Subpart, including the effective date of the Subpart, which makes a
45 reference to a section "of this act", when used in connection with that
46 particular component, shall be deemed to mean and refer to the corre-
47 sponding section of the Subpart in which it is found. Section three of
48 this act sets forth the general effective date of this act.

49 SUBPART A

50 Section 1. Paragraph a of subdivision 2 of section 355 of the educa-
51 tion law, as amended by chapter 552 of the laws of 1985, is amended to
52 read as follows:

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

18 S 2. Subdivision 12 of section 373 of the education law, as added by
19 chapter 251 of the laws of 1962, is amended to read as follows:

20 12. To [make] PROCURE and execute contracts, lease agreements, and all
21 other instruments necessary or convenient for the exercise of its corpo-
22 rate powers and the fulfillment of its corporate purposes under this
23 article. NOTWITHSTANDING SUBDIVISION TWO OF SECTION ONE HUNDRED TWELVE
24 OF THE STATE FINANCE LAW OR ANY OTHER LAW TO THE CONTRARY, FUND PROCURE-
25 MENTS SHALL NOT BE SUBJECT TO THE PRIOR APPROVAL OF ANY STATE OFFICER OR
26 AGENCY;

27 S 3. The opening paragraph and paragraph d of subdivision 8 of section
28 376 of the education law, the opening paragraph as amended by chapter
29 877 of the laws of 1990 and paragraph d as added by chapter 251 of the
30 laws of 1962, are amended to read as follows:

31 All contracts which are to be awarded pursuant to this subdivision
32 shall be awarded by public letting in accordance with the following
33 provisions, notwithstanding any contrary provision of section one
34 hundred thirty-five, one hundred thirty-six, one hundred thirty-nine or
35 one hundred forty of the state finance law OR ANY OTHER LAW, provided,
36 however, that where the estimated expense of any contract which may be
37 awarded pursuant to this subdivision is less than TWO HUNDRED fifty
38 thousand dollars, a performance bond and a bond for the payment of labor
39 and material may, in the discretion of the fund, not be required, and
40 except that in the discretion of the fund, a contract may be entered
41 into for such purposes without public letting where the estimated
42 expense thereof is less than twenty thousand dollars, or where in the
43 judgment of the fund an emergency condition exists as a result of damage
44 to an existing academic building, dormitory or other facility which has
45 been caused by an act of God, fire or other casualty, or any other unan-
46 ticipated, sudden and unexpected occurrence, that has resulted in damage
47 to or a malfunction in an existing academic building, dormitory or other
48 facility and involves a pressing necessity for immediate repair, recon-
49 struction or maintenance in order to permit the safe continuation of the
50 use or function of such facility, or to protect the facility or the
51 life, health or safety of any person, and the nature of the work is such
52 that in the judgment of the fund it would be impractical and against the
53 public interest to have public letting; provided, however, that the
54 fund, prior to awarding a contract hereunder because of an emergency
55 condition notify the comptroller of its intent to award such a contract:

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

6 S 4. This act shall take effect immediately and shall expire and be
7 deemed repealed June 30, 2016.

8 SUBPART B

9 Section 1. Subdivisions 5 and 6 of section 355 of the education law,
10 subdivision 5 as added by chapter 552 of the laws of 1985, paragraph a
11 of subdivision 5 as amended by chapter 682 of the laws of 2007, para-
12 graph c of subdivision 5 as added by chapter 103 of the laws of 1989,
13 paragraph d of subdivision 5 as added by chapter 537 of the laws of 1997
14 and subdivision 6 as amended by chapter 554 of the laws of 1985, are
15 amended to read as follows:

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

22 a. (i) purchase materials, equipment and supplies, including computer
23 equipment and motor vehicles[, where the amount for a single purchase
24 does not exceed twenty thousand dollars], (ii) execute contracts for
25 [services and] construction AND CONSTRUCTION-RELATED SERVICES contracts
26 [to an amount not exceeding twenty thousand dollars], and (iii) contract
27 for printing [to an amount not exceeding five thousand dollars], without
28 prior approval by any other state officer or agency, but subject to
29 rules and regulations of the state comptroller not otherwise inconsis-
30 tent with the provisions of this section and in accordance with [the
31 rules and regulations] GUIDELINES promulgated by the state university
32 board of trustees after consultation with the state comptroller[. In
33 addition, the trustees, after consultation with the commissioner of
34 general services, are authorized to annually negotiate with the state
35 comptroller increases in the aforementioned dollar limits and the
36 exemption of any articles, categories of articles or commodities from
37 these limits. Rules and regulations promulgated by the state university
38 board of trustees shall, to the extent practicable, require that compet-
39 itive proposals be solicited for purchases, and shall include require-
40 ments that purchases and contracts authorized under this section be at
41 the lowest available price, including consideration of prices available
42 through other state agencies, consistent with quality requirements, and
43 as will best promote the public interest. Such purchases may be made
44 directly from any contractor pursuant to any contract for commodities
45 let by the office of general services or any other state agency];

46 A-1. EXECUTE CONTRACTS FOR SERVICES TO AN AMOUNT NOT EXCEEDING TWENTY
47 THOUSAND DOLLARS WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR
48 AGENCY, BUT SUBJECT TO RULES AND REGULATIONS OF THE STATE COMPTROLLER
49 NOT OTHERWISE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION AND IN
50 ACCORDANCE WITH THE GUIDELINES PROMULGATED BY THE STATE UNIVERSITY BOARD
51 OF TRUSTEES AFTER CONSULTATION WITH THE STATE COMPTROLLER. IN ADDITION,
52 THE TRUSTEES, AFTER CONSULTATION WITH THE COMMISSIONER OF GENERAL
53 SERVICES, ARE AUTHORIZED TO ANNUALLY NEGOTIATE WITH THE STATE COMP-

1 TROLLER INCREASES IN THE AFOREMENTIONED DOLLAR LIMITS AND THE EXEMPTION
2 OF ANY SERVICES OR CATEGORIES OF SERVICES FROM THESE LIMITS;
3 b. to establish cash advance accounts for the purpose of purchasing
4 materials, supplies, or services, for cash advances for travel expenses
5 and per diem allowances, or for advance payment of wages and salary. The
6 account may be used to purchase such materials, supplies, or services
7 where the amount of a single purchase does not exceed [two hundred
8 fifty] ONE THOUSAND dollars, in accordance with such guidelines as shall
9 be prescribed by the state university trustees after consultation with
10 the state comptroller[.];
11 c. establish guidelines in consultation with the commissioner of
12 general services authorizing participation by the state university in
13 programs administered by the office of general services for the purchase
14 of available New York state food products. The commissioner of general
15 services shall provide assistance to the state university necessary to
16 enable the university to participate in these programs[.];
17 d. [(1) Award] AWARD contract extensions for campus transportation
18 without competitive bidding where such contracts were secured either
19 through competitive bidding or through evaluation of proposals [in
20 response to a request for proposals pursuant to subparagraph (2) of this
21 paragraph], however such extensions may be rejected if the amount to be
22 paid to the contractor in any year of such proposed extension fails to
23 reflect any decrease in the regional consumer price index for the New
24 York, New York-Northeastern, New Jersey area, based upon the index for
25 all urban consumers (CPI-U) during the preceding twelve-month period. At
26 the time of any contract extension, consideration shall be given to any
27 competitive proposal offered by a public transportation agency. Such
28 contract may be increased for each year of the contract extension by an
29 amount not to exceed the regional consumer price index increase for the
30 New York, New York-Northeastern, New Jersey area, based upon the index
31 for all urban consumers (CPI-U), during the preceding twelve-month peri-
32 od, provided it has been satisfactorily established by the contractor
33 that there has been at least an equivalent increase in the amount of his
34 cost of operation, during the period of the contract.
35 E. GUIDELINES PROMULGATED BY THE STATE UNIVERSITY BOARD OF TRUSTEES
36 SHALL, TO THE EXTENT PRACTICABLE, REQUIRE THAT COMPETITIVE PROPOSALS BE
37 SOLICITED FOR PURCHASES, AND SHALL INCLUDE REQUIREMENTS THAT PURCHASES
38 AND CONTRACTS AUTHORIZED UNDER THIS SECTION BE AT THE LOWEST AVAILABLE
39 PRICE, INCLUDING CONSIDERATION OF PRICES AVAILABLE THROUGH OTHER STATE
40 AGENCIES, CONSISTENT WITH QUALITY REQUIREMENTS, AND AS WILL BEST PROMOTE
41 THE PUBLIC INTEREST. SUCH PURCHASES MAY BE MADE DIRECTLY FROM ANY
42 CONTRACTOR PURSUANT TO ANY CONTRACT FOR COMMODITIES LET BY THE OFFICE OF
43 GENERAL SERVICES OR ANY OTHER STATE AGENCY.
44 6. To enter into any contract or agreement deemed necessary or advis-
45 able after consultation with appropriate state agencies for carrying out
46 the objects and purposes of state university without prior review or
47 approval by any state officer or agency other than the state comptroller
48 and the attorney general including contracts with non-profit corpo-
49 rations organized by officers, employees, alumni or students of state
50 university for the furtherance of its objects and purposes. Contracts
51 or agreements entered into with the federal government to enable partic-
52 ipation in federal student loan programs, including any and all instru-
53 ments required thereunder, shall not be subject to the requirements of
54 section forty-one of the state finance law; provided, however, that the
55 state shall not be liable for any portion of any defaults which it has
56 agreed to assume pursuant to any such agreement in an amount in excess

1 of money appropriated or otherwise lawfully available therefor at the
2 time the liability for payment arises. THE FOREGOING NOTWITHSTANDING,
3 ANY CONTRACT MADE FOR OR BY THE STATE UNIVERSITY FOR THE PURCHASE OF:
4 (I) MATERIALS, EQUIPMENT AND SUPPLIES, INCLUDING COMPUTER EQUIPMENT;
5 (II) MOTOR VEHICLES; (III) CONSTRUCTION AND CONSTRUCTION-RELATED
6 SERVICES CONTRACTS; AND (IV) PRINTING SHALL NOT BE SUBJECT TO PRIOR
7 APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY.

8 S 2. Subdivision a of section 6218 of the education law, as amended
9 by chapter 697 of the laws of 1993, is amended and a new subdivision a-1
10 is added to read as follows:

11 a. Notwithstanding the provisions of [paragraph] SUBDIVISION two of
12 section one hundred twelve and sections one hundred fifteen, one hundred
13 sixty-one[,] AND one hundred sixty-three [and one hundred seventy-four]
14 of the state finance law and sections three and six of the New York
15 state printing and public documents law or any other law to the contra-
16 ry, the city university [trustees are] IS authorized and empowered to:

17 (1) (i) purchase materials, equipment and supplies, including computer
18 equipment and motor vehicles, [where the amount for a single purchase
19 does not exceed twenty thousand dollars,] (ii) execute contracts for
20 [services to an amount not exceeding twenty thousand dollars]
21 CONSTRUCTION AND CONSTRUCTION-RELATED SERVICES CONTRACTS, and (iii)
22 contract for printing [to an amount not exceeding five thousand
23 dollars], without prior approval by any other state officer or agency,
24 but subject to rules and regulations of the state comptroller not other-
25 wise inconsistent with the provisions of this section and in accordance
26 with the [rules and regulations] GUIDELINES promulgated by the city
27 university board of trustees after consultation with the state comp-
28 troller. [In addition, the trustees are authorized to annually negotiate
29 with the state comptroller increases in the aforementioned dollar limits
30 and the exemption of any articles, categories of articles or commodities
31 from these limits. Rules and regulations promulgated by the city univer-
32 sity board of trustees shall, to the extent practicable, require that
33 competitive proposals be solicited for purchases, and shall include
34 requirements that purchases and contracts authorized under this section
35 be at the lowest possible price.]

36 (2) EXECUTE CONTRACTS FOR SERVICES TO AN AMOUNT NOT EXCEEDING TWENTY
37 THOUSAND DOLLARS WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR
38 AGENCY, BUT SUBJECT TO RULES AND REGULATIONS OF THE STATE COMPTROLLER
39 NOT OTHERWISE INCONSISTENT WITH THE PROVISIONS OF THIS SECTION AND IN
40 ACCORDANCE WITH THE GUIDELINES PROMULGATED BY THE CITY UNIVERSITY BOARD
41 OF TRUSTEES AFTER CONSULTATION WITH THE STATE COMPTROLLER. IN ADDITION,
42 THE TRUSTEES, AFTER CONSULTATION WITH THE COMMISSIONER OF GENERAL
43 SERVICES, ARE AUTHORIZED TO ANNUALLY NEGOTIATE WITH THE STATE COMP-
44 TROLLER INCREASES IN THE AFOREMENTIONED DOLLAR LIMITS AND THE EXEMPTION
45 OF ANY SERVICES OR CATEGORIES OF SERVICES FROM THESE LIMITS.

46 A-1. GUIDELINES PROMULGATED BY THE CITY UNIVERSITY BOARD OF TRUSTEES
47 SHALL, TO THE EXTENT PRACTICABLE, REQUIRE THAT COMPETITIVE PROPOSALS BE
48 SOLICITED FOR PURCHASES, AND SHALL INCLUDE REQUIREMENTS THAT PURCHASES
49 AND CONTRACTS AUTHORIZED UNDER THIS SECTION BE AT THE LOWEST AVAILABLE
50 PRICE.

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

53 S 6283. PROCUREMENTS OF THE FUND. NOTWITHSTANDING SUBDIVISION TWO OF
54 SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW OR ANY OTHER LAW TO
55 THE CONTRARY, FUND PROCUREMENTS SHALL NOT BE SUBJECT TO THE PRIOR
56 APPROVAL OF ANY STATE OFFICER OR AGENCY.

S 4. This act shall take effect immediately and shall expire and be deemed repealed June 30, 2016.

SUBPART C

Section 1. Paragraph b of 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:

b. 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 TWO OF SECTION ONE HUNDRED TWELVE OF THE STATE FINANCE LAW, subdivision six of section one hundred sixty-three of the state finance law[,] AND SECTION SIXTY-THREE OF THE EXECUTIVE LAW (I) authorize contracts for the purchase of goods [and services] for state university health care facilities[:]

(1) for any contract which does not exceed seventy-five thousand dollars; or

(2)] WITHOUT PRIOR APPROVAL BY ANY OTHER STATE OFFICER OR AGENCY, INCLUDING CONTRACTS for joint or group purchasing arrangements [which do not exceed seventy-five thousand dollars without prior approval by any other state, officer or agency] OF GOODS, in accordance with procedures and requirements found in paragraph a of subdivision five of this section[.

(3) contracts], AND (II) AUTHORIZE CONTRACTS FOR SERVICES 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. CONTRACTS authorized [hereunder] PURSUANT TO THIS PARAGRAPH 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.

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

S 2. 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 3. This act shall take effect immediately, and shall expire and be deemed repealed June 30, 2016.

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.

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

4 PART E

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

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

11 (D) FOR UNDERGRADUATE STUDENTS ENROLLED IN A PROGRAM OF STUDY AT A
12 NON-PUBLIC DEGREE-GRANTING INSTITUTION THAT DOES NOT OFFER A PROGRAM OF
13 STUDY THAT LEADS TO A BACCALAUREATE DEGREE, OR AT A REGISTERED NOT-FOR-
14 PROFIT BUSINESS SCHOOL QUALIFIED FOR TAX EXEMPTION UNDER SECTION
15 501(C)(3) OF THE INTERNAL REVENUE CODE FOR FEDERAL INCOME TAX PURPOSES
16 THAT DOES NOT OFFER A PROGRAM OF STUDY THAT LEADS TO A BACCALAUREATE
17 DEGREE, FOUR THOUSAND DOLLARS. PROVIDED, HOWEVER, THAT THIS SUBITEM
18 SHALL NOT APPLY TO STUDENTS ENROLLED IN A PROGRAM OF STUDY LEADING TO A
19 CERTIFICATE OR DEGREE IN NURSING.

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

21 PART F

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

25 1. Income defined. Except as otherwise provided in this section,
26 "income" shall be the total of the combined net taxable income and
27 income from pensions of New York state, local governments [and], the
28 federal government AND ANY PRIVATE EMPLOYER of the applicant, the appli-
29 cant's spouse, and the applicant's parents, INCLUDING ANY PENSION AND
30 ANNUITY INCOME EXCLUDED FOR PURPOSES OF TAXATION PURSUANT TO PARAGRAPH
31 THREE-A OF SUBSECTION (C) OF SECTION SIX HUNDRED TWELVE OF THE TAX LAW,
32 as reported in New York state income tax returns for the calendar year
33 next preceding the beginning of the school year for which application
34 for assistance is made, except that any amount received by an applicant
35 as a scholarship at an educational institution or as a fellowship grant,
36 including the value of contributed services and accommodations, shall
37 not be included within the definition of "income" for the purposes of
38 this article. The term "parent" shall include birth parents, steppar-
39 ents, adoptive parents and the spouse of an adoptive parent. Income, if
40 not a whole dollar amount, shall be assumed to be equal to the next
41 lowest whole dollar amount. Any change in the status of an applicant
42 with regard to the persons responsible for the applicant's support
43 occurring after the beginning of any semester shall not be considered to
44 change the applicant's award for that semester.

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

46 PART G

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

1 B. A STUDENT WHO IS IN DEFAULT ON A STUDENT LOAN MADE UNDER ANY STAT-
2 UTORY NEW YORK STATE OR FEDERAL EDUCATION LOAN PROGRAM SHALL BE INELIGI-
3 BLE TO RECEIVE ANY AWARD OR LOAN PURSUANT TO THIS ARTICLE UNTIL THE
4 STUDENT CURES THE DEFAULT STATUS PURSUANT TO APPLICABLE LAW AND REGU-
5 LATION.

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

12 S 2. This act shall take effect July 1, 2011; provided that the
13 provisions of this act shall apply to any student who is in default in
14 the repayment of any student loan or under the terms of any award pursu-
15 ant to article 14 of the education law.

16 PART H

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

21 (1) In the case of students who have not been granted an exclusion of
22 parental income or had a dependent for income tax purposes during the
23 tax year next preceding the academic year for which application is made,
24 EXCEPT FOR THOSE STUDENTS WHO HAVE BEEN GRANTED EXCLUSION OF PARENTAL
25 INCOME WHO HAVE A SPOUSE BUT NO OTHER DEPENDENT:

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

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

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

34 S 2. Subclause 2 of clause (A) of subparagraph (i) of paragraph a of
35 subdivision 3 of section 667 of the education law, as amended by section
36 1 of part B of chapter 60 of the laws of 2000, is amended to read as
37 follows:

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

41 (a) For students first receiving aid in nineteen hundred ninety-four
42 --nineteen hundred ninety-five and nineteen hundred ninety-five--nine-
43 teen hundred ninety-six and thereafter, three thousand twenty-five
44 dollars, or

45 (b) For students first receiving aid in nineteen hundred ninety-two--
46 nineteen hundred ninety-three and nineteen hundred ninety-three--nine-
47 teen hundred ninety-four, two thousand five hundred seventy-five
48 dollars, or

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

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

(iii) (A) 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 4. This act shall take effect July 1, 2011.

PART I

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 FOR STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN PARAGRAPH D OF THIS SUBDIVISION 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	1st	2nd	3rd	4th	5th	6th	7th	8th	9th	10th
---------------------------------------	-----	-----	-----	-----	-----	-----	-----	-----	-----	------

1 Payment

2 A Student Must 0 3 9 21 33 45 60 75 90 105
 3 Have Accrued at
 4 Least This
 5 Many Credits

6 With At Least 0 1.1 1.2 1.3 2.0 2.0 2.0 2.0 2.0 2.0
 7 This Grade
 8 Point Average

9 (ii) For students first receiving aid in two thousand seven--two thou-
 10 sand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN,
 11 AND FOR STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN
 12 PARAGRAPH D OF THIS SUBDIVISION WHO FIRST RECEIVED AID IN TWO THOUSAND
 13 SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in two-year
 14 undergraduate programs whose terms are organized in semesters:

15 Before Being 1 2 3 4 5 6
 16 Certified
 17 for This
 18 Payment

19 A Student 0 3 9 18 30 45
 20 Must Have
 21 Accrued at
 22 Least This
 23 Many Credits

24 With at Least 0 .5 .75 1.3 2.0 2.0
 25 This Grade
 26 Point Average

27 (iii) For students first receiving aid in two thousand seven--two
 28 thousand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND
 29 TEN, AND FOR STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED
 30 IN PARAGRAPH D OF THIS SUBDIVISION WHO FIRST RECEIVED AID IN TWO THOU-
 31 SAND SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in four-
 32 year or five-year undergraduate programs whose terms are organized on a
 33 trimester basis:

34 Before Being 1 2 3 4 5 6 7 8
 35 Certified
 36 for This
 37 Payment

38 A Student 0 2 4 9 17 25 33 40
 39 Must Have
 40 Accrued at
 41 Least This
 42 Many Credits

43 With At Least 0 1.1 1.1 1.2 1.2 1.3 2.0 2.0
 44 This Grade
 45 Point Average

1 and,

2	Before Being	9	10	11	12	13	14	15
3	Certified							
4	for This							
5	Payment							

6	A Student	50	60	70	80	90	100	110
7	Must Have							
8	Accrued at							
9	Least This							
10	Many Credits							

11	With At Least	2.0	2.0	2.0	2.0	2.0	2.0	2.0
12	This Grade							
13	Point Average							

14 (iv) For students first receiving aid in two thousand seven--two thou-
15 sand eight, THROUGH AND INCLUDING TWO THOUSAND NINE--TWO THOUSAND TEN,
16 AND FOR STUDENTS ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN
17 PARAGRAPH D OF THIS SUBDIVISION WHO FIRST RECEIVED AID IN TWO THOUSAND
18 SEVEN--TWO THOUSAND EIGHT, and thereafter, and enrolled in two-year
19 undergraduate programs whose terms are organized on a trimester basis:

20	Before Being	1	2	3	4	5	6	7	8	9
21	Certified									
22	for This									
23	Payment									

24	A Student	0	2	4	9	15	21	30	37	45
25	Must Have									
26	Accrued at									
27	Least This									
28	Many Credits									

29	With At Least	0	.5	.5	.75	.75	1.3	2.0	2.0	2.0
30	This Grade									
31	Point Average									

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

35 (V) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOUSAND
36 ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF A STUDENT
37 ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN PARAGRAPH D OF
38 THIS SUBDIVISION, AND ARE ENROLLED IN A FOUR-YEAR OR FIVE-YEAR UNDER-
39 GRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

[illegible][illegible]

1 LEAST THIS
2 MANY CREDITS

3 WITH AT LEAST 0 1.5 1.8 1.8 2.0 2.0 2.0 2.0 2.0 2.0
4 THIS GRADE
5 POINT AVERAGE

6 (VI) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-
7 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF A STUDENT
8 ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN PARAGRAPH D OF
9 THIS SUBDIVISION, AND ARE ENROLLED IN A TWO-YEAR UNDERGRADUATE PROGRAM
10 WHOSE TERMS ARE ORGANIZED IN SEMESTERS:

11 BEFORE BEING 1ST 2ND 3RD 4TH 5TH 6TH
12 CERTIFIED
13 FOR THIS
14 PAYMENT

15 A STUDENT 0 6 15 27 39 51
16 MUST HAVE
17 ACCRUED AT
18 LEAST THIS
19 MANY CREDITS

20 WITH AT LEAST 0 1.3 1.5 1.8 2.0 2.0
21 THIS GRADE
22 POINT AVERAGE

23 (VII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-
24 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF A STUDENT
25 ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN PARAGRAPH D OF
26 THIS SUBDIVISION, AND ARE ENROLLED IN A FOUR-YEAR OR FIVE-YEAR UNDER-
27 GRADUATE PROGRAM WHOSE TERMS ARE ORGANIZED ON A TRIMESTER BASIS:

28 BEFORE BEING 1ST 2ND 3RD 4TH 5TH 6TH 7TH 8TH
29 CERTIFIED
30 FOR THIS
31 PAYMENT

32 A STUDENT 0 4 8 14 22 30 38 46
33 MUST HAVE
34 ACCRUED AT
35 LEAST THIS
36 MANY CREDITS

37 WITH AT LEAST 0 1.1 1.5 1.5 1.8 2.0 2.0 2.0
38 THIS GRADE
39 POINT AVERAGE
40 AND,

41 BEFORE BEING 9TH 10TH 11TH 12TH 13TH 14TH 15TH
42 CERTIFIED
43 FOR THIS
44 PAYMENT

45 A STUDENT 56 66 76 86 96 106 116

1 MUST HAVE
2 ACCRUED AT
3 LEAST THIS
4 MANY CREDITS

5 WITH AT LEAST 2.0 2.0 2.0 2.0 2.0 2.0 2.0
6 THIS GRADE
7 POINT AVERAGE

8 (VIII) FOR STUDENTS FIRST RECEIVING AID IN TWO THOUSAND TEN--TWO THOU-
9 SAND ELEVEN AND THEREAFTER, WHO DO NOT MEET THE DEFINITION OF A STUDENT
10 ENROLLED IN A PROGRAM OF REMEDIAL STUDY AS DEFINED IN PARAGRAPH D OF
11 THIS SUBDIVISION, AND ARE ENROLLED IN A TWO-YEAR UNDERGRADUATE PROGRAM
12 WHOSE TERMS ARE ORGANIZED ON A TRIMESTER BASIS:

13	BEFORE BEING	1ST	2ND	3RD	4TH	5TH	6TH	7TH	8TH	9TH
14	CERTIFIED									
15	FOR THIS									
16	PAYMENT									

17	A STUDENT	0	2	6	14	22	30	38	46	54
18	MUST HAVE									
19	ACCRUED AT									
20	LEAST THIS									
21	MANY CREDITS									

22	WITH AT LEAST	0	1.0	1.3	1.5	1.5	1.8	2.0	2.0	2.0
23	THIS GRADE									
24	POINT AVERAGE									

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

27 D. FOR PURPOSES OF PARAGRAPH C OF THIS SUBDIVISION, A STUDENT ENROLLED
28 IN A PROGRAM OF REMEDIAL STUDY SHALL MEAN A STUDENT: (A) WHOSE SCORES ON
29 A RECOGNIZED COLLEGE PLACEMENT EXAM OR NATIONALLY RECOGNIZED STANDARD-
30 IZED EXAM INDICATED THE NEED FOR REMEDIATION FOR AT LEAST TWO SEMESTERS,
31 AS CERTIFIED BY THE APPROPRIATE COLLEGE OFFICIAL AND APPROVED BY THE
32 COMMISSIONER; OR (B) WHO WAS ENROLLED IN AT LEAST SIX SEMESTER HOURS OF
33 NON-CREDIT REMEDIAL COURSES, AS APPROVED BY THE COMMISSIONER, IN THE
34 FIRST TERM THEY RECEIVED A TUITION ASSISTANCE PROGRAM AWARD IN AN
35 APPROVED PROGRAM; OR (C) WHO IS OR WAS ENROLLED IN THE HIGHER EDUCATION
36 OPPORTUNITY PROGRAM (HEOP), THE EDUCATIONAL OPPORTUNITY PROGRAM (EOP),
37 THE SEARCH FOR EDUCATION, ELEVATION AND KNOWLEDGE (SEEK) PROGRAM, OR THE
38 COLLEGE DISCOVERY (CD) PROGRAM.

39 S 4. This act shall take effect July 1, 2011.

40

PART J

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

43 2. Duration. No undergraduate shall be eligible for more than four
44 academic years of study, or five academic years if the program of study
45 normally requires five years. Students enrolled in a program of remedial
46 study, approved by the commissioner in an institution of higher educa-
47 tion and intended to culminate in a degree in undergraduate study shall,
48 for purposes of this section, be considered as enrolled in a program of

1 study normally requiring five years. An undergraduate student enrolled
2 in an eligible two year program of study approved by the commissioner
3 shall be eligible for no more than three academic years of study. [No
4 graduate student shall be eligible for more than four academic years of
5 study provided, however, that no graduate student shall be eligible for
6 more than one degree program at the master's, first professional or
7 doctorate level. No student shall be eligible for a total of more than
8 the equivalent of eight years of combined undergraduate and graduate
9 study.] Any semester, quarter, or term of attendance during which a
10 student receives any award under this article, after the effective date
11 of the former scholar incentive program and prior to academic year nine-
12 teen hundred eighty-nine--nineteen hundred ninety, shall be counted
13 toward the maximum term of eligibility for tuition assistance under this
14 section, except that any semester, quarter or term of attendance during
15 which a student received an award pursuant to section six hundred
16 sixty-six of this [article] SUBPART shall be counted as one-half of a
17 semester, quarter or term, as the case may be, toward the maximum term
18 of eligibility under this section. Any semester, quarter or term of
19 attendance during which a student received an award pursuant to section
20 six hundred sixty-seven-a of this [article] SUBPART shall not be counted
21 toward the maximum term of eligibility under this section.

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

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

26 5. Adjustments of income. [(a) Except for purposes of paragraphs a and
27 b of subdivision three of section six hundred sixty-seven of this part
28 if, during the academic year in which the applicant will receive an
29 award, one or more of either the parents of the applicant or other
30 dependent children of such parents, the spouse of the applicant, or one
31 or more dependent children of the applicant, in addition to the appli-
32 cant, will be in full-time attendance in an approved program, the
33 combined net taxable income determined under subdivision one of this
34 section shall be divided by the total number of the aforesaid persons
35 (including the applicant) who will be in such attendance, and the
36 resulting quotient shall be deemed the applicable income in determining
37 the applicant's award for such academic year.

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

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

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

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

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

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

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

21 S 7. This act shall take effect July 1, 2011.

22 PART K

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

27 S 17. This act shall take effect immediately; provided, however, that
28 the scholarship and loan forgiveness programs established pursuant to
29 the provisions of this act shall terminate upon the granting of such
30 awards for the 2008-2009 school year PROVIDED, HOWEVER, THAT THE REGENTS
31 PHYSICIAN LOAN FORGIVENESS PROGRAM ESTABLISHED PURSUANT TO THIS ACT
32 SHALL NOT TERMINATE UNTIL THE GRANTING OF SUCH AWARDS FOR THE 2015-16
33 SCHOOL YEAR, PROVIDED THAT THE FINAL DISBURSEMENT OF ANY MULTI-YEAR
34 AWARDS GRANTED IN SUCH SCHOOL YEAR SHALL BE PAID.

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

38 PART L

39 Section 1. Section 3 of part V of chapter 57 of the laws of 2005
40 amending the education law relating to the New York state nursing facul-
41 ty loan forgiveness incentive program and the New York state nursing
42 faculty scholarship program, as added by section 4 of part D of chapter
43 63 of the laws of 2005, is amended to read as follows:

44 S 3. This act shall take effect on the same date and in the same
45 manner as Part H of [a] THIS chapter [of the laws of 2005 amending the
46 labor law and other laws relating to implementing the state fiscal plan
47 for the 2005-2006 state fiscal year, as proposed in legislative bill
48 numbers S.3667 and A.6841, takes effect]; provided that section two of
49 this act shall take effect on the same date and in the same manner as
50 Part I of [a] THIS chapter [of the laws of 2005 amending the labor law
51 and other laws relating to implementing the state fiscal plan for the
52 2005-2006 state fiscal year, as proposed in legislative bill numbers

1 S.3667 and A.6841, takes effect]; and provided further that this act
2 shall expire and be deemed repealed on June 30, [2010] 2016.
3 S 2. This act shall take effect immediately.

