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

4322

2011-2012 Regular Sessions

I N S E N A T E

March 29, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the New York state printing and public documents law, the agriculture and markets law, the environmental conservation law, the labor law, the mental hygiene law, the social services law, and the workers' compensation law, in relation to consolidating and reducing the frequency of reporting requirements and forwarding copies thereof to the legislative library; and repealing certain provisions of the labor law, section 2 of chapter 57 of the laws of 1988 amending the mental hygiene law relating to requiring minimum standards for active programming of patients at psychiatric centers and reporting on their development and implementation, section 3 of chapter 762 of the laws of 1984 amending the education law relating to requiring certain reports by the state university of New York and the city university of New York, certain provisions of chapter 166 of the laws of 1991 amending the tax law and other laws relating to deduction or credit by a shareholder under the article 22 income tax for tax imposed under article 9-A of the tax law, and certain provisions of the state university of New York and the city university of New York retirement incentive act of 1992, relating to the submission and content of reports and to previously executed provisions of law now obsolete

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 1 of section 12 of the New York state printing and public documents law, as amended by chapter 524 of the laws of 2005, is amended to read as follows:

(i) to forward thirty copies, upon completion, of each public document issued to the gifts and exchange division of the state library AND THREE COPIES OF EVERY PUBLIC DOCUMENT TO THE LEGISLATIVE LIBRARY; and

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

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S 2. Paragraph (b) of subdivision 11 of section 258-b of the agriculture and markets law, as added by chapter 540 of the laws of 1987 and subparagraph 3 as amended by chapter 326 of the laws of 1988, is amended to read as follows:

(b) Payments to farmers. (1) It is hereby determined and declared that the assurance of prompt and full payment to dairy farmers is for the benefit of all the people of the state, and is so directly related to the public interest, the public health and general welfare that it is an essential government function.

(2) [The commissioner shall annually no later than November first, assess the status of the milk producer security fund, the anticipated payments from and receipts to the fund for the following fiscal year and, in connection with such assessment, estimate the additional amounts, if any, which may be needed by the fund to meet the fund's objectives in assuring prompt and full payment to dairy farmers. The commissioner shall transmit this information in a report to the governor for his use in the preparation of the budget, and to the speaker of the assembly and the president pro tempore of the senate for use in the consideration of the budget for such fiscal year.

(3)] In the event an appropriation is made for the purposes of this paragraph and, thereafter, upon certification by the commissioner, with approval of the director of the budget, that a further sum is required by the milk producers security fund to meet its obligations and accomplish the purposes of this section, the comptroller shall, within the limits of such appropriation, draw a warrant for the payment to the milk producers security fund of an amount up to the amount of such sum. Such amount shall be a liability of the milk producers security fund and shall be repaid to the general fund pursuant to a plan of repayment. Prior to the institution of such a plan, a copy thereof shall be forwarded to the [chairman] CHAIRPERSON of the senate finance committee and the [chairman] CHAIRPERSON of the assembly ways and means committee, for use in the consideration of the budget for such fiscal year.

[(4)] (3) Whenever the comptroller draws a warrant for payment to the milk producers security fund as provided in subparagraph [three hereof] TWO OF THIS PARAGRAPH, the commissioner shall implement the plan of repayment by promulgating through regulation after hearing an increase in the amount of assessment imposed under subdivision three of this section to an amount not exceeding two-tenths of one percent of the average uniform price for the previous year.

S 3. The environmental conservation law is amended by adding a new section 54-0102 to read as follows:

S 54-0102. REPORTING REQUIREMENTS.

1. THE COMMISSIONER SHALL ISSUE AN ANNUAL REPORT ACCOUNTING FOR ALL REQUESTS FOR AND EXPENDITURES OF MONEY THAT ARE MADE AVAILABLE FROM THE ENVIRONMENTAL PROTECTION FUND ESTABLISHED IN SECTION NINETY-TWO-S OF THE STATE FINANCE LAW. THE REPORT SHALL BE SUBMITTED ON JANUARY THIRTIETH OF EACH YEAR TO THE GOVERNOR, THE STATE COMPTROLLER, AND THE CHAIRS OF THE ASSEMBLY WAYS AND MEANS COMMITTEE AND THE SENATE FINANCE COMMITTEE.