PART M

5 Section 1. Subdivision (a) of section 50 of chapter 161 of the laws of
6 2005, amending the education law and other laws relating to the social
7 worker loan forgiveness program is amended to read as follows:

8 (a) section two of this act shall expire and be deemed repealed June
9 30, [2011] 2016; and provided, further that the amendment to paragraph b
10 of subdivision 1 of section 679-c and the amendment to paragraph 2 of
11 subdivision a of section 679-d of the education law made by sections
12 three and four of this act shall not affect the repeal of such sections
13 and shall be deemed repealed therewith;

14 S 2. This act shall take effect immediately.

PART N

16 Section 1. Paragraph (b) of subdivision 12 of section 425 of the real
17 property tax law, as added by section 1 of part B of chapter 389 of the
18 laws of 1997, is amended and a new paragraph (d) is added to read as
19 follows:

20 (b) Procedure. The assessed value attributable to each such improperly
21 granted exemption shall be entered separately on the next ensuing tenta-
22 tive or final assessment roll. The provisions of section five hundred
23 fifty-one or five hundred fifty-three of this chapter, relating to the
24 entry by the assessor of omitted real property on a tentative or final
25 assessment roll, shall apply so far as practicable to the revocation
26 procedure, except that the tax rate to be applied to any revoked
27 exemption shall be the tax rate that was applied to the corresponding
28 assessment roll, AND THAT INTEREST SHALL THEN BE ADDED TO EACH SUCH
29 PRODUCT AT THE RATE PRESCRIBED BY SECTION NINE HUNDRED TWENTY-FOUR-A OF
30 THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLICABLE FOR EACH MONTH OR
31 PORTION THEREON SINCE THE LEVY OF TAXES UPON THE ASSESSMENT ROLL OR
32 ROLLS UPON WHICH THE EXEMPTION WAS GRANTED.

33 (D) APPLICABILITY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE
34 APPLICABLE TO THE EXTENT THAT THE PRIOR EXEMPTIONS SHALL HAVE BEEN
35 RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINETY-SIX OF THIS ARTICLE.

36 S 2. Subdivision 13 of section 425 of the real property tax law is
37 amended by adding a new paragraph (d) to read as follows:

38 (D) APPLICABILITY. THE PROVISIONS OF THIS SUBDIVISION SHALL NOT BE
39 APPLICABLE TO THE EXTENT THAT THE PRIOR EXEMPTIONS SHALL HAVE BEEN
40 RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINETY-SIX OF THIS ARTICLE.

41 S 3. The real property tax law is amended by adding a new section 496
42 to read as follows:

43 S 496. VOLUNTARY RENUNCIATION OF AN EXEMPTION. 1. A PROPERTY OWNER WHO
44 WISHES TO GIVE UP HIS OR HER CLAIM TO AN EXEMPTION ON ONE OR MORE
45 PRECEDING ASSESSMENT ROLLS MAY RENOUNCE THE EXEMPTION IN THE MANNER
46 PROVIDED BY THIS SECTION.

47 2. AN APPLICATION TO RENOUNCE AN EXEMPTION SHALL BE MADE ON A FORM
48 PRESCRIBED BY THE COMMISSIONER AND SHALL BE FILED WITH THE COUNTY DIREC-
49 TOR OF REAL PROPERTY TAX SERVICES NO LATER THAN TEN YEARS AFTER THE LEVY
50 OF TAXES UPON THE ASSESSMENT ROLL ON WHICH THE RENOUNCED EXEMPTION
51 APPEARS. THE COUNTY DIRECTOR, AFTER CONSULTING WITH THE ASSESSOR AS

1 APPROPRIATE, SHALL COMPUTE THE TOTAL AMOUNT OWED ON ACCOUNT OF THE
2 RENOUNCED EXEMPTION AS FOLLOWS:

3 (A) FOR EACH ASSESSMENT ROLL ON WHICH THE RENOUNCED EXEMPTION APPEARS,
4 THE ASSESSED VALUE THAT WAS EXEMPTED SHALL BE MULTIPLIED BY THE TAX RATE
5 OR RATES THAT WERE APPLIED TO THAT ASSESSMENT ROLL. INTEREST SHALL THEN
6 BE ADDED TO EACH SUCH PRODUCT AT THE RATE PRESCRIBED BY SECTION NINE
7 HUNDRED TWENTY-FOUR-A OF THIS CHAPTER OR SUCH OTHER LAW AS MAY BE APPLI-
8 CABLE FOR EACH MONTH OR PORTION THEREON SINCE THE LEVY OF TAXES UPON
9 SUCH ASSESSMENT ROLL.

10 (B) THE SUM OF THE CALCULATIONS MADE PURSUANT TO PARAGRAPH (A) OF THIS
11 SUBDIVISION WITH RESPECT TO ALL OF THE ASSESSMENT ROLLS IN QUESTION
12 SHALL BE DETERMINED.

13 (C) A PROCESSING FEE OF FIVE HUNDRED DOLLARS SHALL BE ADDED TO THE SUM
14 DETERMINED PURSUANT TO PARAGRAPH (B) OF THIS SUBDIVISION.

15 3. AFTER COMPUTING THE TOTAL AMOUNT DUE ON ACCOUNT OF THE RENOUNCED
16 EXEMPTION, THE COUNTY DIRECTOR SHALL RETURN THE FORM TO THE APPLICANT
17 WITH THE TOTAL AMOUNT DUE NOTED THEREON. A COPY OF SUCH FORM SHALL BE
18 PROVIDED TO THE ASSESSOR, AND IN THE CASE OF THE STAR EXEMPTION, TO THE
19 COMMISSIONER. WITHIN FIFTEEN DAYS AFTER THE MAILING OF SUCH FORM, THE
20 APPLICANT SHALL PAY THE TOTAL AMOUNT DUE AS SHOWN THEREON TO THE COUNTY
21 TREASURER, WHO SHALL ISSUE A RECEIPT FOR SUCH PAYMENT. AFTER DEDUCTING
22 THE PROCESSING FEE, THE COUNTY TREASURER SHALL DISTRIBUTE THE AMOUNT
23 COLLECTED AMONG THE AFFECTED MUNICIPAL CORPORATIONS ACCORDING TO THE
24 TAXES AND INTEREST OWING TO EACH, PROVIDED THAT IN THE CASE OF THE STAR
25 EXEMPTION AUTHORIZED BY SECTION FOUR HUNDRED TWENTY-FIVE OF THIS ARTI-
26 CLE, THE AMOUNT COLLECTED, INCLUDING INTEREST, SHALL BE PAID TO THE
27 STATE IN THE MANNER DIRECTED BY THE COMMISSIONER.

28 4. NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SECTION, IN A CITY
29 WITH A POPULATION OF ONE MILLION OR MORE, AN EXEMPTION MAY BE RENOUNCED
30 ON A FORM PRESCRIBED BY THE COMMISSIONER OF FINANCE, AND THE DUTIES
31 IMPOSED BY THIS SECTION UPON THE COUNTY TREASURER SHALL BE PERFORMED BY
32 THE COMMISSIONER OF FINANCE.

33 S 4. Paragraph (e) of subdivision 3 of section 550 of the real proper-
34 ty tax law, as added by chapter 160 of the laws of 1988, is amended to
35 read as follows:

36 (e) an incorrect entry of a partial exemption on an assessment roll
37 for a parcel which is not eligible for such partial exemption; PROVIDED
38 THAT THE EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR
39 HUNDRED NINETY-SIX OF THIS CHAPTER; or

40 S 5. Paragraph (f-1) of subdivision 1 of section 553 of the real PROP-
41 ERTY TAX LAW, AS ADDED BY CHAPTER 616 OF THE LAWS OF 2002, IS AMENDED TO
42 READ AS FOLLOWS:

43 (f-1) an incorrect entry of a partial exemption on the immediately
44 preceding year's assessment roll for a parcel which was not eligible for
45 such exemption, provided that there has not been a transfer of title
46 subsequent to the filing of such roll AND PROVIDED FURTHER THAT THE
47 EXEMPTION HAS NOT BEEN RENOUNCED PURSUANT TO SECTION FOUR HUNDRED NINE-
48 TY-SIX OF THIS CHAPTER;

49 S 6. Subdivision 2 of section 1306-a of the real property tax law, as
50 added by section 16 of part B of chapter 389 of the laws of 1997, is
51 amended to read as follows:

52 2. Tax savings. (A)(I) The tax savings for each parcel receiving the
53 exemption authorized by section four hundred twenty-five of this chapter
54 shall be computed by subtracting the amount actually levied against the
55 parcel from the amount that would have been levied if not for the
56 exemption, PROVIDED HOWEVER, THAT BEGINNING WITH THE TWO THOUSAND

ELEVEN-TWO THOUSAND TWELVE SCHOOL YEAR, THE TAX SAVINGS APPLICABLE TO ANY "PORTION" (WHICH AS USED HEREIN SHALL MEAN THAT PART OF AN ASSESSING UNIT LOCATED WITHIN A SCHOOL DISTRICT) SHALL NOT EXCEED THE TAX SAVINGS APPLICABLE TO THAT PORTION IN THE PRIOR SCHOOL YEAR MULTIPLIED BY ONE HUNDRED TWO PERCENT, WITH THE RESULT ROUNDED TO THE NEAREST DOLLAR. THE TAX SAVINGS ATTRIBUTABLE TO THE BASIC AND ENHANCED EXEMPTIONS SHALL BE CALCULATED SEPARATELY. IT SHALL BE THE RESPONSIBILITY OF THE COMMISSIONER TO CALCULATE TAX SAVINGS LIMITATIONS FOR PURPOSES OF THIS SUBDIVISION.

(II) THE TAX SAVINGS APPLICABLE TO A PORTION FOR THE TWO THOUSAND TEN-TWO THOUSAND ELEVEN SCHOOL YEAR SHALL BE DETERMINED BY MULTIPLYING THE EXEMPT AMOUNT APPLICABLE TO THE PORTION FOR THE TWO THOUSAND TEN-TWO THOUSAND ELEVEN SCHOOL YEAR BY THE TAX RATE APPLICABLE TO THE PORTION FOR THE TWO THOUSAND TEN-TWO THOUSAND ELEVEN SCHOOL YEAR, WITH SEPARATE CALCULATIONS FOR THE BASIC AND ENHANCED EXEMPTIONS.

(III) WHERE A SCHOOL TAX RATE WAS CHANGED IN THE MIDST OF THE PRIOR SCHOOL YEAR, AN ANNUALIZED SCHOOL TAX RATE SHALL BE USED FOR THIS PURPOSE. THE ANNUALIZED TAX RATE FOR THIS PURPOSE SHALL BE DETERMINED BY CALCULATING THE AVERAGE OF THE TAX RATES IN EFFECT AT VARIOUS TIMES DURING THE SCHOOL YEAR, WEIGHTED ACCORDING TO THE LENGTH OF TIME DURING WHICH THEY WERE RESPECTIVELY APPLICABLE.

(B) A statement shall then be placed on the tax bill for the parcel in substantially the following form: "Your tax savings this year resulting from the New York state school tax relief (STAR) program is \$_____."

S 7. Section 171-u of the tax law is amended by adding a new subdivision 5 to read as follows:

(5)(A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, THE COMMISSIONER MAY ADOPT RULES PRESCRIBING A UNIFORM STATEWIDE SYSTEM OF PARCEL IDENTIFICATION NUMBERS APPLICABLE TO ALL "ASSESSING UNITS", AS THAT TERM IS DEFINED BY SECTION ONE HUNDRED TWO OF THE REAL PROPERTY TAX LAW, PROVIDED THAT NO SUCH RULE SHALL APPLY TO AN ASSESSMENT ROLL WITH A TAXABLE STATUS DATE OCCURRING PRIOR TO JANUARY FIRST, TWO THOUSAND THIRTEEN.

(B) NOTWITHSTANDING THE FOREGOING PROVISIONS OF THIS SUBDIVISION, THE COMMISSIONER MAY, AT HIS OR HER DISCRETION, ADOPT RULES THAT ARE APPLICABLE ONLY TO "SPECIAL ASSESSING UNITS," AS THAT TERM IS DEFINED BY SECTION EIGHTEEN HUNDRED ONE OF THE REAL PROPERTY TAX LAW, WHICH PRESCRIBE AN ALTERNATIVE SYSTEM OF PARCEL IDENTIFICATION NUMBERS SOLELY FOR SUCH SPECIAL ASSESSING UNITS.

S 8. This act shall take effect immediately.

PART 0

Section 1. Paragraph c of subdivision 1 of section 4405 of the education law, as added by section 2 of part G2 of chapter 62 of the laws of 2003, is amended to read as follows:

c. Expenditures made by a social services district for the maintenance of a child with a disability placed in a residential school under the provisions of this article, including a child with a disability placed by a school district committee on special education pursuant to this article in a special act school district, or a state school subject to the provisions of articles eighty-seven and eighty-eight of this chapter, shall be subject to [twenty] THIRTY-EIGHT AND FOUR HUNDRED TWENTY-FOUR THOUSANDTHS percent reimbursement by the child's school district of residence pursuant to the provisions of subdivision ten of section one

1 hundred fifty-three of the social services law. The amount of such
2 reimbursement shall be a charge upon such school district of residence.

3 S 2. Subdivision 10 of section 153 of the social services law, as
4 amended by section 1 of part G2 of chapter 62 of the laws of 2003, is
5 amended to read as follows:

6 10. Expenditures made by a social services district for the mainte-
7 nance of children with disabilities, placed by school districts, pursu-
8 ant to section forty-four hundred five of the education law shall, if
9 approved by the office of children and family services, be subject to
10 [forty percent reimbursement by the state and twenty] EIGHTEEN AND FOUR
11 HUNDRED TWENTY-FOUR THOUSANDTHS PERCENT REIMBURSEMENT BY THE STATE AND
12 THIRTY-EIGHT AND FOUR HUNDRED TWENTY-FOUR THOUSANDTHS percent reimburse-
13 ment by school districts in accordance with paragraph [(c)] C of subdi-
14 vision one of section forty-four hundred five of the education law,
15 after first deducting therefrom any federal funds received or to be
16 received on account of such expenditures, except that in the case of a
17 student attending a state-operated school for the deaf or blind pursuant
18 to article eighty-seven or eighty-eight of the education law who was not
19 placed in such school by a school district such expenditures shall be
20 subject to fifty percent reimbursement by the state after first deduct-
21 ing therefrom any federal funds received or to be received on account of
22 such expenditures and there shall be no reimbursement by school
23 districts. Such expenditures shall not be subject to the limitations on
24 state reimbursement contained in subdivision two of section one hundred
25 fifty-three-k of this [chapter] TITLE. In the event of the failure of
26 the school district to make the maintenance payment pursuant to the
27 provisions of this subdivision, the state comptroller shall withhold
28 state reimbursement to any such school district in an amount equal to
29 the unpaid obligation for maintenance and pay over such sum to the
30 social services district upon certification of the commissioner of the
31 office of children and family services and the commissioner of education
32 that such funds are overdue and owed by such school district. The
33 commissioner of the office of children and family services, in consulta-
34 tion with the commissioner of education, shall promulgate regulations to
35 implement the provisions of this subdivision.

36 S 3. This act shall take effect immediately and shall be deemed to
37 have been in full force and effect on and after January 1, 2011;
38 provided, however, that the amendments to subdivision 10 of section 153
39 of the social services law made by section two of this act shall not
40 affect the expiration of such subdivision and shall be deemed to expire
41 therewith.

42 PART P

43 Intentionally omitted.

44 PART Q

45 Section 1. This act enacts into law major components of legislation
46 which are necessary to continue transforming New York's juvenile justice
47 system. Each component is wholly contained within a Subpart identified
48 as Subparts A and B. The effective date for each particular provision
49 contained within such Subpart is set forth in the last section of such
50 Subpart. Any provision in any section contained within a Subpart,
51 including the effective date of the Subpart, which makes reference to a
52 section "of this act", when used in connection with that particular

1 component, shall be deemed to mean and refer to the corresponding
2 section of the Subpart in which it is found. Section three of this act
3 sets forth the general effective date of this act.

4 SUBPART A

5 Section 1. (a) Notwithstanding the provisions of paragraph (c) of
6 subdivision 15 of section 501 of the executive law, or any other law to
7 the contrary, the commissioner of the office of children and family
8 services is authorized to close in state fiscal year 2011-12 any of the
9 facilities operated by the office of children and family services, and
10 make significant service reductions, public employee staffing reductions
11 and/or transfer operations to a private or not-for-profit entity accord-
12 ing to this section as shall be determined by the commissioner to be
13 necessary for the cost-effective and efficient operation of such facili-
14 ties.

15 (b) At least sixty days prior to the anticipated closure of any such
16 facility, or any significant service reductions, public employee staff-
17 ing reductions and/or transfer of operations to a private or not-for-
18 profit entity, the commissioner of the office of children and family
19 services shall provide notice of such action to the speaker of the
20 assembly and the temporary president of the senate and shall post such
21 notice upon its public website. The commissioner shall be authorized to
22 conduct any and all preparatory actions which may be required to effec-
23 tuate such closures or significant service or staffing reductions or
24 transfers of operations during such sixty day period. In assessing which
25 of such facilities to close, or at which to implement any significant
26 service reductions, public employee staffing reductions and/or transfer
27 of operations to a private or not-for-profit entity, the commissioner
28 shall consider the following factors: (1) ability to provide a safe,
29 humane and therapeutic environment for placed youth; (2) ability to meet
30 the educational, mental health, substance abuse and behavioral health
31 treatment needs of placed youth; (3) community networks and partnerships
32 that promote the social, mental, economic and behavioral development of
33 placed youth; (4) future capacity requirements for the effective opera-
34 tion of youth facilities; (5) the physical characteristics, condition
35 and costs of operation of the facility; and (6) the location of the
36 facility in regards to costs and ease of transportation for the placed
37 youth and their families.

38 (c) Any transfers of capacity or any resulting transfer of functions
39 shall be authorized to be made by the commissioner of the office of
40 children and family services and any transfer of personnel upon such
41 transfer of capacity or transfer of functions shall be accomplished in
42 accordance with the provisions of section 70 of the civil service law.

43 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
44 sion, section or part of this act shall be adjudged by any court of
45 competent jurisdiction to be invalid, such judgment shall not affect,
46 impair, or invalidate the remainder thereof, but shall be confined in
47 its operation to the clause, sentence, paragraph, subdivision, section
48 or part thereof directly involved in the controversy in which such
49 judgement shall have been rendered. It is hereby declared to be the
50 intent of the legislature that this act would have been enacted even if
51 such invalid provisions had not been included herein.

52 S 3. This act shall take effect April 1, 2011; provided that section
53 one of this act shall expire and be deemed repealed March 31, 2012.

1

SUBPART B

2 Section 1. Subdivision 3 of section 502 of the executive law, as added
3 by chapter 465 of the laws of 1992, is amended to read as follows:

4 3. "Detention" means the temporary care and maintenance of youth held
5 away from their homes pursuant to article three or seven of the family
6 court act, or held pending a hearing for alleged violation of the condi-
7 tions of release from [a division] AN OFFICE OF CHILDREN AND FAMILY
8 SERVICES facility or authorized agency, or held pending a hearing for
9 alleged violation of the condition of parole as a juvenile offender, or
10 held pending return to a jurisdiction other than the one in which the
11 youth is held, or held pursuant to a securing order of a criminal court
12 if the youth named therein as principal is charged as a juvenile offen-
13 der or held pending a hearing on an extension of placement or held pend-
14 ing transfer to a facility upon commitment or placement by a court. Only
15 alleged or convicted juvenile offenders who have not attained their
16 eighteenth birthday shall be subject to detention in a detention facili-
17 ty.

18 S 2. Subdivision 4, paragraphs (b) and (c) of subdivision 5 and subdi-
19 vision 7 of section 503 of the executive law, as amended by chapter 465
20 of the laws of 1992, are amended to read as follows:

21 4. The [division] OFFICE OF CHILDREN AND FAMILY SERVICES shall visit
22 and inspect all facilities used for detention and make periodic reports
23 of the operation and adequacy of such facilities, and the need for
24 provision of such facilities to the county executive, if there be one,
25 the county legislature and the family court judges of the county in
26 which such facilities are located, and the office of court adminis-
27 tration. [The department of social services shall cooperate with the
28 division for youth to make arrangements for joint visitation and
29 inspection of foster care programs certified by the department of social
30 services and serving youth detained, in cities having a population of
31 one million or more, pursuant to article seven of the family court act.]

32 (b) The [division] OFFICE OF CHILDREN AND FAMILY SERVICES may suspend
33 a certification for good cause shown. Suspension shall mean that no
34 persons coming within the provisions of article three or seven of the
35 family court act and no alleged or convicted juvenile offender may be
36 received for care in a detention facility, but persons already in care
37 may remain in care. The [division] OFFICE may impose such conditions in
38 the event of a suspension as it shall deem necessary and proper.

39 (c) [The division] SUCH OFFICE may revoke a certification for good
40 cause shown. Revocation shall mean that no persons coming within the
41 provisions of article three or seven of the family court act and no
42 alleged or convicted juvenile offender may be received for care nor
43 remain at the detention facility.

44 7. The person in charge of each detention facility shall keep a record
45 of all time spent in such facility for each youth in care. The detention
46 facility shall deliver a certified transcript of such record to the
47 [division] OFFICE, social services district, or other agency taking
48 custody of the youth pursuant to article three or seven of the family
49 court act, before, or at the same time as the youth is delivered to the
50 [division] OFFICE, district or other agency, as is appropriate.

51 S 3. The executive law is amended by adding a new section 529-b to
52 read as follows:

53 S 529-B. SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM. 1.

54 (A) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ELIGIBLE
55 EXPENDITURES BY AN ELIGIBLE MUNICIPALITY FOR SERVICES TO DIVERT YOUTH AT

1 RISK OF, ALLEGED TO BE, OR ADJUDICATED AS JUVENILE DELINQUENTS OR
2 PERSONS ALLEGED OR ADJUDICATED TO BE IN NEED OF SUPERVISION, OR YOUTH
3 ALLEGED TO BE OR CONVICTED AS JUVENILE OFFENDERS FROM PLACEMENT IN
4 DETENTION OR IN RESIDENTIAL CARE SHALL BE SUBJECT TO STATE REIMBURSEMENT
5 UNDER THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM FOR
6 UP TO SIXTY-TWO PERCENT OF THE MUNICIPALITY'S EXPENDITURES, SUBJECT TO
7 AVAILABLE APPROPRIATIONS AND EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAIL-
8 ABLE FOR SUCH PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S DISTRIBUTION
9 UNDER THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM.

10 (B) THE STATE FUNDS APPROPRIATED FOR THE SUPERVISION AND TREATMENT
11 SERVICES FOR JUVENILES PROGRAM SHALL BE DISTRIBUTED TO ELIGIBLE MUNICI-
12 PALITIES BY THE OFFICE OF CHILDREN AND FAMILY SERVICES BASED ON A PLAN
13 DEVELOPED BY THE OFFICE WHICH MAY CONSIDER HISTORICAL INFORMATION
14 REGARDING THE NUMBER OF YOUTH SEEN AT PROBATION INTAKE FOR AN ALLEGED
15 ACT OF DELINQUENCY, THE NUMBER OF YOUTH REMANDED TO DETENTION, THE
16 NUMBER OF JUVENILE DELINQUENTS PLACED WITH THE OFFICE, THE NUMBER OF
17 JUVENILE DELINQUENTS AND PERSONS IN NEED OF SUPERVISION PLACED IN RESI-
18 DENTIAL CARE WITH THE MUNICIPALITY, THE MUNICIPALITY'S REDUCTION IN THE
19 USE OF DETENTION AND RESIDENTIAL PLACEMENTS, AND OTHER FACTORS AS DETER-
20 MINED BY THE OFFICE. SUCH PLAN DEVELOPED BY THE OFFICE SHALL BE SUBJECT
21 TO THE APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED,
22 IN ITS DISCRETION, TO MAKE ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN
23 ANTICIPATION OF STATE REIMBURSEMENT.

24 2. AS USED IN THIS SECTION, THE TERM "MUNICIPALITY" SHALL MEAN A COUN-
25 TY, OR A CITY HAVING A POPULATION OF ONE MILLION OR MORE, AND "SUPER-
26 VISION AND TREATMENT SERVICES FOR JUVENILES" SHALL MEAN COMMUNITY-BASED
27 SERVICES OR PROGRAMS DESIGNED TO SAFELY MAINTAIN YOUTH IN THE COMMUNITY
28 PENDING A FAMILY COURT DISPOSITION OR CONVICTION IN CRIMINAL COURT AND
29 SERVICES OR PROGRAMS PROVIDED TO YOUTH ADJUDICATED AS JUVENILE DELIN-
30 QUENTS OR PERSONS IN NEED OF SUPERVISION, OR YOUTH ALLEGED TO BE JUE-
31 NILE OFFENDERS TO PREVENT RESIDENTIAL PLACEMENT OF SUCH YOUTH OR A
32 RETURN TO PLACEMENT WHERE SUCH YOUTH HAVE BEEN RELEASED TO THE COMMUNITY
33 FROM RESIDENTIAL PLACEMENT. SUPERVISION AND TREATMENT SERVICES FOR
34 JUVENILES MAY INCLUDE BUT ARE NOT LIMITED TO SERVICES OR PROGRAMS THAT:

35 (A) PROVIDE OR FACILITATE SUPPORT TO SUCH YOUTH FOR MENTAL HEALTH
36 DISORDERS, SUBSTANCE ABUSE PROBLEMS, OR LEARNING DISABILITIES THAT
37 CONTRIBUTE TO SUCH YOUTH BEING AT RISK FOR DETENTION, RESIDENTIAL PLACE-
38 MENT, OR RETURN TO DETENTION OR RESIDENTIAL PLACEMENT;

39 (B) PROVIDE TEMPORARY RESPITE CARE;

40 (C) PROVIDE FAMILY THERAPY OR SUPPORT OR EXPLORE ALTERNATE HOUSING
41 OPTIONS FOR YOUTH WHO ARE AT RISK FOR DETENTION OR PLACEMENT DUE TO THE
42 ABSENCE OF AN AVAILABLE HOME;

43 (D) PROVIDE POST-RELEASE SUPPORT WITHIN THE YOUTH'S COMMUNITY; OR

44 (E) REDUCE ARREST RATES OR RECIDIVISM.

45 3. (A) THE CHIEF EXECUTIVE OFFICER OF THE MUNICIPALITY SHALL DESIGNATE
46 A LEAD AGENCY FOR THE PURPOSES OF PLANNING AND ADMINISTERING THE MUNICI-
47 PALITY'S SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM. IN
48 ORDER FOR A MUNICIPALITY TO BE ELIGIBLE TO RECEIVE REIMBURSEMENT PURSU-
49 ANT TO THIS SECTION, SUCH MUNICIPALITY MUST SUBMIT AN ANNUAL PLAN TO THE
50 OFFICE OF CHILDREN AND FAMILY SERVICES DETAILING HOW THE SUPERVISION AND
51 TREATMENT SERVICES FOR JUVENILES WILL BE PROVIDED WITHIN THE MUNICI-
52 PALITY. THE MUNICIPALITY SHALL DEVELOP SUCH PLAN IN COOPERATION WITH THE
53 APPLICABLE LOCAL GOVERNMENTAL DEPARTMENTS RESPONSIBLE FOR PROBATION, LAW
54 ENFORCEMENT, DETENTION, DIVERSION, AND SOCIAL SERVICES; AND WITH THE
55 COURTS, SERVICE PROVIDERS, SCHOOLS AND YOUTH DEVELOPMENT PROGRAMS. THE

1 PLAN MUST BE APPROVED BY THE CHIEF EXECUTIVE OFFICER OF THE MUNICI-
2 PALITY, AND MUST INCLUDE:

3 (I) AN ANALYSIS THAT IDENTIFIES THE NEIGHBORHOODS OR COMMUNITIES FROM
4 WHICH THE GREATEST NUMBER OF JUVENILE DELINQUENTS AND PERSONS IN NEED OF
5 SUPERVISION ARE REMANDED TO DETENTION OR RESIDENTIALLY PLACED;

6 (II) WHERE THE USE OF DETENTION OR RESIDENTIAL PLACEMENT IN THE MUNI-
7 CIPALITY SHOWS A SIGNIFICANT RACIAL OR ETHNIC DISPROPORTIONALITY, A
8 DESCRIPTION OF HOW THE SERVICES PROPOSED FOR FUNDING WILL ADDRESS SUCH
9 DISPROPORTIONALITY;

10 (III) A DESCRIPTION OF HOW THE SERVICES AND PROGRAMS PROPOSED FOR
11 FUNDING WILL REDUCE THE NUMBER OF YOUTH FROM THE MUNICIPALITY WHO ARE
12 DETAINED AND RESIDENTIALLY PLACED; HOW SUCH SERVICES AND PROGRAMS ARE
13 FAMILY-FOCUSED; AND WHETHER SUCH SERVICES AND PROGRAMS ARE CAPABLE OF
14 BEING REPLICATED ACROSS MULTIPLE SITES;

15 (IV) A DESCRIPTION OF THE DEMONSTRATED EFFECTIVENESS OF SUCH SERVICES
16 AND PROGRAMS OR OTHER JUSTIFICATION WHY THE SERVICES AND PROGRAMS ARE
17 PROPOSED FOR FUNDING;

18 (V) PROJECTED PERFORMANCE OUTCOMES FOR SUCH SERVICES AND PROGRAMS,
19 INCLUDING AN ESTIMATE OF THE ANTICIPATED REDUCTIONS IN DETENTION UTILI-
20 ZATION AND RESIDENTIAL PLACEMENTS, AND OTHER PROJECTED POSITIVE OUTCOMES
21 FOR YOUTH WHO PARTICIPATE IN THE SERVICES AND PROGRAMS; AND

22 (VI) FOR EACH YEAR THAT THE MUNICIPALITY SUBMITS A PLAN AS REQUIRED BY
23 THIS SECTION, THE MUNICIPALITY MUST PROVIDE THE FOLLOWING INFORMATION
24 FOR THE MOST RECENT PRECEDING YEAR FOR WHICH SUCH MUNICIPALITY RECEIVED
25 FUNDING:

26 (A) THE NUMBER OF YOUTH WHO PARTICIPATED IN THE SERVICES AND PROGRAMS
27 FUNDED PURSUANT TO THIS SECTION; AND

28 (B) WHETHER THE SERVICES AND PROGRAMS ACHIEVED THE PROJECTED
29 REDUCTIONS IN DETENTION UTILIZATION AND RESIDENTIAL PLACEMENTS AND OTHER
30 PERFORMANCE OUTCOMES.