2. THE REPORT SHALL LIST ALL REQUESTS FOR FUNDING, IDENTIFYING THE GOVERNING BODY, AS DEFINED BY SUBDIVISION SIX OF SECTION 54-0101 OF THIS TITLE, THE AMOUNT REQUESTED, AND A DESCRIPTION OF THE PROPOSED PROJECT.

3. THE REPORT SHALL INCLUDE FOR ALL PROJECTS APPROVED PURSUANT TO THIS ARTICLE AND SECTION NINETY-TWO-S OF THE STATE FINANCE LAW THE FOLLOWING:

A. THE NAME OF THE AGENCY, AUTHORITY, DEPARTMENT OR COUNCIL ADMINISTERING FUNDS;

B. THE IDENTITY OF THE RECIPIENT OF THE STATE ASSISTANCE PAYMENT, AS DEFINED BY SUBDIVISION ELEVEN OF SECTION 54-0101 OF THIS TITLE, INCLUDING AN ADDRESS AND TELEPHONE NUMBER;

C. A DESCRIPTION OF THE APPROVED PROJECT;

D. THE ACCOUNT FROM WHICH THE MONEY IS APPROPRIATED, PURSUANT TO SECTION NINETY-TWO-S OF THE STATE FINANCE LAW;

E. THE DATE THE PROJECT WAS APPROVED BY THE AGENCY, AUTHORITY, DEPARTMENT OR COUNCIL;

F. THE DATE THE FUNDS WERE APPROVED BY THE DIVISION OF THE BUDGET;

G. THE AMOUNT REQUESTED;

H. THE TOTAL STATE ASSISTANCE PAYMENT ALLOCATED;

I. THE AMOUNT OBLIGATED;

J. THE AMOUNT DISBURSED; AND

K. THE AMOUNT AVAILABLE.

S 4. Article 25 of the labor law is REPEALED and a new article 25 is added to read as follows:

ARTICLE 25

YOUTH EDUCATION, EMPLOYMENT AND TRAINING

SECTION 855. YOUTH EDUCATION, EMPLOYMENT AND TRAINING PROGRAM.

856. EVALUATION REPORT.

S 855. YOUTH EDUCATION, EMPLOYMENT AND TRAINING PROGRAM. WITHIN SUCH AMOUNTS AS MAY BE APPROPRIATED BY LAW, AND PROVIDED THAT SUCH PROGRAM IS ACTUALLY ESTABLISHED IN THE EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET, THE DEPARTMENT SHALL IMPLEMENT ANY PROGRAM ENTITLED IN SUCH BUDGET AS THE "YOUTH EDUCATION, EMPLOYMENT AND TRAINING PROGRAM".

S 856. EVALUATION REPORT. THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY AND THE CHAIR OF THE LEGISLATIVE COMMISSION ON SKILLS DEVELOPMENT AND VOCATIONAL EDUCATION, AN ANNUAL EVALUATION REPORT OF ITS YOUTH EDUCATION, EMPLOYMENT AND TRAINING PROGRAM, IF SUCH PROGRAM HAS BEEN ESTABLISHED IN THE EDUCATION, LABOR AND FAMILY ASSISTANCE BUDGET, NO LATER THAN DECEMBER FIRST FOLLOWING THE END OF THE PROGRAM YEAR. THE REPORT SHALL INCLUDE A STATEMENT OF PROGRAM OBJECTIVES WHICH IDENTIFIES OUTCOMES AND INDICATORS OF THE EFFECTIVENESS OF THE PROGRAM. IT SHALL REPRESENT THE EXTENT TO WHICH PROGRAM ACTIVITIES MEET PROGRAM OBJECTIVES INCLUDING, BUT NOT LIMITED TO, IMPROVEMENTS IN PARTICIPANTS' EDUCATIONAL COMPETENCIES AND EMPLOYABILITY SKILLS AS MEASURED BY ACCEPTED TESTING TOOLS. THE BASIC MEASURES OF PERFORMANCE FOR PROJECTS FOR IN-SCHOOL YOUTH SHALL BE: HIGH SCHOOL RETENTION, ATTAINMENT OF A HIGH SCHOOL DIPLOMA, ENROLLMENT IN A POST-SECONDARY EDUCATIONAL PROGRAM OR VOCATIONAL SKILLS TRAINING PROGRAM, OR ATTAINMENT OF UNSUBSIDIZED EMPLOYMENT. THE BASIC MEASURES OF PERFORMANCE FOR PROJECTS FOR OUT-OF-SCHOOL YOUTH SHALL BE: IMPROVEMENT IN BASIC ACADEMIC AND VOCATIONAL SKILLS, RETURN TO HIGH SCHOOL, ATTAINMENT OF A HIGH SCHOOL EQUIVALENCY DIPLOMA, ENROLLMENT IN A POST-SECONDARY EDUCATIONAL PROGRAM OR VOCATIONAL SKILLS TRAINING PROGRAM, OR ATTAINMENT OF UNSUBSIDIZED EMPLOYMENT. THE REPORT SHALL INCLUDE A SEPARATE COUNT OF PARTICIPANTS WHO HAVE PARTICIPATED IN THE SAME PROGRAM MODEL THROUGH MORE THAN ONE PROGRAM CYCLE. A METHODOLOGY SHALL BE PRESCRIBED WHICH REQUIRES COLLECTION OF POST-PROGRAM INFORMATION ON PROGRAM PARTICIPANTS INCLUDING, BUT NOT LIMITED TO, WHETHER A PARTICIPANT RECEIVES A HIGH SCHOOL DEGREE OR ITS EQUIVALENT AND SUBSEQUENT LABOR MARKET EXPERIENCE FOR ONE YEAR FOLLOWING TERMINATION FROM THE PROGRAM, AND THE EXTENT TO WHICH THE PARTICIPANT ACHIEVED OUTCOMES AS DEFINED BY THE CERTIFIED PROGRAM MODEL. THE REPORT SHALL ALSO DESCRIBE THE TYPES OF SUPPORT SERVICES PROVIDED, LEVELS OF EXPENDITURE,

AND DEMONSTRATE HOW SUCH SUPPORT SERVICES IMPROVE PARTICIPANT INVOLVEMENT IN LOCAL PROJECTS.

S 5. Subdivision (d) of section 33.03 of the mental hygiene law is amended by adding a new paragraph 3 to read as follows:

3. NO LATER THAN OCTOBER FIFTEENTH, TWO THOUSAND TWELVE, AND NO LATER THAN THE FIFTEENTH DAY OF EACH THIRD MONTH THEREAFTER, THE COMMISSIONER OF THE OFFICE OF MENTAL HEALTH SHALL REPORT TO THE LEGISLATURE ON THE DEVELOPMENT AND IMPLEMENTATION OF THE REQUIREMENTS OF THIS SUBDIVISION.

S 6. Section 2 of chapter 57 of the laws of 1988 amending the mental hygiene law relating to requiring minimum standards for active programming of patients at psychiatric centers and reporting on their development and implementation is REPEALED.