31 (B) A MUNICIPALITY'S PLAN SHALL BE SUBMITTED TO THE OFFICE OF CHILDREN
32 AND FAMILY SERVICES FOR REVIEW AND APPROVAL. THE OFFICE MAY APPROVE ALL
33 OR PART OF THE PLAN BASED ON THE POTENTIAL EFFECTIVENESS OF THE PLAN.

34 (I) IF THE OFFICE DOES NOT APPROVE A PLAN, THE MUNICIPALITY SHALL HAVE
35 SIXTY DAYS TO SUBMIT AN AMENDED PLAN.

36 (II) UPON APPROVAL OF A PLAN, THE OFFICE SHALL NOTIFY THE MUNICIPALITY
37 AND POST THE APPROVED PLAN ON THE OFFICE OF CHILDREN AND FAMILY SERVICES
38 WEBSITE.

39 (C) ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT FOR A
40 PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICIPALITY DOES NOT RECEIVE
41 STATE REIMBURSEMENT DURING THE APPLICABLE PROGRAM YEAR MAY NOT BE
42 CLAIMED AGAINST THAT MUNICIPALITY'S DISTRIBUTION FOR ANY SUCCEEDING
43 PROGRAM YEAR. THE OFFICE MAY REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO
44 THE OFFICE ELECTRONICALLY IN THE MANNER AND FORMAT REQUIRED BY THE
45 OFFICE.

46 (D) ANY MUNICIPALITY SUBMITTING CLAIMS FOR REIMBURSEMENT SHALL CERTIFY
47 TO THE OFFICE THAT SUPERVISION AND TREATMENT SERVICES FOR JUVENILES
48 PROGRAM FUNDS WERE NOT USED TO SUPPLANT OTHER STATE AND LOCAL FUNDS, AND
49 SUCH CLAIMS FOR REIMBURSEMENT ARE NOT FOR THE SAME TYPE AND LEVEL OF
50 SERVICES THAT THE MUNICIPALITY PROVIDED UNDER ANY CONTRACT IN EXISTENCE
51 ON SEPTEMBER THIRTIETH, TWO THOUSAND TEN THAT WAS FUNDED OTHER THAN
52 THROUGH THE OFFICE OF CHILDREN AND FAMILY SERVICES AS COMMUNITY OPTIONAL
53 PREVENTIVE, ALTERNATIVES TO DETENTION, ALTERNATIVES TO RESIDENTIAL
54 PLACEMENT, PREVENTIVE, INDEPENDENT LIVING, OR AFTER CARE SERVICES.

55 4. TWO OR MORE ELIGIBLE MUNICIPALITIES MAY JOIN TOGETHER TO ESTABLISH,
56 OPERATE AND MAINTAIN SUPERVISION AND TREATMENT SERVICES FOR JUVENILES

1 PROGRAMS AND MAY MAKE AND PERFORM AGREEMENTS IN CONNECTION THEREWITH.
2 SUCH AGREEMENTS SHALL INCLUDE PROVISIONS FOR THE PROPORTIONATE COST TO
3 BE BORNE BY EACH MUNICIPALITY AND FOR THE MANNER OF EMPLOYMENT OF
4 PERSONNEL AND MAY PROVIDE THAT A FISCAL OFFICER OF ONE SUCH MUNICIPALITY
5 SHALL BE THE CUSTODIAN OF THE MONEYS MADE AVAILABLE FOR EXPENDITURE FOR
6 SUCH PURPOSES BY ALL SUCH MUNICIPALITIES AND THAT SUCH FISCAL OFFICER
7 MAY MAKE PAYMENTS THEREFROM UPON AUDIT OF THE APPROPRIATE AUDITING BODY
8 OR OFFICER OF HIS MUNICIPALITY. IN MAKING CLAIMS FOR STATE REIMBURSEMENT
9 PURSUANT TO THIS SECTION, EACH MUNICIPALITY SHALL CLAIM FOR ITS PROPOR-
10 TIONATE SHARE OF EXPENDITURES. HOWEVER, WHERE THE AGREEMENT PROVIDES FOR
11 A DISBURSING MUNICIPALITY, SUCH DISBURSING MUNICIPALITY SHALL CLAIM FOR
12 THE TOTAL JOINT PROGRAM EXPENDITURES MADE AND SHALL DISBURSE THE STATE
13 REIMBURSEMENT TO EACH PARTICIPATING MUNICIPALITY BASED UPON THE PROPOR-
14 TIONATE SHARE OF EACH PARTICIPATING MUNICIPALITY'S EXPENDITURES.

15 5. THE OFFICE OF CHILDREN AND FAMILY SERVICES SHALL REPORT TO THE
16 GOVERNOR, THE SPEAKER OF THE ASSEMBLY, THE TEMPORARY PRESIDENT OF THE
17 SENATE, THE MINORITY LEADER OF THE ASSEMBLY AND THE MINORITY LEADER OF
18 THE SENATE NO LATER THAN JULY FIRST, TWO THOUSAND TWELVE, AND EACH YEAR
19 THEREAFTER, DETAILING THE IMPLEMENTATION AND PROGRESS OF THE SUPERVISION
20 AND TREATMENT SERVICES FOR JUVENILES PROGRAM, AS ESTABLISHED BY THIS
21 SECTION. THE REPORT SHALL DETAIL THE FOLLOWING INFORMATION FOR EACH
22 MUNICIPALITY, AS DEFINED BY THIS SECTION:

23 (A) THE AMOUNT OF FUNDS DISBURSED TO DATE FOR THE PREVIOUS PROGRAM
24 YEAR OF THE SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM;

25 (B) THE AMOUNT OF JUVENILE DETENTION FUNDS DISTRIBUTED BY SUCH DATE IN
26 ACCORDANCE WITH SECTION FIVE HUNDRED THIRTY OF THIS TITLE FOR THE PREVI-
27 OUS PROGRAM YEAR AND, IF ANY, THE AMOUNT OF SUCH FUNDS USED FOR SUPER-
28 VISION AND TREATMENT SERVICES FOR JUVENILES PROGRAM;

29 (C) THE NUMBER OF ALLEGED AND ADJUDICATED JUVENILE DELINQUENTS AND
30 PERSONS IN NEED OF SUPERVISION AND ALLEGED AND CONVICTED JUVENILE OFFEN-
31 DERS BEING SERVED BY SUCH PROGRAMS; AND

32 (D) EACH PROGRAM NAME AND ITS PROVIDER.

33 S 4. Subdivisions 1, 2, 2-a, 3 and 4 of section 530 of the executive
34 law, subdivisions 1, 3 and 4 as amended by chapter 880 of the laws of
35 1976, subdivision 2 as amended by chapter 920 of the laws of 1982,
36 subdivision 2-a as added and paragraph (a) of subdivision 4 as amended
37 by chapter 419 of the laws of 1987, the closing paragraph of subdivision
38 2-a as amended by chapter 465 of the laws of 1992, and paragraph (c) of
39 subdivision 4 as added by chapter 169 of the laws of 1994, are amended
40 to read as follows:

41 1. Definitions. As used in this section, the [terms "local charge" and
42 "state charge" shall have the meaning ascribed to them in the social
43 services law] TERM "MUNICIPALITY" SHALL MEAN A COUNTY, OR A CITY HAVING
44 A POPULATION OF ONE MILLION OR MORE.

45 2. Expenditures made by [social services districts] MUNICIPALITIES in
46 providing care, maintenance and supervision to youth in detention facil-
47 ities designated pursuant to sections seven hundred [twenty-four] TWENTY
48 and 305.2 of the family court act and certified by the division for
49 youth, shall be subject to reimbursement by the state [upon approval by
50 the division in accordance with its regulations], as follows:

51 [(1) the full amount expended by the district for care, maintenance
52 and supervision of state charges;

53 (2) fifty percent of the amount expended for the care, maintenance and
54 supervision of local charges where counties conform with requirements of
55 subdivision B of section two hundred eighteen-a of the county law.

1 2-a. Expenditures made by the city of New York in providing care,
2 maintenance and supervision to youth detained pursuant to article seven
3 of the family court act in foster care facilities approved by the state
4 department of social services shall be subject to reimbursement by the
5 state upon the approval of the division, as follows:

6 (1) the full per diem rate set by the state department of social
7 services for such programs for the care, maintenance and supervision of
8 state charges;

9 (2) fifty percent of the per diem rate set by the state department of
10 social services for such programs for the care, maintenance and super-
11 vision of local charges. Notwithstanding the provisions of this subdi-
12 vision, section three hundred ninety-eight-a of the social services law
13 shall not apply to facilities certified by the division pursuant to
14 section five hundred three of this chapter.] (A) NOTWITHSTANDING ANY
15 PROVISION OF LAW TO THE CONTRARY, ELIGIBLE EXPENDITURES BY A MUNICI-
16 PALITY DURING A PARTICULAR PROGRAM YEAR FOR THE CARE, MAINTENANCE AND
17 SUPERVISION IN FOSTER CARE PROGRAMS CERTIFIED BY THE OFFICE OF CHILDREN
18 AND FAMILY SERVICES, CERTIFIED OR APPROVED FAMILY BOARDING HOMES, AND
19 NON-SECURE DETENTION FACILITIES CERTIFIED BY THE OFFICE FOR THOSE YOUTH
20 ALLEGED TO BE PERSONS IN NEED OF SUPERVISION OR ADJUDICATED PERSONS IN
21 NEED OF SUPERVISION HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT;
22 AND IN SECURE AND NON-SECURE DETENTION FACILITIES CERTIFIED BY THE
23 OFFICE IN ACCORDANCE WITH SECTION FIVE HUNDRED THREE OF THIS ARTICLE FOR
24 THOSE YOUTH ALLEGED TO BE JUVENILE DELINQUENTS; ADJUDICATED JUVENILE
25 DELINQUENTS HELD PENDING TRANSFER TO A FACILITY UPON PLACEMENT, AND
26 JUVENILE DELINQUENTS HELD AT THE REQUEST OF THE OFFICE OF CHILDREN AND
27 FAMILY SERVICES PENDING EXTENSION OF PLACEMENT HEARINGS OR RELEASE REVO-
28 CATION HEARINGS OR WHILE AWAITING DISPOSITION OF SUCH HEARINGS; AND
29 YOUTH ALLEGED TO BE OR CONVICTED AS JUVENILE OFFENDERS SHALL BE SUBJECT
30 TO STATE REIMBURSEMENT FOR UP TO FIFTY PERCENT OF THE MUNICIPALITY'S
31 EXPENDITURES, EXCLUSIVE OF ANY FEDERAL FUNDS MADE AVAILABLE FOR SUCH
32 PURPOSES, NOT TO EXCEED THE MUNICIPALITY'S DISTRIBUTION FROM FUNDS THAT
33 HAVE BEEN APPROPRIATED SPECIFICALLY THEREFOR FOR THAT PROGRAM YEAR.
34 MUNICIPALITIES SHALL IMPLEMENT THE USE OF DETENTION RISK ASSESSMENT
35 INSTRUMENTS IN A MANNER PRESCRIBED BY THE OFFICE SO AS TO INFORM
36 DETENTION DECISIONS. NOTWITHSTANDING ANY OTHER PROVISION OF STATE LAW TO
37 THE CONTRARY, DATA NECESSARY FOR COMPLETION OF A DETENTION RISK ASSESS-
38 MENT INSTRUMENT MAY BE SHARED BETWEEN LAW ENFORCEMENT, PROBATION,
39 COURTS, DETENTION ADMINISTRATORS, DETENTION PROVIDERS, AND THE ATTORNEY
40 FOR THE CHILD UPON RETENTION OR APPOINTMENT; SOLELY FOR THE PURPOSE OF
41 ACCURATE COMPLETION OF SUCH RISK ASSESSMENT INSTRUMENT, AND A COPY OF
42 THE COMPLETED DETENTION RISK ASSESSMENT INSTRUMENT SHALL BE MADE AVAIL-
43 ABLE TO THE APPLICABLE DETENTION PROVIDER AND THE COURT.

44 (B) THE STATE FUNDS APPROPRIATED FOR JUVENILE DETENTION SERVICES SHALL
45 BE DISTRIBUTED TO ELIGIBLE MUNICIPALITIES BY THE OFFICE OF CHILDREN AND
46 FAMILY SERVICES BASED ON A PLAN DEVELOPED BY THE OFFICE WHICH MAY
47 CONSIDER HISTORICAL INFORMATION REGARDING THE NUMBER OF YOUTH REMANDED
48 TO DETENTION, THE MUNICIPALITY'S REDUCTION IN THE USE OF DETENTION, THE
49 MUNICIPALITY'S YOUTH POPULATION, AND OTHER FACTORS AS DETERMINED BY THE
50 OFFICE. SUCH PLAN DEVELOPED BY THE OFFICE SHALL BE SUBJECT TO THE
51 APPROVAL OF THE DIRECTOR OF THE BUDGET. THE OFFICE IS AUTHORIZED, IN ITS
52 DISCRETION, TO MAKE ADVANCE DISTRIBUTIONS TO A MUNICIPALITY IN ANTIC-
53 IPATION OF STATE REIMBURSEMENT.

54 (C) A MUNICIPALITY MAY ALSO USE THE FUNDS DISTRIBUTED TO IT FOR JUE-
55 NILE DETENTION SERVICES UNDER THIS SECTION FOR A PARTICULAR PROGRAM YEAR
56 FOR SIXTY-TWO PERCENT OF A MUNICIPALITY'S ELIGIBLE EXPENDITURES FOR

1 SUPERVISION AND TREATMENT SERVICES FOR JUVENILES PROGRAMS APPROVED UNDER
2 SECTION FIVE HUNDRED TWENTY-NINE-B OF THIS TITLE FOR SERVICES THAT WERE
3 NOT REIMBURSED FROM A MUNICIPALITY'S DISTRIBUTION UNDER SUCH PROGRAM
4 PROVIDED TO AT-RISK, ALLEGED OR ADJUDICATED JUVENILE DELINQUENTS OR
5 PERSONS ALLEGED OR ADJUDICATED TO BE IN NEED OF SUPERVISION, OR ALLEGED
6 TO BE OR CONVICTED AS JUVENILE OFFENDERS IN COMMUNITY-BASED NON-RESIDEN-
7 TIAL SETTINGS. ANY CLAIMS SUBMITTED BY A MUNICIPALITY FOR REIMBURSEMENT
8 FOR DETENTION SERVICES OR SUPERVISION AND TREATMENT SERVICES FOR JUVE-
9 NILES PROVIDED DURING A PARTICULAR PROGRAM YEAR FOR WHICH THE MUNICI-
10 PALITY DOES NOT RECEIVE STATE REIMBURSEMENT FROM THE MUNICIPALITY'S
11 DISTRIBUTION OF DETENTION SERVICES FUNDS FOR THAT PROGRAM YEAR MAY NOT
12 BE CLAIMED AGAINST THE MUNICIPALITY'S DISTRIBUTION OF FUNDS AVAILABLE
13 UNDER THIS SECTION FOR THE NEXT APPLICABLE PROGRAM YEAR. THE OFFICE MAY
14 REQUIRE THAT SUCH CLAIMS BE SUBMITTED TO THE OFFICE ELECTRONICALLY AT
15 SUCH TIMES AND IN THE MANNER AND FORMAT REQUIRED BY THE OFFICE.

16 (D) DATA COLLECTED FOR THE PURPOSES OF COMPLETING THE DETENTION RISK
17 ASSESSMENT INSTRUMENT FROM ANY SOURCE OTHER THAN AN OFFICIALLY DOCU-
18 MENTED RECORD SHALL BE CONFIRMED AS SOON AS PRACTICABLE. SHOULD ANY DATA
19 ORIGINALLY UTILIZED IN COMPLETING THE RISK ASSESSMENT INSTRUMENT BE
20 FOUND TO CONFLICT WITH THE OFFICIALLY DOCUMENTED RECORD, THE RISK
21 ASSESSMENT INSTRUMENT SHALL BE COMPLETED WITH THE OFFICIALLY DOCUMENTED
22 DATA AND ANY CORRESPONDING REVISION TO THE RISK CATEGORIZATION SHALL BE
23 MADE. THE OFFICE SHALL PERIODICALLY REVALIDATE ANY APPROVED RISK ASSESS-
24 MENT INSTRUMENT. THE OFFICE SHALL CONSPICUOUSLY POST ANY APPROVED
25 DETENTION RISK ASSESSMENT INSTRUMENT ON ITS WEBSITE AND SHALL CONFER
26 WITH APPROPRIATE STAKEHOLDERS, INCLUDING BUT NOT LIMITED TO, ATTORNEYS
27 FOR CHILDREN, PRESENTMENT AGENCIES, PROBATION, AND THE FAMILY COURT,
28 PRIOR TO REVISING ANY VALIDATED RISK ASSESSMENT INSTRUMENT. ANY SUCH
29 REVISED RISK ASSESSMENT INSTRUMENT SHALL BE SUBJECT TO PERIODIC EMPIR-
30 ICAL VALIDATION.

31 3. Wherever detention services are not provided directly or indirectly
32 by a [social services district] MUNICIPALITY, the [district] MUNICI-
33 PALITY shall act as the intermediary between the [division] OFFICE OF
34 CHILDREN AND FAMILY SERVICES and the agency lawfully providing such
35 services, for the purpose of claiming and receiving reimbursement,
36 furnishing financial information and obtaining approval for reserved
37 accommodations pursuant to this section.

38 4. (a) The [social services districts] MUNICIPALITY must notify the
39 [division for youth] OFFICE OF CHILDREN AND FAMILY SERVICES of state aid
40 received under other state aid formulas by each detention facility[,
41 and, in the city of New York, by each foster care facility which is
42 providing care, maintenance and supervision] for which the [district]
43 MUNICIPALITY is seeking reimbursement pursuant to this section, includ-
44 ing but not limited to, aid for education, probation and mental health
45 services.

46 (b) In computing reimbursement to the [social services districts]
47 MUNICIPALITY pursuant to this section, the [division] OFFICE shall
48 insure that the aggregate of state aid under all state aid formulas
49 shall not exceed fifty percent of the cost of care, maintenance and
50 supervision provided TO detainees ELIGIBLE FOR STATE REIMBURSEMENT UNDER
51 SUBDIVISION TWO OF THIS SECTION, exclusive of federal aid for such
52 purposes NOT TO EXCEED THE AMOUNT OF THE MUNICIPALITY'S DISTRIBUTION
53 UNDER THE JUVENILE DETENTION SERVICES PROGRAM.

54 (c) Reimbursement for administrative related expenditures as defined
55 by the [director of the division for youth] OFFICE OF CHILDREN AND FAMI-
56 LY SERVICES, for secure and nonsecure detention services shall not

1 exceed seventeen percent of the total approved expenditures for facili-
2 ties of twenty-five beds or more and shall not exceed twenty-one percent
3 of the total approved expenditures for facilities with less than twen-
4 ty-five beds.

5 S 5. Subparagraphs 1, 2 and 4 of paragraph (a) and paragraph (b) of
6 subdivision 5 of section 530 of the executive law, as amended by chapter
7 920 of the laws of 1982 and subparagraph 4 of paragraph (a) as added by
8 chapter 419 of the laws of 1987, are amended to read as follows:

9 (1) temporary care, maintenance and supervision provided alleged juve-
10 nile delinquents and persons in need of supervision in detention facili-
11 ties certified pursuant to sections seven hundred [twenty-four] TWENTY
12 and 305.2 of the family court act by the [division for youth] OFFICE OF
13 CHILDREN AND FAMILY SERVICES, pending adjudication of alleged delinquen-
14 cy or alleged need of supervision by the family court, or pending trans-
15 fer to institutions to which committed or placed by such court or while
16 awaiting disposition by such court after adjudication or held pursuant
17 to a securing order of a criminal court if the person named therein as
18 principal is under sixteen; or,

19 (2) temporary care, maintenance and supervision provided juvenile
20 delinquents [and persons in need of supervision] in approved detention
21 facilities at the request of the [division for youth] OFFICE OF CHILDREN
22 AND FAMILY SERVICES pending release revocation hearings or while await-
23 ing disposition after such hearings; or

24 (4) temporary care, maintenance and supervision provided youth
25 detained in [the city of New York in] foster care facilities OR CERTI-
26 FIED OR APPROVED FAMILY BOARDING HOMES pursuant to article seven of the
27 family court act.

28 (b) Payments made for reserved accommodations, whether or not in full
29 time use, approved by the [division for youth] OFFICE OF CHILDREN AND
30 FAMILY SERVICES and certified pursuant to sections seven hundred [twen-
31 ty-four] TWENTY and 305.2 of the family court act, in order to assure
32 that adequate accommodations will be available for the immediate recep-
33 tion and proper care therein of youth for which detention costs are
34 reimbursable pursuant to paragraph (a) of this subdivision, shall be
35 reimbursed as expenditures for care, maintenance and supervision [of
36 local charges] under the provisions of this section, provided the [divi-
37 sion] OFFICE shall have given its prior approval for reserving such
38 accommodations.

39 S 6. Subdivisions 7 and 8 of section 530 of the executive law are
40 REPEALED and subdivision 9, as added by section 2 of part C of chapter
41 83 of the laws of 2002, is renumbered subdivision 7 and amended to read
42 as follows:

43 7. The agency administering detention for each county and the city of
44 New York shall submit to the office of children and family services, AT
45 SUCH TIMES AND in such form and manner AND CONTAINING SUCH INFORMATION
46 as required by the office of children and family services, [a quarterly]
47 AN ANNUAL report on youth remanded pursuant to article three or seven of
48 the family court act who are detained [for forty-five days or more in
49 any twelve month period] DURING EACH CALENDAR YEAR INCLUDING, COMMENCING
50 JANUARY FIRST, TWO THOUSAND TWELVE, THE RISK LEVEL OF EACH DETAINED
51 YOUTH AS ASSESSED BY A DETENTION RISK ASSESSMENT INSTRUMENT APPROVED BY
52 THE OFFICE OF CHILDREN AND FAMILY SERVICES. THE OFFICE MAY REQUIRE THAT
53 SUCH DATA ON DETENTION USE BE SUBMITTED TO THE OFFICE ELECTRONICALLY.
54 Such report shall include, but not be limited to[:], the reason for the
55 court's determination in accordance with section 320.5 or seven hundred
56 thirty-nine of the family court act to detain the youth; the offense or

1 offenses with which the youth is charged; and all other reasons why the
2 youth remains detained. [Detention agencies shall submit each quarterly
3 report to the office within thirty days of the end of the quarter and
4 the office shall submit a compilation of all of the separate reports for
5 the quarter to the governor and the legislature within forty-five days
6 of the end of the quarter. The first quarterly report shall cover the
7 last quarter of two thousand two.] THE OFFICE SHALL SUBMIT A COMPILATION
8 OF ALL THE SEPARATE REPORTS TO THE GOVERNOR AND THE LEGISLATURE.

9 S 7. Paragraph (c) of subdivision 1 of section 531 of the executive
10 law, as added by chapter 43 of the laws of 1978, is amended to read as
11 follows:

12 (c) expenditures made by each [such social services district] MUNICI-
13 PALITY for the care, maintenance and supervision of youths in secure and
14 non-secure detention for which reimbursement is approved pursuant to
15 section five hundred thirty of this [chapter, or for which reimbursement
16 is due to the state pursuant to subdivision seven of such section]
17 TITLE, including the numbers of such youths in each category of
18 detention facility and the per diem rates charged.

19 S 8. Paragraph (b) of subdivision 3 of section 320.5 of the family
20 court act, as added by section 1 of part DD of chapter 57 of the laws of
21 2008, is amended to read as follows:

22 (b) Any finding directing detention pursuant to paragraph (a) of this
23 subdivision made by the court shall state the facts, THE LEVEL OF RISK
24 THE YOUTH WAS ASSESSED PURSUANT TO A DETENTION RISK ASSESSMENT INSTRU-
25 MENT APPROVED BY THE OFFICE OF CHILDREN AND FAMILY SERVICES, and THE
26 reasons for such finding INCLUDING, IF A DETERMINATION IS MADE TO PLACE
27 A YOUTH IN DETENTION WHO WAS ASSESSED AT A LOW OR MEDIUM RISK ON SUCH A
28 RISK ASSESSMENT INSTRUMENT, THE PARTICULAR REASONS WHY DETENTION WAS
29 DETERMINED TO BE NECESSARY.

30 S 9. Subdivision 3 of section 720 of the family court act, as amended
31 by chapter 419 of the laws of 1987, is amended to read as follows:

32 3. Detention of a person alleged to be or adjudicated as a person in
33 need of supervision shall, EXCEPT AS PROVIDED IN SUBDIVISION FOUR OF
34 THIS SECTION, be authorized only in a FOSTER CARE PROGRAM CERTIFIED BY
35 THE OFFICE OF CHILDREN AND FAMILY SERVICES, OR A CERTIFIED OR APPROVED
36 FAMILY BOARDING HOME, OR A NON-SECURE detention facility certified by
37 the [division for youth except as provided in subdivision four of this
38 section] OFFICE AND IN ACCORDANCE WITH SECTION SEVEN HUNDRED THIRTY-NINE
39 OF THIS ARTICLE. THE SETTING OF THE DETENTION SHALL TAKE INTO ACCOUNT
40 (A) THE PROXIMITY TO THE COMMUNITY IN WHICH THE PERSON ALLEGED TO BE OR
41 ADJUDICATED AS A PERSON IN NEED OF SUPERVISION LIVES WITH SUCH PERSON'S
42 PARENTS OR TO WHICH SUCH PERSON WILL BE DISCHARGED, AND (B) THE EXISTING
43 EDUCATIONAL SETTING OF SUCH PERSON AND THE PROXIMITY OF SUCH SETTING TO
44 THE LOCATION OF THE DETENTION SETTING.

45 S 10. Paragraph (iii) of subdivision (d) of section 728 of the family
46 court act, as added by chapter 145 of the laws of 2000 and as renumbered
47 by section 5 of part E of chapter 57 of the laws of 2005, is amended and
48 a new paragraph (iv) is added to read as follows:

49 (iii) where appropriate, whether reasonable efforts were made prior to
50 the date of the court hearing that resulted in the detention order, to
51 prevent or eliminate the need for removal of the child from his or her
52 home or, if the child had been removed from his or her home prior to the
53 court appearance pursuant to this section, where appropriate, whether
54 reasonable efforts were made to make it possible for the child to safely
55 return home[.]; AND

(IV) WHETHER THE SETTING OF THE DETENTION TAKES INTO ACCOUNT THE PROXIMITY TO THE COMMUNITY IN WHICH THE PERSON ALLEGED TO BE OR ADJUDICATED AS A PERSON IN NEED OF SUPERVISION LIVES WITH SUCH PERSON'S PARENTS OR TO WHICH SUCH PERSON WILL BE DISCHARGED, AND THE EXISTING EDUCATIONAL SETTING OF SUCH PERSON AND THE PROXIMITY OF SUCH SETTING TO THE LOCATION OF THE DETENTION SETTING.

S 11. Subdivision 12 of section 153 of the social services law, as amended by section 13 of part C of section 83 of the laws of 2002, is amended to read as follows:

12. Expenditures made by a social services district for the detention in foster care facilities OR CERTIFIED OR APPROVED FAMILY BOARDING HOMES of a person alleged to be or adjudicated as a person in need of supervision, pursuant to article seven of the family court act, shall be subject to reimbursement by the state in accordance with the provisions of section five hundred thirty of the executive law. The care of such person shall not be required to comply with the requirements of sections four hundred nine-e and four hundred nine-f of this chapter.

S 12. Subdivision 12 of section 398 of the social services law, as added by chapter 419 of the laws of 1987, is amended to read as follows:

12. A social services official shall be permitted to place persons adjudicated in need of supervision or delinquent, and [in cities having a population of one million or more] alleged persons to be in need of supervision [and persons adjudicated in need of supervision] in detention pending transfer to a placement, in the same foster care facilities as are providing care to destitute, neglected, abused or abandoned children. Such foster care facilities shall not provide care to a youth in the care of a social services official as a convicted juvenile offender.

S 13. This act shall take effect April 1, 2011; provided, however, that: 1. section four of this act shall apply to reimbursement for detention provided on or after January 1, 2011; and 2. the amendments to subdivision 12 of section 153 of the social services law made by section eleven of this act shall not affect the expiration of such subdivision and shall expire therewith.

S 2. Severability clause. If any clause, sentence, paragraph, subdivision, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. It is hereby declared to be the intent of the legislature that this act would have been enacted even if such invalid provisions had not been included herein.

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

PART R

Section 1. Paragraph (f) of subdivision 1 of section 424-a of the social services law, as amended by chapter 441 of the laws of 1993, is amended, and a new paragraph (g) is added to read as follows:

(f) The [department] OFFICE OF CHILDREN AND FAMILY SERVICES shall charge a fee of [five] TWENTY-FIVE dollars when[, pursuant to regulations of the department,] it conducts a search of its records within the statewide central register for child abuse or maltreatment in

1 accordance with this section or regulations of the [department] OFFICE
2 to determine whether an applicant for employment [as specified in para-
3 graph (b) of this subdivision] is the subject of an indicated child
4 abuse or maltreatment report[, except that fees shall not be charged for
5 requests for screenings related to applications for] INCLUDING AN APPLI-
6 CANT TO BE A child day care [providers or for employment with child day
7 care providers including requests] PROVIDER AND A REQUEST made pursuant
8 to subdivision six of this section. Such fees shall be deposited in
9 [an] A SPECIAL REVENUE - OTHER account and shall be made available to
10 the [department] OFFICE for costs incurred in the implementation of this
11 section. [Procedures for payment of such fees shall be established by
12 the regulations of the department.]

13 (G) THE OFFICE SHALL DETERMINE ACTIONS NECESSARY TO DEVELOP AN AUTO-
14 MATED SEARCH, AVAILABLE FOR THE USE OF THE OFFICE, OF RECORDS AT THE
15 STATEWIDE CENTRAL REGISTRY OF CHILD ABUSE AND MALTREATMENT.

16 S 2. This act shall take effect immediately and shall apply to any
17 request for a search of the records of the statewide central register of
18 child abuse or maltreatment that is received by the office of children
19 and family services on or after April 1, 2011.

20

PART S

21 Section 1. Paragraphs (a), (b), (c) and (d) of subdivision 1 of
22 section 131-o of the social services law, as amended by section 1 of
23 part I of chapter 58 of the laws of 2010, are amended to read as
24 follows:

25 (a) in the case of each individual receiving family care, an amount
26 equal to at least \$130.00 for each month beginning on or after January
27 first, two thousand [ten] ELEVEN.

28 (b) in the case of each individual receiving residential care, an
29 amount equal to at least \$150.00 for each month beginning on or after
30 January first, two thousand [ten] ELEVEN.

31 (c) in the case of each individual receiving enhanced residential
32 care, an amount equal to at least \$178.00 for each month beginning on or
33 after January first, two thousand [ten] ELEVEN.

34 (d) for the period commencing January first, two thousand [eleven]
35 TWELVE, the monthly personal needs allowance shall be an amount equal to
36 the sum of the amounts set forth in subparagraphs one and two of this
37 paragraph:

38 (1) the amounts specified in paragraphs (a), (b) and (c) of this
39 subdivision; and

40 (2) the amount in subparagraph one of this paragraph, multiplied by
41 the percentage of any federal supplemental security income cost of
42 living adjustment which becomes effective on or after January first, two
43 thousand [eleven] TWELVE, but prior to June thirtieth, two thousand
44 [eleven] TWELVE, rounded to the nearest whole dollar.