S 7. The opening paragraph of subdivision (d) of section 17 of the social services law is designated paragraph (i) and a new paragraph (ii) is added to read as follows:

(II) THE COMMISSIONER OF THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE SHALL SUBMIT A PERFORMANCE REPORT TO THE GOVERNOR WITH COPIES FILED WITH THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, AND THE CHAIRPERSONS OF THE SENATE FINANCE AND ASSEMBLY WAYS AND MEANS COMMITTEES, NO LATER THAN DECEMBER THIRTY-FIRST OF EACH YEAR, ON ALL RESIDENTIAL AND NON-RESIDENTIAL PROGRAMS PROVIDING SERVICES TO THE STATE'S HOMELESS POPULATION. THE REPORT SHALL BE UPDATED ANNUALLY AND SHALL INCLUDE, BUT NOT BE LIMITED TO, THE FOLLOWING INFORMATION:

A. (1) AN INDICATION OF THE STATE AGENCY RESPONSIBLE FOR PROVIDING, ADMINISTERING OR SUPERVISING THE PROVISION OF SERVICES; (2) A DESCRIPTION OF THE PROGRAM WHICH INCLUDES THE STATUTORY BASIS OR AUTHORIZATION FOR THE PROGRAM; (3) THE AMOUNT OF STATE, FEDERAL AND LOCAL FUNDS APPROPRIATED, COMMITTED AND EXPENDED; AND (4) PROGRAM ACCOMPLISHMENTS INCLUDING UNITS OF SERVICE PROVIDED AND NUMBER OF INDIVIDUALS SERVED.

B. ANNUAL UPDATES SHOULD INCLUDE A SUMMARY OF THE CHANGES THAT HAVE TAKEN PLACE SINCE THE PRIOR ANNUAL SUBMISSION.

S 8. Subdivision 1 of section 228 of the workers' compensation law, as amended by chapter 552 of the laws of 1963, is amended to read as follows:

1. The [chairman] CHAIRPERSON and department of audit and control, as soon as practicable after April first, [nineteen hundred fifty] TWO THOUSAND TWELVE, and annually as soon as practicable after April first in each year thereafter, shall ascertain AND SUBMIT TO THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE ASSEMBLY, THE CHAIRPERSONS OF THE SENATE FINANCE COMMITTEE AND THE ASSEMBLY WAYS AND MEANS COMMITTEE, AND THE CHAIRPERSONS OF THE SENATE AND ASSEMBLY LABOR COMMITTEES A DETAILED REPORT ON ALL RECEIPTS AND DISBURSEMENTS MADE FOR ALL FUNDS AND SPECIAL FUNDS ADMINISTERED BY THE BOARD. SUCH REPORT SHALL INCLUDE THE TOTAL AMOUNT OF CLAIMS RECEIVED, the total amount of expenses, including in addition to the direct costs of personal service, the cost of maintenance and operation, the cost of retirement contributions made and [workmen's] WORKERS' compensation premiums paid by the state for or on account of personnel, rentals for space occupied in state owned or state leased buildings, such additional sum as may be certified to the [chairman] CHAIRPERSON and the department of audit and control as a reasonable compensation for services rendered by the department of law and expenses incurred by such department, and all other direct or indirect costs, incurred by the [chairman] CHAIRPERSON or the board during the preceding fiscal year in connection with the administration of this article. The services and expenses of the members, employees and officers of the

board related to this article shall be apportioned and included in the amount to be assessed. If any officers or employees of the state perform duties directly which in part are related to the administration of this article and in part not related thereto and if there are other expenses which are incurred jointly in connection with the administration of this article and in activities not so connected, an equitable apportionment shall be made and only such parts thereof as apply to the administration of this article shall be chargeable to the administrative expenses as provided in this section.

S 9. Section 3 of chapter 762 of the laws of 1984 amending the education law relating to requiring certain reports by the state university of New York and the city university of New York is REPEALED.

S 10. Section 357 of chapter 166 of the laws of 1991 amending the tax law and other laws relating to deduction or credit by a shareholder under the article 22 income tax for tax imposed under article 9-A of the tax law is REPEALED.

S 11. Section 11 of chapter 494 of the laws of 1992 constituting the state university of New York and the city university of New York retirement incentive act of 1992 is REPEALED.

S 12. This act shall take effect immediately, provided, however, section 54-0102 of the environmental conservation law, as added by section three of this act, shall take effect on the first of January next succeeding the date on which this act shall have become a law.