45 S 2. Paragraphs (a), (b), (c), (d), (e) and (f) of subdivision 2 of
46 section 209 of the social services law, as amended by section 2 of part
47 I of chapter 58 of the laws of 2010, are amended to read as follows:

48 (a) On and after January first, two thousand [ten] ELEVEN, for an
49 eligible individual living alone, \$761.00; and for an eligible couple
50 living alone, \$1115.00.

51 (b) On and after January first, two thousand [ten] ELEVEN, for an
52 eligible individual living with others with or without in-kind income,
53 \$697.00; and for an eligible couple living with others with or without
54 in-kind income, \$1057.00.

1 (c) On and after January first, two thousand [ten] ELEVEN, (i) for an
 2 eligible individual receiving family care, \$940.48 if he or she is
 3 receiving such care in the city of New York or the county of Nassau,
 4 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
 5 receiving family care in the city of New York or the county of Nassau,
 6 Suffolk, Westchester or Rockland, two times the amount set forth in
 7 subparagraph (i) of this paragraph; or (iii) for an eligible individual
 8 receiving such care in any other county in the state, \$902.48; and (iv)
 9 for an eligible couple receiving such care in any other county in the
 10 state, two times the amount set forth in subparagraph (iii) of this
 11 paragraph.

12 (d) On and after January first, two thousand [ten] ELEVEN, (i) for an
 13 eligible individual receiving residential care, \$1109.00 if he or she is
 14 receiving such care in the city of New York or the county of Nassau,
 15 Suffolk, Westchester or Rockland; and (ii) for an eligible couple
 16 receiving residential care in the city of New York or the county of
 17 Nassau, Suffolk, Westchester or Rockland, two times the amount set forth
 18 in subparagraph (i) of this paragraph; or (iii) for an eligible individ-
 19 ual receiving such care in any other county in the state, \$1079.00; and
 20 (iv) for an eligible couple receiving such care in any other county in
 21 the state, two times the amount set forth in subparagraph (iii) of this
 22 paragraph.

23 (e) (i) On and after January first, two thousand [ten] ELEVEN, for an
 24 eligible individual receiving enhanced residential care, \$1368.00; and
 25 (ii) for an eligible couple receiving enhanced residential care, two
 26 times the amount set forth in subparagraph (i) of this paragraph.

27 (f) The amounts set forth in paragraphs (a) through (e) of this subdivi-
 28 sion shall be increased to reflect any increases in federal supple-
 29 mental security income benefits for individuals or couples which become
 30 effective on or after January first, two thousand [eleven] TWELVE but
 31 prior to June thirtieth, two thousand [eleven] TWELVE.

32 S 3. This act shall take effect December 31, 2011.

33 PART T

34 Intentionally omitted.

35 PART U

36 Section 1. Paragraph (a-2) of subdivision 2 of section 131-a of the
 37 social services law, as added by section 1 of part Y of chapter 57 of
 38 the laws of 2009, is amended to read as follows:

39 (a-2) For the period beginning July first, two thousand ten and ending
 40 June thirtieth, two thousand [eleven] TWELVE, the following schedule
 41 shall be the standard of monthly need for determining eligibility for
 42 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

46 For each additional person in the household there shall be added an
 47 additional amount of seventy-five dollars monthly.

48 S 2. Paragraph (a-3) of subdivision 2 of section 131-a of the social
 49 services law, as added by section 1 of part Y of chapter 57 of the laws
 50 of 2009, is amended to read as follows:

51 (a-3) For the period beginning July first, two thousand [eleven]
 52 TWELVE 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
\$158	\$252	\$335	\$432	\$533	\$616

For each additional person in the household there shall be added an additional amount of eighty-four dollars monthly.

S 3. Paragraph (a-2) 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 to read as follows:

(a-2) For the period beginning July first, two thousand ten and ending June thirtieth, two thousand [eleven] 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
\$141	\$225	\$300	\$386	\$477	\$551

For each additional person in the household there shall be added an additional amount of seventy-five dollars monthly.

S 4. Paragraph (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 to read as follows:

(a-3) For the period beginning July first, two thousand [eleven] TWELVE 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
\$158	\$252	\$335	\$432	\$533	\$616

For each additional person in the household there shall be added an additional amount of eighty-four dollars monthly.

S 5. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2011.

PART V

Intentionally omitted.

PART W

Section 1. Section 39 of part P2 of chapter 62 of the laws of 2003 amending the state finance law and other laws relating to authorizing and directing the state comptroller to loan money to certain funds and accounts, as amended by section 1 of part Z of chapter 57 of the laws of 2009, is amended to read as follows:

S 39. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2003; provided, however, that sections one, three, four, six, seven through fifteen, and

seventeen of this act shall expire March 31, 2004, when upon such date the provisions of such sections shall be deemed repealed; and sections thirty and thirty-one of this act shall expire December 31, [2011] 2013 and the amendments made to section 69-c of the state finance law by section thirty-two of this act shall not affect the expiration and repeal of such section and shall be deemed to be expired therewith.

S 2. This act shall take effect immediately.

PART X

Section 1. Section 3 of part NN of chapter 57 of the laws of 2008 relating to authorizing the New York state mortgage agency to transfer certain moneys, as amended by section 1 of part B of chapter 2 of the laws of 2009, is amended to read as follows:

S 3. (A) Within the amounts transferred to the corporation pursuant to section one of this act for the greater Catskills flood remediation program, the corporation shall provide funds to the counties of Broome, Chenango, Delaware, Herkimer, Montgomery, Orange, Otsego, Schoharie, Sullivan, Tioga and Ulster, upon application by a county and within the amounts available for disbursement to such county, to enable the counties to purchase and demolish one or two family homes that have been certified by the local building inspector and county emergency management director, to the satisfaction of the corporation, as having been subject to one or more incidents of flooding since April 1, 2004 and as likely to be subject to a future flood incident that would cause substantial damage thereto. Any application by a county for disbursement of funds under this act shall demonstrate, to the satisfaction of the corporation, that: (1) the home is occupied as the primary residence of an owner with a family income of up to one hundred fifty percent of the area median income as defined by the United States department of housing and urban development, provided, however, that an otherwise eligible home shall be eligible for purchase under this act if the current owner can demonstrate that the home was occupied as the owner's primary residence prior to a flood event that rendered the home unsuitable for habitation; (2) the current appraised value of the home does not exceed two hundred fifty thousand dollars and the purchase price for the home will not exceed the appraised value less the amount of any property casualty insurance or disaster relief payments received by the owner as compensation for damage incurred in a flood incident; (3) all recorded liens or other encumbrances on the home will be released at closing; (4) the county provides assurances that the home will be condemned and the property will be dedicated and maintained in perpetuity for a use that is compatible with open space, recreational, flood mitigation or wetlands management practices; and (5) disbursements under this section shall be limited to the costs of acquisition of eligible homes, including legal, appraisal, recording and other transaction costs, and the costs of demolition. In selecting homes for purchase pursuant to this act, each county shall give preference to homes with a current appraised value of less than one hundred fifty thousand dollars and to homes that have been subject to two or more incidents of flooding since April 1, 2004. The corporation shall establish policies and procedures consistent with this section, which shall include county reporting requirements, and shall report to the governor, the speaker of the assembly, the temporary president of the senate and the director of the division of the budget on or before December 31, 2008 regarding the implementation of this section. Of the amounts transferred to the corporation pursuant to section one of

1 this act, the amounts disbursed to counties pursuant to this section
2 shall not exceed the following amounts: Broome, \$750,000; Chenango,
3 \$750,000; Delaware, \$2,000,000; Herkimer, \$750,000; Montgomery,
4 \$750,000; Orange, \$2,000,000; Otsego, \$750,000; Schoharie, \$750,000;
5 Sullivan, \$3,750,000; Tioga, \$750,000; and Ulster, \$2,000,000.

6 (B) ANY FUNDS NOT UNDER CONTRACT OR GRANT AGREEMENT BETWEEN ANY COUNTY
7 PROVIDED FOR BY THIS SECTION AND THE STATE OF NEW YORK OR ANY OF ITS
8 DIVISIONS OR AGENCIES ON OR BY JANUARY 1, 2010 MAY BE USED, UPON A FIND-
9 ING BY THE CORPORATION THAT SUCH FUNDS ARE AVAILABLE, BY ULSTER COUNTY,
10 WHETHER THE FUNDS ARE ALLOCATED TO SUCH COUNTY OR TO ANOTHER COUNTY
11 UNDER THIS PROGRAM, TO PURCHASE AND DEMOLISH HOMES WHICH OTHERWISE MEET
12 THE REQUIREMENTS OF SUBDIVISION (A) OF THIS SECTION AND ARE IN ULSTER
13 COUNTY, AND/OR OTHERWISE PURCHASE HOMES WHICH ARE VALUED AT UNDER
14 \$250,000 UPON A FINDING BY THE CORPORATION THAT: (1) THE HOMES HAVE BEEN
15 SUBJECTED TO SEEPAGE OF WATER INTO THE HOMES EITHER THROUGH THE WALLS OR
16 FOUNDATION OF SUCH HOME OR WATER OTHERWISE ENTERS INTO THE HOME OTHER
17 THAN THROUGH PIPES INTENDED FOR SUCH PURPOSE, AND (2) THE HOME IS SITU-
18 ATED WITHIN TWO MILES OF AN UNDERGROUND AQUEDUCT OWNED, MAINTAINED OR
19 OPERATED BY THE CITY OF NEW YORK OR ANY BOARD, AGENCY, DEPARTMENT OR
20 BUREAU THEREOF AND IS USED FOR THE TRANSPORT OF DRINKING WATER TO THE
21 CITY OF NEW YORK. IN MAKING DETERMINATIONS OF WHICH HOMES TO PURCHASE,
22 THE COUNTY SHALL FIRST SEEK TO EXPEND FUNDS TO PURCHASE THOSE HOMES
23 WHICH MEET THE REQUIREMENTS ENUMERATED IN PARAGRAPHS ONE AND TWO OF THIS
24 SUBDIVISION.

25 S 2. This act shall take effect immediately.

26 PART Y

27 Section 1. Subdivision 6 of section 529 of the executive law is
28 amended by adding a new paragraph (a) to read as follows:

29 (A) NO LATER THAN DECEMBER THIRTY-FIRST EACH YEAR, THE OFFICE OF CHIL-
30 DREN AND FAMILY SERVICES SHALL PROVIDE THE SPEAKER OF THE ASSEMBLY, THE
31 TEMPORARY PRESIDENT OF THE SENATE, AND SOCIAL SERVICES DISTRICTS WITH A
32 DETAILED REPORT ON TOTAL COST AND THE OPERATING CAPACITY AT OFFICE OF
33 CHILDREN AND FAMILY SERVICES FACILITIES DURING THE PRIOR CALENDAR YEAR.
34 SUCH REPORT SHALL INCLUDE BUT NEED NOT BE LIMITED TO INFORMATION ON
35 COSTS RELATED TO LABOR, PHYSICAL PLANT MAINTENANCE AND FOOD AND UTILITY
36 EXPENDITURES AS WELL AS INFORMATION ON THE MAXIMUM NUMBER OF JUVENILES
37 THAT CAN BE PLACED IN OFFICE FACILITIES AND STAFFING LEVELS AT SUCH
38 FACILITIES. SUCH REPORT SHALL ALSO INCLUDE INFORMATION ON JUVENILES THAT
39 HAVE BEEN MOVED FROM ONE FACILITY TO ANOTHER DURING THE CALENDAR YEAR
40 AND SHALL NAME THE FACILITIES FROM WHICH SUCH JUVENILES WERE MOVED AND
41 IN WHICH THEY WERE LATER PLACED. IF THE REPORT PROVIDED PURSUANT TO THIS
42 PARAGRAPH IS BASED, IN WHOLE OR IN PART, ON AN AUDIT PERFORMED ON BEHALF
43 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES, THE OFFICE OF CHILDREN
44 AND FAMILY SERVICES SHALL PROVIDE THE STATE LEGISLATURE AND SOCIAL
45 SERVICES DISTRICTS WITH A COPY OF SUCH AUDIT AT THE TIME IT PROVIDES THE
46 REPORT FOR THE PRIOR CALENDAR YEAR.

47 S 2. This act shall take effect immediately.

48 PART Z

49 Section 1. Subdivision 4 of section 661 of the education law, as
50 amended by chapter 309 of the laws of 1996, paragraph a as amended by
51 section 1 and paragraph c as amended, paragraphs d and e as added and
52 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

1 ACADEMIC STANDARDS SCHEDULE APPLICABLE TO STUDENTS ENROLLED IN A
2 FOUR-YEAR OR FIVE-YEAR UNDERGRADUATE PROGRAM;

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

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

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

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

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

32 [e.] F. For students who first receive aid pursuant to this chapter in
33 academic year two thousand seven--two thousand eight or thereafter, must
34 have (i) a certificate of graduation from a school providing secondary
35 education from a state within the United States; or (ii) the recognized
36 equivalent of such certificate; or (iii) received a passing score on a
37 federally approved ability to benefit test that has been identified by
38 the board of regents as satisfying the eligibility requirements of this
39 section and has been independently administered and evaluated as defined
40 by the commissioner[.];

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

46 S 2. This act shall take effect immediately; provided, that section
47 one of this act shall apply to semesters commencing on and after January
48 1, 2012 and to all subsequent academic years.

49 PART AA

50 Section 1. Subdivision (a) of section 114 of part A of a chapter of
51 the laws of 2011 relating to constituting chapter 18-A of the consol-
52 idated laws relating to financial services, as proposed in legislative
53 bill numbers S.2812-C and A.4012-C, is amended to read as follows:

54 (a) sections one through fourteen, seventeen through nineteen, fifty-
55 six, sixty-three, sixty-seven, seventy-eight through eighty-five, EIGHT-

1 Y-NINE, ninety, ninety-one through ninety-three, ninety-eight, one
2 hundred four, one hundred ten and one hundred eleven of this act shall
3 take effect October 3, 2011, except that section 205-a of the financial
4 services law as added by section one of this act shall take effect imme-
5 diately;

6 S 2. This act shall take effect on the same date as part A of such
7 chapter of the laws of 2011 takes effect.

8

PART BB

9 Section 1. The state comptroller is hereby authorized and directed to
10 loan money in accordance with the provisions set forth in subdivision 5
11 of section 4 of the state finance law to the following funds and/or
12 accounts:

- 13 1. Tuition reimbursement fund (050):
 - 14 a. Tuition reimbursement account (01).
 - 15 b. Proprietary vocational school supervision account (02).
- 16 2. Local government records management improvement fund (052):
 - 17 a. Local government records management account (01).
- 18 3. Dedicated highway and bridge trust fund (072):
 - 19 a. Highway and bridge capital account (01).
- 20 4. State University Residence Hall Rehabilitation Fund (074).
- 21 5. State parks infrastructure trust fund (076):
 - 22 a. State parks infrastructure account (01).
- 23 6. Clean water/clean air implementation fund (079).
- 24 7. State lottery fund (160):
 - 25 a. Education - New (03).
 - 26 b. VLT - Sound basic education fund (06).
- 27 8. Medicaid management information system escrow fund (179).
- 28 9. Federal operating grants fund (290) federal capital grants fund
29 291).
- 30 10. Sewage treatment program management and administration fund (300).
- 31 11. Environmental conservation special revenue fund (301):
 - 32 a. Hazardous bulk storage account (F7).
 - 33 b. Utility environmental regulation account (H4).
 - 34 c. Low level radioactive waste siting account (K5).
 - 35 d. Recreation account (K6).
 - 36 e. Conservationist magazine account (S4).
 - 37 f. Environmental regulatory account (S5).
 - 38 g. Natural resource account (S6).
 - 39 h. Mined land reclamation program account (XB).
 - 40 i. Federal grants indirect cost recovery account (IC).
- 41 12. Environmental protection and oil spill compensation fund (303).
- 42 13. Hazardous waste remedial fund (312):
 - 43 a. Site investigation and construction account (01).
 - 44 b. Hazardous waste remedial clean up account (06).
- 45 14. Mass transportation operating assistance fund (313):
 - 46 a. Public transportation systems account (01).
 - 47 b. Metropolitan mass transportation (02).
- 48 15. Clean air fund (314):
 - 49 a. Operating permit program account (01).
 - 50 b. Mobile source account (02).
- 51 16. Centralized services fund (323).
- 52 17. State exposition special fund (325).
- 53 18. Agency enterprise fund (331):
 - 54 a. OGS convention center account (55).

- 1 19. Agencies internal service fund (334):
- 2 a. Archives records management account (02).
- 3 b. Federal single audit account (05).
- 4 c. Civil service law: sec 11 admin account (09).
- 5 d. Civil service EHS occupational health program account (10).
- 6 e. Banking services account (12).
- 7 f. Cultural resources survey account (14).
- 8 g. Neighborhood work project (17).
- 9 h. Automation & printing chargeback account (18).
- 10 i. OFT NYT account (20).
- 11 j. Data center account (23).
- 12 k. Human service telecom account (24).
- 13 l. Centralized Technology services account (30).
- 14 m. OPWDD copy center account (26).
- 15 n. Intrusion detection account (27).
- 16 o. Domestic violence grant account (28).
- 17 p. Learning management system account.
- 18 20. Miscellaneous special revenue fund (339):
- 19 a. Statewide planning and research cooperative system account (03).
- 20 b. OPWDD provider of service account (05).
- 21 c. New York state thruway authority account (08).
- 22 d. Mental hygiene patient income account (13).
- 23 e. Financial control board account (15).
- 24 f. Regulation of racing account (16).
- 25 g. New York metropolitan transportation council account (17).
- 26 h. Quality of care account (20).
- 27 i. Cyber upgrade account (25).
- 28 j. Certificate of need account (26).
- 29 k. Hospital and nursing home management account (44).
- 30 l. State university dormitory income reimbursable account (47).
- 31 m. Energy research account (60).
- 32 n. Criminal justice improvement account (62).
- 33 o. Fingerprint identification and technology account (68).
- 34 p. Environmental laboratory reference fee account (81).
- 35 q. Clinical laboratory reference system assessment account (90).
- 36 r. Public employment relations board account (93).
- 37 s. Radiological health protection account (95).
- 38 t. Teacher certification account (A4).
- 39 u. Banking department account (A5).
- 40 v. Cable television account (A6).
- 41 w. Indirect cost recovery account (AH).
- 42 x. High school equivalency program account (AI).
- 43 y. Rail safety inspection account (AQ).
- 44 z. Child support revenue account (AX).
- 45 aa. Multi-agency training account (AY).
- 46 bb. Critical infrastructure account (B3).
- 47 cc. Insurance department account (B6).
- 48 dd. Bell jar collection account (BJ).
- 49 ee. Industry and utility service account (BK).
- 50 ff. Real property disposition account (BP).
- 51 gg. Parking account (BQ).
- 52 hh. Asbestos safety training program account (BW).
- 53 ii. Public service account (C3).
- 54 jj. Batavia school for the blind account (D9).
- 55 kk. Investment services account (DC).
- 56 ll. Surplus property account (DE).

1 mm. OPWDD day services account (DH).
2 nn. Financial oversight account (DI).
3 oo. Regulation of indian gaming account (DT).
4 pp. Special conservation activities account (CU).
5 qq. Interest assessment account (DZ).
6 rr. Office of the professions account (E3).
7 ss. Rome school for the deaf account (E6).
8 tt. Seized assets account (E8).
9 uu. Administrative adjudication account (E9).
10 vv. Federal salary sharing account (EC).
11 ww. New York City Assessment Account (EM).
12 xx. Cultural education account (EN).
13 yy. Examination and miscellaneous revenue account (ER).
14 zz. Transportation regulation account (F1).
15 aaa. Local services account (G3).
16 bbb. DHCR mortgage servicing account (H2).
17 ccc. Department of motor vehicles compulsory insurance account (H7).
18 ddd. Housing indirect cost recovery account (HI).
19 eee. DHCR-HCA application fee account (J5).
20 fff. EPIC premium account (J6).
21 ggg. Federal gasoline and diesel fuel excise tax account (L6).
22 hhh. OTDA income account (L7).
23 iii. Low income housing monitoring account (NG).
24 jjj. Procurement opportunities newsletter account (P4).
25 kkk. Corporation administration account (P6).
26 lll. Montrose veteran's home account (Q6).
27 mmm. Excelsior capital corporation reimbursement account (R1).
28 nnn. Motor fuel quality account (R4).
29 ooo. Deferred compensation administration account (R7).
30 ppp. Rent revenue other account (RR).
31 qqq. Rent revenue account (S8).
32 rrr. Tax revenue arrearage account (TR).
33 sss. Solid waste management account (W3).
34 ttt. Occupational health clinics account (W4).
35 uuu. Capacity contracting (XU).
36 vvv. Administrative cost recovery -
37 tax return preparer registration fee account (Y8).
38 www. Sales tax re-registration fee account (YD).
39 xxx. Equitable sharing agreement account (YP).
40 yyy. Point insurance reduction program account.
41 zzz. Internet point insurance reduction program account.
42 aaaa. Mental hygiene program fund account (10).
43 bbbb. Third party debt collection account.
44 cccc. Regulation of manufactured housing account (CM).
45 dddd. Business and licensing services account (A6).
46 eeee. Consumer protection account (F2).
47 21. State university income fund (345):
48 a. State university general income offset account (11).
49 22. State police and motor vehicle law enforcement fund (354):
50 a. State police motor vehicle law enforcement account (02).
51 23. Youth facilities improvement fund (357):
52 a. Youth facilities improvement account (01).
53 24. Highway safety program fund (362):
54 a. Highway safety program account (01).
55 25. Drinking water program management and administration fund (366):
56 a. EFC drinking water program account (01).

- 1 b. DOH drinking water program account (02).
- 2 26. New York city county clerks offset fund (368):
- 3 a. NYCCC operating offset account (01).
- 4 27. Housing assistance fund (374).
- 5 28. Housing program fund (376).
- 6 29. Department of transportation - engineering services fund (380):
- 7 a. Highway facility purpose account (01).
- 8 30. Miscellaneous capital projects fund (387):
- 9 a. Clean air capital account (08).
- 10 b. New York racing account.
- 11 31. Mental hygiene facilities capital improvement fund (389).
- 12 32. Joint labor/management administration fund (394):
- 13 a. Joint labor/management administration fund (01).
- 14 33. Audit and control revolving fund (395):
- 15 a. Executive direction internal audit account (04).
- 16 b. CIO Information technology centralized services account.
- 17 34. Health insurance internal service fund (396):
- 18 a. Health insurance internal service account (00).
- 19 b. Civil service employee benefits div admin (01).
- 20 35. Correctional industries revolving fund (397).
- 21 36. Correctional facilities capital improvement fund (399).
- 22 37. HCRA resources fund (061):
- 23 a. EPIC premium account (J6).
- 24 b. Hospital based grants program account (AF).
- 25 c. Child health plus program account (29).
- 26 S 1-a. The state comptroller is hereby authorized and directed to loan
- 27 money in accordance with the provisions set forth in subdivision 5 of
- 28 section 4 of the state finance law to any account within the following
- 29 federal funds, provided the comptroller has made a determination that
- 30 sufficient federal grant award authority is available to reimburse such
- 31 loans:
- 32 1. Federal USDA-food nutrition services fund (261).
- 33 2. Federal health and human services fund (265).
- 34 3. Federal education grants fund (267).
- 35 4. Federal block grant fund (269).
- 36 5. Federal operating grants fund (290).
- 37 6. Federal capital projects fund (291).
- 38 7. Federal unemployment insurance administration fund (480).
- 39 8. Federal unemployment insurance occupational training fund (484).
- 40 9. Federal employment and training grants (486).
- 41 S 2. Notwithstanding any law to the contrary, and in accordance with
- 42 section 4 of the state finance law, the comptroller is hereby authorized
- 43 and directed to transfer, upon request of the director of the budget, on
- 44 or before March 31, 2012, up to the unencumbered balance or the follow-
- 45 ing amounts:
- 46 Economic Development and Public Authorities:
- 47 1. \$175,000 from the miscellaneous special revenue fund (339) under-
- 48 ground facilities safety training account (US), to the general fund.
- 49 2. An amount up to the unencumbered balance from the miscellaneous
- 50 special revenue fund (339), business and licensing services account
- 51 (AG), to the general fund.
- 52 3. \$14,810,000 from the miscellaneous special revenue fund (339), code
- 53 enforcement account (07), to the general fund.
- 54 Education:
- 55 1. \$2,200,000,000 from the general fund to the state lottery fund
- 56 (160), education account (03), as reimbursement for disbursements made

1 from such fund for supplemental aid to education pursuant to section
2 92-c of the state finance law that are in excess of the amounts deposit-
3 ed in such fund for such purposes pursuant to section 1612 of the tax
4 law.

5 2. \$684,000,000 from the general fund to the state lottery fund (160),
6 VLT education account (06), as reimbursement for disbursements made from
7 such fund for supplemental aid to education pursuant to section 92-c of
8 the state finance law that are in excess of the amounts deposited in
9 such fund for such purposes pursuant to section 1612 of the tax law.

10 3. Moneys from the state lottery fund (160) up to an amount deposited
11 in such fund pursuant to section 1612 of the tax law in excess of the
12 current year appropriation for supplemental aid to education pursuant to
13 section 92-c of the state finance law.

14 4. \$300,000 from the local government records management improvement
15 fund (052) to the archives partnership trust fund (024).

16 5. \$810,000 from the general fund to the miscellaneous special revenue
17 fund (339), Batavia school for the blind account (D9).

18 6. \$1,100,000 from the general fund to the miscellaneous special
19 revenue fund (339), Rome school for the deaf account (E6).

20 7. \$80,000,000 from the state university dormitory income fund (330)
21 to the state university residence hall rehabilitation fund (074).

22 8. \$343,400,000 from the state university dormitory income fund (330)
23 to the miscellaneous special revenue fund (339), state university dormi-
24 tory income reimbursable account (47).

25 9. \$1,000,000 from the miscellaneous special revenue fund (339),
26 cultural education account (EN), to the miscellaneous special revenue
27 fund (339), summer school of the arts account (38).

28 10. \$24,000,000 from any of the state education department special
29 revenue and internal service funds to the miscellaneous special revenue
30 fund (339), indirect cost recovery account (AH).

31 11. \$8,318,000 from the general fund to the state university income
32 fund (345), state university income offset account (11), for the state's
33 share of repayment of the STIP loan.

34 12. \$48,000,000 from the State University Income Fund (345), State
35 University Hospitals Income Reimbursable Account (22) to the general
36 fund for hospital debt service.

37 13. \$884,000 from the state university income fund (345), Long Island
38 Veterans' Home Account (09) to the general fund.

39 Environmental Affairs:

40 1. \$500,000 from the department of transportation's federal capital
41 projects fund (291) to the office of parks and recreation federal oper-
42 ating grants fund (290), miscellaneous operating grants account.

43 2. \$16,000,000 from any of the department of environmental conserva-
44 tion's special revenue federal funds to the special revenue fund (301)
45 federal grant indirect cost recovery account.

46 3. \$3,000,000 from any of the office of parks, recreation and historic
47 preservation capital projects federal funds and special revenue federal
48 funds to the special revenue fund (339) federal grant indirect cost
49 recovery account (Z1).

50 4. \$1,000,000 from any of the office of parks, recreation and historic
51 preservation special revenue federal funds to the special revenue fund
52 (339), I love NY water account (39).

53 Family Assistance:

54 1. \$10,000,000 from any of the office of children and family services,
55 office of temporary and disability assistance, or department of health
56 special revenue federal funds and the general fund, in accordance with

1 agreements with social services districts, to the miscellaneous special
2 revenue fund (339), office of human resources development state match
3 account (2C).

4 2. \$3,000,000 from any of the office of children and family services
5 or office of temporary and disability assistance special revenue federal
6 funds to the miscellaneous special revenue fund (339), family preserva-
7 tion and support services and family violence services account (GC).

8 3. \$6,000,000 from any of the office of children and family services
9 special revenue federal funds to the general fund for title IV-E
10 reimbursement of youth facility costs.

11 4. \$28,000,000 from any of the office of children and family services,
12 office of temporary and disability assistance, or department of health
13 special revenue federal funds and any other miscellaneous revenues
14 generated from the operation of office of children and family services
15 programs to the miscellaneous special revenue fund (339), office of
16 children and family services income account (AR).

17 5. \$10,000,000 from any of the office of children and family services
18 or office of temporary and disability assistance special revenue funds
19 or the general fund to the miscellaneous special revenue fund (339),
20 connections account (WK).

21 6. \$41,000,000 from any of the office of temporary and disability
22 assistance accounts within the federal health and human services fund
23 (265) to the general fund.

24 7. \$8,300,000 from any of the office of temporary and disability
25 assistance accounts within the federal health and human services fund
26 (265) to the miscellaneous special revenue fund (339), client notices
27 account (EG).

28 8. \$98,980,000 from any of the office of temporary and disability
29 assistance, department of health or office of children and family
30 services special revenue funds to the miscellaneous special revenue fund
31 (339), office of temporary and disability assistance income account
32 (L7).

33 9. \$2,500,000 from any of the office of temporary and disability
34 assistance or office of children and family services special revenue
35 federal funds to the miscellaneous special revenue fund (339), office of
36 temporary and disability assistance program account (AL).

37 10. \$50,000,000 from any of the office of children and family
38 services, office of temporary and disability assistance, department of
39 labor, and department of health special revenue federal funds to the
40 office of children and family services miscellaneous special revenue
41 fund (339), multi-agency training contract account (AY).

42 11. \$12,524,000 from the office of temporary and disability assistance
43 federal health and human services fund (265) to the miscellaneous
44 special revenue fund (339), child support revenue account (AX).

45 12. \$6,300,000 from any of the office of children and family services,
46 office of temporary and disability assistance, department of labor, or
47 department of health special revenue funds to the office of temporary
48 and disability assistance miscellaneous special revenue fund (339),
49 multi-agency systems development account (MD).

50 13. \$9,248,000 from any of the office of temporary and disability
51 assistance special revenue federal funds, to the miscellaneous special
52 revenue fund (339), OTDA training contract account (48).

53 14. \$223,000,000 from the miscellaneous special revenue fund (339),
54 youth facility per Diem account (YF), to the general fund.

55 15. \$10,000,000 from any of the office of temporary and disability
56 assistance special revenue federal funds, to the miscellaneous special

1 revenue fund (339), electronic benefit transfer and common benefit iden-
2 tification card account (GD).
3 16. \$621,850 from the general fund to the combined gifts, grants, and
4 bequests fund (020), WB Hoyt Memorial account (78).
5 17. \$1,300,000 from any of the office of temporary and disability
6 assistance and department of health special revenue federal funds to the
7 miscellaneous special revenue fund (339) welfare inspector general
8 administrative reimbursement account (WW).
9 18. Up to \$4,822,000 from the miscellaneous special revenue fund (339)
10 state central registry (CY) to the general fund.
11 General Government:
12 1. \$1,566,000 from the miscellaneous special revenue fund (339), exam-
13 ination and miscellaneous revenue account (ER) to the general fund.
14 2. \$12,500,000 from the general fund to the health insurance revolving
15 fund (396).
16 3. \$192,400,000 from the health insurance reserve receipts fund (167)
17 to the general fund.
18 4. \$150,000 from the general fund to the not-for-profit revolving loan
19 fund (055).
20 5. \$150,000 from the not-for-profit revolving loan fund (055) to the
21 general fund.
22 6. \$11,000,000 from the miscellaneous special revenue fund (339), real
23 property disposition account (BP), to the general fund.
24 7. \$3,000,000 from the miscellaneous special revenue fund (339),
25 surplus property account (DE), to the general fund.
26 8. \$19,260,000 from the general fund to the miscellaneous special
27 revenue fund (339), alcoholic beverage control account (DB).
28 9. \$1,500,000 from the miscellaneous special revenue fund (339),
29 federal liability account (FL), to the general fund.
30 10. \$23,000,000 from the miscellaneous special revenue fund (339),
31 revenue arrearage account (CR), to the general fund.
32 11. \$1,826,000 from the miscellaneous special revenue fund (339)
33 revenue arrearage account (CR), to the miscellaneous special revenue
34 fund (339) authority budget office account.
35 12. Intentionally omitted.
36 13. \$1,000,000 from the miscellaneous special revenue fund (339),
37 parking services account (BQ), to the general fund, for the purpose of
38 reimbursing the costs of debt service related to state parking facili-
39 ties.
40 14. Up to \$45,000,000 from the general fund to the miscellaneous
41 special revenue fund (339), statewide financial system account (FM).
42 Health:
43 1. \$12,000,000 from any of the department of health accounts within
44 the federal health and human services fund (265) to the general fund.
45 2. \$139,560,000 from any of the department of health accounts within
46 the federal health and human services fund (265) to the miscellaneous
47 special revenue fund (339), quality of care account (20).
48 3. \$1,000,000 from the general fund to the combined gifts, grants and
49 bequests fund (020), breast cancer research and education account (BD),
50 an amount equal to the monies collected and deposited into that account
51 in the previous fiscal year.
52 4. \$2,464,000 from any of the department of health accounts within the
53 federal health and human services fund (265) to the department of health
54 miscellaneous special revenue fund (339), statewide planning and
55 research cooperation system (SPARCS) program account (03).

1 5. \$250,000 from the general fund to the combined gifts, grants and
2 bequests fund (020), prostate cancer research, detection, and education
3 account (PR), an amount equal to the moneys collected and deposited into
4 that account in the previous fiscal year.

5 6. \$500,000 from the general fund to the combined gifts, grants and
6 bequests fund (020), Alzheimer's disease research and assistance account
7 (AA), an amount equal to the moneys collected and deposited into that
8 account in the previous fiscal year.

9 7. \$1,000,000 from the miscellaneous special revenue fund (339),
10 administration account (AP), to the general fund.

11 8. \$600,000,000 from any of the department of health accounts within
12 the federal health and human services fund (265) to the miscellaneous
13 special revenue fund (339), federal state health reform partnership
14 account (FS).

15 9. \$45,000,000 from the general fund to the miscellaneous special
16 revenue fund (339), empire state stem cell trust fund account (SR).

17 10. \$1,250,000 from the miscellaneous New York state agency fund
18 (169), medical assistance account to the department of health miscella-
19 neous special revenue fund (339), third party health insurance account
20 (35).

21 11. \$3,700,000 from the miscellaneous New York state agency fund
22 (169), medical assistance account to the office of medicaid inspector
23 general miscellaneous special revenue fund (339), recoveries and revenue
24 account (C9).

25 12. \$1,500,000 from the general fund to the miscellaneous special
26 revenue fund (339), quality of care improvement account (QC).

27 Labor:

28 1. \$700,000 from the labor standards miscellaneous special revenue
29 fund (339), fee and penalty account (30), to the child performer
30 protection fund (025), child performer protection account (CP).

31 2. \$8,000,000 from the labor standards miscellaneous special revenue
32 fund (339), fee and penalty account (30), to the general fund.

33 3. \$10,500,000 from the unemployment insurance interest and penalty
34 special revenue fund (482), unemployment insurance special interest and
35 penalty account (01), to the general fund.

36 4. \$2,700,000 from the labor standards miscellaneous special revenue
37 fund (339), public work enforcement account (BA), to the general fund.

38 5. \$1,500,000 from the training and education program on occupational
39 safety and health fund (305), occupational safety and health inspection
40 account (02), to the general fund.

41 Mental Hygiene:

42 1. \$5,000,000 from the miscellaneous special revenue fund (339),
43 mental hygiene patient income account (13), to the miscellaneous special
44 revenue fund (339), federal salary sharing account (EC).

45 2. \$240,000,000 from the miscellaneous special revenue fund (339),
46 mental hygiene patient income account (13) to the miscellaneous special
47 revenue fund (339), provider of service accounts (05).

48 3. \$220,000,000 from the miscellaneous special revenue fund (339),
49 mental hygiene program fund account (10) to the miscellaneous special
50 revenue fund (339), provider of service account (05).

51 4. \$150,000,000 from the general fund to the miscellaneous special
52 revenue fund (339), mental hygiene patient income account (13).

53 5. \$150,000,000 from the general fund to the miscellaneous special
54 revenue fund (339), mental hygiene program fund account (10).

55 6. \$300,000,000 from the miscellaneous special revenue fund (339),
56 mental hygiene program fund account (10) to the general fund.

1 7. \$180,000,000 from the miscellaneous special revenue fund (339),
2 mental hygiene patient income account (13) to the general fund.
3 Public Protection:
4 1. \$1,350,000 from the miscellaneous special revenue fund (339), emer-
5 gency management account (61), to the general fund.
6 2. \$3,300,000 from the general fund to the miscellaneous special
7 revenue fund (339), recruitment incentive account (U2).
8 3. \$9,500,000 from the general fund to the correctional industries
9 revolving fund (397), correctional industries internal service account
10 (00).
11 4. \$8,678,000 from the miscellaneous special revenue fund (339),
12 statewide public safety communications account (LZ), to the general debt
13 service fund (311), revenue bond tax account (02).
14 5. \$10,000,000 from federal miscellaneous operating grants fund (290),
15 DMNA damage account (71), to the general fund.
16 6. \$16,000,000 from the general fund to the miscellaneous special
17 revenue fund (339), crimes against revenue program account (CA).
18 7. \$20,000,000 from any office of homeland security account within the
19 federal miscellaneous operating grants fund (290), receiving money
20 through the homeland security grants program, to the general fund.
21 8. \$11,500,000 from the federal miscellaneous operating grants fund
22 (290) world trade center account, to the general fund.
23 9. \$22,100,000 from the miscellaneous special revenue fund (339) crim-
24 inal justice improvement account (62) to the general fund.
25 10. \$20,000,000 from the miscellaneous special revenue fund (339),
26 statewide public safety communications account (LZ), to the general
27 fund.
28 11. \$4,000,000 from the miscellaneous special revenue fund (339) crim-
29 inal justice improvement account (62) to the miscellaneous special
30 revenue fund (339) legal services assistance account (IM).
31 12. \$660,000 from the miscellaneous special revenue fund (339), cell
32 tower account (CT), to the general fund.
33 Transportation:
34 1. \$17,672,000 from the federal miscellaneous operating grants fund
35 (290) to the special revenue fund (339), tri-state federal regional
36 planning account (17).
37 2. \$20,147,000 from the federal capital projects fund (291) to the
38 special revenue fund (339), tri-state federal regional planning accounts
39 (17).
40 3. \$15,368,000 from the miscellaneous special revenue fund (339),
41 compulsory insurance account (H7), to the general fund.
42 4. \$19,000,000 from the general fund to the mass transportation oper-
43 ating assistance fund (313), public transportation systems operating
44 assistance account (01).
45 5. \$575,000,000 from the general fund to the dedicated highway and
46 bridge trust fund (072).
47 6. \$606,000 from the miscellaneous special revenue fund (339), inter-
48 net point insurance reduction program account (IC), to the general fund.
49 7. \$2,935,000 from the clean air fund (314), mobile source account
50 (02), to the general fund.
51 8. \$5,000 from the miscellaneous special revenue fund (339), motorcy-
52 cle safety account (AE), to the general fund.
53 9. \$165,000,000 from the mass transportation operating assistance fund
54 (313), metropolitan mass transportation operating assistance account
55 (02), to the general debt service fund (311), for reimbursement of the
56 state's expenses in connection with payments of debt service and related

1 expenses for the metropolitan transportation authority's state service
2 contract bonds.

3 10. \$16,721,000 from the mass transportation operating assistance fund
4 (313), metropolitan mass transportation operating assistance account
5 (02) to the mass transportation operating assistance fund (313) public
6 transportation systems operating assistance account (01).

7 11. \$35,008,000 from the mass transportation operating assistance fund
8 (313), metropolitan mass transportation operating assistance account
9 (02) to the general fund.

10 Miscellaneous:

11 1. \$75,000,000 from the general fund to any funds or accounts for the
12 purpose of reimbursing certain outstanding accounts receivable balances.

13 2. \$250,000,000 from the general fund to the debt reduction reserve
14 fund (064).

15 S 3. Notwithstanding any law to the contrary, and in accordance with
16 section 4 of the state finance law, the comptroller is hereby authorized
17 and directed to transfer, on or before March 31, 2012:

18 1. Upon request of the commissioner of environmental conservation, up
19 to \$10,777,000 from revenues credited to any of the department of envi-
20 ronmental conservation special revenue funds, including \$3,142,800 from
21 the environmental protection and oil spill compensation fund (303), and
22 \$1,742,600 from the conservation fund (302), to the environmental
23 conservation special revenue fund (301), indirect charges account (BJ).

24 2. Upon request of the commissioner of agriculture and markets, up to
25 \$3,000,000 from any special revenue fund or enterprise fund within the
26 department of agriculture and markets to the miscellaneous special
27 revenue fund (339) administrative costs account, to pay appropriate
28 administrative expenses.

29 3. Upon request of the commissioner of agriculture and markets, up to
30 \$2,000,000 from the state exposition special fund (325), state fair
31 receipts account (01) to the miscellaneous capital projects fund (387),
32 state fair capital improvement account (13).

33 4. Upon request of the commissioner of the division of housing and
34 community renewal, up to \$5,500,000 from revenues credited to any divi-
35 sion of housing and community renewal federal or miscellaneous special
36 revenue fund to the agency cost recovery account (HI).

37 5. Upon request of the commissioner of the division of housing and
38 community renewal, up to \$5,500,000 may be transferred from any miscel-
39 laneous special revenue fund account (339), to any miscellaneous special
40 revenue fund (339).

41 6. Upon request of the commissioner of health up to \$15,000,000 from
42 revenues credited to any of the department of health's special revenue
43 funds, to the miscellaneous special revenue fund (339), administration
44 account (AP).

45 S 4. Notwithstanding section 2815 of the public health law or any
46 other contrary provision of law, upon the direction of the director of
47 the budget and the commissioner of health, the dormitory authority of
48 the state of New York is directed to transfer seven million dollars
49 annually from funds available and uncommitted in the New York state
50 health care restructuring pool to the health care reform act (HCRA)
51 resources fund - HCRA resources account.

52 S 5. On or before March 31, 2012, the comptroller is authorized and
53 directed to transfer the unencumbered balance from the family benefit
54 fund (329) to the general fund.

55 S 6. On or before March 31, 2012, the comptroller is hereby authorized
56 and directed to deposit earnings that would otherwise accrue to the

1 general fund that are attributable to the operation of section 98-a of
2 the state finance law, to the agencies internal service fund (334),
3 banking services account (12), for the purpose of meeting direct
4 payments from such account.

5 S 7. Notwithstanding any law to the contrary, upon the direction of
6 the director of the budget and upon requisition by the state university
7 of New York, the dormitory authority of the state of New York is
8 directed to transfer, up to \$22,000,000 in revenues generated from the
9 sale of notes or bonds, to the state university of New York for
10 reimbursement of bondable equipment for further transfer to the state's
11 general fund.

12 S 8. Notwithstanding any law to the contrary, the state university
13 chancellor or her designee is authorized and directed to transfer esti-
14 mated tuition revenue balances from the state university collection fund
15 (344) to the state university fund (345), state university revenue
16 offset account (12) on or before March 31, 2012.

17 S 8-a. Notwithstanding any law to the contrary, and in accordance with
18 section 4 of the state finance law, the comptroller is hereby authorized
19 and directed to transfer, upon request of the director of the budget, up
20 to \$60,000,000 from the general fund to the state university income fund
21 (345), state university hospitals income reimbursable account (22)
22 during the period July 1, 2011 through June 30, 2012 to reflect ongoing
23 state subsidy of SUNY hospitals and to pay costs attributable to the
24 SUNY hospitals' state agency status.

25 S 9. Notwithstanding any law to the contrary, and in accordance with
26 section 4 of the state finance law, the comptroller is hereby authorized
27 and directed to transfer, upon request of the state university chancel-
28 lor or her designee, up to \$50,000,000 from the state university income
29 fund (345), state university hospitals income reimbursable account (22),
30 for hospital income reimbursable for services and expenses of hospital
31 operations and capital expenditures at the state university hospitals,
32 and the state university income fund (345) Long Island veterans' home
33 account (09) to the state university capital projects fund (384) on or
34 before June 30, 2012.

35 S 10. Notwithstanding any law to the contrary, and in accordance with
36 section 4 of the state finance law, the comptroller, after consultation
37 with the state university chancellor or his or her designee, is hereby
38 authorized and directed to transfer moneys, in the first instance, from
39 the state university collection fund (344), Stony Brook hospital
40 collection account (07), Brooklyn hospital collection account (08), and
41 Syracuse hospital collection account (09) to the state university income
42 fund (345), state university hospitals income reimbursable account (22)
43 in the event insufficient funds are available in the state university
44 income fund (345), state university hospitals income reimbursable
45 account (22) to transfer moneys, in amounts sufficient to permit the
46 full transfer of moneys authorized for transfer, to the general fund for
47 payment of debt service related to the SUNY hospitals. Notwithstanding
48 any law to the contrary, the comptroller is also hereby authorized and
49 directed, after consultation with the state university chancellor or his
50 or her designee, to transfer moneys from the state university income
51 fund (345) to the state university income fund (345), state university
52 hospitals income reimbursable account (22) in the event insufficient
53 funds are available in the state university income fund (345), state
54 university hospitals income reimbursable account (22) to pay hospital
55 operating costs or to transfer moneys, in amounts sufficient to permit
56 the full transfer of moneys authorized for transfer, to the general fund

1 for payment of debt service related to the SUNY hospitals on or before
2 March 31, 2012.

3 S 11. Notwithstanding any law to the contrary, and in accordance with
4 section 4 of the state finance law, the comptroller is hereby authorized
5 and directed to transfer monies, upon request of the director of the
6 budget, on or before March 31, 2012, from and to any of the following
7 accounts: the miscellaneous special revenue fund (339), patient income
8 account (13), the miscellaneous special revenue fund (339), mental
9 hygiene program fund account (10) or the general fund in any combina-
10 tion, the aggregate of which shall not exceed \$350 million.

11 S 12. Notwithstanding any law to the contrary, and in accordance with
12 section 4 of the state finance law, the comptroller is hereby authorized
13 and directed to transfer, at the request of the director of the budget,
14 up to \$500 million from the unencumbered balance of any special revenue
15 fund or account, or combination of funds and accounts, to the general
16 fund. The amounts transferred pursuant to this authorization shall be in
17 addition to any other transfers expressly authorized in the 2011-12
18 budget. Transfers from federal funds, debt service funds, capital
19 projects funds, or the community projects fund are not permitted pursu-
20 ant to this authorization. The director of the budget shall notify both
21 houses of the legislature in writing prior to initiating transfers
22 pursuant to this authorization.

23 S 12-a. Notwithstanding any law to the contrary, and in accordance
24 with section 4 of the state finance law, the comptroller is hereby
25 authorized and directed to transfer, at the request of the director of
26 the budget, up to \$38 million from the unencumbered balance of any
27 special revenue fund or account, or combination of funds and accounts,
28 to the community projects fund. The amounts transferred pursuant to this
29 authorization shall be in addition to any other transfers expressly
30 authorized in the 2011-12 budget. Transfers from federal funds, debt
31 service funds, or capital projects funds are not permitted pursuant to
32 this authorization. The director of the budget shall (a) have recieved a
33 request in writting from one or both houses of the legislature, and (b)
34 notify both houses of the legislature in writing prior to initiating
35 transfers pursuant to this authorization. The comptroller shall provide
36 the director of the budget, the chair of the senate finance committee,
37 and the chair of the assembly ways and means committee with an accurate
38 accounting and report of any transfers that occur pursuant to this
39 section on or before the fifteenth day of the following month in which
40 such transfers occur.

41 S 13. Notwithstanding any law to the contrary, and in accordance with
42 section 4 of the state finance law, the comptroller is hereby authorized
43 and directed to transfer, at the request of the director of the budget,
44 up to \$75 million from the unencumbered balance of any non-general fund
45 or account, or combination of funds and accounts, to the general fund.
46 The amounts transferred pursuant to this authorization shall be equal to
47 those savings achieved in such non-general funds as a result of work-
48 force savings actions and are in addition to any other transfers
49 expressly authorized. Transfers from federal funds are not permitted
50 pursuant to this authorization. The director of the budget shall notify
51 both houses of the legislature in writing prior to initiating transfers
52 pursuant to this authorization.

53 S 14. Notwithstanding any provision of law to the contrary, the power
54 authority of the state of New York, as deemed feasible and advisable by
55 its trustees, is authorized and directed to make a contribution to the
56 state treasury to the credit of the general fund in the amount of

1 \$100,000,000 for the fiscal year commencing April 1, 2011. The power
2 authority of the state of New York will transfer not less than
3 \$40,000,000 by June 30, 2011 and will transfer the remainder, up to
4 \$60,000,000, by January 31, 2012.

5 S 14-a. In addition to any payment made by a public benefit corpo-
6 ration pursuant to an assessment imposed under sections 2975, 2975-a,
7 2976 and 2976-a of the public authorities law, a public benefit corpo-
8 ration is authorized to make voluntary contributions to the state gener-
9 al fund for any lawful purpose at any time from any public benefit
10 corporation funds in such amounts as deemed to be feasible and advisable
11 by such public benefit corporation's governing board after due consider-
12 ation of the public benefit corporation's legal and financial obli-
13 gations. Notwithstanding any other law, the payment of a voluntary
14 payment pursuant to this subdivision is deemed to be a valid and proper
15 purpose for which available funds may be applied. Voluntary contrib-
16 utions made pursuant to this subdivision shall be payable to the state
17 treasury to the credit of the general fund.

18 S 15. Intentionally omitted.

19 S 16. Subdivision 5 of section 97-rrr of the state finance law, as
20 amended by section 15 of part JJ of chapter 56 of the laws of 2010, is
21 amended to read as follows:

22 5. Notwithstanding the provisions of section one hundred seventy-one-a
23 of the tax law, as separately amended by chapters four hundred eighty-
24 one and four hundred eighty-four of the laws of nineteen hundred eight-
25 y-one, or any other provisions of law to the contrary, during the fiscal
26 year beginning April first, two thousand ten, the state comptroller is
27 hereby authorized and directed to deposit to the fund created pursuant
28 to this section from amounts collected pursuant to article twenty-two of
29 the tax law and pursuant to a schedule submitted by the director of the
30 budget, up to [\$3,308,000,000] \$3,292,520,000, as may be certified in
31 such schedule as necessary to meet the purposes of such fund for the
32 fiscal year beginning April first, two thousand [ten] ELEVEN.

33 S 17. Subdivision (b) of section 19-a of part PP of chapter 56 of the
34 laws of 2009, providing funding for certain community projects, relating
35 to increasing such funding, is REPEALED.

36 S 18. The comptroller is authorized and directed to deposit to the
37 general fund-state purposes account reimbursements from moneys appropri-
38 ated or reappropriated to the correctional facilities capital improve-
39 ment fund (399) by a chapter of the laws of 2011. Reimbursements shall
40 be available for spending from appropriations made to the department of
41 correctional services in the general fund-state purposes account by a
42 chapter of the laws of 2011 for costs associated with the administration
43 and security of capital projects and for other costs which are attribut-
44 able, according to a plan, to such capital projects.

45 S 19. Notwithstanding any other law, rule, or regulation to the
46 contrary, the comptroller is hereby authorized and directed to deposit
47 to the credit of the capital projects fund, reimbursement from the
48 proceeds of notes or bonds issued by the environmental facilities corpo-
49 ration for a capital appropriation for \$29,772,000 authorized by chapter
50 54 of the laws of 2001 to the department of environmental conservation
51 for payment of a portion of the state's match for federal capitalization
52 grants for the water pollution control revolving loan fund.

53 S 20. Notwithstanding any other law, rule, or regulation to the
54 contrary, the comptroller is hereby authorized and directed to deposit,
55 to the credit of the capital projects fund, reimbursement from the
56 proceeds of notes or bonds issued by the environmental facilities corpo-

1 ration for a capital appropriation for \$29,365,000 authorized by chapter
2 54 of the laws of 2002 to the department of environmental conservation
3 for payment of a portion of the state's match for federal capitalization
4 grants for the water pollution control revolving loan fund, reimburse-
5 ment from the proceeds of notes and bonds issued by the urban develop-
6 ment corporation or other financing source for a capital appropriation
7 for \$89,000,000 authorized by chapter 50 of the laws of 2002 to the
8 office of general services for payment of capital construction costs for
9 the Alfred E. Smith office building located in the city of Albany,
10 reimbursement from the proceeds of notes and bonds issued by the urban
11 development corporation or other financing source for capital appropri-
12 ations for \$1,500,000 authorized by chapter 50 of the laws of 2002 to
13 the office of general services for payment of capital construction costs
14 for the Elk street parking garage building located in the city of Alba-
15 ny, reimbursement from the proceeds of notes or bonds issued by the
16 urban development corporation for disbursements of up to \$12,000,000
17 from any capital appropriation or reappropriation authorized by chapter
18 50 of the laws of 2002 to the office of general services for various
19 purposes, reimbursement from the proceeds of notes or bonds issued by
20 the urban development corporation for a capital appropriation of
21 \$13,250,000 authorized by chapter 55 of the laws of 2002 to the energy
22 research and development authority for the Western New York Nuclear
23 Service Center at West Valley, reimbursement from the proceeds of notes
24 or bonds issued by the urban development corporation for a capital
25 appropriation of \$14,300,000 authorized by chapter 55 of the laws of
26 2002 to the urban development corporation to finance a portion of the
27 jobs now program, reimbursement from the proceeds of notes or bonds
28 issued by the dormitory authority for disbursements of up to \$20,800,000
29 from any capital appropriation or reappropriation authorized by chapter
30 51 of the laws of 2002 to the judiciary for courthouse improvements,
31 reimbursement from the proceeds of notes or bonds issued by the urban
32 development corporation for disbursements of up to \$15,000,000 from
33 appropriations or reappropriations authorized by chapter 50 of the laws
34 of 2002 to any agency for costs related to homeland security, and
35 reimbursement from the proceeds of notes or bonds issued by the environ-
36 mental facilities corporation for a capital appropriation of \$10,000,000
37 authorized by chapter 54 of the laws of 2002 to the department of envi-
38 ronmental conservation for Onondaga lake.

39 S 20-a. Notwithstanding any other law, rule, or regulation to the
40 contrary, the comptroller is hereby authorized and directed to deposit,
41 to the credit of the capital projects fund, reimbursement from the
42 proceeds of notes or bonds issued by the dormitory authority of the
43 state of New York for a capital appropriation for \$215,650,000 author-
44 ized by chapter 55 of the laws of 2000 to all state agencies for payment
45 of costs related to the strategic investment program.

46 S 21. Notwithstanding any other law, rule, or regulation to the
47 contrary, the comptroller is hereby authorized and directed to deposit
48 to the credit of the capital projects fund, reimbursement from the
49 proceeds of notes or bonds issued by the environmental facilities corpo-
50 ration for a capital appropriation of \$30,174,000 authorized by chapter
51 55 of the laws of 2003 to the department of environmental conservation
52 for payment of a portion of the state's match for federal capitalization
53 grants for the water pollution control revolving loan fund, reimburse-
54 ment from the proceeds of notes or bonds issued by the urban development
55 corporation or other financing source for a capital appropriation of
56 \$19,500,000 authorized by chapter 50 of the laws of 2003 to the office

1 of general services for payment of capital construction costs for the 51
2 Elk street parking garage building located in the city of Albany,
3 reimbursement from the proceeds of notes or bonds issued by the urban
4 development corporation for disbursements of up to \$10,000,000 from any
5 capital appropriation or reappropriation authorized by chapter 50 of the
6 laws of 2003 to the office of general services for various purposes,
7 reimbursement from the proceeds of notes or bonds issued by the environ-
8 mental facilities corporation for a capital appropriation of \$13,250,000
9 authorized by chapter 55 of the laws of 2003 to the energy research and
10 development authority for the Western New York Nuclear Service Center at
11 West Valley, reimbursement from the proceeds of notes or bonds issued by
12 the dormitory authority for disbursements of up to \$16,400,000 from any
13 capital appropriation or reappropriation authorized by chapter 51 of the
14 laws of 2003 to the judiciary for courthouse improvements, reimbursement
15 from the proceeds of notes or bonds issued by the urban development
16 corporation for disbursements of up to \$10,000,000 from appropriations
17 or reappropriations authorized by chapter 50 of the laws of 2003 to any
18 agency for costs related to homeland security, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation of \$10,000,000 authorized by chapter
21 55 of the laws of 2003 to the department of environmental conservation
22 for Onondaga lake, reimbursement from the proceeds of notes or bonds
23 issued by the environmental facilities corporation for disbursements of
24 up to \$11,000,000 from any capital appropriations or reappropriations
25 authorized by chapter 55 of the laws of 2003 to the department of envi-
26 ronmental conservation for environmental purposes, and reimbursement
27 from the proceeds of notes or bonds issued by the dormitory authority
28 for disbursements of up to \$100,000,000 from a capital appropriation
29 authorized by chapter 50 of the laws of 2003 to the department of state
30 for enhanced 911 wireless service.

31 S 22. Notwithstanding any other law, rule, or regulation to the
32 contrary, the comptroller is hereby authorized and directed to deposit
33 to the credit of the capital projects fund, reimbursement from the
34 proceeds of notes or bonds issued by the environmental facilities corpo-
35 ration for a capital appropriation for \$28,893,000 authorized by chapter
36 55 of the laws of 2004 to the department of environmental conservation
37 for payment of a portion of the state's match for federal capitalization
38 grants for the water pollution control revolving loan fund, reimburse-
39 ment from the proceeds of notes or bonds issued by the urban development
40 corporation for disbursements of up to \$10,000,000 from any capital
41 appropriation or reappropriation authorized by chapter 50 of the laws of
42 2004 to the office of general services for various purposes, reimburse-
43 ment from the proceeds of notes or bonds issued by the environmental
44 facilities corporation for a capital appropriation of \$11,350,000
45 authorized by chapter 55 of the laws of 2004 to the energy research and
46 development authority for the Western New York Nuclear Service Center at
47 West Valley, reimbursement from the proceeds of notes or bonds issued by
48 the environmental facilities corporation, for a capital appropriation of
49 \$10,000,000 authorized by chapter 55 of the laws of 2004 to the depart-
50 ment of environmental conservation for Onondaga lake, reimbursement from
51 the proceeds of notes or bonds issued by the environmental facilities
52 corporation for disbursements of up to \$11,000,000 from any capital
53 appropriations or reappropriations authorized by chapter 55 of the laws
54 of 2004 to the department of environmental conservation for environ-
55 mental purposes, reimbursement from the proceeds of notes or bonds
56 issued by the dormitory authority for a capital appropriation of

1 \$80,000,000 authorized by chapter 53 of the laws of 2004 to the educa-
2 tion department for capital transition grants for transportation,
3 reimbursement from the proceeds of notes or bonds issued by the dormito-
4 ry authority for a capital appropriation of \$243,325,000 authorized by
5 chapter 55 of the laws of 2004 for payment of costs related to economic
6 development projects, reimbursement from the proceeds of bonds or notes
7 issued by the urban development corporation for a capital appropriation
8 of \$83,500,000 authorized by chapter 53 of the laws of 2006, as amended
9 by chapter 108 of the laws of 2006, for payment of costs related to the
10 H. H. Richardson complex and the Darwin Martin House, and reimbursement
11 from the proceeds of notes or bonds issued by the dormitory authority
12 for a capital appropriation of \$345,750,000 authorized by chapter 3 of
13 the laws of 2004 for the New York state economic development program.

14 S 23. Notwithstanding any other law, rule, or regulation to the
15 contrary, the comptroller is hereby authorized and directed to deposit
16 to the credit of the capital projects fund, reimbursement from the
17 proceeds of notes or bonds issued by the environmental facilities corpo-
18 ration for a capital appropriation of \$29,602,000 authorized by chapter
19 55 of the laws of 2005 to the department of environmental conservation
20 for payment of a portion of the state's match for federal capitalization
21 grants for the water pollution control revolving loan fund, reimburse-
22 ment from the proceeds of notes or bonds issued by the urban development
23 corporation for disbursements of up to \$10,000,000 from any capital
24 appropriation or reappropriation authorized by chapter 50 of the laws of
25 2005 to the office of general services for various purposes, reimburse-
26 ment from the proceeds of notes or bonds issued by the environmental
27 facilities corporation for a capital appropriation of \$11,350,000
28 authorized by chapter 55 of the laws of 2005 to the energy research and
29 development authority for the Western New York Nuclear Service Center at
30 West Valley, reimbursement from the proceeds of notes or bonds issued by
31 the environmental facilities corporation for a capital appropriation of
32 \$10,000,000 authorized by chapter 55 of the laws of 2005 to the depart-
33 ment of environmental conservation for Onondaga lake, reimbursement from
34 the proceeds of notes or bonds issued by the environmental facilities
35 corporation for disbursements of up to \$11,000,000 from any capital
36 appropriations or reappropriations authorized by chapter 55 of the laws
37 of 2005 to the department of environmental conservation for environ-
38 mental purposes, reimbursement from the proceeds of notes or bonds
39 issued by the urban development corporation for a capital appropriation
40 of \$350,000,000 authorized by chapter 55 of the laws of 2005 for the
41 Javits center, reimbursement from the proceeds of notes or bonds issued
42 by the dormitory authority for a capital appropriation of \$89,750,000
43 authorized by chapter 62 of the laws of 2005 for regional development,
44 reimbursement from the proceeds of notes or bonds issued by the dormito-
45 ry authority for a capital appropriation of \$249,000,000 authorized by
46 chapter 62 of the laws of 2005 for technology and development,
47 reimbursement from the proceeds of notes or bonds issued by the urban
48 development corporation for a capital appropriation of \$48,517,000
49 authorized by chapter 162 of the laws of 2005 for the New York state
50 economic development program, reimbursement from the proceeds of notes
51 or bonds issued by the urban development corporation for a capital
52 appropriation of \$150,000,000 authorized by chapter 62 of the laws of
53 2005 for the higher education facilities capital matching grants
54 program, reimbursement from the proceeds of notes or bonds issued by the
55 dormitory authority or other financing source for a capital appropri-
56 ation of \$4,000,000 authorized by chapter 50 of the laws of 2005 to the

1 office of general services for payment of capital construction costs for
2 the Elk street parking garage building located in the city of Albany,
3 reimbursement from the proceeds of notes or bonds issued by the urban
4 development corporation for a capital appropriation of \$15,000,000
5 authorized by chapter 53 of the laws of 2005 to the state education
6 department for payment of capital construction costs for public broad-
7 casting facilities, reimbursement from the proceeds of notes or bonds
8 issued by the urban development corporation for a capital appropriation
9 of \$15,700,000 authorized by chapter 50 of the laws of 2005 to the divi-
10 sion of state police for public protection facilities, and reimbursement
11 from the proceeds of notes or bonds issued by the urban development
12 corporation for capital disbursements of up to \$3,000,000 from any capi-
13 tal appropriation or reappropriation authorized by chapter 50 of the
14 laws of 2005 to the division of military and naval affairs for various
15 purposes.

16 S 24. Notwithstanding any other law, rule, or regulation to the
17 contrary, the comptroller is hereby authorized and directed to deposit
18 to the credit of the capital projects fund, reimbursement from the
19 proceeds of notes or bonds issued by the environmental facilities corpo-
20 ration for a capital appropriation for \$29,600,000 authorized by chapter
21 55 of the laws of 2006 to the department of environmental conservation
22 for payment of a portion of the state's match for federal capitalization
23 grants for the water pollution control revolving loan fund, reimburse-
24 ment from the proceeds of notes or bonds issued by the urban development
25 corporation for disbursements of up to \$20,000,000 from any capital
26 appropriation or reappropriation authorized by chapter 50 of the laws of
27 2006 to the office of general services for various purposes, reimburse-
28 ment from the proceeds of notes or bonds issued by the environmental
29 facilities corporation for a capital appropriation of \$14,000,000
30 authorized by chapter 55 of the laws of 2006 to the energy research and
31 development authority for the Western New York Nuclear Service Center at
32 West Valley, reimbursement from the proceeds of notes or bonds issued by
33 the environmental facilities corporation for a capital appropriation of
34 \$10,000,000 authorized by chapter 55 of the laws of 2006 to the depart-
35 ment of environmental conservation for Onondaga lake, reimbursement from
36 the proceeds of notes or bonds issued by the environmental facilities
37 corporation for disbursements of up to \$12,000,000 from any capital
38 appropriations or reappropriations authorized by chapter 55 of the laws
39 of 2006 to the department of environmental conservation for environ-
40 mental purposes, reimbursement from the proceeds of notes or bonds
41 issued by the urban development corporation for capital disbursements of
42 up to \$3,000,000 from any capital appropriation or reappropriation
43 authorized by chapter 50 of the laws of 2006 to the division of military
44 and naval affairs for various purposes, reimbursement from the proceeds
45 of notes or bonds issued by the urban development corporation for
46 disbursements of up to \$12,400,000 from any capital appropriation or
47 reappropriation authorized by chapter 50 of the laws of 2006 to the
48 division of state police for public protection facilities, reimbursement
49 from the proceeds of notes or bonds issued by the urban development
50 corporation for a capital appropriation of \$117,000,000 authorized by
51 chapter 50 of the laws of 2006 to all state departments and agencies for
52 the purchase of equipment, reimbursement from the proceeds of notes or
53 bonds issued by the dormitory authority or the urban development corpo-
54 ration for all or a portion of capital appropriations of \$603,050,000
55 authorized by chapter 108 of the laws of 2006 to the urban development
56 corporation for economic development/other projects, reimbursement from

1 the proceeds of notes or bonds issued by the urban development corpo-
2 ration for a capital appropriation of \$269,500,000 authorized by chapter
3 108 of the laws of 2006 to the dormitory authority or the urban develop-
4 ment corporation for economic development projects, reimbursement from
5 the proceeds of notes or bonds issued by the dormitory authority or the
6 urban development corporation for a capital appropriation of
7 \$201,500,000 authorized by chapter 108 of the laws of 2006 to the urban
8 development corporation for university development projects, reimburse-
9 ment from the proceeds of notes or bonds issued by the dormitory author-
10 ity or for a capital appropriation of \$143,000,000 authorized by chapter
11 108 of the laws of 2006 to the urban development corporation for
12 cultural facilities projects, reimbursement from the proceeds of notes
13 or bonds issued by the dormitory authority or the urban development
14 corporation for capital appropriations totaling \$60,000,000 authorized
15 by chapter 108 of the laws of 2006 to the urban development corporation
16 for energy/environmental projects, reimbursement from the proceeds of
17 notes or bonds issued by the dormitory authority or the urban develop-
18 ment corporation for a capital appropriation of \$20,000,000 authorized
19 by chapter 108 of the laws of 2006 to the urban development corporation
20 for a competitive solicitation for construction of a pilot cellulosic
21 ethanol refinery, reimbursement from the proceeds of notes or bonds
22 issued by the urban development corporation for a capital appropriation
23 of \$74,700,000 authorized by chapter 55 of the laws of 2006 to the urban
24 development corporation for services and expenses related to infrastruc-
25 ture for a new stadium in Queens county, and reimbursement from the
26 proceeds of notes or bonds issued by the urban development corporation
27 for a capital appropriation of \$74,700,000 authorized by chapter 55 of
28 the laws of 2006 to the urban development corporation for services and
29 expenses related to infrastructure improvements to construct a new park-
30 ing facility at a new stadium in Bronx county, reimbursement from the
31 proceeds of notes and bonds issued by the environmental facilities
32 corporation for a capital appropriation of \$5,000,000 authorized by
33 chapter 55 of the laws of 2006 to the environmental facilities corpo-
34 ration for payment for the pipeline for jobs program, reimbursement from
35 the proceeds of notes or bonds issued by the dormitory authority for
36 capital disbursements of up to \$14,000,000 from any capital appropri-
37 ation or reappropriation authorized by chapter 53 of the laws of 2006
38 for the library construction purpose, reimbursement from the proceeds of
39 notes or bonds issued by the urban development corporation or the dormi-
40 tory authority for an appropriation of \$1,200,000 authorized by chapter
41 53 of the laws of 2006 for the towns of Bristol and Canandaigua public
42 water systems, reimbursement from the proceeds of notes or bonds issued
43 by the urban development corporation or the dormitory authority for an
44 appropriation of \$5,500,000 authorized by chapter 53 of the laws of 2006
45 for Belleayre mountain ski center, reimbursement from the proceeds of
46 notes or bonds issued by the urban development corporation or the dormi-
47 tory authority for an appropriation of \$25,000,000 authorized by chapter
48 53 of the laws of 2006 for the town of Smithtown/Kings Park psychiatric
49 center rehabilitation, reimbursement from the proceeds of notes or bonds
50 issued by the urban development corporation or the dormitory authority
51 for an appropriation of \$5,000,000 authorized by chapter 108 of the laws
52 of 2006 for a state of New York umbilical cord bank, reimbursement from
53 the proceeds of notes or bonds issued by the urban development corpo-
54 ration or the dormitory authority for an appropriation of \$5,500,000
55 authorized by chapter 53 of the laws of 2006 for an Old Gore mountain
56 ski bowl connection, reimbursement from the proceeds of notes or bonds

1 issued by the urban development corporation or the dormitory authority
2 for an appropriation of \$2,000,000 authorized by chapter 53 of the laws
3 of 2006 for a Cornell equine drug testing laboratory, reimbursement from
4 the proceeds of notes or bonds issued by the urban development corpo-
5 ration or the dormitory authority for an appropriation of \$2,000,000
6 authorized by chapter 53 of the laws of 2006 for a Fredonia vineyard
7 laboratory, reimbursement from the proceeds of notes or bonds issued by
8 the dormitory authority or the urban development corporation for an
9 appropriation of \$40,000,000 authorized by chapter 108 of the laws of
10 2006 for a food testing laboratory, reimbursement from the proceeds of
11 notes or bonds issued by the New York state thruway authority for an
12 appropriation of \$22,000,000 authorized by chapter 108 of the laws of
13 2006 to the department of transportation for high speed rail, reimburse-
14 ment from the proceeds of notes or bonds issued by the urban development
15 corporation for capital disbursements of up to \$500,000,000 from an
16 appropriation authorized by chapter 108 of the laws of 2006 to the urban
17 development corporation for development of a semiconductor manufacturing
18 facility, reimbursement from the proceeds of notes or bonds issued by
19 the urban development corporation of up to \$150,000,000 from an appro-
20 priation authorized by chapter 108 of the laws of 2006 to the urban
21 development corporation for research and development activities of a
22 semiconductor manufacturer, and reimbursement from the proceeds of notes
23 or bonds issued by the urban development corporation for capital
24 disbursements of up to \$292,385,000 from an appropriation to the urban
25 development corporation authorized by chapter 108 of the laws of 2006
26 for community revitalization projects.

27 S 25. Notwithstanding any other law, rule, or regulation to the
28 contrary, the comptroller is hereby authorized and directed to deposit
29 to the credit of the capital projects fund, reimbursement from the
30 proceeds of notes or bonds issued by the environmental facilities corpo-
31 ration for a capital appropriation of \$29,600,000 authorized by chapter
32 55 of the laws of 2007 to the department of environmental conservation
33 for payment of a portion of the state's match for federal capitalization
34 grants for the water pollution control revolving loan fund, reimburse-
35 ment from the proceeds of notes or bonds issued by the urban development
36 corporation for disbursements of up to \$20,000,000 from any capital
37 appropriation or reappropriation authorized by chapter 50 of the laws of
38 2007 to the office of general services for various purposes, reimburse-
39 ment from the proceeds of notes or bonds issued by the environmental
40 facilities corporation for a capital appropriation of \$13,500,000
41 authorized by chapter 55 of the laws of 2007 to the energy research and
42 development authority for the Western New York Nuclear Service Center at
43 West Valley, reimbursement from the proceeds of notes or bonds issued by
44 the environmental facilities corporation for a capital appropriation of
45 \$10,000,000 authorized by chapter 55 of the laws of 2007 to the depart-
46 ment of environmental conservation for Onondaga lake, reimbursement from
47 the proceeds of notes or bonds issued by the environmental facilities
48 corporation for disbursements of up to \$12,000,000 from any capital
49 appropriations or reappropriations authorized by chapter 55 of the laws
50 of 2007 to the department of environmental conservation for environ-
51 mental purposes, reimbursement from the proceeds of notes or bonds
52 issued by the urban development corporation for capital disbursements of
53 up to \$3,000,000 from any capital appropriation or reappropriation
54 authorized by chapter 50 of the laws of 2007 to the division of military
55 and naval affairs for various purposes, reimbursement from the proceeds
56 of notes or bonds issued by the urban development corporation for

1 disbursements from a capital appropriation of \$50,000,000 authorized by
2 chapter 50 of the laws of 2007 to the division of state police for
3 construction of a Troop G facility, reimbursement from the proceeds of
4 notes or bonds issued by the urban development corporation for disburse-
5 ments from a capital appropriation of \$6,000,000 authorized by chapter
6 50 of the laws of 2007 to the division of state police for construction
7 of evidence storage facilities, reimbursement from the proceeds of notes
8 or bonds issued by the dormitory authority or the urban development
9 corporation for capital appropriations totaling \$77,900,000 authorized
10 by chapter 51 of the laws of 2007 to the judiciary for court training
11 facilities and courthouse improvement projects, reimbursement from the
12 proceeds of notes or bonds issued by the urban development corporation
13 for a capital appropriation of \$20,000,000 authorized by chapter 50 of
14 the laws of 2007 to all state departments and agencies for the purchase
15 of equipment, reimbursement from the proceeds of notes or bonds issued
16 by the dormitory authority for capital disbursements of up to
17 \$14,000,000 from any capital appropriation or reappropriation authorized
18 by chapter 53 of the laws of 2007 for library construction, reimburse-
19 ment from the proceeds of notes or bonds issued by the dormitory author-
20 ity for capital disbursements of up to \$60,000,000 from any capital
21 appropriation or reappropriation authorized by chapter 53 of the laws of
22 2007 for cultural education storage facilities, reimbursement from the
23 proceeds of notes or bonds issued by the urban development corporation
24 for capital disbursements of up to \$15,000,000 from any capital appro-
25 priation or reappropriation authorized by chapter 55 of the laws of 2007
26 for thRoosevelt Island Operating Corporation aerial tramway, reimburse-
27 ment from the proceeds of notes or bonds issued by the urban development
28 corporation for capital disbursements of up to \$20,000,000 from any
29 capital appropriation or reappropriation authorized by chapter 55 of the
30 laws of 2007 for Governor's Island, reimbursement from the proceeds of
31 notes or bonds issued by the urban development corporation for capital
32 disbursements of up to \$7,500,000 from any capital appropriation or
33 reappropriation authorized by chapter 55 of the laws of 2007 for Harri-
34 man research and technology park, reimbursement from the proceeds of
35 notes or bonds issued by the urban development corporation for capital
36 disbursements of up to \$7,950,000 from any capital appropriation or
37 reappropriation authorized by chapter 55 of the laws of 2007 for USA
38 Niagara, and reimbursement from the proceeds of notes or bonds issued by
39 the urban development corporation for capital disbursements of up to
40 \$1,300,000 from appropriations authorized by chapter 50 of the laws of
41 2007 made to the office of general services for legislative office
42 building hearing rooms.

43 S 26. Notwithstanding any other law, rule, or regulation to the
44 contrary, the comptroller is hereby authorized and directed to deposit
45 to the credit of the capital projects fund, reimbursement from the
46 proceeds of notes or bonds issued by the environmental facilities corpo-
47 ration for a capital appropriation of \$29,600,000 authorized by chapter
48 55 of the laws of 2008 to the department of environmental conservation
49 for payment of a portion of the state's match for federal capitalization
50 grants for the water pollution control revolving loan fund, reimburse-
51 ment from the proceeds of notes or bonds issued by the urban development
52 corporation for a capital appropriation of \$141,000,000 authorized by
53 chapter 50 of the laws of 2008 to all state departments and agencies for
54 the purchase of equipment or systems development, reimbursement from the
55 proceeds of notes or bonds issued by the urban development corporation
56 for disbursements of up to \$45,500,000 from any capital appropriation or

1 reappropriation authorized by chapter 50 of the laws of 2008 to the
2 office of general services for various purposes, reimbursement from the
3 proceeds of notes or bonds issued by the environmental facilities corpo-
4 ration for a capital appropriation of \$13,500,000 authorized by chapter
5 55 of the laws of 2008 to the energy research and development authority
6 for the Western New York Nuclear Service Center at West Valley,
7 reimbursement from the proceeds of notes or bonds issued by the environ-
8 mental facilities corporation for a capital appropriation of \$10,000,000
9 authorized by chapter 55 of the laws of 2008 to the department of envi-
10 ronmental conservation for Onondaga lake, reimbursement from the
11 proceeds of notes or bonds issued by the environmental facilities corpo-
12 ration for disbursements of up to \$12,000,000 from any capital appropri-
13 ations or reappropriations authorized by chapter 55 of the laws of 2008
14 to the department of environmental conservation for environmental
15 purposes, reimbursement from the proceeds of notes or bonds issued by
16 the urban development corporation for capital disbursements of up to
17 \$3,000,000 from any capital appropriation or reappropriation authorized
18 by chapter 50 of the laws of 2008 to the division of military and naval
19 affairs for various purposes, reimbursement from the proceeds of notes
20 or bonds issued by the urban development corporation for a capital
21 appropriation of \$2,500,000 authorized by chapter 50 of the laws of 2008
22 to the office for technology for activities related to broadband
23 service, reimbursement from the proceeds of notes or bonds issued by the
24 urban development corporation for a capital appropriation of \$6,000,000
25 authorized by chapter 50 of the laws of 2008 to the division of state
26 police for rehabilitation of facilities, reimbursement from the proceeds
27 of notes or bonds issued by the dormitory authority of the state of New
28 York or other financing source for a capital appropriation authorized by
29 chapter 53 of the laws of 2008 of \$14,000,000 to the education depart-
30 ment for library construction, reimbursement from the proceeds of notes
31 or bonds issued by the dormitory authority of the state of New York or
32 other financing source for a capital appropriation authorized by chapter
33 53 of the laws of 2008 of \$15,000,000 to the education department for
34 museum renewal projects, reimbursement from the proceeds of notes or
35 bonds issued by the urban development corporation for capital appropri-
36 ation of \$50,000,000 authorized by chapter 53 of the laws of 2008 to the
37 urban development corporation for services and expenses related to the
38 investment opportunity fund, reimbursement from the proceeds of notes or
39 bonds issued by the urban development corporation for capital appropri-
40 ation of \$18,000,000 authorized by chapter 53 of the laws of 2008 to the
41 urban development corporation for services and expenses related to arts
42 and cultural projects, reimbursement from the proceeds of bonds or notes
43 issued by the urban development corporation for a capital appropriation
44 of \$32,148,000 authorized by chapter 53 of the laws of 2008 for economic
45 and community development projects, reimbursement from the proceeds of
46 bonds or notes issued by the urban development corporation for a capital
47 appropriation of \$30,000,000 authorized by chapter 53 of the laws of
48 2008 for New York city waterfront development projects, reimbursement
49 from the proceeds of bonds or notes issued by the urban development
50 corporation for a capital appropriation of \$45,000,000 authorized by
51 chapter 53 of the laws of 2008 for Luther Forest infrastructure
52 projects, reimbursement from the proceeds of notes or bonds issued by
53 the urban development corporation for capital appropriation of
54 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
55 development corporation for services and expenses related to downstate
56 regional projects, reimbursement from the proceeds of notes or bonds

1 issued by the urban development corporation for capital appropriation of
2 \$137,037,000 authorized by chapter 53 of the laws of 2008 to the urban
3 development corporation for services and expenses related to upstate
4 city-by-city projects, reimbursement from the proceeds of notes or bonds
5 issued by the urban development corporation for capital appropriation of
6 \$35,000,000 authorized by chapter 53 of the laws of 2008 to the urban
7 development corporation for services and expenses related to the down-
8 state revitalization projects, reimbursement from the proceeds of notes
9 or bonds issued by the urban development corporation for capital appro-
10 priation of \$117,265,000 authorized by chapter 53 of the laws of 2008 to
11 the urban development corporation for services and expenses related to
12 the upstate regional blueprint fund, reimbursement from the proceeds of
13 notes or bonds issued by the urban development corporation for capital
14 appropriation of \$25,000,000 authorized by chapter 53 of the laws of
15 2008 to the urban development corporation for services and expenses
16 related to the upstate agricultural economic development fund,
17 reimbursement from the proceeds of notes or bonds issued by the urban
18 development corporation for capital appropriation of \$350,000,000
19 authorized by chapter 53 of the laws of 2008 to the urban development
20 corporation for services and expenses related to the New York state
21 capital assistance program, reimbursement from the proceeds of notes or
22 bonds issued by the urban development corporation for capital appropri-
23 ation of \$350,000,000 authorized by chapter 53 of the laws of 2008 to
24 the urban development corporation for services and expenses related to
25 the New York state economic development assistance program, and
26 reimbursement from the proceeds of notes or bonds issued by the urban
27 development corporation for capital appropriation of \$20,000,000 author-
28 ized by chapter 55 of the laws of 2008 to the urban development corpo-
29 ration for services and expenses related to the empire state economic
30 development fund.

31 S 27. Notwithstanding any other law, rule, or regulation to the
32 contrary, the comptroller is hereby authorized and directed to deposit
33 to the credit of the capital projects fund, reimbursement from the
34 proceeds of notes or bonds issued by the environmental facilities corpo-
35 ration for a capital appropriation of \$29,600,000 authorized by chapter
36 55 of the laws of 2009 to the department of environmental conservation
37 for payment of a portion of the state's match for federal capitalization
38 grants for the water pollution control revolving loan fund, reimburse-
39 ment from the proceeds of notes or bonds issued by the urban development
40 corporation for a capital appropriation of \$129,800,000 authorized by
41 chapter 50 of the laws of 2009 to all state departments and agencies for
42 the purchase of equipment or systems development, reimbursement from the
43 proceeds of notes or bonds issued by the urban development corporation
44 for disbursements of up to \$24,000,000 from any capital appropriation or
45 reappropriation authorized by chapter 50 of the laws of 2009 to the
46 office of general services for various purposes, reimbursement from the
47 proceeds of notes or bonds issued by the environmental facilities corpo-
48 ration for a capital appropriation of \$13,500,000 authorized by chapter
49 55 of the laws of 2009 to the energy research and development authority
50 for the Western New York Nuclear Service Center at West Valley,
51 reimbursement from the proceeds of notes or bonds issued by the environ-
52 mental facilities corporation for a capital appropriation of \$10,000,000
53 authorized by chapter 55 of the laws of 2009 to the department of envi-
54 ronmental conservation for Onondaga lake, reimbursement from the
55 proceeds of notes or bonds issued by the environmental facilities corpo-
56 ration for disbursements of up to \$12,000,000 from any capital appropri-

1 ations or reappropriations authorized by chapter 55 of the laws of 2009
2 to the department of environmental conservation for environmental
3 purposes, reimbursement from the proceeds of notes or bonds issued by
4 the urban development corporation for capital disbursements of up to
5 \$3,000,000 from any capital appropriation or reappropriation authorized
6 by chapter 50 of the laws of 2009 to the division of military and naval
7 affairs for various purposes, reimbursement from the proceeds of notes
8 or bonds issued by the urban development corporation for a capital
9 appropriation of \$6,000,000 authorized by chapter 50 of the laws of 2009
10 to the division of state police for rehabilitation of facilities,
11 reimbursement from the proceeds of notes or bonds issued by the dormito-
12 ry authority of the state of New York or other financing source for a
13 capital appropriation authorized by chapter 53 of the laws of 2009 of
14 \$14,000,000 to the state education department for library construction,
15 reimbursement from the proceeds of notes or bonds issued by the dormito-
16 ry authority of the state of New York or other financing source for a
17 capital appropriation of \$4,000,000 to the state education department
18 for rehabilitation associated with the St. Regis Mohawk elementary
19 school authorized by chapter 53 of the laws of 2009 and reimbursement
20 from the proceeds of notes or bonds issued by the urban development
21 corporation for capital appropriation of \$25,000,000 authorized by chap-
22 ter 55 of the laws of 2009 to the urban development corporation for
23 services and expenses related to the empire state economic development
24 fund.

25 S 28. Notwithstanding any other law, rule, or regulation to the
26 contrary, the comptroller is hereby authorized and directed to deposit
27 to the credit of the capital projects fund, reimbursement from the
28 proceeds of notes or bonds issued by the environmental facilities corpo-
29 ration for a capital appropriation of \$29,600,000 authorized by chapter
30 55 of the laws of 2010 to the department of environmental conservation
31 for payment of a portion of the state's match for federal capitalization
32 grants for the water pollution control revolving loan fund, reimburse-
33 ment from the proceeds of notes or bonds issued by the urban development
34 corporation for a capital appropriation of \$187,285,000 authorized by
35 chapter 50 of the laws of 2010 to all state departments and agencies for
36 the purchase of equipment or systems development, reimbursement from the
37 proceeds of notes or bonds issued by the urban development corporation
38 for disbursements of up to \$26,950,000 from any capital appropriation or
39 reappropriation authorized by chapter 50 of the laws of 2010 to the
40 office of general services for various purposes, reimbursement from the
41 proceeds of notes or bonds issued by the environmental facilities corpo-
42 ration for a capital appropriation of \$5,000,000 authorized by chapter
43 55 of the laws of 2010 to the department of environmental conservation
44 for Onondaga lake, reimbursement from the proceeds of notes or bonds
45 issued by the environmental facilities corporation for disbursements of
46 up to \$12,000,000 from any capital appropriations or reappropriations
47 authorized by chapter 55 of the laws of 2010 to the department of envi-
48 ronmental conservation for environmental purposes, reimbursement from
49 the proceeds of notes or bonds issued by the urban development corpo-
50 ration for capital disbursements of up to \$3,000,000 from any capital
51 appropriation or reappropriation authorized by chapter 50 of the laws of
52 2010 to the division of military and naval affairs for various purposes,
53 reimbursement from the proceeds of notes or bonds issued by the urban
54 development corporation for a capital appropriation of \$6,000,000
55 authorized by chapter 50 of the laws of 2010 to the division of state
56 police for rehabilitation of facilities, reimbursement from the proceeds

1 of notes or bonds issued by the dormitory authority of the state of New
2 York or other financing source for a capital appropriation of
3 \$14,000,000 authorized by chapter 53 of the laws of 2010 to the state
4 education department for library construction, reimbursements from the
5 proceeds of notes or bonds issued by the dormitory authority of the
6 state of New York or other financing source for a capital appropriation
7 of \$20,400,000 authorized by chapter 100 of the laws of 2010 to the
8 state education department for the longitudinal data system and
9 reimbursement from the proceeds of notes or bonds issued by the dormito-
10 ry authority of the state of New York or other financing source for a
11 capital appropriation of \$42,000,000 for the state preparedness and
12 training center.

13 S 29. Notwithstanding any other law, rule, or regulation to the
14 contrary, the comptroller is hereby authorized and directed to deposit
15 to the credit of the capital projects fund, reimbursement from the
16 proceeds of notes or bonds issued by the environmental facilities corpo-
17 ration for a capital appropriation of \$35,000,000 authorized by a chap-
18 ter of the laws of 2011 to the department of environmental conservation
19 for payment of a portion of the state's match for federal capitalization
20 grants for the water pollution control revolving loan fund, reimburse-
21 ment from the proceeds of notes or bonds issued by the urban development
22 corporation for a capital appropriation of \$92,751,000 authorized by a
23 chapter of the laws of 2011 to all state departments and agencies for
24 the purchase of equipment or systems development, reimbursement from the
25 proceeds of notes or bonds issued by the urban development corporation
26 for disbursements of up to \$40,000,000 from any capital appropriation or
27 reappropriation authorized by a chapter of the laws of 2011 to the
28 office of general services for various purposes, reimbursement from the
29 proceeds of notes or bonds issued by the environmental facilities corpo-
30 ration for disbursements of up to \$12,000,000 from any capital appropri-
31 ations or reappropriations authorized by a chapter of the laws of 2011
32 to the department of environmental conservation for environmental
33 purposes, reimbursement from the proceeds of notes or bonds issued by
34 the urban development corporation for capital disbursements of up to
35 \$3,000,000 from any capital appropriation or reappropriation authorized
36 by a chapter of the laws of 2011 to the division of military and naval
37 affairs for various purposes, reimbursement from the proceeds of notes
38 or bonds issued by the urban development corporation for a capital
39 appropriation of \$6,000,000 authorized by a chapter of the laws of 2011
40 to the division of state police for rehabilitation of facilities,
41 reimbursement from the proceeds of notes or bonds issued by the dormito-
42 ry authority of the state of New York or other financing source for a
43 capital appropriation of \$14,000,000 authorized by a chapter of the laws
44 of 2011 to the state education department for library construction,
45 reimbursement from the proceeds of notes or bonds issued by the urban
46 development corporation for capital appropriation of \$130,550,000
47 authorized by a chapter of the laws of 2011 to the urban development
48 corporation for services and expenses related to the regional economic
49 development council initiative, reimbursement from the proceeds of notes
50 or bonds issued by the urban development corporation for capital appro-
51 priation of \$50,000,000 authorized by a chapter of the laws of 2011 to
52 the urban development corporation for services and expenses related to
53 the economic transformation program.

54 S 30. Notwithstanding any other law, rule, or regulation to the
55 contrary, the comptroller is hereby authorized and directed to deposit
56 to the credit of the state university residence hall rehabilitation fund

(074), reimbursement from the proceeds of notes or bonds issued by the dormitory authority of the state of New York for capital disbursements of up to \$331,000,000 from any appropriation or reappropriation authorized by a chapter of the laws of 2011.

S 31. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the capital projects fund, reimbursement from the proceeds of notes or bonds issued by the dormitory authority and urban development corporation for disbursements of up to \$8,000,000 from an appropriation authorized by chapter 50 of the laws of 2009 for drug courts.

S 32. Notwithstanding any other law, rule, or regulation to the contrary, the comptroller is hereby authorized and directed to deposit to the credit of the city university special revenue fund (377), reimbursement from the proceeds of notes or bonds issued by the Dormitory Authority of the State of New York for capital disbursements of up to \$20,000,000 from any appropriation or reappropriation authorized by chapter 53 of the laws of 2009 to the city university of New York for various purposes.

S 33. Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller is hereby authorized and directed to use any balance remaining in the mental health services fund debt service appropriation, after payment by the state comptroller of all obligations required pursuant to any lease, sublease, or other financing arrangement between the dormitory authority of the state of New York as successor to the New York state medical care facilities finance agency, and the facilities development corporation pursuant to chapter 83 of the laws of 1995 and the department of mental hygiene for the purpose of making payments to the dormitory authority of the state of New York for the amount of the earnings for the investment of monies deposited in the mental health services fund that such agency determines will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended, in order to enable such agency to maintain the exemption from federal income taxation on the interest paid to the holders of such agency's mental services facilities improvement revenue bonds. On or before June 30, 2011, such agency shall certify to the state comptroller its determination of the amounts received in the mental health services fund as a result of the investment of monies deposited therein that will or may have to be rebated to the federal government pursuant to the provisions of the internal revenue code of 1986, as amended.

S 34. (1) Notwithstanding any other law, rule, or regulation to the contrary, the state comptroller shall at the commencement of each month certify to the director of the budget, the commissioner of environmental conservation, the chair of the senate finance committee, and the chair of the assembly ways and means committee the amounts disbursed from all appropriations for hazardous waste site remediation disbursements for the month preceding such certification.

(2) Notwithstanding any law to the contrary, prior to the issuance by the comptroller of bonds authorized pursuant to subdivision a of section 4 of the environmental quality bond act of nineteen hundred eighty-six, as enacted by chapter 511 of the laws of 1986, disbursements from all appropriations for that purpose shall first be reimbursed from moneys credited to the hazardous waste remedial fund, site investigation and construction account, to the extent moneys are available in such account. For purposes of determining moneys available in such account,

1 the commissioner of environmental conservation shall certify to the
2 comptroller the amounts required for administration of the hazardous
3 waste remedial program.

4 (3) The comptroller is hereby authorized and directed to transfer any
5 balance above the amounts certified by the commissioner of environmental
6 conservation to reimburse disbursements pursuant to all appropriations
7 from such site investigation and construction account; provided, howev-
8 er, that if such transfers are determined by the comptroller to be
9 insufficient to assure that interest paid to holders of state obli-
10 gations issued for hazardous waste purposes pursuant to the environ-
11 mental quality bond act of nineteen hundred eighty-six, as enacted by
12 chapter 511 of the laws of 1986, is exempt from federal income taxation,
13 the comptroller is hereby authorized and directed to transfer, from such
14 site investigation and construction account to the general fund, the
15 amount necessary to redeem bonds in an amount necessary to assure the
16 continuation of such tax exempt status. Prior to the making of any such
17 transfers, the comptroller shall notify the director of the budget of
18 the amount of such transfers.

19 S 35. Subdivision 8 of section 68-b of the state finance law, as
20 amended by chapter 79 of the laws of 2010, is amended to read as
21 follows:

22 8. Revenue bonds may only be issued for authorized purposes, as
23 defined in section sixty-eight-a of this article. Notwithstanding the
24 foregoing, the dormitory authority of the state of New York and the
25 urban development corporation may issue revenue bonds for any authorized
26 purpose of any other such authorized issuer through March thirty-first,
27 two thousand [eleven] THIRTEEN. The authorized issuers shall not issue
28 any revenue bonds in an amount in excess of statutory authorizations for
29 such authorized purposes. Authorizations for such authorized purposes
30 shall be reduced in an amount equal to the amount of revenue bonds
31 issued for such authorized purposes under this article. Such reduction
32 shall not be made in relation to revenue bonds issued to fund reserve
33 funds, if any, and costs of issuance, if these items are not counted
34 under existing authorizations, nor shall revenue bonds issued to refund
35 bonds issued under existing authorizations reduce the amount of such
36 authorizations.

37 S 36. Subdivision 2 of section 68-a of the state finance law, as
38 amended by chapter 79 of the laws of 2010, is amended to read as
39 follows:

40 2. "Authorized purpose" for purposes of this article and section nine-
41 ty-two-z of this chapter shall mean any purposes for which state-sup-
42 ported debt, as defined by section sixty-seven-a of this chapter, may or
43 has been issued except debt for which the state is constitutionally
44 obligated thereunder to pay debt service and related expenses, and
45 except (a) as authorized in paragraph (b) of subdivision one of section
46 three hundred eighty-five of the public authorities law, (b) as author-
47 ized for the department of health of the state of New York facilities as
48 specified in paragraph a of subdivision two of section sixteen hundred
49 eighty of the public authorities law, (c) state university of New York
50 dormitory facilities as specified in subdivision eight of section
51 sixteen hundred seventy-eight of the public authorities law, and (d) as
52 authorized for mental health services facilities by section nine-a of
53 section one of chapter three hundred ninety-two of the laws of nineteen
54 hundred seventy-three constituting the New York state medical care
55 facilities financing act. Notwithstanding the provisions of clause (d)
56 of this subdivision, for the period April first, two thousand nine

1 through March thirty-first, two thousand [eleven] TWELVE, mental health
2 services facilities, as authorized by section nine-a of section one of
3 chapter three hundred ninety-two of the laws of nineteen hundred seven-
4 ty-three constituting the New York state medical care facilities financ-
5 ing act, shall constitute an authorized purpose.

6 S 37. Section 51 of part RR of chapter 57 of the laws of 2008, provid-
7 ing for the administration of certain funds and accounts related to the
8 2008-2009 budget, as amended by chapter 48 of the laws of 2010, is
9 amended to read as follows:

10 S 51. This act shall take effect immediately and shall be deemed to
11 have been in full force and effect on and after April 1, 2008; provided,
12 however, that the amendments to subdivision 6 of section 4 and subdivi-
13 sion 4 of section 40 of the state finance law made by sections fifteen
14 and sixteen of this act shall expire on the same date such subdivisions
15 expire; and provided, further, however, that section thirty-four of this
16 act shall take effect on the same date as the reversion of section 69-c
17 of the state finance law as provided in section 58 of part T of chapter
18 57 of the laws of 2007, as amended; [provided, further that such amend-
19 ments shall expire and be deemed repealed March 31, 2011;] and provided,
20 further, however, that sections one, three, four, and eighteen through
21 twenty-seven of this act shall expire March 31, 2009 when upon such date
22 the provisions of such sections shall be deemed repealed; and provided
23 further that section fourteen of this act shall expire March 31, 2011
24 when upon such date the provisions of such section shall be deemed
25 repealed.

26 S 38. Subdivision 3 of section 1285-p of the public authorities law,
27 as amended by section 48 of part JJ of chapter 56 of the laws of 2010,
28 is amended to read as follows:

29 3. The maximum amount of bonds that may be issued for the purpose of
30 financing environmental infrastructure projects authorized by this
31 section shall be nine hundred [three] FIFTEEN million seven hundred
32 forty-seven thousand dollars, exclusive of bonds issued to fund any debt
33 service reserve funds, pay costs of issuance of such bonds, and bonds or
34 notes issued to refund or otherwise repay bonds or notes previously
35 issued. Such bonds and notes of the corporation shall not be a debt of
36 the state, and the state shall not be liable thereon, nor shall they be
37 payable out of any funds other than those appropriated by the state to
38 the corporation for debt service and related expenses pursuant to any
39 service contracts executed pursuant to subdivision one of this section,
40 and such bonds and notes shall contain on the face thereof a statement
41 to such effect.

42 S 39. Subdivision (a) of section 28 of part Y of chapter 61 of the
43 laws of 2005, providing for the administration of certain funds and
44 accounts related to the 2005-2006 budget, as amended by section 49 of
45 part JJ of chapter 56 of the laws of 2010, is amended to read as
46 follows:

47 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
48 notwithstanding any provisions of law to the contrary, one or more
49 authorized issuers as defined by section 68-a of the state finance law
50 are hereby authorized to issue bonds or notes in one or more series in
51 an aggregate principal amount not to exceed [\$18,000,000] \$21,000,000,
52 excluding bonds issued to finance one or more debt service reserve
53 funds, to pay costs of issuance of such bonds, and bonds or notes issued
54 to refund or otherwise repay such bonds or notes previously issued, for
55 the purpose of financing capital projects for public protection facili-
56 ties in the Division of Military and Naval Affairs, debt service and

1 leases; and to reimburse the state general fund for disbursements made
2 therefor. Such bonds and notes of such authorized issuer shall not be a
3 debt of the state, and the state shall not be liable thereon, nor shall
4 they be payable out of any funds other than those appropriated by the
5 state to such authorized issuer for debt service and related expenses
6 pursuant to any service contract executed pursuant to subdivision (b) of
7 this section and such bonds and notes shall contain on the face thereof
8 a statement to such effect. Except for purposes of complying with the
9 internal revenue code, any interest income earned on bond proceeds shall
10 only be used to pay debt service on such bonds.

11 S 40. Subdivision (a) of section 48 of part K of chapter 81 of the
12 laws of 2002, providing for the administration of certain funds and
13 accounts related to the 2002-2003 budget, as amended by section 50 of
14 part JJ of chapter 56 of the laws of 2010, is amended to read as
15 follows:

16 (a) Subject to the provisions of chapter 59 of the laws of 2000 but
17 notwithstanding the provisions of section 18 of the urban development
18 corporation act, the corporation is hereby authorized to issue bonds or
19 notes in one or more series in an aggregate principal amount not to
20 exceed \$67,000,000 excluding bonds issued to fund one or more debt
21 service reserve funds, to pay costs of issuance of such bonds, and bonds
22 or notes issued to refund or otherwise repay such bonds or notes previ-
23 ously issued, for the purpose of financing capital costs related to
24 homeland security and training facilities for the division of state
25 police, the division of military and naval affairs, and any other state
26 agency, including the reimbursement of any disbursements made from the
27 state capital projects fund, and is hereby authorized to issue bonds or
28 notes in one or more series in an aggregate principal amount not to
29 exceed [\$165,800,000] \$205,800,000, excluding bonds issued to fund one
30 or more debt service reserve funds, to pay costs of issuance of such
31 bonds, and bonds or notes issued to refund or otherwise repay such bonds
32 or notes previously issued, for the purpose of financing improvements to
33 State office buildings and other facilities located statewide, including
34 the reimbursement of any disbursements made from the state capital
35 projects fund. Such bonds and notes of the corporation shall not be a
36 debt of the state, and the state shall not be liable thereon, nor shall
37 they be payable out of any funds other than those appropriated by the
38 state to the corporation for debt service and related expenses pursuant
39 to any service contracts executed pursuant to subdivision (b) of this
40 section, and such bonds and notes shall contain on the face thereof a
41 statement to such effect.

42 S 41. Subdivision 4 of section 66-b of the state finance law, as
43 amended by section 51 of part JJ of chapter 56 of the laws of 2010, is
44 amended to read as follows:

45 4. Subject to the provisions of chapter fifty-nine of the laws of two
46 thousand, but notwithstanding any other provisions of law to the contra-
47 ry, the maximum amount of certificates of participation or similar
48 instruments representing periodic payments due from the state of New
49 York, issued on behalf of state departments and agencies, the city
50 university of New York and any other state entity otherwise specified
51 after March thirty-first, two thousand three shall be seven hundred
52 [fifty-one] EIGHTY-FOUR million two hundred eighty-five thousand
53 dollars. Such amount shall be exclusive of certificates of participation
54 or similar instruments issued to fund a reserve fund or funds, costs of
55 issuance and to refund outstanding certificates of participation.

1 S 42. Subdivision 1 of section 16 of part D of chapter 389 of the laws
2 of 1997, providing for the financing of the correctional facilities
3 improvement fund and the youth facility improvement fund, as amended by
4 section 52 of part JJ of chapter 56 of the laws of 2010, is amended to
5 read as follows:

6 1. Subject to the provisions of chapter 59 of the laws of 2000, but
7 notwithstanding the provisions of section 18 of section 1 of chapter 174
8 of the laws of 1968, the New York state urban development corporation is
9 hereby authorized to issue bonds, notes and other obligations in an
10 aggregate principal amount not to exceed six billion [one] FOUR hundred
11 [sixty-four] NINETY million [sixty-nine] FOUR HUNDRED SIXTY-NINE thou-
12 sand dollars [\$6,164,069,000] \$6,490,469,000, and shall include all
13 bonds, notes and other obligations issued pursuant to chapter 56 of the
14 laws of 1983, as amended or supplemented. The proceeds of such bonds,
15 notes or other obligations shall be paid to the state, for deposit in
16 the correctional facilities capital improvement fund to pay for all or
17 any portion of the amount or amounts paid by the state from appropri-
18 ations or reappropriations made to the department [of correctional
19 services] OF CORRECTIONS AND COMMUNITY SUPERVISION from the correctional
20 facilities capital improvement fund for capital projects. The aggregate
21 amount of bonds, notes or other obligations authorized to be issued
22 pursuant to this section shall exclude bonds, notes or other obligations
23 issued to refund or otherwise repay bonds, notes or other obligations
24 theretofore issued, the proceeds of which were paid to the state for all
25 or a portion of the amounts expended by the state from appropriations or
26 reappropriations made to the department of [correctional services]
27 CORRECTIONS AND COMMUNITY SUPERVISION; provided, however, that upon any
28 such refunding or repayment the total aggregate principal amount of
29 outstanding bonds, notes or other obligations may be greater than six
30 billion [one] FOUR hundred [sixty-four] NINETY million [sixty-nine] FOUR
31 HUNDRED SIXTY-NINE thousand dollars [\$6,164,069,000] \$6,490,469,000,
32 only if the present value of the aggregate debt service of the refunding
33 or repayment bonds, notes or other obligations to be issued shall not
34 exceed the present value of the aggregate debt service of the bonds,
35 notes or other obligations so to be refunded or repaid. For the purposes
36 hereof, the present value of the aggregate debt service of the refunding
37 or repayment bonds, notes or other obligations and of the aggregate debt
38 service of the bonds, notes or other obligations so refunded or repaid,
39 shall be calculated by utilizing the effective interest rate of the
40 refunding or repayment bonds, notes or other obligations, which shall be
41 that rate arrived at by doubling the semi-annual interest rate
42 (compounded semi-annually) necessary to discount the debt service
43 payments on the refunding or repayment bonds, notes or other obligations
44 from the payment dates thereof to the date of issue of the refunding or
45 repayment bonds, notes or other obligations and to the price bid includ-
46 ing estimated accrued interest or proceeds received by the corporation
47 including estimated accrued interest from the sale thereof.

48 S 43. Subdivision 1 of section 17 of part D of chapter 389 of the laws
49 of 1997, providing for the financing of the correctional facilities
50 improvement fund and the youth facility improvement fund, as amended by
51 section 53 of part JJ of chapter 56 of the laws of 2010, is amended to
52 read as follows:

53 1. Subject to the provisions of chapter 59 of the laws of 2000, but
54 notwithstanding the provisions of section 18 of section 1 of chapter 174
55 of the laws of 1968, the New York state urban development corporation is
56 hereby authorized to issue bonds, notes and other obligations in an

1 aggregate principal amount not to exceed [three] FOUR hundred [seventy-
2 nine] TWENTY-NINE million five hundred fifteen thousand dollars
3 [(\$379,515,000)] (\$429,515,000), which authorization increases the
4 aggregate principal amount of bonds, notes and other obligations author-
5 ized by section 40 of chapter 309 of the laws of 1996, and shall include
6 all bonds, notes and other obligations issued pursuant to chapter 211 of
7 the laws of 1990, as amended or supplemented. The proceeds of such
8 bonds, notes or other obligations shall be paid to the state, for depos-
9 it in the youth facilities improvement fund, to pay for all or any
10 portion of the amount or amounts paid by the state from appropriations
11 or reappropriations made to the office of children and family services
12 from the youth facilities improvement fund for capital projects. The
13 aggregate amount of bonds, notes and other obligations authorized to be
14 issued pursuant to this section shall exclude bonds, notes or other
15 obligations issued to refund or otherwise repay bonds, notes or other
16 obligations theretofore issued, the proceeds of which were paid to the
17 state for all or a portion of the amounts expended by the state from
18 appropriations or reappropriations made to the office of children and
19 family services; provided, however, that upon any such refunding or
20 repayment the total aggregate principal amount of outstanding bonds,
21 notes or other obligations may be greater than [three] FOUR hundred
22 [seventy-nine] TWENTY-NINE million five hundred fifteen thousand dollars
23 [(\$379,515,000)] \$429,515,000, only if the present value of the aggre-
24 gate debt service of the refunding or repayment bonds, notes or other
25 obligations to be issued shall not exceed the present value of the
26 aggregate debt service of the bonds, notes or other obligations so to be
27 refunded or repaid. For the purposes hereof, the present value of the
28 aggregate debt service of the refunding or repayment bonds, notes or
29 other obligations and of the aggregate debt service of the bonds, notes
30 or other obligations so refunded or repaid, shall be calculated by
31 utilizing the effective interest rate of the refunding or repayment
32 bonds, notes or other obligations, which shall be that rate arrived at
33 by doubling the semi-annual interest rate (compounded semi-annually)
34 necessary to discount the debt service payments on the refunding or
35 repayment bonds, notes or other obligations from the payment dates ther-
36 eof to the date of issue of the refunding or repayment bonds, notes or
37 other obligations and to the price bid including estimated accrued
38 interest or proceeds received by the corporation including estimated
39 accrued interest from the sale thereof.

40 S 44. Paragraph (a) of subdivision 2 of section 47-e of the private
41 housing finance law, as amended by section 54 of part JJ of chapter 56
42 of the laws of 2010, is amended to read as follows:

43 (a) Subject to the provisions of chapter fifty-nine of the laws of two
44 thousand, in order to enhance and encourage the promotion of housing
45 programs and thereby achieve the stated purposes and objectives of such
46 housing programs, the agency shall have the power and is hereby author-
47 ized from time to time to issue negotiable housing program bonds and
48 notes in such principal amount as shall be necessary to provide suffi-
49 cient funds for the repayment of amounts disbursed (and not previously
50 reimbursed) pursuant to law or any prior year making capital appropri-
51 ations or reappropriations for the purposes of the housing program;
52 provided, however, that the agency may issue such bonds and notes in an
53 aggregate principal amount not exceeding two billion [five] SIX hundred
54 [thirty-two] THIRTY-SIX million [two] FOUR hundred ninety-nine thousand
55 dollars, plus a principal amount of bonds issued to fund the debt
56 service reserve fund in accordance with the debt service reserve fund

1 requirement established by the agency and to fund any other reserves
2 that the agency reasonably deems necessary for the security or marketability of such bonds and to provide for the payment of fees and other
3 charges and expenses, including underwriters' discount, trustee and
4 rating agency fees, bond insurance, credit enhancement and liquidity
5 enhancement related to the issuance of such bonds and notes. No reserve
6 fund securing the housing program bonds shall be entitled or eligible to
7 receive state funds apportioned or appropriated to maintain or restore
8 such reserve fund at or to a particular level, except to the extent of
9 any deficiency resulting directly or indirectly from a failure of the
10 state to appropriate or pay the agreed amount under any of the contracts
11 provided for in subdivision four of this section.

12
13 S 45. Paragraph j of subdivision 2 of section 1680 of the public
14 authorities law, as amended by section 37 of part PP of chapter 56 of
15 the laws of 2009, is amended to read as follows:

16 j. Subject to the provisions of chapter fifty-nine of the laws of two
17 thousand, the maximum amount of bonds and notes to be issued after March
18 thirty-first, two thousand two for a housing unit for the use of
19 students at a state-operated institution or statutory or contract
20 college under the jurisdiction of the state university of New York shall
21 be one billion [two] FIVE hundred [thirty] SIXTY-ONE million dollars.
22 Such amount shall be exclusive of bonds and notes issued to fund any
23 reserve fund or funds, costs of issuance, and to refund any outstanding
24 bonds and notes relating to a housing unit under the jurisdiction of the
25 state university of New York.

26 S 46. Subdivision (b) of section 11 of chapter 329 of the laws of
27 1991, amending the state finance law and other laws relating to the
28 establishment of the dedicated highway and bridge trust fund, as amended
29 by section 2 of part C of chapter 109 of the laws of 2010, is amended to
30 read as follows:

31 (b) Any service contract or contracts for projects authorized pursuant
32 to sections 10-c, 10-f, 10-g and 80-b of the highway law and section
33 14-k of the transportation law, and entered into pursuant to subdivision
34 (a) of this section, shall provide for state commitments to provide
35 annually to the thruway authority a sum or sums, upon such terms and
36 conditions as shall be deemed appropriate by the director of the budget,
37 to fund, or fund the debt service requirements of any bonds or any obligations of the thruway authority issued to fund such projects having a
38 cost not in excess of [\$6,286,660,000] \$6,695,169,000 cumulatively by
39 the end of fiscal year [2010-2011] 2011-12.

40
41 S 47. Subdivision 5 of section 3234 of the public authorities law, as
42 amended by section 54 of part K of chapter 81 of the laws 2002, is
43 amended to read as follows:

44 5. A majority of the whole number of directors then in office shall
45 constitute a quorum for the transaction of any business or the exercise
46 of any power of the corporation. Except as otherwise specified in this
47 title, for the transaction of any business or the exercise of any power
48 of the corporation, the corporation shall have power to act by a majority of the directors present at any meeting at which a quorum is in
49 attendance; provided that one or more directors may participate in a
50 meeting by means of conference telephone or similar communications
51 equipment allowing all directors participating in the meeting to hear
52 each other at the same time and participation by such means shall
53 constitute presence in person at a meeting. A unanimous vote of all
54 directors THEN IN OFFICE shall be required for approval of a resolution
55 authorizing the issuance of bonds or notes or any supplemental or amen-
56

1 datory resolution. The corporation may delegate to one or more of its
2 directors, or officers, agents and employees, such powers and duties as
3 the directors may deem proper. Five days notice shall be given to each
4 director and nonvoting representative prior to any meeting of the corpo-
5 ration.

6 S 48. Paragraph (e) of subdivision 1 of section 3236 of the public
7 authorities law, as amended by chapter 219 of the laws of 1999, is
8 amended to read as follows:

9 (e) Such bonds shall be sold to the bidder offering the lowest inter-
10 est cost to the corporation, taking into consideration any premium or
11 discount and, in the case of refunding bonds, the bona fide initial
12 public offering price, not less than four nor more than fifteen days,
13 Sundays excepted, after a notice of such sale has been published at
14 least once in a definitive trade publication of the municipal bond
15 industry published on each business day in the state of New York which
16 is generally available to participants in the municipal bond industry,
17 which notice shall state the terms of the sale. The corporation may not
18 change the terms of the sale unless notice of such change is sent via a
19 definitive trade wire service of the municipal bond industry which, in
20 general, makes available information regarding activity and sales of
21 municipal bonds and is generally available to participants in the munic-
22 ipal bond industry, at least one [day] HOUR prior to the [date] TIME of
23 the sale as set forth in the original notice of sale. In so changing the
24 terms or conditions of a sale the corporation may send notice by such
25 wire service that the sale will be delayed by up to thirty days,
26 provided that wire notice of the new sale date will be given at least
27 one business day prior to the new time when bids will be accepted. In
28 such event, no new notice of sale shall be required to be published.
29 Advertisements shall contain a provision to the effect that the corpo-
30 ration, in its discretion, may reject any or all bids made in pursuance
31 of such advertisements, and in the event of such rejection, the corpo-
32 ration is authorized to negotiate a private sale or readvertise for bids
33 in the form and manner above described as many times as, in its judg-
34 ment, may be necessary to effect a satisfactory sale. Notwithstanding
35 the foregoing provisions of this paragraph, whenever in the judgment of
36 the corporation the interests of the corporation will be served thereby,
37 the corporation may sell bonds at private sale. The corporation shall
38 promulgate regulations governing the terms and conditions of any such
39 private sales, which regulations shall include a provision that it give
40 notice to the governor, the temporary president of the senate, and the
41 speaker of the assembly of its intention to conduct a private sale of
42 obligations pursuant to this section not less than five days prior to
43 such sale or the execution of any binding agreement to effect such sale.

44 S 49. Subdivision 1 of section 1689-i of the public authorities law,
45 as amended by section 46 of part JJ of chapter 56 of the laws of 2010,
46 is amended to read as follows:

47 1. The dormitory authority is authorized to issue bonds, at the
48 request of the commissioner of education, to finance eligible library
49 construction projects pursuant to section two hundred seventy-three-a of
50 the education law, in amounts certified by such commissioner not to
51 exceed a total principal amount of [seventy] EIGHTY-FOUR million
52 dollars.

53 S 50. Section 21-e of chapter 432 of the laws of 1997, amending the
54 state finance law and other laws relating to the issuance of bonds or
55 notes for community enhancement facilities projects, is amended to read
56 as follows:

1 S 21-e. Notwithstanding the provisions of any other law to the
2 contrary, the authority is hereby authorized to issue bonds or notes in
3 one or more series for the purpose of funding project costs or making
4 grants, loans or combinations thereof for community enhancement facili-
5 ties projects. The aggregate principal amount of bonds authorized to be
6 issued pursuant to this section shall not exceed four hundred [twenty-
7 five] TWENTY-THREE million FIVE HUNDRED THOUSAND dollars total for all
8 issuing authorities, excluding bonds issued to fund one or more debt
9 service reserve funds, to pay costs of issuance of such bonds, and bonds
10 or notes issued to refund or otherwise repay such bonds or notes previ-
11 ously issued. Such bonds and notes of the authority shall not be a debt
12 of the state, and the state shall not be liable thereon, nor shall they
13 be payable out of any funds other than those appropriated by the state
14 to the authority for debt service and related expenses pursuant to a
15 service contract and such bonds and notes shall contain on the face
16 thereof a statement to such effect. Except for purposes of complying
17 with the internal revenue code, any interest income earned on bond
18 proceeds shall only be used to pay debt service on such bonds.

19 S 51. Subdivision (a) of section 1 of part T of chapter 84 of the laws
20 of 2002, relating to authorizing the New York state urban development
21 corporation and the dormitory authority of the state of New York to
22 issue bonds or notes for the purpose of financing certain project costs,
23 is amended to read as follows:

24 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
25 notwithstanding any other provision of law to the contrary, the New York
26 state urban development corporation and the dormitory authority of the
27 state of New York are hereby authorized to issue bonds or notes in one
28 or more series in an aggregate principal amount, subject to the limita-
29 tions contained in section eight of this act, not to exceed
30 [\$1,200,000,000] \$1,189,700,000 excluding bonds issued to fund one or
31 more debt service reserve funds, to pay costs of issuance of such bonds,
32 and bonds or notes issued to refund or otherwise repay such bonds or
33 notes previously issued, for the purposes of financing project costs
34 authorized under this act. Such bonds and notes of the corporation or
35 the dormitory authority shall not be a debt of the state and the state
36 shall not be liable thereon, nor shall they be payable out of any funds
37 other than those appropriated by the state to the corporation or the
38 authority for debt service and related expenses pursuant to any service
39 contract executed pursuant to subdivision (b) of this section, and such
40 bonds and notes shall contain on the face thereof a statement to such
41 effect. Except for purposes of complying with the internal revenue
42 code, any interest income earned on bond proceeds shall only be used to
43 pay debt service on such bonds. All of the provisions of the New York
44 state urban development corporation act and the dormitory authority act
45 relating to bonds and notes which are not inconsistent with the
46 provisions of this section shall apply to obligations authorized by this
47 section, including but not limited to the power to establish adequate
48 reserves therefore and to issue renewal notes or refunding bonds there-
49 of. The issuance of any bonds or notes hereunder shall further be
50 subject to the approval of the director of the division of the budget.

51 S 52. Subdivision (a) of section 27 of chapter 3 of the laws of 2004,
52 relating to authorizing the New York state urban development corporation
53 and the dormitory authority of the state of New York to issue bonds or
54 notes, is amended to read as follows:

55 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
56 notwithstanding any other provision of law to the contrary, the New York

1 State urban development corporation and the dormitory authority of the
2 state of New York are hereby authorized to issue bonds or notes in one
3 or more series in an aggregate principal amount not to exceed
4 [\$350,000,000] \$345,750,000 excluding bonds issued to finance one or
5 more debt service reserve funds, to pay costs of issuance of such bonds,
6 and bonds or notes issued to refund or otherwise repay such bonds or
7 notes previously issued, for the purpose of financing economic develop-
8 ment projects outside cities with a population of one million or more.
9 Such bonds and notes of the corporation or the dormitory authority shall
10 not be a debt of the state, and the state shall not be liable thereon,
11 nor shall they be payable out of any funds other than those appropriated
12 by the state to the corporation or the dormitory authority for debt
13 service and related expenses pursuant to any service contract executed
14 pursuant to subdivision (b) of this section and such bonds and notes
15 shall contain on the face thereof a statement to such effect. Except
16 for purposes of complying with the internal revenue code, any interest
17 income earned on bond proceeds shall only be used to pay debt service on
18 such bonds. All of the provisions of the New York state urban develop-
19 ment corporation act and the dormitory authority act relating to bonds
20 and notes which are not inconsistent with the provisions of this section
21 shall apply to obligations authorized by this section, including but not
22 limited to the power to establish adequate reserves therefor and to
23 issue renewal notes or refunding bonds thereof. The issuance of any
24 bonds or notes hereunder shall further be subject to the approval of the
25 director of the division of the budget.

26 S 53. Subdivision (a) of section 1 of part X of chapter 59 of the laws
27 of 2004, relating to authorizing the New York state urban development
28 corporation and the dormitory authority of the state of New York to
29 issue bonds or notes, is amended to read as follows:

30 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
31 notwithstanding any other provision of law to the contrary, the New York
32 State urban development corporation and the dormitory authority of the
33 state of New York are hereby authorized to issue bonds or notes in one
34 or more series in an aggregate principal amount not to exceed
35 [\$250,000,000] \$243,325,000 excluding bonds issued to finance one or
36 more debt service reserve funds, to pay costs of issuance of such bonds,
37 and bonds or notes issued to refund or otherwise repay such bonds or
38 notes previously issued, for the purpose of financing projects cost of
39 the Empire Opportunity Fund; Rebuilding the Empire State Through Oppor-
40 tunities in Regional Economies (RESTORE) New York Program; and the
41 Community Capital Assistance Program authorized pursuant to Part T of
42 chapter 84 of the laws of 2002. Such bonds and notes of the corporation
43 or the dormitory authority shall not be a debt of the state, and the
44 state shall not be liable thereon, nor shall they be payable out of any
45 funds other than those appropriated by the state to the corporation or
46 the dormitory authority for debt service and related expenses pursuant
47 to any service contract executed pursuant to subdivision (b) of this
48 section and such bonds and notes shall contain on the face thereof a
49 statement to such effect. Except for purposes of complying with the
50 internal revenue code, any interest income earned on bond proceeds shall
51 only be used to pay debt service on such bonds. All of the provisions of
52 the New York state urban development corporation act and the dormitory
53 authority act relating to bonds and notes which are not inconsistent
54 with the provisions of this section shall apply to obligations author-
55 ized by this section, including but not limited to the power to estab-
56 lish adequate reserves therefor and to issue renewal notes or refunding

bonds thereof. The issuance of any bonds or notes hereunder shall further be subject to the approval of the director of the division of the budget.

S 54. Subdivision (a) of section 1 of part T of chapter 59 of the laws of 2005, relating to the urban development corporation bonding authority, as added by section 3 of part C of chapter 63 of the laws of 2005, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary the urban development corporation or the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [\$250,000,000] \$249,000,000 excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of reimbursing the state capital projects fund disbursements made pursuant to appropriations for the New York state high technology and development program, pursuant to a memorandum of understanding to be executed by the governor, the temporary president of the senate, and the speaker of the assembly, and further provided that the proceeds of such bonds or notes are authorized to be utilized to finance grants, loans or combinations thereof pursuant to the New York state high technology and development program, as appropriated by a chapter of the laws of 2005. Eligible project costs may include, but not be limited to the cost of design, financing, site acquisition and preparation, demolition, construction, rehabilitation, acquisition of machinery and equipment, parking facilities, and infrastructure. Such bonds and notes of such authorized issuers shall not be a debt of the state, and the state shall not be liable thereon, nor shall they be payable out of any funds other than those appropriated by the state to such authorized issuers for debt service and related expenses pursuant to any service contract executed pursuant to subdivision (b) of this section and such bonds and notes shall contain on the face thereof a statement to such effect. Except for purposes of complying with the internal revenue code, any interest income earned on bond proceeds shall only be used to pay debt service on such bonds.

S 55. Subdivision (a) of section 1 of part S of chapter 59 of the laws of 2005, relating to the authority of the urban development corporation and the dormitory authority to issue bonds, as amended by section 1 of part C of chapter 63 of the laws of 2005, is amended to read as follows:

(a) Subject to the provisions of chapter 59 of the laws of 2000, but notwithstanding any provisions of law to the contrary, the urban development corporation or the dormitory authority is hereby authorized to issue bonds or notes in one or more series in an aggregate principal amount not to exceed [\$90,000,000] \$89,750,000 excluding bonds issued to finance one or more debt service reserve funds, to pay costs of issuance of such bonds, and bonds or notes issued to refund or otherwise repay such bonds or notes previously issued, for the purpose of reimbursing the state capital projects fund disbursements made pursuant to appropriations for the regional economic development program pursuant to a memorandum of understanding to be executed by the governor, the temporary president of the senate, and the speaker of the assembly. The proceeds of such bonds or notes are authorized to be utilized to finance grants, loans or combinations thereof pursuant to the regional economic development program, as appropriated by a chapter of the laws of 2005. Eligible project costs may include, but not be limited to the cost of design,

1 financing, site investigations, site acquisition and preparation, demo-
2 lition, construction, rehabilitation, acquisition of machinery and
3 equipment, and infrastructure improvements. Such bonds and notes of such
4 authorized issuers shall not be a debt of the state, and the state shall
5 not be liable thereon, nor shall they be payable out of any funds other
6 than those appropriated by the state to such authorized issuers for debt
7 service and related expenses pursuant to any service contract executed
8 pursuant to subdivision (b) of this section and such bonds and notes
9 shall contain on the face thereof a statement to such effect. Except
10 for purposes of complying with the internal revenue code, any interest
11 income earned on bond proceeds shall only be used to pay debt service on
12 such bonds.

13 S 56. Intentionally omitted.

14 S 57. Subdivision 1 of section 43 of section 1 of chapter 174 of the
15 laws of 1968, constituting the New York state urban development corpo-
16 ration act, as amended by section 48 of part PP of chapter 56 of the
17 laws of 2009, is amended read as follows:

18 1. Notwithstanding the provisions of any other law to the contrary,
19 the dormitory authority and the corporation are hereby authorized to
20 issue bonds or notes in one or more series for the purpose of funding
21 project costs for various economic development and regional initiatives,
22 the upstate regional blueprint fund, the downstate revitalization fund,
23 the upstate agricultural economic fund, the New York state capital
24 assistance program, the New York state economic development assistance
25 program and other state costs associated with such projects. The aggre-
26 gate principal amount of bonds authorized to be issued pursuant to this
27 section shall not exceed one billion [three] TWO hundred [ten]
28 SIXTY-NINE million FOUR HUNDRED FIFTY THOUSAND dollars, excluding bonds
29 issued to fund one or more debt service reserve funds, to pay costs of
30 issuance of such bonds, and bonds or notes issued to refund or otherwise
31 repay such bonds or notes previously issued. Such bonds and notes of the
32 dormitory authority and the corporation shall not be a debt of the
33 state, and the state shall not be liable thereon, nor shall they be
34 payable out of any funds other than those appropriated by the state to
35 the dormitory authority and the corporation for principal, interest, and
36 related expenses pursuant to a service contract and such bonds and notes
37 shall contain on the face thereof a statement to such effect. Except for
38 purposes of complying with the internal revenue code, any interest
39 income earned on bond proceeds shall only be used to pay debt service on
40 such bonds.

41 S 57-a. Subdivision (a) of section 32 of chapter 60 of the laws of
42 2006 relating to providing for administration of certain funds and
43 accounts related to the 2006-2007 budget, as amended by section 45 of
44 part RR of chapter 57 of the laws of 2008, is amended to read as
45 follows:

46 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
47 notwithstanding any provisions of law to the contrary, one or more
48 authorized issuers as defined by section 68-a of the state finance law
49 are hereby authorized to issue bonds or notes in one or more series in
50 an aggregate principal amount not to exceed [\$120,500,000] \$21,000,000,
51 excluding bonds issued to finance one or more debt service reserve
52 funds, to pay costs of issuance of such bonds, and bonds or notes issued
53 to refund or otherwise repay such bonds or notes previously issued, for
54 the purpose of financing capital projects for office for technology
55 facilities, debt service and leases; and to reimburse the state general
56 fund for disbursements made therefor. Such bonds and notes of such

1 authorized issuer shall not be a debt of the state, and the state shall
2 not be liable thereon, nor shall they be payable out of any funds other
3 than those appropriated by the state to such authorized issuer for debt
4 service and related expenses pursuant to any service contract executed
5 pursuant to subdivision (b) of this section and such bonds and notes
6 shall contain on the face thereof a statement to such effect. Except for
7 purposes of complying with the internal revenue code, any interest
8 income earned on bond proceeds shall only be used to pay debt service on
9 such bonds.

10 S 57-b. Subdivision (a) of section 1 of part H of chapter 61 of the
11 laws of 2000 relating to authorizing bonds for the strategic investment
12 program is amended to read as follows:

13 (a) Notwithstanding any provisions of law to the contrary, the New
14 York state urban development corporation, the dormitory authority of the
15 state of New York or the environmental facilities corporation are hereby
16 authorized to issue bonds or notes in one or more series in an aggregate
17 principal amount not to exceed [\$225,000,000] \$215,650,000 excluding
18 bonds issued to finance one or more debt service reserve funds, to pay
19 costs of issuance of such bonds, and bonds or notes issued to refund or
20 otherwise repay such bonds or notes previously issued, for the purpose
21 of making grants, loans or combinations thereof for \$250,000 or more for
22 environmental projects, including the preservation of historically
23 significant places in New York state, and projects to conserve, acquire,
24 develop or improve parklands, parks or public recreation areas; includ-
25 ing economic development projects which will facilitate the creation or
26 retention of jobs or increase business activity within a municipality or
27 region of the state; including higher education projects; projects to
28 establish new or rehabilitate existing business incubator facilities to
29 accommodate emerging or small high technology companies; and arts or
30 cultural projects; and to reimburse the state capital projects fund for
31 disbursements made therefor. Such bonds and notes of the New York state
32 urban development corporation, the dormitory authority of the state of
33 New York or the environmental facilities corporation shall not be a debt
34 of the state, and the state shall not be liable thereon, nor shall they
35 be payable out of any funds other than those appropriated by the state
36 to the New York state urban development corporation, the dormitory
37 authority of the state of New York or the environmental facilities
38 corporation for debt service and related expenses pursuant to any
39 service contract executed pursuant to subdivision (b) of this section
40 and such bonds and notes shall contain on the face thereof a statement
41 to such effect. Except for purposes of complying with the internal
42 revenue code, any interest income earned on bond proceeds shall only be
43 used to pay debt service on such bonds.

44 S 57-c. Subdivision (a) of section 1 of part X of chapter 58 of the
45 laws of 2006 authorizing the New York state urban development corpo-
46 ration, the dormitory authority, the New York state environmental facil-
47 ities corporation, the New York state housing finance agency and the New
48 York state thruway authority to issue bonds or notes, as amended by
49 section 1 of part J-1 of chapter 109 of the laws of 2006, is amended to
50 read as follows:

51 (a) Subject to the provisions of chapter 59 of the laws of 2000, but
52 notwithstanding any provisions of law to the contrary, the New York
53 State Urban Development Corporation or the Dormitory Authority are here-
54 by authorized to issue bonds or notes in one or more series in an aggre-
55 gate principal amount not to exceed [\$2,318,000,000] \$2,310,385,000
56 excluding bonds issued to finance one or more debt service reserve

1 funds, to pay costs of issuance of such bonds, and bonds or notes issued
2 to refund or otherwise repay such bonds or notes previously issued, for
3 the purpose of making grants, loans or combination thereof for economic
4 development projects; university development projects; homeland security
5 projects; environmental projects; public recreation projects; initi-
6 atives that promote academic research and development; projects that
7 improve arts and cultural facilities; initiatives, including but not
8 limited to, the development of photovoltaic technologies and other
9 research and development regarding fuel diversification, energy conser-
10 vation and energy efficiency in the transportation and energy sector;
11 for a competitive solicitation for construction of a pilot cellulosic
12 ethanol refinery; Ohel Camp for the Disabled; United Way 2-1-1; Cornell
13 University Equine Drug Testing Lab; Pipeline for Jobs; Towns of Bristol
14 and Canandaigua Public Water System; Smithtown/Kings Park Psychiatric
15 Center Rehabilitation; Belleayre Mountain Ski Center; State of New York
16 Umbilical Cord Blood Bank; Old Gore Mountain Ski Bowl Connection; Brent-
17 wood State Park Athletic Complex; Adirondack Community Housing Trust;
18 Ogdensburg Psychiatric Center; Fredonia Vineyard Laboratory; Renovation
19 of Housing Facilities; or to reimburse state capital projects funds for
20 disbursements made for such purposes pursuant to an appropriation
21 contained in a chapter of the laws of 2006. Eligible project costs may
22 include, but not be limited to the cost of design, site acquisition and
23 preparation, demolition, construction, rehabilitation, acquisition of
24 machinery and equipment, parking facilities, and infrastructure. Such
25 bonds and notes of such authorized issuers shall not be a debt of the
26 state, and the state shall not be liable thereon, nor shall they be
27 payable out of any funds other than those appropriated by the state to
28 such authorized issuers for debt service and related expenses pursuant
29 to any service contract executed pursuant to subdivision (b) of this
30 section and such bonds and notes shall contain on the face thereof a
31 statement to such effect. Except for purposes of complying with the
32 internal revenue code, any interest income earned on bond proceeds shall
33 only be used to pay debt service on such bonds.

34 S 57-d. Section 69-b of the state finance law, as amended by section
35 32-a of part T of chapter 57 of the laws of 2007, is amended to read as
36 follows:

37 S 69-b. Limitation on amount of variable rate debt instruments. As of
38 the initial date of each issuance of variable rate bonds or the date of
39 entering into any other variable rate debt instruments, or for debt
40 issued on or before July first, two thousand five upon conversion of any
41 state-supported debt to variable rate debt instruments, the total of the
42 principal and notional amounts of such variable rate debt instruments
43 outstanding and in effect shall not exceed an amount equal to [twenty]
44 FIFTEEN percent of the total principal amount of state-supported debt
45 outstanding.

46 S 57-e. Paragraph (c) of subdivision 2 of section 69-d of the state
47 finance law, as amended by section 32 of part T of chapter 57 of the
48 laws of 2007, is amended to read as follows:

49 (c) the total notional amount of all interest rate exchange or similar
50 agreements for all authorized issuers to be in effect shall not exceed
51 an amount equal to [twenty] FIFTEEN percent of the total amount of
52 state-supported debt outstanding as of the initial date of entering into
53 each new agreement; provided, however, that such total notional amount
54 shall not include any excluded agreements.

1 S 58. Section 1 of chapter 174 of the laws of 1968, constituting the
2 New York state urban development corporation act, is amended by adding a
3 new section 44 to read as follows:

4 S 44. 1. NOTWITHSTANDING THE PROVISIONS OF ANY OTHER LAW TO THE
5 CONTRARY, THE DORMITORY AUTHORITY AND THE CORPORATION ARE HEREBY AUTHOR-
6 IZED TO ISSUE BONDS OR NOTES IN ONE OR MORE SERIES FOR THE PURPOSE OF
7 FUNDING PROJECT COSTS FOR THE REGIONAL ECONOMIC DEVELOPMENT COUNCIL
8 INITIATIVE, THE ECONOMIC TRANSFORMATION PROGRAM AND OTHER STATE COSTS
9 ASSOCIATED WITH SUCH PROJECTS. THE AGGREGATE PRINCIPAL AMOUNT OF BONDS
10 AUTHORIZED TO BE ISSUED PURSUANT TO THIS SECTION SHALL NOT EXCEED ONE
11 HUNDRED EIGHTY MILLION FIVE HUNDRED FIFTY THOUSAND DOLLARS, EXCLUDING
12 BONDS ISSUED TO FUND ONE OR MORE DEBT SERVICE RESERVE FUNDS, TO PAY
13 COSTS OF ISSUANCE OF SUCH BONDS, AND BONDS OR NOTES ISSUED TO REFUND OR
14 OTHERWISE REPAY SUCH BONDS OR NOTES PREVIOUSLY ISSUED. SUCH BONDS AND
15 NOTES OF THE DORMITORY AUTHORITY AND THE CORPORATION SHALL NOT BE A DEBT
16 OF THE STATE, AND THE STATE SHALL NOT BE LIABLE THEREON, NOR SHALL THEY
17 BE PAYABLE OUT OF ANY FUNDS OTHER THAN THOSE APPROPRIATED BY THE STATE
18 TO THE DORMITORY AUTHORITY AND THE CORPORATION FOR PRINCIPAL, INTEREST,
19 AND RELATED EXPENSES PURSUANT TO A SERVICE CONTRACT AND SUCH BONDS AND
20 NOTES SHALL CONTAIN ON THE FACE THEREOF A STATEMENT TO SUCH EFFECT.
21 EXCEPT FOR PURPOSES OF COMPLYING WITH THE INTERNAL REVENUE CODE, ANY
22 INTEREST INCOME EARNED ON BOND PROCEEDS SHALL ONLY BE USED TO PAY DEBT
23 SERVICE ON SUCH BONDS.

24 2. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
25 ORDER TO ASSIST THE DORMITORY AUTHORITY AND THE CORPORATION IN UNDERTAK-
26 ING THE FINANCING FOR PROJECT COSTS FOR THE REGIONAL ECONOMIC DEVELOP-
27 MENT COUNCIL INITIATIVE, THE ECONOMIC TRANSFORMATION PROGRAM AND OTHER
28 STATE COSTS ASSOCIATED WITH SUCH PROJECTS, THE DIRECTOR OF THE BUDGET IS
29 HEREBY AUTHORIZED TO ENTER INTO ONE OR MORE SERVICE CONTRACTS WITH THE
30 DORMITORY AUTHORITY AND THE CORPORATION, NONE OF WHICH SHALL EXCEED
31 THIRTY YEARS IN DURATION, UPON SUCH TERMS AND CONDITIONS AS THE DIRECTOR
32 OF THE BUDGET AND THE DORMITORY AUTHORITY AND THE CORPORATION AGREE, SO
33 AS TO ANNUALLY PROVIDE TO THE DORMITORY AUTHORITY AND THE CORPORATION,
34 IN THE AGGREGATE, A SUM NOT TO EXCEED THE PRINCIPAL, INTEREST, AND
35 RELATED EXPENSES REQUIRED FOR SUCH BONDS AND NOTES. ANY SERVICE CONTRACT
36 ENTERED INTO PURSUANT TO THIS SECTION SHALL PROVIDE THAT THE OBLIGATION
37 OF THE STATE TO PAY THE AMOUNT THEREIN PROVIDED SHALL NOT CONSTITUTE A
38 DEBT OF THE STATE WITHIN THE MEANING OF ANY CONSTITUTIONAL OR STATUTORY
39 PROVISION AND SHALL BE DEEMED EXECUTORY ONLY TO THE EXTENT OF MONIES
40 AVAILABLE AND THAT NO LIABILITY SHALL BE INCURRED BY THE STATE BEYOND
41 THE MONIES AVAILABLE FOR SUCH PURPOSE, SUBJECT TO ANNUAL APPROPRIATION
42 BY THE LEGISLATURE. ANY SUCH CONTRACT OR ANY PAYMENTS MADE OR TO BE
43 MADE THEREUNDER MAY BE ASSIGNED AND PLEDGED BY THE DORMITORY AUTHORITY
44 AND THE CORPORATION AS SECURITY FOR ITS BONDS AND NOTES, AS AUTHORIZED
45 BY THIS SECTION.

46 S 58-a. Paragraph (a) of section 55 of part JJ of chapter 56 of the
47 laws of 2010, relating to providing for the administration of certain
48 funds and accounts related to the 2010-2011 budget, is amended to read
49 as follows:

50 (a) section forty-two of this act shall be deemed to have been in full
51 force and effect on and after April 1, [2008] 2007;

52 S 59. This act shall take effect immediately and shall be deemed to
53 have been in full force and effect on and after April 1, 2011; provided
54 further that sections one through fourteen-a and sections eighteen
55 through twenty-eight of this act shall expire March 31, 2012, when upon
56 such date, the provisions of such sections shall be deemed repealed;

1 provided further that the amendments to subdivision 5 of section 97-rrr
2 of the state finance law made by section sixteen of this act shall not
3 affect the expiration of such subdivision and shall expire therewith;
4 and provided further that section forty-seven of this act shall take
5 effect on the same date as the reversion of subdivision 5 of section
6 3234 of the public authorities law as provided in section 3 of chapter
7 48 of the laws of 2010, as amended and shall expire and be deemed
8 repealed March 31, 2013.

9

PART CC

10 Section 1. Item 1 of clause (A) of subparagraph (ii) of paragraph (i)
11 of subdivision 1 of section 201 of the vehicle and traffic law, as
12 amended by section 2 of part E of chapter 60 of the laws of 2005, is
13 amended to read as follows:

14 (1) fifty-five years where the conviction and suspension or revocation
15 order relates to a conviction, suspension or revocation by the holder OF
16 ANY DRIVER'S LICENSE WHEN OPERATING A COMMERCIAL MOTOR VEHICLE, AS
17 DEFINED IN SUBDIVISION FOUR OF SECTION FIVE HUNDRED ONE-A OF THIS CHAP-
18 TER, OR BY THE HOLDER of a commercial driver's license [who,] when oper-
19 ating any motor vehicle, WHO: has refused to submit to a chemical test
20 pursuant to section eleven hundred ninety-four of this chapter[,], or has
21 been convicted of any of the following offenses [while operating any
22 motor vehicle]: any violation of subdivision two, three or four of
23 section eleven hundred ninety-two of this chapter, any violation of
24 subdivision one or two of section six hundred of this chapter, any felo-
25 ny involving the use of a motor vehicle, other than the use of a motor
26 vehicle in the commission of a felony involving manufacturing, distrib-
27 uting, dispensing a controlled substance; or the conviction, suspension
28 or revocation involves any of the following offenses while operating a
29 commercial motor vehicle: any violation of subdivision five or six of
30 section eleven hundred ninety-two of this chapter, driving a commercial
31 motor vehicle when as a result of prior violations committed while oper-
32 ating a commercial motor vehicle, the driver's commercial driver's
33 license is suspended or revoked, or has been convicted of causing a
34 fatality through the negligent operation of a commercial motor vehicle,
35 including but not limited to the crimes of vehicular manslaughter and
36 criminally negligent homicide as set forth in article one hundred twen-
37 ty-five of the penal law;

38 S 2. Subdivision 1 of section 502 of the vehicle and traffic law, as
39 amended by chapter 639 of the laws of 2006, is amended to read as
40 follows:

41 1. Application for license. Application for a driver's license shall
42 be made to the commissioner. The fee prescribed by law may be submitted
43 with such application. The applicant shall furnish such proof of identi-
44 ty, age, and fitness as may be required by the commissioner. The commis-
45 sioner may also provide that the application procedure shall include the
46 taking of a photo image or images of the applicant in accordance with
47 rules and regulations prescribed by the commissioner. In addition, the
48 commissioner also shall require that the applicant provide his or her
49 social security number and provide space on the application so that the
50 applicant may register in the New York state organ and tissue donor
51 registry under section forty-three hundred ten of the public health law.
52 In addition, an applicant for a commercial driver's license who will
53 operate a commercial motor vehicle in interstate commerce shall certify
54 that such applicant meets the requirements to operate a commercial motor

1 vehicle, as set forth in public law 99-570, title XII, and title 49 of
2 the code of federal regulations, and all regulations promulgated by the
3 United States secretary of transportation under the hazardous materials
4 transportation act. IN ADDITION, AN APPLICANT FOR A COMMERCIAL DRIVER'S
5 LICENSE SHALL SUBMIT A MEDICAL CERTIFICATE AT SUCH INTERVALS AS REQUIRED
6 BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART
7 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO
8 MEDICAL CERTIFICATION AND IN A MANNER PRESCRIBED BY THE COMMISSIONER.
9 FOR PURPOSES OF THIS SECTION AND SECTIONS FIVE HUNDRED THREE AND FIVE
10 HUNDRED TEN-A OF THIS TITLE, THE TERM "MEDICAL CERTIFICATE" SHALL MEAN A
11 FORM SUBSTANTIALLY IN COMPLIANCE WITH THE FORM SET FORTH IN PART
12 391.43(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS. Upon a deter-
13 mination that the holder of a commercial driver's license has made any
14 false statement, with respect to the application for such license, the
15 commissioner shall revoke such license.

16 S 3. Paragraph (b) of subdivision 1 of section 503 of the vehicle and
17 traffic law, as amended by chapter 435 of the laws of 1997, is amended
18 to read as follows:

19 (b) An application for a license shall be valid for a period of time
20 specified by regulation of the commissioner not to exceed five years. A
21 learner's permit shall be valid from its issuance until the expiration
22 of the application for a driver's license for which it was issued.
23 PROVIDED, HOWEVER, THAT IF THE MEDICAL CERTIFICATE SUBMITTED IN ACCORD-
24 ANCE WITH THE REQUIREMENTS OF THE FEDERAL MOTOR CARRIER SAFETY IMPROVE-
25 MENT ACT OF 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL
26 REGULATIONS BY AN APPLICANT FOR A COMMERCIAL DRIVER'S LICENSE EXPIRES,
27 ANY LEARNER'S PERMIT THAT MAY HAVE BEEN ISSUED BY THE COMMISSIONER IN
28 CONNECTION WITH THE APPLICATION SHALL BE SUSPENDED.

29 S 4. Subdivision 1 of section 510-a of the vehicle and traffic law, as
30 amended by section 13 of part E of chapter 60 of the laws of 2005, is
31 amended to read as follows:

32 1. Revocation. A commercial driver's license shall be revoked by the
33 commissioner whenever the holder is convicted within or outside of this
34 state (a) of a felony involving the use of a motor vehicle except a
35 felony as described in paragraph (b) of this subdivision; (b) of a felo-
36 ny involving manufacturing, distributing or dispensing a drug as defined
37 in section one hundred fourteen-a of this chapter or possession of any
38 such drug with intent to manufacture, distribute or dispense such drug
39 in which a motor vehicle was used; (c) of a violation of subdivision one
40 or two of section six hundred of this chapter; (d) of operating a
41 commercial motor vehicle when, as a result of prior violations committed
42 while operating a commercial motor vehicle, the driver's commercial
43 driver's license is revoked, suspended, or canceled, or the driver is
44 disqualified from operating a commercial motor vehicle; (e) [or] has
45 been convicted of causing a fatality through the negligent operation of
46 a commercial motor vehicle, including but not limited to the crimes of
47 vehicular manslaughter or criminally negligent homicide; OR (F) THE
48 COMMISSIONER DETERMINES THAT THE HOLDER HAS MADE A FALSE STATEMENT
49 REGARDING INFORMATION: (I) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY
50 IMPROVEMENT ACT OF 1999 AND SUBPART J OF PART 383 OF TITLE 49 OF THE
51 CODE OF FEDERAL REGULATIONS RELATING TO A COMMERCIAL DRIVER'S LICENSE
52 DOCUMENT IN AN APPLICATION FOR A COMMERCIAL DRIVER'S LICENSE; (II)
53 REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND
54 PART 383.71 (A) AND (G) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS
55 RELATING TO AN INITIAL COMMERCIAL DRIVER'S LICENSE OR EXISTING COMMER-
56 CIAL DRIVER'S LICENSE HOLDER'S SELF-CERTIFICATION IN ANY OF THE

1 SELF-CERTIFICATIONS REGARDING THE TYPE OF DRIVING ENGAGED OR TO BE
2 ENGAGED IN BY THE HOLDER OR REGARDING THE NON-APPLICABILITY TO THE
3 HOLDER OF THE PHYSICAL QUALIFICATION REQUIREMENTS OF THE FEDERAL MOTOR
4 CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 391 OF TITLE 49 OF THE
5 CODE OF FEDERAL REGULATIONS RELATING TO QUALIFICATIONS OF DRIVERS; OR
6 (III) REQUIRED BY THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF
7 1999 AND PART 383.71(H) OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS
8 RELATING TO COMMERCIAL DRIVER'S LICENSE REQUIREMENTS IN ANY MEDICAL
9 CERTIFICATE.

10 S 5. Paragraph (a) of subdivision 2 of section 510-a of the vehicle
11 and traffic law, as amended by section 6 of part K of chapter 59 of the
12 laws of 2009, is amended to read as follows:

13 (a) Except as otherwise provided in paragraph (b) of this subdivision,
14 where revocation of a commercial driver's license is mandatory pursuant
15 to paragraph (a), (c), (d) [or], (e) OR (F) of subdivision one of this
16 section no new commercial driver's license shall be issued for at least
17 one year nor thereafter except in the discretion of the commissioner,
18 except that FOR REVOCATIONS PURSUANT TO PARAGRAPH (A), (C), (D) OR (E)
19 OF SUBDIVISION ONE OF THIS SECTION, if such person has previously been
20 found to have refused a chemical test pursuant to section eleven hundred
21 ninety-four of this chapter or has a prior conviction of any of the
22 following offenses: any violation of section eleven hundred ninety-two
23 of this chapter, any violation of subdivision one or two of section six
24 hundred of this chapter, or any felony involving the use of a motor
25 vehicle pursuant to paragraph (a) of subdivision one of this section, or
26 has been convicted of operating a commercial motor vehicle when, as a
27 result of prior violations committed while operating a commercial motor
28 vehicle, the driver's commercial driver's license is revoked, suspended,
29 or canceled, or the driver is disqualified from operating a commercial
30 motor vehicle, or has been convicted of causing a fatality through the
31 negligent operation of a commercial motor vehicle, including but not
32 limited to the crimes of vehicular manslaughter or criminally negligent
33 homicide, then such commercial driver's license revocation shall be
34 permanent.

35 S 6. Subdivision 3 of section 510-a of the vehicle and traffic law is
36 amended by adding a new paragraph (f) to read as follows:

37 (F) A COMMERCIAL DRIVER'S LICENSE SHALL BE SUSPENDED BY THE COMMIS-
38 SIONER UPON THE HOLDER'S FAILURE TO SUBMIT A MEDICAL CERTIFICATE OR
39 MEDICAL VARIANCE DOCUMENTATION, AT SUCH INTERVALS AS ARE REQUIRED BY THE
40 FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND PART 383.71(H)
41 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO COMMERCIAL
42 DRIVER'S LICENSE REQUIREMENTS AND IN A MANNER PRESCRIBED BY THE COMMIS-
43 SIONER. A COMMERCIAL DRIVER'S LICENSE SHALL ALSO BE SUSPENDED BY THE
44 COMMISSIONER UPON RECEIPT OF INFORMATION FROM THE ISSUING MEDICAL EXAM-
45 INER OR THE FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION THAT A MEDICAL
46 CERTIFICATION OR MEDICAL VARIANCE WAS ISSUED IN ERROR. SUCH SUSPENSION
47 SHALL BE TERMINATED UPON: (I) THE HOLDER'S SUBMISSION OF THE REQUIRED
48 VALID MEDICAL CERTIFICATE OR MEDICAL VARIANCE DOCUMENTATION; (II) THE
49 HOLDER'S SELF-CERTIFICATION SPECIFYING THE TYPE OF COMMERCIAL MOTOR
50 VEHICLE OPERATION HE OR SHE ENGAGES IN, OR EXPECTS TO ENGAGE IN, AND
51 THAT THE HOLDER IS NOT SUBJECT TO THE PHYSICAL QUALIFICATION REQUIRE-
52 MENTS OF THE FEDERAL MOTOR CARRIER SAFETY IMPROVEMENT ACT OF 1999 AND
53 PART 391 OF TITLE 49 OF THE CODE OF FEDERAL REGULATIONS RELATING TO
54 QUALIFICATIONS OF DRIVERS; (III) THE HOLDER'S SURRENDER OF HIS OR HER
55 COMMERCIAL DRIVER'S LICENSE TO THE DEPARTMENT OR TO THE APPROPRIATE
56 LICENSING AUTHORITY OF ANOTHER JURISDICTION; OR (IV) THE HOLDER'S DOWN-

1 GRADE OF HIS OR HER COMMERCIAL DRIVER'S LICENSE TO A NON-COMMERCIAL
2 DRIVER'S LICENSE.

3 S 7. Subdivision 1 of section 514 of the vehicle and traffic law is
4 amended by adding a new paragraph (d) to read as follows:

5 (D) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (A), (B) AND (C) OF
6 THIS SUBDIVISION, UPON A JUDGMENT OF CONVICTION FOR A VIOLATION OF ANY
7 PROVISIONS OF THIS CHAPTER OR OF ANY LOCAL LAW, RULE, ORDINANCE OR REGU-
8 LATION RELATING TO TRAFFIC (EXCEPT ONE RELATED TO PARKING, STOPPING OR
9 STANDING), THE COURT OR THE CLERK THEREOF SHALL, WITHIN NINETY-SIX HOURS
10 OF THE IMPOSITION OF THE SENTENCE, FILE THE CERTIFICATE REQUIRED BY
11 PARAGRAPH (A) OF THIS SUBDIVISION, IF THE PERSON CONVICTED: (I) IS THE
12 HOLDER OF A COMMERCIAL DRIVER'S LICENSE ISSUED BY ANOTHER STATE; OR (II)
13 DOES NOT HOLD A COMMERCIAL DRIVER'S LICENSE, BUT HAS BEEN ISSUED A
14 LICENSE BY ANOTHER STATE AND IS CONVICTED OF A VIOLATION THAT WAS
15 COMMITTED IN A COMMERCIAL MOTOR VEHICLE, AS DEFINED IN SUBDIVISION FOUR
16 OF SECTION FIVE HUNDRED ONE-A OF THIS TITLE.

17 S 8. Section 170.55 of the criminal procedure law is amended by adding
18 a new subdivision 9 to read as follows:

19 9. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, A COURT MAY
20 NOT ISSUE AN ORDER ADJOURNING AN ACTION IN CONTEMPLATION OF DISMISSAL IF
21 THE OFFENSE IS FOR A VIOLATION OF THE VEHICLE AND TRAFFIC LAW RELATED TO
22 THE OPERATION OF A MOTOR VEHICLE (EXCEPT ONE RELATED TO PARKING, STOP-
23 PING OR STANDING), OR A VIOLATION OF A LOCAL LAW, RULE OR ORDINANCE
24 RELATED TO THE OPERATION OF A MOTOR VEHICLE (EXCEPT ONE RELATED TO
25 PARKING, STOPPING OR STANDING), IF SUCH OFFENSE WAS COMMITTED BY THE
26 HOLDER OF A COMMERCIAL DRIVER'S LICENSE OR WAS COMMITTED IN A COMMERCIAL
27 MOTOR VEHICLE, AS DEFINED IN SUBDIVISION FOUR OF SECTION FIVE HUNDRED
28 ONE-A OF THE VEHICLE AND TRAFFIC LAW.

29 S 9. This act shall take effect on the sixtieth day after it shall
30 have become a law; provided, however, that sections two, three, four,
31 five and six of this act shall take effect January 30, 2012, provided,
32 however, that the addition, amendment and/or repeal of any rule or regu-
33 lation necessary for the implementation of this act on its effective
34 date are authorized and directed to be made and completed on or before
35 such effective date.

36 S 2. Severability clause. If any clause, sentence, paragraph, subdivi-
37 sion, section or part of this act shall be adjudged by any court of
38 competent jurisdiction to be invalid, such judgment shall not affect,
39 impair, or invalidate the remainder thereof, but shall be confined in
40 its operation to the clause, sentence, paragraph, subdivision, section
41 or part thereof directly involved in the controversy in which such judg-
42 ment shall have been rendered. It is hereby declared to be the intent of
43 the legislature that this act would have been enacted even if such
44 invalid provisions had not been included herein.

45 S 3. This act shall take effect immediately provided, however, that
46 the applicable effective date of Parts A through CC of this act shall be
47 as specifically set forth in the last section of such Parts.